

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Committee Room of Botany Town Hall,
Corner of Edward Street and Botany Road, Botany
on Wednesday 12 July 2017 at 7.00 pm

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

2 OPENING PRAYER

3 APOLOGIES

4 DISCLOSURES OF INTEREST

5 MINUTES OF PREVIOUS MEETINGS

5.1 Council Meeting – 14 June 2017

5.2 Extraordinary Council Meeting – 29 June 2017

6 ADMINISTRATOR MINUTES

6.1 Federal Funding for Ador Reserve

6.2 Smart Cities and Suburbs Program - Grant Applications

7 PUBLIC FORUM

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

8 REPORTS

8.1 Stronger Communities Fund Reporting – Major Projects

8.2 Voluntary Planning Agreement proposal for Kingsland Road South, Bexley

8.3 Voluntary Planning Agreement proposal for 177 Russell Avenue, Dolls Point

8.4 Bayside Design Excellence Guidelines

8.5 Eastlakes Reserve Upgrade Works Tender

8.6 Disability Inclusion Action Plan 2017- 2021

8.7 Bayside Procurement Policy

8.8 Expenses & Facilities Policy

8.9 Code of Meeting Practice

8.10 Schedule of Council Meeting Dates and Venues - September to December 2017

8.11 Fire and Rescue NSW Report – 1 Market Street, Rockdale

9 MINUTES OF COMMITTEES

9.1 Bayside Traffic Committee – 5 July 2017

9.2 Local Representation Committee – 5 July 2017

10 CONFIDENTIAL ITEMS

10.1 Closed Council Meeting

10.2 CONFIDENTIAL – Eastlakes Reserve Upgrade Works Tender

10.3 Resumption of Open Council Meeting

The meeting will be audio recorded for the purposes of minute taking purposes and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace
General Manager

Council Meeting

12/07/2017

Item No	5.1
Subject	Minutes of Council Meeting – 14 June 2017
Report by	Fausto Sut, Manager Governance and Risk
File	(R) SF16/1259

Officer Recommendation

That the Minutes of the Council Meeting held on 14 June 2017 be confirmed as a true record of proceedings.

Present

Greg Wright, Administrator

Also present

Meredith Wallace, General Manager
Debra Dawson, Director City Life
Daniel Fabri, Director City Performance
Luis Melim, Acting Director City Futures
Steven Poulton, Acting Director City Presentation
Karen Purser, Manager Community Capacity Building
Zoran Sarin, Acting Manager Strategic Planning
Fausto Sut, Manager Governance and Risk
Vince Carrabs, Coordinator City Media & Events
John Crawford, IT Support Officer
Lauren Thomas, Governance Officer

The Administrator opened the meeting in the Rockdale Town Hall at 7:00 pm

1 Acknowledgement of Traditional Owners

The Administrator acknowledged the traditional custodians of the land, the Gadigal and Bidjigal clans.

2 Opening Prayer

Pastor Andrew Harper from Bay City Church opened the meeting in prayer.

3 Apologies

There were no apologies received.

4 Disclosures of Interest

The following disclosure of interest was received:

The General Manager declared a Pecuniary Interest in Item 6.1 – General Manager – Renewal of Contract on the basis that the item was in regard to the renewal of her contract as General Manager.

5 Minutes of Previous Meetings

5.1 Council Meeting – 10 May 2017

Minute 2017/094

Resolved by the Administrator:

That the Minutes of the Council Meeting held on 10 May 2017 be confirmed as a true record of proceedings.

5.2 Extraordinary Council Meeting – 25 May 2017

Minute 2017/095

Resolved by the Administrator:

That the Minutes of the Extraordinary Council Meeting held on 25 May 2017 be confirmed as a true record of proceedings.

At this point in the meeting (7:05 pm) the General Manager left the Council Chamber. The General Manager did not participate in the discussion of Item 6.1.

At this stage, the Administrator heard the Public Forum speakers prior to considering all other items on the business paper.

7 Public Forum

The Administrator invited the following public speakers to address the Council:

- 1 Mr Brian Troy speaking against the Administrator's recommendation (Item 6.1 – General Manager – Renewal of Contract)
- 2 Mr Ron Hoenig speaking for the Administrator's recommendation (Item 6.1 – General Manager – Renewal of Contract)
- 3 Ms Gigi Awadalla speaking against the officer's recommendation (Item 9.2 – Traffic Committee Minutes, specifically Item BTC17.81)
- 4 Mr Ron Hoenig speaking against the officer's recommendation (Item 9.2 – Traffic Committee Minutes, specifically Item 2.1 – Minutes of the Bayside Traffic Committee Meeting held on 3 May 2017)

6 Administrator Minutes

6.1 General Manager – Renewal of Contract

Minute 2017/096

Resolved by the Administrator:

- 1 That consistent with the Office of Local Government's guidelines for General Manager Employment Contracts, Council reappoints the existing General Manager to a five (5) year contract.
- 2 That the Administrator authorise the signing of the employment contract having regard to the existing terms and conditions of the standard employment contract.
- 3 That the Minister for Local Government be advised of Council's decision.

8 Reports

8.1 Planning Proposal: 1A Willison Road, Carlton – Post Exhibition Report

Minute 2017/097

Resolved by the Administrator:

That Council requests that the Minister makes the Local Environmental Plan Amendment as exhibited.

At this point in the meeting (7:29 pm) the General Manager returned to the Council Chamber.

8.2 Draft Bayside Council Community Gardens Policy

Minute 2017/098

Resolved by the Administrator:

That Council adopts the Bayside Council Community Gardens Policy.

8.3 Councillor Fees for 2017/2018

Minute 2017/099

Resolved by the Administrator:

- 1 That the annual fee for Councillors for 2017/2018 be set at the maximum as determined by the Local Government Remuneration Tribunal.

- 2 That the additional annual fee for the Mayor for 2017/2018 be set at the maximum as determined by the Local Government Remuneration Tribunal.

8.4 Councillor Professional Development Policy

Minute 2017/100

Resolved by the Administrator:

That the Councillor Professional Development Policy be adopted.

8.5 Council Officials Relationship and Access Policy

Minute 2017/101

Resolved by the Administrator:

That the Council Officials Relationships and Access Policy be adopted.

8.6 Election Material Policy

Minute 2017/102

Resolved by the Administrator:

That the Election Material Policy be adopted.

8.7 Related Party Disclosures Policy

Minute 2017/103

Resolved by the Administrator:

That the Related Party Disclosures Policy, including the recommended positions to which it applies, be adopted.

8.8 Disclosure of Interest Returns

Minute 2017/104

Resolved by the Administrator:

That the information be received and noted.

9 Minutes of Committees

9.1 Risk and Audit Committee – 18 May 2017

Minute 2017/105

Resolved by the Administrator:

That the Minutes of the Risk and Audit Committee meeting held on 18 May 2017 be received and the recommendations therein be adopted.

9.2 Bayside Traffic Committee - 7 June 2017

Minute 2017/106

Resolved by the Administrator:

That the Minutes of the Bayside Traffic Committee meeting held on 7 June 2017 be received and the recommendations therein be adopted subject to an additional requirement as follows:

That a Council staff member meet with Ms Gigi Awadalla and consult on the issues that she has mentioned in Public Forum tonight and whether there are any further measures that might ameliorate the concerns that she has. If it is determined that other options should be considered, the matter can be re-submitted to the Traffic Committee for further consideration.

9.3 Local Representation Committee – 7 June 2017

Minute 2017/107

Resolved by the Administrator:

That the minutes of the Local Representation Committee meeting held on 7 June 2017 be received.

The Administrator closed the meeting at 7:40 pm.

Greg Wright
Administrator

Meredith Wallace
General Manager

Council Meeting

12/07/2017

Item No	5.2
Subject	Minutes of Extraordinary Council Meeting – 29 June 2017
Report by	Fausto Sut, Manager Governance & Risk
File	SF16/1259

Officer Recommendation

That the Minutes of the Extraordinary Council Meeting held on 29 June 2017 be confirmed as a true record of proceedings.

Present

Greg Wright, Administrator

Also present

Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Colin Clissold, Director City Presentation
Debra Dawson, Director City Life
Daniel Fabri, Director City Performance
Fausto Sut, Manager Governance and Risk
John Crawford, Project Lead Information Technology
Shayaz Hussain, IT Support Officer
Anne Suann, Governance Officer

The Administrator opened the meeting in the Rockdale Town Hall at 7.00 pm.

The Administrator informed the meeting, including members of the public, that the meeting will be audio recorded for minute taking purposes, and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

1 Acknowledgement of Traditional Owners

The Administrator affirmed that Bayside Council respects the traditional custodians of the land on which this meeting takes place, and elders past and present, and acknowledged the Gadigal and Bidjigal clans.

2 Opening Prayer

Pastor Andrew Harper from Bay City Church Rockdale opened the meeting in prayer.

3 Apologies

There were no apologies received.

4 Disclosures of Interest

There were no disclosures of interest.

5 Administrator Minutes

There was no Administrator Minute.

6 Public Forum

There were no Public Forum presentations.

7 Reports

7.1 2017/2018 Operational Plan for Adoption

Minute 2017/108

Resolved by the Administrator

- 1 That Council adopts the Operational Plan 2017/18 including the 2017-18 Budget and Capital Projects Program attached to this report.
- 2 That Council adopts the proposed Rating structure and policies, including the Domestic Waste Management Charges, Commercial Waste and Recycling Service Charges, and Stormwater Levies included as part of the Operational Plan 2017/18 attached to this report with the following amendments:
 - a With respect to those parts of Sydney Airport which are within the Botany Valuation District 'the amount which would be payable for rates as if such rates were leviable or payable' is to be calculated using the Business Port Botany ad-valorem rate of 0.00800842 and the minimum rate of \$513.59; and
 - b With respect to those parts of Sydney Airport which are within the Rockdale Valuation District 'the amount which would be payable for rates as if such rates were leviable or payable' is to be calculated using the Rockdale Business Airport ad-valorem rate of 0.013863155.
- 3 That Council adopts the Schedule of Fees and Charges 2017/18 as attached to this report.

7.2 Statutory Financial Report – April 2017

Minute 2017/109

Resolved by the Administrator

That the Statutory Financial Report be received and noted.

7.3 Statutory Financial Report – May 2017

Minute 2017/110

Resolved by the Administrator

That the Statutory Financial Report be received and noted.

The Administrator closed the meeting at 7.08 pm.

Greg Wright
Administrator

Meredith Wallace
General Manager

Council Meeting

12/07/2017

Item No	6.1
Subject	Administrator Minute – Federal Funding for Ador Reserve
File	17/73874

Administrator Minute

I am pleased to announce the St George Football Association (SGFA) Board of Directors has formally confirmed Bayside Council will replace the SGFA as the proponent and project manager for the construction and delivery of a Synthetic Playing Field at Ador Avenue, Rockdale.

In accepting the management of this project I am pleased to confirm Council's commitment to deliver this important project for our sporting community and local schools.

Given the size and scope of the project and, importantly, the facility is to be constructed on a Council asset, it is appropriate that agreement was reached regarding Bayside Council taking ownership of the project and working directly with the Federal Government to finalise the Deed of Agreement and deliver the program of works.

To this end, Bayside Council together with SGFA will establish a project working group to drive the delivery of the project and to negotiate an acceptable agreement with regard to the future leasing arrangements for Ador Avenue Reserve.

The project scope delivers construction of a synthetic football field, which will be fully funded by the Federal Grant and in accordance with the overarching Football NSW Facilities Strategy.

The St George Football district has close to 10,000 registered players and officials and is the largest participant sport in the area. The synthetic pitch will allow the Association to not only schedule more matches and training for our participants but importantly provide access to other user groups such as local schools. In addition, it will provide extended opportunities for the local community to stay active on a year-round basis via non-traditional forms of the game including futsal and summer football.

Greg Wright
Administrator

Motion

That this Minute be received and noted.

Attachments

Nil

Council Meeting

12/07/2017

Item No	6.2
Subject	Administrator Minute – Smart Cities and Suburbs Program – Grant Applications
File	SF17/1040

Administrator Minute

Council has put forward two applications for grant funding under the innovative “Smart Cities and Suburbs Program,” launched by the Assistant Minister for Cities and Digital Transformation, the Hon. Angus Taylor MP on 17 March 2017.

The \$50 million program supports local governments, private companies, research organisations and not-for-profit bodies to *work collaboratively and deliver innovative smart city projects*. The goal is to improve the liveability, productivity and sustainability of cities and towns across Australia. Applications for round one closed on 30 June 2017.

Council's applications were submitted by the closing date for round one, 30 June 2017. The submissions detailed the following projects:

Smart Litter Bin Technology

Council's first application seeks grant funding for an integrated project utilising smart litter bin technology, solar powered cameras and lighting systems, and WI-FI infrastructure in nominated city precincts with the following key features:

- Smart litter bin infrastructure including compaction of waste (to increase capacity), remote real-time monitoring of bin fullness with alerts to indicate when bins require emptying (to reduce on-site manual bin monitoring, frequency of bin collection and remove the risk of bins overflowing). This reduces traffic impacts of more frequent collections under normal practices;
- Complementary solar powered, 24 hour, remote access camera systems to monitor for littering, illegal dumping and anti-social behaviour;
- Complementary solar powered, time activated lights to discourage litter and illegal dumping; as well as to increase local safety;
- Complementary WI-FI with capability for promotion of Council services and community information;
- QR scanner and WI-FI technology providing residents with information on Council's services;
- Potential partnerships with businesses for advertising space on the litter bins (pending review of governance issues), with a proportion of advertising space permanently allocated for Council and community initiatives.

If successful, it is expected that 50% of this cost will be covered by the Smart Cities grant, with the remaining 50% to be derived from the Council commercial waste services profits. Ongoing WI-FI service fees will also be paid for using Council Commercial waste service profits.

Mobility and Traffic Congestion Mapping

The second application by Council is made in partnership with Randwick City Council, Inner West Council and AlphaBeta, a strategy and economics company. The application seeks to develop a best practice tool that will inform better understanding of travel time and traffic congestion.

This approach uses innovative open-source Google data to develop a best practice traffic management tool to better understand travel patterns and make better decisions about local improvements.

Using aggregated and anonymous information from real journeys to enable Councils to better understand existing travel patterns and better target anti-congestion initiatives such as intersection widening, improved cycling infrastructure and advocacy for additional public transport services.

Its basis of real and recent journeys harvested by Google will provide a robust and reliable traffic model superior to existing methods based on car counting and numberplate analysis. Thus the tool will assist in assessing development applications and planning proposals, the preparation of town centre strategies as well as traffic management.

In addition, a public engagement tool will provide residents with access to information on traffic flow, the cost and nature of council responses and the impact this has on reducing travel time.

This tool will provide a basis for a potential second phase which will build on the Traffic Congestion and Mobility Tool to test changing circumstances and forecast changes in local traffic at a more localised level. For example, the impact of development applications, planning proposals or traffic management strategies could be tested, allowing councils to more effectively discuss these issues with the community and make evidenced-based planning decisions.

If successful, it is expected that 50% of this cost will be covered by the Smart Cities grant, with the remaining 50% to be derived from the Council budget for innovation funding.

I wish council every success in pursuing these innovative projects that will increase Council's systems capability and improve liveability for residents.

Greg Wright
Administrator

Motion

That this Minute be received and noted.

Attachments

Nil

Council Meeting

12/07/2017

Item No	8.1
Subject	Stronger Communities Fund Reporting – Major Projects
Report by	Karin Hartog, Major Projects Director
File	F16/945

Summary

The major projects component of the Stronger Communities Fund involved the allocation of funds to projects that will deliver large scaled new or improved infrastructure or services to the community. Major projects were identified by Council based on priorities of the former Botany Bay and Rockdale City Councils. The major projects list went through a community consultation process and was presented to members of Council's Local Representation Committee, before endorsement by the Stronger Communities Fund Assessment Panel.

An Assessment Panel was convened to review the community consultation outcomes and to recommend the allocation of the \$9m to 3 projects:

- Eastgardens Bayside Council Customer Service Centre (\$2.5M);
- Pine Park Masterplan implementation - Ramsgate Beach (\$4M); and
- Cahill Park Masterplan implementation - Wolli Creek (\$2.5M).

Approval by resolution of Council was made at the Council Meeting held 12 April 2017.

Officer Recommendation

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January – 30 June 2017 to be submitted to the NSW Office of Local Government.

Background

Commitment of funds by the Office of Local Government (OLG) will be undertaken as projects progress, with reporting on the major projects and funding allocation to occur in accordance with the Government's Guidelines. The Stronger Communities Fund is to be spent or committed by 30 June 2019 and all funding acquitted before 31 December 2019.

Councils are to table progress reports at least quarterly to an ordinary Council meeting on the expenditure and outcomes of the Stronger Communities Fund, until the funds are spent. Councils must provide six monthly reports each year by 31 July and 31 January, to the OLG on projects selected for funding, delivery progress and expenditure.

The completed reporting template in Excel workbook format for the period from 1 January 2017 to 30 June 2017 is attached to this paper and requires approval by the Council prior to submission to OLG by 31 July 2017.

Financial Implications

Not applicable

Community Engagement

Community engagement was completed to establish the projects to be funded.

Attachments

OLG reporting template – Major Projects

Stronger Communities Fund – Major Projects Program – Progress Report – 1 January 2017 to 30 June 2017

Project stream/category or Funded organisation	Project name	Summary	Benefits	Start date	End date	Income	Funding source	Amount	Expenditure	% completion	Progress update
Major Infrastructure Projects	Eastgardens Westfield new Bayside Council Customer Service Centre	The project is to establish a Bayside Council customer service centre which will replace the existing customer service centre at the previous City of Botany Bay Council Administration Centre in Mascot.	The new customer service centre complements the refurbishment of the library. A customer service centre will be available for the community in a convenient location in a shopping centre and library near public transport, parking and amenities.	1/01/2017	31/12/2017	\$ 2,500,000.00	Stronger Communities Fund Major projects program	\$ 2,500,000.00	\$ 181,823.44	0-25%	The detailed design and documentation has been completed, the project has been tendered and the builder appointed. All furniture items have been moved out of the space and construction has commenced. The demolition phase has been completed.
Major Infrastructure Projects	Ramsgate - Pine Park	The car-parking area has been closed for many years with a trial conducted recently to reopen the area for public use. This proposal constructs car-parking adjacent to the Grand Parade and returns the prime foreshore area to be used as a six-metre wide promenade. Move car park and create 6m wide promenade – to reduce scope would reduce community benefit – move car park for what purpose without the boardwalk	The prime foreshore area will be available for the community to use and enjoy.	1/07/2017	30/06/2019	\$ 4,000,000.00	Stronger Communities Fund Major projects program	\$ 4,000,000.00	\$ -	0-25%	Not commenced.
Major Infrastructure Projects	Wolli Creek - Cahill Park	The Masterplan for Cahill Park is well supported and endorsed by the former Council. The funding will be used for the implementation of certain elements of the Masterplan including lighting and pathway connectivity.	Cahill Park is located in a high growth area and provides the open space and recreation needs in this area. The provision of lighting and pathway connectivity will improve the recreational use.	1/07/2017	30/06/2019	\$ 2,500,000.00	Stronger Communities Fund Major projects program	\$ 2,500,000.00	\$ -	0-25%	Not commenced.

Council Meeting

12/07/2017

Item No	8.2
Subject	Voluntary Planning Agreement Proposal for Kingsland Road South, Bexley
Report by	Albert Jean, Project Officer (Assets)
File	(R) F17/32

Summary

The owners of 1, 3 and 5 Kingsland Road South, Bexley have submitted a Voluntary Planning Agreement proposal to Council in conjunction with the Planning Proposal at Kingsland Road South, Bexley.

Officer Recommendation

That Council authorises the exhibition of the draft Voluntary Planning Agreement in conjunction with the Planning Proposal.

Background

On 14 December 2016, Council resolved to exhibit the proposed Planning Proposal for Kingsland Road South, Bexley (**Attached:** Planning Proposal Council Report – Kingsland Road South, Bexley), concurrently with a draft Voluntary Planning Agreement (VPA).

Only the owners of 1, 3 and 5 Kingsland Road South, Bexley are parties to the VPA as they are also the proponent of the Planning Proposal.

The Planning Proposal received Gateway determination on 8 March 2017 subject to a number of conditions. On 27 June 2017 the Department of Planning and Environment advised Council in writing that the “*Gateway conditions have been sufficiently satisfied to enable it to proceed to community consultation.*”

The Planning Uplift

As part of their documentation for the planning proposal, the applicant estimates that the amalgamated sites of 1, 3, and 5 Kingsland Road South has a current market value of \$2.9 million with a potential market value of \$4.86 million following the adoption of the planning proposal. This results in a planning uplift of \$1.96 million.

Valuations have not been undertaken for the entire precinct as it has been assessed that it would be difficult to obtain due to the combination of the following specific factors:

- Small lot sizes,
- Numerous owners,
- Requirement for consolidation, and
- Existing and desired commercial uses

VPA Proposal

The VPA proposes (**Attached:** VPA Proposal – Kingsland Road South, Bexley 20 April 2017; Draft VPA) is to provide a \$300,000 monetary contribution towards public benefits such as follows:

- Improvements to the small park at the corner of Abercorn Street and Kingsley Road South and Bexley Oval;
- Public lighting in and around the car park located on Stoney Creek Road;
- The upgrade and renewal of footpath and public domain works;
- The acquisition and consolidation of community and open spaces; or
- Towards any public benefit as identified by Council.

This VPA presents to the community a 15% share of the proposed planning uplift.

The VPA does not exclude the application of future S94/S94A development contributions.

Financial Implications

Yes - the VPA provides a monetary contribution of \$300,000 to Council for the funding of public benefits.

Community Engagement

Yes - the VPA will be publicly exhibited in conjunction with the Planning Proposal for a minimum of 28 days as per the Environmental Planning and Assessment Act 1979.

Attachments

- 1 Planning Proposal Council Report – Kingsland Road South, Bexley
- 2 VPA Proposal – Kingsland Road South, Bexley 20 April 2017
- 3 Draft VPA

Council Meeting

14/12/2016

Item No	9.13
Subject	Planning Proposal – Kingsland Road South, Bexley
Report by	Erika Pawley, Manager Place Outcomes
File	F16/832

Summary

Council has received a Planning Proposal for land identified as the Kingsland Road South site, bounded by Abercorn Street, Kingsland Road South, Stoney Creek Road, Bexley, and Bexley RSL Club. The subject Planning Proposal has the purpose of rezoning the subject site from R2 Low Density Residential zone to B4 Mixed Use zone, and amending relevant development standards under the Rockdale Local Environmental Plan 2011 (RLEP 2011).

The proposal to rezone the subject land provides an opportunity for consistency in the zoning of the entire block of land bounded by Bexley RSL, Abercorn Street, Kingsland Road South and Stoney Creek Road, and would enable Council to consider applications for higher density development (such as shop top housing) within the site.

The proponent has also expressed a desire to pursue development involving hotel accommodation within part of the site in the future. The rezoning of the land would enable future Development Applications to be considered by Council, should the Planning Proposal be supported by Council and the NSW Department of Planning & Environment.

Council Resolution

Minute 2016/096

Resolved by the Administrator

- 1 That Council supports the Planning Proposal for the land bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road, Bexley, as described in this report.
- 2 That Council supports an incentive area of 800m² instead of 600m² for Floor Space Ratio and Height of Building under the relevant provisions of the Rockdale LEP 2011, in accordance with the assessment provided in this report.
- 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
- 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
- 5 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.

Officer Recommendation

- 1 That Council supports the Planning Proposal for the land bounded by Abercorn Street, Kingsland Road South and Stoney Creek Road, Bexley, as described in this report.
 - 2 That Council supports an incentive area of 800m² instead of 600m² for Floor Space Ratio and Height of Building under the relevant provisions of the Rockdale LEP 2011, in accordance with the assessment provided in this report.
 - 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
 - 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
 - 5 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.
-

Background

Applicant: TPG Town Planning & Urban Design Pty Ltd

Proponent: Mr AC Elliott & Mrs SM Elliott

Allotments subject to the Planning Proposal:

Lot	DP	Address
B	DP363190	8 Stoney Creek Road
A	DP363190	8A Stoney Creek Road
C	DP921789	10 Stoney Creek Road
B	DP921789	12 Stoney Creek Road
A	DP921789	14 Stoney Creek Road
1	DP191076	16 Stoney Creek Road
68	DP667002	18 Stoney Creek Road
1	DP328320	1 Abercorn Street
67	DP654288	3 Abercorn Street
71	DP570149	1 Kingsland Road South
72	DP570149	3 Kingsland Road South
8	Sec 2 DP1878	5 Kingsland Road South
1	DP925706	7 Kingsland Road South
9	DP1078771	9 Kingsland Road South
10	DP925705	11 Kingsland Road South

The properties (described in the table above) incorporate a total land area of approximately 6,913.96 m². It is bounded by Abercorn Street to the North, Kingsland Road South to the East, and Stoney Creek Road to the South. The Forest Inn Hotel is located adjacent to the South-Eastern extent of the site. The site is situated on the Western extent of the Bexley Town Centre. The land is occupied predominantly by various single residential dwellings and associated ancillary structures, while one vacant allotment exists within the site.

The site is currently bounded by land zoned R4 High Density Residential, R2 Low Density Residential, B4 Mixed Use and B1 Neighbourhood Centre, the latter being the land occupied by Bexley RSL. A range of land uses are evident in the immediate locality, ranging from businesses in Bexley Town Centre, residential flat buildings, single dwellings and ancillary structures. Council's public carpark is located beyond Stoney Creek Road, immediately south of the subject site.

A Planning Proposal has been submitted to amend the zoning and planning controls to enable future improvements within the site that are more comparative to the existing residential and commercial development within the immediate locality, and in doing so, expand and enhance the Bexley Town Centre.

The intended outcome of the Planning Proposal is to achieve a planning outcome that considers the existing density of development in the immediate locality, while accommodating for the constraints of the Bexley Town Centre and existing adjoining lower density urban development.

An aerial photo (Figure 1) and relevant LEP extracts (Figures 2-5) for the site are provided below that describe the current planning controls. Please note that the subject site is shown in thick red line outline.



Figure 1 – Aerial Photo of subject site

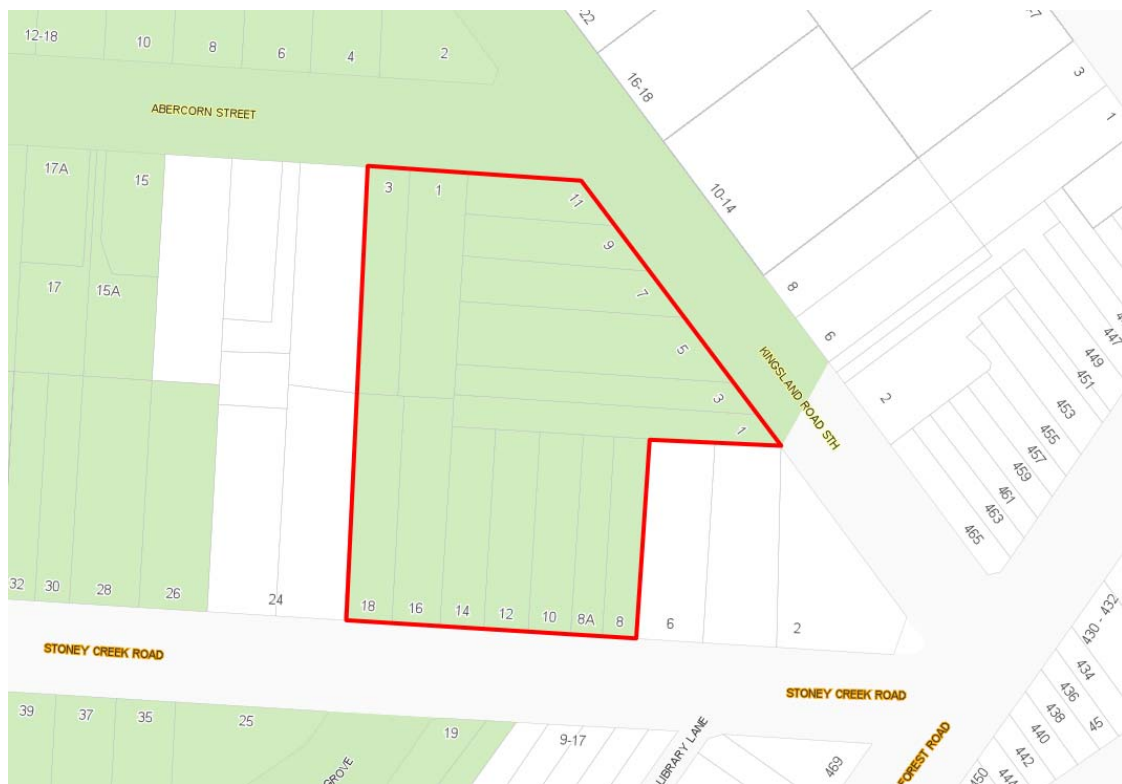
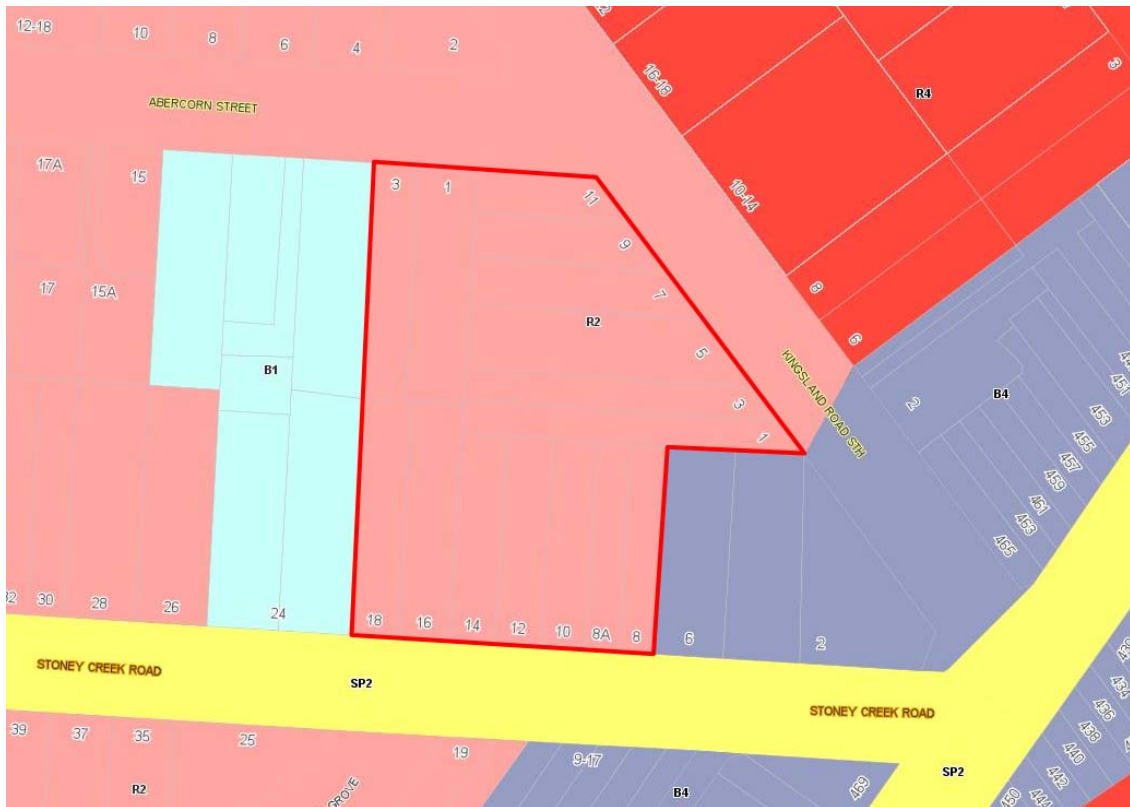




Figure 4 – RLEP 2011 Height of Building (8.5 metres) – no incentive area applies to this site

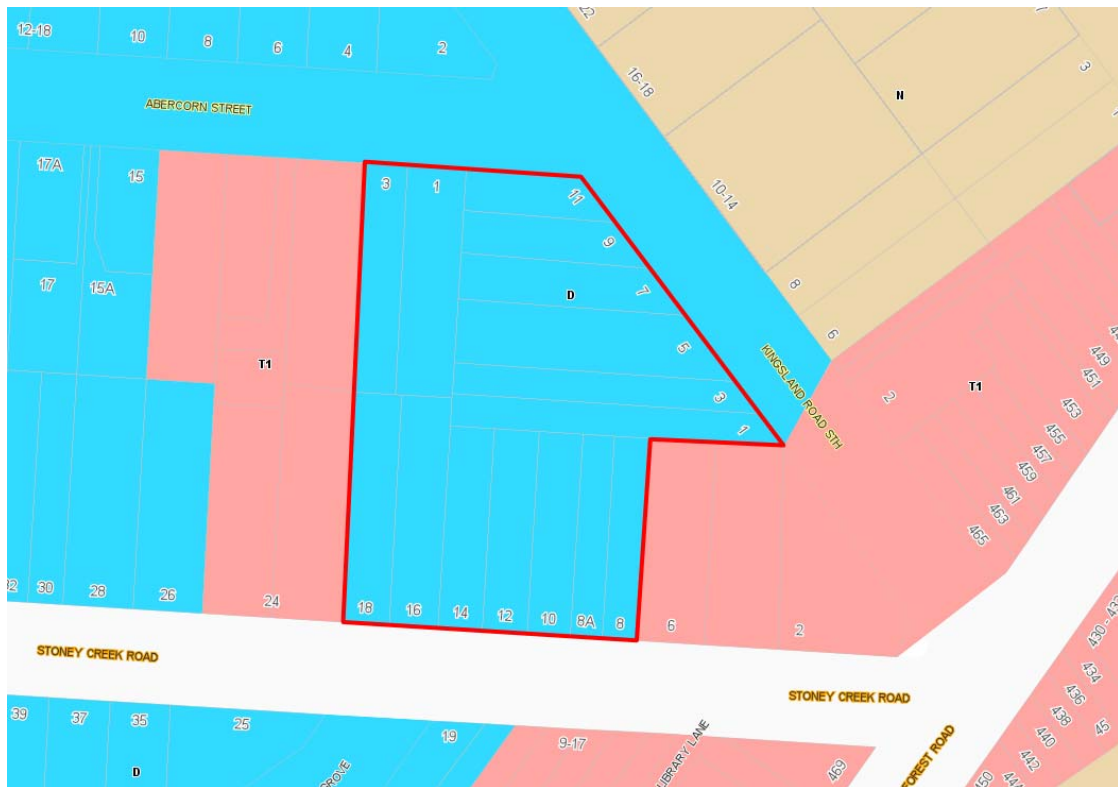


Figure 5 – RLEP 2011 Floor Space Ratio (0.5:1) – no incentive area applies to this site

PLANNING PROPOSAL SUMMARY

The proponent's Planning Proposal seeks the following amendments to the Rockdale Local Environmental Plan 2011:

- Rezone the site from R2 Low Density Residential to B4 Mixed Use zone;
- Increase the Height of Building from 8.5m to a 16.0m building height limit and introduce a new Building Height Incentive Area to include the subject site (allowing an additional 3.0m height where individual lots are greater than 800m²);
- Increase the floor space ratio (FSR) from 0.5:1 to 2.0:1 and introduce a new Floor Space Ratio Incentive Area to include the subject site (allowing an additional 0.5:1 FSR where individual lots are greater than 800m²); and
- Remove the minimum lot size for the subject land.

The following table identifies a comparison of zoning and relevant development standards, based on the existing provisions of the Rockdale LEP 2011 for the site, and the proposed zoning and development standards for the site.

Development Standard	Current	Proposed
Zoning	R2 Low Density	B4 Mixed Use
Height of Building	8.5m	16.0m plus 3.0m incentive
FSR	0.5:1	2:1 plus 0.5 incentive
Minimum Lot Size	450m ²	No minimum lot size

PLANNING PROPOSAL ASSESSMENT

The Bexley Town Centre has experienced a gradual level of retail decline in recent years as other centres at a local and regional level have overtaken it, and retail experiences and behaviours have changed. In addition, the Town Centre's business tenants have not invested significantly in the revitalisation of their business premises. These and other factors have led to a certain level of stagnation in the Town Centre.

Council has seen very few Development Applications (DAs) affecting the core of the Town Centre. DAs that have been lodged have largely been residential development proposals on the north east fringe of Bexley along Forest Road, and have been largely confined to one or two properties.

This Planning Proposal is the first attempt to address renewal of the Town Centre within its core that affects numerous properties. It has the primary purpose of seeking a higher density development outcome for the subject land.

The maximum development envelopes for adjoining sites have been considered in assessing this Planning Proposal. The Planning Proposal acknowledges the existing commercial and higher density residential developments that have been constructed historically in the locality, in proposing a suitable zoning and set of development standards for the subject land.

This Planning Proposal proposes a building height (HOB) and floor space ratio (FSR) (and associated incentive areas) for the subject land that is consistent with existing land zoned B4

Mixed Use, immediately adjoining the subject land. The only difference being that the incentive areas will be 800m² instead of 600m², which will deliver a better development outcome by providing appropriate site frontages for higher density development, as tested through urban design modelling.

The Planning Proposal is not considered to be introducing planning controls that would result in any excessive bulk or scale for its location (within Bexley Town Centre). The building height proposed would be consistent with the land immediately east and south-east of the subject site (zoned B4 Mixed Use). The adjoining Bexley RSL (West of the site) currently maintains a maximum HOB development standard of 13.0 metres, and land north-east of the site zoned R4 High Density Residential has a maximum HOB of 14.5 metres, allowing for a suitable height transition between the subject land and these adjoining sites.

It is considered unnecessary to undertake specific technical environmental investigations to inform the Planning Proposal, given:

- The existing urban zoning of the subject land (R2 Low Density Residential);
- The site is limited in extent and has historically been zoned for residential purposes;
- The changes proposed to zoning and development standards will result in development standards that can permit development outcomes consistent with adjoining land to the immediate South and East of the site, and provide transition with adjoining development on land to the West of the site; and
- Detailed environmental studies would need to support any future Development Application(s) for the site - should the Planning Proposal result in a future amendment to the Rockdale Local Environmental Plan (2011).

Proposed Zoning

The proposed B4 Mixed Use zone is considered to be the most logical zoning outcome for the subject land, given the consistency in zoning with the adjoining Forest Inn site, land beyond Kingsland Road South, Stoney Creek Road and Forest Road, as well as the zoning applying to the Bexley RSL site immediately West of the subject land.

The amendments to zoning for the subject land will provide clear delineation for the Western extent of Bexley Town Centre. The complete rezoning of almost an entire block in one Planning Proposal will ensure that a holistic zoning outcome can be achieved for the entire site at the outset, rather than piecemeal amendments over time.

This approach also contains the B4 Mixed Use zone to an appropriate sized area within the western extent of the Bexley Town Centre, and surrounds this part of the site with opportunities for high density living.

Proposed Height of Building (HOB) & Incentive Area

The proposed application of the 16.0 metre building height limit and 3.0m height incentive area is considered to be appropriate for the subject site when considering the adjoining height limits and incentive area to the East and South of the site. This will result in a potential building height outcome that is consistent with the adjoining building height limit for land currently zoned B4 Mixed Use zone East and South of the site (currently 16.0 metres, plus 3.0 metre incentive), and similar to the R4 High Density Residential zone to the East of the subject land (currently 14.5 metres). It should be noted that Bexley RSL, immediately West of the subject land, is zoned B1 Neighbourhood Centre and retains a maximum building

height limit of 13.0 metres. The proposed maximum building height and height incentive provisions are considered to be appropriate for land within a Town Centre location.

Proposed Floor Space Ratio (FSR) & Incentive Area

The proposed application of a 2.0:1 FSR (plus 0.5 incentive) to the subject land is considered to be an appropriate FSR for the subject site, given the existing FSR of 2.0 (plus 0.5 incentive) that applies to land zoned B4 Mixed Use zone South and East of the site, and the FSR of 2.0 that applies to land zoned B1 Neighbourhood Centre to the immediate West of the site.

Minimum Lot Size (LSZ)

The proposal requires an amendment to the relevant LSZ map to delete the current minimum lot size of 450m² that applies to the site, given that the adjoining land zoned B4 Mixed Use zone does not have any minimum lot size. Deletion of this minimum lot size provision will create consistency in the application of this development standard across the immediate precinct.

Urban Context and Evaluation

An urban design report has been prepared for the subject Planning Proposal (see Appendix D of **Attachment 1**). The mass modelling included in the urban design report includes an indicative maximum building envelope that could result from the amended development standards proposed for the subject land, whilst also modelling maximum developable envelopes for adjoining sites based on current development standards in the RLEP 2011.

If the Planning Proposal was to be supported by Council and the Department of Planning & Environment, and be notified in the future, any proposed Development Application(s) would need to be supported by further detailed urban design analysis, to illustrate the intended built form outcome proposed for the subject land at that time. The Planning Proposal is attached to this Council report as **Attachment 1**.

Traffic & Vehicular Access

The subject land is located along an arterial route, providing opportunities for maximisation of public transport use by future residents in the locality. This is likely to assist in minimising vehicle movements generated from the development of the subject land. A traffic assessment has been prepared to inform the Planning Proposal, and is attached to **Attachment 1** as Appendix F.

The traffic assessment models a maximum development scenario for the site for the purposes of rezoning the land. The traffic assessment concludes that the rezoning of the land would have minimal impact on the local traffic network and provides an estimate of carparking provision that would be required under modelled scenarios for certain development types. Detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses.

Other Environmental Considerations

By virtue of the existing developments within the site, coupled with the zoning of the land, the land is suitable for rezoning to higher density purposes. It is envisaged that any other

environmental studies that are deemed necessary to support a future Development Application (DA) for the land could be assessed at that time.

Voluntary Planning Agreement

Council is strongly committed to its VPA Policy and to see proponents contribute back to the community when they receive planning uplift on their site(s). The amount is linked to the monetary value of planning uplift, and is separate to developer contributions that relate to final built form on a site. A VPA may involve a formal offer around a contribution towards infrastructure, public domain/open space improvements, or community spaces that deliver a net community benefit (outside of any private benefits for the proposed development).

Discussions are currently taking place with the proponent about the potential for a VPA, including consideration of particular items or works that could provide net community benefit in Bexley Town Centre. Should a draft VPA be prepared in conjunction with this Planning Proposal, it would need to be approved by Council for exhibition with the Planning Proposal.

Strategic Context

The Planning Proposal seeks to achieve a planning outcome that will provide high density residential living and additional business opportunities in Bexley Town Centre.

One of the key actions listed in the NSW Government's strategy document, *A Plan for Growing Sydney* is:

Action 2.2.1: Use the Greater Sydney Commission to support Council-led urban infill projects

This action identifies how the NSW Government will:

- *support council-led urban infill and to support local efforts to lift housing production around local centres, transport corridors and public transport access points; and*
- *work with councils to improve their urban renewal skills, and to improve the coordination between the NSW Government, councils and private proponents of local urban infill projects.*

This action also discusses the way that additional housing can stimulate new communities, particularly when considering residents within 400 metres of a centre with good public transport services. The opportunity to implement planning provisions that can assist with increasing the population in a location with readily available bus services is considered a positive planning outcome, and a planning action that is consistent with the actions contained in *A Plan for Growing Sydney*.

Conclusion

The Planning Proposal represents a reasonable uplift and rezoning that is consistent with the adjoining B4 Mixed Use zone. Applying consistent development standards can encourage urban renewal and improved strategic planning outcomes in the immediate precinct of Bexley Town Centre. It would enable Council to consider applications for higher density development in the future, consistent in bulk and scale with development outcomes on land immediately north and east of the site.

The Planning Proposal provides an opportunity for modern development to be initiated on a gateway site, by maximising development incentives to achieve quality planning outcomes in the future.

Financial Implications

There are no financial implications applicable to this report.

Community Engagement

Should the Planning Proposal proceed through the Gateway, the Planning Proposal will be subject to community consultation, in accordance with Sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted in relation to the Planning Proposal.

Attachments

Planning Proposal

Planning Proposal

Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment

Kingsland Road South, Bexley

November 2016

Document Review Sheet

CLIENT: Angelo Elliot

PROJECT: Kingsland Road South, Bexley Planning Proposal

TITLE: Land use rezoning, Floor Space Ratio and Height of Buildings Amendment

DOCUMENT REFERENCE NO:

PROJECT MANAGER Helen Deegan

FILE NO: 215.164

SPELL CHECK (WP OPERATOR) BY: Lin Hwong

Document Details		Preparation & Self Check	Independent Review By:	Corrective Action	Sent To/ Date:
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Planning Proposal Update – November 2016

1. Purpose of this Preface to the Planning Proposal

A Planning Proposal (PP) was lodged on 12 August 2016 to Bayside Council (formerly Rockdale City Council) for the rezoning, Height of Building (HOB) and Floor Space Ratio (FSR) amendments at a proposed development precinct in Kingsland Road South, Bexley. The PP examined the proposed development precinct in terms of its land use and built form potential, to identify the most appropriate planning outcome for the area. An Urban Design Strategy (**Appendix D**) accompanied the PP and demonstrates the strategic merit of increasing the density of the proposed development precinct. This preface now outlines the final zoning amendments being sought, following engagement with Bayside Council.

2. Background to post lodgement of the Planning Proposal

The proposed development precinct has frontages to Kingsland Road South, Forest Road and Abercorn Street and comprises of eighteen allotments. The applicant for the PP owns four allotments in the proposed development precinct and the remaining lots are under different land ownership. The applicant is acting as a catalyst for the continued growth of Bexley Town Centre by presenting a strategic opportunity for the consolidation and redevelopment of infill sites, identified as Site 1, 2 and 3 in the PP. Development incentives in the form of additional HOB and FSR bonus are offered to the amalgamation of fragmented sites. Upon reviewing the proposed development precinct under a strategic and urban design approach, the initial requested amendments to RLEP 2011 is summarised below in **Table 1**.

Table 1: Original Proposed LEP Mapping Amendments

Site Number	Site Address	Existing Controls			Proposed Controls		
		Land Use	Building Height	FSR	Land Use	Building Height	FSR
Site 1	467 Forest Road, Bexley	B4 – Mixed use	16m	2:1	B4 – Mixed Use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)

Site Number	Site Address	Existing Controls			Proposed Controls		
		Land Use	Building Height	FSR	Land Use	Building Height	FSR
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	B4 – Mixed Use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	R4 – High Density Residential	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)

Bayside Council conducted a review of the PP and presented TPG with some queries about land ownership in particular of Site 3. This Planning Proposal update will convey the evolution of the PP from the original lodgement to the current amendments proposed by TPG. Raine and Horne Bexley is in the process of securing lots within Site 3 to be consolidated under a single ownership. The discussion between Council, TPG and Raine and Horne Bexley has resulted in the amendment to the PP to reflect Council's vision of extending the B4 Mixed Use zone of Bexley Town Centre into Site 3.

This Planning Proposal update outlines the final strategic approach in amending Site 3, which is driven by land tenure and Council's recommendations. Council proposes that all land to the north east of the Bexley RSL and Community Club can be rezoned into B4 Mixed Use with HOB limit of 16.0m (plus 3.0m height incentive) an FSR of 2.0:1 (plus 0.5:1 incentive). It was initially proposed that the land parcels in Site 3 that have not been acquired will remain the original land use zone of R2 Low Density Residential, a HOB of 8.5m and an FSR of 0.5:1.

3. Current Proposal

This Planning Proposal update should be read as a preface to the original PP. The original PP, Urban Design Strategy and all supporting assessments are based on the original strategic approach of amending the proposed development precinct in accordance to **Table 1** above. The final outcome in this Planning Proposal update is a result of the discussions between Council and stakeholders involved. The proposal aims to achieve what is considered as an amicable planning outcome.

Bayside Council issued an email on 3 November 2016 recommending the proposed development precinct be rezoned B4 Mixed Use with HOB of 16m (plus 3m incentives) and a FSR of 2:1 (plus 0.5:1 incentives). Council considers the rezoning of the land parcels to B4 Mixed Use will allow for the introduction of non-residential opportunities and the extension of Bexley Town Centre into the proposed development precinct. This Planning Proposal update summarises the final amendments for Site 3 of the proposed development precinct. Site 3 was originally proposed to be rezoned R4 High Density Residential to accommodate Residential Flat Building development.

The Planning Proposal submitted to Council in August 2016 with its original rezoning proposal is examined in the main body of the Planning Proposal and the Urban Design Strategy (**Appendix D**). Upon Council's recommendations, the rezoning and built form provisions for Site 3 are amended in **Table 3** below. The amendments to Land Use Zoning, Height of Building and Floor Space Ratio are also illustrated in **Figure 2**, **Figure 3** and **Figure 4** below.

Table 3 – Summary of existing and proposed controls for properties within Site 3 of the PP

Site 3 Address	Land tenure	Existing			Proposed		
		Land Use Zone	HOB	FSR	Land use Zone	HOB	FSR
8 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
8A Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
10 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
12 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
14 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
16 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
18 Stoney Creek Road	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1

7 Kingsland Road South	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
9 Kingsland Road South	Acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
11 Kingsland Road South	To be acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
1 Abercorn Street	To be acquired	R2	8.5m	0.5:1	B4	19m	2.5:1
3 Abercorn Street	To be acquired	R2	8.5m	0.5:1	B4	19m	2.5:1

4. Response to enquiries from original Planning Proposal

The land acquisition queries are addressed and summarised in **Table 2**. This summary was sent in a letter to Bayside Council on 12 October 2016 for Council to review. Information about land acquisition within Site 3 is sourced from Raine and Horne Bexley. It is understood that on 12 October 2016, 1/3 of Site 3 has been acquired by one buyer, with the remaining 2/3 of the site subject was undergoing negotiations for acquisition. Council issued an email on 29 September 2016 to stakeholders involved and requested for more information on potential issues that need to be addressed in Site 3. **Table 2** below is a summary of council's comments and TPG's response to Council's concerns.

Table 2: Response to land ownership queries within Site 3.

Council's comments from PP review – 26 September 2016	Response to Council's comments
<p><i>We have previously asked that you to look beyond the land only held in ownership by your client in preparing the Planning Proposal (PP) for the Kingsland Road South site at Bexley. However, it is clear that it will be difficult to deliver certain planning outcomes for the entire site identified in the PP due to the lack of control your client has on the residual land currently subject to the PP.</i></p>	<p>The residual land labelled Site 3 in the PP is undergoing a process of property acquisition. The real estate agent overlooking this acquisition is Raine and Horne Bexley. The real estate agent has provided us with a list of currently acquired property and properties to be acquired within Site 3 of the PP.</p> <p>It should be noted that the precinct identified for the rezoning has been established with clear planning and urban design principles. It represents a natural extension of the Bexley Town Centre B4 Mixed Use zone and the introduction of higher residential development. It is bookended to the west by the existing Bexley RSL & Community Club and bounded to the south by Stoney Creek Road.</p> <p>It is not necessarily relevant for all land parcels to be one ownership at this stage,</p>

	<p>as market forces from uplift in zoning will facilitate this. Additionally, existing council planning controls such as minimum frontages will ensure appropriately sized lots are consolidated.</p>
<p><i>In assessing the PP, we are of the view that written evidence should be provided outlining your client's options (if there are any currently) for future control of adjoining allotments identified in the PP. The reason for this request is that we want to make a call on the most appropriate zone for the site, and also whether the entire site identified in the PP should be rezoned (i.e. as compared with only your client's land).</i></p>	<p>An opportunity may exist that makes logical sense for the applicant to acquire 6 Stoney Creek Road to allow for the consolidation of that land parcel with the existing pub and hotel at some stage in the future. Should the acquisition be successful, the land parcel has the potential to be an extension to Site 1 and Site 2. Site 1 is the Forest Inn Hotel, which is currently zoned B4 and Site 2 is proposed to be zoned B4.</p> <p>The acquisition of the site will reinforce the potential for the south eastern-part of the precinct to be an area of mixed use development. The south-eastern part of the precinct can achieve B4 Mixed Use zone objectives at a corner that has high pedestrian and vehicular activity.</p> <p>Attached to this letter is a map that summarises the current ownership and intended lot consolidation. The preliminary study in lot consolidation reinforces the principles in the Urban Design Strategy and establishes merit for this precinct to be considered in its totality. The current land use zoning is fragmented and does not represent a logical land use application, nor does it promote higher density residential and diversification of land uses. The rezoning of the proposed precinct should complement the growth of Bexley Town Centre by providing greater mixed use services and higher density residential development.</p> <p>The rezoning should take into consideration the amalgamation incentives of the lots to result in an appropriate height of building and FSR. The uplift is necessary for the precinct to be economically viable due to the inflated and over-speculated land prices. Under the current permissible FSR and height of building, the land parcels are underutilised and lacks diversity in land uses. The increase in the diversity of uses in the precinct will result in increased activity, which will have a flow on effect on the local economy. Additionally, there is a need to provide a vibrant and dynamic precinct for the ever-growing population of Bexley and the wider Rockdale LGA.</p>

<p><i>Council wouldn't like to see an outcome that delivered higher order zoned land that remained vacant (i.e. the proposed R4 High Density Residential zoned land in the PP), while the three allotments immediately North of the existing Forest Inn site were developed for uses permitted in the proposed B4 Mixed Use zone. We would rather strive for a good planning outcome for the land that we know there is interest in developing, should the PP be supported by Council - being that land proposed for a B4 Mixed Use zoning.</i></p>	<p>The economic analysis by AEC Consulting indicates that a blanket zoning of the entire precinct may not be economically viable due to the already high price of the land parcels, and the constraints set by current FSR and height restrictions. For the area to be sustainable, it is proposed that the lots be amalgamated to achieve height and FSR incentives.</p> <p>It is also anticipated that residential development within Site 3 will yield better economic viability and at the same time respond to the housing demand of the area. A good planning outcome can be achieved by increasing the density of the area, with consideration given to land being held for long periods of time until an optimal development opportunity occurs.</p>
<p><i>To help us in making a more definitive call on future recommendations for zoning/planning controls, can you please provide us with written advice/evidence of purchasing options or agreements for land redevelopment for land included in the PP, but are not currently held in your client's ownership. This should also include those that are not willing participants within the study area (a map indicating above information would be useful but is not essential).</i></p>	<p>The current land tenure and acquisition of Site 3 is summarised in the Table 1 below. This information is provided by Raine and Horne Bexley. It is evident that at least 1/3rd of Site 3 is acquired by a party who intends to develop the site. The remaining 2/3rds of Site 3 is undergoing negotiations to be acquired.</p> <p>It should be noted that the right development and planning outcomes will align with RDCP 2011 controls and SEPP 65 guidelines. SEPP 65 will set up the parameters for building separation, solar access, landscaping and amenity. RDCP 2011 controls will govern site setbacks and site frontage. According to RDCP 2011 minimum site frontage requirements, 24m if recommended for Residential Flat Buildings (RFB) and 18m for mixed use development. The built form study indicates that the lot amalgamation to accommodate RFB will result in the preferred site frontages of 24m as stipulated in RDCP 2011. The amalgamation of acquired lots to allow for RFB within Site 3 is a logical planning strategy because of the following:</p> <ul style="list-style-type: none"> • It responds to the demand for housing in the growing population of Rockdale LGA; • It aligns with RDCP 2011 setback and frontage controls to achieve preferable built form; and • It aligns with SEPP 65 guidelines to achieve appropriate building amenity.

The current land acquisition status of Site 3 is summarised in **Table 3** and illustrated in **Figure 1**. This information is current as of 27 October 2016, as confirmed in an email issued by Raine and Horne Bexley. Upon receiving this confirmation from Raine and Horne Bexley, Council is confident in applying a consistent rezoning to Site 3, as stated in a correspondence email issued by Council, dated 3 November 2016. It is proposed that Site 3 be rezoned B4 Mixed Use with development standards that correlate to the zone. All three sites are envisaged to be a continuation of the B4 Mixed use zone of the Bexley Town Centre.

Table 3: Land ownership within Site 3. Source – Raine and Horne Bexley

Address	Land Tenure Status	Participation in amalgamation
8 Stoney Creek Road	Acquired	Yes
8A Stoney Creek Road	Acquired	Yes
10 Stoney Creek Road	Acquired	Yes
12 Stoney Creek Road	Acquired	Yes
14 Stoney Creek Road	Acquired	Yes
16 Stoney Creek Road	Acquired	Yes
18 Stoney Creek Road	Acquired	Yes
7 Kingsland Road South	Acquired	Yes
9 Kingsland Road South	Acquired	Yes
11 Kingsland Road South	To be acquired	To be confirmed
1 Abercorn Street	To be acquired	To be confirmed
3 Abercorn Street	To be acquired	To be confirmed

Mapping amendments are also provided at **Planning Proposal Update Appendix A, B and C**.

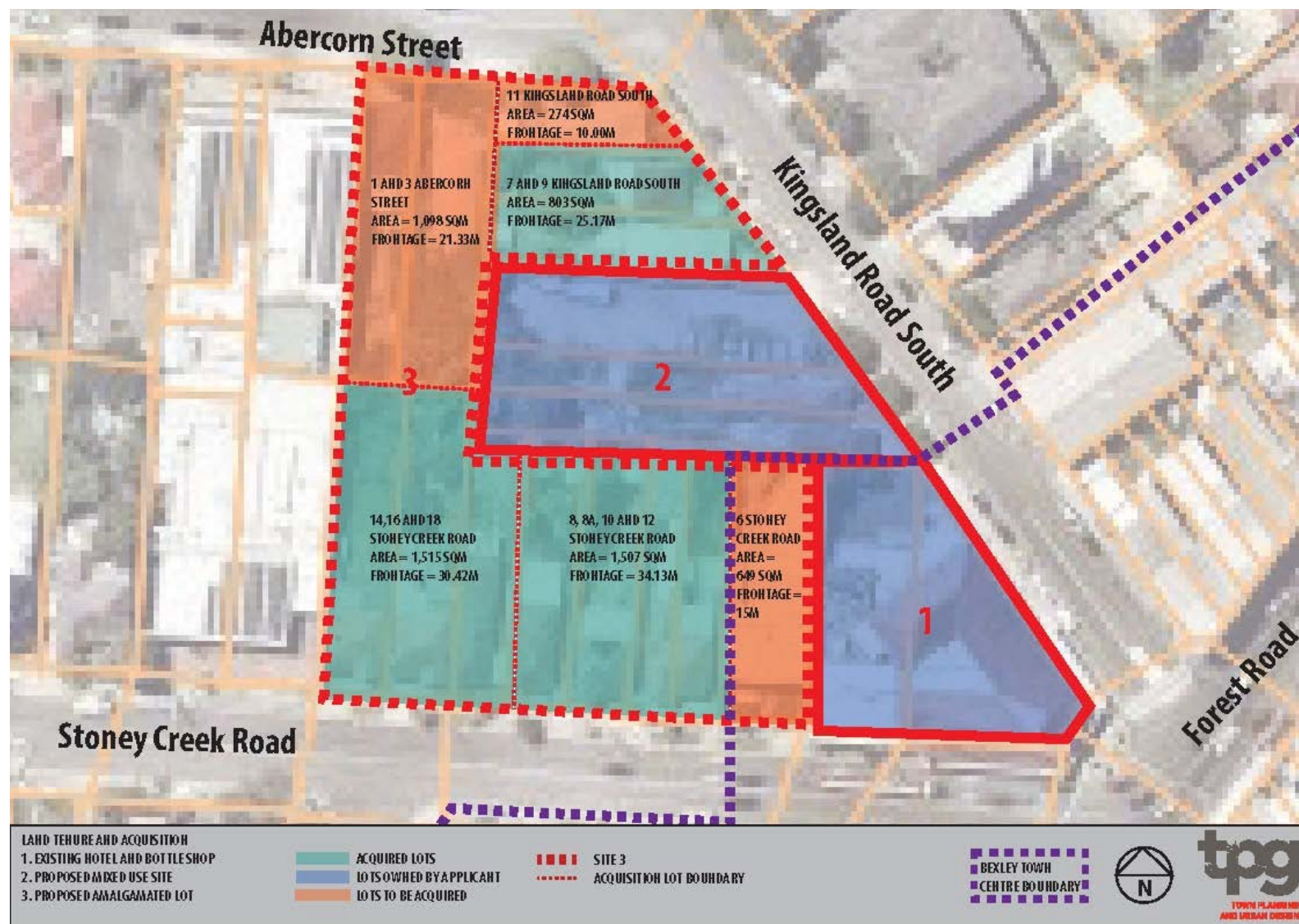


Figure 1 – Lot acquisition status within Site 3

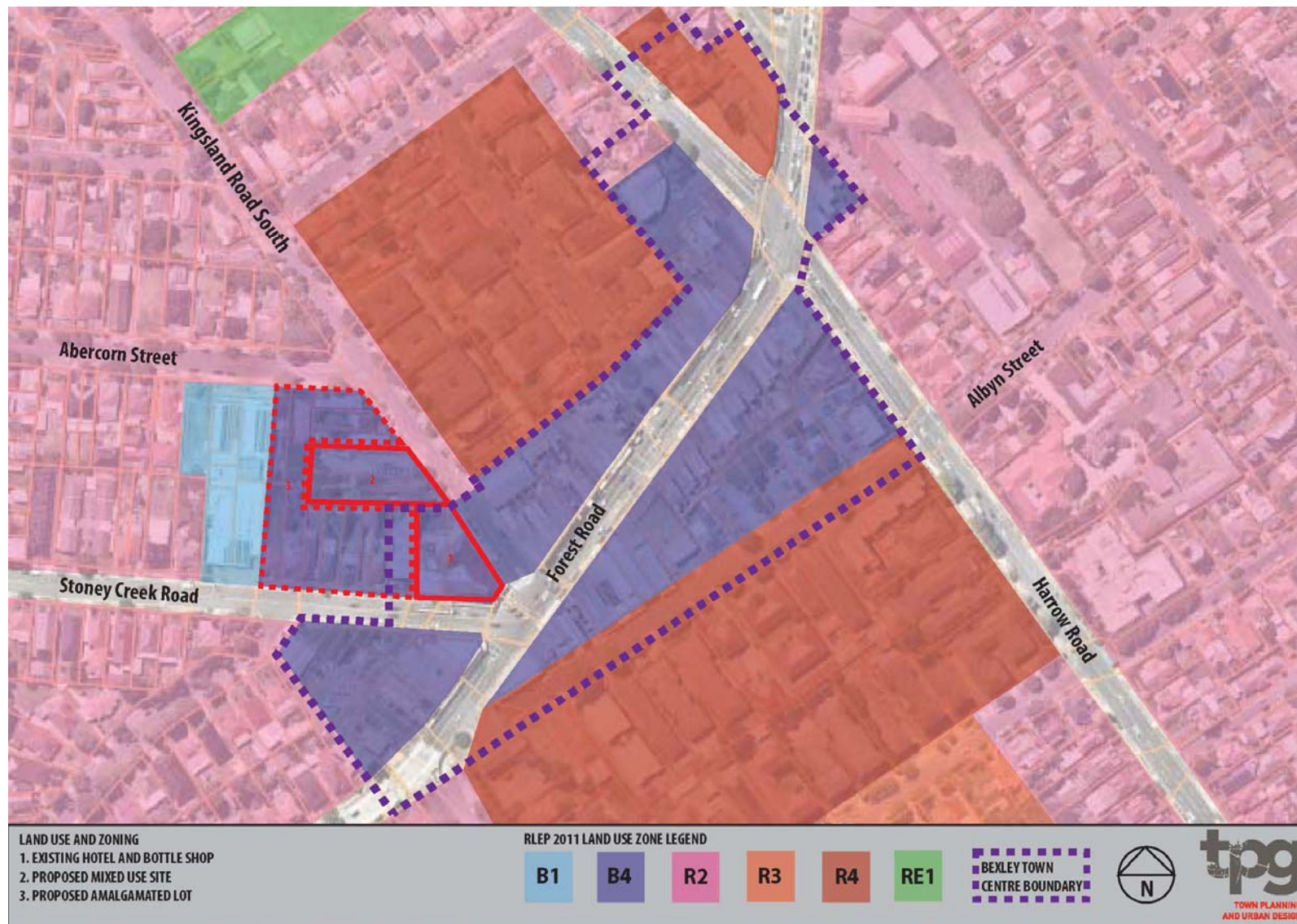


Figure 2 – Proposed Land Zoning map amendment under RLEP 2011 (with site outlined in red line)

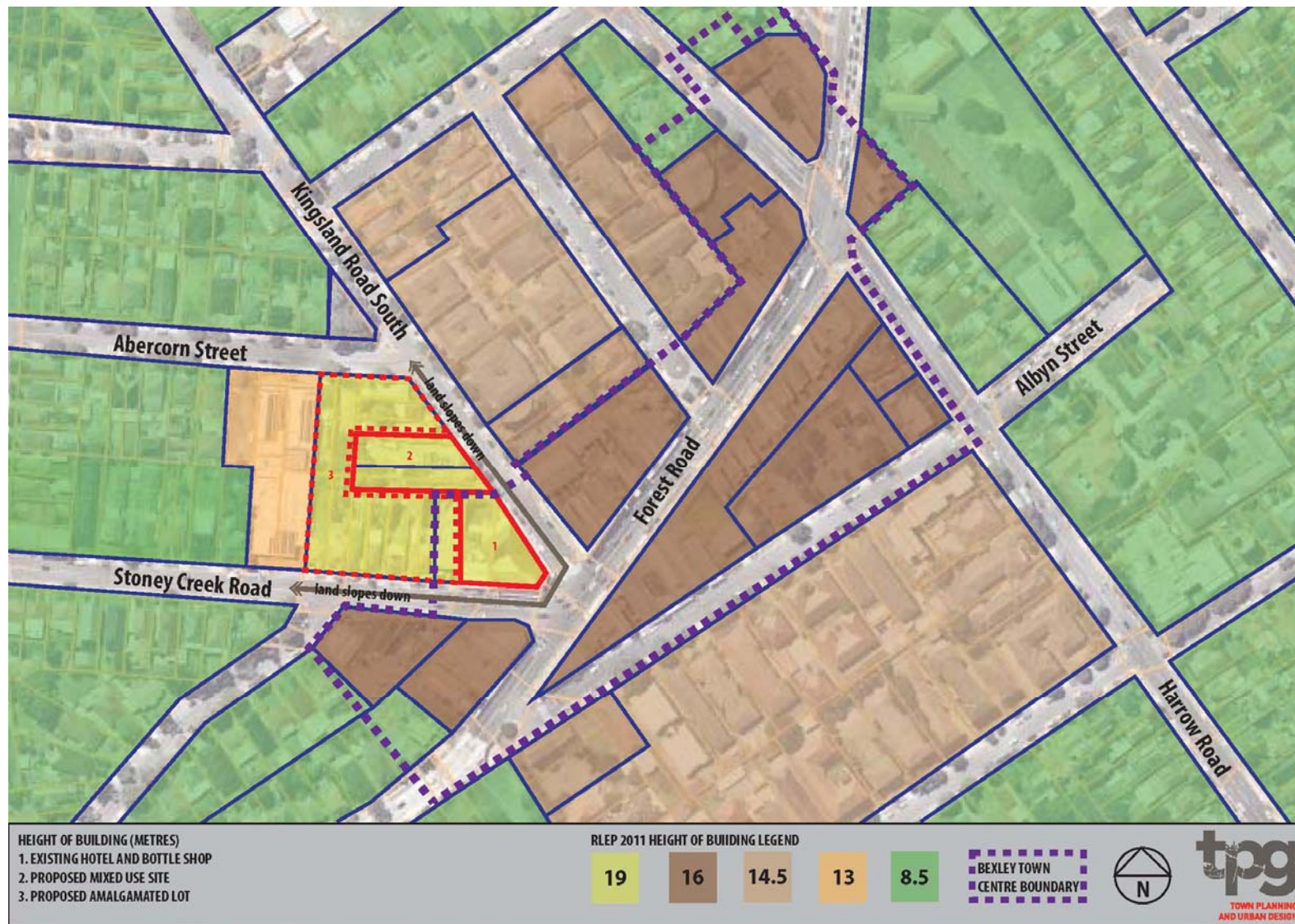


Figure3 – Proposed Height of Building map amendment under RLEP 2011 (with site outlined in red line)

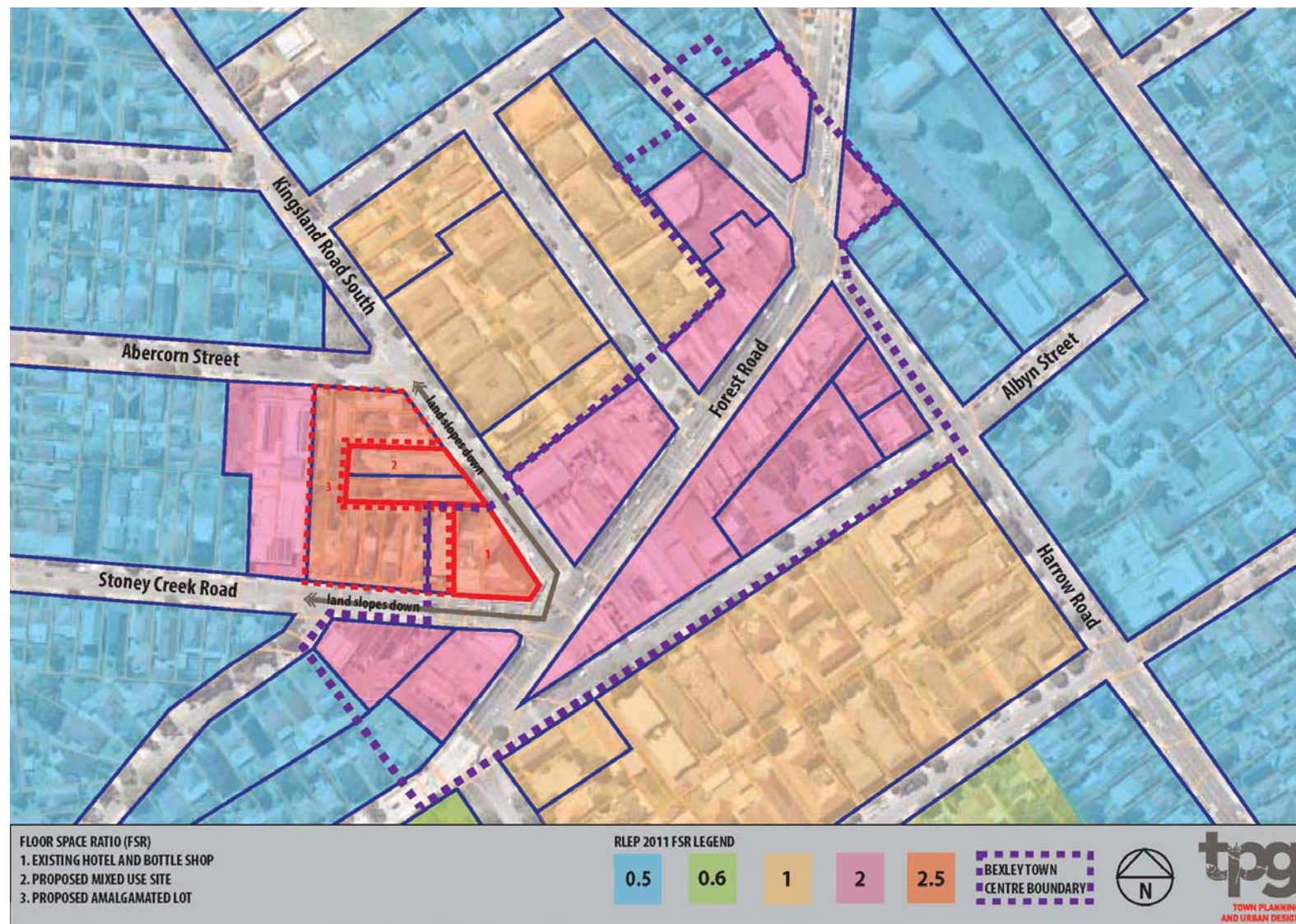


Figure 4 – Proposed Floor Space Ratio map amendment under RLEP 2011 (with site outlined in red line)

PLANNING PROPOSAL UPDATE APPENDIX A - Proposed Amendment to Rockdale Local Environmental Plan 2011 Land Use Zoning Map



LAND USE AND ZONING

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. PROPOSED MIXED USE SITE
- 3. PROPOSED AMALGAMATED LOT

RLEP 2011 LAND USE ZONE LEGEND

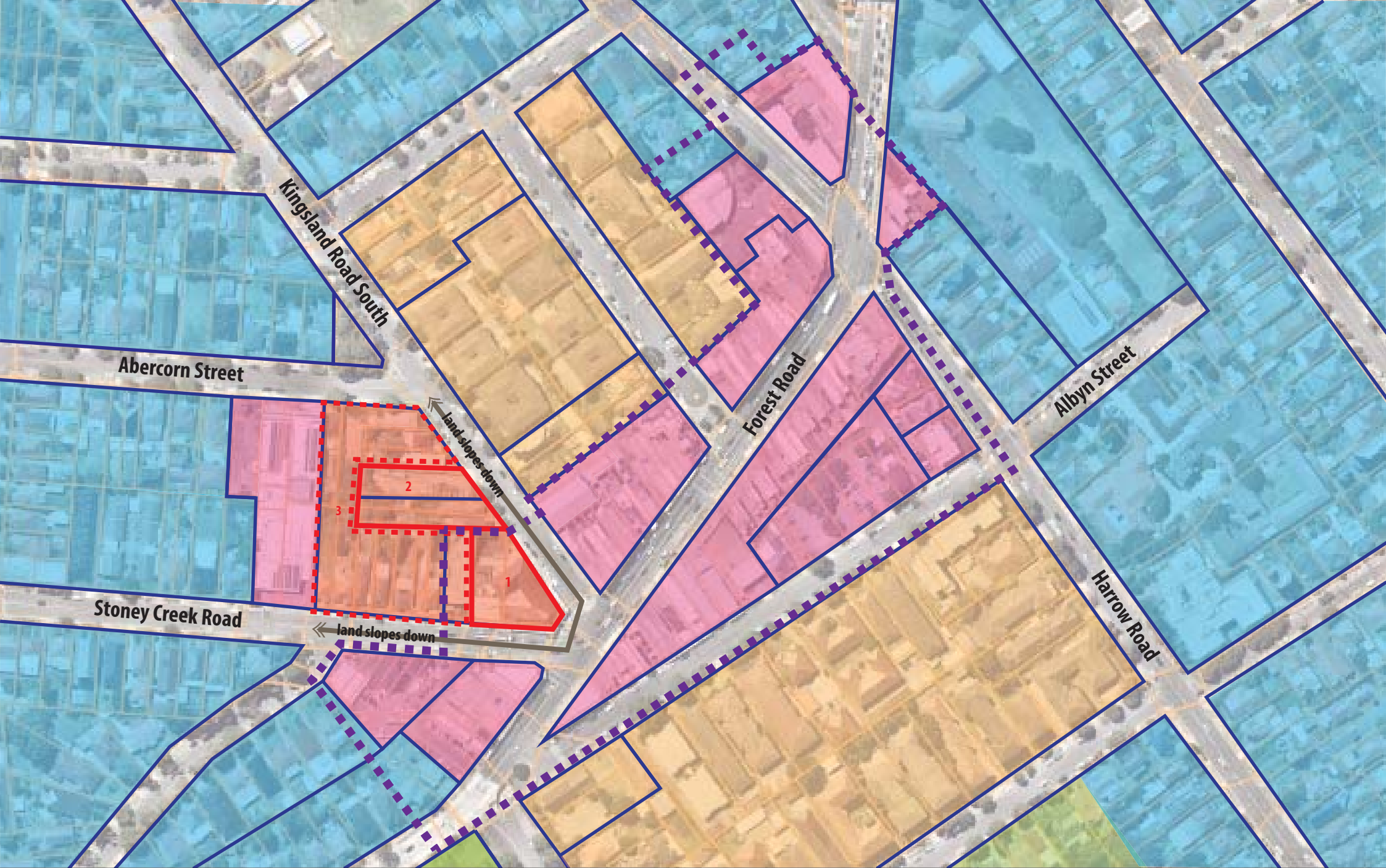
B1	B4	R2	R3	R4	RE1
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BEXLEY TOWN CENTRE BOUNDARY

PLANNING PROPOSAL UPDATE APPENDIX B - Proposed Amendment to Rockdale Local Environmental Plan 2011 Height of Building Map



PLANNING PROPOSAL UPDATE APPENDIX C - Proposed Amendment to Rockdale Local Environmental Plan 2011 Floor Space Ratio Map



Planning Proposal

Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment

Kingsland Road South, Bexley

August 2016

Preface

This Planning Proposal (PP) will promote urban infill that will contribute to the revitalisation of the Bexley Town Centre and complement the existing range of business and housing opportunities. The site represents a logical location for infill residential development in walking proximity to the town centre amenities. It will provide an opportunity to enhance the provision of a wider degree of land uses in the town centre, and create new mixed use opportunities that will assist in supporting existing and future local businesses in the locality.

Ongoing population growth in the Sydney metropolitan area has resulted in a significant shift in the approach to urban development and the need for further urban consolidation to be orchestrated by both local and state governments within the existing suburbs of Sydney. As the population of greater Sydney intensifies, the State government's strategic framework seeks to focus urban growth efficiently within existing urban areas and close proximity to transport infrastructure and amenities. This enhances accessibility, lifestyle choice and the wellbeing of the community as well as utilising existing infrastructure.

In order to keep pace with rapid population growth, greater metropolitan Sydney is looking for opportunities to sustainably and efficiently accommodate people within its existing footprint. At metropolitan Sydney's heart, the City of Sydney has a major role in enhancing the efficiency of Sydney's urban footprint and the opportunity to showcase sustainable development forms that can form the benchmark for wider Sydney and South Subregion. Rockdale Council plays a significant role in shaping the future of this region.

With nearby strategic centres such as Hurstville and Kogarah continuing to grow in terms of profile, role and economic strength, so too does Bexley as a supporting centre. In order to keep pace with rapid population growth, opportunities are being sought throughout the Sydney metropolitan area to sustainably and efficiently accommodate a larger number of people. The need to accommodate growth is outlined in the principles of *Rockdale City Urban Strategy 2010*, which aims to:

- improve residential amenity by improving the variety and quality of new housing;
- revitalise villages and neighbourhoods; and
- ensure opportunities for future employment and growth

Rockdale City Council recognises the need for growth in the LGA to attract commercial activity and future residents. One of the urban strategies to direct growth in the LGA is to concentrate future developments around the LGA's villages and local centres. The deliberate growth around the villages and local centres serve to increase activity to the area, which results in the greater vibrancy and diversity. The local population can access goods and services without the need to travel to major centres.

This site specific PP aims to dovetail in with Council's urban renewal initiatives and create fresh opportunities for revitalisation by a motivated land owner and businesses. This planning proposal will put in place the appropriate controls to facilitate revitalisation outcomes on the subject site and will thereby create visibility and momentum to catalyse further renewal in the Bexley Town Centre.

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1. Introduction

This Planning Proposal (PP) has been prepared by TPG Town Planning and Urban Design (TPG) and submitted to Rockdale City Council to facilitate land use zoning changes and height and floor space ratio mapping amendments to the Rockdale Local Environmental Plan 2011 (RLEP 2011).

This Planning Proposal has been prepared in accordance with the requirements of Section 55 of the EP&A Act and the associated guidelines '*A guide to preparing local environmental plans*' and '*A guide to preparing planning proposals*' prepared by the Department of Planning and Environment (2012), which requires the following matters to be addressed:

- Objectives or intended outcomes of the proposal;
- Explanation of provisions to be in an amendment to RLEP 2011;
- Justification for the proposal in terms of;
 - Need for the planning proposal;
 - Relationship to strategic planning framework;
 - Environmental, social and economic impact;
 - State and Commonwealth interests;
- Mapping amendments to RLEP 2011;
- Community consultation to be undertaken; and
- Project timeline.

This PP is accompanied by various investigations which form part of the strategic context and support the proposed amendments to the RLEP 2011, including:

- An Urban Design Strategy prepared by TPG (refer to **Appendix D**);
- Site and Precinct Analysis and Diagrams by TPG (refer to **Appendix E**);
- A Traffic Assessment prepared by Parking and Traffic Consultants (refer to **Appendix F**); and

- Economic Analysis by AEC Group Pty Ltd (refer to **Appendix G**)
- An addendum that consists of TPG's response to Council's preliminary comments on the draft version of the PP, which was issued to Council on 26 June 2016. The Council comments issued to TPG on 26 July 2016, are addressed upon Council's request.

The Urban Design Strategy at **Appendix D** aims to illustrate the rationale and benefits of the proposed rezoning in relation to its urban design, planning and social context. The purpose of this study is to:

- demonstrate that the subject site is suitable for rezoning and intensification based on site context;
- identify potential future opportunities for redevelopment based upon urban design principles that optimise the potential for future development of the site; and
- identify appropriate development standards i.e. FSR and Height, to permit the development proposed in the design principles.

Council is requested to forward this Planning Proposal to the Secretary General of the NSW Department of Planning and Environment (DPE) or delegate for a gateway determination under section 56 of the EP&A Act.

1.1 The Site

1.1.1 Site Description

The subject land consists of three (3) sites comprising eighteen (18) allotments. The subject sites are located on Kingsland Road South and Forest Road, Bexley. In total the area in which the sites cover is approximately 8,970m². It is located within close proximity to Rockdale Town Centre and Rockdale Railway Station. **Figures 1** and **2** below demonstrate the local and regional context of the subject land.

The subject sites have frontage to Kingsland Road South, Forest Road and Abercorn Street, and are comprised of eighteen allotments. **Table 1** describes the 4 allotments, which are owned by the applicant and the remaining allotments of differing land tenure that form the proposed development precinct.

Table 1: Property title

Site Number	Lot	Number	Street	DP
Site 1 – Applicant ownership	1	467	Forest Road	DP134319
	2	467	Forest Road	DP1878
Site 2 – Applicant Ownership	71	1	Kingsland Road South	DP570149
	72	3	Kingsland Road South	DP570149
	8	5	Kingsland Road South	DP1878/2
Site 3 Differing land tenure	1	1	Abercorn Street	DP328320
	67	3	Abercorn Street	DP654288
	1	7	Kingsland Road South	DP925706
	9	9	Kingsland Road South	DP1078771
	10	11	Kingsland Road South	DP925705
	3	6	Stoney Creek Road	DP1878/2
	B	8	Stoney Creek Road	DP363190
	A	8A	Stoney Creek Road	DP363190
	C	10	Stoney Creek Road	DP921789
	B	12	Stoney Creek Road	DP921789
	A	14	Stoney Creek Road	DP921789
	1	16	Stoney Creek Road	DP191076

Site Number	Lot	Number	Street	DP
	68	18	Stoney Creek Road	DP667002

Note: These sites form the subject of this PP. The applicant also owns parcels of land located opposite the proposed sites at 2 and 6 Kingsland Road South.

1.2 Site Context

The subject sites are located near two high volume State classified roads and Bexley Town Centre. Rockdale City Council has visions of the area becoming a local centre that is developed around its existing character. The existing context of the subject sites is summarised below:

- The subject sites are bounded by two state classified roads, Stoney Creek Road and Forest Road. Forest Road doubles as a retail strip for the local area and comprises of small local shops such as bakeries, restaurant, pharmacists, newsagencies and the local post office;
- A local IGA is located south of the subject sites along Forest Road and a Coles Express located north of the subject sites;
- Community facilities such as Bexley Community Centre and Bexley Manor Hall are located within close proximity to the subject sites;
- Educational facilities in the area include Bexley Public School and St Mary and St Mina's Coptic Orthodox College;
- Senior housing facilities in the area include Scalibrini Village and Menaville Nursing Home by Hall and Prior;
- Rockdale Town Centre and Rockdale Train Station are located approximately 1km in the south east direction from the subject sites; and
- Bexley North Train Station is located approximately 1.7km north of the subject sites.



Figure 1: Subject land parcels in red outline within the local context.

1.3 Existing Development

The subject sites are identified in **Figure 1** above as three sites that collectively make up the proposed development precinct. Site 1 is Forest Inn Motel located at 467 Forest Road. The site is currently occupied by a hotel with gaming and dining facilities, and an ancillary bottle shop. Site 2 is currently occupied by 2 single storey dwellings and a vacant lot located on 1, 3 and 5 Kingsland Road South. The single storey dwellings are generally characterised by large setbacks to the street and masonry buildings with pitched roofs. Site 3 is a proposed amalgamation of single storey housing along Stoney Creek Road, Kingsland Road South and Abercorn Street to form a lot for the potential development of residential flat buildings. The subject site can be considered as an infill development whereby the land parcels are fragmented and underutilised. The area will benefit from a consolidation of the subject sites to create an area that is more cohesive in land use, FSR and building height.

Site 1 and 2 are owned by the client. Site 3 is proposed as an amalgamated site and aids to demonstrate the strategic opportunities when considering all three proposed consolidated sites as a development precinct. **Photographs 1 -9** below show the existing development on the sites owned by the client as well as the existing site conditions.



*Photograph 1 - Site 1 - 467 Forest Road
Forest Inn Motel and bottle shop*



*Photograph 2 - Site 2 - 1 Kingsland road South
Existing single storey dwelling*



*Photograph 3 - Site 2 – 3 Kingsland Road South
Existing single storey dwelling*



*Photograph 4 - Site 2 – 5 Kingsland Road South
Vacant lot*



*Photograph 5 - 2 Kingsland Road South
Existing two storey motel*



*Photograph 6 - 6 Kingsland Road South
Existing single storey dwelling*



*Photograph 7 – Forest Road
View looking east on Forest Road*



*Photograph 8 - 2 Stoney Creek Road
View looking south on Stoney Creek Road*

*Photograph 9 –Abercorn Street
View looking west on Abercorn Street*

1.3.1 The Local Area

The subject land and its surrounds are characterised by a variety of different building typologies. Heights of existing development are generally 1-2 storeys. Given the town centre location of the subjects site, the local area generally consists of buildings used for commercial purposes, transitioning to low and medium density residential development further afield.

The strip along Forest Road serves as the primary area for commercial and retail activities. The area comprises of local neighbourhood shops that service nearby residents, with the potential for further development to reflect the current zone of B4 Mixed Use. Commercial activity concentrated along the Forest Road is adequate in providing amenities and employment at a local level. It has the potential for greater activation to develop Bexley Town Centre into a hub and attract business from investors outside the local area.

The existing built form of the development precinct and its surrounding areas have not been maximised to its full potential. The adjacent mixed use zone along Forest Road is mainly comprised of single storey or double storey shop top housing. The residential zones adjacent to the subject sites are mainly low density single or double story dwellings in the R2 Low Density zones, and walk up strata apartments in the R3 Medium Density zones. The residential buildings surrounding the subject sites are a mix of Federation dwellings and older style apartments. Even though the areas adjacent to the subject site are zoned for higher density and a variety of uses, the area is confined to low density development with basic services that cater to the local neighbourhood.

1.3.2 Accessibility and Transport

The subject land is located at the juncture of Forest Road, Stoney Creek Road and Kingsland Road South, providing access on both a local and regional level via links to the M5 Motorway. Of these roads surrounding the site, Stoney Creek Road and Forest Road are together defined as State classified roads. These two roads carry the majority of public transport, vehicle and pedestrian traffic for the area alongside the close-by Bexley Road.

Buses operate along a number of roads surrounding the proposed precinct, including the directly adjacent Stoney Creek Road and Forest Road, and the nearby Bexley Road. The 493, 492 and 452 buses are available along those roads within approximately 200m of the proposed sites. Rockdale train station is located 1km in the south-east direction of the subject sites, and Bexley North station is located 1.7km in a northerly direction and provides access to the Sydney CBD and major employment destinations along Sydney's global economic corridor.

Parking and Traffic Consultants (PTC) has been engaged to prepare traffic and parking analysis for the proposed PP of the development precinct. The report examines the existing traffic and parking conditions and compares it to the potential capacity of traffic and car parking generated as result of additional population. Several development options are tested and a range between the minimum and maximum traffic and car parking capacity is generated based on a combination of development types across site 2

and site 3. The traffic analysis also considers traffic flow and intersection modeling to rate the performance of the intersections affected. The potential combination of development types across the two sites are derived from indicative concept plans. The potential yields, for the purposed of the traffic analysis, are summarised in **Table 3** below.

The traffic and parking analysis concludes that the PP will have minimal impact on the local road network and parking conditions of the local area. Based on the parking requirements established in RDCP 2011, RMS guide to Traffic Generating Developments and the Institute of Transport Engineers Parking Generation, it is anticipated that the PP may require a range of 144 -169 spaces. The potential development scenario options present an all hotel development across the two sites as a maximum capacity scenario, and an all residential development as a minimum capacity scenario. During the AM and PM peak hours, the local area has the capacity to accommodate the additional traffic activity. The Traffic and Parking Assessment by PTC is included in this PP as **Appendix F**.

Table 3: Potential development yields

Option	Building 1 – Site 3		Building 2 – Site 2		Building 3 – Site 3		Total
	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Potential motel rooms/ units
1	Hotel	78	Hotel	42	Hotel	49	169
2	Hotel	78	Hotel	42	Residential	31	151
3	Hotel	78	Residential	27	Residential	31	136
4	Residential	36	Residential	27	Residential	31	94

The Westconnex project has raised some concerns for Council in terms of its impact on the existing road network in Bexley. PTC presented an overview of the project in the Section 3.3 of **Appendix F- Traffic and Parking Assessment** and notes the following:

- traffic modeling presented in the EIS indicates that most surface roads in the vicinity of the project will see a reduction in the weekday average traffic volume;
- the expected slight increase of traffic volume on other roads including Stoney Creek Road will likely be offset by improved travel times in the nearby road network; and
- maximum yield of this PP generates an increase in traffic activity that is insignificant in the context of the Westconnex project.

The Westconnex project is in design and development stages for construction and there are many variables that will affect the outcome of the project. Addressing traffic issues based on the integration of the conceptual stages of Westconnex and the PP is highly speculative. The actual traffic volume of the Bexley area will not be evident until the project is constructed, and the traffic volume of the local area is measured.

2. Objectives and Intended Outcomes

2.1 Preamble

This report constitutes a PP to seek an amendment to the *Rockdale Local Environmental Plan 2011* (RLEP 2011) land use zoning, height of building and floor space ratio (FSR) maps which apply to the subject land, which consists of a number of sites on Kingsland road South, Bexley (“the subject land”) – Refer **Figure 1** – Subject land parcels.

As such, the PP seeks to amend the RLEP 2011 land use, height and Floor Space Ratio mapping in accordance with mapping shown in **Section 5** and **Appendix A, B and C**. The objectives of this PP report are to:

- describe the subject land, the locality in which it is situated, the current built form controls and to explain the current planning control limitations;
- request an amendment to the RLEP 2011 Land Zoning Map to include site 2 within the B4 Mixed Use zoned land and rezone site 3 under R4 High Density Residential. Accordingly, an amendment to the Rockdale LEP Land Zoning Map has been provided at **Appendix A**;
- request an amendment to the RLEP 2011 Height of Buildings development standard which applies to the subject land, and accordingly, an amendment to the Rockdale LEP Height of Buildings Map as demonstrated at **Appendix B**, so as to permit a building height of 19 metres for the subject sites;
- request an amendment to the RLEP 2011 maximum FSR development standard which applies to the subject land, and accordingly, an amendment to the RLEP 2011 FSR Map as demonstrated at **Appendix C**, so as to permit a maximum permissible FSR of 2.5:1 on the subject parcels of land;
- address the “Gateway” assessment criteria under Part 3 of the EP&A Act; and
- provide justification for the amendments to the RLEP 2011 and demonstrate the net community benefits which will follow on from this PP.

Table 2 provides a summary of the proposed mapping amendments for each site:

Table 2: Proposed LEP Mapping Amendments

Site Number	Site Address	Existing Controls			Proposed Controls		
		Land Use	Building Height	FSR	Land Use	Building Height	FSR
Site 1	467 Forest Road, Bexley	B4 – Mixed use	16m	2:1	B4 – Mixed use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	B4 – Mixed use	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	R2 – Low Density Residential	8.5m	0.5:1	R4 – High Density Residential	19m 16 (+3.0m incentive)	2.5:1 2:1 (+0.5 incentive)

The PP has been prepared with the purpose of amending the RLEP 2011 so as to allow a future development on the subject parcels of land which can achieve the massing and feasibility potential demonstrated by the accompanying urban design strategy that is supported by the subject land's location and context.

At present, these controls do not allow the subject land to achieve its development potential based on its location close to Bexley and Rockdale Town Centre, and Rockdale Railway Station and surrounding mixed use developments. An amendment to the RLEP 2011 land use zoning, building height and FSR controls as proposed will be the most efficient and effective means of achieving an infill residential development on the site in accordance with its location and context.

These amendments will also allow renewed mixed development on the subject land to enable a logical and rational residential expansion of the Bexley Town Centre in a manner that is complementary to the surrounding residential and mixed-use land.

3. Explanation of Provisions

3.1 Rockdale Local Environmental Plan 2011

The main environmental planning instrument applicable to the subject land is the RLEP 2011. The subject parcels of land are currently defined under a variety of land use zones, building heights and FSR under the RLEP 2011, and summarised in **Table 3** below:

Table 3: Existing land use zones, building heights and FSR

Site Number	Site Address	Existing Buildings	Land Use Zones	Building Height	FSR
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	B4 – Mixed use	16m	2:1
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	R2 – Low Density Residential	8.5m	0.5:1
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8, 8A, 10, 12, 14, 16 and 18 Stoney Creek Road, Bexley	Dwelling houses Dwelling houses Dwelling Houses	R2 – Low Density Residential	8.5m	0.5:1

3.1.1 Current land use zoning

Figure 2 outlines the current zoning of the subject land and surrounding areas.

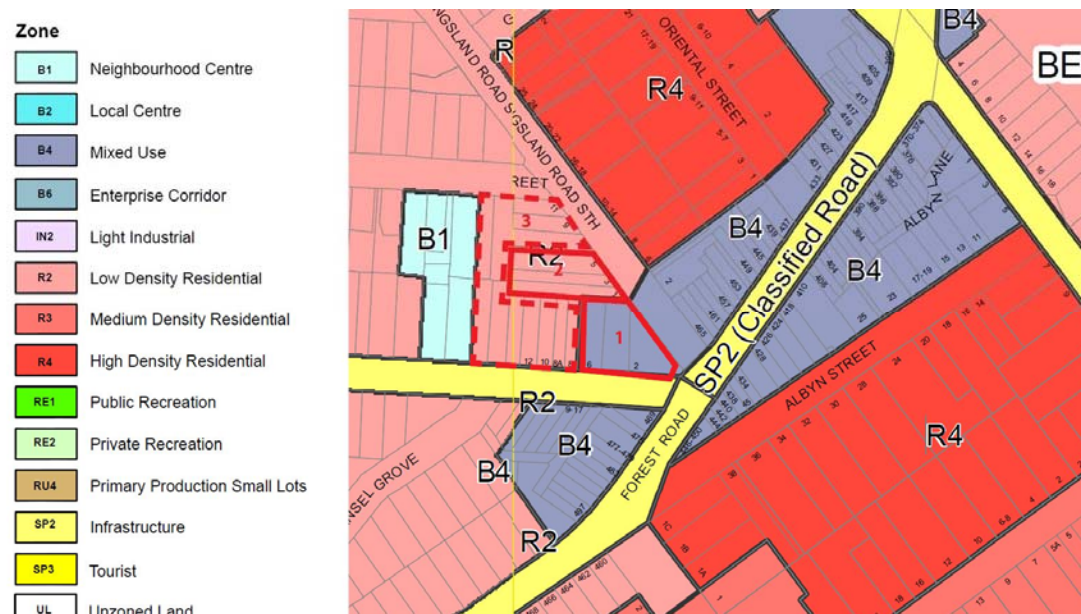


Figure 2. Existing RLEP 2011 Land Zoning

The Planning Proposal is to amend the Land Zoning Map in RLEP 2011 to rezone the sites as outlined in **Table 4**. Refer to proposed mapping amendments within **Section 6**.

Table 4: Proposed land use zoning amendments

LZN Tile 4 & 2	Site 1	Site 2	Site 3
Existing Zone	B4 – Mixed use	R2 – Low Density Residential	R2 – Low Density Residential
Proposed zone	B4 – Mixed use No change	B4 – Mixed use	R4 – High Density Residential

3.1.2 Height of Buildings

Figure 3 outlines the current maximum height of buildings applicable to the subject land and surrounding areas.



Figure 3. Existing RLEP 2011 Height of Building

The Planning Proposal is to amend the Height of Buildings Map in RLEP 2011 as outlined in **Table 5**. Refer to proposed mapping amendments within **Section 6**.

Table 5: Proposed HOB mapping amendments

HOB Tile 4 & 2	Site 1	Site 2	Site 3
Existing HOB	16m	8.5m	8.5m
Proposed HOB	19m	19m	19m

3.1.3 Floor Space Ratio

Figure 4 outlines the current maximum floor space ratio applicable to the subject land and surrounding areas.

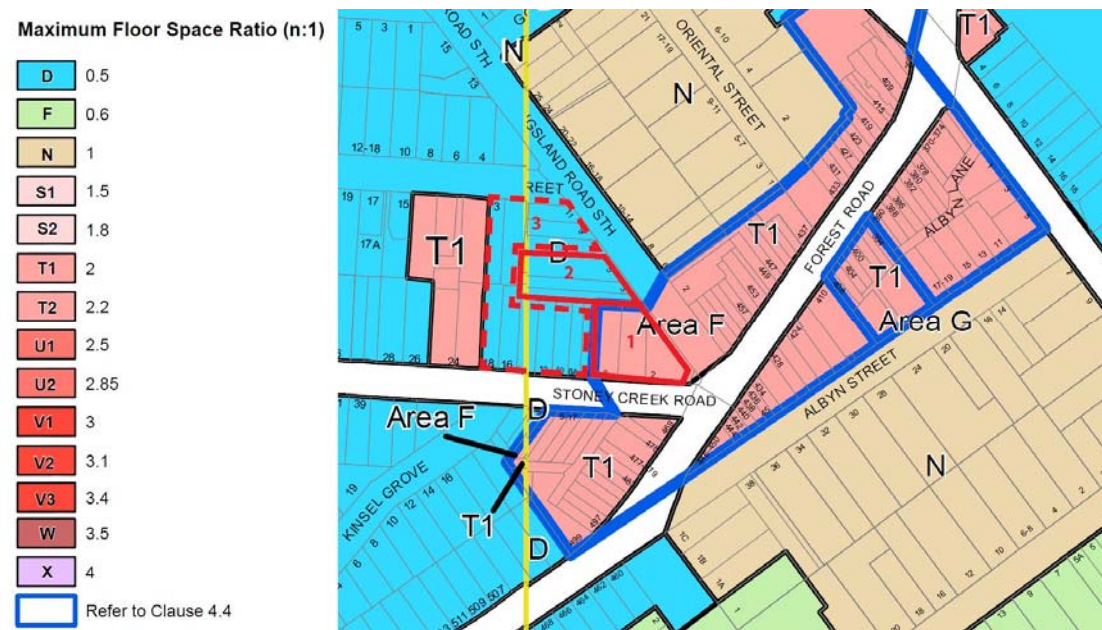


Figure 4. Existing RLEP 2011 FSR

The Planning Proposal is to amend the Floor Space Ratio Map in RLEP 2011 as outlined in **Table 6**. Refer to proposed mapping amendments within **Section 6**.

Table 6: Proposed FSR mapping amendments

FSR Tile 4 & 2	Site 1	Site 2	Site 3
Existing FSR	2:1	0.5:1	0.5:1
Proposed FSR	2.5:1	2.5:1	2.5:1

4. Justification

The following section of this report addresses the requirements in *A guide to preparing planning proposals* (2009), specifically **Part 3 – Justification**, prepared by the Department of Planning and Environment.

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal has been prepared in response to the following strategic studies and plans:

4.1.1.1 *Rockdale City Plan: Community Strategic Plan 2013-2025*

The Rockdale City Plan 2013 - 2025 is Rockdale Council's long term community plan that identifies the aspirations of the community and establishes a framework with partners that will shape the City and deliver community outcomes. It is comprised of the following components to describe and deliver upon Council's nominated strategic direction:

- Community Strategic Plan 2013 - 2025
- Resourcing Strategy consisting of the Long Term Financial Plan 2013 - 2025, Asset Management Plan 2013 - 2025 and Workforce Management Plan 2013 - 2017
- Delivery Program 2013 - 2017 and annual Operation Plans

Further discussion on consistency with this plan is provided in **Section 4.2.2.1**.

4.1.1.2 *Rockdale City Urban Strategy 2010*

Rockdale City Urban Strategy 2010 has been listed by Council as an important document used to inform the planning decisions conveyed in the *Rockdale Local Environmental Plan (RLEP) 2011* and *Rockdale Development Control Plan (RDCP) 2011*. The planning principles of *Rockdale City Urban Strategy 2010* relevant to the rezoning of the subject sites include the following:

- Improve residential amenity by improving the variety and quality of new housing;
- Revitalise villages and neighbourhoods; and
- Ensure opportunities for future employment and growth.

Further discussion on consistency with this strategy is provided in **Section 4.2.2.2**.

4.1.1.3 Capacity Analysis and Built Form Study September 2010

The *Capacity Analysis and Built Form Study* was prepared to test the development potential of Rockdale LGA through maximising building height and FSR. The study was used to inform the formulation of the draft *RLEP 2011* and draft *RDCP 2011*. It is concluded that Rockdale LGA has the capacity to increase its density to provide housing and employment for its growing population.

The study indicates that Bexley Town Centre has the opportunity to be developed into a viable destination due to its accessibility through public transport and high visibility from the busy Forest Road. Rockdale City Council also has significant land holdings, in particular the Albyn Street car park and Forest Road car park, which can be developed into appealing civic spaces for the community.

Further discussion on consistency with this study is provided in **Section 4.2.2.3**.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the best means of achieving broader planning objectives and the best future renewal for the subject land. This is because the proposed height and FSR of an appropriate mix of buildings can be achieved on the subject land commensurate with their town centre proximity.

In the context of the variations sought to a compliant building envelope on the subject land as detailed in the Urban Design Strategy at **Appendix D**, and given the area in which the subject land is located is also not subject to a draft LEP at this stage, a site specific height of buildings and FSR map amendments to the RLEP 2011 are the most appropriate, simple and effective method available to achieve the intended outcomes of the PP.

The proposed amendment to the RLEP 2011 land use zones, as well as height and FSR controls for the subject land seeks to allow future development to make the most of the development potential of the land, by enabling appropriate built form typologies to be developed within close proximity to the Rockdale Train Station and the Bexley Town Centre and along a public transport route.

This proposal takes into consideration land use compatibility and appropriately considered the relationship between the subject land and surrounding low, medium and high density development forms, to enable the orderly and rational expansion and economic revitalisation of the Bexley Town Centre. The rezoning of the subject sites will also result in a more consistent application of zoning in the precinct by rationalising anomalous zoning and height controls.

The analysis that led to the request for amendments to RLEP 2011 is illustrated in the opportunities diagrams below:

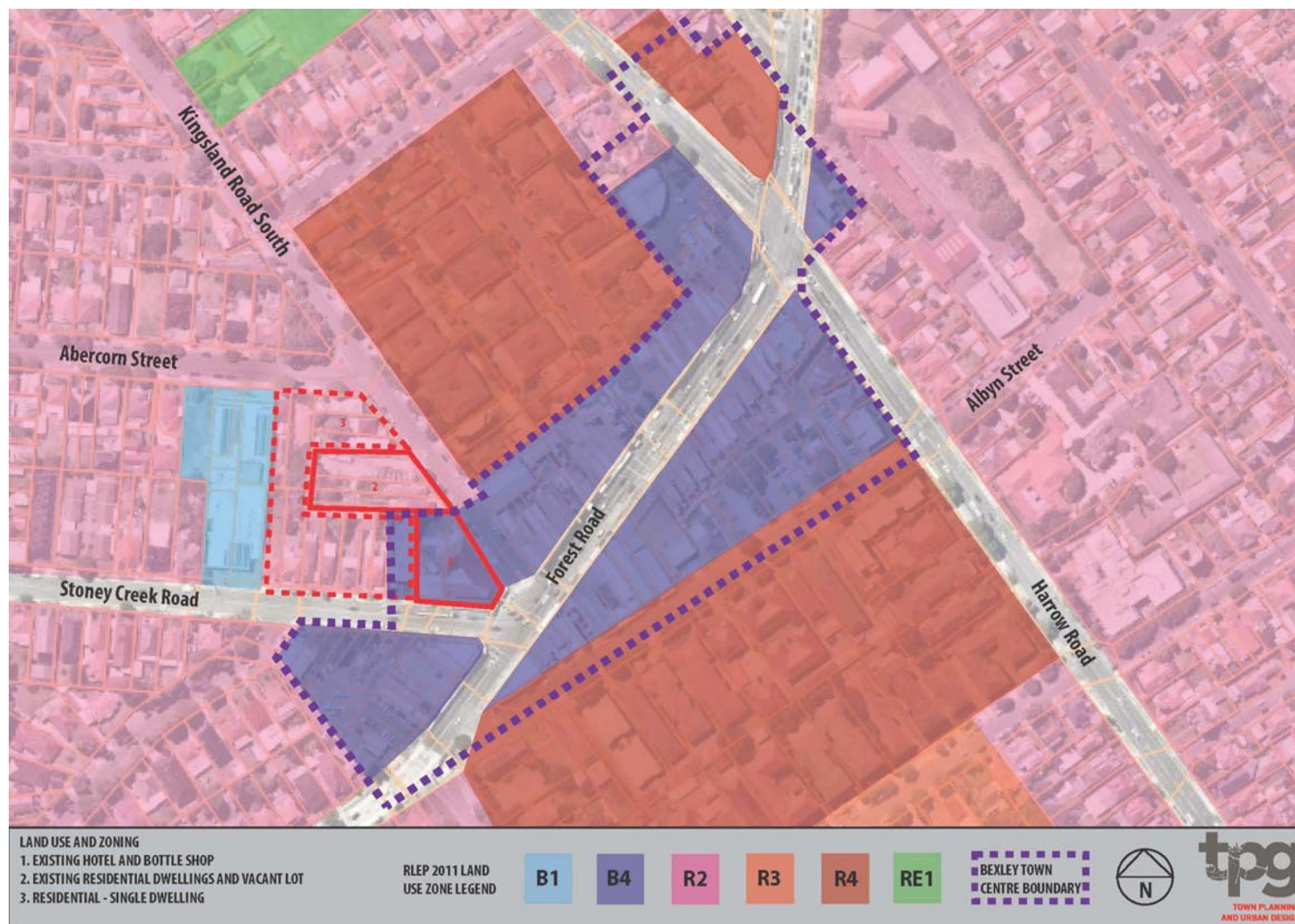


Figure 5 – Opportunity to rezone subject sites to facilitate redevelopment for residential purposes.

Site 2 is located adjacent to the edge of Bexley Town Centre with the potential to be rezoned to complement the development and activation of Bexley Town Centre.

Site 2 is currently zoned R2 Low Density Residential and presents opportunity to be rezoned to B4 Mixed use to facilitate possible motel and car park additional use to enable the expansion of existing motel uses in the town centre.

Site 3 may be consolidated to enable its future development to accommodate high density residential flat buildings to increase critical mass in the centre to support local business. It is therefore recommended that land parcels within site 3 be rezoned to R4 High Density Residential zone.

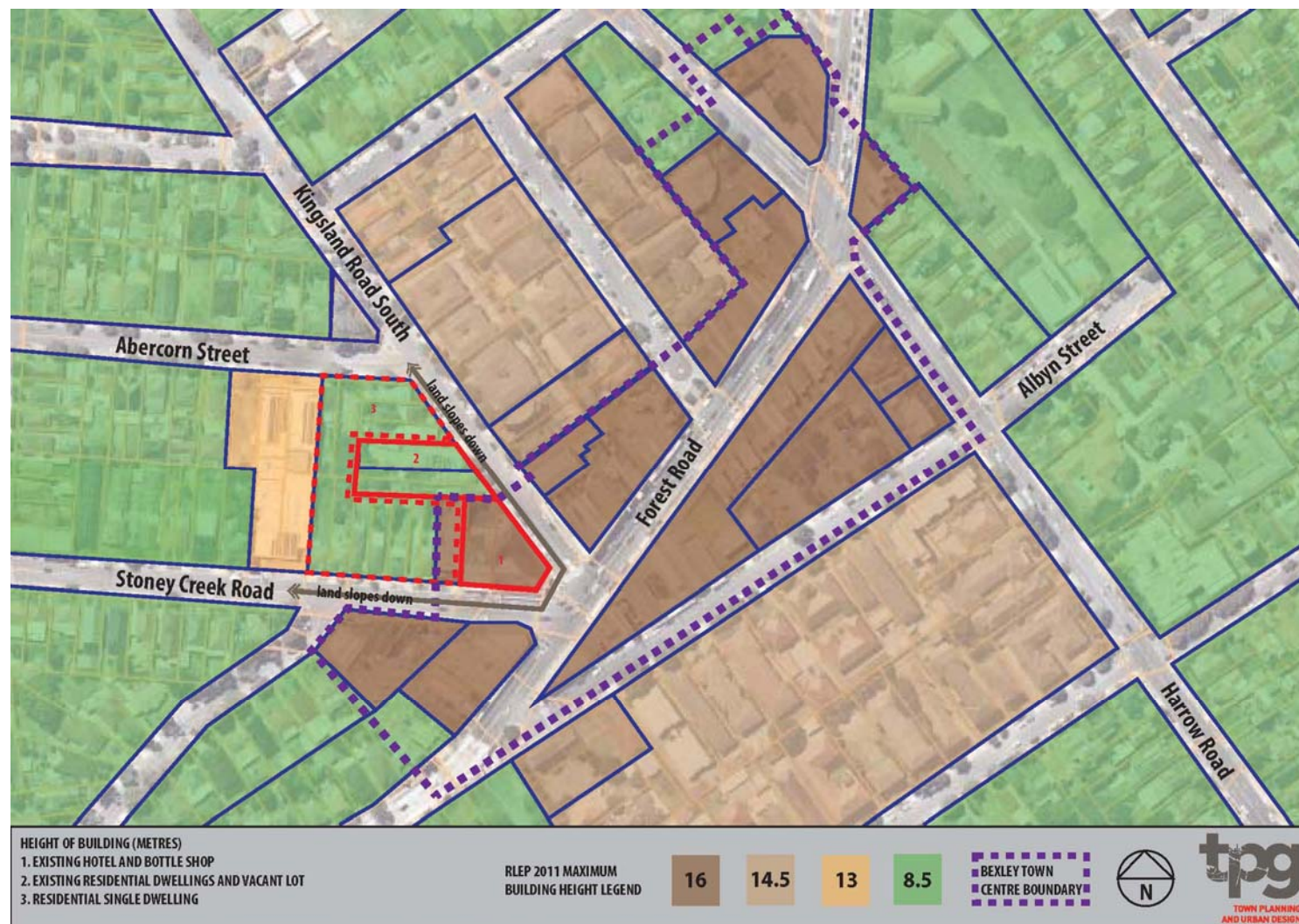


Figure 6 - Opportunity to achieve appropriate height of buildings.

Potential to increase building height for land sloping down in Westerly direction on Stoney Creek Road and Northerly direction on Kingsland Road South. Potential to consider amalgamation of sites to achieve development incentives of greater HOB.

The increase of building heights reflects adjoining heights permissibility of Forest Inn Hotel and Bexley RSL building. There is potential for additional height without adverse impact to amenity.

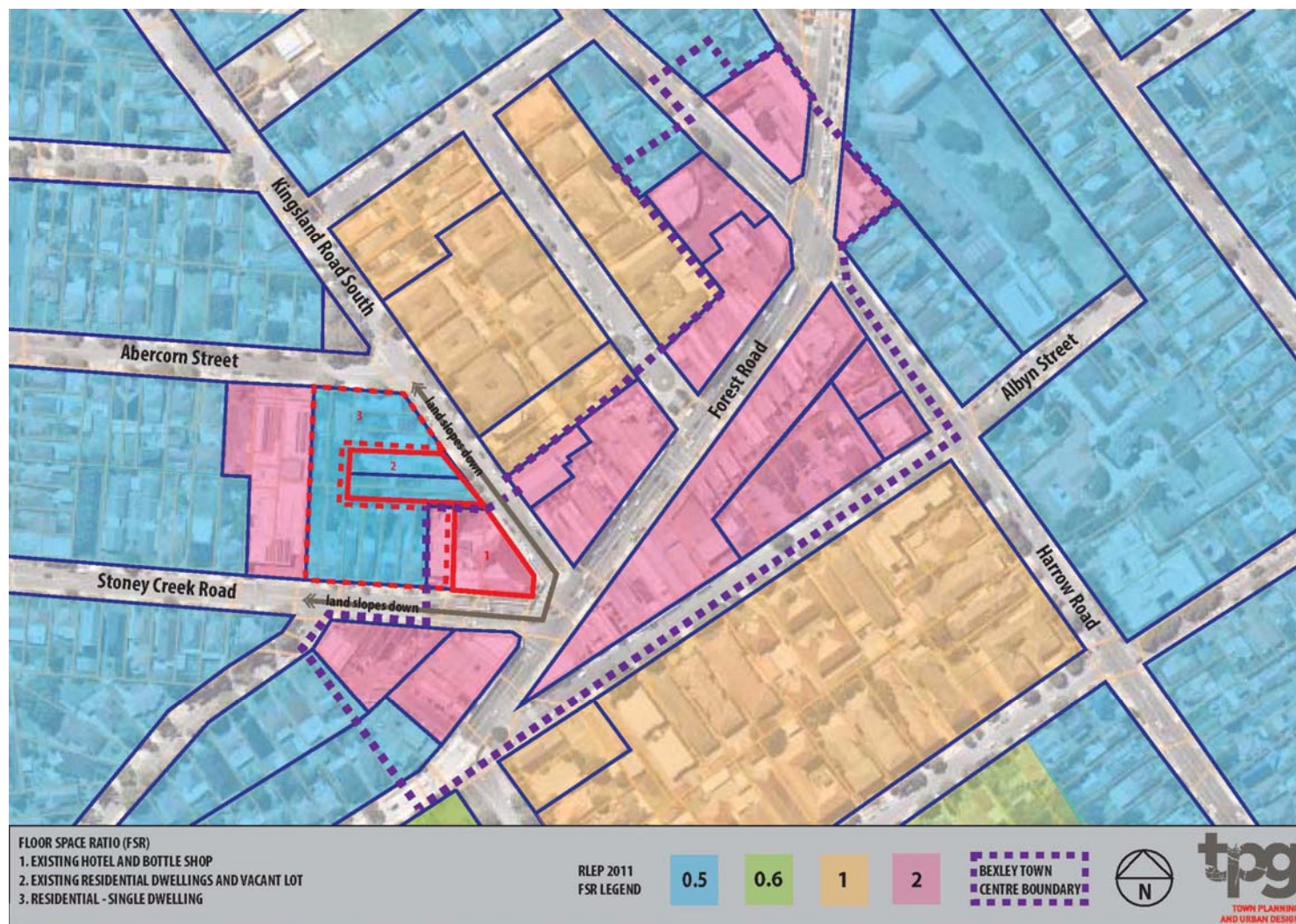


Figure 7 -Opportunity to achieve appropriate Floor Space Ratio (FSR)

Site 2 and site 3 have potential for greater height and therefore FSR, commensurate with this height.

Opportunity for amalgamation of sites to achieve development incentives of greater FSR. FSR is consistent with immediately adjoining land i.e. Forest Inn Hotel and Bexley RSL.

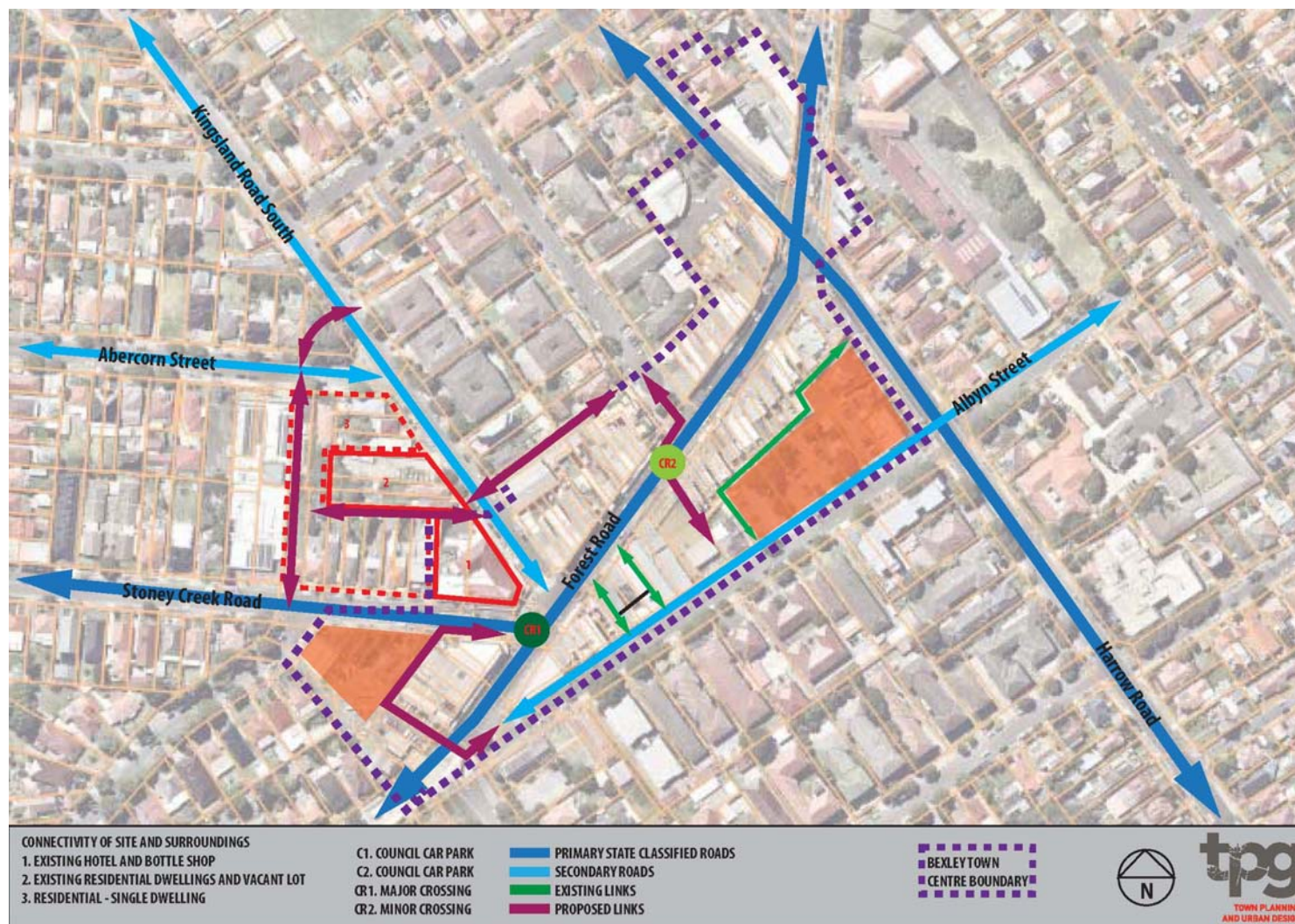


Figure 8 -Opportunity to provide more connectivity in the area

Potential to offer a finer grain, more interconnected pedestrian experience and provide vehicle access away from major roads thorough the provision of new accessways and pedestrian linkages.

Design for greater permeability between subject sites north of Forest Road and proposed Bexley Town Centre south of Forest Road. This linkage, represented by the burgundy arrow that intersects with CR2 minor crossing, is considered essential for the proposed activation of Bexley Town Centre core located adjacent to the Albyn Street car park.

The proposed links indicated near site 1, 2 and 3 are planned in accordance to the likely amalgamation of the individual allotments into bigger lots. The linkages can be achieved as detailed design during DA stages.

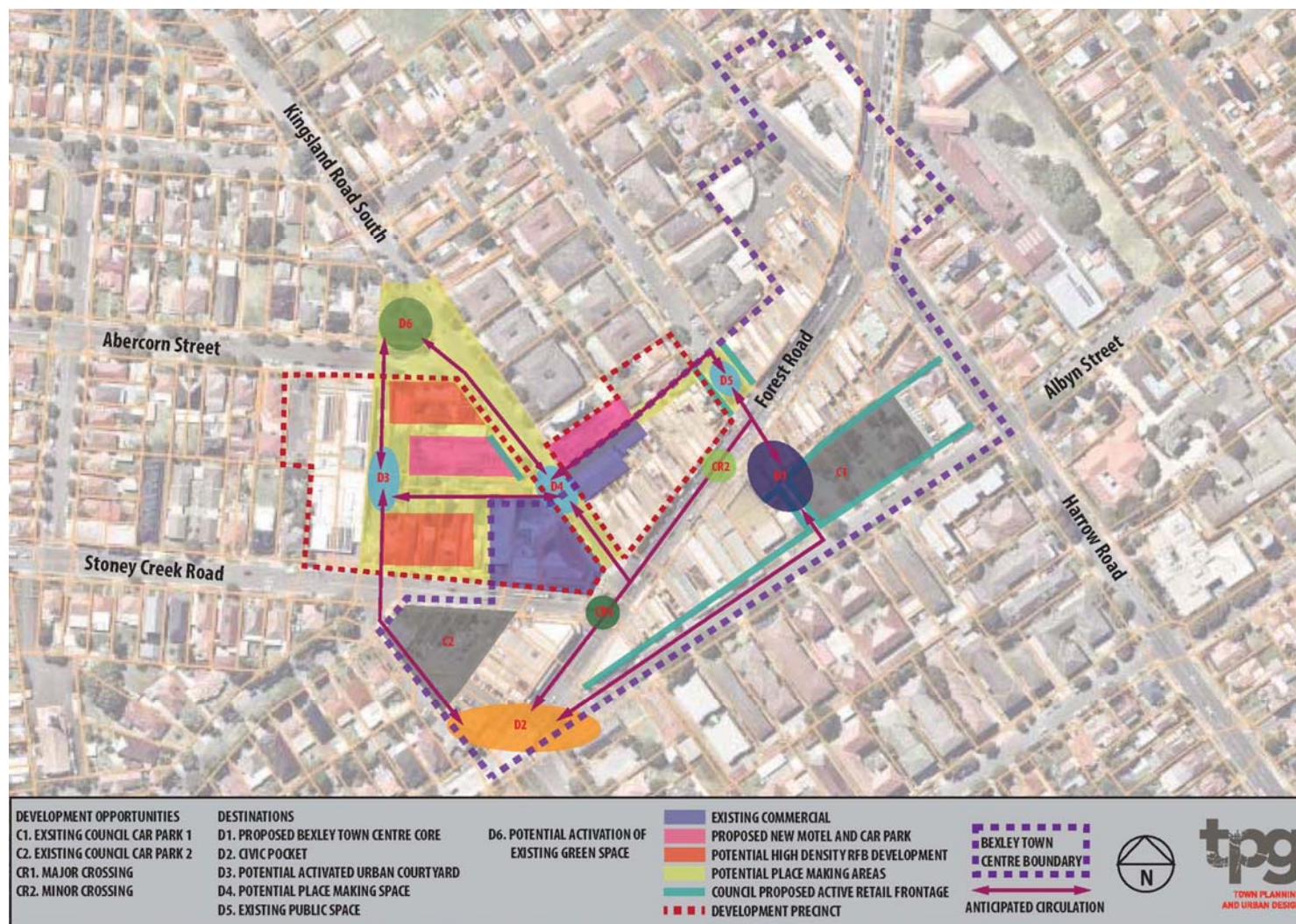


Figure 9 -Opportunity to enhance and add character to the local area

Potential to create new place making opportunities that are interconnected with existing destinations through the activation public spaces, retail frontages, new links and accessway development.

All potential urban design strategies in the public domain are to complement, not compete with Council's vision for Bexley Town Centre. Existing open spaces are revitalised and potential place making spaces are intended to be discreet laneway developments with minimal street presence.

Insight into the strategic thinking of the potential built form outcomes that the change in zoning, height and FSR may encourage.

4.1.3 Is there a net community benefit?

The PP will result in a number of net community benefits.

The amendments to the RLEP 2011 Land Use Zoning, Height of Buildings and FSR maps for the subject land would deliver a number of community benefits. In particular, the PP will:

- Facilitate appropriate residential urban infill adjacent to the Bexley Town Centre;
- allow for additional residential accommodation, which will enhance economic viability and prosperity for existing services by increasing the critical mass with the existing centre to support local businesses;
- enable residential orientated mixed use development to encourage increased investment in housing in an area of high amenity with convenient access to a variety of services and destinations, further increasing critical mass within the centre and supporting local business.
- facilitate investment in the Bexley Town Centre by motivated land owners seeking to build upon existing successful businesses such as the Forest Inn Motel;
- create significant opportunities for ongoing investment in the Bexley Town Centre through catalytic and economic multiplier effects associated with town centre expansion;
- allow more dense residential developments that will provide the opportunity for greater urban consolidation in a location capable of accommodating it. In this regard, greater density in this location will take full advantage of an urban renewal opportunity in an existing town centre and accommodating demand for housing without further exacerbating the need to extend Sydney's urban footprint;
- facilitate urban renewal within a presently underutilised area of the existing town centre by supporting economic activity;
- allow for the provision of more housing choice and visitation related accommodation in the Bexley Town Centre, in a location of high amenity and public transport accessibility, by allowing an increase in the permitted density and intensity of development on the sites; and
- allow a more detailed approach to building envelope and massing controls on the subject site, which take into consideration potential impacts on the amenity of neighbouring properties in the vicinity of the subject site, whilst also having regard to achieving a high quality streetscape outcomes and permeability in the Bexley Town Centre.

The PP will result in a net community benefit as it will allow future development to take full advantage of its location in close proximity to high frequency transport routes and hubs and infrastructure. This encourages sustainable transport use and discourages car dependence, which in turn has positive flow-on effects for the local and wider traffic network such as reduced energy consumption and a smaller ecological footprint.

4.2 Section B – Relationship to Strategic Planning Framework

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)

4.2.1.1 *A Plan for Growing Sydney*

The relevant metropolitan strategy relating to the proposed development is *A Plan for Growing Sydney* released by the NSW Department of Planning and Environment in December 2014. The plan identifies growth projections from a whole of Sydney perspective and specifically identifies Western Sydney as a key to Sydney's success. The strategy seeks to achieve the following outcomes for Sydney:

Goal 1: A competitive economy with world-class services and transport.

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles.

Goal 3: A great place to live with communities that are strong, healthy and well connected.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

A Plan for Growing Sydney identifies Sydney Airport and Port Botany as crucial transport and freight nodes that are important economic drivers for Sydney's South Subregion or South District. The main priority for the South Subregion is to facilitate good employment and transport links to support the Sydney Airport and Port Botany. It is anticipated that the potential F6 motorway will provide a major transport link running throughout the South Subregion, resulting in growth opportunities along the western shores of Botany Bay.

The Department of Planning and Environment's *Population Household and Dwelling Projections South Subregion* predicts that in the next 20 years, the subregion will encounter a population increase of 154,700 people. An increase of 62,800 households is forecasted with people aged in their 20s and 30s contributing to the growth. The subregion's population aged between 20 and 30 are crucial in supporting the local economy through employment and the expenditure of money. This demographic also contributes to growth as couples with children households or single parent households. A growing ageing population also contributes to an urgent need to provide more housing stock to accommodate the predicted 66,650 homes needed in the next 20 years.

The NSW State government's vision to accelerate the delivery of housing supply, choice and affordability to accommodate the growth in the South Subregion involves the identification of suitable locations, with input from Councils. Potential areas considered for housing intensification and urban renewal includes the following areas:

- Employment agglomerations in particular Priority Precincts;
- Areas in established and new centres; and
- Areas along key public transport corridors including the Illawara Line, south Line and Sydney Rapid Transit along the Bankstown line.

Once the areas are identified for growth, local and state government have the onus to deliver housing stock that aligns with market demand and minimum household projections. It is important to formulate policies that address affordable housing and the provision of appropriate housing stock for people at different stages of their lives.

Local councils in unison with the NSW State government seek to identify suitable locations for the development of housing and employment as outlined by the Plan for Growing Sydney. The subject sites are at an integral location with the Bexley Town Centre to provide for such visions with the proposed land use, height and FSR amendments directly aiding in achieving this goal. Through these amendments they will strengthen the economic vitality of the existing Bexley Town Centre as well as allowing for the increase in residential availability and diversity within an already well-connected area of high amenity.

4.2.1.2 South District Plans

New South Wales is currently undergoing major planning changes with the formation of The Greater Sydney Commission, which will be a governing body that overlooks metropolitan planning. The Greater Sydney Commission has the duty to form partnerships with state and local government to plan for the areas currently identified as subregions in *A Plan for a Growing Sydney*.

These individual subregions are in the process of being reclassified as districts. Each district is governed by a Commissioner and a District Plan that is tailored to suit each district's vernacular. The District Plans will elaborate on the objectives of *A Plan for a Growing Sydney* on a local level, and influence the delivery of housing, employment and

infrastructure. The subject sites proposed for rezoning are located in the South District of Sydney and includes the local government areas of Canterbury, Hurtsville, Kogarah, Rockdale and Sutherland.

The District Plan for the South District is yet to be developed and legislated. In the interim, preliminary objectives have been identified to guide planning outcomes.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan

4.2.2.1 Rockdale Community Strategic Plan 2013-2025

The Rockdale City Plan 2013-2025 was adopted by Council in April 2013. It comprises a number of plans that seek to deliver on the community's aspirations. The Community Strategic Plan 2013-2025 seeks to achieve the following four outcomes that cover social, environmental, economic and community leadership issues. These are summarised as follows:

Outcome 1 - Rockdale is a welcoming and creative City with active, healthy and safe communities.

Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.

Outcome 3 - Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.

Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.

The plan is supported by resourcing delivery plans that provided the necessary tools for implantation and performance.

Table 7 highlights how this PP will directly deliver on relevant objectives and strategies outlined within the plan.

Table 7: Rockdale City Plan: Community Strategic plan 2013 – 2025 Directions and PP Responses.

Strategic Direction	PP Response
Objective 1.3 - Our community is welcoming and inclusive and celebrates its cultural diversity and community harmony	
1.3.3 Build a vibrant and exciting City that reflects the range of cultures, entertainment, events and networks that contribute to the well being of its community	The PP will facilitate enhanced linkages and consolidation in an existing centre supporting the range of existing activities available in the centre.
Objective 1.4 - Our City has quality and accessible services, community and recreational facilities	
1.4.1 Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community	The PP will facilitate a strategic, rational and sustainable approach to intensification and growth in a location adjacent to the Bexley Town Centre
1.4.3 Ensure equitable and affordable access to services and facilities for our established and emerging communities	The PP will facilitate revitalisation and expansion of residential accommodation in close proximity to existing services as well as increase housing choice and affordability.
Objective 2.5 - Our community will be able to get around and connect with a range of effective linkages across the City and beyond	
2.5.1 Ensure that the City's transport networks and infrastructure are well planned, integrated and maintained	The PP will facilitate improved connectivity and permeability within the Bexley Town Centre at a pedestrian level.
2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living	The PP seeks to enhance connectivity, service availability and employment opportunities through increasing population density in close proximity to key public transport nodes.
Objective 3.2 - Our city comprises a thriving and robust economy with diverse industry and employment	
3.2.2 Identify and enhance opportunities for diverse employment and income generation through business growth and investment	The PP will facilitate an increase in population which will support existing town centre business functions. See Section 4.3.3.2 . The provision of additional mixed use zones will provide more commercial and retail activity, which will contribute to the local economy.
Objective 3.3 - Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors	
3.3.1 Ensure Town Centres are improved on a rolling program	The PP will promote investment by a motivated land owner and ongoing catalytic economic and multiplier effects.

Strategic Direction	PP Response
3.3.2 Provide a strategic approach to tourism	The PP seeks to enable a variety of development options, which will provide for a range of accommodation types in the region. The provision of motel accommodation is responsive to the visitation objectives of the local area.
4.1 Rockdale City's citizens are enabled, encouraged and able to participate in planning and decision making that affects the city	
4.1.1 Council engages the community in decision making, planning and delivery of outcomes	The proponent seeks to create opportunities for economic growth and transformation to assist in achieving Council's revitalisation and urban renewal goals for its town centres, with input from the wider community.
4.1.2 Build a sound partnership between council and the community and other stakeholders	

4.2.2.2 Rockdale City Urban Strategy 2010

Rockdale City Urban Strategy 2010 has been listed by Council as an important document used to inform the planning decisions conveyed in the *Rockdale Local Environmental Plan (RLEP) 2011* and *Rockdale Development Control Plan (RDCP) 2011*. The planning principles of *Rockdale City Urban Strategy 2010* relevant to the rezoning of the subject sites are include the following:

- Improve residential amenity by improving the variety and quality of new housing;
- Revitalise villages and neighbourhoods; and
- Ensure opportunities for future employment and growth.

Rockdale City Council recognises the need for growth in the LGA to attract commercial activity and future residents. One of the urban strategies to direct growth in the LGA is to concentrate future developments around the LGA's villages and local centres. The deliberate growth around the villages and local centres serve to increase activity to the area, which results in the greater vibrancy and diversity. The local population can access goods and services without the need to travel to major centres.

Rockdale City Urban Strategy 2010 identifies Bexley as a smaller centre or village of unique character that can service the surrounding community. Redevelopment is encouraged to increase density and improve built form outcome near public transport within Bexley. Rockdale City Council proposes for the provision of additional open space and pedestrian connections within what is identified as Bexley Town Centre. The Bexley Town Centre core is intended to be located on the Albyn Street car park and

activation around the core, in particular Albyn Street is encouraged. The *RLEP 2011* proposes development incentives for the provision of connections to Bexley Town Centre core through Forest Road, and the consolidation of sites within Bexley. The main objective is for developments to be more compact whereby a range of activity is accessible and located within the local centres.

This PP aligns with visions of the *Rockdale City Urban Strategy 2010* and *RLEP 2011*. The urban design strategy for the up zoning and the proposed development precinct is aimed at supporting the development of Bexley Town Centre. The up zoning will allow for more diverse activity and complement the intended activation of Bexley Town Centre.

4.2.2.3 Capacity Analysis and Built Form Study September 2010

The *Capacity Analysis and Built Form Study* was prepared to test the development potential of Rockdale LGA through maximising building height and FSR. The study was used to inform the formulation of the draft *RLEP 2011* and draft *RDCP 2011*. It is concluded that Rockdale LGA has the capacity to increase its density to provide housing and employment for its growing population.

The study cites Bexley as a precinct that is mainly residential in character. The proposed Bexley Town Centre has the opportunity to be developed into a viable destination due to its accessibility through public transport and high visibility from the busy Forest Road. Rockdale City Council also has significant land holdings, in particular the Albyn Street car park and Forest Road car park, which can be developed into appealing civic spaces for the community.

Bexley also presents some development constraints that need to be addressed to achieve good planning outcomes. The precinct is comprised of fragmented lots and strata titles that need to be consolidated to allow for a more logical and systematic approach to land use planning. Vehicular and pedestrian circulation proves to be an obstacle with the main road networks heavily congested and poor pedestrian links. Lack of rear lane access into properties also proves to be a dilemma resulting in congestion on main circulation routes.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and Building height are granted. Final = building heights cannot obstruct the airspace and are to be approved are by Sydney Airport Corporation and Department of Infrastructure and Regional Development. The following incentives apply for Bexley Town Centre:

Table 8: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

The *Capacity Analysis and Built Form Study* also classifies Bexley Town Centre under the village typology. Villages are proposed to have a zone of B4 Mixed Use to provide a greater range of uses than a local neighbourhood centre. Bexley Town Centre has the capacity to house 2500 dwellings, a small supermarket and additional specialty retail commercial operations.

The subject sites are located adjacent to the Bexley Town Centre boundary and amendment of the RLEP 2011 to a higher order B4 zoning will enable Rockdale Council to meet residential and mixed use targets whilst providing for a greater range of services and amenities in the Bexley Town Centre. The rezoning of the land and the additional height and FSR, if approved, will allow for the creation of a supplementary precinct to the Bexley Town Centre that will predominately provide residential flat building accommodation whilst also offering the flexibility of potential future business developments.

4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

4.2.3.1 Overview of State Policy

There are a number of SEPPs that apply to the site and these are outlined in **Table 9**.

Table 9 Response to Relevant SEPP applicable to proposed amendments.

Relevant SEPP	Response
SEPP 1 – Development Standards	The PP will not contain provisions that will contradict or hinder the application of SEPP.
SEPP 4- Development Without Consent and Miscellaneous Exempt and	The PP will not contain provisions that will contradict or hinder the application of

Complying Development	SEPP
SEPP 6- Number of Storeys on a Building	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 55 – Remediation of Lands	Refer Section 4.2.4.5
SEPP 65 – Design quality of residential flat development	Refer Section 4.2.3.2
SEPP (housing for seniors or people with disability) 2004	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP (Building Sustainability Index: BASIX) 2004	The future residential components of the development will be subject to the requirements of this SEPP.
SEPP (Infrastructure) 2007	The PP has considered the relevant parts of the SEPP (Infrastructure 2007) namely traffic development and is considered consistent. See Section 4.2.3.4
SEPP (Affordable rental housing) 2009	The PP will not contain provisions that will contradict or hinder the application of SEPP

4.2.3.2 State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

Whilst the objective of the Urban Design Strategy was not to provide a detailed design or built form; overarching design matters such as height, setbacks and solar access are critical issues to be considered at the PP stage to ensure that an appropriate built form can be achieved prior to detailed design processes occurring.

As such, the proposed building envelope identified in the Urban Design Strategy report is consistent with SEPP 65 and its controls and rules of thumb, in particular those pertaining to building separation and daylight access of residential flat buildings. In addition to this, further refinements have been incorporated in the building envelope to ensure an appropriate response to streetscape can be achieved. TPG's Urban Design Strategy provided as **Appendix D** notes the following development principles for the proposed development precinct:

- Amalgamation of fragmented land parcels to achieve cohesive land use, FSR and building heights that are responsive to the local context;
- Investigate the existing development incentives of bonus FSR and building height that is permissible for higher density built form;
- Propose a maximised built form potential near Bexley Town Centre to complement the anticipated growth of the town centre precinct;
- Achieve built form and amenity that reflect the preferred standards set by *SEPP 65 Apartment Design Guide*;
- Integrate appropriate setbacks, articulation and distribution of bulk to provide solar access and public spaces in between building blocks; and
- Provision of efficient links and circulation between the proposed development precinct and Bexley Town Centre to improve permeability and public domain.

Table 10 – Response to SEPP 65 Apartment Design Guide Principles

Provision	Response
<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<ul style="list-style-type: none"> • Responds appropriately to the town centre location in proximity to the local railway stations and bus services. • Responds to the transitional urban scale of Bexley Town Centre and proposes residential mixed use that is consistent with the future character of the town centre locality. • Consistent with state government aim to revitalise existing town centres with higher density residential development. • Establishes a precinct approach to built form at the intersection of Forest Road, Kingsland Road South and Stoney Creek Road.
<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and</p>	<ul style="list-style-type: none"> • The proposed form is consistent with the appropriate future scale for Bexley and does not seek to upscale above a height that is not already permitted in the town centre. • The proposed heights provide an appropriate transition from surrounding lower residential development to a height that is already permissible in the Bexley Town Centre. • The proposed form will reinforce the street edge interface with the public realm, whilst formalising new linkages within the town centre. • Activation at ground level will assist in defining the character at the street edge and

Provision	Response
parks, including their views and vistas, and provides internal amenity and outlook	<p>enhancing the amenity of the street and public realm.</p> <ul style="list-style-type: none"> The proposed activation of urban courtyards and laneways in open spaces between the buildings can break up the bulk of the buildings. The proposed of well-designed open spaces will add to the streetscape, amenity and outlook of the local area.
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<ul style="list-style-type: none"> The proposed form provides for increased housing and business opportunities in an area where it is most appropriate, with convenient access to public transport and local retail and community facilities. The density of the development responds to the appropriate future scale of the Bexley Town Centre as it is of a scale that is already permissible in the centre. The increase in residential activity will assist in supporting local businesses and thereby enhance economic and social sustainability. The increase in density through the provision of greater housing stock will accommodate the projected population growth of Rockdale LGA.
<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<ul style="list-style-type: none"> Building bulk is designed to ensure appropriate solar access to neighbouring properties and internal tenancies/ residences. Intensification in a location adjacent to the existing town centre in an area of high amenity with access to local services will reduce reliance on private vehicles and encourage public transport use. The proposal will increase residential opportunities in an area of high amenity encouraging walking instead of driving.
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and</p>	<ul style="list-style-type: none"> The Urban Design Strategy acknowledges the potential the Bexley Town Centre has to become a more vibrant and pedestrian friendly place. The provision and activation of green spaces for the public will contribute to the natural

Provision	Response
<p>contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>environment and the local area's liveability.</p> <ul style="list-style-type: none"> The facilitation of well planned open spaces will encourage social interaction and active lifestyles.
<p>Principle 7: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility..</p>	<ul style="list-style-type: none"> The proposed form is well oriented to allow for appropriate solar access, ventilation and outlook for all dwellings. In conjunction with setbacks to shared boundaries, the building envelopes are of sufficient depth to ensure that rational and efficient floor layouts can be achieved in the proposed building envelope. Increased residential opportunities will enhance and strengthen local amenity by providing the critical mass to support existing and future businesses.
<p>Principle 7: Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<ul style="list-style-type: none"> Passive surveillance of local streets, links and public places is maximised through orientation of built form, which will ultimately include units and balconies overlooking these places. The activation of ground floor spaces will assist in activation of the street during day and night time hours to promote surveillance and safety. An integrated development of the sites will eliminate the current poor surveillance and create a more purposeful demarcation between public and private realm. The provision of private open spaces within a development will allow for passive surveillance of public areas and linkages. Adequate lighting and restricted accessibility to be applied to private areas to achieve safe and secure access points.

Provision	Response
<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<ul style="list-style-type: none"> The proposed form will enable a variety of apartment types to cater for a variety of budgets and needs. Intensification of residential activity in the Bexley Town Centre will support local business enhancing viability and diversity of local amenities.
<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<ul style="list-style-type: none"> The proposed form and indicative design provides a framework to achieve a high quality contemporary style as a part of a future detailed design process. Activated street frontage will provide a desirable aesthetics to the street.

4.2.3.3 *Development Near Rail Corridors and Busy Roads – Interim Guidelines*

Development Near Rail Corridors and Busy Roads - Interim Guidelines is not a SEPP but a guideline that assists in the design of land uses near transport corridors.

The site's proximity to local rail and bus services allows the development to take advantage of the State government's response to higher density residential development near rail corridors. The State government emphasises the importance of integrating land uses and taking advantage of public transport, especially in designing medium to high density developments. The State government emphasises the importance and need in utilising transport corridors:

“The land use strategies for transport corridors and centres are all important components of the Government's suite of planning initiatives to meet the priorities in the State Plan, including: providing places and locations for services, commercial and business activities and a range of other employment and economic activity, increasing densities and clustering business and other activities in strategic centres, and increasing public transport use and improving liveability” (Development near Rail Corridors and Busy Roads – Interim Guideline, December, 2008).

This PP is considered to achieve the objectives of the Interim Guideline by providing higher density mixed use housing in an area close to public transport, which reduces the reliance on cars. The development is of high accessibility and therefore meets the intent of the Interim Guidelines.

4.2.3.4 Infrastructure SEPP 2007 - Clause 102 Impact of road noise or vibration on non road development

The State Environmental Planning Policy that needs to be addressed in the PP is *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*. It was introduced to facilitate the delivery of infrastructure such as hospitals, schools, railways, roads, power and water supplies and other necessary services across the State by improving regulatory certainty and efficiency.

Clause 102 of the Infrastructure SEPP specifies that development adjacent to a road corridor is subject to adverse road noise and vibration. Development consent is granted if the development satisfies permissible noise levels during certain times of the day.

Clause 102 of the *Infrastructure SEPP* states as follows:

102 Impact of road noise or vibration on non road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

(a) a building for residential use,

(b) a place of public worship,

(c) a hospital,

(d) an educational establishment or child care centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.

The PP will achieve objectives of *Infrastructure SEPP 2007* by identifying the approvals process involved regarding development that may be exposed to road noise and vibration that is above the prescribed LAeq levels. Development located near State classified roads like Forest Road and Stoney Creek Road will undergo noise and vibration analysis to establish appropriate sound attenuation for the development, if necessary.

This is a matter that can be addressed and managed at the detail design and development application stage.

4.2.3.5 **Infrastructure SEPP 2007 - Clause 104 Traffic generating development**

Clause 104 of *Infrastructure SEPP 2007* will need to be addressed in this PP as the amendments will result in an increase in density that may trigger additional traffic volume that needs to be assessed by the RTA. For **Clause 104** of the *Infrastructure SEPP 2007* to apply a proposed development must trigger the ‘relevant size or capacity’ threshold under Subclause 104(2)(a,) which refers to thresholds contained within Column 2 and Column 3 of the Table to Schedule 3 of the *Infrastructure SEPP*. The subject sites are located on a classified road thus are subject to Column 3 thresholds, which include:

Table 11 – Capacity threshold for the application of Clause 104 of Infrastructure SEPP 2007

Column 1: Purpose of development	Column 3: Size or capacity-site with access to a classified road or to a road that connects to a classified road
Apartment or residential flat building	75 or more dwellings
Shops	500m ²
Shops and commercial premises	1000m ²

Proposed development that reach a capacity outlined in Schedule 3, resulting in critical traffic generation, will be referred to the RTA for assessment. Traffic generation issues will be assessed in a survey by Car Parking by Parking and Traffic Consultants in **Appendix F**, to ensure that the PP does not stray away from the appropriate capacity outlined in **Clause 104**.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (117 directions)

4.2.4.1 1.1 Business and Industrial Zones

The objectives of this Direction are to:

- encourage employment growth in suitable locations;
- protect employment land in business and industrial zones; and
- support the viability of identified strategic centres.

This direction aims to ensure the economic and efficient development of existing business areas and centres, and related public services. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

It is considered that that PP is consistent with the Ministerial Directions as it proposes an increase in residential density that will directly support the existing functions of the Bexley Town Centre.

4.2.4.2 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A PP is considered consistent with this Direction when:

- the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land; or
- the provisions of the planning proposal that are inconsistent are of minor significance.

It is considered that the PP is consistent with this Direction as it is it does not contain identified heritage items and is not located within a Heritage Conservation Area. The subject site is not located in close proximity to any state significant heritage items. Two local heritage items (Anglican Church and Hall, and a Stone Dwelling) are located near-by to the proposed site although the redevelopment outlined by this PP does not impose any impact to either.

4.2.4.3 3.1 Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- any other zone in which significant residential development is permitted or proposed to be permitted.

A significant portion of residential development is permissible on the subject site; therefore, this direction applies. This PP is consistent with this direction as it will provide for increased housing densities adjacent to an existing town centre. The planning proposal will encourage the provision of housing that will:

- assist in broadening and diversifying the choice of building types and locations available in the housing market in an area that has yet to undergo significant redevelopment;
- make more efficient use of existing infrastructure and services by increasing availability of housing in an area well serviced by regular public transport services;
- reduce the consumption of land for housing and associated urban development on the urban fringe, by intensifying housing and business opportunities in the existing urban footprint; and
- promote high quality contemporary design outcome that will improve the existing character of the Bexley Town Centre.

Importantly, the proposed rezoning of some sites from R2 Low Density Residential to a B4 Mixed Use and R4 High Density Residential zoning will allow for increased provision of residential uses than is currently permissible. Therefore this PP is consistent with this Direction.

4.2.4.4 3.4 – Integrating Land Use and Transport

This direction applies to all Councils when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The PP has been considered against the provisions of this direction and is considered acceptable for the site. The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- improve access to housing, jobs and services by walking, cycling and public transport;
- reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and

- support the efficient and viable operation of public transport services.

The PP will allow for the future residential development of the site, which will include both commercial and residential land uses that are appropriately located to take advantage of the existing public transport and town centre amenity in close proximity to the site.

4.2.4.5 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land containing Acid Sulphate Soils. This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps.

The PP and any subsequent DA will be considered against the applicable Acid Sulphate Soils map, which identifies the subject sites within a Class 5 Acid Sulphate Soils area.

At present, residential development is currently a permissible form of development in a Class 5 area and therefore matters relating to Acid Sulphate Soils should not impact the rezoning of the site to permit additional height and FSR on the subject site, which may be addressed with a more appropriate level of detail as a part of any future DA.

4.2.4.6 4.3 Flood Prone Land

The objectives of this direction are to ensure that:

- development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and
- the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

There is only one site (site 3) within the total subject sites that contains area identified as being a flood planning area. This is a small section of site 3 and the remainder of the site has not been identified as being located within a flood planning area.

As only a small portion of the proposed area to be rezoned is included within this PP, it is considered that any flooding related matters can appropriately be addressed as a part of a detailed design analysis at DA stage. The PP does not involve the rezoning of existing special uses, recreational and areas or environmental protection into proposed

residential, business or industrial use. As a result, it is not critical for the PP to address flood issues at PP stages. The PP will respond to relevant flood related development controls and provide further analysis to the satisfaction of the Secretary, if required.

4.2.4.7 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, which is the RLEP 2011. The PP does not seek to unnecessarily restrict the site.

4.2.4.8 7.1 Implementation of A Plan for Growing Sydney

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A *Plan for Growing Sydney*. The Direction applies to a number of listed Local Government Areas (LGA), which includes the LGA of Rockdale.

It is considered that this PP is consistent with this Direction in that it will assist in delivering on the outcomes envisaged by the strategy as outlined in **Section 4.2.1.1. Appendix I** provide a summary of consistency with all Section 117 Directions.

4.3 4.3 Section C – Environmental, Social and Economic Impact

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is considered unlikely that the site will contain critical habitat as it has been cleared of any natural vegetation and used for residential purposes for a significant period of time.

There is no critical habitat, threatened species populations or ecological communities, or their habitats on the site. There does not appear to be the need for a Local Environmental Study.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This PP proposes to increase the maximum height and FSR permissible on the subject site. Whilst this will result in a change in impacts resulting from increased building bulk, it is considered that these are appropriate and manageable in the context of the Bexley Town Centre with close proximity to road and rail based transport networks. The impacts on building bulk can be appropriately managed as outlined in the Urban Design Strategy within **Appendix D** and further assessed against RLEP 2011 objectives for height and FSR within the Rockdale LGA as follows:

4.3.2.1 Height

The proposed amendment to the RLEP 2011 Height of Buildings development standard for the subject site seeks to allow future development on the site to facilitate a more appropriate contextual response to its Bexley Town Centre location that allows for the orderly and economic expansion of the centre and encouraging urban renewal outcomes to occur.

The Urban Design Strategy provided as **Appendix D** considers potential building envelopes for the subject site that utilises the proposed amendment to the RLEP 2011 Height of Buildings Map. The Urban Design Strategy also demonstrates the proposed heights for identified sites to be rezoned are consistent with those already permissible in the Bexley Town Centre.

This proposal takes into consideration potential overshadowing and urban design amenity impacts as detailed in the accompanying Urban Design Strategy.

The PP is consistent with the objectives of Clause 4.3 Height of Buildings as it will establish the maximum limit within which buildings can be designed and floor space can be achieved in a manner that is consistent with heights already permissible in the town centre. The proposed height limit for the subject site is also consistent with Council's Bexley Town Centre incentives. This will encourage a high quality urban form that enables a consistent approach to building height in the town centre precinct and also within identified expansion areas as identified within this PP.

As demonstrated in the Urban Design Strategy at **Appendix D**, through articulation of upper levels and careful orientation of built form, an appropriate built form outcome can be achieved within the proposed building heights in a manner that maintains satisfactory outdoor exposure and daylight to buildings, key areas and the public domain. The PP focuses density within the town centre itself but is cognisant of transitional heights towards surrounding lower scale development to ensure compatibility of form and scale.

4.3.2.2 Floor Space Ratio

This PP seeks to amend the existing permissible FSR on the site as outlined in **Section 2**. The proposed FSR is based on site testing of the building envelope for the subject site outlined the Urban Design Strategy outlined in **Appendix D**.

The PP is consistent with the objectives of Clause 4.4 Floor Space Ratio. It will establish a maximum development density and intensity of land use for an area that represents an orderly approach to the expansion of the Bexley Town Centre. The proposed FSR is consistent with the existing permissible density within the centre and therefore will not significantly impact on the availability of infrastructure and as demonstrated in **Section 4.3.2.3** and the Traffic and Parking Assessment at **Appendix F**, will not result in unmanageable traffic volumes or impacts. The proposed FSR for the subject site is also consistent with Council's Bexley Town Centre incentives. The PP will also result in significant improvements in the pedestrian environment to make a positive contribution to the desired future character of Rockdale as a connected and lively centre.

As demonstrated by solar analysis diagrams the indicative built form will minimise adverse environmental effects on the use or enjoyment of adjoining properties and maintain an appropriate visual relationship between proposed building envelopes to enhance the character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

4.3.2.3 Traffic Impact Assessment

A traffic and parking assessment has been undertaken by Parking and Traffic Consultants (PTC) and is provided at **Appendix F**. This review has concluded that the PP, with its proposed development options, will have minimal impact on the local road network. The assessments done on surrounding intersections indicate that the local road network has capacity to accommodate the additional traffic activity during peak AM and PM hours. The parking provision of 144 – 169 car spaces could be required and this can be accommodated as a mix of at-grade and underground parking. The amalgamation of the allotments to result in two larger lots, will replace several existing driveways and direct traffic in a more efficient manner. Movement of vehicles around Abercorn Street, Stoney Creek Road and Kingsland South Road can be distributed more evenly. It is also noted by PTC that the impact of the Westconnex project on the existing local road network is highly speculative due to the many variables influencing the project. The actual traffic conditions that result from the Westconnex project cannot be verified until post construction assessment of the traffic activity of the area.

4.3.3 How has the planning proposal adequately addressed any social and economic effects?

4.3.3.1 Social Impact Comment and Review

Given this PP proposes a change to the planning legislative landscape, it is important to take into account the potential social impacts at this early planning phase.

This proposal to amend maximum permissible FSR and height on the subject site located in the Bexley Town Centre will facilitate change, however it is considered that such change is likely to result in positive social consequences that will enhance the lifestyle of the existing and future community in Bexley and the Rockdale LGA.

This planning proposal is intended to create a framework to enable the further residential development by existing land and business owners who aims to undertake significant investment in the locality. Such investment will act as a catalyst for positive change in the Bexley Town Centre. It is intended to support population growth, which in turn will result in greater utilisation of existing retail and transport infrastructure. The PP intends to achieve activation at the ground level and integration through the use of ground floor and laneway spaces. This will greatly assist in improving resident and community amenity and quality of life as well as support economic development and revitalisation in the area.

As a result of undertaking this preliminary review of social impacts, it is considered that at this stage in the process a comprehensive social impact assessment to support this PP is not necessary.

4.3.3.2 Economic Impact Comment and Review

There will be little change (if any) to the actual amount of retail and commercial floor space on the site as a result of the PP. It is therefore considered that further economic review and analysis is necessary to identify the value of proposing high density residential or motel use in the area. There will not likely be any impact on the retail hierarchy of the centre due to this proposal. The economic considerations are favourable with the future development of the site providing improved and revitalised facilities for business and contributing to broader dwelling supply.

The economic analysis by AEC Group Ltd identifies the anticipated growth in Rockdale's LGA and the need to provide housing stock to accommodate the growth. The proposed rezoning in the PP allows for an infill area in Bexley to be developed for greater commercial viability. The assessment indicates that if site 2 is rezoned into B4 Mixed use, it has the potential to increase in value and density to contribute to the local economy. The economic benefit of rezoning the site results in the following benefits:

- efficient and effective use on infill land;
- contribution towards easing housing affordability
- provision of homes close to jobs and infrastructure;
- retail expenditure.

It is concluded that the development of residential dwellings on the site will result in an increase in retail expenditure due to the increase in population of the local area. Based on the ABS Household Expenditure Survey, it is anticipated that such a development will inject an estimated \$1.7 million into the local economy. The local retail and commercial services will be supported by the up zoning of the land parcels. The PP will also facilitate the urban renewal of an existing asset for site optimisation. The detailed economic analysis forms part of this PP as **Appendix G**.

4.4 Section D – State and Commonwealth Interest

4.4.1 Is there adequate public infrastructure for the planning proposal?

As the subject sites are in an existing urban area both within and adjacent to the Bexley Town Centre, adequate public infrastructure is available to support the land use rezoning and increase in density that will be achieved by increasing height and FSR. In particular, the subject site:

- provides ready access to existing and future local activities provided within the Bexley Town Centre; multiple local activity centres (Hurstville, Kogarah and Rockdale); centres along the global economic corridor; as well as the wider metropolitan train network;
- is in close proximity to Rockdale train station and the M1 and M5 motorways providing excellent metropolitan and regional connectivity;
- is in close proximity to a number of community and recreational facilities including Bexley Community Centre, Bexley Manor Hall and Bexley RSL and Community Club;
- has ready access to a number of health opportunities including local Bexley Medical Centre, Bexley Dental and educational establishments like Bexley Public School and St Mary & St Mina's Coptic Orthodox College;
- is in close proximity to the main transport gateway of Sydney Airport and freight centre of Port Botany, therefore motivating the provision of motel and high density residential uses to service people working in the precinct.
- is located within the Bexley Town Centre, which contains a mix of retail, commercial and residential land uses, providing access to services and daily needs within a short walking distance.
- the Traffic and Parking Assessment by PTC confirmed that the existing road network can accommodate the proposed additional development.

It is also noted that the PP, whilst seeking a more flexible land use and greater density on site, is not likely to require or create demand for new infrastructure when considering the permitted density of development within the Bexley Town Centre and in the vicinity of the site. In fact, more suitable development of the site will better utilise existing

infrastructure as well as the overall intention of the PP, which is to create a more viable and appropriate building envelope on the subject sites given its town centre location and context.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities will be consulted following the outcomes of the gateway determination. Consultation can be carried out in accordance with the EP&A Act.

5. Mapping

This Planning Proposal includes the following amendments to the RLEP 2011 maps provided here in accordance with 'A guide to preparing planning proposals' prepared by the Department of Planning and Environment (2012).

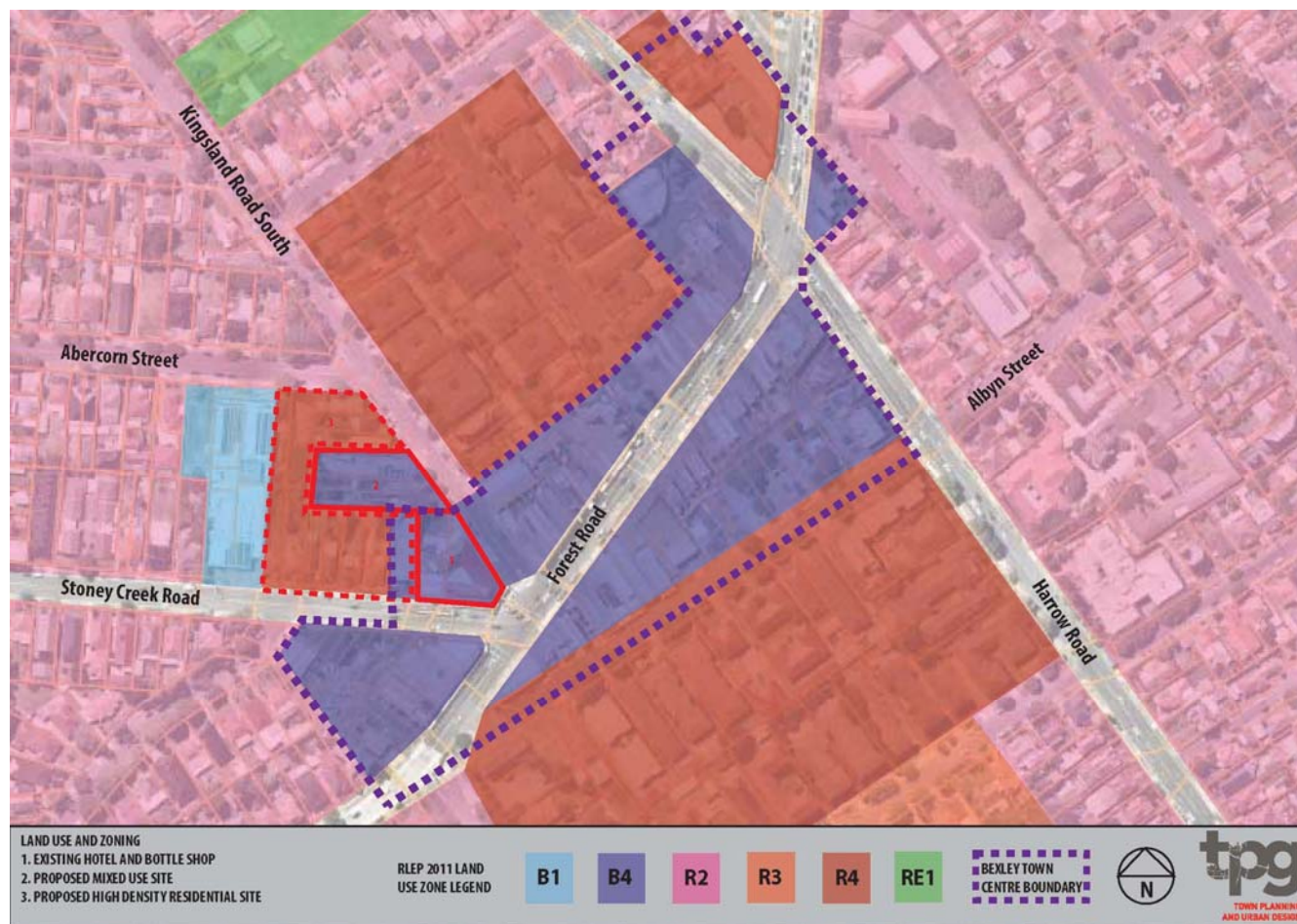


Figure 10: Proposed Land Zoning Map amendment under RLEP 2011 (with site outlined in red line)

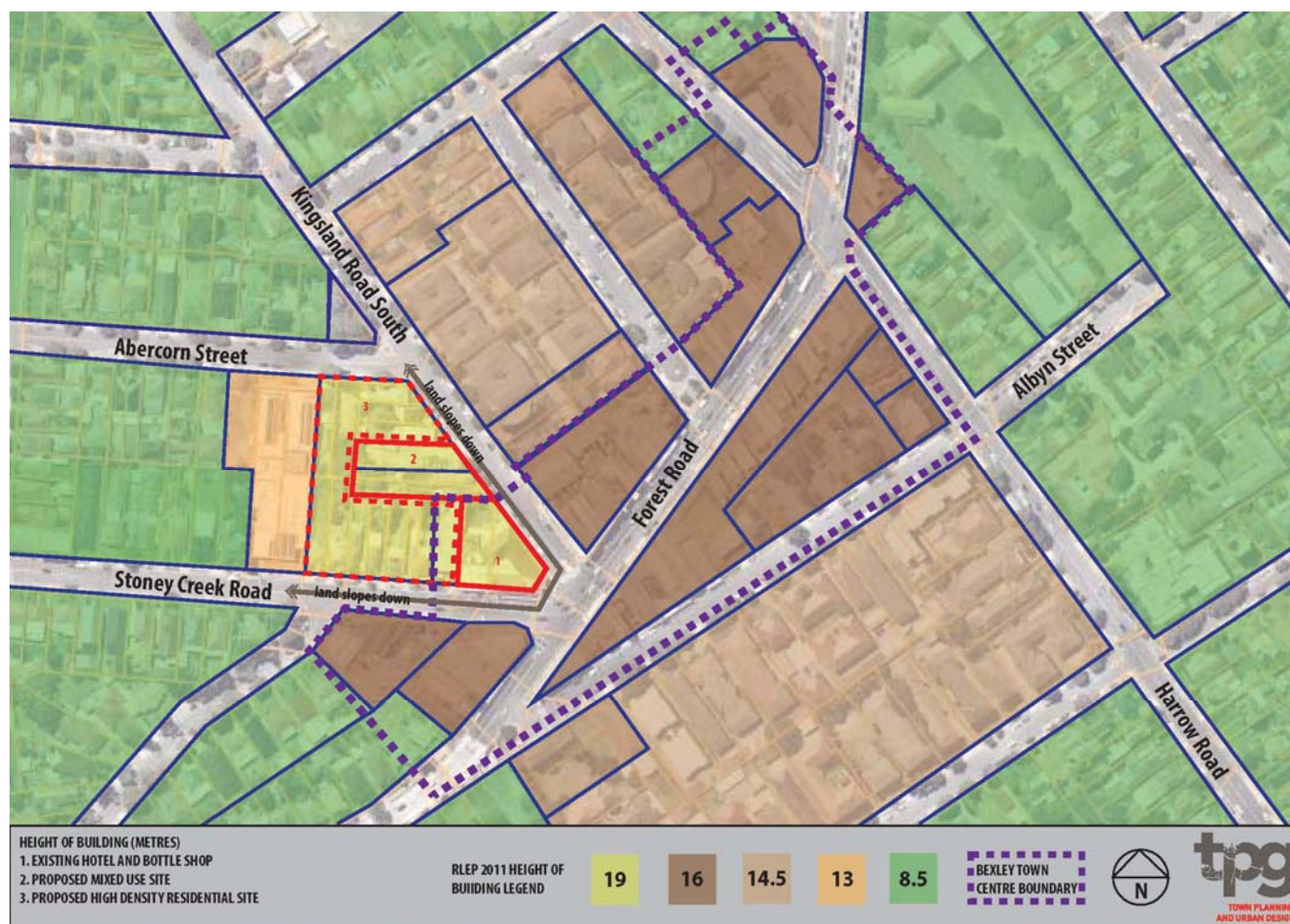


Figure 11: Proposed Height of Buildings Map amendment under RLEP 2011 (with site outlined in red line)

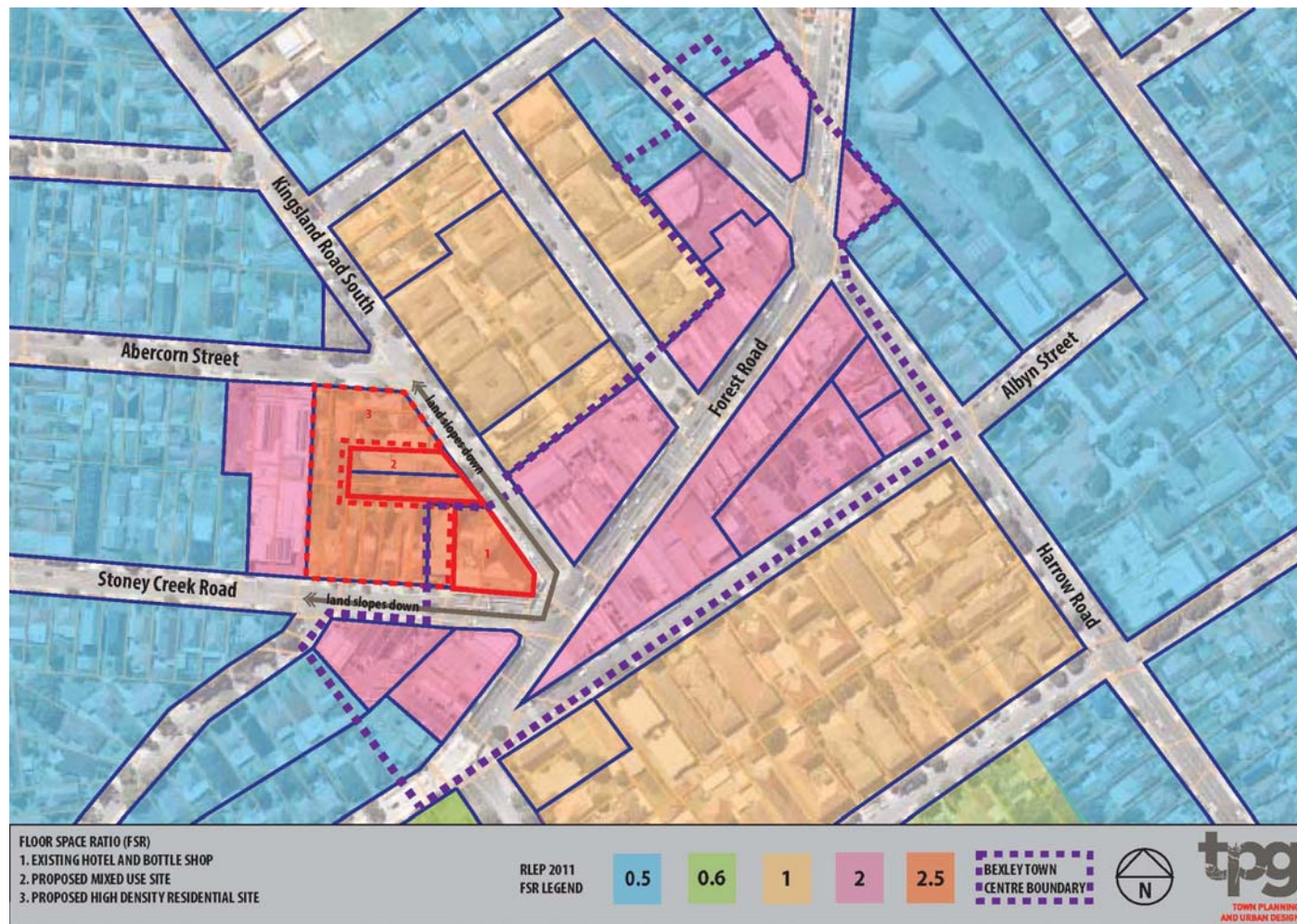


Figure 12: Proposed Floor Space Ratio Map amendment under RLEP 2011 (with site outlined in red line)

Mapping amendments are also provided at **Appendix A, B and C.**

6. Community Consultation

The proponent has not yet undertaken community consultation. It is usual for the planning authorities in Rockdale City Council to conduct community consultation in accordance with the relevant provisions of the EP&A Act and Regulation. This is likely to include newspaper advertisement, public exhibition at Council offices and on Council's website, notification letters to adjacent property owners, and public hearing for reclassification of the land.

Engagement with Council's planning officers in the preparation of the PP and Urban Design Strategy occurred on 2 May 2016 and 15 June 2016. The meetings and the submission of a draft version of the PP and Urban Design Strategy, on 26 June 2016 for Council to comment, has resulted in the resolution of various strategic planning issues.

7. Anticipated Project Time Frame

The following chart provides an indicative time frame for establishing the proposed zoning for the subject site.

Stage	2016					2017									
Month	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O
Proposal Lodged with Council															
Council Endorsement															
DPE Assessment															
Gateway Determination															
Agency Consultation															
Community Consultation															
Consideration of Proposal Post Exhibition															
Council Assessment															
Submission to DP&E to finalise LEP															
DPE Assessment															
Plan Making															

8. Conclusion

This PP has been prepared to seek an amendment to the RLEP 2011 land use zoning, maximum floor space ratio (FSR) and maximum height of building development standards, which apply to the subject sites along Forest Road, Kingsland Road South and Stoney Creek Road, Bexley.

It is concluded that this PP considers all matters required to be addressed under the requirements for a planning proposal and has:

- taken into account and is consistent with State Government policies;
- taken into account and is consistent with all Ministerial Directions under Section 117 of the EP&A Act;
- identified that the site is suitable for the proposed amendments will not adversely impact any existing or future centres nearby; and
- demonstrated that it will bring about a number of net community benefits as well as economic improvements to the Bexley Town Centre.

The PP will facilitate future redevelopment of the subject site in a manner that will:

- provide for the orderly and economic expansion of the residential component of the Bexley Town Centre.
- provide for increased residential activity in and adjacent to the existing Bexley Town Centre in line with the vision outlined in *A Plan for Growing Sydney*;
- enable urban renewal in the Bexley Town Centre to establish mixed buildings of a suitable design, character and scale to correspond to the desired future character of the centre as an urban scaled and lively mixed use precinct;
- be appropriate in its context in terms of scale, form and design to take full advantage of local rail and road based transport , whilst appropriately managing visual and amenity impacts of building bulk on the surrounding town centre and residential context;
- enhance the economic strength of Bexley Town Centre and the Rockdale LGA by increasing population and bringing more visitors to the centre;
- enhance connectivity and permeability and place making qualities in the town centre by creating opportunities for new links that connect existing and future destinations;
- be able to meet car parking needs for the development and represents a reasonable increase in traffic that can be accommodate by the surrounding traffic network;
- include a broad range of positive social and economic effects in the locality catalysing urban revitalisation outcomes;
- be able to meet the objectives of relevant planning instruments. Where specific environmental impacts have been identified, this PP demonstrates that these can and will be appropriately managed to minimise potential land use conflict and adverse impacts;

- not result in any significant impacts relating to scale, bulk and height resulting from the proposed amendment to maximum height and FSR under the RLEP 2012;
- be consistent with the existing and desired future character of the locality by promoting infill residential development in an area where it should be most logically applicable.
- introduce a high quality contemporary character to the Bexley Town Centre as urban renewal outcomes occur as a result of the PP; and
- not result in a built form that causes unreasonable impact on adjacent properties in terms of sunlight access, acoustic, visual privacy or views, or significant heritage values;

In light of the above, the PP will result in development controls that will assist in facilitating a high quality contemporary built form that will be a catalyst for the urban renewal and economic support of the Bexley Town Centre.

Given the above assessment, the PP has planning merit and is considered to be in the public interest.

APPENDIX A - Proposed Amendment to the Rockdale Local Environmental Plan 2011 Land Zoning Map



LAND USE AND ZONING

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. PROPOSED MIXED USE SITE
- 3. PROPOSED HIGH DENSITY RESIDENTIAL SITE

RLEP 2011 LAND
USE ZONE LEGEND

B1	B4	R2	R3	R4	RE1
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BEXLEY TOWN
CENTRE BOUNDARY

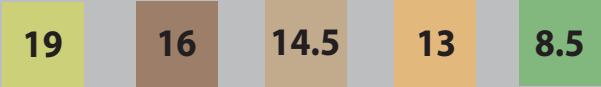
APPENDIX B - Proposed Amendment to the Rockdale Local Environmental Plan 2011 Height of Buildings Map



HEIGHT OF BUILDING (METRES)

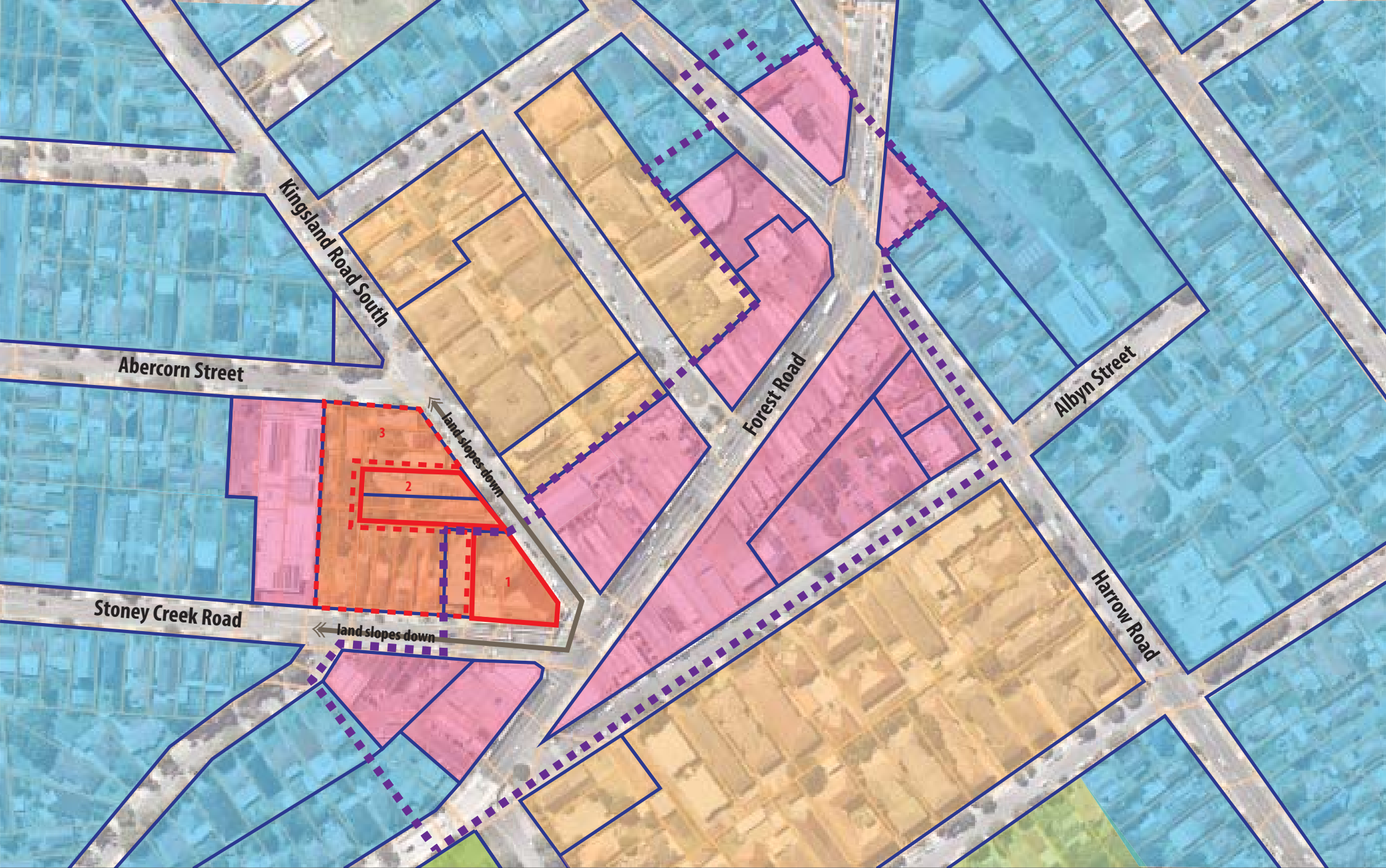
- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. PROPOSED MIXED USE SITE
- 3. PROPOSED HIGH DENSITY RESIDENTIAL SITE

RLEP 2011 HEIGHT OF BUILDING LEGEND



BEXLEY TOWN CENTRE BOUNDARY

APPENDIX C - Proposed Amendment to the Rockdale Local Environmental Plan 2011 Floor Space Ratio Map



APPENDIX D - Urban Design Strategy

Urban Design Strategy

Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment

Kingsland Road South, Bexley

August 2016

DOCUMENT REVIEW SHEET

CLIENT: Angelo Elliot

PROJECT: Kingsland Street South, Bexley

TITLE: Urban Design Strategy- Land use rezoning, Floor Space Ratio and Height of Buildings Amendment

DOCUMENT REFERENCE NO: 215.164 Kingsland Rd Bexley - planning advice\4 Documents\Final

PROJECT MANAGER: Helen Deegan

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Executive Summary

This document has been developed in support of the planning proposal (PP) prepared by TPG Town Planning and Urban Design (TPG) for the following land parcels on Kingsland Road South, Bexley:

Table 1: Property details

Site Number	Site Address	Existing Buildings	Existing Land Use Zones	Existing Building Height	Existing FSR
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	B4 – Mixed use	16m	2:1
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	R2 – Low Density Residential	8.5m	0.5:1
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8, 8A, 10, 12, 14, 16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	R2 – Low Density Residential	8.5m	0.5:1

This document demonstrates in terms of urban design, place making and from an amenity impact perspective an amendment to the Rockdale City Council Local Environmental Plan (LEP) 2011 in its land use zoning, FSR and maximum height of buildings is appropriate for the subject sites and has planning merit. Architectural and urban design investigations have been undertaken in the preparation of this urban design strategy for the subject sites.

1. Introduction and Background

1.1 Purpose of Report

This Urban Design Strategy document has been prepared by TPG Town Planning and Urban Design (TPG) on behalf of our client Angelo Elliot. Angelo currently owns and operates the existing Forest Inn hotel, an adjacent motel facility and several parcels of land including 1, 3 and 5 Kingsland Road South within the subject site. He has a strong desire to provide additional motel uses within the precinct, and seeks to encourage redevelopment to support revitalisation of this part of the Bexley Town Centre.

This document forms part of a Planning Proposal (PP) application for the rezoning of a precinct bounded by Kingsland Road South, Abercorn Street and Stoney Creek Road., Bexley. The subject sites have been considered within a proposed development precinct that complements Rockdale City Council's vision for the activation and renewal of the Bexley Town Centre.

The rezoning proposes to include various changes to zoning, height and FSR for the subject site. This involves increasing height and floor space ratio (FSR) to allow for consistent application of height and FSR to a scale already permitted within the existing Bexley Town Centre.

The purpose of the PP is to facilitate infill development in a location currently underutilised and to also benefit the Bexley Town Centre by allowing it to take further economic advantage of its location in close proximity to the Sydney Airport. In achieving this, the proposed PP will contribute to the ongoing revitalisation and renewal of the Bexley Town Centre by enabling higher density residential development that will support the existing town centre.

This report aims to identify opportunities and impacts associated with the proposed land use rezoning and increase in height and FSR. Development standards from state to local level have been considered to deliver a set of urban design strategies that serve to enable the optimised and sustainable delivery of new suitable development within the precinct.

1.2 Drivers for Change

A Plan for Growing Sydney seeks to make Sydney a more connected and sustainable city through infrastructure, housing, community facilities and services. According to the Department of Planning and Environment's population study, *State and Local Government Area Population Projections: 2014 Final*, it is anticipated that Sydney's population will grow by 1.6 million people in the next 20 years. Sydney is currently encountering challenges to provide housing,

infrastructure and services to respond to the population growth. It is imperative for all stakeholders, with a vested interest in the city, to promote strategies that will improve the amenity, accessibility and sustainability of all communities.

The NSW Government has a vision for Sydney to be a strong global city and a great place to live through the following goals:

- Better accessibility for Sydney's residents to move between homes, jobs and the centres for retail, services and open spaces;
- Improving the variety of housing available to suit the changing demographics of Sydney;
- Delivery of new infrastructure that supports community growth and the strengthening of the economy; and
- Preserve Sydney's highly prized environment comprised of harbours, coasts, mountains, parks and open spaces.

This Urban Design Strategy resonates with Goal 1 of *A Plan for Growing Sydney* in identifying the potential for Sydney to become a competitive economy, equipped with world class services and transport. The aim of Goal 1 is to enhance the capacity at Sydney's transport gateways and freight networks. The intent to develop critical transport and freight precincts like Sydney Airport and Port Botany results in the potential for neighbouring suburbs to grow. Bexley is located near the aforementioned precincts, with important arterial links such as the M4, M5 and Forest Road servicing the locality. Land uses and proposed rapid transport investments near the precincts require strategies to support the continual growth of Sydney and Port Botany.

The Bexley Town Centre is a suitable location for the provision of increased housing and employment opportunities to support the transport and freight precincts. Based on the urban design and planning strategies outlined within this report, optimal growth and urban renewal outcomes can be achieved in the Bexley Town Centre in a manner that responds to the need for higher density housing in within Sydney's existing urban footprint locations. This in turn will benefit from advantages associated with proximity to existing transport infrastructure and local amenities.

1.3 Meeting the Challenges

There is an ongoing need to balance the demand and supply of housing stock in Sydney. It is important for local and State government to review current land use zones and modify them to allow for higher density developments. Increasing business opportunities and housing diversity within the Bexley Town Centre will directly assist in reducing urban sprawl, and allow for easier management and maintenance of Sydney's infrastructure. It will deliver on Goal 2 of *A Plan for Growing Sydney*, which aims to improve housing choice through the delivery of affordable housing, a range of housing types on existing land parcels for medium and high density housing.

The proposed land use rezoning and increase of height and FSR of identified sites is of strategic and urban design merit as it responds to the need for the increase in housing stock and diversity to suit different needs and lifestyles in existing urban areas of Sydney. Enabling the expansion of motel uses and additional residential development within the Bexley Town Centre will assist in strengthening the centres viability and in time result in significant urban revitalisation and increase of residential diversity.

1.4 Site Description

The subject sites have frontage to Kingsland Road South, Forest Road and Abercorn Street, and are comprised of eighteen allotments. **Table 2** describes the four allotments, which are owned by the applicant and the remaining allotments that form the proposed development precinct.

Table 2: Property title

Site Number	Lot	Number	Street	DP
Site 1 Applicant ownership	1 & 2	467	Forest Road	DP134319/ DP1878
Site 2 Applicant ownership	71	1	Kingsland Road South	DP570149
	72	3	Kingsland Road South	DP570149
	8	5	Kingsland Road South	DP1878/2
Site 3 Differing land tenure	1	1	Abercorn Street	DP328320
	67	3	Abercorn Street	DP654288
	1	7	Kingsland Road South	DP925706
	9	9	Kingsland Road South	DP1078771
	10	11	Kingsland Road South	DP925705
	3	6	Stoney Creek Road	DP1878/2
	B	8	Stoney Creek Road	DP363190

	A	8A	Stoney Creek Road	DP363190
	C	10	Stoney Creek Road	DP921789
	B	12	Stoney Creek Road	DP921789
	A	14	Stoney Creek Road	DP921789
	1	16	Stoney Creek Road	DP191076
	68	18	Stoney Creek Road	DP667002

The applicant, is acting as a catalyst for the revitalisation of the Bexley Town Centre by presenting the strategic opportunity for further development through the identification and consolidation of a potential development precinct. Site 1 and 2 are currently owned by the client. Site 3 is proposed as an amalgamated site and aims to further emphasize the strategic opportunities when observing the precinct as a whole.

Photographs 1-6 below show the existing development on the sites owned by the client.



*Photograph 1 - Site 1 - 467 Forest Road
Forest Inn Motel and bottle shop*



*Photograph 2 - Site 2-1 Kingsland Road South
Existing single storey dwelling*



*Photograph 3 - Site 2 – 3 Kingsland Road South
Existing single storey dwelling*



*Photograph 4 - Site 2 - 5 Kingsland Road South
Vacant lot*



*Photograph 5 - 2 Kingsland Road South
Existing two storey motel*



*Photograph 6 - 6 Kingsland Road South
Existing single storey dwelling*



*Photograph 7 - Forest Road
View looking east on Forest Road*



*Photograph 8 - 2 Stoney Creek Road
View looking south on Stoney Creek Road*



*Photograph 9 - Abercorn Street
View looking west on Abercorn Street*

1.5 Site Context

The subject sites are located near two busy State classified roads and Bexley Town Centre. Rockdale City Council has developed a vision for the transformation of the Bexley Town Centre to build on its existing character and enhance its economic strength and place making qualities. The existing context of the subject sites is summarised as follows:

- The subject sites are bounded by two State classified roads, Stoney Creek Road and Forest Road. Forest Road doubles as a retail strip for the local area and comprises of small local shops such as bakeries, restaurant, pharmacists, news agencies and the local post office.
- A local IGA is located south of the subject sites along Forest Road and a Coles Express located north of the subject sites.
- Community facilities such as Bexley Community Centre and Bexley Manor Hall are located within close proximity to the subject sites.
- Educational facilities in the area include Bexley Public School and St Mary & St Mina's Coptic Orthodox College.
- Senior housing facilities in the area include Scalibrini Village and Menaville Nursing Home by Hall & Prior.
- Rockdale Town Centre and Rockdale Train Station are located approximately 1km in the south east direction from the subject sites.
- Bexley North Train Station is located approximately 1.7km north of the subject sites.



Figure 1: Subject sites in red outline within the local context.

1.6 Existing Built Form

The existing built form of the development precinct and its surrounding areas have not been maximised to its full potential. The adjacent mixed use zone along Forest Road is mainly comprised of single storey or double storey shop top housing. The residential zones adjacent to the subject sites are mainly low density single or double storey dwellings in the R2 Low Density zones, and walk up strata apartments in the R4 High Density zones. The residential buildings surrounding the subject sites are a mix of Federation dwellings and older style apartments. Even though the areas adjacent to the subject site are zoned for higher density and a variety of uses, the area is confined to low density development with basic services that cater to the local neighborhood. **Photographs 7-9** show the current existing developments on adjacent land zone.



Photograph 7: Single storey dwellings along Stoney Creek Rd



Photograph 8: Single storey dwellings along Kingsland Rd South



Photograph 9: Strata apartments along Kingsland Rd South.

1.7 Public Transport

Public transport is accessible along the major State classified Forest Road. Rockdale train station is located 1km in a south westerly direction of the subject sites, and Bexley North station is located 1.7km in a northerly direction. The train stations are located further than the transport oriented development standard of 800m radius. 800m is universally considered as a comfortable walking route and development should be concentrated within an 800m radius around a main transport node.

Forest Road is a busy road that will benefit from the distribution of vehicular movement to alleviate peak hour traffic activity. Buses operate along a number of roads surrounding the proposed precinct, including; Stoney Creek Road, Forest Road and Bexley Road with the 493, 492 and 452 buses available on those roads within 200m (approx.) of the proposed sites. The subject sites are conveniently accessible through private vehicles. Car parking and accessibility to public transport is addressed as part of this urban design strategy.

1.8 Access to Amenities and Employment

The strip along Forest Road serves as the primary area for commercial and retail activities. The area comprises of local neighbourhood shops that service nearby residents, with the potential for further development to reflect the current zone of B4 Mixed Use. Commercial activity concentrated along the Forest Road is adequate in providing amenities and employment at a local level. It has the potential for greater activation to develop Bexley Town Centre into a hub and attract business from investors outside the local area.

1.9 Housing Stock

The housing stock around the development precinct is mainly single storey dwellings, double storey dwellings and walk up strata apartments. Short term accommodation is available at the Forest Inn hotel and additional facilities provided at 2 Kingsland Road South. The housing in the area is mainly comprised of private residences. It is in the interest of Council to allow of the increase in the variety and supply of housing stock to meet the projected population growth of the LGA.

1.10 Distribution of Height

Currently the subject sites are comprised of single storey and double storey buildings that do not exceed 8.5m. The surrounding land parcels are mainly comprised of 3 storey walk up apartments and 2 storey shop top housing that do not exceed 10m. The height of the current built form has not been

maximised to its full potential. Land parcels within the B4 Mixed Use zone has the potential to be built up to 16m, and land parcels within the R4 High Density Residential have the potential to achieve a maximum height of 14.5m.

1.11 Flight Path

Development incentives are provided by Rockdale City Council which encourages site amalgamation in key locations, specifically those that lie under the flight path towards Sydney Airport. These incentive heights and FSR have been tested and confirmed with the Sydney Airport Corporation Limited (SACL) and The Department of Infrastructure and Regional Development (DIRD). Amalgamated sites under the flight path within Bexley that are under 1,200m² have the potential to be granted a 16m maximum building height, while amalgamated sites over 1,200m² have the potential to achieve a 19m maximum height. This is further explained within section 3.3 of the report.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and building heights are granted. Final proposed building heights cannot obstruct the airspace and to be approved by SACL and DIRD. The following incentives apply to Bexley Town Centre:

Table 4: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

1.12 Traffic and Circulation Analysis

Parking and Traffic Consultants (PTC) has been engaged to prepare traffic and parking analysis for the proposed PP of the development precinct. The report examines the existing traffic and parking conditions and compares it to the potential capacity of traffic and car parking generated as result of additional population. Several development options are tested and a range between the minimum and maximum traffic and car parking capacity is generated based on a combination of development types across site 2 and site 3. The traffic analysis also considers traffic flow and intersection modeling to rate the performance of the intersections affected. The potential combination of development types across the two sites are derived from indicative concept plans. The potential yields, for the purposed of the traffic analysis, are summarised in the table below.

Table 3: Potential development yields

Option	Building 1 – Site 3		Building 2 – Site 2		Building 3 – Site 3		Total
	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Use	Potential motel rooms/ units	Potential motel rooms/ units
1	Hotel	78	Hotel	42	Hotel	49	169
2	Hotel	78	Hotel	42	Residential	31	151
3	Hotel	78	Residential	27	Residential	31	136
4	Residential	36	Residential	27	Residential	31	94

The traffic and parking analysis concludes that the Planning Proposal will have minimal impact on the local road network and parking conditions of the local area. Based on the parking requirements established in RDCP 2011, RMS guide to Traffic Generating Developments and the Institute of Transport Engineers Parking Generation, it is anticipated that the Planning Proposal may require 144 -169 spaces. The development options present an all hotel development across the two sites as a maximum capacity scenario, and an all residential development as a minimum capacity scenario. During the AM and PM peak hours, the local area has the capacity to accommodate the additional traffic activity. The Traffic and Parking Assessment by PTC is included in the Planning Proposal as **Appendix F**.

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2. State Planning

The inevitable growth of Sydney's population to an estimated 8 million by 2030 requires a strategic planning framework that addresses the importance of employment, housing and accessibility. It is important for state and local government to focus growth of their communities around transport nodes and town centres to allow for better connectivity and the availability of goods and services.

The development of existing town centres to service the local area promotes the growth of its local economy. This in turn reduces the need for residents to travel towards the city centre to access a range of goods and services. Local government bodies are constantly reconsolidating and reinterpreting the State government's vision and policies to suit the local context. Strategic planning at local level is formulated around the need to meet employment, transport and housing targets within a local area.

The following summary of state and local strategic planning policies provide an overview of the need for intensification in and around local centres. As Sydney aims to strengthen its role as a global city with a competitive economy, it is critical to focus development in areas that service transport gateways and freight networks.

2.1 A Plan for Growing Sydney December 2014

A Plan for Growing Sydney identifies Sydney Airport and Port Botany as crucial transport and freight nodes that are important economic drivers for Sydney's South Subregion or South District. The main priority for the South Subregion is to facilitate good employment and transport links to support the Sydney Airport and Port Botany. It is anticipated that the potential F6 motorway will provide a major transport link running throughout the South Subregion, resulting in growth opportunities along the western shores of Botany Bay.

The Department of Planning and Environment's *Population Household & Dwelling Projections South Subregion* predicts that in the next 20 years, the subregion will encounter a population increase of 154,700 people. An increase of 62,800 households is forecasted with people aged in their 20s and 30s contributing to the growth. The subregion's population aged between 20 and 30 are crucial in supporting the local economy through employment and the expenditure of money. This demographic also contributes to growth as couples with children households or single parent households. A growing ageing population also contributes to an urgent need to provide more housing stock to accommodate the predicted 66,650 homes needed in the next 20 years.

The NSW State government's vision to accelerate the delivery of housing supply, choice and affordability to accommodate the growth in the South Subregion involves the identification of suitable locations, with input from Councils. Potential areas considered for housing intensification and urban renewal includes the following areas:

- Employment agglomerations in particular Priority Precincts;
- Areas in established and new centres; and
- Areas along key public transport corridors including the Illawara Line, South Line and Sydney Rapid Transit along the Bankstown line.

Once the areas are identified for growth, local and State government have the onus to deliver housing stock that aligns with market demand and minimum household projections. It is important to formulate policies that address affordable housing and the provision of appropriate housing stock for people at different stages of their lives.

Local Councils in unison with the NSW State government seek to identify suitable locations for the development of housing and employment as outlined by the Plan for Growing Sydney. The subject sites are at an integral location within the Bexley Town Centre to provide for such visions with the proposed land use, height and FSR amendments directly aiding in achieving this goal. Through these amendments they will strengthen the economic vitality of the existing Bexley Town Centre as well as allowing for the increase in residential availability and diversity within an already well-connected area of high amenity.

2.2 South District Plans

New South Wales is currently undergoing major planning changes with the formation of The Greater Sydney Commission, which will be a governing body that overlooks metropolitan planning. The Greater Sydney Commission has the duty to form partnerships with state and local government to plan for the areas currently identified as subregions in *A Plan for Growing Sydney*.

These individual subregions are in the process of being reclassified as districts. Each district is governed by a Commissioner and a District Plan that is tailored to suit each district's vernacular. The District Plans will elaborate on the objectives of *A Plan for Growing Sydney* on a local level, and influence the delivery of housing, employment and infrastructure. The subject sites proposed for rezoning are located in the South District of Sydney and includes the local government areas of Canterbury, Hurstville, Kogarah, Rockdale and Sutherland.

The District Plan for the South District is yet to be developed and legislated. In the interim, preliminary objectives have been identified to guide planning outcomes. The planning objectives specific to the subject sites can be found in documents that Rockdale City Council considers fundamental in directing strategic planning. Rockdale City Council cites the following documents as significant documents for local strategic planning and urban design strategies:

- *Rockdale City Plan : Community Strategic Plan 2013 -2025;*
- *Rockdale City Urban Strategy 2010; and*
- *Capacity Analysis and Built Form Study September 2010*

Some of the planning objectives in the aforementioned documents have been superseded by current strategic planning work by the NSW state government, but the majority are still relevant in driving strategic planning. The local character of the South District will remain as the key driver in formulating planning priorities. Amidst the change in the structure of local state and local government bodies, there will always be the universal need to provide a growing population with well connected communities that have adequate housing, employment and infrastructure.

3. Local Planning

3.1 Rockdale City Plan: Community Strategic Plan 2013 -2025

The Rockdale City Plan 2013-2025 was adopted by Council in April 2013. It comprises a number of plans that seek to deliver on the community's aspirations. The Community Strategic Plan 2013-2025 seeks to achieve the following four outcomes that cover social, environmental, economic and community leadership issues. These are summarised as follows:

Outcome 1 –Rockdale is a welcoming and creative City with active, healthy and safe communities.

Rockdale City Council endeavours to promote strong social values and a community that is inclusive of all socio-economic groups. Council aims to offer a well-designed neighbourhood and public spaces that facilitate safety, connectivity and social activity. The urban design strategy responds directly to Outcome 1 as it will facilitate:

- enhanced linkages and consolidation in an existing centre enhancing the range of activities available in the centre
- a strategic, rational and sustainable approach to intensification and growth within the Bexley Town Centre in that it considers the relationship between multiple sites.
- revitalisation and expansion of an existing centre increasing the potential services and employment availability in close proximity to existing residents.
- A greater range of housing availability and options to facilitate for a wider range of residents and families.

Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.

Council aims to provide a balance between the LGA's built environment and natural habitat. The cultural heritage of the local area will be protected to achieve a balance between its past influences and present built environment. Effective links serve to connect residents from one destination point to another. The built environment will be planned with a sense of 'place' to reflect the needs of the local population. The urban design strategy will directly deliver on Outcome 2 as it will:

- facilitate improved connectivity and permeability within the Bexley Town Centre; and

- enhance connectivity, service availability and employment opportunities on a public transport route.

Outcome 3 - Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.

A strong and diverse economy for the local population ranks highly in Council's growth agenda. A range of employment, products, services and lifelong learning are identified as key factors in driving the local economy. The urban design strategy directly responds and delivers on Outcome 3 as it will:

- facilitate expansion and renewal of an existing centre creating greater service availability, employment opportunities and facilitating investment locally;
- promote investment by a motivated land owner and ongoing catalytic economic and multiplier effects; and
- enable the development of a motel, which will provide for visitation in the region.

Outcome 4 - Rockdale is a City with engaged communities, effective leadership and access to decision making.

Rockdale City Council values a high level of community engagement to help with the decision making of issues. Effective governance is achieved through the democratic process of elected representatives who will advocate for the community. Residents are encouraged to participate in planning decisions that influence the delivery of outcomes. The urban design strategy will directly deliver on Outcome 4 as it will:

- create opportunities for economic growth and transformation to assist in achieving Council's revitalisation and urban renewal goals for its town centres; and
- enable the community to be involved in the decision making process relating to planning issues through subsequent exhibition and feedback processes.

3.2 Rockdale City Urban Strategy 2010

Rockdale City Urban Strategy 2010 has been listed by Council as an important document used to inform the planning decisions conveyed in the *Rockdale Local Environmental Plan (RLEP) 2011* and *Rockdale Development Control Plan (RDCP) 2011*. This urban strategy reviews and proposes amendments to the land use, height and FSR in consistency with the planning principles of the *Rockdale City Urban Strategy 2010* as it will facilitate:

- improvement of residential amenity by improving the variety and quality of new housing;
- revitalisation of villages and neighbourhoods, in particular the Bexley Town Centre; and

- Ensure opportunities for future employment and growth by providing an increase in critical mass through the inclusion of greater residential opportunities within a mixed use development format.

Rockdale City Council recognises the need for growth in the LGA to attract commercial activity and future residents. One of the urban strategies to direct growth in the LGA is to concentrate future developments around the LGA's villages and local centres. Focused growth around the Bexley Town Centre will serve to enhance activation, vibrancy and economic vitality enabling better local access to amenities for the local community, without the need to travel to major centres.

Rockdale City Urban Strategy 2010 identifies Bexley as a smaller centre or village of unique character that can service the surrounding community. Redevelopment is encouraged to increase density and improve built form outcome near public transport within Bexley. Rockdale City Council proposes for the provision of additional open space and pedestrian connections within what is identified as Bexley Town Centre. The approximate location of Bexley Town Centre core is on the Albyn Street car park. Activation around the proposed core, particularly along Albyn Street is encouraged. The *RLEP 2011* proposes development incentives for the provision of connections to Bexley Town Centre core through Forest Road, and the consolidation of sites within Bexley. The main objective is for new developments within the local centres such as Bexley Town Centre to be more compact whereby a range of activity can be easily accessed.

The urban design strategy and amendments to land use, height and FSR mapping for the subject sites to allow for expansion of business and residential uses, as well as the consistent application of building bulk within the Bexley Town Centre, is in direct aligned with the visions outlined within the *Rockdale City Urban Strategy 2010*. In particular, the proposed amendments are aimed at supporting the revitalisation and activation of the Bexley Town Centre to allow for greater diversity and to build on the existing economic strengths of the centre, being motel type accommodation, that currently service the visitation and accommodation market.

3.3 Capacity Analysis and Built Form Study September 2010

The *Capacity Analysis and Built Form Study* was prepared to test the development potential of Rockdale LGA through maximising building height and FSR. The study was used to inform the formulation of the draft *RLEP 2011* and draft *RDCP 2011*. It is concluded that Rockdale LGA has the capacity to increase its density to provide housing and employment for its growing population.

The study cites Bexley as a precinct that is mainly residential in character. It recognises the Bexley Town Centre as having opportunity for revitalisation due to its accessibility through public transport and high visibility from the busy Forest Road. Rockdale City Council's significant land holdings, in particular the

Albyn Street and Forest Road car parks, offer significant potential to be transformed through place making enhancements into appealing civic, community and cultural destinations.

Bexley also presents some development constraints that need to be overcome to achieve good planning outcomes. The precinct is largely comprised of fragmented lots and strata titles that require consolidation in order to allow for a more logical and systematic approach to land use planning. Vehicular and pedestrian circulation proves to be an obstacle with the main road networks heavily congested and poor quality pedestrian links. Lack of rear lane access into properties also poses challenges in gaining access to properties. The PP seeks to facilitate improvement to some of the issues by encouraging the consolidation of land, focusing on traffic access to fewer crossovers and the improvement of the public domain.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and building heights are granted. Final proposed building heights cannot obstruct the airspace and to be approved by SACL and DIRD. The following incentives apply to Bexley Town Centre:

Table 4: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

The *Capacity Analysis and Built Form Study* also classifies Bexley Town Centre under the village typology. Villages are proposed to have a zone of B4 Mixed Use to provide a greater range of uses than a local neighbourhood centre. Bexley Town Centre has the capacity to house 2,500 dwellings, a small supermarket and additional specialty retail commercial operations.

In this regard, the subject sites' location adjacent to the Bexley Town Centre boundary offers potential to be rezoned to allow for some additional development generally in the form of residential flat building with some increase in permissible height and FSR to meet residential targets.

3.4 Rockdale Local Environmental Plan (RLEP) 2011

The RLEP 2011 is the key planning instrument used by Rockdale City Council. The subject sites are currently zoned in a fragmented manner, and there is the capacity to achieve a more consistent approach to land use planning and the interrelationship between business and residential land uses within the Bexley Town Centre. As demonstrated in this urban design strategy the amendment of existing land use zones, FSR and building heights controls applicable to the

subject sites will assist the Rockdale Council to deliver on their intended vision of diversifying and enhancing the Bexley Town Centre as a vibrant and interconnected community destination.

3.4.1 Zoning

The subject sites are currently zoned as follows under the RLEP 2011:

Table 5: Land Use Zoning of subject sites

Site Number	Site Address	Existing Buildings	Land Use Zones
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	B4 – Mixed use
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	R2 – Low Density Residential
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	R2 – Low Density Residential

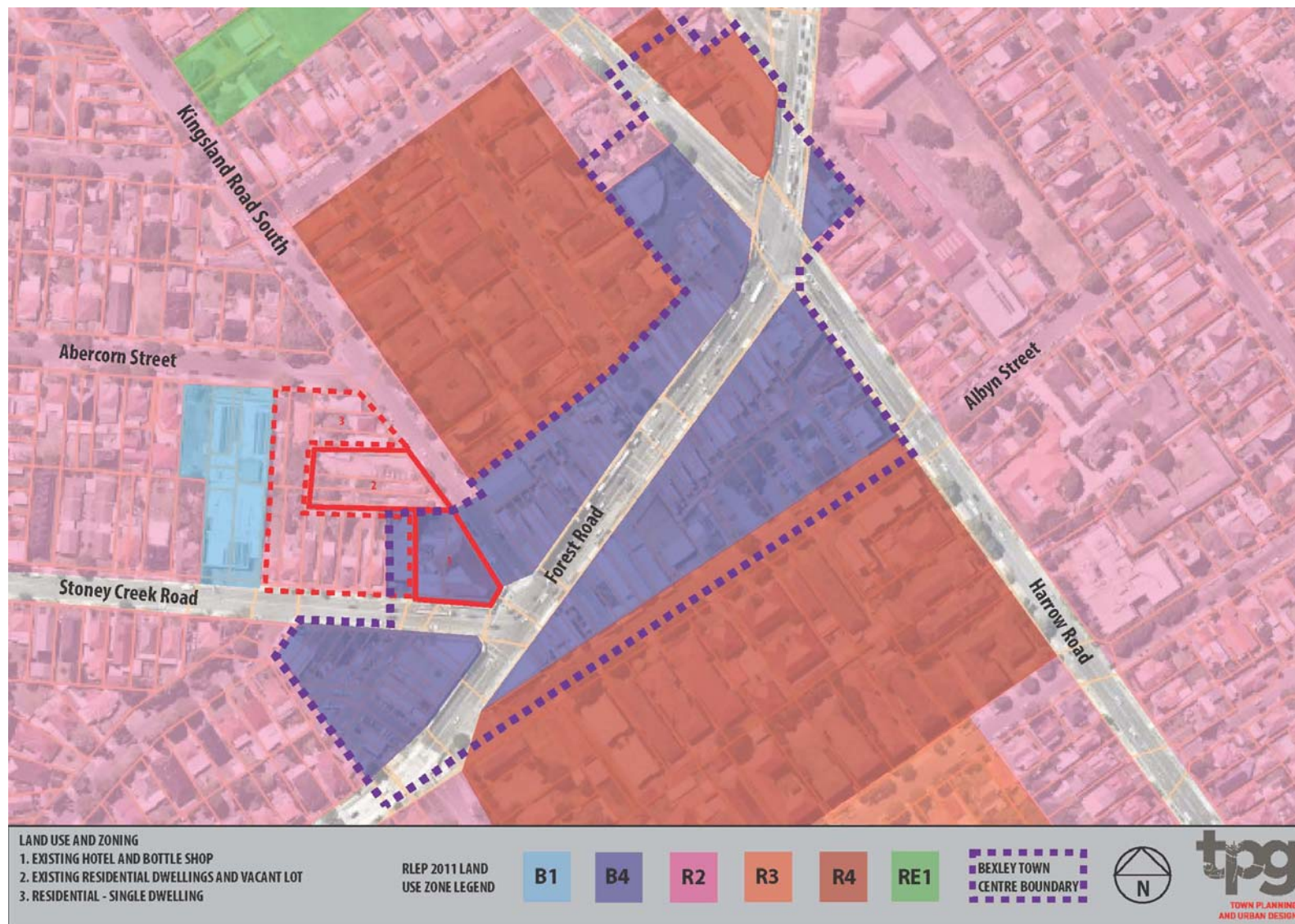


Figure 2: Subject Sites in red outline and their current land use zoning

Subject Site 1 (Forest Inn Hotel) is zoned B4 Mixed Use under RLEP 2011. The objectives of B4 zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Under RLEP 2011, the permissible land uses for the B4 zone are as follows:

Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads

Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Port facilities; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.

Subject Site 2 comprises of 1, 3, and 5 Kingsland Road South and are single storey dwellings and a vacant lot respectively. These 3 lots are zoned under R2 Low Density Residential under RLEP 2011. The objectives of R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Under RLEP 2011, the permissible land uses for the R2 zone are as follows:

Permitted without consent

Home-based child care; Home businesses; Home industries; Home occupations; Roads

Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Hostels; Places of public worship; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing

Prohibited

Any development not specified in item 2 or 3

Subject Site 3 comprises of the following land parcels

- 1 and 3 Abercorn Street;
- 7, 9 and 11 Kingsland Road South
- and 6, 8, 8A, 10, 12, 14, 16 and 18 Stoney Creek Road, Bexley

These lots are are zoned under R2 Low Density Residential under RLEP 2011. The objectives of R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Under RLEP 2011, the permissible land uses for the R2 zone are as follows:

Permitted without consent

Home-based child care; Home businesses; Home industries; Home occupations; Roads

Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Hostels; Places of public worship; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing

Prohibited

Any development not specified in item 2 or 3

3.4.2 Building Height

The subject sites under RLEP 2011 have the following permissible maximum building heights:

Table 6: Maximum permissible building height

Site Number	Site Address	Existing Buildings	Building Height
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	O2 = 16m
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	I = 8.5m
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8, 8A, 10, 12, 14, 16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	I = 8.5m



Figure 3: Subject Sites in red outline and the permissible maximum building height as per RLEP 2011.

The objectives of the Height of Building clause in RLEP 2011 are as follows:

- To establish the maximum limit within which buildings can be designed and floor space can be achieved,
- To permit building heights that encourage high quality urban form,
- To provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,
- To nominate heights that will provide an appropriate transition in built form and land use intensity.

3.4.3 Floor Space Ratio (FSR)

The subject sites under RLEP 2011 have the following permissible maximum FSR:

Table 7: Subject site permissible FSR

Site Number	Site Address	Existing Buildings	FSR
Site 1	467 Forest Road, Bexley	Forest Inn Hotel	T1 = 2:1
Site 2	1 Kingsland Road, Bexley 3 Kingsland Road, Bexley 5 Kingsland Road, Bexley	Single storey dwelling Single storey dwelling Vacant lot	D = 0.5:1
Site 3	1 and 3 Abercorn Street 7, 9 and 11 Kingsland Road South 6, 8 , 8A, 10, 12, 14,16 and 18 Stoney Creek Road, Bexley	Single storey dwelling Single storey dwelling Single storey dwelling	D = 0.5:1

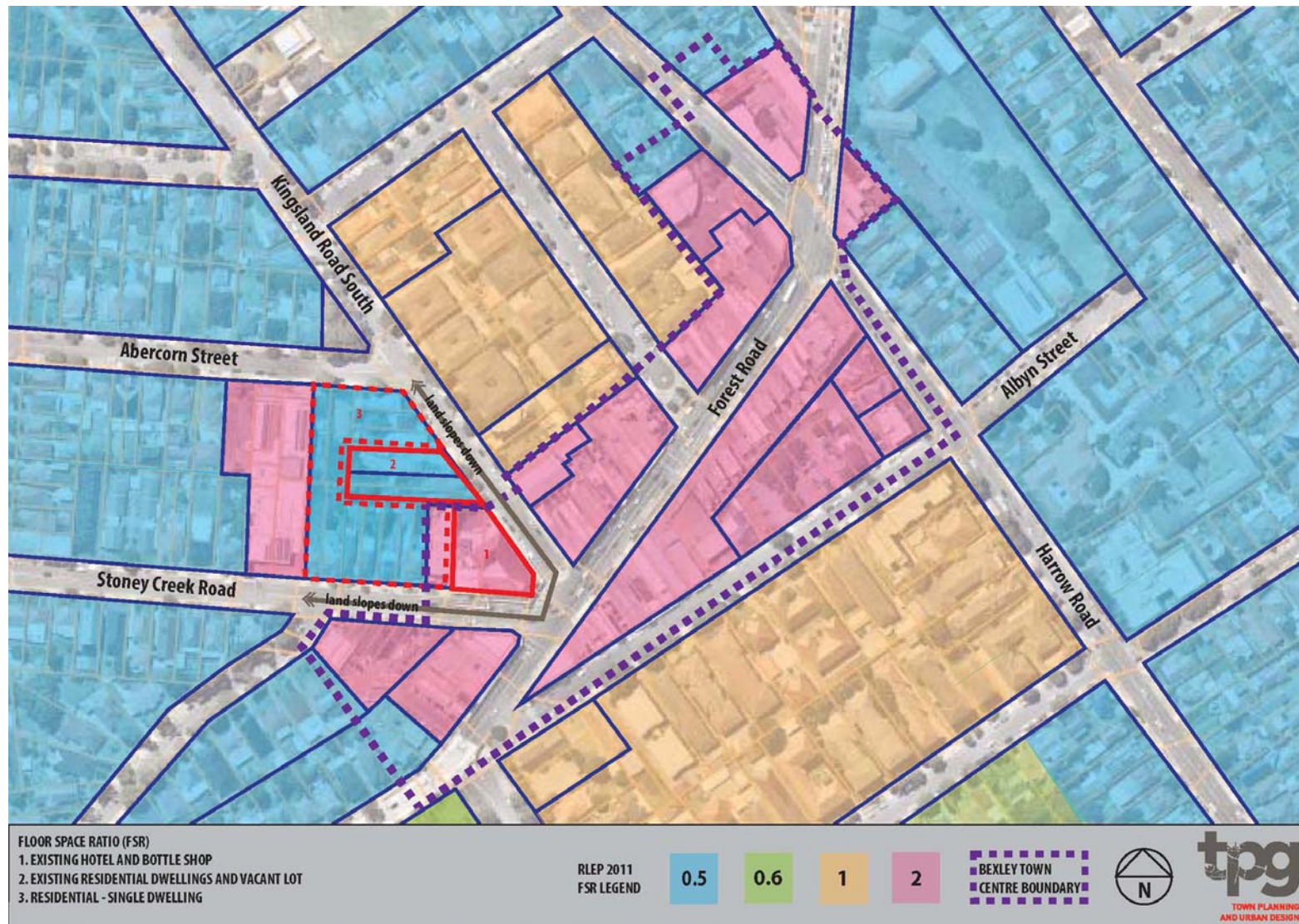


Figure 4: Subject Sites in red outline and the permissible maximum FSR as per RLEP 2011.

The objectives of the FSR clause in RLEP 2011 are as follows:

- To establish the maximum development density and intensity of land use accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,
- To minimise adverse environmental effects on the use or enjoyment of adjoining properties,
- To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

3.5 Proposed Amendment to Rockdale LEP 2011

As outlined in section 5, the urban design analysis and consideration presented justifies from an urban design and place making perspective the proposed LEP amendments. These proposed amendments to Rockdale LEP 2011 seek changes in the land use zoning, maximum height of building and FSR of the subject sites. The urban design study examines an area identified by TPG as a potential development precinct. The proposed development strategies outlined in the following section will form a guide to how the precinct can be managed to reflect Council's vision for Bexley's town centre.

3.5.1 RLEP 2011 Clause 2.1 Land Use Zones

The current land use zoning for the subject sites is fragmented and does not represent logical land use application that allows for higher density residential and diversification of land uses as demonstrated in the analysis in section 5. The PP proposed an extension of the B4 zoned land to 1, 3 and 5 Kingsland Road South, with the remainder of the site to be zoned R4.

The rezoning of the identified sites and in turn the increase in height and FSR will promote growth for the centre where it is best suited and provide for a greater mixed use availability with emphasis on residential provision. This amendment will complement and reinforce the economic aspect of the Bexley Town Centre whilst not detracting from or competing with it.

3.5.2 RLEP 2011 Clause 4.3 Height of Buildings

Current permissible height of the subject sites can be increased to maximise planning potential. It is proposed that the entire site have a 19m height limit. Land parcels north of the subject site feature medium density residential development. An increase in maximum permissible building heights represents a logical approach to allow for a consistent application of height commensurate with existing permissible heights within the Bexley Town Centre and to allow for increased housing supply in the locality to support local businesses.

It is also important to note in the Rockdale City Council's *Capacity Analysis and Built Form Study 2010*, that development incentives are offered to the amalgamation of fragmented sites in the area. One of the incentives is the allowance of building heights up to a maximum of 5 storeys at 19m. This is the height set in consultation with Sydney Airport Corporation and the Department of Infrastructure and Regional Development. They will need to be further consulted in the exhibition of the PP.

3.5.3 RLEP 2011 Clause 4.4 Floor Space Ratio (FSR)

The subject sites are bounded by higher density development, with a higher permissible FSR. The proposed FSR for the sites is 2.5:1. This is consistent with the amalgamation incentive mentioned above. It is logical to up zone the subject sites to enable remnant residential land adjacent to the town centre, bound by higher density and non residential development, to transform to allow for complementary land uses of a scale and density commensurate with the broader town centre. An increase in the height of buildings in the proposed sites and zones will directly facilitate a corresponding increase in the FSR to accommodate for the additional height.

4. Additional Planning Considerations

4.1 Rockdale Development Control Plan (DCP) 2011

Section 7.3 of the *Rockdale DCP 2011* sets of precinct specific development guidelines for the Bexley Town Centre. The DCP recognises the potential for Bexley Town Centre to be developed into a vibrant hub for the suburb and to counteract impact of the busy Forest Road on local amenity. It also recognises the potential for the Bexley Town Centre to service a large residential population within its walking catchment. The key objectives of the DCP for the Bexley Town Centre are provided as follows:

- To facilitate the transformation of Albyn Street and Albyn Lane into active and vibrant retail areas, and provide an alternative pedestrian experience to Forest Road.
- To improve the pedestrian permeability of the centre, particularly between Albyn Street and Forest Road.
- To provide usable and lively public space at the heart of the centre that enhances the character of the town centre and provides places of gathering.

Adopting a precinct based planning and development approach as undertaken in this urban design review provides opportunity for the above key objectives to inform an urban design strategy for the subject sites. In general, the DCP seeks to enhance connectivity, permeability and the quality of the pedestrian experience in the Bexley Town Centre as demonstrated in figures 8 and 9 in Section 5.1 of this report. Such opportunities are equally applicable to the subject sites.

An approach that considers key landmarks destinations, and place making opportunities will assist in enhancing the relationship between the subject sites and their surrounding context. In this regard, there are opportunities not only to facilitate new development, but also to enhance interrelationships between the subject sites and the broader town centre to achieve a coordinated development outcome.

The following place analysis highlights key opportunities relating to the sites within their Bexley Town Centre setting and has been critical in the consideration for appropriate height and FSR amendments that will be including in the accompanying PP.

5. Place Analysis and Development Opportunities

5.1 Key Opportunities

This section outlines key aspects of the site's location and context that support its proposed use, scale and density. The urban strategies formulated support the need to amend provisions in Rockdale LEP 2011 for growth within Bexley. The following summary highlights the key opportunities presented by rezoning to increase density and diversity in the town centre.

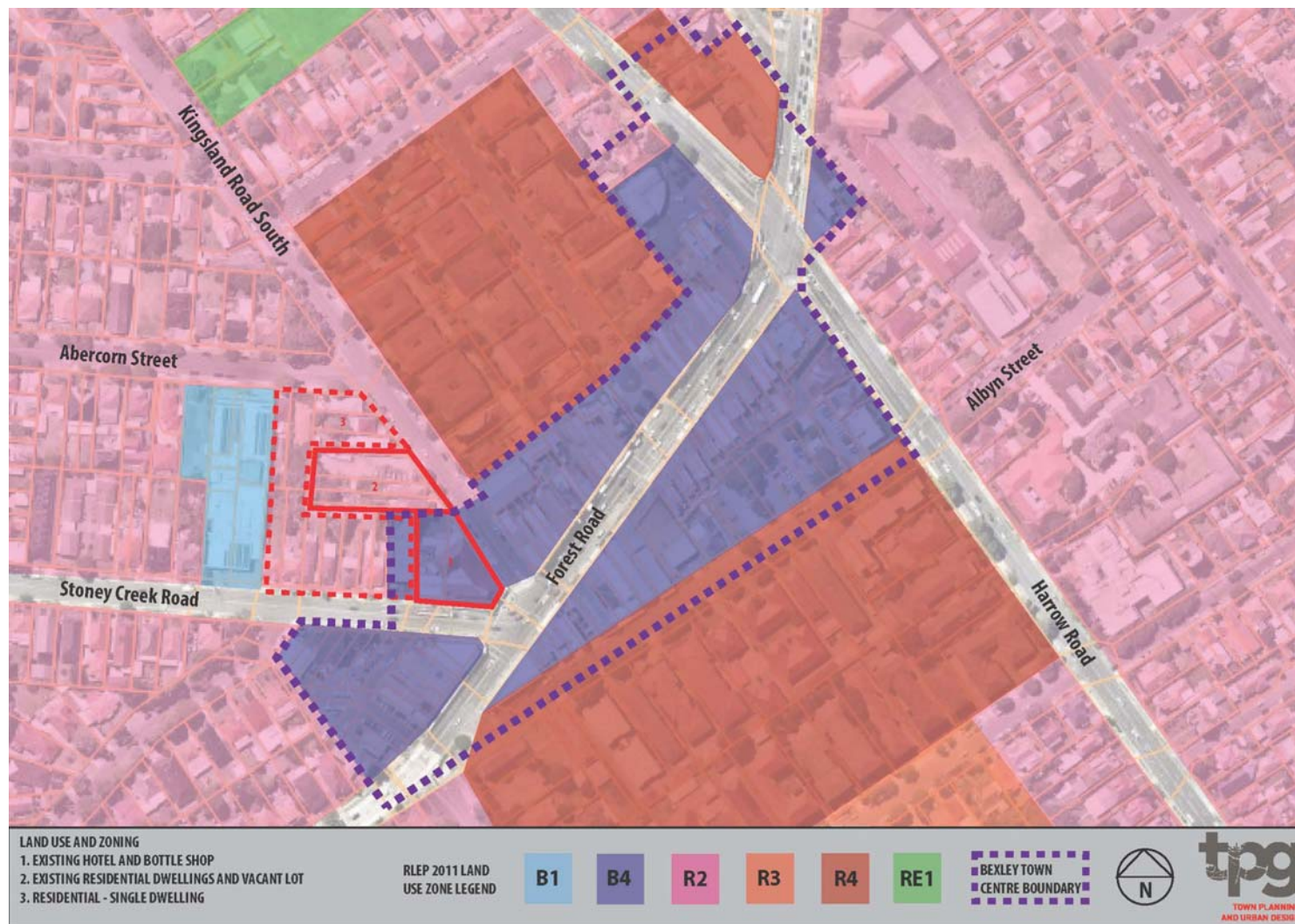


Figure 5 – Opportunity to rezone subject sites to facilitate redevelopment for residential purposes.

Site 2 is located adjacent to the edge of Bexley Town Centre with the potential to be rezoned to complement the development and activation of Bexley Town Centre.

Site 2 is currently zoned R2 Low Density Residential and presents opportunity to be rezoned to B4 Mixed use to facilitate possible motel and car park additional use to enable the expansion of existing motel uses in the town centre.

Site 3 may be consolidated to enable its future development to accommodate high density residential flat buildings to increase critical mass in the centre to support local business. It is therefore recommended that land parcels within site 3 be rezoned to R4 High Density Residential zone.

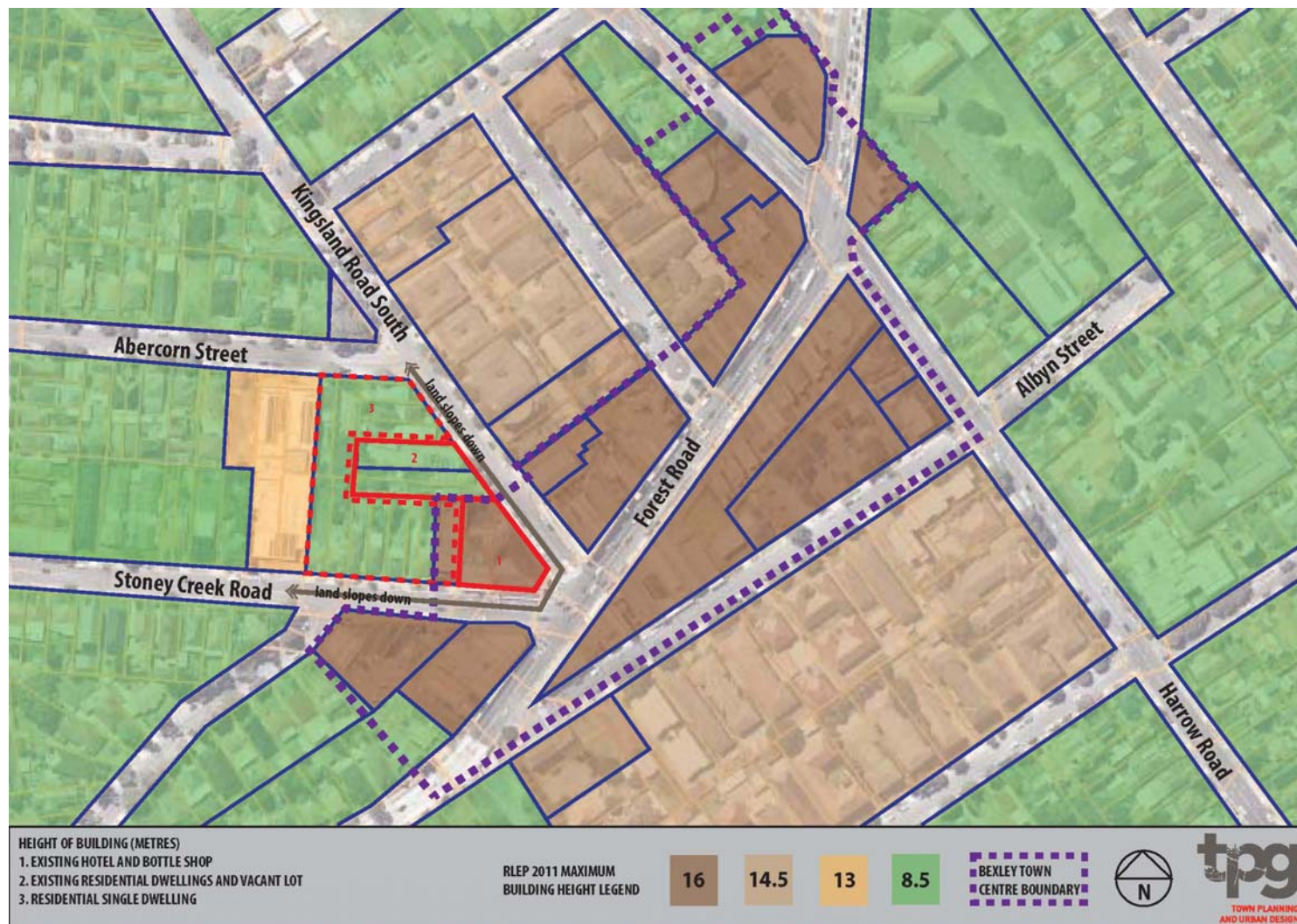


Figure 6 - Opportunity to achieve appropriate height of buildings.

Potential to increase building height for land sloping down in Westerly direction on Stoney Creek Road and Northerly direction on Kingsland Road South. Potential to consider amalgamation of sites to achieve development incentives of greater HOB.

The increase of building heights reflects adjoining heights permissibility of Forest Inn Hotel and Bexley RSL building. There is potential for additional height without adverse impact to amenity.

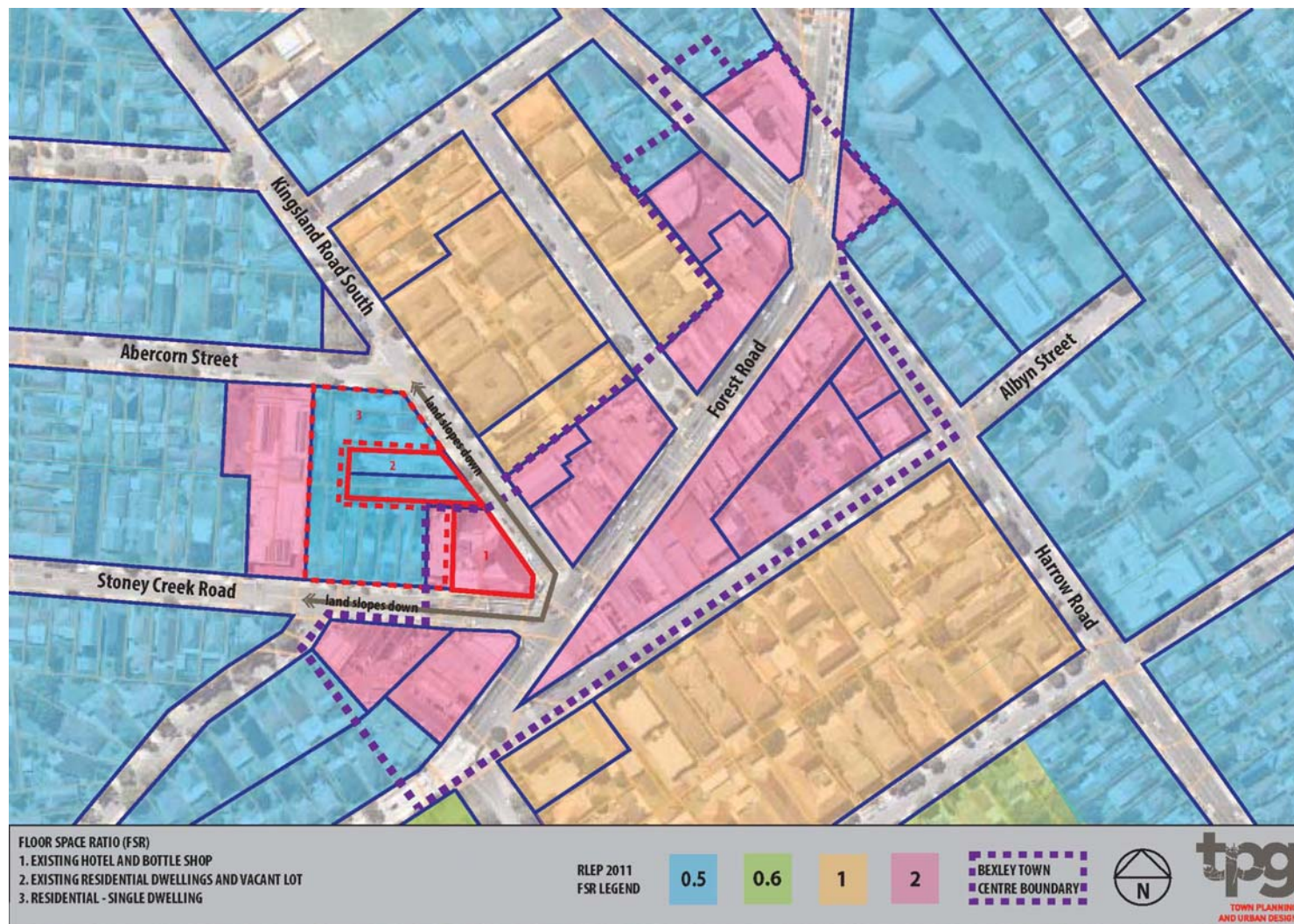


Figure 7 -Opportunity to achieve appropriate Floor Space Ratio (FSR)

Site 2 and site 3 have potential for greater height and therefore FSR, commensurate with this height.

Opportunity for amalgamation of sites to achieve development incentives of greater FSR. FSR is consistent with immediately adjoining land i.e. Forest Inn Hotel and Bexley RSL.



Figure 8 -Opportunity to provide more connectivity in the area

Potential to offer a finer grain, more interconnected pedestrian experience and provide vehicle access away from major roads thorough the provision of new accessways and pedestrian linkages.

Design for greater permeability between subject sites north of Forest Road and proposed Bexley Town Centre south of Forest Road. This linkage, represented by the burgundy arrow that intersects with CR2 minor crossing, is considered essential for the proposed activation of Bexley Town Centre core located adjacent to the Albyn Street car park.

The proposed links indicated near site 1, 2 and 3 are planned in accordance to the likely amalgamation of the individual allotments into bigger lots. The linkages can be achieved as detailed design during DA stages.

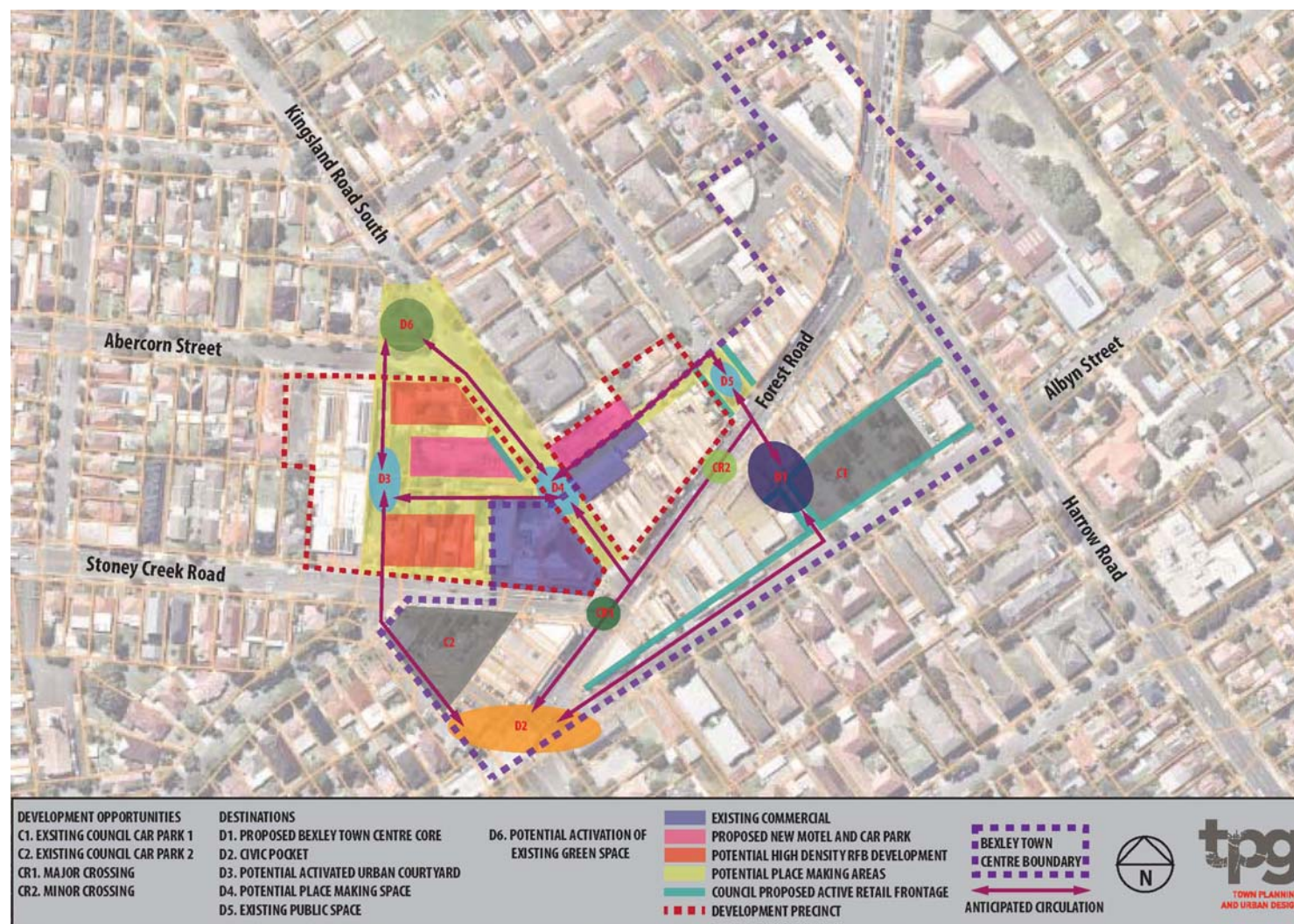


Figure 9 -Opportunity to enhance and add character to the local area

Potential to create new place making opportunities that are interconnected with existing destinations through the activation public spaces, retail frontages, new links and accessway development.

All potential urban design strategies in the public domain are to complement, not compete with Council's vision for Bexley Town Centre. Existing open spaces are revitalised and potential place making spaces are intended to be discreet laneway developments with minimal street presence.

Insight into the strategic thinking of the potential built form outcomes that the change in zoning, height and FSR may encourage.

Summary of Development Principles

The following development principles respond to the current conditions of the subject sites and their context. They provide a rational approach to the growth of the Bexley Town Centre supporting expansion of the town centre and providing the critical mass to support existing and future businesses within the centre. These principles are consistent with State and local government strategic planning objectives and will work towards enhancing the economic viability, vibrancy and place making qualities of the Bexley Town Centre.

- Amend planning controls on the subject sites to:
 - enable the expansion of possible land uses including motels to support and enhance an existing economic strength within the Bexley Town Centre that takes full advantage of the sites' proximity to Sydney Airport; and
 - Provide higher density residential land uses in the Bexley Town Centre to increase the critical mass that will support local business and enhance its vibrancy and economic strength.
- Maximise built form potential by encouraging the amalgamation of land parcels and the increase of building height and FSR to achieve a consistent approach to height and density between the existing and proposed expanded areas of the town centre;
- Enhance the place making qualities of the town centre and provide more connectivity and permeability within the proposed development precinct and Bexley Town Centre; and
- Build upon the existing scale and character of the Bexley Town Centre to increase scale in a location that is comprised of remnant low density housing, commensurate with the existing permissible scale of the centre.

5.2 Proposed Development Strategy

Building height and density for the subject site has been considered based on precinct context. With the focus of developing Bexley Town Centre into a hub, the proposed development that encompasses the subject sites serve to complement Bexley Town Centre instead of detracting from it. The proposed development strategies can be summarised as follows:

- Rezone subject sites to a land use zones B4 Mixed Use and R4 High Density Residential to allow for higher residential density and land use diversity. Land parcels that have the potential to accommodate high density residential flat buildings are indentified to respond to the LGA's population growth.

- Amalgamate fragmented sites, in accordance to Council's recommendations, to achieve development incentives of increased FSR and maximum building height. Built form studies included in **Section 5.3** of this report demonstrate the maximised built form envelope and its impact to its surrounding area.
- Provide linkages that will connect the fragmented land uses within the subject sites and around Bexley Town Centre. A primary link that connects Bexley Town Centre to the surrounding areas north of Forest Road is of priority and needs to be tested. The option for development to be accessible through secondary frontages is also proposed to disperse traffic from main circulatory paths and links.
- Identify destination points around the proposed development precinct and provide linkages to enhance permeability and circulation. Potential areas for activation and place making are vital in the contribution of net community benefit. The provision of public places that will appeal to the general public can include the activation of urban courtyards, laneway developments and green spaces.

5.3 Existing Building Envelope

The built form of the proposed development precinct and the surrounding lots indicate that permissible development controls have not taken advantage of its full development potential. As a result, the area is predominantly comprised of single and double story buildings. It is noted the buildings in the area have the potential to achieve envelopes that are of 5 to 6 storeys in height, under current RLEP 2011 controls, as demonstrated in the built form schematics below.



Figure 10 - Northern view of existing built form

Key for built form diagram

■ Existing built form height



Figure 11 - Eastern view of existing built form

Key for built form diagram

■ Existing built form height



Figure 12 -Southern view of existing built form

Key for built form diagram

■ Existing built form height



Figure 13 - Western view of existing built form

Key for built form diagram

Existing built form height

These models of existing built form potential demonstrate the vast amount of residual land available for the development. The proposed sites and development are conveniently book ended by the higher density B4 land on the western side of Kingsland Rd with the bulk and scale being drawn from the existing Bexley RSL.

5.4 Proposed Precinct Building Envelope

The main built form principles applied to the proposed development precinct are as follows:

- Amalgamation of fragmented land parcels to achieve cohesive land use, FSR and building heights that are responsive to the local context;
- Investigate the development incentives of bonus FSR and building height that is permissible for higher density built form;
- Propose a maximised built form potential near Bexley Town Centre to complement the anticipated growth of the town centre precinct;
- Achieve built form and amenity that reflect the preferred standards set by *SEPP 65 Apartment Design Guide*;
- Integrate appropriate setbacks, articulation and distribution of bulk to provide solar access and public spaces in between building blocks; and
- Provision of efficient links and circulation between the proposed development precinct and Bexley Town Centre to improve permeability and public domain.

The potential maximum height of the proposed development precinct and its surroundings is tested in the proposed precinct building envelope diagrams. This analysis illustrates the capacity of the area to be built up to 5 or 6 storeys in accordance to RLEP 2011 height controls. The proposed potential new development on the subject sites is represented by the yellow and blue buildings, and the existing development is represented by the white and grey buildings.

The built form analysis demonstrates that the existing development when maximised to its permissible building heights results in buildings that are 5 storeys high. The diagrams show the existing building storeys in dark grey and the permissible maximum storeys in white. The proposed new development on the subject sites seeks site amalgamation to gain development incentives of 19m in height and 2.5:1 FSR. It is represented in the diagram by buildings with blue podium ground and first levels, and yellow upper levels. The analysis indicates that the built form, when maximised to amalgamation controls, yields a building that is 5 to 6 storeys in height. The proposed new development on the subject sites, at its maximised built form potential, is only 1 storey higher than the maximised permissible height of the existing development in the area. There is potential for the area to increase in density without having adverse impacts on the existing built form context.

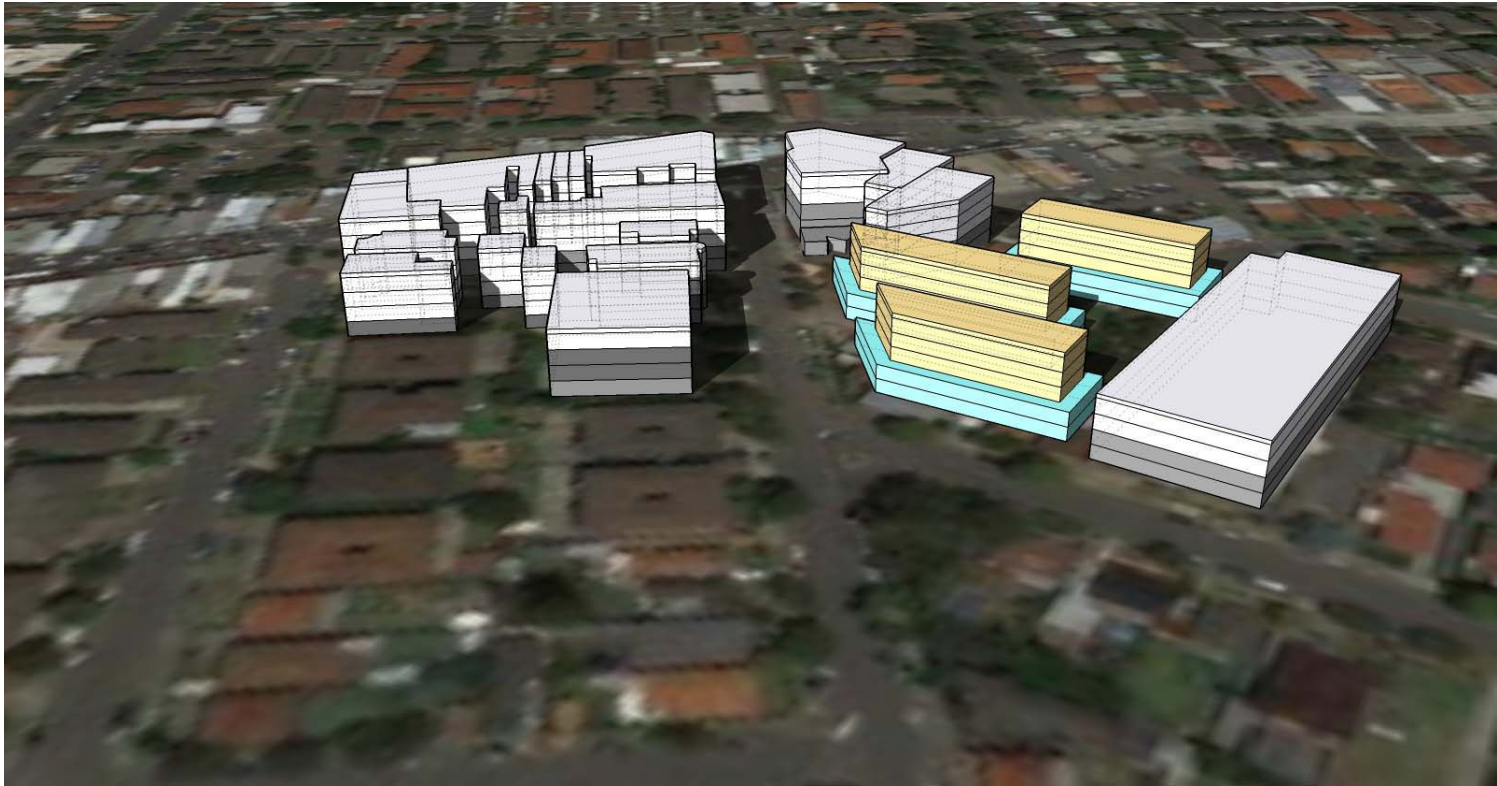


Figure 14 -Northern view of Bexley Town Centre built to existing maximum height, FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development



Figure 15 -Eastern view of Bexley Town Centre built to existing maximum height and FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development



Figure 16 - Southern view of Bexley Town Centre built to existing maximum height and FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development

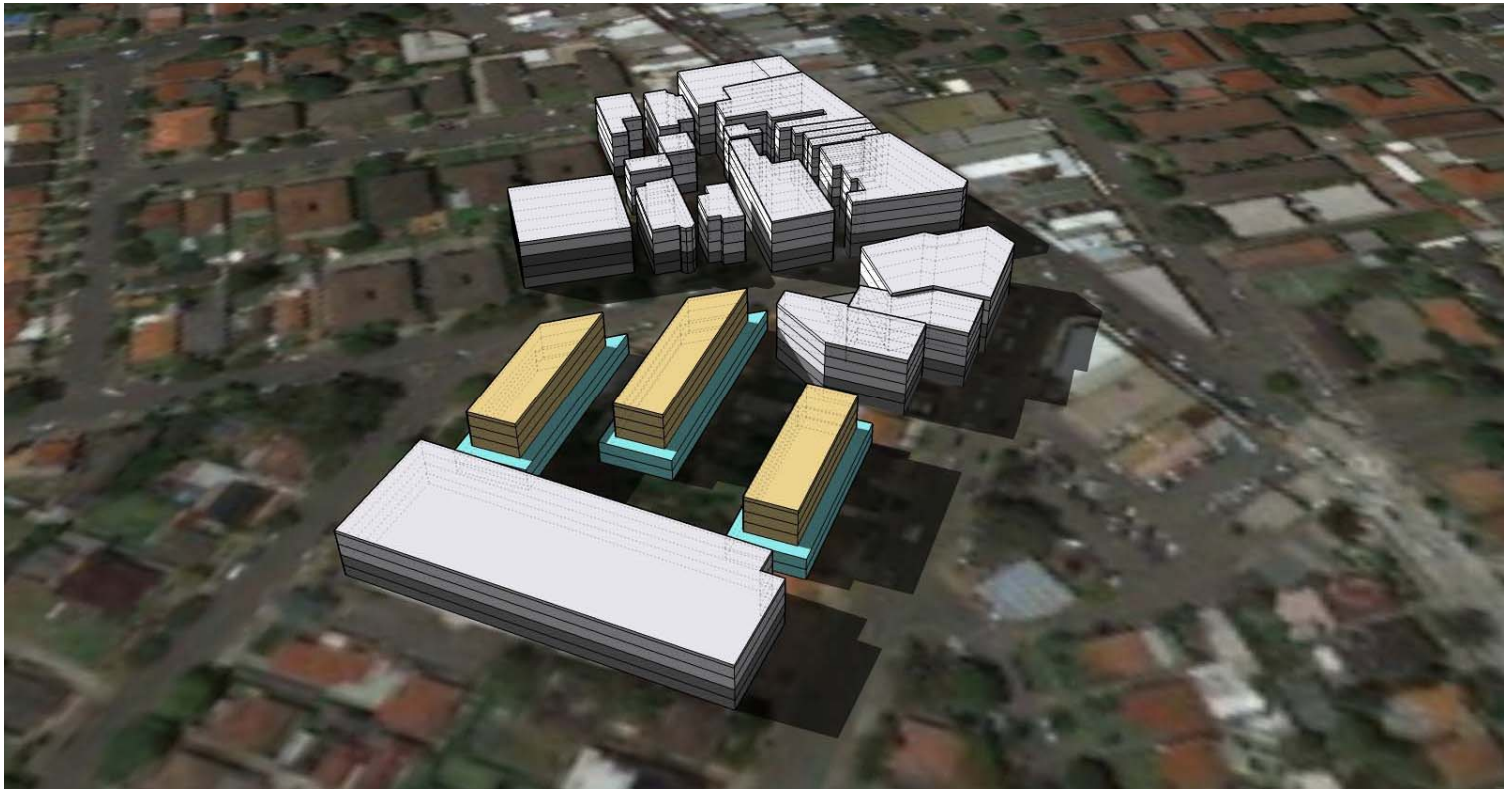


Figure 17 - Western view of Bexley Town Centre built to existing maximum height and FSR, and preferred development outcome for subject site.

Key for built form diagram

- Existing built form height
- Proposed built form height of existing development, in accordance to maximum permissible height in RLEP 2011
- Proposed podium height in potential new development
- Proposed upper storey height in potential new development

The above images demonstrate the built form of the Bexley Town Centre under current planning controls. It includes concepts on the subject site that are consistent with a height of 19m and FSR of 2.5:1. This illustrates the consistency of the nature of development that could be achieved with the PP.

5.5 Solar Access

5.5.1 Sun shadow diagrams for 21 June

The sun shadow diagrams **Figure 18 – Figure 20A** compares the solar access of the existing conditions and the proposed precinct building envelopes during the winter solstice. The appropriateness of the building height and FSR being requested has been tested in terms of environmental impact, in particular consideration of solar access. The shadow diagrams indicate that overshadowing from the proposed precinct building envelopes occur on Forest Road, Stoney Creek Road and the open space between the proposed new buildings. This mainly occurs during the morning hours of 9am and the evening hours from 3pm onwards. During midday, the area between the proposed precinct building envelopes is able to receive solar access when the sun is overhead.

The area between the buildings is designated for potential laneways and urban courtyards to achieve a balance between building bulk and open space. The proposed new buildings are also tested with appropriate setbacks, building separation and upper storey offsets to minimise the effects of overshadowing. It is concluded that the proposed building envelopes will cast shadows in a southerly direction onto Stoney Creek Road, as opposed to the residential area to the north. As a result it has minimal overshadowing impact on neighbouring properties.



Figure 18: Solar Access 9am for existing built form



Figure 18A: Solar Access 9am for proposed precinct building envelope.



Figure 19: Solar Access 12pm for existing built form



Figure 19A: Solar Access 12pm for proposed precinct building envelope.



Figure 20: Solar Access 3pm for existing built form



Figure 20A: Solar Access 3pm for proposed precinct building envelope

5.5.2 Sun shadow diagrams for 21 December

The sun shadow diagrams **Figure 21 – Figure 23A** compares the solar access of the existing conditions and the proposed precinct building envelope during the summer solstice. The shadow diagrams demonstrate that overshadowing is less of an issue during the summer solstice as the sun is more direct. Overshadowing mainly occurs during 9 am and 3pm and the shadows are cast in the western part of the proposed precinct building envelopes. The effects of overshadowing can be further minimised with careful orientation of habitable spaces within the proposed new buildings. *SEPP 65 Apartment Design Guide* principles will be applied to the proposed new buildings to achieve a balance between appropriate solar access and privacy.

It is concluded that the proposed built form has negligible overshadowing on neighbouring properties during the summer solstice. The shadows are cast along Kingsland Road South and the open space between the proposed new buildings. The shadows cast throughout the day are short shadows as opposed to longer shadows during the winter solstice. As a result, there is minimal overshadowing impact on neighbouring properties.



Figure 21: Solar Access 9am for existing built form



Figure 21A: Solar Access 9am for proposed precinct building envelope.



Figure 22: Solar Access 12pm for existing built form



Figure 22A: Solar Access 12pm for proposed precinct building envelope.



Figure 23: Solar Access 3pm for existing built form



Figure 23A: Solar Access 3pm for proposed precinct building envelope.

6. Conclusion

This urban design strategy in conjunction with the planning proposal supports and encourages the revised planning controls for greater height, density and change of zone on the subject sites. The Bexley Town Centre is a continually expanding hub for commercial and residential functions which must be enhanced in order to accommodate for the growing population of the area. The rezoning of the subject sites to allowing an increase in maximum height to 19m and a FSR of 2.5:1 would make a valuable contribution to the housing opportunities and diversity in support of the ever growing freight and transport network stemming from Sydney Airport and Botany Bay.

The proposed rezoning of the sites has a strategic planning and urban design merit in terms of satisfying both the local and State government strategic framework, which advocates enhanced densities in LGAs undergoing rapid population growth. The proposed amendments to the zoning will:

- support and complement the Bexley Town Centre's economic functions without challenging or detracting from it;
- assist Rockdale City Council in achieving housing density targets by contributing to the availability of land that is commensurate with the existing centres;
- create a vibrant and dynamic mixed use precinct with a high degree of access and walkability;
- identify and amalgamate sites in ideal locations for potential future development that are currently underutilised;
- strengthen local amenity by providing an increase in critical mass to support existing and future local businesses.

Local Councils in unison with the NSW State government seek to identify suitable locations for the development of housing and employment as outlined by the Plan for Growing Sydney. The subject sites are at an integral location within the Bexley Town Centre to provide for such visions with the proposed land use, height and FSR amendments directly aiding in achieving this goal. Through these amendments they will strengthen the economic vitality of the existing Bexley Town Centre as well as allowing for the increase in residential availability and diversity within an already well-connected area of high amenity.

In terms of the Rockdale Local Environmental Plan 2011, it:

- proposes logical and rational amendments to the LEP zoning, maximum height and FSR development standards that are responsive and appropriate to the local context; and
- proposes the amalgamation of fragmented sites in the local area and utilises Council's development incentives of height and FSR bonus.

With regards to the location and context of the site, it proposes precinct building envelopes that:

- promotes a consistent approach to the local context with a scale that responds to the projected population growth of the local area; and
- responds to the need to maximise the development potential of the area to achieve zone objectives.

The urban design strategy and amendments to land use, height and FSR mapping for the subject sites to allow for expansion of business and residential uses, as well as the consistent application of building bulk within the Bexley Town Centre, is in direct aligned with the visions outlined within the *Rockdale City Urban Strategy 2010*. In particular, the proposed amendments are aimed at supporting the revitalisation and activation of the Bexley Town Centre to allow for greater diversity and to build on the existing economic strengths of the centre, being motel type accommodation, that currently service the visitation and accommodation market. The proposed amendments will assist Rockdale Council to deliver their intended vision of diversifying and enhancing the Bexley Town Centre as a vibrant interconnected community destination.

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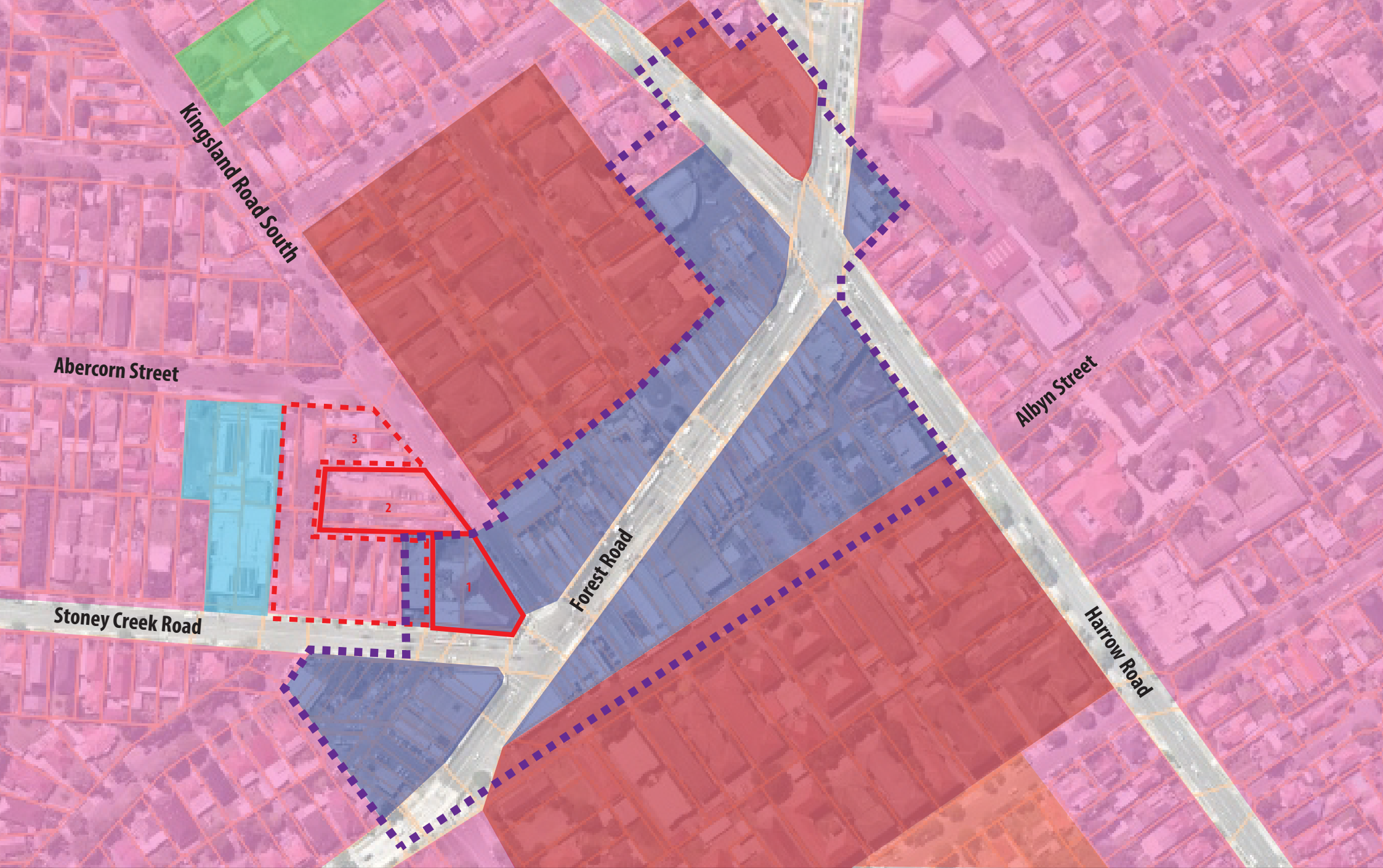
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APPENDIX E – Site and Precinct Analysis Diagrams





LAND USE AND ZONING

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL - SINGLE DWELLING

RLEP 2011 LAND
USE ZONE LEGEND

B1	B4	R2	R3	R4	RE1	BEXLEY TOWN CENTRE BOUNDARY
-----------	-----------	-----------	-----------	-----------	------------	--



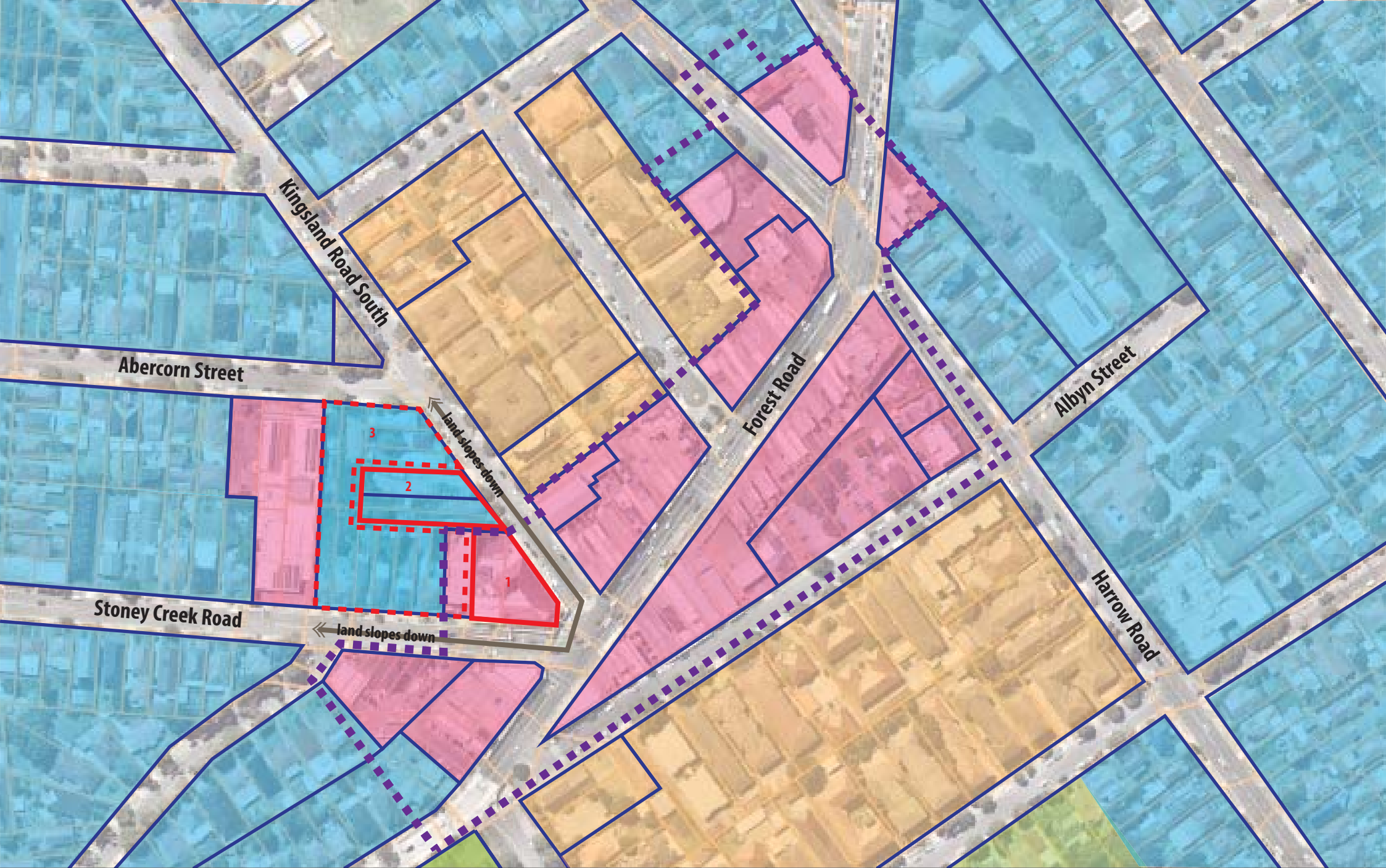
HEIGHT OF BUILDING (METRES)

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL SINGLE DWELLING

RLEP 2011 MAXIMUM
BUILDING HEIGHT LEGEND



BEXLEY TOWN
CENTRE BOUNDARY



FLOOR SPACE RATIO (FSR)

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL - SINGLE DWELLING

RLEP 2011
FSR LEGEND



BEXLEY TOWN
CENTRE BOUNDARY



CONNECTIVITY OF SITE AND SURROUNDINGS

- 1. EXISTING HOTEL AND BOTTLE SHOP
- 2. EXISTING RESIDENTIAL DWELLINGS AND VACANT LOT
- 3. RESIDENTIAL - SINGLE DWELLING

C1. COUNCIL CAR PARK
C2. COUNCIL CAR PARK
CR1. MAJOR CROSSING
CR2. MINOR CROSSING

PRIMARY STATE CLASSIFIED ROADS
SECONDARY ROADS
EXISTING LINKS
PROPOSED LINKS

BEXLEY TOWN
CENTRE BOUNDARY



DEVELOPMENT OPPORTUNITIES
 C1. EXSITING COUNCIL CAR PARK 1
 C2. EXISTING COUNCIL CAR PARK 2
 CR1. MAJOR CROSSING
 CR2. MINOR CROSSING

DESTINATIONS
 D1. PROPOSED BEXLEY TOWN CENTRE CORE
 D2. CIVIC POCKET
 D3. POTENTIAL ACTIVATED URBAN COURTYARD
 D4. POTENTIAL PLACE MAKING SPACE
 D5. EXISTING PUBLIC SPACE
 D6. POTENTIAL ACTIVATION OF EXISTING GREEN SPACE

EXISTING COMMERCIAL
PROPOSED NEW MOTEL AND CAR PARK
POTENTIAL HIGH DENSITY RFB DEVELOPMENT
POTENTIAL PLACE MAKING AREAS
COUNCIL PROPOSED ACTIVE RETAIL FRONTAGE
DEVELOPMENT PRECINCT

BEXLEY TOWN CENTRE BOUNDARY
ANTICIPATED CIRCULATION

APPENDIX F – Traffic and Parking Assessment



PARKING & TRAFFIC

CONSULTANTS

Driving success through valuable advice

Kingsland Road South, Bexley: Planning Proposal

Traffic and Parking Assessment

8 August 2016



Document Control

Our Reference: T2-1711, Kingsland Road South, Bexley: Planning Proposal , Traffic and Parking Assessment

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1 Introduction

1.1 Project Summary

Parking and Traffic Consultants (PTC) has been engaged by TPG Town Planning and Urban Design to prepare a Traffic and Parking Assessment to accompany a Planning Proposal to assess the potential rezoning of properties located in the vicinity of Bexley Town Centre.

1.2 Purpose of this Report

This report presents the following considerations in relation to the Parking assessment of the Proposal:

- Section 2 - A description of the Planning Proposal project,*
- Section 3 - A description of the road network and public transport opportunities serving the development property,*
- Section 4 - An assessment of the existing and post development traffic conditions on the local road network,*
- Section 5 - Assessment of the required parking provisions in the context of relevant planning control requirements,*
- Section 6 - Conclusion.*

2 Planning Proposal

2.1 Subject Site

The site is located on the north-west corner of Stoney Creek Road and Kingsland Road South in Bexley.

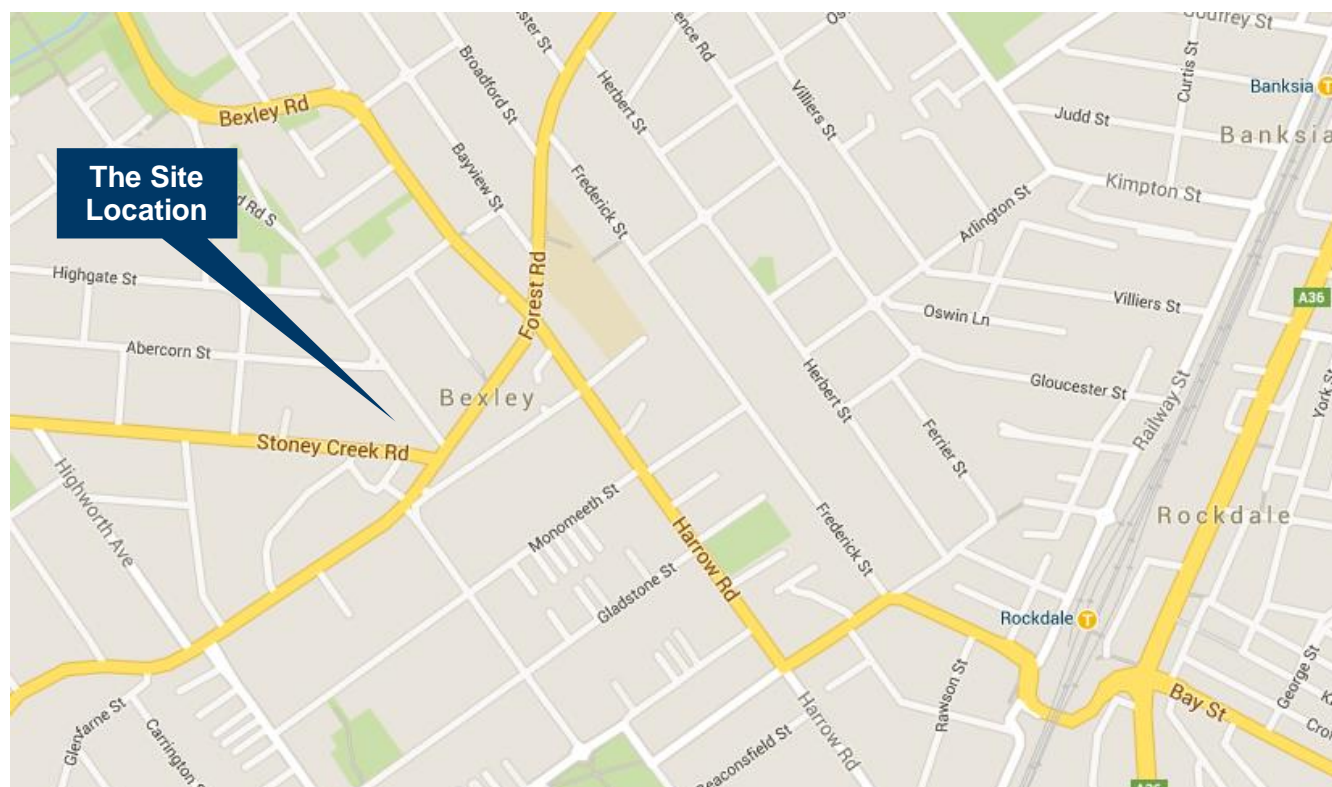


Figure 1 - Site Location

The site comprises 18 properties, which are best described in the following table, which is sourced from the Planning Proposal prepared by TPG:

Site Number	Number	Street
Site 1	467	Forest Road
Applicant Ownership	467	Forest Road
Site 2	1	Kingsland Road South
Applicant Ownership	3	Kingsland Road South
	5	Kingsland Road South
Site 3	1	Abercorn Street
Differing Land Tenure	3	Abercorn Street
	7	Kingsland Road South
	9	Kingsland Road South
	11	Kingsland Road South
	6	Stoney Creek Road
	8	Stoney Creek Road
	8A	Stoney Creek Road
	10	Stoney Creek Road
	12	Stoney Creek Road

	14	Stoney Creek Road
	16	Stoney Creek Road
	18	Stoney Creek Road

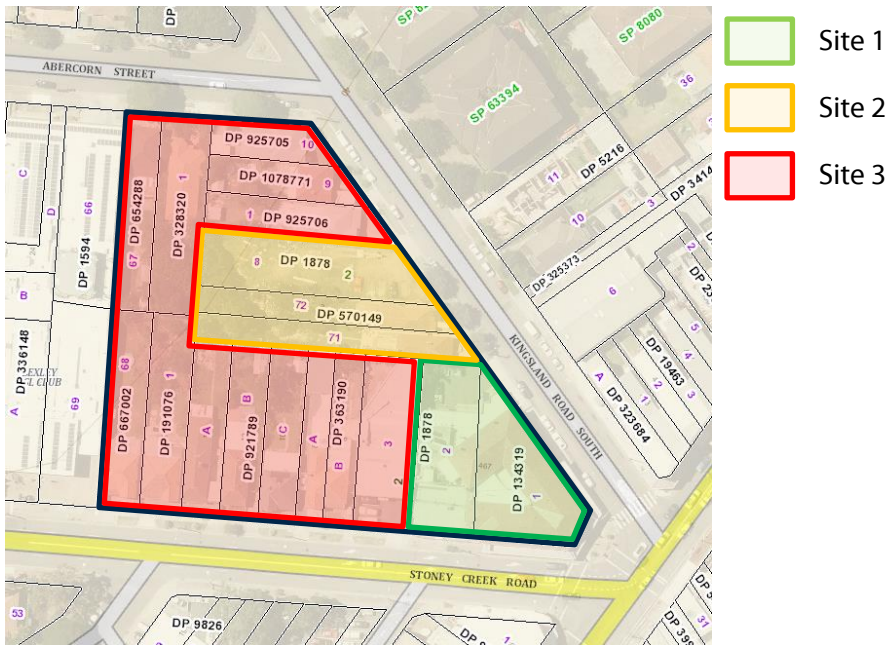


Figure 2 - The Site Properties

According to the Rockdale Council Local Environmental Plan 2011 the properties are zoned R2 Low Density Residential other than 467 Forest Road, which is zoned B4 'Mixed Use' (the Forest Inn Hotel).

The total combined site area is approximately 8,970m² and accommodates 13 detached dwellings, the Forest Inn Hotel and an adjoining commercial building.

The immediate surrounds of the site are typically mixed use and residential in character.

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2.2 Planning Proposal Objectives

This Planning Proposal seeks to amend the Rockdale LEP 2011 to increase the density of the properties through rezoning and amended building heights and FSR. Details of the existing and proposed planning controls are detailed in the Planning Proposal prepared by TPG as part of this application, however in relation to the traffic and parking considerations, the potential yield of the overall site is the key outcome.

The proposed B4 Mixed-use zone across the site would permit a higher density of residential development or hotel / accommodation type land uses, within the constraints of the proposed FSR (2.5:1) and height limits.

For the purposes of analysis of the potential impact of additional population that could be generated as a result of the Planning Proposal, the table below has been established, which includes yields developed from indicative concept plans for the site and the principles of highest/best use. They are provided only for the purpose of analysis as a potential high capacity outcome for the site. It is noted that the Forest Inn is to remain in its current configuration.

Option	Building 1		Building 2		Building 3		Entire Site
	Use	Potential motel rooms / Units	Use	Potential motel rooms / Units	Use	Potential motel rooms / Units	Potential motel rooms / Units
1	Hotel	78	Hotel	42	Hotel	49	169
2	Hotel	78	Hotel	42	Residential	31	151
3	Hotel	78	Residential	27	Residential	31	136
4	Residential	36	Residential	27	Residential	31	94

3 Existing Transport Facilities

3.1 Road Hierarchy

The road network servicing the area comprises a number of local roads with nearby connections with state roads, making the site accessible from different regions of the metropolitan area as shown in Figure 5.



Figure 5 - Road Hierarchy (Source: RMS Road Hierarchy Review)

The NSW administrative road hierarchy comprises the following road classifications, which align with the generic road hierarchy as follows:

- State Roads - Freeways and Primary Arterials (RMS Managed)
- Regional Roads - Secondary or sub arterials (Council Managed, Part funded by the State)
- Local Roads - Collector and local access roads (Council Managed)

The road network serving the site includes:

Forest Road

Road Classification	State Road
Alignment	North - South
Number of Lanes	2 travel lanes including 1 parking lane in each direction of travel (outside clearway hours)
Carriageway Type	Un-divided
Carriageway Width	12.5metres
Speed Limit	50kph
School Zone	No
Parking Controls	Northbound: No Stopping: 1/2P 10am-6pm Mon-Fri: 1/2P 8:30am-12:30pm Saturday: Clearway 6am-10am Mon-Fri Southbound: No Stopping: 1/2P 8:30am-3pm Mon-Fri: 1/2P 8:30am-12:30pm Saturday: Clearway 3pm-7pm Mon-Fri
Forms Site Frontage	No

Table 1 - Existing Road Network – Forest Road



Figure 6 - Forest Road – Southbound

Stoney Creek Road

Road Classification	State Road
Alignment	East - West
Number of Lanes	2 travel lanes including 1 parking lane in each direction of travel (outside clearway hours)
Carriageway Type	Un-divided
Carriageway Width	12metres
Speed Limit	50kph
School Zone	No
Parking Controls	Eastbound: No Parking: Clearway 6am-10am Mon-Fri Southbound: No Parking: 1/2P 8:30am-3pm Mon-Fri: 1/2P 8:30am-12:30pm Saturday: Clearway 3pm-7pm Mon-Fri
Forms Site Frontage	No

Table 2 - Existing Road Network – Stoney Creek Road



Figure 7 - Stoney Creek Road – Eastbound

Kingsland Road South

Road Classification	Local Road
Alignment	East - West
Number of Lanes	1 travel lane including 1 parking lane in each direction of travel
Carriageway Type	Un-divided
Carriageway Width	11metres
Speed Limit	50kph
School Zone	No
Parking Controls	1P 8:30am-6pm Mon-Fri: 1P 8:30am-12:30pm Saturday
Forms Site Frontage	Yes

Table 3 - Existing Road Network – Kingsland Road South



Figure 8 - Kingsland Road South – Eastbound

3.2 Public Transport

In assessing the accessibility of the site using public transport, reference is made to the NSW Planning Guidelines for Walking and Cycling (2004) (the Cycling and Walking Guide). This document recommends that a distance of 400-800m is a walkable catchment to access public transport and local amenities and 1.5km for cycling. Further details identifying the accessibility of these services are provided below.

3.2.1 Trains

The site is located approximately 1.7km south-west of Rockdale railway station as shown in Figure 11 (5 min drive or 20 min walk). The station is served by T4 Eastern Suburbs and Illawarra line, which operate typically at 15 minutes intervals through the day providing a direct connection to Sydney CBD and Sydney Domestic and International airport via the T2 line.

The station location would provide opportunity for patrons of the motel to travel to and from the city or the airport via taxi/train combination.

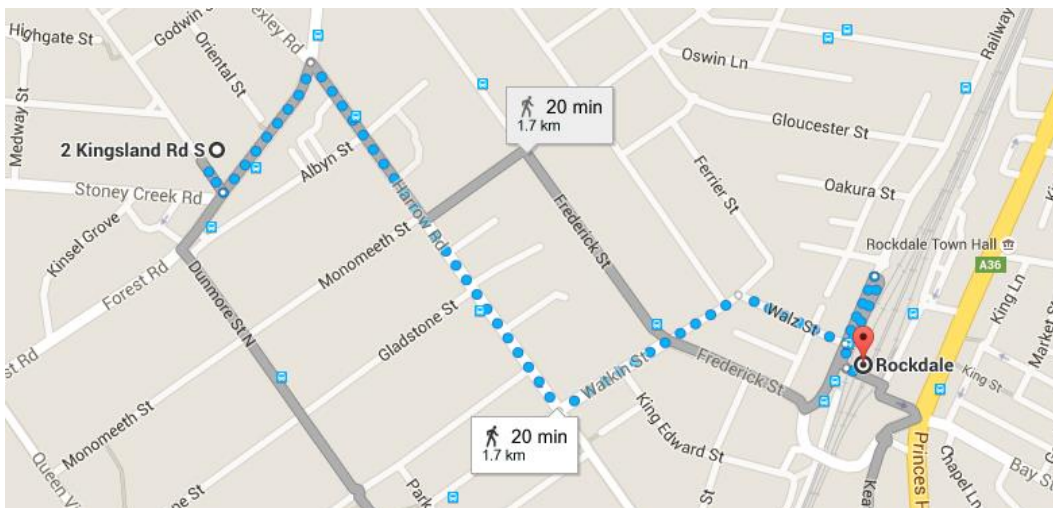


Figure 9 - Rockdale Train Station



Figure 10 - Sydney Trains Network

3.2.2 Bus Services

The site is well serviced by buses that provide for three (3) bus routes options and stops within 200m of the site. The locations are identified in Figure 11 with details of each service presented in Table 4.

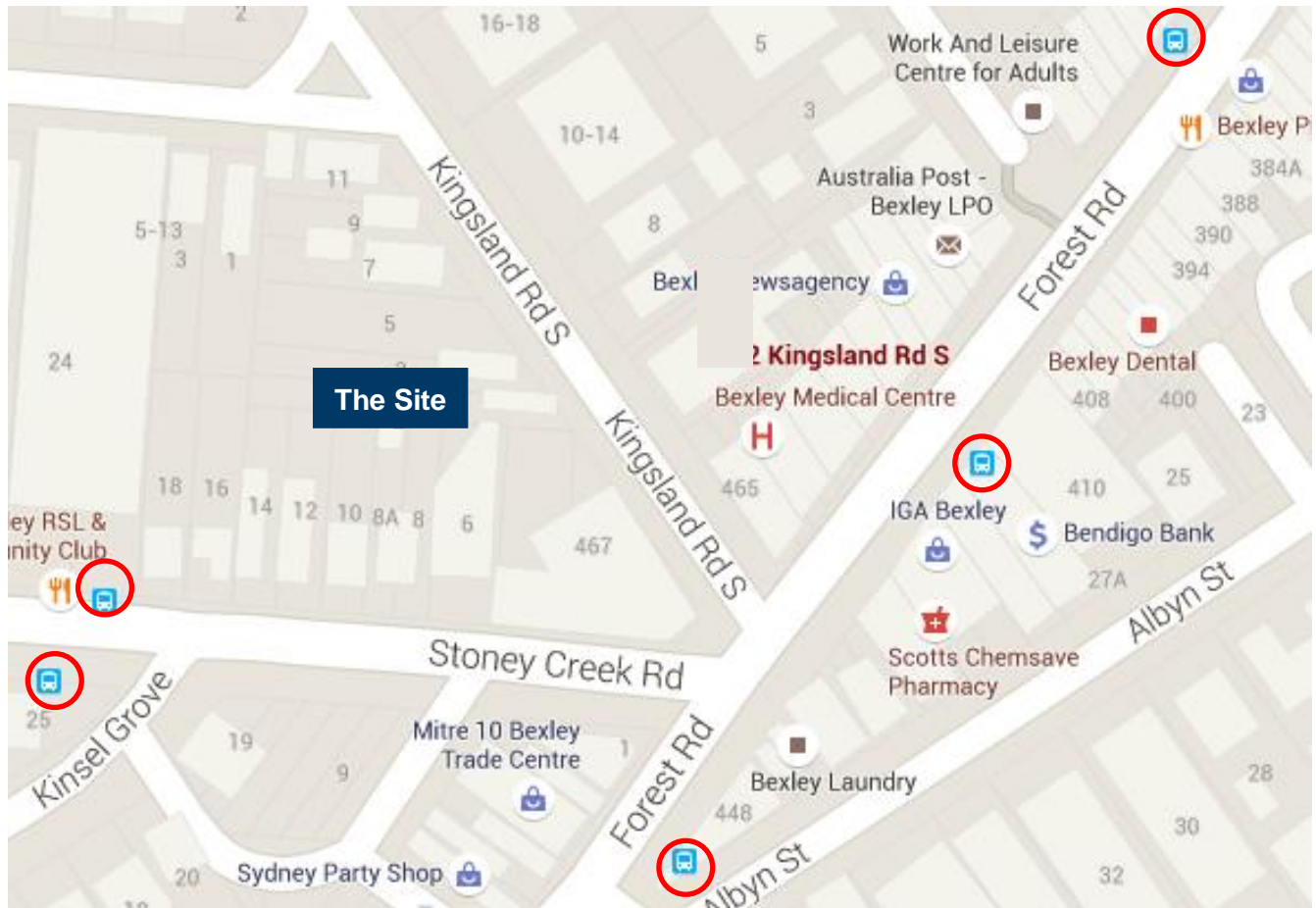


Figure 11 - Public Transport Opportunities

Route No.	Frequency	Coverage
452	Weekdays: 20 minute intervals Weekends: 30 minute intervals	Beverly Hills - Rockdale via Hurstville
492	Weekdays: 30 minute intervals Weekends: 30 minute intervals	Drummoyne-Rockdale
493	Weekdays: 60 minute intervals Weekends: N/A	Rockdale-Roselands

Table 4 - Bus Service Summary

3.2.3 Sydney Airport

Sydney International and Domestic airports are located approximately 4km (International) and 8km (Domestic) northeast of the motel, providing a short drive of 10-15mins for patrons of the motel. Sydney Airport is a major transport hub providing connection to domestic and international flights for business and tourists, which potentially could utilise the motel facilities and reduce the necessity of car park use within the motel grounds, by utilising public transport or taxi services.

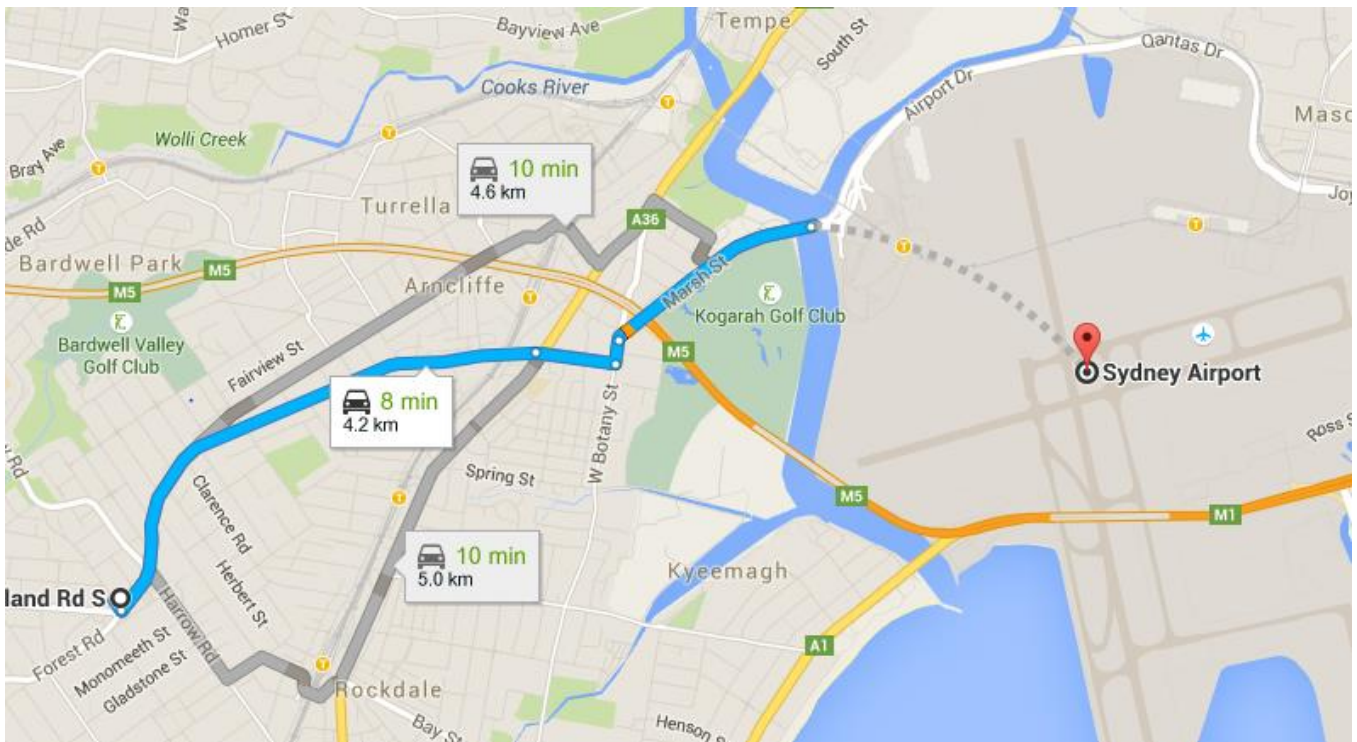


Figure 12 - Sydney Airport Access

3.3 Westconnex

The Westconnex project is currently in the planning and design stage. In preparation for construction and according to the traffic modelling presented in the EIS most surface roads in the vicinity of the Westconnex project will see a reduction in the weekday average traffic volume. As a result of the Westconnex project there are a number of roads where reductions across the network will result in increases on certain roads. This will include Stoney Creek Road, where a slight increase in traffic volume is expected. However, this will likely be offset by improved travel times in the nearby road network.

The maximum yield of the Planning Proposal generates a traffic volume that is insignificant in the context of the Westconnex project and the related impacts and improvements to traffic conditions on the broader network.

4 Development Traffic Assessment

4.1 Existing Traffic Volumes

In order to assess the current traffic conditions at the intersections on Forest Road at Stoney Creek Road and Kingsland Road, traffic surveys were undertaken to ascertain the traffic conditions on the typical weekday peak periods within a school term.

Intersection surveys were performed on 15th June 2016 during the following times to record the AM and PM peak activity surrounding the development site:

- 7:00am – 9:00am and
- 4:00pm and 6:00pm.

The traffic survey results indicate that the road network peaks occurred at:

- 8:00am to 9:00am and
- 4:15pm to 5:15pm

Therefore, these hours have been adopted as the peak periods for the purpose of assessing the impacts of increased traffic resulting from the proposed development.

4.2 Existing Situation Intersection Modelling

The operation of the intersection has been assessed using the SIDRA intersection performance assessment software.

The SIDRA software package is designed to assess the operation of single intersections, with some provisions for coordinated vehicle arrivals, as well as providing various performance indicators (Level of Service, Average Delay, etc.). In the case of a signalised intersection, SIDRA is able to determine the most efficient traffic signal phasing and timings within given parameters, e.g. a fixed cycle length.

Typically there are four performance indicators used to summarise the performance of an intersection, being:

- Degree of Saturation – The total usage of the intersection expressed as a factor of 1 with 1 representing 100% use/saturation. (e.g. 0.8 = 80% saturation)
- Average Delay – The average delay encountered by all vehicles passing through the intersection. It is often important to review the average delay of each approach as a side road could have a long delay time, while the large free flowing major road traffic will provide an overall low average delay.
- Level of Service – This is a categorisation of average delay, intended for simple reference. RMS adopts the bands, defined in Table 5 below.
- 95% Queue lengths (Q95) - is defined to be the queue length in metres that has only a 5-percent probability of being exceeded during the analysis time period. It transforms the average delay into measureable distance units.

Level of Service	Average Delay (secs/vehicle)	Traffic Signals, Roundabout	Give Way & Stop Signs
A	<14	Good operation	
B	15 to 28	Good with acceptable delays & spare capacity	Acceptable delays & spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity & accident study required
E	57 to 70	At capacity. At signals, incidents would cause excessive delays. Roundabouts require other control mode	At capacity, requires other control mode
F	>70	Extra capacity required	Extreme delay, major treatment required

Table 5 - Intersection Performance - Levels of Service – RMS

A summary of the SIDRA results is presented in Table 6.

Peak Period	Intersection	Level of Service	Average Delay (secs)	Degree of Saturation	95% Queue Length (m) ¹
Weekday AM Peak	Stoney Creek Road / Forest Road	B	22.7	0.671	119.1
	Forest Road / Kingsland Road	A	1.0	0.156	2.4
Weekday PM Peak	Stoney Creek Road / Forest Road	C	35.0	0.948	155.5
	Forest Road / Kingsland Road	A	0.8	0.159	1.4

Table 6 – Summary of SIDRA Outputs Results (Existing Operation)

The results indicate that the intersections provide sufficient capacity to accommodate the current traffic volumes in the AM Peak and PM Peak.

¹ Resulting 95%-ile queue reported for the approach exhibiting the greatest vehicle queuing.

4.3 Development Traffic Generation

Based on the property zoning being sought by this Planning Proposal, there is the potential for the site to accommodate residential and Hotel uses. In order to estimate the traffic activity associated with the site, reference is made to the following trip generation guides, which have been applied to the development scenarios described in Section 2.2.

- Hotel Component;
 - 'Casual Accommodation' - RMS Guide to Traffic Generating Developments (2002)
- Residential Component;
 - 'High density residential flat buildings' – RMS Technical Direction, TDT 2013/04

4.3.1 Residential Traffic Generation Rates

The TDT 2013/14 is based on recent surveys conducted for high-density residential flat buildings across the Greater Sydney Region. It is currently considered to be the most relevant guide to estimating traffic generations for residential flat buildings containing (20) or more dwellings. This guide suggests the following rates:

- AM Peak Hour Rate: 0.19 trips / unit;
- PM Peak Hour Rate: 0.15 trips /unit.

4.3.2 Hotel Traffic Generation Rates

For traffic generation purposes, a tourist hotel best describes the proposed hotel, however no traffic generation data is available for NSW. The hotel is located in an environment that benefits from good access to public transport links.

The guide provides a rate for motel use and based on 100% occupancy, recommends a trip generation of 0.4 trips per unit (or room in this case) during the evening peak hour. No rate is presented for the morning peak, however there is no evidence to suggest it would be higher or lower than the evening peak.

This rate is considered conservative and motels would generally be located outside a metropolitan environment and would rely predominately of car usage. However as no trip generation data is available for hotels, this conservative rate has been adopted.

4.4 Traffic Impact Assessment

The proposed development is estimated to generate the following volumes, with comparison to the existing volumes, shown in the following tables.

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Hotel	78	31	31
Building 2	Hotel	42	17	17
Building 3	Hotel	49	20	20
Entire site		169	68	68

Table 7 - Development Option 1 Traffic Generation

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Hotel	78	31	31
Building 2	Hotel	42	17	17
Building 3	Residential	31	6	5
Entire site		151	54	53

Table 8 - Development Option 2 Traffic Generation

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Hotel	78	31	31
Building 2	Residential	27	5	4
Building 3	Residential	31	6	5
Entire site		136	42	40

Table 9 - Development Option 3 Traffic Generation

	Use	Units / Rooms	AM Trips	PM Trips
Building 1	Residential	36	7	5
Building 2	Residential	27	5	4
Building 3	Residential	31	6	5
Entire site		94	18	14

Table 10 - Table 10 - Development Option 4 Traffic Generation

Given the larger traffic generation rates associated with Hotel rooms rather than residential apartments, it is evident that Option 1, which comprises 100% hotel use, results in the highest and worst-case traffic activity. Option 1 is unlikely to occur in that the development will most likely seek to balance the two uses, however this option has been applied to the intersection model in order to confirm the extent of any traffic impacts.

The data indicates that the projected peak hour generation of vehicles resulting from Option 1 will result in 68 vehicle trips during the AM and PM peak periods.

The development site is proposed on a site with potential existing uses in operation and a peak hour traffic generation of approximately 18 vehicle trips (based on the 18 existing dwellings and commercial building).

If the projected traffic generation of the proposal is compared against the existing land uses, it is evident that Option 1 could generate an additional 50 vehicle trips, while Option 4 (being entirely residential) would result in no net increase in traffic activity.

4.5 Intersection modelling

The results of this analysis are presented in Table 11 below.

Peak Period	Intersection	Level of Service	Average Delay (secs)	Degree of Saturation	95% Queue Length (m) ²
Weekday AM Peak	Stoney Creek Road / Forest Road	B	22.8	0.678	123.2
	Forest Road / Kingsland Road	A	1.4	0.160	4.0
Weekday PM Peak	Stoney Creek Road / Forest Road	C	36.3	0.963	154.4
	Forest Road / Kingsland Road	A	1.1	0.169	2.3

Table 11 - Summary of SIDRA Outputs Results (Post Development)

The results indicate that the worst-case traffic scenario (based on a development comprising entirely hotels) has a very minimal impact on the operation of both intersections, with only very slight changes to the key indicators. It is evident that the alternative options, which comprise a more likely mix of hotel rooms and apartments, will all result in less impact and can be accommodated within the existing road network.

² Resulting 95%-ile queue reported for the approach exhibiting the greatest vehicle queuing.

5 Parking Provision

5.1 Planning Policy Requirements

The parking provision for the Planning Proposal has been established based on the standard practice of reference to published data including:

- Rockdale Council Development Control Plan 2011 (RDCP2011),
- RMS Guide to Traffic Generating Developments (the RMS Guide),
- Institute of Transport Engineers (ITE) Parking Generation,
- Surrounding Council DCP requirements for comparable developments.

5.1.1 Rockdale Council Development Control Plan Requirements

The parking requirements associated with residential flat buildings are presented in Part 4.6 of the DCP as follows:

- 1 space per studio, 1 and 2 bedroom apartments,
- 2 spaces per 3 bedroom apartment,
- Visitor parking is to be provided at a rate of 1 space per 5 dwellings.

For the purposes of the Planning Proposal, it has been assumed that the apartment mix will be in the order of:

- 10% - studios and 1 bedroom apartments
- 80% - 2 bedroom apartments
- 10% - 3 bedroom apartments.

The DCP stipulates that where a parking rate has not been specified, the RMS Guide is to be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking.

The table within the DCP does not specify parking rates for hotels, therefore reference is made in line with the DCP and standard engineering practice to alternate parking provision resources including:

- RMS Guide to Traffic Generating Developments,
- Institute of Transport Engineers (ITE) Parking Generation,
- Surrounding Council DCP requirements for comparable developments.

5.1.2 RTA (RMS) Guide to Traffic Generating Developments Requirements

The RMS Guide defines a motel as a building used substantially for overnight accommodation. The guide recommends the number of off-street car parking spaces as:

- 1 space for each motel room, plus
- 1 space per 2 employees.

5.1.3 Institute of Transport Engineers (ITE) Parking Generation

The ITE has published a Parking Generation Guideline, which has been developed upon surveyed information, to guide practitioners on potential parking demands for various types of developments including motels. The ITE Parking Generation guide considers a motel as a place of lodging that provides sleeping accommodation and possibly a restaurant. There is typically little or few other supporting facilities (i.e. as meeting rooms). It is considered the subject development is of similar in nature with the results of the ITE guide providing guidance for the potential parking demand required for the subject motel.

The guide concluded that for a motel:

- The average peak parking demand was 0.71 vehicles per occupied room,
- The 85th percentile peak parking demand of 0.85 vehicles per occupied room.

Based upon this results it can be seen that parking utilisation for motel facilities could be less than the RMS rate of 1 space per room, particularly also giving consideration of the overall utilisation of the motel occupancy which may not be always at 100%.

5.2 Parking Provision Requirements

Application of the parking requirement rates to the development options is summarised in the following Table:

Table 12 - Development Option 1 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces	ITE Rate	Spaces
Building 1	Hotel	78	1	78	0.85	66
Building 2	Hotel	42	1	42	0.85	36
Building 3	Hotel	49	1	49	0.85	42
Entire site		169		169		144

Table 13 - Development Option 2 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces	ITE Rate	Spaces
Building 1	Hotel	78	1	78	0.85	66
Building 2	Hotel	42	1	42	0.85	36
Building 3	Residential					
	1 bed	3	1	3		3
	2 bed	25	1	25		25
	3 bed	3	2	6		6
	Visitors	31	0.2	6		6
Entire site		151		160		142

Table 14 - Development Option 3 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces	ITE Rate	Spaces
Building 1	Hotel	78	1	78	0.85	66
Building 2	Residential					
	1 bed	3	1	3		3
	2 bed	21	1	21		21
	3 bed	3	2	6		6
	Visitors	27	0.2	5		5
Building 3	Residential					
	1 bed	3	1	3		3
	2 bed	25	1	25		25
	3 bed	3	2	6		6
	Visitors	31	0.2	6		6
Entire site		136		153		141

Table 15 - Development Option 4 Parking Requirements

	Use	Units / Rooms	DCP / RMS Rate	Spaces
Building 1	Residential			
	1 bed	4	1	4
	2 bed	28	1	28
	3 bed	4	2	8
	Visitors	36	0.2	7
Building 2	Residential			
	1 bed	3	1	3
	2 bed	21	1	21
	3 bed	3	2	6
	Visitors	27	0.2	5
Building 3	Residential			
	1 bed	3	1	3
	2 bed	25	1	25
	3 bed	3	2	6
	Visitors	31	0.2	6
Entire site		94		122

6 Vehicular Access

The site currently comprised of 18 properties, most having access from the road frontages of Stoney Creek Road, Kingsland Road South and Abercorn Street. This totals 14 driveways, including the Forest Inn car park.

The consolidation of the properties which is likely to happen as a result of this planning proposal will form two sites plus the existing Forest Inn motel. This provides the opportunity to reduce the number of access driveways, which in turn, improves traffic flow of the road frontages, through reduced friction, and also improved pedestrian amenity through limited interaction across the footpaths.

There are several opportunities to provide vehicle access to future consolidated sites;

- Site 1 is likely to remain as the Forest Inn Motel, retaining the existing driveway access from Kingsland Road South.
- Site 2 has a frontage only to Kingsland Road South. The likely consolidation of these three properties will restrict access to this frontage, replacing several existing driveways,
- Site 3 has frontages to Abercorn Street and Stoney Creek Road. Stoney Creek Road is classified as a State Road and under the SEPP Infrastructure new development it is required to access alternative frontages where feasible. In this regard access to Site 3 would be considered appropriate from Abercorn Street, with secondary access from Stoney Creek Road to minimise the impact on Abercorn Street, i.e. to distribute the movements evenly across the network.

Access arrangements will enable access to basements and at-grade parking as well as service areas for larger vehicles. Indicative potential access locations are shown in Figure 13.

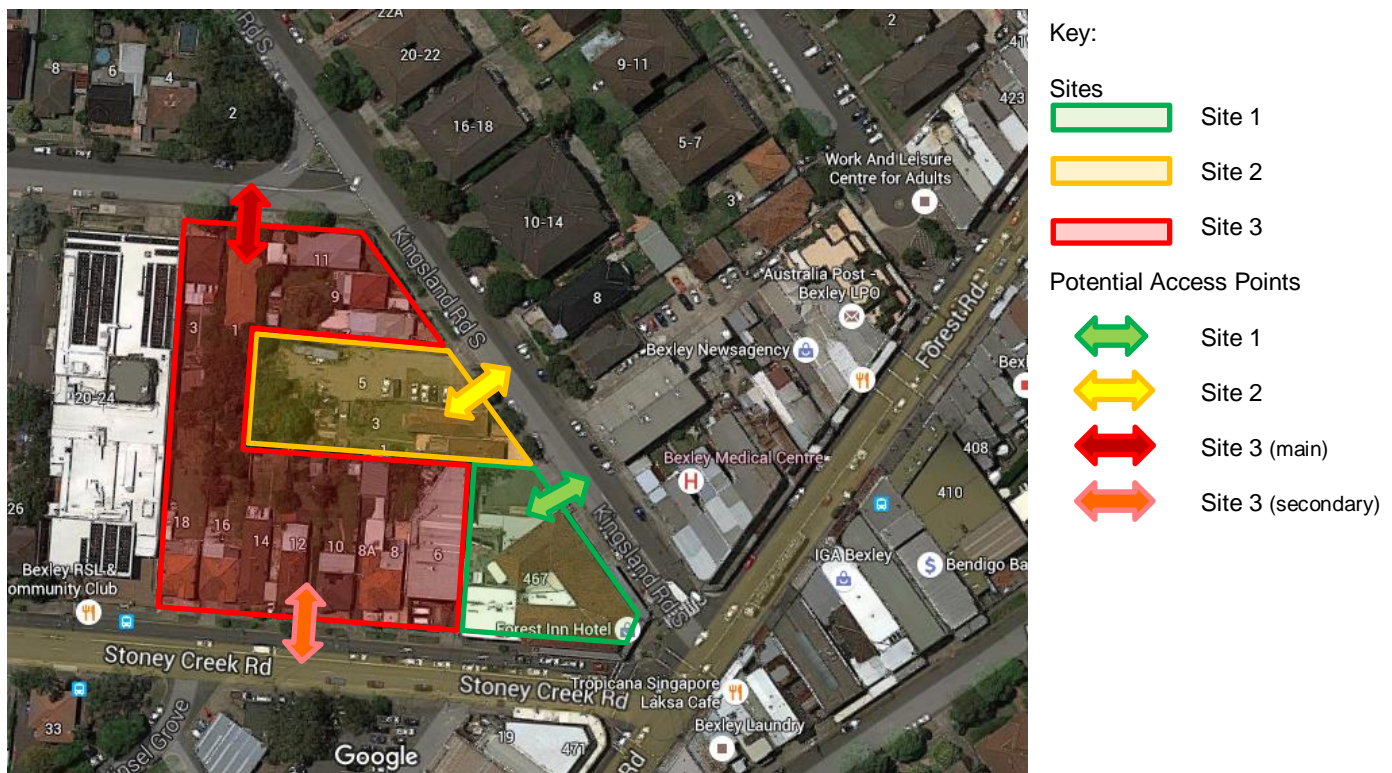


Figure 13 – Indicative Potential Access to Site

7 Conclusion

This assessment has concluded that the Planning Proposal which has the potential to facilitate a maximum development outcome of up to 169 hotel rooms will have minimal impact on the local road network and that a parking provision of up to 169 spaces could be required. Although data from comparable sources indicates that the maximum parking provision could be 144 spaces.

The proposed planning control changes of the properties would enable the development of multiple buildings providing a mix of residential apartments and hotel rooms. The Planning Proposal does not propose a particular mix, however this report presents 4 potential development outcomes ranging from a worst-case scenario of an entire hotel development to a low impact option being entirely residential.

The hotel represents the worst-case in terms of traffic impact and parking requirements as the traffic generation data and parking provision requirements are the highest of the two possible land uses. This assessment has concluded that the surrounding intersections provide sufficient capacity during the AM and PM peak to accommodate the additional traffic activity.

The maximum requirement for parking would be 169 parking spaces based on the hotel option and by applying the RMS requirements (although alternative data subjects this is a high provision). At approximately 32m² per car space, this would require a total area of 5,400m² within the future proposed development. This could clearly be provided and accommodated through a mix of at-grade and basement parking within a single level.

APPENDIX G – Economic Analysis

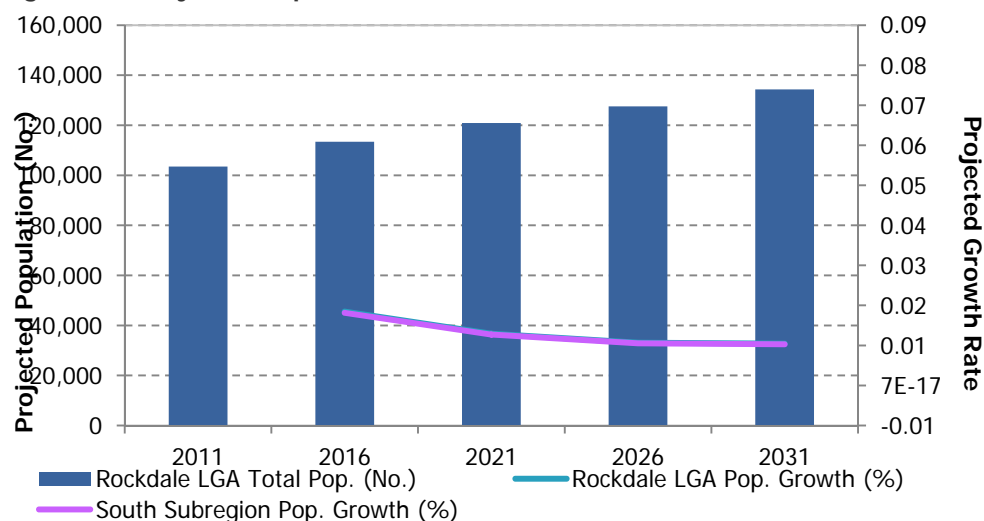
The Demands of Growth

Our analysis suggests that there is growing pressure on existing residential and commercial floorspace in the Rockdale LGA. This is brought about on several fronts, new growth as well as current floorspace requirements which are evolving:

- **New residents**

By 2031, it is expected that Rockdale LGA's resident population will grow to 134,335, an average annual increase of 1.3% in the 20 years to 2031. This rate is similar to that predicted for the South Subregion.

Figure 1.1: Projected Population Growth, Rockdale LGA, 2011 - 2031

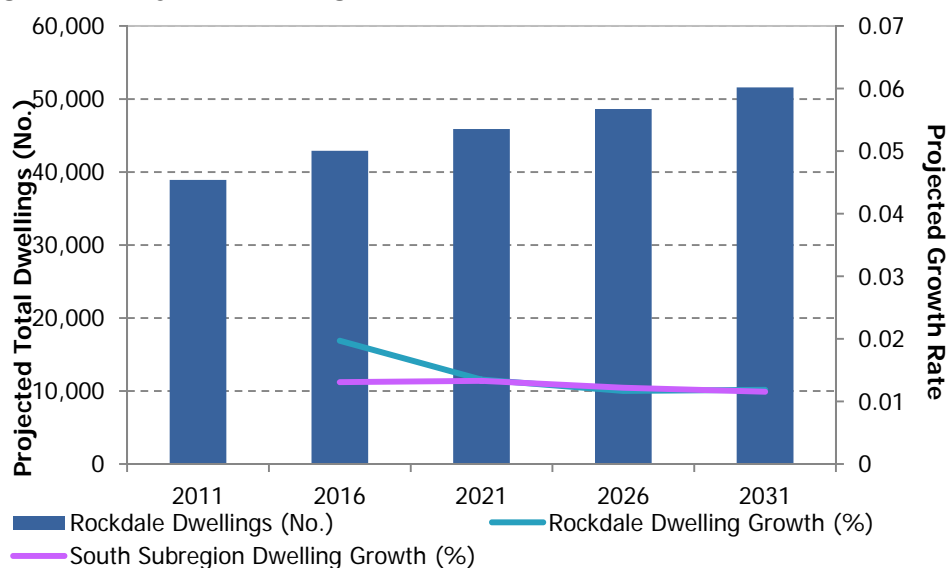


Source: BTS (2014)

- **Demand for residential floorspace**

By 2031, it is expected the total number of dwellings in Rockdale will grow to 51,587, an average annual increase of 1.4% in the 20 years to 2031. This rate is higher than that of the South Subregion (1.3%).

Figure 1.2: Projected Dwelling Growth, Rockdale LGA, 2011 – 2031

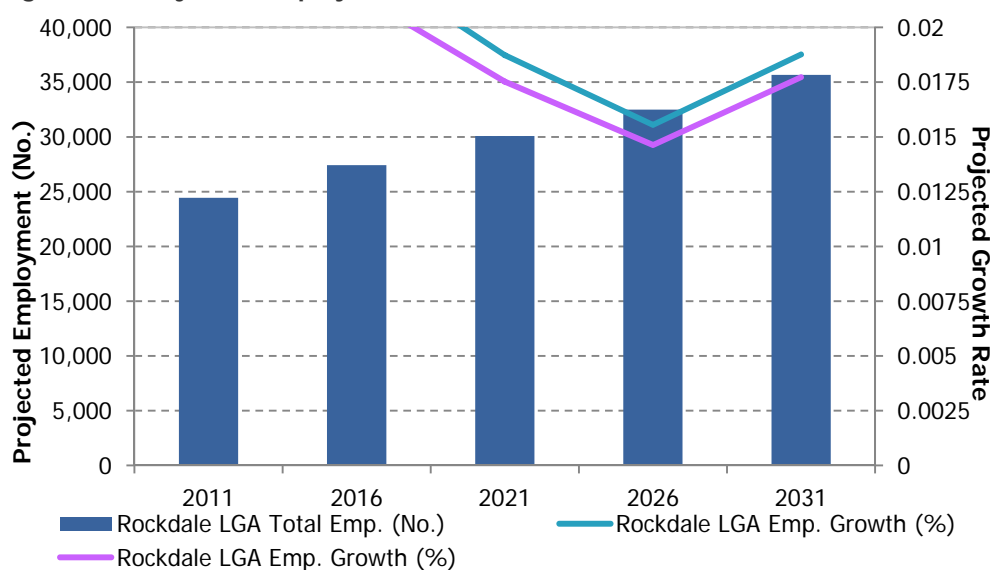


Source: BTS (2014)

- **New workers**

By 2031, it is expected that Rockdale LGA's worker population will grow to 35,662, an average annual increase of 1.9% in the 20 years to 2031. This rate is similar to that predicted for the South Subregion.

Figure 1.3: Projected Employment Growth, Rockdale LGA, 2011 – 2031



Source: BTS (2014)

Need for the Proposal

This analysis demonstrates that in order to accommodate future growth in the Rockdale LGA additional floorspace will be needed for both residential and employment uses. The Planning Proposal aims to cater to some of this demand by seeking a rezoning to allow for residential units as well as the possibility of a hotel/motel which would provide employment.

Challenges of Accommodating Growth on Infill/Brownfield Sites

Brownfield/infill land located within towns and cities is often in an excellent location to redevelop in order to leverage existing infrastructure. There are ample brownfield sites in Sydney, however, often they lie undeveloped to their full potential.

The reasons for this lack of development are complex. A key point may be that the construction sector is overly reliant on profit driven, large-scale house builders looking to maximise value from each new home sold and to capitalise on cost efficiencies to boost profitability. The inevitable result is that the land which is the cheapest to purchase and the most efficient to develop will be targeted.

Commercial viability is a key obstacle that prevents brownfield/infill development. To carry out construction, developers require profit levels of between 15% and 25% while they also need to factor into appraisals a realistic price that will incentivise landowners to part with their land.

Due to the high expense of the development process and multiple landowners with often unrealistic perceptions about how much a developer can pay to secure their land, brownfield sites are often perceived as unviable. Complex land ownership structures on brownfield sites hinder development.

Brownfield land can often have significant physical issues that increase site preparation costs. While contamination is often cited as a key issue, developers can also face abnormal costs such as the relocation of underground services/utility infrastructure, demolition of existing buildings and the irregular shape of multiple plots of land required for site assembly. These abnormal costs can severely impact upon the viability of development schemes.

Enabling Redevelopment and Renewal

Fundamentally, in order for developers to consider re-developing a Site the new use needs to be valuable enough to displace the existing uses. In order to determine whether there is incentive for a developer to carry out development on Site 2 and Site 3, we have assessed the value of Site 2 and Site 3 in the following context:

- Value in its existing use (i.e. Site 2, two residential detached dwellings and one vacant lot and Site 3, twelve residential detached dwellings and one commercial building); and
- Value as a potential development site (should the land be rezoned to B4 Mixed Use). This considers Site 2 and Site 3 from the perspective of the land owner.

Under the current planning controls, Site 2 and Site 3 are zoned R2 Low Density Residential. It is understood that under the current planning controls attached dwellings and semi-detached dwellings are permitted.

“Value” is in the context of ‘Market Value’ which is defined as “the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion”.

The objective of this analysis is to investigate:

- Sales activity of comparable detached dwellings in Bexley.
- Market activity of development sites in Bexley and surrounds, particularly prices paid for development sites.

This analysis outlines desktop research and analysis of the Subject Site based on our observations, property data bases (RP Data, Cordell Connect) and aerial photography. We have not carried out physical inspection of the location of Site 2 and Site 3 nor their improvements. Development yield estimates are based on the information provided to use by TPG. Accordingly, the analysis and advice contained herein are indicative and provisional only.

Value in Existing Use

Site 2 appears to contain two single storey residential dwellings (506qm and 417sqm) and a vacant residential lot (759sqm). This site is owned by the applicant.

Site 3 appears to contain twelve single storey residential dwellings (ranging from 280sqm to 635sqm) and one two storey commercial building (651sqm).

This assessment is based on an external appreciation and on sales evidence of similar properties.

Table 1: Sales Evidence of single storey detached dwellings, Bexley

Address	Site Area (sqm)	Sale Price	Sale Date	Description
4 Abercorn Street	575	\$1,040,000	5/03/2016	Single storey detached dwelling (with three bedrooms)
33 Abercorn Street	379	\$980,000	8/10/2015	Single storey detached dwelling (with two bedrooms)
103 Stoney Creek Road	390	\$968,000	14/03/2016	Single storey detached dwelling (with three bedrooms)
132 Stoney Creek Road	556	\$1,070,000	20/05/2016	Single storey detached dwelling (with three bedrooms)

Source: RPdata

Table 2: Sales Evidence of two storey commercial buildings, Bexley

Address	Site Area (sqm)	Sale Price	Sale Date	Description
410 Forest Road Bexley	923	\$4,800,000	27/06/2016	2 storey commercial property
411 Forest Road Bexley	278	\$650,000	12/02/2015	2 storey commercial property

Source: RPdata, AEC

From the information available Site 2 could potentially realise \$2.9m. This takes into account a value of \$1,000,000 for each residential dwelling and \$900,000 for the vacant lot. This represents 'value to the landowner'.

From the information available Site 3 could potentially realise \$13.95m. This takes into account a value of \$1,000,000 for each residential dwelling and \$3,000/sqm/site area for commercial. This represents 'value to the landowner'.

Value as a Potential Development Site

Residential Site Sales

There are limited development site sales in Bexley, however, there are numerous development sites located in the nearby suburbs of Arncliffe, Kogarah and Earlwood.

In June 2016 a development site at 17-37 Wollongong Road, Arncliffe sold for \$26.5m. The site measures 5,800sqm, is zoned R4 High Density Residential and has a designated FSR of 2:1. The site was marketed as a development site with DA approval for 164 apartments. The purchase price of \$26.5m equates to \$161,585 per unit/site or \$1,141/sqm/FSR.

By way of comparison 152-206 Rocky Point Road, Kogarah sold for \$75m (January 2016). The site measures 33,500sqm and is zoned a combination of IN2 Light Industrial (1:1) and R2 Low Density Residential (0.5:1). The site was marketed as a development site with the potential to accommodate 253 dwellings and 20,093sqm of commercial floorspace. The site is now in the early stages of the rezoning process. The purchase price of \$75m equates to \$138,889 per equivalent unit/site or \$1,257/sqm/FSR.

Hotel Site Sales

There are limited development site sales in Bexley, however, there are sales of numerous development sites in Mascot.

In June 2014 a development site sold at 10 Sarah Street, Mascot for \$2.2m. The site measures 545sqm. Subsequently, a development application was submitted to construct an 8 storey hotel containing 42 rooms. The purchase price of \$2.2m equates to \$52,380 per room/site.

In May 2015 a development site sold at 2-8 Sarah Street Mascot for \$6.75m. The site measures 1,516sqm. The site was marketed as a development site with a DA approved for an 8 storey hotel comprising 169 rooms. The purchase price of \$6.75m equates to \$39,940 per room/site.

The above development sites are better located than Site 2, however, they are good proxy for what developers would be willing to pay for hotel development site.

Need for the Proposal

The below analysis demonstrates that Site 2 as development site (if rezoned to B4 Mixed Use) would be worth between \$2.1m-\$4.05m. The analysis further suggests that a residential-only development (at site value of \$4.86m) would be greater than the existing-use value (i.e. \$2.9m).

The value of the site as a development site for hotel use alone (at site value of \$2.1m) would not be greater than the existing uses and as such redevelopment would be unlikely to occur. As such, if the site is rezoned to B4 Mixed Use and accommodates residential units, the rezoned site will be valuable enough to displace the existing uses. A rezoned site (which allows for residential uses) is more likely to result in redevelopment and renewal because the value proposition is greater than that presented by the existing use.

Table 4 demonstrates that Site 3 as a development site (if rezoned to B4 Mixed Use) would be worth between \$3.9m to \$11.4m. This analysis further suggests that a residential-only development (at site value of \$11.4m) is the highest value proposition, however, it is not valuable enough to displace the existing use of \$13.95m. As such, higher FSR and height controls could be considered in order to obtain a higher yield.

Table 5 demonstrates that Site 2 and Site 3 combined as a development site (if rezoned to B4 Mixed Use) would be worth between \$6.8m and \$16m. This analysis further suggests that option 2 (at site value of \$16.3m) is the highest value proposition, however, it is not valuable enough to displace the existing use of \$16.85. As such, higher FSR and height controls could be considered in order to obtain a higher yield.

Table 3: Value as Potential Development Site (Site 2)

Site 2		
Proposed Development	Rate	Potential Site Value
Option 1: 42 hotel rooms	\$50,000 per room	\$2,100,000
Option 2: 27 residential units	\$180,000 per unit	\$4,860,000

Source: RPdata

Table 4: Value as Potential Development Site (Site 3)

Site 3		
Proposed Development	Rate	Potential Site Value
Option 1: 127 hotel rooms	\$40,000 per room	\$5,080,000
Option 2 and Option 3: 78 hotel rooms and 31 residential units	\$50,000 per room \$180,000 per unit	\$3,900,000
Option 4: 36 hotel rooms and 31 residential units	\$50,000 per room \$180,000 per unit	\$9,480,000
Option 5: 67 residential units	\$170,000 per unit	\$11,390,000

Source: RPdata

Table 5: Value as Potential Development Site (Site 2 and Site 3 Combined)

Site 2 and Site 3 Combined		
Proposed Development	Rate	Potential Site Value
Option 1: 169 hotel rooms	\$40,000 per room	\$6,760,000
Option 2: 78 hotel rooms, 73 residential units	\$50,000 per room \$170,000 per unit	\$16,310,000
Option 3: 78 hotel rooms, 58 residential units	\$50,000 per room \$180,000 per unit	\$14,340,000
Option 4: 94 residential units	\$170,000 per unit	\$15,980,000
Option 5: 42 hotel rooms, 67 residential units	\$50,000 per room \$170,000 per unit	\$13,490,000

Source: RPdata, AEC

Economic Benefits of Rezoning the Site

Efficient and Effective Use of Infill Land

By enabling a more economically efficient use of the Site to be achieved and by delivering much needed higher density residential development in close proximity to important transport nodes, the Planning Proposal would maximise the development potential of this infill site. In doing so it would assist to achieve planning policy aims by concentrating new development on locations most capable of accommodating it. It may assist to alleviate pressure for new housing development in locations less suitable for such uses, such as

outer lying suburbs or greenfield sites not well connected to public transport infrastructure, services, jobs and retail uses. Rezoning Site 2 and Site 3 would ensure efficient and effective use of land.

Contribution towards Easing Housing Affordability

The Sydney metropolitan area is in the midst of a housing affordability crisis. The Plan recognises that house prices in Sydney are high comparative to other Australian capitals and that government can assist to place downwards pressure on price rises through facilitating greater volumes of supply. In particular, additional units are noted as ensuring more people can access residential product which matches their lifestyle and budget.

Rockdale is slightly more affordable compared to the wider Sydney metropolitan area. The latest Housing Sales and Rent Report (FACS, 2015) indicates that the median price of a unit in Rockdale LGA in December quarter 2015 was \$573,000 compared to a Greater Sydney median of \$621,000 and a Sydney Middle Ring (within which Rockdale LGA is situated) of \$611,000.

Over the last five years since December quarter 2010, based on the latest FACS data the median price of a unit in Rockdale LGA has increased by \$143,000 or 33%. By contrast the average price increases in the Sydney metropolitan area was 37% over the same period and in the Sydney Middle Ring it was 43%. Even though housing prices in Rockdale LGA are increasing at a slower rate in comparison to the Sydney metropolitan area and Middle Ring, initiatives to increase the volume of supply in Rockdale LGA will nevertheless help moderate the already high median house prices.

Increasing the volume of housing supply is a government imperative because it assists to ensure affordability by tempering the pace of house price growth. The provision of dwellings on the Site would help to achieve this and constitutes a strong positive economic impact.

Providing Homes Close to Jobs and Infrastructure

Providing homes close to jobs, public transport, civic functions, retail and entertainment options is a community benefit. Doing so lowers the needs for residents to travel to access employment and the other services they require and promotes public transport use. As a result negative externalities of travel in terms of lost time commuting, monetary expenses of travel, pollution, congestion, traffic, noise and so on are minimise. For this reason A Plan for Growing Sydney aims to provide homes closer to jobs (Direction 2.2/Action 2.2.2) and focus new housing in centres which have public transport that runs frequently and can carry large numbers of passengers.

Rockdale LGA is an ideal place to concentrate new housing development. Amendments to the planning controls of the Site and subsequent development as of apartments in this location in addition to new employment opportunities on site constitutes a strong positive economic impact.

Retail Expenditure

The latest ABS Household Expenditure Survey (HES) showed the average Australian household spent \$1,236 per week on goods and services. If Site 2 was to accommodate 27 residential units, this would equate to approximately \$1.7 million on an annual basis. Theoretically, if Site 3 was to be redeveloped to incorporate 94 residential units, combined with Site 2 this would equate to 121 units and mean that approximately \$7.8m being injected into the local economy. This would assist in ensuring the local retail and commercial offer in the Bexley Town Centre and Rockdale LGA was supported.

Need for the Proposal

The Site is currently improved with two residential detached dwellings and one vacant lot. In order for the redevelopment to be a commercial proposition, increased residential densities are required.

Despite the challenges of redeveloping in brownfield/infill locations, the Proposal is of sufficient scale to facilitate a renewal of an existing asset and enable optimisation of a large key site which is a scarce and valuable asset in a growing centre such as Bexley.

The strength of the current economic cycle enables this redevelopment to be achieved. Timing and leverage of market conditions is accordingly critical for this urban regeneration opportunity not to be missed.

APPENDIX H - Summary of Consistency with all SEPPs

Relevant SEPP	Response
SEPP 1 – Development Standards	The PP will not contain provisions that will contradict or hinder the application of SEPP.
SEPP 4- Development Without Consent and Miscellaneous Exempt and Complying Development	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 6- Number of Storeys on a Building	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 55 – Remediation of Lands	Refer Appendix 4.2.4.5
SEPP 65 – Design quality of residential flat development	Refer Section 4.2.3.2
SEPP (housing for seniors or people with disability) 2004	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP (Building Sustainability Index: BASIX) 2004	The future residential components of the development will be subject to the requirements of this SEPP.
SEPP (Infrastructure) 2007	The PP has considered the relevant parts of the SEPP (Infrastructure 2007) namely traffic development and is considered consistent. See Section 4.2.3.4
SEPP (Affordable rental housing) 2009	The PP will not contain provisions that will contradict or hinder the application of SEPP

APPENDIX I - Summary of consistency with all Local Planning Directions made under Section 117 of the EP&A Act

Section 117 Local Planning Directions Summary	
Objectives	Planning Proposal Response
1.1 Business and Industrial Zones	
<p>Objectives (1) The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	<p>This direction aims to ensure the economic and efficient development of existing business areas and centres, and related public services. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>It is considered that that PP is consistent with the Ministerial Directions as it proposes an increase in residential density that will directly support the existing functions of the Bexley Town Centre.</p>
2.3 Heritage Conservation	
<p>Objective</p> <p>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>A PP is considered consistent with this Direction when:</p> <ul style="list-style-type: none"> • the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land; • or the provisions of the planning proposal that are inconsistent are of minor significance. <p>It is considered that the PP is consistent with this Direction as it is it does not contain identified heritage items and is not located within a Heritage Conservation Area. The subject site is not located in close proximity to any state significant heritage items. Two local heritage items (Anglican Church and Hall, and a Stone Dwelling) are located near-</p>

	by to the proposed site although the redevelopment outlined by this PP does not impose any impact to either.
3.1 Residential Zones	
<p>Objectives (1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities. When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>A significant portion of residential development is permissible on the subject site; therefore, this direction applies. This PP is consistent with this direction as it will provide for increased housing densities adjacent to an existing town centre. The planning proposal will encourage the provision of housing that will:</p> <ul style="list-style-type: none"> • assist in broadening and diversifying the choice of building types and locations available in the housing market in an area that has yet to undergo significant redevelopment; • make more efficient use of existing infrastructure and services by increasing availability of housing in an area well serviced by regular public transport services; • reduce the consumption of land for housing and associated urban development on the urban fringe, by intensifying housing and business opportunities in the existing urban footprint; and • promote high quality contemporary design outcome that will improve the existing character of the Bexley Town Centre. <p>Importantly, the proposed rezoning of some sites from R2 Low Density Residential to a B4 Mixed Use and R4 High Density Residential zoning will allow for increased provision of residential uses than is currently permissible. Therefore this PP is consistent with this Direction.</p>

3.4 – Integrating Land Use and Transport

Objective

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

This direction applies to all Councils when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The PP has been considered against the provisions of this direction and is considered acceptable for the site. The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- improve access to housing, jobs and services by walking, cycling and public transport;
- reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- support the efficient and viable operation of public transport services.

The PP will allow for the future residential development of the site, which will include both commercial and residential land uses that are appropriately located to take advantage of the existing public transport and town centre amenity in close proximity to the site.

4.1 Acid Sulfate Soils	
<p>Objective</p> <p>(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>The PP and any subsequent DA will be considered against the applicable Acid Sulphate Soils map, which identifies the subject sites within a Class 5 Acid Sulphate Soils area.</p> <p>At present, residential development is currently a permissible form of development in a Class 5 area and therefore matters relating to Acid Sulphate Soils should not impact the rezoning of the site to permit additional height and FSR on the subject site, which may be addressed with a more appropriate level of detail as a part of any future DA.</p>
4.3 Flood Prone Land	
<p>Objectives</p> <p>(1) The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.</p>	<p>There is only one site (site 5) within the total subject sites that contains area identified as being a flood planning area. This is a small section of site 5. The majority of site 5 has not been identified as being located within a flood planning area.</p> <p>As only a small portion of the proposed area to be rezoned is included within this PP, it is considered that any flooding related matters can appropriately be addressed as a part of a detailed design analysis at DA stage. The PP does not involve the rezoning of existing special uses, recreational and areas or environmental protection into proposed residential, business or industrial use. As a result, it is not critical for the PP to address flood issues at PP stages. The PP will respond to relevant flood related development controls and provide further analysis to the satisfaction of the Secretary, if required.</p>

<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	
6.3 Site Specific Provisions	
<p>Objective</p> <p>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>Where this direction applies</p> <p>(2) This direction applies to all relevant planning authorities.</p> <p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p>	<p>The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, which is the Rockdale LEP 2011. The PP does not seek to unnecessarily restrict the site.</p>

7.1 Implementation of A Plan for Growing Sydney

Objective

(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

Where this direction applies (2) This direction applies to land comprising of the following local government areas:

Ashfield	Holroyd	Penrith
Auburn	Hornsby	Pittwater
Bankstown	Hunters Hill	Randwick
Blacktown	Hurstville	Rockdale
Blue Mountains	Kogarah	Ryde
Botany Bay	Ku-ring-gai	Strathfield
Burwood	Lane Cove	Sutherland
Camden	Leichhardt	The Hills
Campbelltown	Liverpool	Warringah
Canada Bay	Manly	Waverley
Canterbury	Marrickville	Willoughby
City of Sydney	Mosman	Wollondilly
Fairfield	North Sydney	Woollahra
Hawkesbury	Parramatta	

When this direction applies

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*. The Direction applies to a number of listed Local Government Areas (LGA), which includes the LGA of Rockdale.

It is considered that this PP is consistent with this Direction in that it will assist in delivering on the outcomes envisaged by the strategy as outlined in **Section 4.2.1.1. Appendix G** provides a summary of consistency with all Section 117 Directions.

(3) This direction applies when a Relevant Planning Authority prepares a planning proposal.	
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ADDENDUM – Response to Preliminary Council Comments - July 2016

Council's preliminary comments	Response to Council's comments
Overall strategies	
<p><i>Figure 8 (Page 23 in both Planning Proposal/Urban Design Strategy reports) identifies an opportunity to provide more connectivity to the area. However, most of the proposed links are not feasible. For example, the proposed link to connect the existing urban square and the subject site relies on an agreement between 15 small individually owned allotments and one newly constructed strata development.</i></p>	<p>Figures 8 and 9 are strategic overviews indicating opportunities to improve connections and the public realm. The intent is to set an objective to improve connections and demonstrate how this may be facilitated by Council at more detailed planning stages. It is proposed that public open spaces could be provided upon the proposed amalgamation of the smaller allotments for subject site 3. It is intended to be a hidden green space for the proposed amalgamated subject site 3, which is also accessible to the wider community.</p> <p>The urban design strategy encourages the site to consolidate all the lots into larger lots to achieve development incentives in the form of bonus height and FSR. Subject site 3 can potentially be further divided into 2 lots due to the irregularity of the site. The proposed amalgamation results in opportunities to create links at DA stage.</p>
<p><i>Figure 9 (Page 23 in both Planning Proposal/Urban Design Strategy reports) identifies an opportunity to enhance local character by creating new links, public spaces, and retail frontages. The proposed strategies are not supported. They will compete with the DCP objectives for the centre, that is, to vitalise retail activities along Forest Road and the public space hub between Forest Road and the Albyn Street Carpark.</i></p>	<p>The proposed development will not compete with the DCP objectives for Bexley Town Centre. The new links are discreet and serve to direct the flow of activity towards Bexley Town Centre. There are no proposed active frontages aside from very minor retail frontage on subject site 2 along Kingsland Road South. The active retail frontage will comprise of a small a convenient store, newsagency or laundromat that will primarily service the property.</p> <p>The activation of public spaces is not a new strategy, it involves revitalisation of existing spaces i.e. the existing green space labelled D6 and existing civic pocket labelled D2. The proposed place making spaces are planned as laneway developments that do not have high street presence, and act more as thoroughfares and links to avoid the need to use the heavily trafficked main roads. The retail frontages on Figure 9 are proposed by Council as per Section 7.3 Bexley Town Centre on page 33 of RLEP 2011. The retail frontages are added in the drawings to indicate how TPG's urban strategy is working to support Council's objectives. The proposed opportunities aim to consolidate the fragmented nature of the area and present it as a functional and accessible area.</p>

Recommended building use and scale

Lower buildings to the North to reflect the surrounding low / medium density residential area.

The northern part of the amalgamated subject site 3 has a natural fall towards the westerly direction, noting Abercorn Street frontage is noticeably lower than the frontage along Stoney Creek Road. Adjacent to the west of site 3 is the Bexley RSL and Community club and towards the north is an existing park. Adjacent properties to the eastern part of the site are comprised of 3 level strata walk-up apartments, dwellings and a motel adjoining a right of way. There is an opportunity for buildings to remain at maximum height at the northern part of site 3 as it does not cause overshadowing issues on neighbouring low/medium density residential areas.

The sun shadow diagrams below indicate that the shadows cast during the winter solstice is towards a southerly direction rather than towards the north where the low/medium density residential areas are. The northern portion of the site is equally capable of height and density proposed without having any detrimental impact and therefore should remain at proposed maximum height of 19m and FSR of 2.5:1.



Figure 18A: Solar Access 9am for proposed precinct building envelope.



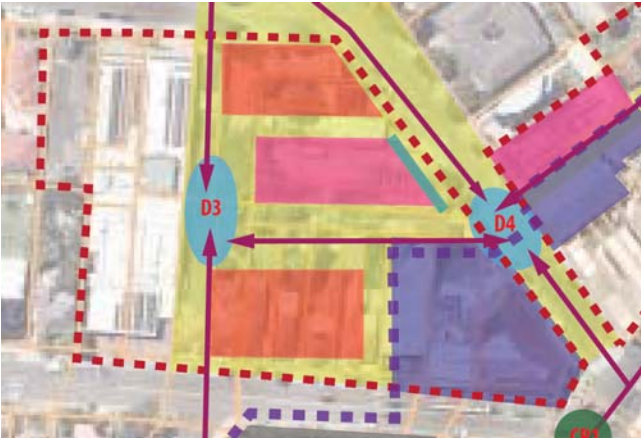
Figure 19A: Solar Access 12pm for proposed precinct building envelope.



Figure 20A: Solar Access 3pm for proposed precinct building envelope

Higher buildings along Stoney Creek Road to reflect the wide/busy road character and the future built form character of Council's public carpark across the road.

This concept is noted and forms part of the urban design strategy.

<p><i>Council's DCP minimum site frontage requirements (i.e. 24m for RFB and 18m for mixed use) should be able to ensure a good development outcome based on the existing lots size and ownership patterns.</i></p>	<p>Noted. The RFB provisions have been used as the basis for siting buildings. The building separation and setback dimensions recommended by SEPP 65 - Apartment Design Guide (SEPP 65 – ADG) and RDCP 2011 have been used as site provisions to model the built form study. The proposed zoning would actually ensure that the provision could be achieved, albeit based on road frontages and not necessarily single frontage particularly in terms of potential lot size and ownership.</p>
<p><i>Both Council's DCP and Apartment Design Guide are sufficient to govern the future built form of the site. However, the future mixed-use building on Site 2 should be moved closer to the Southern boundary to leave sufficient separation for the future development on Site 3.</i></p>	<p>This concept is noted and the mixed use building on site 2 is sited as far south as possible within the permissible parameters of SEPP 65- ADG and RDCP 2011. The built form study has taken site setbacks and building separation into consideration so that good amenity is preserved.</p>
<p><i>Active frontage should remain as it is to provide flexibility to Site 2.</i></p>	<p>Active frontage will be provided to site 2 along Kingsland Road South through the proposed B4 zoning. It is anticipated that the active frontage retail strip will be very small scale businesses like a convenience store, newsagency or laundromat that primarily services the mixed use development. It is shown as the turquoise green line in the diagram below.</p> 
<p><i>Based on the above principles and building envelope testing, Table 1 provides recommendations of the desirable planning outcomes.</i></p>	<p>Taking into account Council's comments the Urban Design Strategy and planning Proposal have been renewed and the following outcomes are requested. Note the change to include 6 Stoney Creek Road into Site 1 and 2 is further clarified in response to</p>

- Site 1 (2-4 Stoney Creek Road, Bexley)
- Site 2 (1,3 & 5 Kingsland Road South)

<i>LEP</i>	<i>Existing</i>	<i>Applicant</i>	<i>Recommended</i>
<i>Zone</i>	<i>R2</i>	<i>B4</i>	<i>B4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i>	<i>16 (+3.0m incentive)</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i>	<i>2:1 (+0.5 incentive)</i>

Site 3 (8, 8A, 10, 12, 14, 16 & 18 Stoney Creek Road) See below for 6 Stoney Creek Road*

<i>LEP</i>	<i>Existing</i>	<i>Applicant</i>	<i>Recommended</i>
<i>Zone</i>	<i>R2</i>	<i>B4</i>	<i>R4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i>	<i>19</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i>	<i>2:1</i>

Site 3A (1 & 3 Abercorn Street and 7,9 & 11 Kingsland Road South)

<i>LEP</i>	<i>Existing</i>	<i>Applicant</i>	<i>Recommended</i>
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next comment below.

- Site 1 (2-4 Stoney Creek Road, Bexley)
- Site 2 (1,3 & 5 Kingsland Road South)
- 6 Stoney Creek Road

<i>LEP</i>	<i>Existing</i>	<i>Proposed by Applicant</i>
<i>Zone</i>	<i>R2</i>	<i>B4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i> <i>16 (+3.0m incentive)</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i> <i>2:1 (+0.5 incentive)</i>

Site 3 (8, 8A, 10, 12, 14, 16 & 18 Stoney Creek Road)

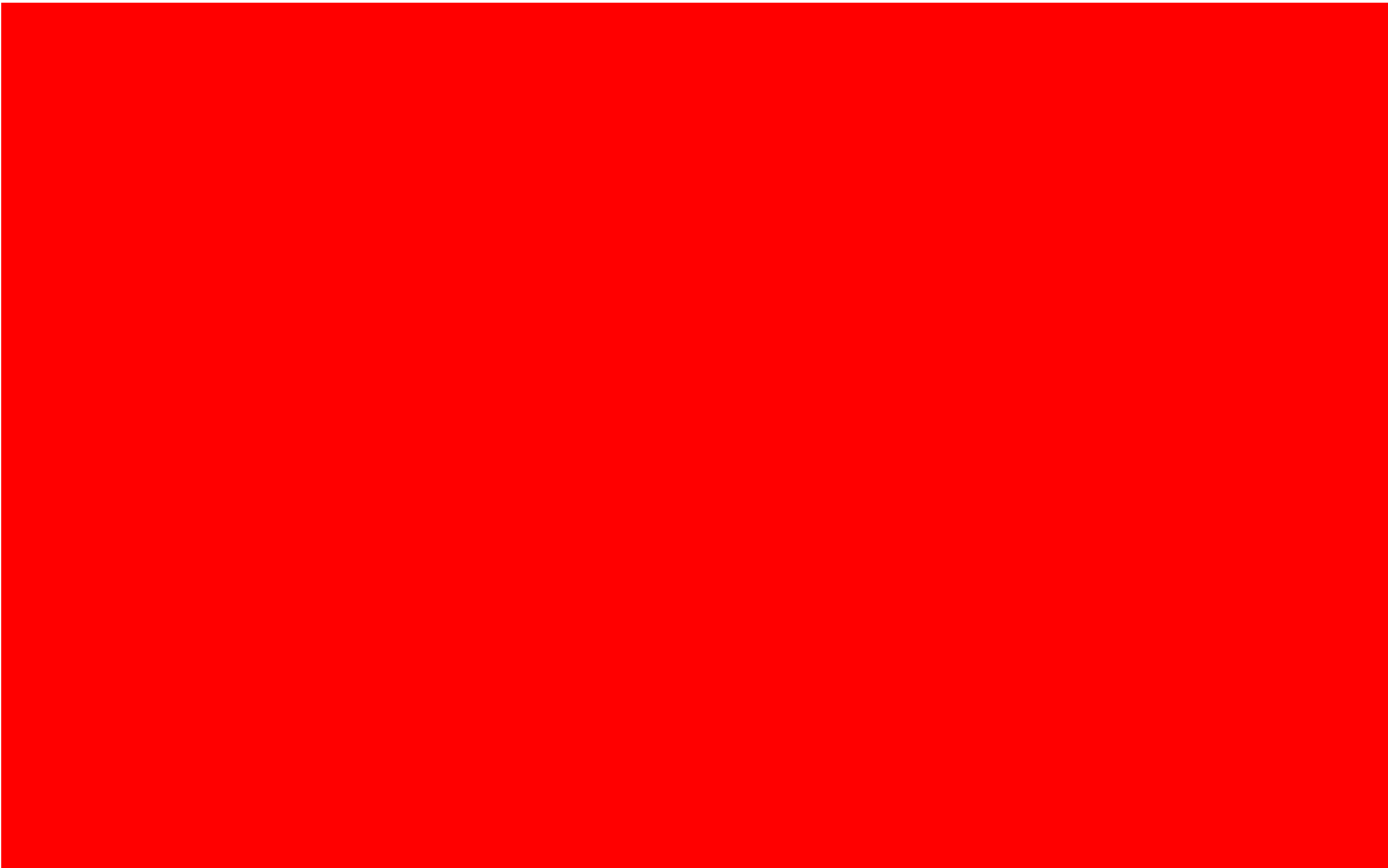
<i>LEP</i>	<i>Existing</i>	<i>Proposed by Applicant</i>
<i>Zone</i>	<i>R2</i>	<i>R4</i>
<i>Height</i>	<i>8.5</i>	<i>19</i> <i>16 (+3.0m incentive)</i>
<i>FSR</i>	<i>0.5:1</i>	<i>2.5:1</i> <i>2:1 (+0.5 incentive)</i>

Site 3A (1 & 3 Abercorn Street and 7,9 & 11 Kingsland Road South)

<i>LEP</i>	<i>Existing</i>	<i>Proposed by Applicant</i>
<i>Zone</i>	<i>R2</i>	<i>R4</i>

<p><i>Zone</i> <i>R2</i> <i>B4</i> <i>R4</i></p> <p><i>Height</i> 8.5 19 16</p> <p><i>FSR</i> 0.5:1 2.5:1 1.5:1</p>	<p><i>Height</i> 8.5 19</p> <p><i>FSR</i> 0.5:1 2.5:1</p> <p>2:1 (+0.5 incentive)</p>
<p><i>Potential isolated site – 6 Stoney Creek Road (Lot 3, DP 1878)</i></p> <p><i>This lot might be isolated if the remainder of the site was to be zoned R4 High Density Residential.</i></p> <p><i>This site is currently zoned B4 Mixed Use. It has the site area (646sqm) to obtain the incentive bonus in the LEP, however, it only has a 14m frontage (DCP currently requires a minimum frontage of 18m for a mixed use building). It is the most Western lot in the B4 Mixed Use zone, which means without amalgamation with the adjacent site to obtain the minimum site frontage, the development potential for this site is limited.</i></p> <p><i>Options:</i></p> <ol style="list-style-type: none"> <i>1. Rezone 8 Stoney Creek Road (Lot B, DP 366190) to B4 and become part of the incentive area to obtain a combined frontage of 22.7m (18m in the DCP) for mixed use housing typology.</i> <i>2. Encourage the applicant to acquire 6 Stoney Creek Road, which gives the existing hotel site a more regular, improved geometry block to redevelop and achieve better design outcomes.</i> 	<p>It is preferred that 6 Stoney Creek Road remain a B4 Mixed Use zone as it has the potential to be amalgamated to adjoining B4 land to the east. It also ensures the proposed R4 zoned land on Stoney Creek Road can achieve the minimum residential flat building frontage of 24m.</p>
<p>Other considerations:</p>	
<p><i>Provide clearer shadow diagrams (Refer to page 31 and 32 of the Urban Design Strategy). Replace with white cadastre or lighten the aerial photos to be able to see the shadows projections.</i></p>	<p>This point is noted and shadow diagrams have been updated to provide clearer images.</p>
<p><i>Provide 3D perspectives of the proposed massing on a street level. In particular,</i></p> <ul style="list-style-type: none"> <i>• A view from Kingsland Road South to the proposed building envelopes.</i> 	<p>Changes and more detail have been added to existing modelling. However, it is proposed that this additional indicative building envelope study can be provided once</p>

<ul style="list-style-type: none"> • A view to take from the intersection of Abercorn Street and Kingsland Road South looking down to Abercorn Street, including existing housing on R2 Low Density Residential zoned land, and the proposed building envelope. • A view to take from the intersection of Kingsland Road and Forest Road looking north to the proposed building envelope. 	<p>Council's support for the general rezoning, height and FSR changes has been confirmed. Noting the building footprints is only indicative of potential development. It is relevant to request this detailed design at DA stages.</p>
<p>All 3D diagrams (plan and street views) need to reflect the actual level changes.</p>	<p>Noted and updated on model and plans provided.</p>
<p>Provide elevation diagrams of all the site frontages including some of the adjoining development (e.g. the Bexley RSL and houses on land zoned R2 Low Density Residential). The elevations need to reflect the actual level changes.</p>	<p>Additional indicative building elevation study can be provided once Council's support for the general rezoning, height and FSR changes has been confirmed. Noting the building footprints is only indicative of potential development. It is relevant to request this detailed design at DA stages.</p>



SYDNEY OFFICE

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Edgecliff NSW 2027	Edgecliff NSW 2027	Facsimile +61 2 9925 0055	ABN 90 100 209 265
www.tpgnsw.com.au			

20 April 2017

Our ref: 215.164

Zoran Sarin
Bayside Council
444 – 446 Princes Highway
ROCKDALE NSW 2216



VIA EMAIL: ZORAN.SARIN@BAYSIDE.NSW.GOV.AU

SUBJECT: VOLUNTARY PLANNING AGREEMENT (VPA) ADDITIONAL LETTER OF OFFER FOR THE PLANNING PROPOSAL (PP) AT KINGSLAND ROAD SOUTH, BEXLEY

Dear Zoran,

TPG Town Planning and Urban Design (TPG) is writing on behalf of the proponent, Angelo Elliott and the other interested parties to provide an update to the Voluntary Planning Agreement (VPA) letter of offer to Bayside Council (Council) dated 30 March 2017. The

Planning Proposal (PP) for land at Kingsland Road South, Bexley encapsulates a precinct of land bounded by the Bexley RSL, Kingsland Road South, Abercorn Road and Stoney Creek Road which abuts the Bexley Town Centre. A key outcome of the PP is to stimulate revitalisation and growth in a centre that is currently lacking in economic vitality, vibrancy and amenity.

1. Background

The PP is the subject of a Gateway Determination issued by the NSW Department of Planning and Environment (DPE) on 8 March 2017, which subject to conditions, is supportive of the proposed:

- rezoning of the subject site from R2 Low Density Residential to B4 Mixed Use; and
- amendment of the applicable building height and floor space ratio and associated bonus provisions, and minimum lot size controls.

We note the proposed rezoning will result in a change from current residential development to a higher yielding B4 zone. This land is likely to be developed as a result of this rezoning and will possibly impact the population in the area by adding some 70 -90 number of units.

Further to our correspondence on 30 March 2017 and subsequent meeting with Sam Ayache and Zoran Sarin, this revised VPA letter of offer is provided.

2. VPA Offer

As previously stated, the applicant (and other interested parties) seek to ensure that a VPA is in a form that is suitable for exhibition with the PP and in accordance with the 8 March 2017 Gateway Determination.

The VPA will seek to make a monetary contribution to the following, which will ensure a direct public benefit in addition to the revitalisation outcomes that will be facilitated by the PP:

There are several community facilities and services within Bexley that may benefit from upgrades to accommodate the projected growth in the precinct. Improvements to community facilities and services that will be contributed to by the applicant and interested parties through a VPA are as follows:

- the small park at the corner of Abercorn Street and Kingsland Road South;
- Bexley Oval;
- public lighting in and around the Council carpark located on Stoney Creek Road;
- general footpath and public domain works;
- acquisition and consolidation of community spaces;
- acquisition of more open spaces; and
- upgrade and renewal of footpaths in the broader locality.

This letter of offer seeks to enter into a VPA under Section 93F of the Environmental Planning and Assessment Act 1979 (EPA Act) to provide key public benefits associated with the future redevelopment of the site.

The applicant now wishes to offer a contribution of \$300,000.00 to accommodate the uplift resulting from the PP.

The amount of \$300,000.00 offered by the applicant is considered to be of reasonable value to deliver upgrades for the Bexley community, particularly noting the considerable benefits that will be delivered by the PP in terms of revitalisation of a currently underperforming and declining town centre.

In addition, the actual extent of the rezoning was identified as part of a strategic planning assessment of the most suitable land area that should be incorporated into the PP. Initial discussions and the preference of the applicant was for a much smaller area of land, however after discussion with Council planners a more appropriate, large strategic precinct bounded by the Bexley RSL, Kingsland Road South, Abercorn Road and Stoney Creek Road was identified.

This was considered appropriate given the Council's strategic intent to encourage changes and redevelopment in the Bexley Town Centre. It is therefore not appropriate in this circumstance to include significant VPA costs in addition to the normal costs of rezoning land in this locality.

In addition, the following points should be noted in considering this offer;

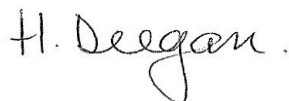
- The overall cost of the rezoning process;
- Not all the properties within the subject site are participating in any proposed development in the short or immediate future;
- The PP allows for uplift and encourages development in the Bexley Town Centre, an outcome desired by Council;
- The cost of acquiring and developing the land may not be financially viable if the VPA is excessive due to the small size of the lots and current land prices. It is noted that the majority of the lots to be rezoned are small and range in size between 278m² and 460m². A balance must be struck between the financial viability of development and the VPA offer, especially noting the above benefits the PP will deliver to the Bexley Town Centre.

It is anticipated that this approach is demonstrated to be reasonable and therefore acceptable to Council. Please advise of required next steps to ensure that the VPA is in a form and ready for exhibition with the PP.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444.

Yours sincerely

TPG Town Planning and Urban Design



Helen Deegan
Director of Planning

Kingsland Road South, Bexley

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Bayside Council

and

Angelo Con Elliott and Santina Marie Elliott

[date to be inserted on execution]

Kingsland Road South, Bexley

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Kingsland Road South, Bexley

Contacts Sheet

Council:

Name: Bayside Council

Address: PO Box 21, ROCKDALE NSW 2216

Telephone: 1300 581 299

Email: council@bayside.nsw.gov.au

Representative: Manager of Strategic Planning

Developer:

Name: Angelo Con Elliott and Santina Marie Elliott

Address: PO Box 32, Bexley NSW 2207

Telephone:

Email: angelo@forestinnhotel.com.au

Representative: Angelo Elliot

Kingsland Road South, Bexley

Parties

Bayside Council

ABN 80 690 785 443 Branch 003 of 444-446 Princes Highway, Rockdale 2216
(Council)

and

Angelo Con Elliott and Santina Marie Elliott
of 18 Martin Road, Centennial Park NSW 2021
(Developer)

Background

- A. The Developer owns the land identified in **Schedule 2**.
- B. The Developer has sought to make the following amendments to the LEP in respect of the Land:
 - 1. amend the Land Zoning Map to zone all of the Land B4 – Mixed Use;
 - 2. amend the Height of Buildings Map to provide a maximum 19m (16m + 3m incentive) building height;
 - 3. amend the Floor Space Ratio Map to provide a maximum 2.5:1 (2.0:1 + 0.5:1 incentive) floor space ratio.
- C. The Council forwarded the Planning Proposal to the Minister and on 8 March 2017 the NSW Department of Planning, on behalf of the Minister, issued a Gateway Determination in respect of the Planning Proposal.
- D. The Developer has offered to enter into this Agreement in accordance with section 93F of the Act to make Development Contributions towards the Public Amenities in the event that the LEP Amendment is Gazetted.

Operative provisions

Part 1 - Preliminary

1. Definitions and interpretation

- 1.1 In this Agreement the following definitions apply:

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

Agreement means this Planning Agreement under which the Developer is required to make Development Contributions and includes any schedules, annexures and appendices to this Agreement.

Construction Certificate means a construction certificate within the meaning of s109C(1)(b) of the Act.

Kingsland Road South VPA: Bayside Council and Elliott

Contribution Value means the estimated value of the Development Contribution as shown (subject to CPI) in Column 3 of **Schedule 3**.

CPI means means Consumer Price Index (Sydney – All Groups) as published by the Australian Bureau of Statistics, or if that index ceases to exist, any other index agreed between the parties.

Development means any future development of the land the subject of the Planning Proposal and the LEP Amendment, which includes the Land, after Gazettal.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution by the Developer, to be used for, or applied towards, the provision of Public Amenities or another Public Purpose as set out in **Schedule 3**.

Gazettal means the publication of the LEP Amendment on the NSW Legislation website under section 34(5) of the Act by the Minister.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in A New Tax system (Goods and Services Tax) Act 1999 (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means the land specified and described in **Schedule 2**.

LEP means *Rockdale Local Environmental Plan 2011* and includes any local environmental plan applying to the Land that supersedes *Rockdale Local Environmental Plan 2011*.

LEP Amendment means the instrument to amend the LEP as explained in the Planning Proposal.

Minister means the minister administering the Act unless otherwise specified.

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

Planning Proposal means the planning proposal prepared in accordance with section 55 of the Act, in respect of land which includes the Land, by TPG Town Planning & Urban Design, dated August 2016, titled "Kingsland Road South, Bexley Planning Proposal: Land use rezoning, Floor Space Ratio and Height of Buildings Amendment".

Public Amenities has the same meaning as in the Act and includes:

- Improvements to the small park at the corner of Abercorn Street and Kingsley Road South and Bexley Oval;
- Public lighting in and around the carpark located on Stoney Creek Road;
- Upgrade and renewal of footpath and public domain works;
- Acquisition and consolidation of community and open spaces.

Public Purpose has the same meaning as in section 93F(2) of the Act.

Regulation means the *Environmental Planning & Assessment Regulation 2000*.

Kingsland Road South VPA: Bayside Council and Elliott

- 1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
 - 1.2.2 A reference to a Business Day means a day other than a Saturday, Sunday or bank or public holiday in Sydney.
 - 1.2.3 If the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next Business Day.
 - 1.2.4 A reference to time is local time in Sydney.
 - 1.2.5 A reference to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
 - 1.2.6 A reference to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
 - 1.2.7 A reference to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
 - 1.2.8 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
 - 1.2.9 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
 - 1.2.10 An expression importing a natural person includes any company, corporation, trust, partnership, joint venture, association, unincorporated association, body corporate, statutory body, statutory authority or governmental agency.
 - 1.2.11 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
 - 1.2.12 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
 - 1.2.13 Reference to the word "include" or "including" are to be construed without limitation.
 - 1.2.14 A reference to this Agreement includes the agreement recorded in the Agreement.
 - 1.2.15 A reference to a party to this Agreement includes a reference to the personal representatives, legal representatives, agents and contractors of the party, and the party's successors and assigns substituted by novation.
 - 1.2.16 Any schedules, appendices and attachments form part of this Agreement.
 - 1.2.17 Notes appearing in the Agreement are operative provisions of this Agreement.

- 1.2.18 A reference in this Agreement to the name and number of a zone under the LEP includes a reference to an equivalent zone under any local environmental plan that supersedes LEP.

2. Application of this Agreement

- 2.1 This Agreement applies to the Land and the LEP Amendment.

3. Status and operation of this Agreement

- 3.1 The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.
- 3.2 The Agreement only operates when it is entered into as required by clause 25C(1) of the Regulation.
- 3.3 This Agreement will remain in force until:
- 3.3.1 It is terminated by operation of Law; or
- 3.3.2 The Council requests the Minister to determine that the LEP Amendment not proceed in accordance with s58(4) of the Act; or
- 3.3.3 1 month after all of the Developer's obligations under this Agreement are performed or satisfied.

4. Further agreements relating to this Agreement

- 4.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

5. Surrender of right of appeal

- 5.1 The Developer is not to commence or maintain, or cause to be commenced or maintained, any proceedings in the Land and Environment Court involving an appeal against, or questioning the validity of, a Development Consent relating to the Development or an approval under section 96 of the Act to modify a Development Consent relating to the Development to the extent that it relates to the existence of this Agreement or requires any aspect of this agreement to be performed according to the terms of this Agreement.

6. Application of s94, s94A and s94EF of the Act to the Development

- 6.1 This Agreement does not exclude the application of sections 94, 94A and 94EF of the Act in respect of the Development.
- 6.2 This Agreement will not be taken into consideration when determining development contributions under section 94 of the Act in respect of any Development.

Part 2 – Development Contributions

7. Provision of Development Contributions

- 7.1 **Schedule 3** has effect in relation to Development Contributions to be made by the Developer under this Agreement.

- 7.2 The Developer is to make Development Contributions to Council in accordance with this Agreement.
- 7.3 The Council is to apply each Development Contribution made by the Developer under this Agreement towards the Public Purpose for which it is made and otherwise in accordance with this Agreement.
- 7.4 The value of the Development Contribution as set out in **Schedule 3** is to be indexed in accordance with clause 8 of this Agreement until provided or paid.
- 7.5 Despite **clause 7.1**, Council may apply a Development Contribution made under this Agreement towards a Public Purpose other than the purpose specified in this Agreement if Council considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

8. Indexation of Development Contribution

- 8.1 Where this Agreement provides that an amount is subject to CPI, then the amount will be increased in accordance the following formula:

$$A = B \times C/D$$

Where:

- A = the indexed amount at the time the payment is to be made.
- B = the contribution amount stated in the Agreement.
- C = the CPI most recently published before the date of payment.
- D = the CPI most recently published before the date of this Agreement.

For the avoidance of doubt, if A is less than B, then the relevant amount will not change.

Part 3 – Other Provisions

9. Enforcement in a court of competent jurisdiction

- 9.1 Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.
- 9.2 For the avoidance of doubt, nothing in this Agreement prevents:
- 9.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,
- 9.2.2 Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

10. Dispute resolution – mediation

- 10.1 A dispute under this Agreement is taken to arise if on party gives another Party a notice in writing specifying particulars of the dispute.

- 10.2 If a notice is given under **clause 10.1**, the Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.
- 10.3 If the dispute is not resolved within a further 28 days, the Parties must mediate the dispute in accordance with the Mediation rules of the Law Society of New South Wales published from time to time and must request the President of the law Society, or the President's nominee, to select a mediator.
- 10.4 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 10.5 This clause survives the completion or termination of this Agreement.

11. Registration of this Agreement

- 11.1 The Parties agree that this Agreement is not required to be registered on the title of the Land.

12. Security

- 12.1 The Parties agree that Council may impose conditions on any Development Consent granted in respect of any Development on the Land under section 80A of the Act specifying that:
 - 12.1.1 a Construction Certificate for the Development must not be issued until the Development Contribution in **Schedule 3** has been made to the satisfaction of Council.
- 12.2 The Developer will not object to Council lodging a caveat in the relevant folio of the Register for the Land nor will the Developer take, or suffer to be taken, any steps to remove that caveat until the Development Contributions in **Schedule 3** have been paid in accordance with this Agreement.

13. Assignment and transfer

- 13.1 Unless the matters specified in **clause 13.2** are satisfied, the Developer is not to do any of the following:
 - 13.1.1 if the Developer is the owner of the Land, to transfer the Land, or any part of it, to any person, or
 - 13.1.2 assign, transfer dispose or novate to any person the Developer's rights or obligations under this Agreement
- 13.2 The matters required to be satisfied for the purposes of **clause 13.1** are as follows:
 - 13.2.1 the Developer has, at no cost to Council, first procured the execution by the person to whom the Developer's rights or obligations under this Agreement are to be assigned or novated, of an agreement in favour of the Council on terms satisfactory to Council acting reasonable, and
 - 13.2.2 Council, by notice in writing to the Developer, has stated that evidence satisfactory to Council has been produced to show that the assignee or novatee, is reasonably capable of performing its obligations under the Agreement,

13.2.3 the Developer is not in breach of this Agreement, and

13.2.4 Council otherwise consents to the transfer, assignment or novation.

13.2.5 Any purported dealing in breach of this clause 13.2 is of no effect.

14. Notices

14.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

14.1.1 delivered or posted to that Party at its address set out in the Contacts Sheet,

14.1.2 emailed to that Party at its email address set out in the Contacts Sheet.

14.2 If a Party gives the other Party 3 Business Days notice of a change of its address or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address or email address.

14.3 Any notice, consent, information, application or request is to be treated as given or made if it is;

14.3.1 delivered, when it is left at the relevant address.

14.3.2 sent by post, 2 Business Days after it is posted.

14.3.3 sent by email, as soon as the sender receives a 'delivery receipt' from the recipient.

28.4 If any notice, consent, consent, information, application or request is delivered, or receipt in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

15. Approvals and consent

15.1 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.

15.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

16. Costs

16.1 The Developer is required to pay to Council the Council's reasonable costs of preparing, negotiating, executing and stamping this Agreement, and any document related to this Agreement within 20 business days of a written demand by Council for such payment.

16.2 The Developer is also required to pay to Council a contribution of \$500 towards Council's costs of preparing the template document on which this Agreement is based within 7 days of a written demand by Council for such payment.

- 16.3 The Developer is also required to pay to Council the Council's reasonable costs of registering a caveat on the Land in accordance with this Agreement or enforcing this Agreement, within 20 business days of a written demand by Council for such payment except in the case of a dispute that is the subject of court proceedings, in which case any costs will be paid in accordance with orders of the court only.

17. Entire Agreement

- 17.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.
- 17.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18. Further acts

- 18.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

19. Governing law and jurisdiction

- 19.1 This Agreement is governed by the law of New South Wales.
- 19.2 Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 19.3 Each party waives any right to object to the exercise of jurisdiction by those courts on any basis.

20. Joint and individual liability and benefits

- 20.1 Except as otherwise set out in this Agreement:
- 20.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and
- 20.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21. No fetter

- 21.1 Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

22. Representations and warranties

- 22.1 Each Party represent and warrant to each other Party that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23. Severability

- 23.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 23.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24. Modification

- 24.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25. Waiver

- 25.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 25.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.
- 25.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26. Rights cumulative

- 26.1 Except as expressly stated otherwise in this Agreement, the rights to a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

27. Duty

- 27.1 The Developer as between the Parties is liable for and must pay all duty (including any fine or penalty except where it arises from default by another Party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.
- 27.2 If a Party other than the Developer pays any duty (including any fine or penalty) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it as a result of the Developer first failing to pay such duty, the Developer must pay that amount to the paying Party on demand.

28. Effect of Schedules

- 28.1 Each Party agree to comply with any terms contained in the Schedules to this Agreement as if those terms were included in the operative part of the Agreement.

29. Relationship of the Parties

- 29.1 This Agreement is not intended to create a partnership, joint venture or agency relationship between the Parties.

30. GST

30.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a Supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount on GST on that Supply.

30.2 Subject to **clause 30.4**, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

30.3 **Clause 30.2** does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

30.4 No additional amount shall be payable by Council under **clause 30.2** unless, and only to the extent that, Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

30.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to division 81 of the *A New Tax System (Goods and Services Tax) Act 1999*, each Party agrees:

30.6 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;

30.7 that any amounts payable by each Party in accordance with **clause 30.2** (as limited by **clause 30.4**) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

30.8 No payment of any amount pursuant to this **clause 30**, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.

30.9 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a Party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.

30.10 This clause continues to apply after expiration or termination of this Agreement.

31. Explanatory Note relating to this Agreement

- 31.1 The **Appendix** contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- 31.2 Pursuant to clause 25E(7) of the Regulation, each Party agrees that the Explanatory Note in the **Appendix** is not to be used to assist in construing this Planning Agreement.

Execution

Executed as a Deed

Date:

Executed on behalf of Council:

.....
General Manager

.....
Name of Witness in full

.....
Signature of Witness

Executed by **Angelo Con Elliott**

.....
Signature

.....
Name of Witness in full

.....
Signature of Witness

Executed by **Santina Marie Elliott**

.....
Signature

.....
Name of Witness in full

.....
Signature of Witness

Schedule 1

Section 93F Requirements

Provision of the Act	This Agreement
Under section 93F(1), the Developer has:	
(a) sought a change to an environmental planning instrument	Yes
(b) made, or proposes to make, a Development Application.	Yes
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies	No
Description of the land to which this Agreement applies – Section 93F(3)(a))	The Land described in Schedule 2 to this agreement
Description of the change to the environmental planning instrument to which this Agreement applies – (Section 93F(3)(b)(i))	Definition of Planning Proposal
The scope, timing and manner of delivery of Development Contributions required by this Agreement – (Section 93F(3)(c))	See Schedule 3 to this Agreement
Applicability of Sections 94, 94A and 94EF of the Act – (Sections 93F(3)(d))	See clause 6 .
Benefits under the Agreement considered for Section 94 purposes – (Section 93F(3)(e)),	See clause 6 .
Dispute Resolution – (Section 93F(3)(f))	See clause 10
Enforcement of this Agreement – (Section 93F(3)(g))	See clause 12
Registration of the Agreement – (Section 93H)	See clause 1
No obligation to grant consent or exercise functions – (Section 93F(9))	See clause 21

Schedule 2

(Clause 1)

The Land

The Site	Street Address	Lot / DP
Site 1	467 Forest Road, Bexley, NSW 2207	Lot 1 DP 13419
	467 Forest Road, Bexley, NSW 2207	Lot 2 DP1878
Site 2	1 Kingsland Road South, Bexley, NSW 2207	Lot 71 DP328320
	3 Kingsland Road South, Bexley, NSW 2207	Lot 72 DP328320
	5 Kingsland Road South, Bexley, NSW 2207	Lot 8 DP1878/2

Schedule 3

(Clause 7)

Development Contributions

Monetary Contribution

Column 1	Column 2	Column 3	Column 4
Item	Public Purpose	Contribution Value	Timing
A	The Developer must pay to the Council a monetary contribution towards the Public Amenities.	\$300,000 (subject to CPI)	Within thirty (30) Business Days of Gazettal.

Appendix

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Proposed Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

1. Parties

Bayside Council ABN 80 690 785 443 Branch 003 of 444-446 Princes Highway,
ROCKDALE NSW 2216 (Council)

and

Angelo Con Elliott and Santina Marie Elliott of 18 Martin Road, Centennial Park NSW
2021 (Developer)

2. Description of the Land to which the proposed Planning Agreement applies

2.1 467 Forest Road, Bexley, NSW 2207 (being Lot 1 DP 13419 and Lot 2 DP1878) and 1, 3
and 5 Kingsland Road South, Bexley, NSW 2207 (being Lot 71 DP328320, Lot 72
DP328320 and Lot 8 DP1878/2) as described in **Schedule 2** to the Agreement.

2.2 This Developer is the owner of the Land.

3. Description of proposed amendment to the Rockdale Local Environmental Plan 2011

3.1 The Developer has sought to make the following amendments to the Rockdale Local
Environmental Plan 2011 (LEP) in respect of the Land:

1. amend the Land Zoning Map to zone all of the Land B4 – Mixed Use;
2. amend the Height of Buildings Map to provide a maximum 19m (16m + 3m
incentive) height of buildings;
3. amend the Floor Space Ratio Map to provide a maximum 2.5:1 (2.0:1 + 0.5:1
incentive) floor space ratio.

4. Summary of objectives, nature and effect of the proposed Planning Agreement

4.1 Objectives of proposed Planning Agreement

4.1.1 The objective of the proposed Planning Agreement is to secure a monetary
Development Contribution associated with the Gazettal of the instrument amending the
LEP.

4.2 Nature of proposed Planning Agreement

4.2.1 The Planning Agreement is a planning agreement under s93F of the
Environmental Planning and Assessment Act 1979 (Act). The Planning
Agreement is a voluntary agreement under which Development Contributions (as

Kingsland Road South VPA: Bayside Council and Elliott

defined in clause 1.1 of the Draft Planning Agreement) are made by the Developer for various public purposes (as defined in s93F(2) of the Act).

4.3 Effect of proposed Planning Agreement

The Planning Agreement:

- a) imposes an obligation on the Developer to make monetary Development Contributions in the amount of \$300,000, if the LEP is amended, within 30 days of the LEP being amended.
- b) Obliges the Council to expend the Development Contribution on Public Amenities or other public purposes including:
 - i. Improvements to the small park at the corner of Abercorn Street and Kingsley Road South and Bexley Oval;
 - ii. Public lighting in and around the carpark located on Stoney Creek Road;
 - iii. The upgrade and renewal of footpath and public domain works;
 - iv. The acquisition and consolidation of community and open spaces.
- c) Does not exclude the application of s94 and s94A of the Act to the future development of the Land.
- d) imposes restrictions on the Developer selling or otherwise dealing with the Land.
- e) provides for dispute resolution, as agreed between the parties, or in failing to agree, mediation.
- f) enables the Council to lodge a caveat on the Land (restricting any dealing in the Land).

5. Assessment of the merits of the proposed Planning Agreement

5.1 The Public Purposes served by the proposed Planning Agreement

The proposed Planning Agreement promotes the provision of and recoupment of the cost of providing public and amenities and public services.

The Planning Deed is a reasonable means for achieving that planning purpose, as it provides for the payment of a monetary development contribution to be expended on achieving that planning purpose.

5.2 How the proposed Planning Agreement promotes the Public Interest and the objects of the Environmental Planning and Assessment Act 1979

The Planning Deed promotes the public interest and the objects of the Act as set out in s5(a) of the Act that is, to encourage:

- (ii) the promotion and co-ordination of the orderly and economic use and development of land, and
- (v) the provision and co-ordination of community services and facilities.

5.3 How the proposed Planning Agreement promotes the Elements of the Council's Charter

The proposed Planning Agreement promotes the elements of the Council's Charter by providing appropriate services and facilities for the local community enables the Council to carry out its functions in a way that facilitates local communities that are strong, healthy and prosperous

5.4 How the proposed Planning Agreement promotes the objects (if any) of the Local Government Act 1993

The proposed Planning Agreement promotes the objects of the Local Government Act 1993 by allowing Council to provide facilities appropriate to the current and future needs of the local community and the wider public and to improve and develop the resources of the area.

5.5 Whether the proposed Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The proposed Planning Agreement specifies that the Developer must have paid the monetary Development Contribution before any Construction Certificate is issued in respect of any future Development on the Land.

5.6 Whether the proposed Planning Agreement conforms with the authority's capital works program

The proposed Planning Agreement conforms with Council's capital works program and, furthermore, will enable the program to be advanced with greater timeliness and certainty while reducing the financial risks to Council in its implementation.

6. Further Information

6.1 Interpretation

Note: this explanatory note is a summary only of the proposed Planning Agreement, is not to be relied upon as a complete description of the proposed Planning Agreement, and is not to be used as an aid in construing the proposed Planning Agreement.

6.2 Further Information

Copies of the proposed Planning Agreement are available on the Bayside Council website, and at the offices of Bayside Council.

Council Meeting

12/07/2017

Item No	8.3
Subject	Voluntary Planning Agreement Proposal for 177 Russell Avenue, Dolls Point
Report by	Albert Jean, Project Officer (Assets)
File	(R) F16/1040

Summary

The War Widows' Guild of Australia NSW LTD has submitted a Voluntary Planning Agreement proposal to Council in conjunction with the Planning Proposal at 177 Russell Avenue, Dolls Point.

Officer Recommendation

That Council delegates the General Manager to finalise the Voluntary Planning Agreement and authorises its exhibition in conjunction with the Planning Proposal.

Background

On 9 November 2016, Council resolved to exhibit the proposed Planning Proposal for 177 Russell Avenue, Dolls Point (**Attached:** Planning Proposal Council Report – 177 Russell Avenue, Dolls Point), concurrently with a draft Voluntary Planning Agreement (VPA).

On 24 January 2017 the Department of Planning and Environment advised Council in writing that the Planning Proposal had received Gateway Determination, subject to conditions.

The Planning Uplift

The Planning Uplift has been determined to be between \$4,150,000 and \$5,000,000 (**Attached:** Valuation Report – 177 Russell Avenue, Dolls Point). The valuation report, however, specifically excluded unknown environmental factors such as adverse ground conditions. Upon further investigations, it has been determined that the site is affected by contaminated soils and the additional cost associated with the contamination has been agreed to be \$2,778,500.

Prior to Rockdale LEP 2011, adjacent development sites realised greater development outcomes (FSR) compared to the current planning controls. This has also been a consideration when assessing the proposal.

Therefore, after consideration of the above mentioned factors, the VPA proposal is deemed to provide the community an appropriate share of the planning uplift.

VPA Proposal

The VPA proposes (**Attached:** VPA Proposal 26 May 2017 – 177 Russell Avenue, Dolls Point) to provide \$450,000 in monetary contributions towards the following public benefits:

	Description	Cost/Benefit
1	Master Planning of the Beach Hut & Surrounds	\$70,000
2	Upgrades to Peter Depena Reserve	\$340,000
3	Revegetation of Waradiel Creek	\$40,000
4	Land Dedication	No Cost.
	Total	\$450,000

The VPA does not exclude the application of future S94/S94A development contributions.

Financial Implications

The VPA provides \$450,000 monetary contributions to Council towards public benefits.

Community Engagement

Yes, the VPA will be public exhibited in conjunction with the Planning Proposal for a minimum of 28 days as per the Environmental Planning and Assessment Act 1979.

Attachments

- 1 Planning Proposal Council Report – 177 Russell Avenue, Dolls Point
- 2 Valuation Report – 177 Russell Avenue, Dolls Point
- 3 VPA Proposal 26 May 2017 – 177 Russell Avenue, Dolls Point

Council Meeting

9/11/2016

Item No	9.1
Subject	Planning Proposal – 177 Russell Avenue, Dolls Point
Report by	David Dekel, Coordinator City Places and Systems
File	(R) F16/835

Summary

A Planning Proposal has been received affecting 177 Russell Avenue, Dolls Point. The site currently accommodates two double storey residential buildings owned by the War Widows' Guild of Australia (the Guild).

The proposed amendments to the Rockdale LEP 2011 are:

- Height of Building: amend the maximum height of building from 14.5m to 17.75m;
 - Floor Space Ratio: amend the maximum FSR from 1:1 to 1.65:1; and
 - Amend clause 1.8A of the Rockdale LEP 2011 in order to allow a Development Application to be determined concurrently with the Planning Proposal.
-

Council Resolution

Resolved by the Administrator

- 1 That Council supports the proposed change in the maximum Height of Building on the site from 14.5m to 17.75m, and maximum FSR on the site from 1:1 to 1.65:1.
- 2 That Council does not support the amendment to clause 1.8A of the Rockdale LEP 2011 in accordance with the assessment provided in the report.
- 3 That the Planning Proposal be amended in accordance with the report prior to submission to the Department of Planning and Environment for Gateway determination.
- 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
- 5 That the amended Planning Proposal and supporting documents be submitted to the Department of Planning and Environment for Gateway determination.
- 6 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.

Officer Recommendation

- 1 That Council supports the proposed change in the maximum Height of Building on the site from 14.5m to 17.75m, and maximum FSR on the site from 1:1 to 1.65:1.
 - 2 That Council does not support the amendment to clause 1.8A of the Rockdale LEP 2011 in accordance with the assessment provided in this report.
 - 3 That the Planning Proposal be amended in accordance with this report prior to submission to the Department of Planning and Environment for Gateway determination.
 - 4 That Council continues to pursue negotiations with the proponent to develop a Voluntary Planning Agreement.
 - 5 That the amended Planning Proposal and supporting documents be submitted to the Department of Planning and Environment for Gateway determination.
 - 6 That Council publicly exhibits the Planning Proposal and Voluntary Planning Agreement concurrently, in accordance with the Department Planning and Environment's Gateway determination.
-

Background

Applicant: Helm Properties (on behalf of the War Widows' Guild of Australia NSW Ltd.)

Land Owner: The War Widows' Guild of Australia NSW Ltd.

Council has received a Planning Proposal for land identified as 177 Russell Avenue, Dolls Point. The site is currently occupied by two, double-storey residential buildings which provide low-cost housing facilities for members of the Guild.

The Guild is a not-for-profit charitable organisation which provides low-cost housing, as well as other services and support, since 1946. In recent years, the Guild has found that the needs and demographics of its members has changed dramatically. This has resulted in a marked decrease in the demand for its low-cost housing service.

The Guild has, therefore, needed to redirect funds and resources to other, more-relevant services that are currently in greater demand by its members. In order to achieve the necessary revenue for this, the Guild has had to release capital through maximising the revenue which can be generated through the redevelopment and disposal of its residential assets.

The proposed amendments to the Rockdale Local Environmental Plan 2011 (the Rockdale LEP 2011), are intended to reasonably maximise the development potential of the site, thus enabling the Guild to provide the necessary services from revenue achieved through the subsequent sale of the site to Helm.

The ultimate aim of the proposal is to achieve development standards which will permit the erection of a residential flat building. To achieve this, the Planning Proposal seeks to:

- 1 Introduce a maximum Height of Building on the land of 17.75m; and
- 2 Introduce a maximum Floor Space Ratio on the land of 1.65:1.

In addition, it is also sought to amend clause 1.8A of the LEP in order to allow a Development Application (DA) to be assessed concurrently with the Planning Proposal. The proponent suggests the following additional wording to clause 1.8A:

To avoid doubt, Rockdale Local Environmental Plan 2011 (Amendment No X) applies to the determination of a development application made (but not finally determined) before the commencement of that plan.

Note: An Amendment Number will be assigned should the Planning Proposal proceed through Gateway.

An assessment of the proposed amendments is provided in this report.

SITE AND CONTEXT

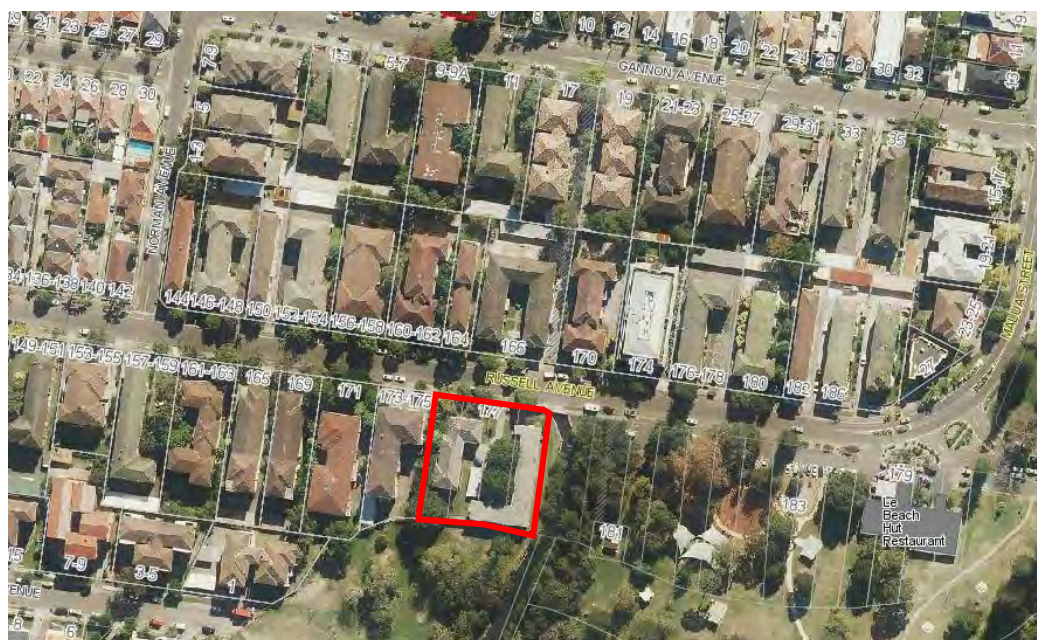


Figure 1 – Aerial photo with subject site outlined in red (Source: IntraMaps)

The subject site is legally described as Lots 80-83, DP 2237 and has an area of approximately 2,576m², with a frontage to Russell Avenue of approximately 48m. It is a square site located on the southern side and eastern end of Russell Avenue which abuts the northern boundary of Cook Park/Peter Depena Reserve. Cook Park is a heritage listed park which surrounds the site on all sides (except immediately to the north and west) and extends from Brighton Le Sands to the north and Sandringham to the south.

Immediately to the east of the site is Waradiel Creek, with the continuation of Cook Park/Peter Depena Reserve further to the east. To the north and west, the immediate surrounding area is characterised by residential apartment blocks on linear sites ranging from three to four storeys in height.

Current Planning Controls

The current planning controls for the site as per the Rockdale LEP 2011 are as follows:

Zone: R4 – High Density Residential

Height of Building: 14.5m

FSR: 1:1

The subject site is located in an R4 High Density Residential zone which extends from the subject site as far as Nos. 145-147 on the south side of Russell Avenue. On the north side of Russell Avenue, the R4 zone extends from Norman Avenue to the west of the subject site and to Malua Street to the east. Further to the north, the R4 zone extends from the front boundary of the properties on McMillan Avenue as far as the front boundary of the properties on the south side of Gannon Avenue (see **Figures 2 and 3**). Both the Height of Building (see **Figures 4 and 5**) and FSR maps (see **Figures 6 and 7**) also follow the boundary of the R4 zone for this area.

The subject site straddles two Rockdale LEP 2011 map tiles, and the relevant maps for the current planning controls are shown below with the subject site outline in red:

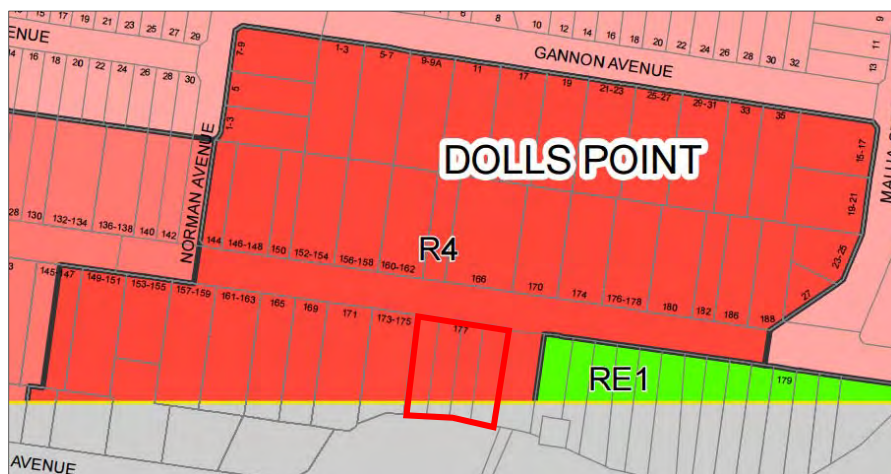


Figure 2 – Current Zoning Map LZN_005 (Source: NSW Department of Planning and Environment)

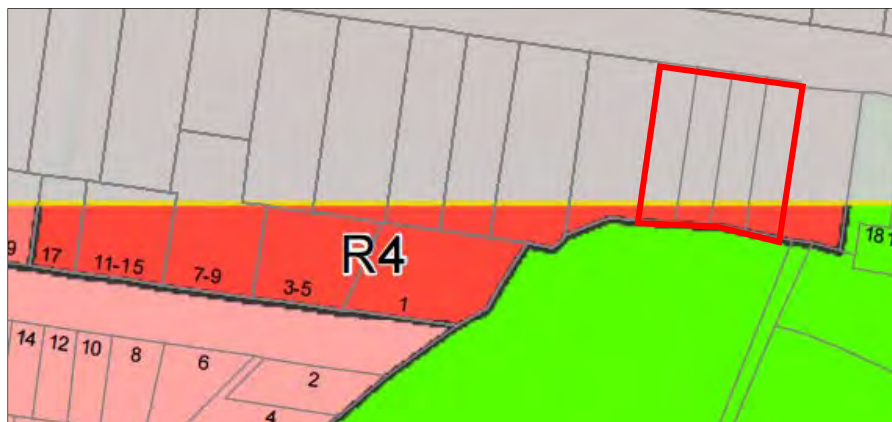


Figure 3 – Current Zoning Map LZN_006 (Source: NSW Department of Planning and Environment)

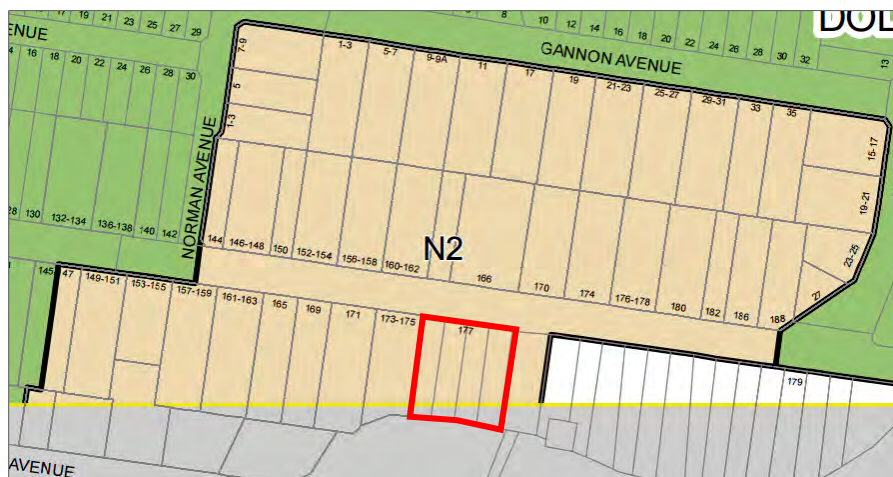


Figure 4 – Current Height of Building Map HOB_005 (Source: NSW Department of Planning and Environment)

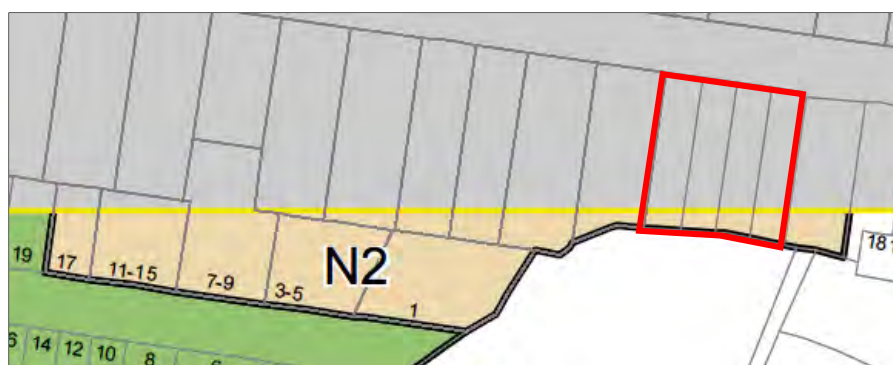


Figure 5 – Current Height of Building Map HOB_006 (Source: NSW Department of Planning and Environment)

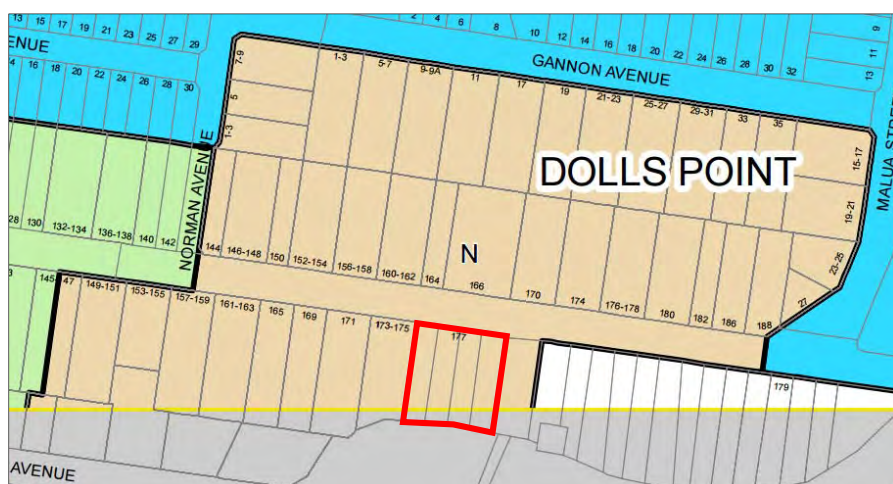


Figure 6 – Current FSR Map FSR_005 (Source: NSW Department of Planning and Environment)

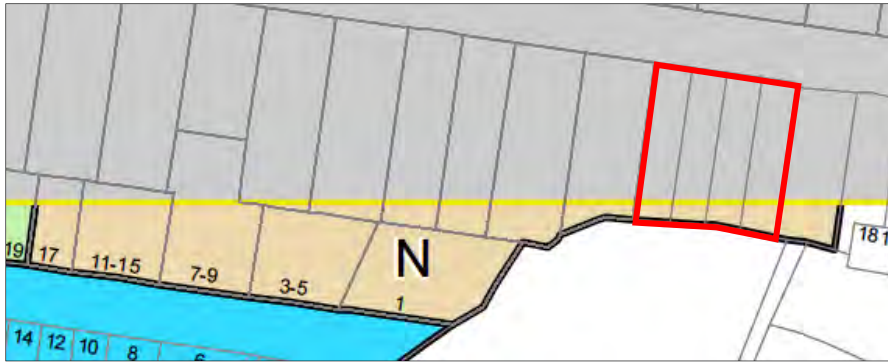


Figure 7 – Current FSR Map FSR_006 (Source: NSW Department of Planning and Environment)

Strategic Context

In 'A Plan for Growing Sydney', the Department of Planning and Environment (DPE) sets out a number of goals, directions and actions which are relevant to the aims of the Planning Proposal:

- Accelerate the housing supply and local housing choices across Sydney;
- Improve housing choice to suit different needs and lifestyles;
- Creating healthy built environments;
- Protect our natural environment and biodiversity;
- Manage the impacts of development on the environment; and
- Accelerate housing supply, choice and affordability and build great places to live.

In the submitted Planning Proposal (see attached), the proponent has reflected the goals of A Plan for Growing Sydney in an appropriate and relevant manner.

The Bayside Council 'Rockdale City Community Strategic Plan, 2013-2025' also outlines four strategic community outcomes that Council aims towards during the plan period. These are:

- Outcome 1 – Rockdale is a welcoming and creative City with active, healthy and safe communities;
- Outcome 2 – Rockdale is a City with a high quality natural and built environment and valued heritage with liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond;
- Outcome 3 – Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning; and
- Outcome 4 – Rockdale is a City with engaged communities, effective leadership and access to decision making.

The submitted Planning Proposal has made appropriate responses to these aims.

THE PLANNING PROPOSAL

The Planning Proposal has generally been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and all relevant Planning Proposal Guidelines published by the DPE. The Planning Proposal report has been prepared by Helm Properties and is supported by the following documentation:

- Urban Design Study prepared by *PCA Architects* dated 21 June 2016;
- Traffic and Parking Impact Assessment prepared by *McLaren Traffic Engineering & Road Safety Consultants* dated 30 June 2016;
- Arboricultural Impact Assessment Report prepared by *The Arborist Network* dated 24 June 2016;
- Acid Sulphate Soil Assessment and Preliminary Waste Classification Assessment prepared by *Environmental Investigation Service* dated 30 June 2016;
- Geotechnical Investigation prepared by *GK Geotechnics* dated 15 June;
- Flooding advice provided by *Green Arrow* dated 11 August 2016.

Copies of the Planning Proposal and supporting documents are attached to this report.

The Planning Proposal seeks to change:

- The maximum Height of Building on the subject site from 14.5m to 17.75m; and
- The maximum FSR on the site from 1:1 to 1.65:1.
 - Amend clause 1.8A to allow for the determination of a DA submitted concurrently with the Planning Proposal

The Planning Proposal states that the proposed changes to the controls will achieve the following outcomes:

- Improved Amenity
- Improved Safety
- Address Flood Liability
- Improved Biodiversity
- Consistency with surrounding development
- Economic redevelopment
- Increase housing choice
- Not-for-profit organisation

ASSESSMENT OF THE PLANNING PROPOSAL

Proposed Height of Building

A Height of Building of 17.75m is being proposed as shown in the proposed Rockdale LEP 2011 maps below:

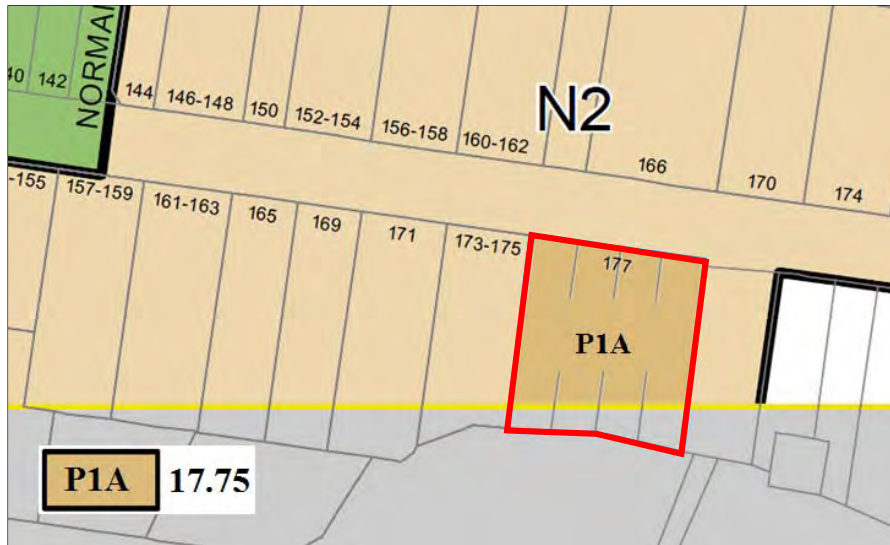


Figure 8 – Proposed Height of Building Map 005 (Source: Proponent's Planning Proposal)



Figure 9 – Proposed Height of Building Map 006 (Source: Proponent's Planning Proposal)

The proposed height is 3.25m higher than the current height control of 14.5m. The proposed height is based on an analysis of the immediate surrounding area, where many of the buildings have a height greater than the 14.5m control. This includes relatively new developments such as 172-174 Russell Avenue, which has a height of 16m. The subject site is also flood affected, which requires a minimum floor level to be applied. The additional height sought will ensure that a residential development can be accommodated on the site which is similar in height to properties in the immediate surroundings. **Figures 10, 11 and 12** below illustrate the proposed building height in the context of the adjoining property to the west and the properties along Russell Avenue:



Figure 10 – Section east-west (Source: Proponent's Planning Proposal)



Figure 11 – Street perspective looking west (Source: Proponent's Planning Proposal)

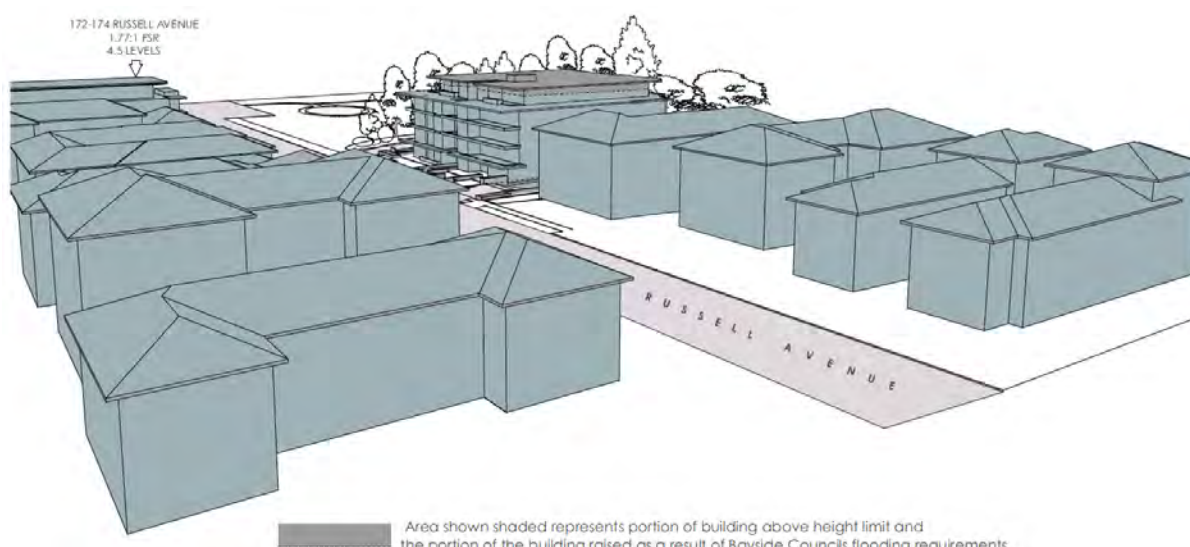


Figure 12 – Perspective looking south-west (Source: Proponent's Planning Proposal)

A recent example of a four-storey residential property in the area can be found at 172-174 Russell Avenue. This received development consent in 2009 and exceeded the maximum height restrictions at the time, which only permitted three-storey properties in the area. This property, shown in **Figure 13** below, is approximately 16m in height at its highest point and, while it has only four residential storeys, it has a raised ground floor starting at 3.5m AHD to facilitate car park access.

Furthermore, the subject site is the last lot on the south side of Russell Avenue in this location. As such, the proposed height would not impact on any adjacent properties to the east or south. The site also benefits from a screen of mature trees between it and the heritage-listed Cook Park/Peter Depena Reserve, which would serve to soften any additional building height in this location.

None of the trees located in Cook Park/Peter Depena Reserve (outside the boundary of the subject site) are proposed for removal as part of this Planning Proposal or any associated DA.

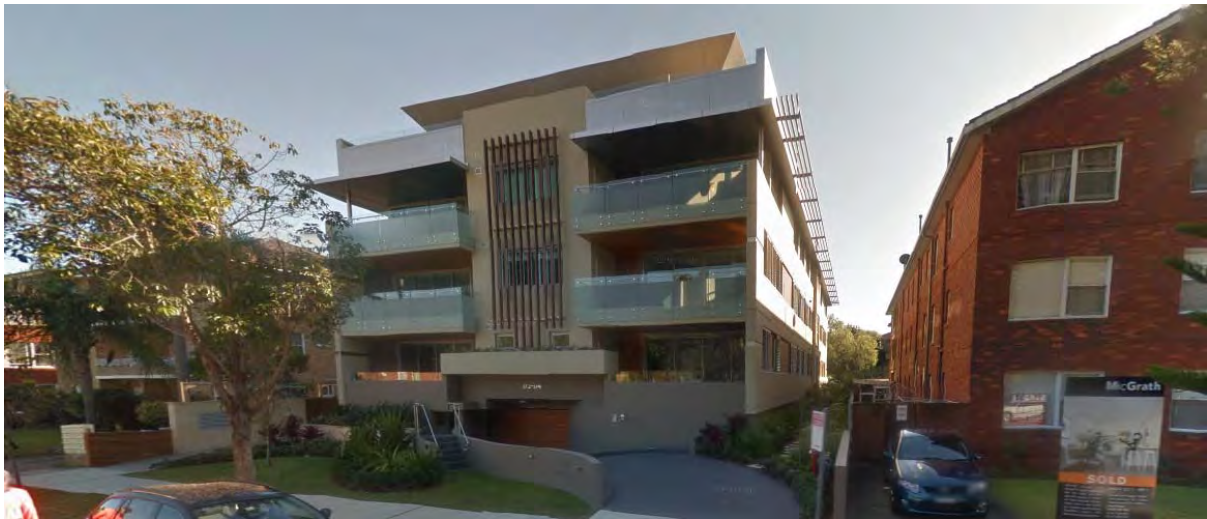


Figure 13 – 172-174 Russell Avenue, Dolls Point

Conclusion:

The proposed Height of Building of 17.75m is considered to be acceptable in this location. It would generally reflect the overall scale of several of the buildings in the surrounding area.

Proposed FSR

A FSR of 1.65:1 is being proposed as shown in the proposed Rockdale LEP 2011 Maps below:

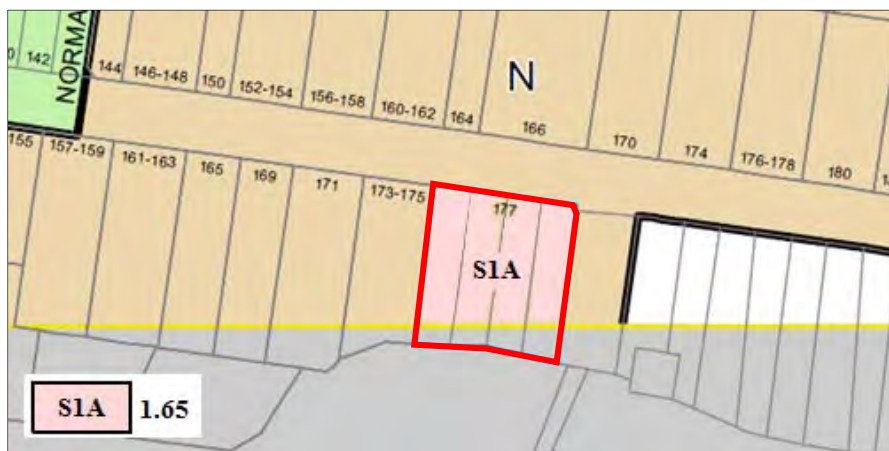


Figure 14 – Proposed FSR Map 005 (Source: Proponent's Planning Proposal)



Figure 15 – Proposed FSR Map 006 (Source: Proponent's Planning Proposal)

Many of the lots in the area contain three and four storey buildings on narrow, linear sites with the footprint of each building occupying the majority of the site area as illustrated in **Figure 1**. This has been reflected by the proponent analysis.

Although a higher FSR is being proposed, the indicative drawings show that the built form can be concentrated towards the centre of the site. This would allow a sufficient distance to be maintained between any new development and the building immediately to the west. Furthermore, it could allow for a more-comfortable relationship between the built form and the riparian corridor along Waradiel Creek immediately to the east, with a greater distance between the two possibly being achievable.

Conclusion:

The proposed FSR is considered to be acceptable in this location. It would reflect the general high-density pattern of development in the locality and, as with the proposed Height of Building, would allow the most of efficient use of the land to be made to create the best possible financial return for the Guild.

Amendment of Clause 1.8A

The Planning Proposal also seeks to amend clause 1.8A of the LEP in order to allow a DA to be assessed concurrently with the Planning Proposal and determined once the plan making process is finalised. The proponent has suggested the following additional wording to clause 1.8A:

'To avoid doubt, Rockdale Local Environmental Plan 2011 (Amendment No X) applies to the determination of a development application made (but not finally determined) before the commencement of that plan.'

Section 72(J) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) permits the concurrent assessment of a DA and a Planning Proposal for the same site. At the time of the submission of this Planning Proposal, a Land and Environment Court decision restricted the determination of concurrently-lodged DAs to the planning controls at the time of the DA was submitted.

However, since the lodgement of this Planning Proposal, a subsequent appeal has overturned this restriction, putting into question whether an amendment to clause 1.8A is necessary.

Little guidance has also been provided from the DPE about the implications of the recent court proceedings, causing ambiguity as to the operation of clause 1.8A. As such, until the DPE provides guidance on this matter, Council is reluctant to support this amendment.

While the provisions of section 72(J) of the EP&A Act 1979 allow for the concurrent consideration of a DA associated with a pending Planning Proposal, Council's general practice in recent times has been to discourage proponents from this course of action. It is commonly thought by the proponent that, if the DA is submitted during the plan making process, this will speed up the assessment and determination of their DA.

This has rarely been the case. Past experience has shown that the finalisation of both the plan-making process and the assessment of the DA have been delayed by the concurrent submissions. These delays are a result of amendments to the Planning Proposal required by either the DPE, Council or in a recent instance, the applicant of a Planning Proposal. This would, in turn, necessitate further amendments to the DA, prolonging the assessment and determination of the DA.

Conclusion:

The application of this clause is not supported and should be removed from the Planning Proposal prior to its submission to the DPE for Gateway determination (should Council support the Planning Proposal).

Traffic and Vehicular Access

The proponent has provided a Traffic and Parking Impact Assessment to support the Planning Proposal. The assessment is based on the indicative concept plan also provided to support the Planning Proposal and based on a scheme of 35 units. The analysis demonstrates that, compared to the subject site's existing development, the net traffic generation would equate to one additional vehicle every 7 to 8 minutes during both am and pm peak periods.

The proponent has provided a brief analysis of the local road and bus network. This analysis shows that the subject site is well served by and accessible to the existing road network, with the Grand Parade located approximately 500 metres to the north.

Several bus stops are located in the vicinity of the subject site, including a bus stop located directly along the site's Russell Avenue frontage (see **Figure 16**). These bus stops provide services to the surrounding commercial and retail centres of Miranda, Hurstville, Rockdale and the Sydney CBD.



Figure 16 – Road and transport analysis (Source: Proponent's Planning Proposal)

The suggested positioning of the vehicular access would see the vehicular access move from midway along the frontage of the site to the western boundary of the site, which in principle would be acceptable. Although this would need to be subject to satisfactory details being submitted as part of a development application, the generous 48m frontage should provide ample flexibility in the final positioning of the vehicular access.

Based on this information, the increase in traffic is considered to be acceptable and is unlikely to significantly increase traffic congestion in the immediate area. Regardless a more detailed analysis would be expected as part of the DA process.

Conclusion:

The future development facilitated by the Planning Proposal is unlikely to have any significant impact on traffic generation in the local area, is capable of achieving compliance with Council's DCP and will have no adverse traffic or parking impact on the surrounding road network.

Environmental Considerations

There are a number of environmental considerations that have been raised as a result of this Planning Proposal, including:

Trees

The proponent has submitted an Arboricultural Impact Assessment Report which states that:

- In order to accommodate the indicative concept plan, seven trees will require removal, including two *Magnolia grandifloras*;
- The *Magnolia grandifloras* will be propagated, with the propagated trees being incorporated into the overall landscape design for the property;
- All of the trees requiring removal have a low retention value; and
- The removal of the trees will be more than offset by the landscaping, riparian rehabilitation and improvements to the Peter Depena Reserve.

Council's Tree Management Officer has been consulted and concludes that the submitted Arboricultural Impact Assessment Report is a fair assessment of the site trees and the likely impacts. Although it is considered that the two Magnolia trees are significant specimens which date from well prior to 1965, the Officer concludes that their structure has been somewhat compromised by heavy pruning on several occasions and compensation can be provided with appropriate landscaping. There is no objection raised to the removal of these trees.

The Tree Management Officer also commented that the English Oak located at the rear of the site, based on the information provided in the report, can be safely retained, and it is expected that all attempts would be made to retain this tree in any future redevelopment of the site.

Conclusion:

Although the Planning Proposal would facilitate a development which will likely necessitate the removal of some trees, any new development facilitated by the Planning Proposal is also capable of securing a comprehensive landscaping and tree-planting scheme which will make a substantial improvement to the appearance of the site.

Flooding

The site is affected by the 1% Annual Exceedance Probability (AEP) flood and requires a minimum Habitable Floor Level (HFL) of 2.50m AHD with any new development. The proponent states that the existing residential development currently located on the site does not comply with the latest flooding guidelines and policies, whereas the indicative development scheme submitted in support of the Planning Proposal demonstrates that a well-designed building free of flood risk can be accommodated on the land.

Prior to submission of the Planning Proposal, the proponent consulted with Council on flooding matters. The information provided included confirmation of the AEP and HFL referred to above. Council also reviewed the Geotechnical Investigation submitted with the Planning Proposal. No further comments were made that are relevant to the Planning Proposal.

Conclusion:

The proponent has demonstrated that a higher-density residential development, in compliance with Council's standards, can safely be accommodated on the site. Detailed compliance would need to be demonstrated at the DA stage, including the submission of a Flood Management Plan.

Biodiversity

In the submitted Planning Proposal, the proponent has acknowledged the potential to respond to the subject site's location adjacent to the riparian corridor along Waradiel Creek. The Planning Proposal also recognises the opportunity this presents to enhance the functionality and quality of the natural environment along the interface between the creek and the subject site, and that this should be informed by further discussion with Council.

Council has provided comments on the Planning Proposal and confirms that the NSW Office of Water should be consulted on any development application to gauge any requirements in relation to the adjacent riparian corridor along Waradiel Creek.

The comments also set out additional matters which should be considered at the development application stage including investigating the presence of any threatened or

migratory species in the area and an assessment of any relevant construction and post construction impact on these species.

Any upgrade to the landscaping of the park land proposed would need to be developed in consultation with Council, as would any opportunity identified by the proponent to relocate the gross pollutant trap (or any other pollution control changes) in Waradiel Creek.

Conclusion:

Any development facilitated by the Planning Proposal would clearly need to have careful regard to the biodiversity interests in the area. The indicative scheme submitted in support of the Planning Proposal demonstrates that a higher-density development can be accommodated on the site with the built form located further away from the riparian corridor, although this would need to be carefully examined at the development application stage.

Contamination and Geotechnical

An Acid Sulfate Soil Assessment and Preliminary Waste Classification Assessment, and a Geotechnical Investigation, have been submitted in support of the planning Proposal. Council has reviewed the reports and concludes that the recommendations therein, including the Acid Sulphate Soils Management Plan, are satisfactory.

Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about the site shall be notified to Council.

ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DPE's guidelines state that Councils are responsible for the content of Planning Proposals. In this regard, the Planning Proposal is considered to be consistent with the DPE's guidelines. The supporting information is also considered to be satisfactory for the purposes of this Planning Proposal.

VOLUNTARY PLANNING AGREEMENT

Throughout discussions with the proponent about the planning proposal, the issue of providing a contribution to works of a public benefit has been raised but not formalised through a Voluntary Planning Agreement. Issues raised for consideration have included improvements to Waradiel Creek and its riparian zone, as well as park improvements.

It is recommended that Council officers continue to negotiate with the proponent about the details of works of a public benefit with the aim of having a draft Voluntary Planning Agreement prepared for public exhibition along with the Planning Proposal once it has been issued with a Gateway Determination.

CONCLUSION

The Planning Proposal seeks to achieve a strategic planning outcome that will facilitate higher density living opportunities consistent with the surrounding development character. The proposed increases in height and FSR are proposed for an area where the predominant scale and mass of development is reflective of that being sought in the Planning Proposal.

The proposed development standards would facilitate a residential apartment building which would make the most effective and efficient re-use of an existing residential site. It would also allow the War Widows' Guild of Australia to achieve the best possible return on this site for reinvestment into the support services it can provide elsewhere.

Financial Implications

Not applicable

Community Engagement

Should the Planning Proposal proceed through the Gateway determination stage, the Planning Proposal and proposed amendments to the Rockdale LEP 2011 will be subject to community consultation in accordance with Sections 56 (2)(c) and 57 of the Environmental Planning and Assessment Act 1979.

The specific requirements for community consultation will be listed in the Gateway determination, including any Government agencies that are to be consulted in relation to the Planning Proposal.

Attachments

- 1 Proponent's Planning Proposal.
(TRIM Ref: (R) 16/130944)
- 2 Urban Design Study prepared by PCA Architects dated 21 June 2016;
(TRIM Ref: (R) 16/128121).
- 3 Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering & Road Safety Consultants dated 30 June 2016.
(TRIM Ref: (R) 16/128113)
- 4 Arboricultural Impact Assessment Report prepared by The Arborist Network dated 24 June 2016.
(TRIM Ref: (R) 16/128115)
- 5 Acid Sulphate Soil Assessment and Preliminary Waste Classification Assessment prepared by Environmental Investigation Service dated 30 June 2016.
(TRIM Ref: (R) 16/128116)
- 6 Geotechnical Investigation prepared by GK Geotechnics dated 15 June.
(TRIM Ref: (R) 16/128116)
- 7 Flooding advice provided by Green Arrow dated 11 August 2016.
(TRIM Ref: (R) 16/128120)

Planning Proposal

Rockdale Local Environmental Plan 2011
177 Russell Avenue, Dolls Point

August 2016

Contents

- Part 1 -** A statement of the Objectives or Intended Outcomes of the proposed LEP
- Part 2 -** An Explanation of the Provisions that are to be included in the proposed LEP
- Part 3 -** The Justification for those objectives, outcomes and provisions and the process for their implementation
- Part 4 -** Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- Part 5 -** Details of the Community Consultation that is to be undertaken on the planning proposal
- Part 6 -** Project Timeline

Table of revisions

[05/07/2016]	Draft
[19/08/2016]	Final

Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan (LEP) 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

This Planning Proposal relates to land located at 177 Russell Avenue, Dolls Point which is legally described as Lot 80 DP 2237, Lot 81 DP 2237, Lot 82 DP 2237 and Lot 83 DP 2237.

The site, as outlined in the figure below, is located in a unique and high amenity location, as it shares a common boundary with the Peter Depena Reserve to the south and Waradiel Creek to the east. The predominate built form surrounding the site, specifically to the west, are older style high density residential flat buildings and Russell Avenue to the north.



Figure 1: Aerial of the site, subject site highlighted in blue

The subject Planning Proposal proposes the following amendments to the Rockdale Local Environmental Plan (RLEP) 2011:

- **Height of Building:** amendment of the maximum building height from 14.5 metres to 17.75 metres; and
- **Floor Space Ratio:** amendment of the floor space ratio from 1:1 to 1.65:1

An additional amendment is also proposed to Clause 1.8A of the RLEP, in order to allow a Development Application to be assessed concurrently with the Planning Proposal. This is expressly permitted by s72J of the Environmental Planning and Assessment Act 1979.

These controls will allow for a development on the site of up to 5 storeys (including sufficient height to accommodate the lift overrun) with approximately 36 dwellings.

The proposed controls will achieve the following outcomes:

- **Improved Amenity:** The Planning Proposal is able to improve the amenity and presentation of the streetscape. The indicative concept which accompanies this proposal, includes increased setbacks, a visually interesting built form, and provides articulation. The built form has been orientated to overcome existing privacy constraints on any neighbouring dwellings and activates Russell Avenue and Peter Depena Reserve. Subject to discussions with

Council, the development also has the potential to improve the quality of neighbouring public spaces such as the adjacent riparian corridor and the Peter Depena Reserve. This could include undertaking revegetation works in accordance with the specifications of Council (and other relevant agencies);

- **Improved Safety:** The redevelopment will improve safety by separating vehicular and pedestrian access. The built form will also be orientated to provide passive surveillance to the adjacent park and creek;
- **Address Flood Liability:** The redevelopment will allow for the existing flood liable built form to be redeveloped in accordance with the latest flooding guidelines;
- **Improved Biodiversity:** Subject to further discussions with Council and other State agencies, there is an opportunity for any redevelopment to include the revegetation of the riparian zone of Waradiel Creek and the area of the park directly adjacent to the site. This could include, where appropriate, improved public, pedestrian and cycle access along the creek to the park via an easement across the site;
- **Consistency with surrounding development:** many of the neighbouring buildings were constructed prior to the gazettal of the RLEP, when no FSR was applicable. As a result, many of the buildings exceed Council's current FSR control. This is specifically the case for more recent and nearby residential flat buildings of 174 Russell Avenue and 27 Malua Street, which have FSRs of 1.77:1 and 1.23:1 respectively. This Planning Proposal, therefore allows development which is consistent with the established pattern of development surrounding the site;
- **Economic redevelopment:** as a result of the flood level and ground conditions including a relatively shallow ground water table, redevelopment costs are higher than usual. The Planning Proposal balances yield with development costs to make redevelopment economically feasible while maintaining a built form that is appropriate in its context;
- **Increase housing choice:** the proposal will enable the provision of well-designed high quality apartments, well suited to households wanting to downsize, while remaining in the locality; and
- **Not-for-profit Organisation:** The War Widows' Guild of Australia NSW Ltd (the Guild) owns the subject site. The proposal will ensure the site can be redeveloped in an economically feasible manner to the benefit of the Guild, thereby increasing their ability to provide essential support services for the changing needs of its ageing member base.

This Planning Proposal is accompanied by reports and concept plans prepared by specialist consultants. These studies have confirmed the capability and appropriateness of the proposal and have not identified any constraints which will result in any detrimental amenity impacts to the surrounding community.

Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend *Rockdale LEP 2011* to:

- Encourage and facilitate efficient and logical urban renewal development in a high amenity location;
- Allow for the economic use of land as a development site which is not feasible under the current controls;
- Facilitate redevelopment of a site in a highly contextual manner with negligible external environmental or amenity impacts;
- Replace older poorly designed housing with well-designed housing enjoying high levels of amenity;
- Provide a mix and design of apartments not presently available in the market in this locality. This will provide an opportunity for local residents to downsize from their family homes enabling people to age in place in their new apartment home. Providing opportunities for people to move from their homes will ultimately increase the housing supply for younger families to enter into the housing market and continue residing within the LGA;
- Benefit a not-for-profit organisation to enhance the provision of support services to an ageing member base with increasing needs;
- Facilitate the economic redevelopment of an existing flood liable built form;
- Provide additional public benefits including the rehabilitation of the adjacent riparian corridor, other initiatives to improve water quality and improved public access to the adjacent park;
- Allow for a Development Application to be lodged, but not finally determined, before the planning proposal is made; and
- Protect and enhance the existing surrounding environment by proposing an appropriate building height, density and envelope that will result in minimal to no adverse impacts to neighbouring buildings or the surrounding natural environment.

Part 2 - Explanation of Provisions

A Map

The *Rockdale LEP 2011* Maps are proposed to be amended as per Table 1 below.

Table 1 – Proposed Map Amendments

Map Tile No.	Amendment	Explanation
Floor Space Ratio Map – Sheet FSR 005 and 006	<ul style="list-style-type: none"> Change FSR standard from 1:1 metres to 1.65:1 metres. 	The proposed amendments encourage the redevelopment of older housing stock for a 5 storey residential flat building in a suitable location, in close proximity to existing infrastructure and amenity.
Height of Buildings Map – Sheet HOB 005 and 006	<ul style="list-style-type: none"> Change the maximum building height from 14.5 metres to 17.75 metres. 	

B Clause 1.8A Savings provision relating to development applications

In order to allow a Development Application to be assessed concurrently with the Planning Proposal, as expressly permitted by s72(J) of the Environmental Planning and Assessment Act 1979, an amendment to Clause 1.8A, is also proposed.

Example wording has been provided below (changes highlighted in red).

1.8A Savings provision relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

(2) To avoid doubt, Rockdale Local Environmental Plan 2011 (Amendment No 12) applies to the determination of a development application made (but not finally determined) before the commencement of that Plan.

(3) To avoid doubt, Rockdale Local Environmental Plan 2011 (Amendment No x) applies to the determination of a development application made (but not finally determined) before the commencement of that Plan.

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

This Planning Proposal directly supports and implements the priorities of 'A Plan for Growing Sydney' (APfGS) by encouraging the redevelopment of older housing stock in a strategic location.

Under APfGS, the Rockdale LGA is located within the South District. The district plans are scheduled to be released in November 2016 and are expected to comprise of revised housing and job targets, to reflect the growing population of Sydney.

It is not known specifically what these new targets will be, however it is our understanding that they will increase substantially in order to accommodate the expected population projections forecast for this LGA and district.

A summary of the Department of Planning and Environment's population projections for the Rockdale LGA are summarised in the table below.

This table indicates that the Rockdale LGA, in 2011, had a population of approximately 103,500 people. This is expected to increase to a total of 134,350 people by 2031, an increase of 30,850 additional people.

Table 2: Population Projections

	2011	2016	2021	2026	2031	Increase (2011 to 2031)
Rockdale	103,500	113,400	120,900	127,550	134,350	30,850

Source: Department of Planning and Environment

As outlined in the table below, in order to accommodate DP&E's population projections, an average of 13,500 dwellings would be required to be constructed over a 20-year period (or 675 per year).

Table 3: Dwelling Projections

	2011	2016	2021	2026	2031	Increase (2011 to 2031)
Rockdale	41,550	45,800	49,000	51,900	55,050	13,500

Source: Department of Planning and Environment

The table below summarises the dwelling approvals for the Rockdale LGA. There has been a significant increase in the number of dwellings being approved within the LGA, especially over the last three-year period. On average 748 dwellings were approved, per year, over the 6-year period.

Table 4: Dwelling Approvals

	09-10	10-11	11-12	12-13	14-15	15-16	Average
Rockdale	612	579	403	867	1,655	374*	748

*Up until December 2015

Source: Department of Planning and Environment

DPE's Metropolitan Development Program monitors development completions for all LGAs with the Sydney Metropolitan Area.

The table below summaries the dwelling completions for the Rockdale LGA. From this table, the average number of dwellings constructed per year, between 2009/10 and 2015/16, is 365 dwellings.

Table 5: Dwelling Completions

	09-10	10-11	11-12	12-13	14-15	15-16	Average
Rockdale	135	55	519	500	370	610*	365

*Up until December 2015

Source: Department of Planning and Environment

Assuming these trends continue, notwithstanding approvals, the reduced completion levels suggest that, the Rockdale LGA will not be able to accommodate the demand for dwellings generated by the population growth. In order for the LGA to meet population growth, it will require an increase in dwelling completions. Specifically, this includes an additional 310 dwelling completions per year.

It is evident there is no direct correlation between development approvals and dwelling completions. The construction of dwellings is highly reliant on market conditions. With the current economic climate slowing down and potentially declining, there will be an increase in cases where development approvals will not result in completion.

This Planning Proposal is capable of assisting the LGA in accommodating additional dwellings by providing approximately 36 apartments.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the most transparent means of achieving the desired outcomes to facilitate the economic redevelopment of the land with a well-designed residential flat building that responds to its immediate and surrounding context and provides an improved planning outcome.

Although the proposal could be considered by way of a clause 4.6 (Exceptions to development standards) request, this means is not preferred by Council.

B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

‘A Plan for Growing Sydney’ (the Sydney metropolitan strategy) was released in December 2014 and is the NSW Government’s 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney’s productivity, environmental management, and livability; and for the location of housing, employment, infrastructure and open space.

Consistency with ‘A Plan for Growing Sydney’ is outlined in the below table.

Table 6 – Consistency with ‘A Plan for Growing Sydney’

Direction	Response
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	
Direction 2.1: Accelerate housing supply across Sydney	The proposed development is capable of immediately providing an increase in the supply and housing choice in a high amenity location. A total of approximately 36 apartments can be provided from this redevelopment.
Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs	The site is well positioned to accommodate urban renewal development. The location is highly accessible to existing bus infrastructure, providing services to employment and retail centres such as Hurstville, Rockdale and the Sydney CBD.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	The proposed development is capable of providing housing choice which will respond to the needs of the local community, and provide a mix of dwelling types to provide ageing in place. It will also consist of adaptable and accessible housing as well as housing for first home buyers, young families and the downsizing elderly.
Goal 3: A great place to live with communities that are strong, healthy and well connected	
Direction 3.1: Revitalise existing suburbs	The existing buildings on the subject site presently consist of ageing residential buildings, which do not present an efficient built form outcome for the site. This Planning Proposal will improve the amenity and presentation of the streetscape by providing a high quality built form. The redevelopment is capable of appropriately responding to its surrounding context by providing adequate setbacks from environmentally sensitive areas such as the neighbouring creek and park, and importantly significantly improving the setbacks that currently exist.

Direction 3.3: Create healthy built environments	<p>The site is highly accessible to existing infrastructure and open space facilities.</p> <p>The Planning Proposal will improve the overall amenity of the area and will provide opportunities for people to walk and cycle which promotes social cohesion and community connectivity. Overall the proposal supports strong, healthy and well connected communities.</p>
South Subregion	
Accelerate housing supply, choice and affordability and build great places to live	<p>The proposed development is capable of immediately providing an increase in the supply and housing choice in a high amenity location, which will provide opportunities for local residents to remain within their community. It will provide an improved built form outcome for the site, whilst improving the presentation of the surrounding streetscape, which will provide opportunities for local residents to remain within their community.</p>

B2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Rockdale City Community Strategic Plan

Council's Vision is: One Community, Many Cultures, Endless Opportunity. The blueprint for the Rockdale community for 2025 is to be achieved through strategic community outcomes:

- **Outcome 1** – Rockdale is a welcoming and creative City with active, healthy and safe communities.
- **Outcome 2** – Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
- **Outcome 3** – Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.
- **Outcome 4** – Rockdale is a City with engaged communities, effective leadership and access to decision making.

Table 7 below identifies how the Planning Proposal is consistent with the community outcomes.

Table 7 – Consistency with Rockdale City Community Strategic Plan

Outcome	Objective	Strategy	Consistency
1	1.1 Our community's health and wellbeing will increase	1.1.3 Build a healthy community with people of all ages and abilities	The site is within walking distance of bus services and leisure facilities. The redevelopment will provide opportunities for people to walk and cycle which promotes social cohesion and community connectivity. Overall the proposal supports strong, healthy and well connected communities.
2	2.1 Our City protects and enhances our natural environment including our beaches, waterways, bushland and foreshore areas	2.1.1 Protect, preserve and promote the City's natural resources	The redevelopment is capable of responding to the site's surrounding context, in particular the adjacent park and creek. Any redevelopment could include suitable setbacks and revegetation opportunities, which could improve the quality of the surrounding environment.
2	2.2 Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods	2.2.1 Ensure planning enables the provision of quality affordable housing	The redevelopment is capable of providing additional housing which will assist the LGA in satisfying the demand for additional dwellings.
2		2.2.2 Promote high quality, well designed and sustainable development and places that enhances the City	The Planning Proposal is capable of facilitating an urban renewal development improving the presentation of the streetscape, replacing ageing and poorly designed housing stock with a high quality residential development.

B3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Consistency with the State Environmental Planning Policies is provided in Table 8, below.

Provide additional public benefits including the rehabilitation of the adjacent riparian corridor, other initiatives to improve water quality and improved public access to the adjacent park

Table 8 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by <i>RLEP 2011</i>)
14	Coastal Wetlands	Not Applicable
15	Rural Landsharing Communities	Repealed
19	Bushland in Urban Areas	Not Applicable

21	Caravan Parks	Not Applicable
22	Shops and Commercial Premises	Not Applicable
26	Littoral Rainforests	Not Applicable
29	Western Sydney Recreation Area	Repealed
30	Intensive Aquaculture	Not Applicable
32	Urban Consolidation (Redevelopment of Urban Land)	Repealed
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
39	Spit Island Bird Habitat	Repealed
44	Koala Habitat Protection	Not Applicable
47	Moore Park Showground	Not Applicable
50	Canal Estate Development	Not Applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
55	Remediation of Land	Consistent – refer to Section C2.
59	Central Western Sydney Regional Open Space and Residential	Repealed
60	Exempt and Complying Development	(Repealed by <i>RLEP 2011</i>)
62	Sustainable Aquaculture	Not Applicable
64	Advertising and Signage	Not Applicable
65	Design Quality of Residential Flat Development	The Planning Proposal will create the development control framework within which future development can achieve consistency with the SEPP. The indicative concept plans which accompany this proposal demonstrates an appropriate concept built form on the site. Any future DA to be submitted to Council for this site will demonstrate detailed compliance with the requirements of this SEPP.
70	Affordable Housing (Revised Schemes)	Not Applicable
71	Coastal Protection	Not Applicable
	(Affordable Rental Housing) 2009	Not Applicable
	(Building Sustainability Index: BASIX) 2004	The PP will not contain provisions that will contradict or would hinder application of this SEPP. Compliance would be demonstrated under any subsequent application.
	(Exempt and Complying Development Codes) 2008	Not Applicable
	(Housing for Seniors or People with a Disability) 2004	Not Applicable
	(Infrastructure) 2007	Not Applicable
	(Kosciuszko National park Alpine Resorts) 2007	Not Applicable
	(Kurnell Peninsula) 1989	Not Applicable
	(Major Development) 2005	Not Applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
	(Miscellaneous Consent Provisions) 2007	Not Applicable
	(Penrith Lakes Scheme) 1989	Not Applicable
	(Rural Lands) 2008	Not Applicable
	(SEPP 53 Transitional Provisions) 2011	Not Applicable
	(State and Regional Development) 2011	Not Applicable
	(Sydney Drinking Water Catchment) 2011	Not Applicable
	(Sydney Region Growth Centres) 2006	Not Applicable

	(Three Ports) 2013	Not Applicable
	(Urban Renewal) 2010	Not Applicable
	(Western Sydney Employment Area) 2009	Not Applicable
	(Western Sydney Parklands) 2009	Not Applicable

See Table 9 below which reviews the consistency with the formerly named State Regional Environmental Plans, now identified as deemed SEPPs.

Table 9 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
8	(Central Coast Plateau Areas)	Not Applicable
9	Extractive Industry (No.2 – 1995)	Not Applicable
16	Walsh Bay	Not Applicable
18	Public Transport Corridors	Repealed
19	Rouse Hill Development Area	Repealed
20	Hawkesbury-Nepean River (No.2 – 1997)	Not Applicable
24	Homebush Bay Area	Not Applicable
26	City West	Not Applicable
30	St Marys	Not Applicable
33	Cooks Cove	Not Applicable
	(Sydney Harbour Catchment) 2005	Not Applicable

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

See Table 10 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 10 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not Applicable
1.2	Rural Zones	Not Applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not Applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	No heritage items are located on the site. A heritage item is however located adjacent to the site. Refer to Section C2.
2.4	Recreation Vehicle Areas	Not Applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	The proposal encourages a variety and choice of housing types, not currently available in the locality, which will provide for existing and future housing needs, whilst making efficient use of existing infrastructure and facilities. The proposal demonstrates appropriate built form whilst minimising the impact on the environment.
3.2	Caravan Parks and Manufactured	Not Applicable

	Home Estates	
3.3	Home Occupations	Not Applicable
3.4	Integrating land use and Transport	Not Applicable
3.5	Development near Licensed Aerodromes	Not Applicable
3.6	Shooting ranges	Not Applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent – refer to Section C2.
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	Existing residential development is currently located on the site. It is our understanding that this development does not comply with the latest flooding guidelines and policies. Any redevelopment is therefore capable of providing a complying built form, ensuring the safety of the site's occupants.
4.4	Planning for Bushfire Protection	Not Applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5	Development on the vicinity of Ellalong...	Not Applicable
5.6	Sydney to Canberra Corridor	Not Applicable
5.7	Central Coast	Not Applicable
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Not Applicable
6.2	Reserving land for Public Purposes	Not Applicable
6.3	Site Specific Provisions	This Planning Proposal does not propose any site specific development controls. It does however propose a site specific savings provision to ensure a development application can be assessed concurrently with this Planning Proposal.

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes. The Planning Proposal is consistent with the new Metropolitan Plan for Sydney, as detailed in Part B1.

C Environmental, social and economic impact

C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located within an existing urban environment and does not apply to land that has been identified as containing critical habitat or threatened species, population or ecological communities, or their habitats

C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In order to determine the suitability of the site for the subject development, the Planning Proposal is supported by the following studies and assessments:

Geotechnical

A Geotechnical Investigation has been prepared by JK Geotechnics and provided at Appendix 4.

The report outlines a series of recommendations in regards to several matters for consideration including groundwater, which will be implemented during the detailed design phase of the development.

It should be noted, however, that consultation with the NSW Office of Water has already commenced and details regarding groundwater management will be included with the development application.

Flooding

As indicated in the RLEP, the site is located within a 'flood planning area'. This is confirmed in the Flood Advice Letter from Rockdale City Council at Appendix 7, which indicates that the site is affected by the 1% Annual Exceedance Probability Flood and that a Minimum Habitable Floor Level of 2.50m AHD is required with any new development.

Existing residential development is currently located on the site. It is our understanding that the existing development does not comply with the latest flooding guidelines and policies.

The indicative development scheme has been designed to the flood planning level provided by Rockdale City Council and demonstrates that a well-designed building can be accommodated on the land free of flood risk.

This is confirmed in the Letter prepared by hydraulic engineers Green Arrow, provided at Appendix 8.

Detailed compliance will be demonstrated at development application stage.

Contamination

An Acid Sulfate Soil Assessment and Preliminary Waste Classification Assessment has been prepared by Environmental Investigation Service and provided at Appendix 5.

The assessment outlines the following materials were found on site:

- Fill material over the majority of the site has been classified as "general solid waste" and could be transported to landfill or reused on the site for geotechnical and earthwork requirements;

- Sandstone bedrock has been classified as “virgin excavated natural material” and is considered suitable for reuse on the site or any other site. Alternatively, the material can be disposed; and
- Natural sands after lime treatment has been classified as “general solid waste containing treated acid sulfate soils and can either be reused on the site or disposed.

A review of the RLEP indicates that the site is classified as Acid Suldate Soils category ‘Class 3’.

As outlined in the Assessment, an acid sulfate soil management plan is required.

A site specific management plan has been provided at Appendix 5.

Shadowing

As this Planning Proposal proposes to increase the permissible building height from 14.5 metres to a maximum of 17.75 metres, a shadow analysis has been prepared and provided at Appendix 1.

The figure below outlines that the site’s existing buildings generate shadowing to the neighbouring park and creek.

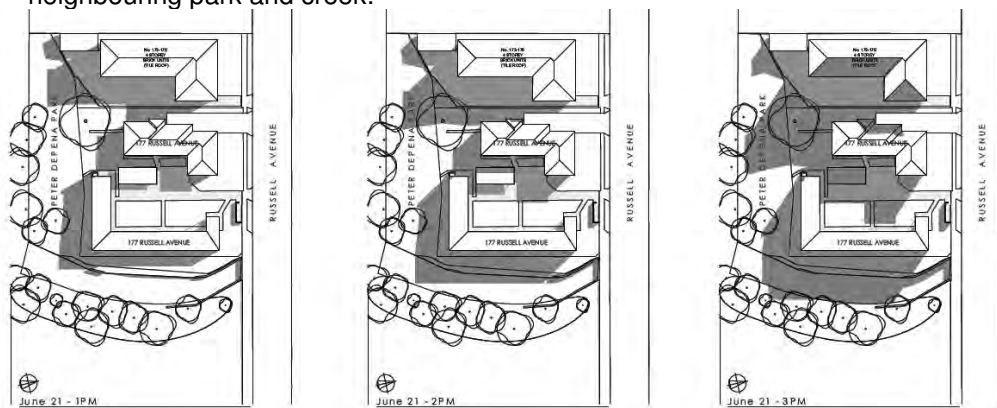


Figure 2: Potential shadowing – existing buildings (Winter)

As outlined in the figure below, this is similarly the case for the proposed development, with minimal shadowing generated along the site’s park and creek frontage.

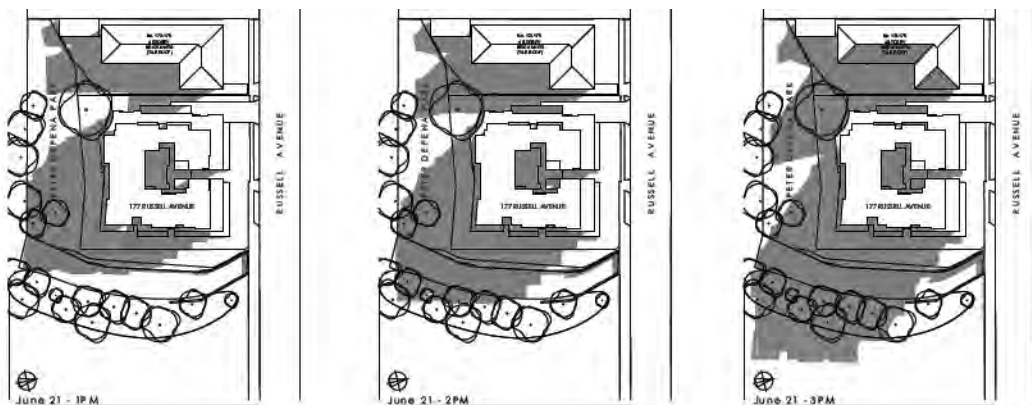


Figure 3: Potential shadowing - proposed height limit (Winter) – shadow cast by existing trees not shown

The elevational shadow diagram (below) shows that with the exception of a garage door at 9am, the proposed development does not over shadow the neighbouring property to the west between 9am-3pm on the winter solstice.

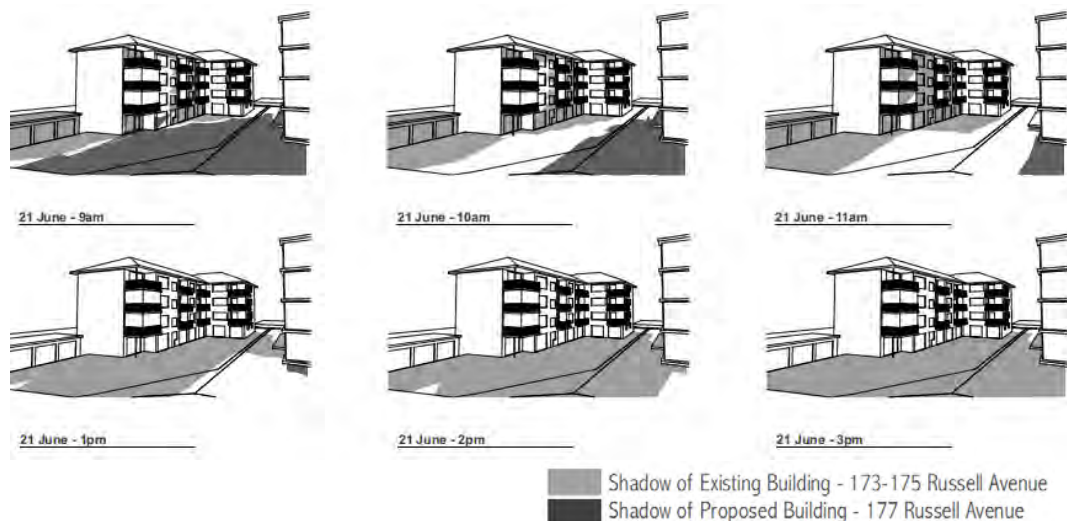


Figure 4: Potential shadowing – existing buildings vs proposed height (Winter) – shadow cast by existing trees not shown

Due to an increase in side and rear setbacks and the beneficial location and orientation of the site, as illustrated in the above figures, the proposal creates no overshadowing of any habitable space in the adjacent dwellings and generates only minimal additional shadowing on the surrounding environment.

Arborist

An Arboricultural Impact Assessment Report has been prepared by The Arborist Network and provided at Appendix 3.

In order to accommodate the indicative concept plan, 7 trees will require removal, including two *Magnolia grandifloras*.

The *Magnolia grandifloras* will be propagated, with the propagated trees being incorporated into the overall landscape design for the property.

As outlined in the assessment report, all of the trees requiring removal have a low retention value.

The assessment also incorporates a Tree Protection Plan with recommendations for the development. These recommendations will be implemented at construction stage to ensure that the trees that are being retained will not be significantly impacted by the proposed works.

The removal of the trees will be more than offset by the landscaping, riparian rehabilitation and improvements to the Peter Depena Reserve.

Traffic and Parking

A Traffic and Parking Impact Assessment has been prepared by McLaren Traffic Engineering and Road Safety Consultants and provided at Appendix 6.

The net traffic generation from the proposed development equates to one additional vehicle every 7 to 8 minutes, during both am and pm peak periods, when compared to the site's existing development. This increase is considered minor and represents no significant impact in terms of flow efficiency and residential amenity.

The indicative concept plan has taken into consideration Council's traffic and parking DCP requirements. It specifically includes the following:

- 62 car parking spaces over 2 basement levels;

- The provision of 4 disabled residential garages and 1 disabled visitor space;
- 4 bicycle spaces and 3 motorcycle spaces;
- Waste will be collected along the site's kerbside; and
- The internal circulation is satisfactory.

Future development is therefore capable of achieving compliance with Council's DCP and will have no adverse traffic or parking impact on the surrounding road network.

Heritage

The site is not a heritage item nor is it located in a heritage conservation area.

The site is however located adjacent to the Peter Depena Reserve. Under the RLEP this Reserve is part of a the larger 'Cook Park' that extends along the 8.5km length of the Botany Bay foreshore. Cook Park is an item of local significance.

The following assessment of significance of Cook Park has been extracted from the Office of Environment and Heritage's heritage register:

"Cook Park provides evidence of the late 19th century development of peninsula as the creation of the park was in direct response to the urbanisation of the area.

The park is historically significant as being associated with early land developers Saywell and Samuel Cook. Samuel Cook was a very early advocate for public parks.

The park is aesthetically significant as part of the open space system forming the edge of Sandringham Bay. It contributes to the amenity and character of the area.

The park most likely has significance for the many individuals and groups who regularly use the park for events, celebrations and day to day recreation.

The Norfolk Island Pine Trees in Cook Park are representative of late 19th century and early twentieth century seaside plantings."

As outlined in the figures below, the Park is bordered and adjacent to a mix of built form typologies including 4 storey and partial above ground basement Residential Flat Buildings (RFB) to the Park's south and 8 storey RFBs to the Park's north.



Figure 5: Built Form Typologies neighbouring the Park

The proposed additional height of 3.25 metres (or 1 storey) is consistent with the built form surrounding the Park. Moreover, it will remain below the level of the existing mature trees on the opposite side of Waradiel Creek and screened from the view of park users.

The proposal will additionally improve the site's relationship with the Park. As outlined in the indicative concept plan at Appendix 1, this would be achieved by increased setbacks from the park, greater activation and casual surveillance of lesser used parts of the park, the use of high quality materials and the proposed rehabilitation of the creek and riparian

zone and land immediately adjacent to the park (in conjunction with Council and other relevant agencies).

As already mentioned, the recommended height limit has been determined having regard to the height of the Park's existing mature trees and the casuarina trees on the eastern side of Waradiel Creek to ensure that the future development does not visually intrude on the key public areas of Peter Depena Reserve while the proposal will enhance casual surveillance of the lesser used parts of the south western corner reserve.

We therefore consider the proposed development to be a positive contribution to the park and the effect on the historical significance of the Cook Park to be neutral if not positive.

C3 How has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal comprises several public benefits to the local community. These are briefly outlined below:

- **Remove flood risk:** the existing ground floor residential apartments do not comply with current flooding policies and guidelines. This development will allow for the existing non-conforming built form to be redeveloped in accordance with the latest flooding guidelines and policies, improving the safety of the building's occupants.
- **Housing:** the proposed development contributes to the continued social growth of the area by encouraging a pattern of development which will help to diversify and increase housing choice. The redevelopment is capable of providing approximately 36 apartments.
- **Urban Renewal:** the Planning Proposal will encourage urban renewal within this established suburb by replacing older housing stock with a contemporary built form, whilst minimising the impact of the development on the environment.
- **Improved Streetscape:** this Planning Proposal benefits the broader locality by enhancing and improving the presentation of the streetscape both within and around the site. The site currently comprises of ageing housing stock. The Planning Proposal will facilitate the redevelopment of the site's existing buildings for a contemporary and attractive built form which appropriately responds to its surrounding context. The concept plan provides separation and articulation in the built form which provides a visually interesting development.
- **Improved Public Access:** there is an opportunity to increase the side setback from the creek and the rear setback from the park. This will allow for an opportunity to improve public access along the creek.
- **Biodiversity:** there is an opportunity to improve the functionality and appearance of the neighbouring park and creek and riparian zone. Subject to further discussions with Council this could include the revegetation of these areas, in accordance with the specifications of Council (and other relevant agencies).
- **Passive Surveillance:** there is an opportunity to orientate the built form and proposed apartments to improve passive surveillance and security of the neighbouring park and creek, and activation of these areas including Russell Avenue.
- **Privacy:** the orientation of the existing built form presents a privacy constraint to the neighbouring dwellings to the north. There is an opportunity to orientate the built form to ensure any privacy constraints are minimised.
- **Safety:** the existing development's pedestrian and vehicular entry/exit is combined in the one location which presents a safety concern. Any redevelopment could overcome this concern by separating access to different locations of the development.
- **Consistency with surrounding development:** many of the neighbouring buildings were constructed prior to the gazettal of the RLEP, when no FSR was applicable. As a result, many of the buildings exceed Council's current FSR control. This is specifically the case for more recent and nearby residential flat buildings at 174 Russell Avenue and 27 Malua

Street, which have FSRs of 1.77:1 and 1.23:1 respectively. This Planning Proposal, therefore allows development which is consistent with the established pattern of development surrounding the site.

- **Not-for-profit Organisation:** The War Widows' Guild of Australia NSW Ltd (the Guild) owns the subject site. The Guild is a not-for-profit charitable organisation formed in 1946, with the purpose of promoting and protecting the interests of war widows. The Guild today has around 5,600 members, the vast majority of whom are World War II widows, with an average age of 87 years. The outcome of the proposal will improve the ability of the Guild to provide essential support services for the changing needs of its ageing member base.

Accordingly, it is considered that the Planning Proposal will have a positive effect on the local economy and community.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

As described below, the existing public infrastructure available surrounding the site is more than capable of accommodating the demand generated by this Planning Proposal.

Road and Bus Network

As indicated in the Figure below, the site is accessible by the existing road network, with the Grand Parade located approximately 500 metres to the north. Several bus stops are located in the vicinity of the subject site, including a bus stop located directly along the site's Russell Avenue frontage.



Figure 5: Surrounding transport infrastructure

These bus stops provide services to the surrounding commercial and retail centres of Miranda, Hurstville, Rockdale and the Sydney CBD.

Other Infrastructure

As outlined below, there are a number of schools within close proximity, within suburbs such as Sans Souci, Blakehurst, Ramsgate and Sylvania.

Existing utility services will adequately service any future development proposal as a result of this Planning Proposal, and will be upgraded or augmented where required.

Waste management and recycling services are available through Rockdale City Council.

The area is generally well-served with Police, Ambulance, Fire and other emergency services.

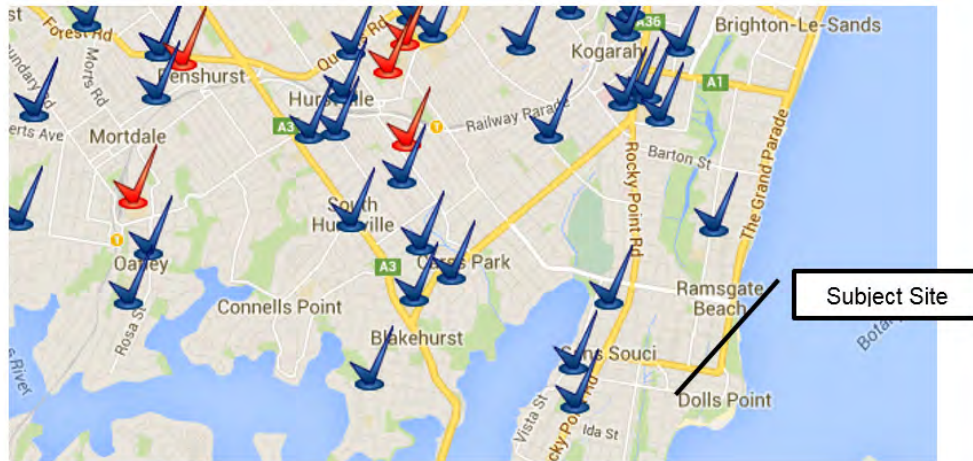


Figure 6: Surrounding educational establishments – identified with blue and red markers (Source: Australian Schools Directory)

D2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities have not yet been contacted at this early stage in the planning proposal process. The Gateway Determination has yet to be issued by the Minister for Planning and Environment. This will identify the necessary consultation to be undertaken.

Part 4 – Mapping

As illustrated in the Figure below, this Planning Proposal relates to land located at 177 Russell Avenue, Dolls Point, legally described as Lot 80 DP 2237, Lot 81 DP 2237, Lot 82 DP 2237 and Lot 83 DP 2237. The site consists of four allotments, with a total site area of approximately 2,575 sqm.



Figure 7: Aerial image of the subject site (Source: Six Viewer)

Figures 8 to 15 below illustrate the current controls and the proposed controls.

Please note that the subject site falls over two mapping sheets, namely map 005 and 006. Therefore, two mapping amendments are required per proposed zoning change.

Existing Floor Space Ratio (Map Sheet FSR_005) - 1:1

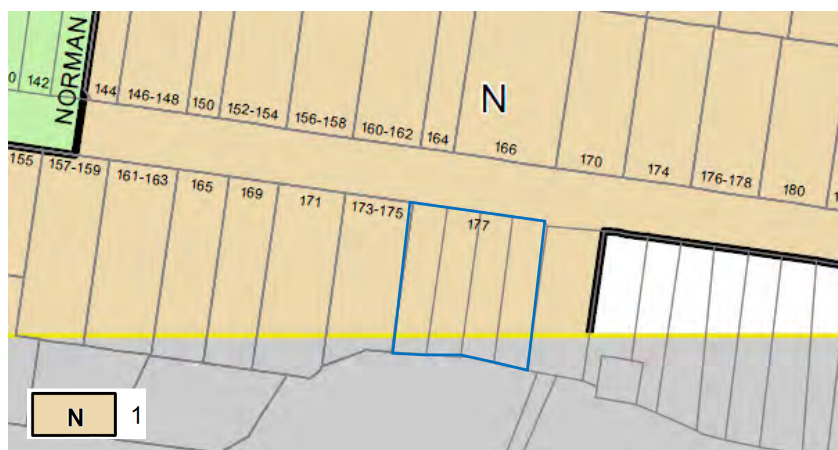


Figure 8: Current floor space ratio – Map Sheet FSR_005 (Source: NSW Legislation)

Existing Floor Space Ratio (Map Sheet FSR_006) - 1:1



Figure 9: Current floor space ratio – Map Sheet FSR_006 (Source: NSW Legislation)

Existing Height of Building (Map Sheet HOB_005) - 14.5 metres

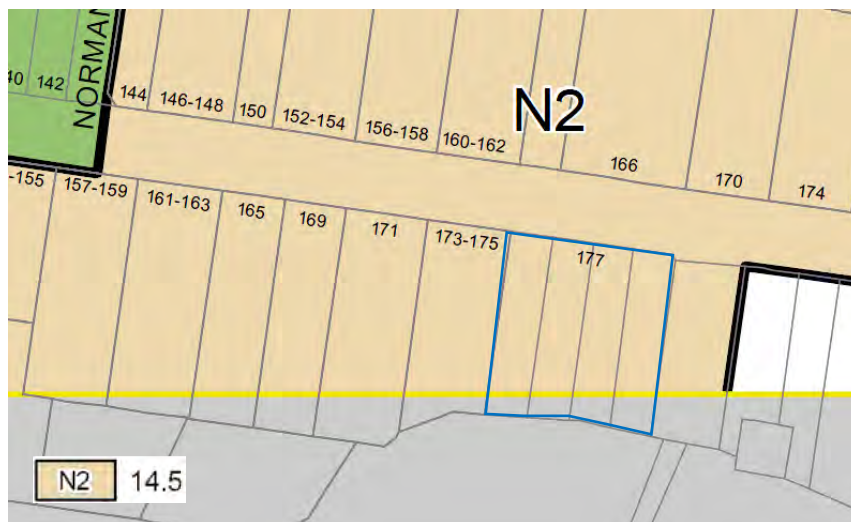


Figure 10: Current height of building – Map Sheet HOB_005 (Source: NSW Legislation)

Existing Height of Building (Map Sheet HOB_006) - 14.5 metres



Figure 11: Current height of building – Map Sheet HOB_006 (Source: NSW Legislation)

Proposed Floor Space Ratio (Map Sheet FSR_005) – 1.65:1

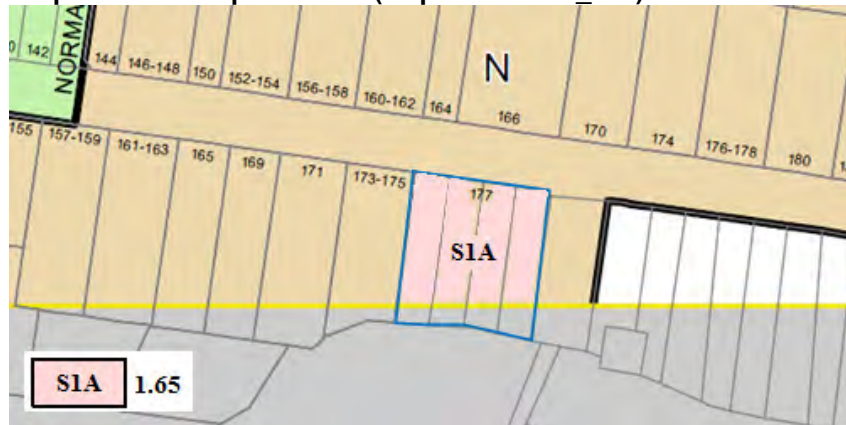


Figure 12: Proposed floor space ratio – Map Sheet FSR_005 (Source: NSW Legislation)

Proposed Floor Space Ratio (Map Sheet FSR_006) – 1.65:1



Figure 13: Proposed floor space ratio – Map Sheet FSR_006 (Source: NSW Legislation)

Proposed Height of Building (Map Sheet HOB_005) – 17.75 m

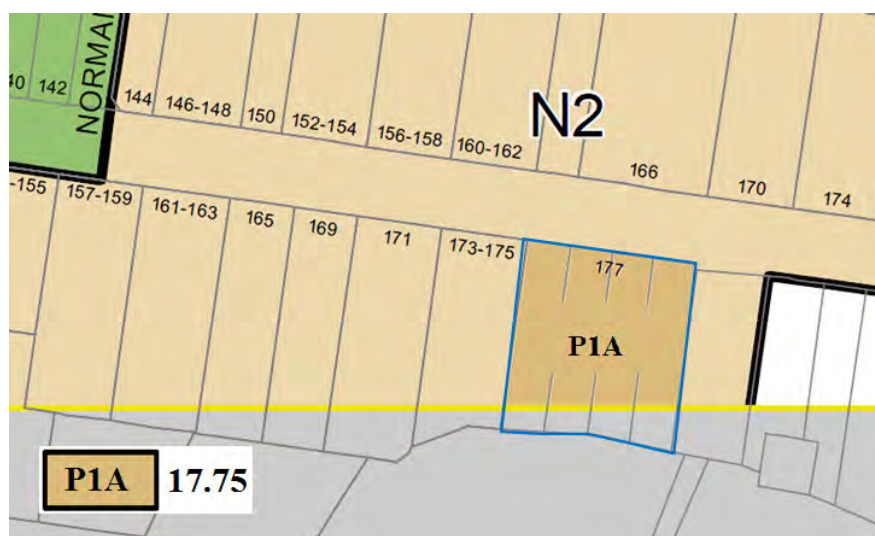


Figure 14: Proposed height of building – Map Sheet HOB_005 (Source: NSW Legislation)

Proposed Height of Building (Map Sheet HOB_006) – 17.75 m



Figure 15: Proposed height of building – Map Sheet HOB_006 (Source: NSW Legislation)

Part 5 - Community Consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination.

A comprehensive engagement strategy will be prepared by Council which would include the following mechanisms:

- Advertisement in a local newspaper;
- Notification letters to relevant State Agencies and other authorities nominated by the Department.;
- Notification (via letter) to land holders of properties surrounding the land subject to this Planning Proposal;
- Advertise and exhibit the Planning Proposal on Council's website.
- Exhibit the Planning Proposal at Council's Customer Services Centre and local library; and
- Undertake any other consultation methods appropriate for the proposal, such as community workshops with surrounding landowners to describe and present the proposal and address any concerns which may arise.

Part 6 – Project Timeline

The table below provides a proposed timeframe for the project.

Table 11 – Approximate Project Timeline

Task	Timing
Date of Gateway determination	Not known
Anticipated timeframe for the completion of required technical information	Not applicable. Technical analysis has already been commissioned to support the Planning Proposal. Anticipate open space and riparian improvement plan to be completed prior to Gateway.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in the Gateway determination. Anticipated timeframe is to run concurrently with the public exhibition period.
Commencement and completion dates for public exhibition period	4 weeks commencing 2 weeks after gateway determination
Dates for public hearing (if required)	Not applicable at this stage
Timeframe for consideration of submissions	2 weeks
Timeframe for the consideration of a PP following exhibition	2 weeks
Consideration of PP by Council (Council Meeting)	3 weeks
Date of submission to the department to finalise the LEP	2 weeks
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	2 weeks
Anticipated publication date	17 weeks after gateway determination

**Appendix 1 – Urban Design Study
prepared by PCA Architects**

Note: This document is listed as Attachment 2 at the end of the Council Report.

**Appendix 2 – Survey
prepared by Daw and Walton**

Note: This document is not attached to the Council Report. It is technical information which will support a forthcoming Development Application.

**Appendix 3 – Arborist Report
prepared by The Arborist Network**

Note: This document is listed as Attachment 4 at the end of the Council Report.

**Appendix 4 - Geotechnical Investigation
prepared by JK Geotechnics**

Note: This document is listed as Attachment 6 at the end of the Council Report.

**Appendix 5 – Acid Sulfate Soil Assessment and Preliminary Waste
Classification Assessment
prepared by Environmental Investigation Services**

Note: This document is listed as Attachment 5 at the end of the Council Report.

**Appendix 6 – Traffic and Parking Impact Assessment
Prepared by McLaren Traffic Engineering & Road Safety
Consultants**

Note: This document is listed as Attachment 3 at the end of the Council Report.

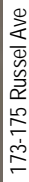
Appendix 7 – Flood Advice Letter prepared by Rockdale City Council

Note: This document is not attached to the Council Report.

Appendix 8 – Letter from Hydraulic Engineer prepared by Green Arrow

Note: This document is listed as Attachment 7 at the end of the Council Report.

An aerial photograph of a densely populated residential area. A red rectangle highlights a specific building in the center of the image. The building is a large, multi-story structure with a reddish-brown roof. The surrounding area is filled with other houses, streets, and greenery. A body of water is visible on the right side of the image.

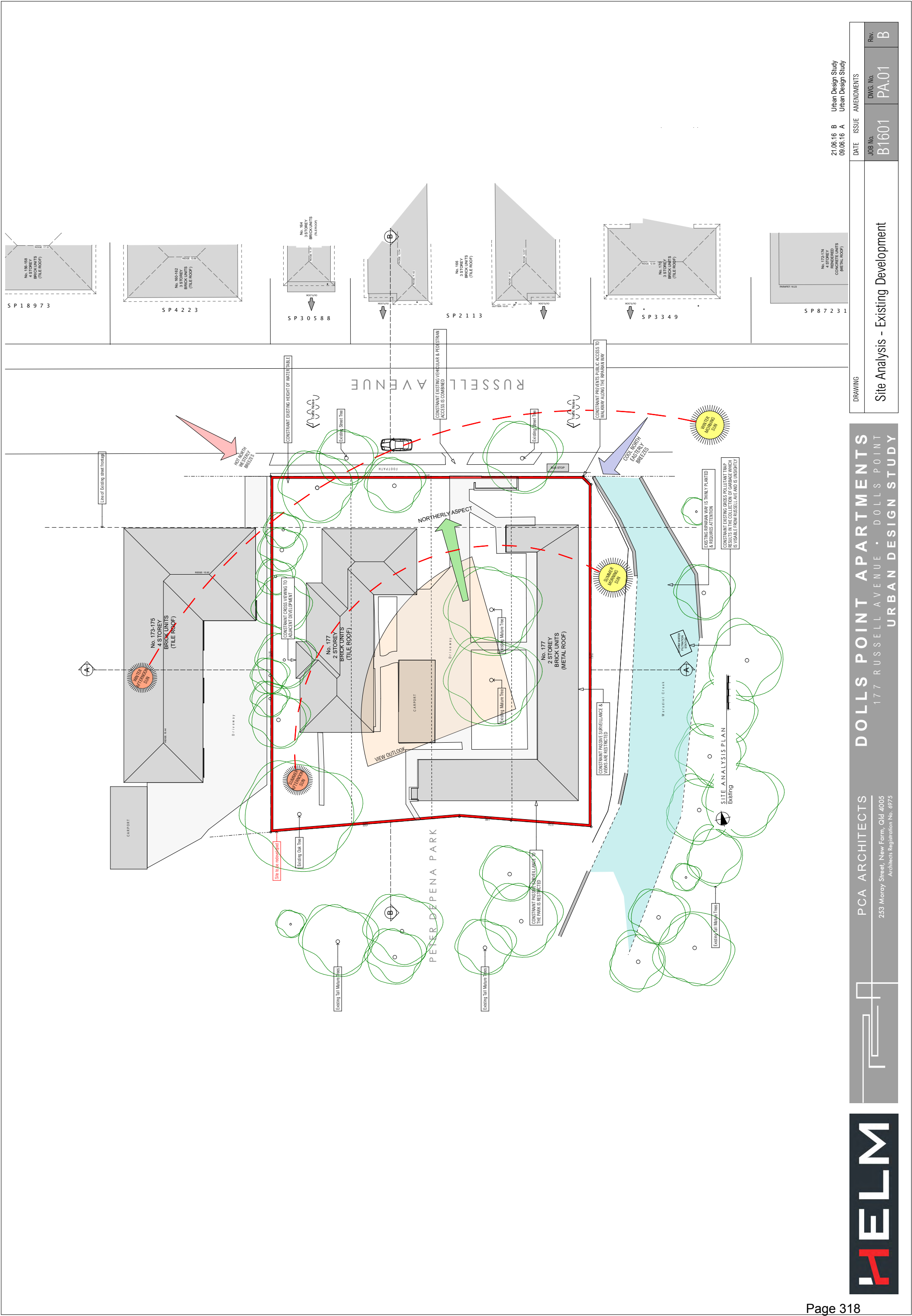


DRAWING	DATE			ISSUE	AMENDMENTS	Rev.
Site Context Photos	JOB No.			DWG. No.		B
	B1601			PA.00		



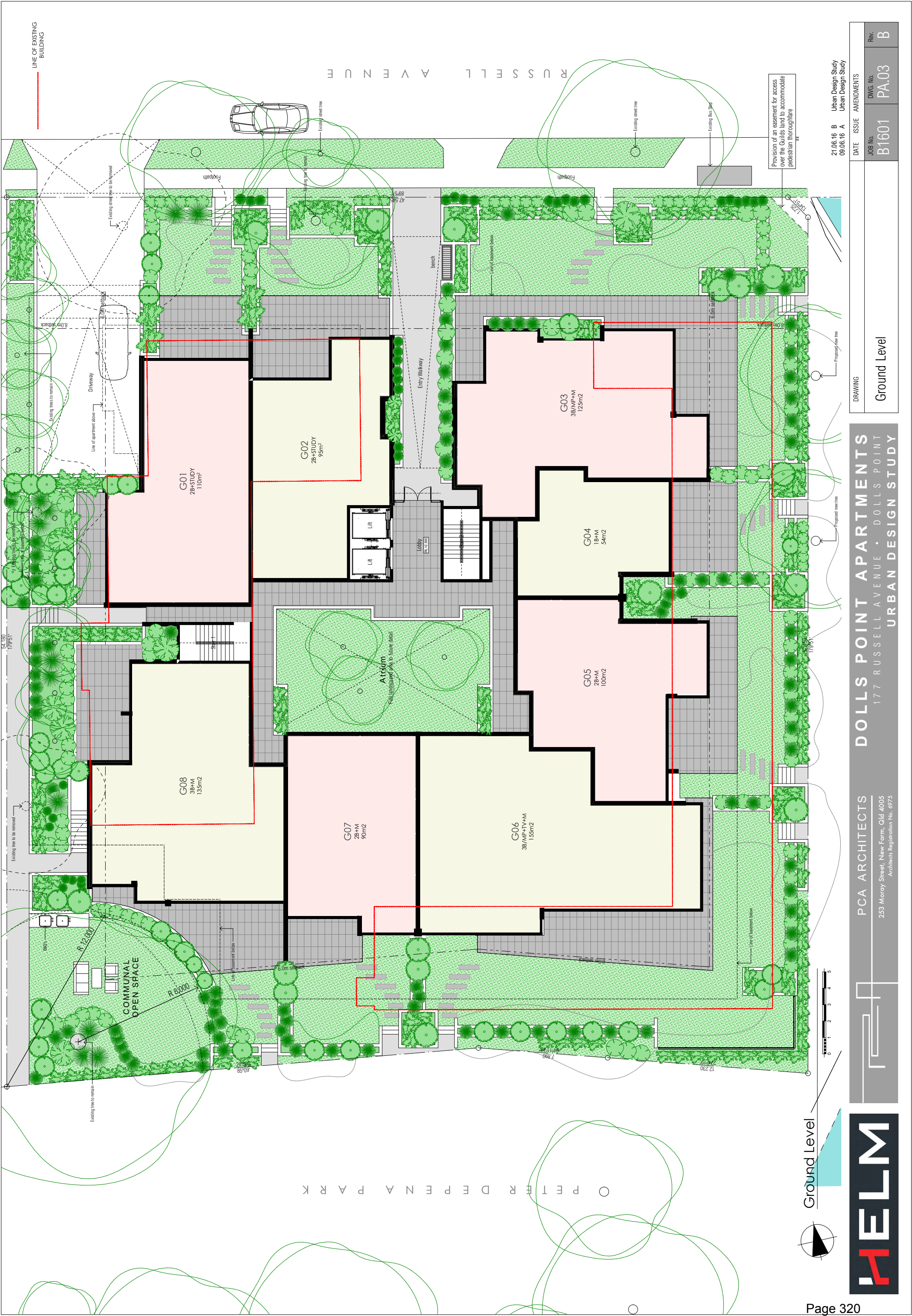
PCA ARCHITECTS
253 Moray Street, New Farm, Qld 4005
Architects Registration No. 6975

DOLLS POINT APARTMENTS
177 RUSSELL AVENUE • DOLLS POINT
URBAN DESIGN STUDY

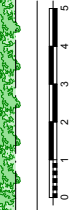




Site Analysis - Proposed Development



Ground Level



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DOLLS POINT APARTMENTS
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DRAWING
Ground Level

DATE	ISSUE	DWG. No.	Rev.
21.06.16 B	Urban Design Study	PA.03	B
09.06.16 A	Urban Design Study	B1601	

21.06.16 B Urban Design Study
09.06.16 A Urban Design Study

Provision of an easement for access
over the Guido's land to accommodate
pedestrian thoroughfare

Existing street tree

Existing Bus Stop

bench

Entry Walkway

Lift

Lobby

Lift

Atrium

G01

2B+STUDY

110m²

G02

2B+STUDY

95m²

G03

3B/MP+M

125m²

G04

1B+M

54m²

G05

2B+M

100m²

G06

3B/MP+TV+M

135m²

G07

2B+M

90m²

G08

3B+M

135m²

COMMUNAL
OPEN SPACE

R 8000

R 12000

Existing tree to remain

Existing tree to be removed

Line of apartment above

Driveway

Existing trees to remain

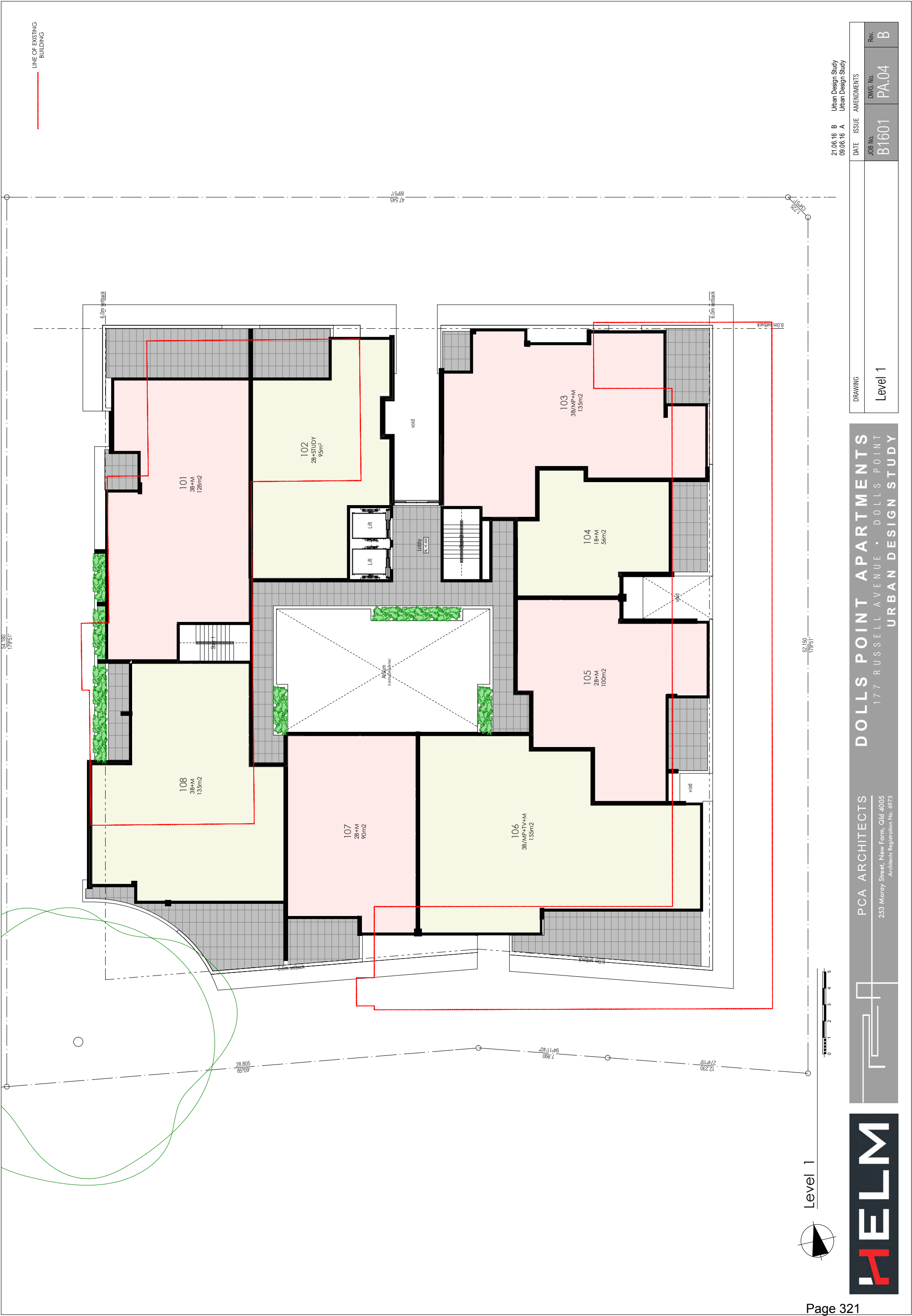
Existing street tree to be removed

Footpath

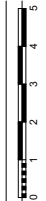
Existing street tree

RUSSELL AVENUE

LINE OF EXISTING
BUILDING



Level 1



52.60
173.91

122.42
369.51

21.06.16 B Urban Design Study
09.06.16 A Urban Design Study

DRAWING		ISSUE AMENDMENTS		
Level 1		JOB No.	DWG. No.	Rev.
		B1601	PA.04	B

PCA ARCHITECTS

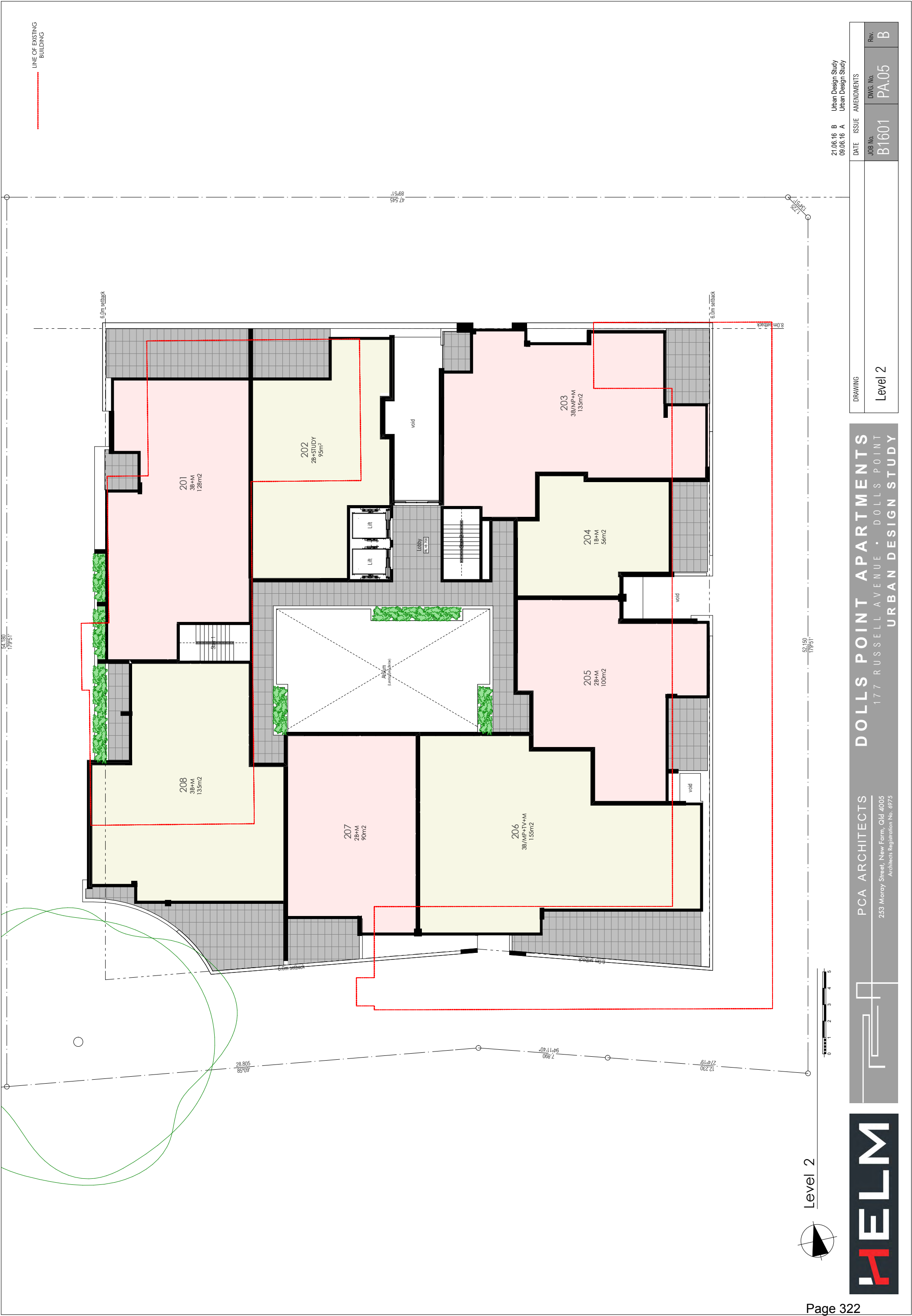
253 Moray Street, New Farm, Qld 4005
Architects Registration No. 6975

DOLLS POINT APARTMENTS

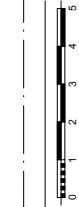
177 RUSSELL AVENUE • DOLLS POINT

URBAN DESIGN STUDY





Level 2



52.60
173.91

122.12
122.12

47.545
89.51

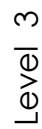
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173.91

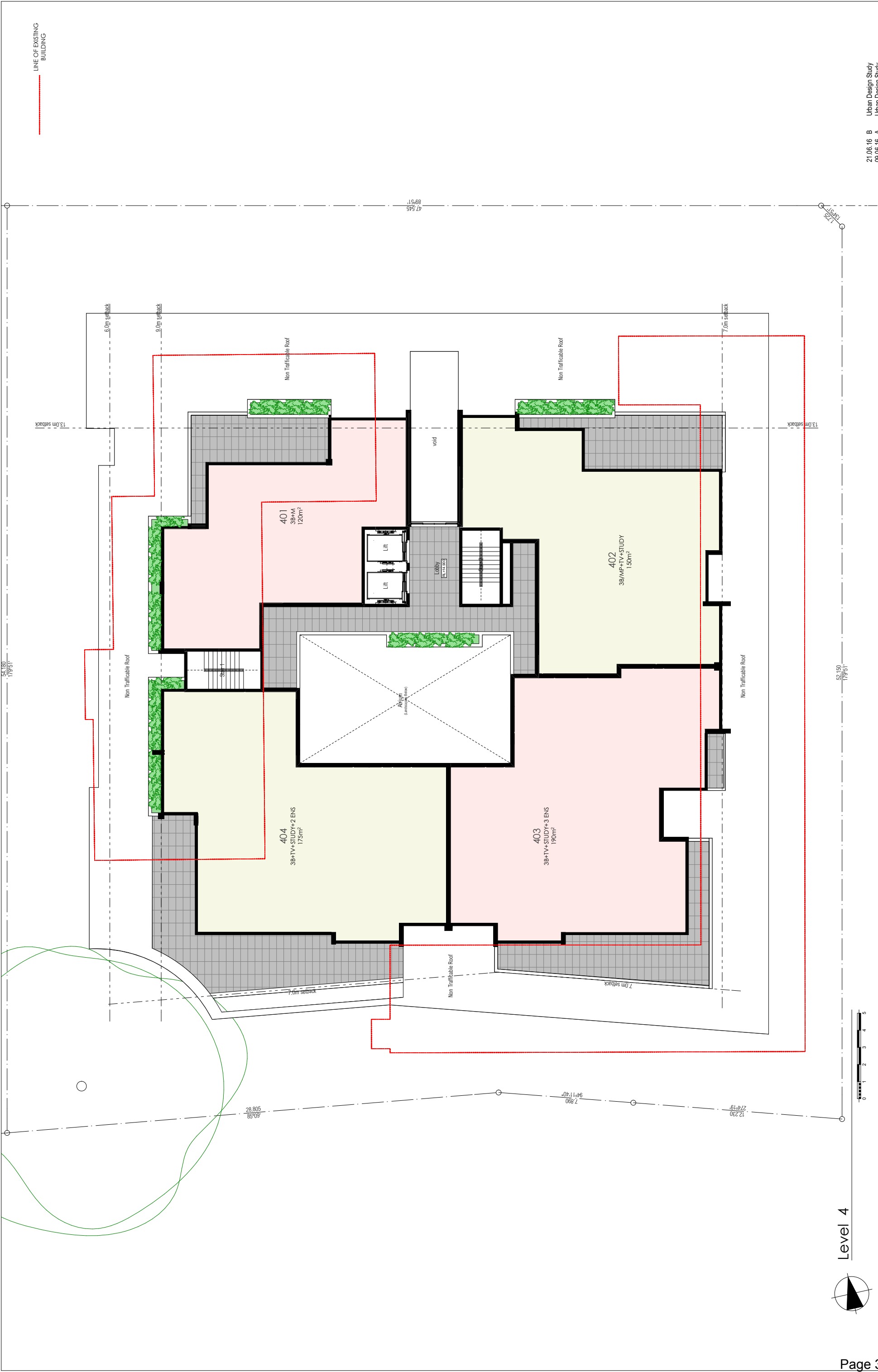


PCA ARCHITECTS
253 Moray Street, New Farm, Qld 4005
Architects Registration No. 6975

DOLLS POINT APARTMENTS
177 RUSSELL AVENUE • DOLLS POINT
URBAN DESIGN STUDY

DRAWING	DATE	ISSUE	AMENDMENTS	JOB No.	DWG. No.	Rev.
Level 2	21.06.16	B	Urban Design Study	B1601	PA.05	B
	09.06.16	A	Urban Design Study			





Level 4



52.60
173.91

122.30
368.1

21.06.16 B Urban Design Study
09.06.16 A Urban Design Study

DRAWING		AMENDMENTS		
Level 4	JOB No.	B1601	DWG. No.	PA.07
	Rev.			B

PCA ARCHITECTS
253 Moray Street, New Farm, Qld 4005
Architects Registration No. 69775

DOLLS POINT APARTMENTS
177 RUSSELL AVENUE • DOLLS POINT
URBAN DESIGN STUDY

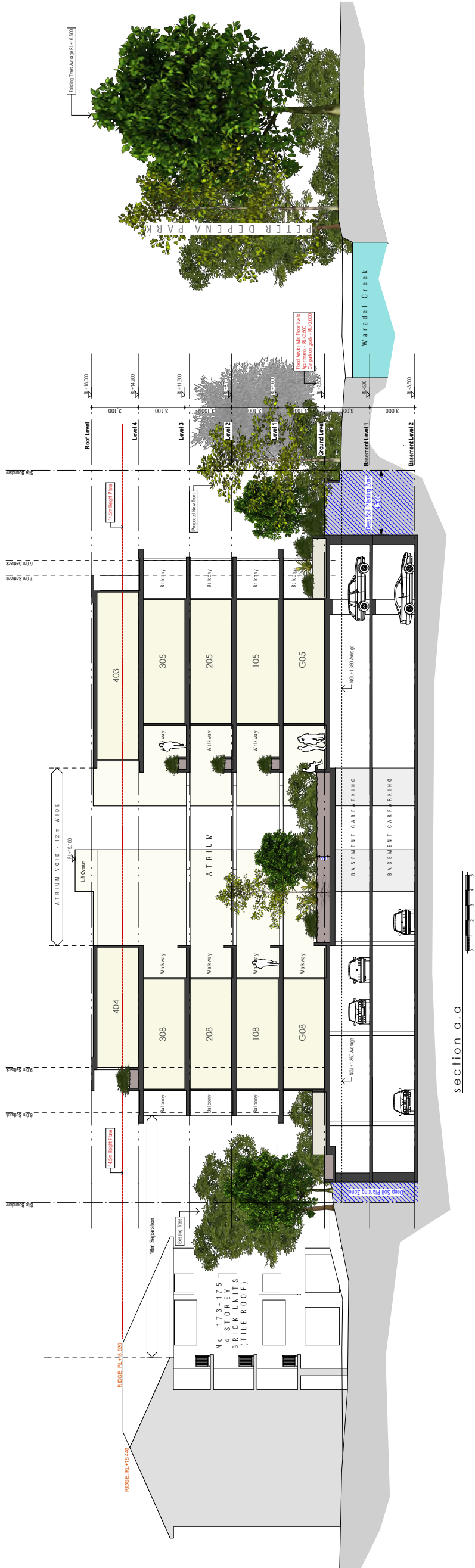






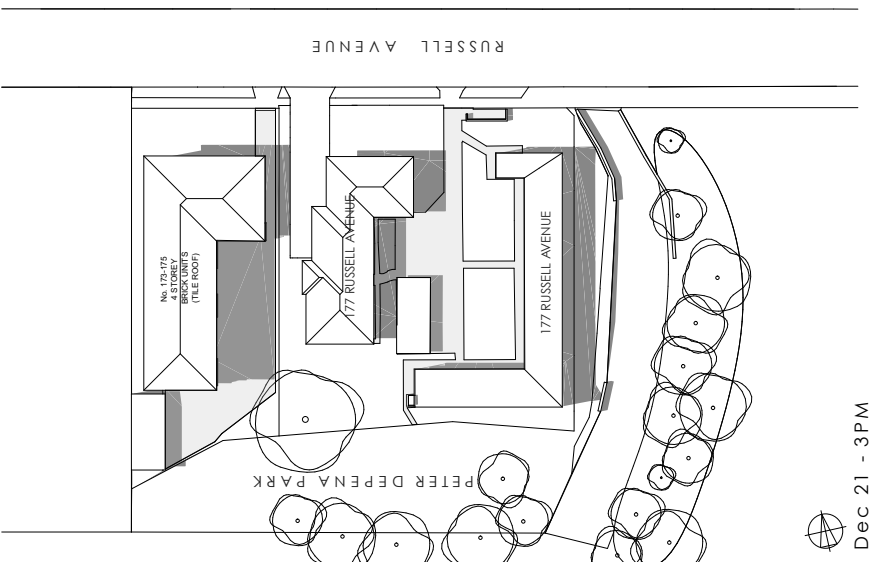
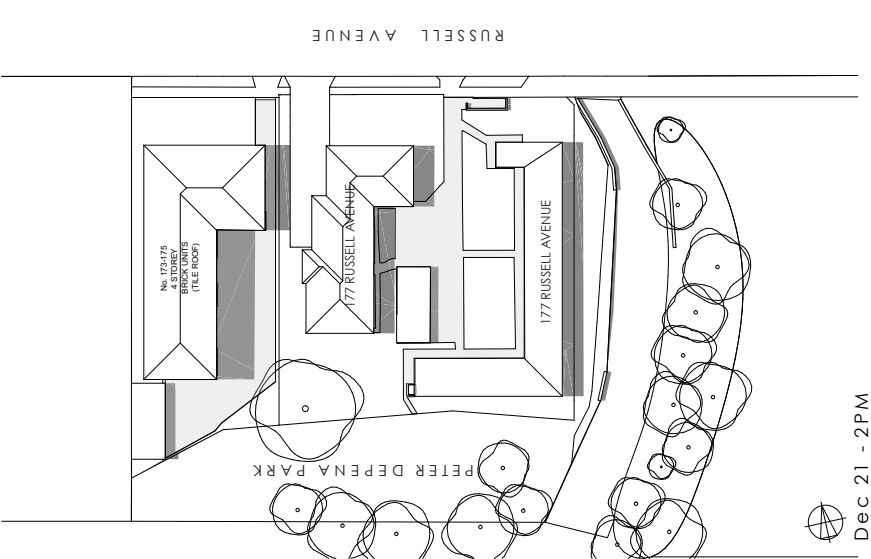
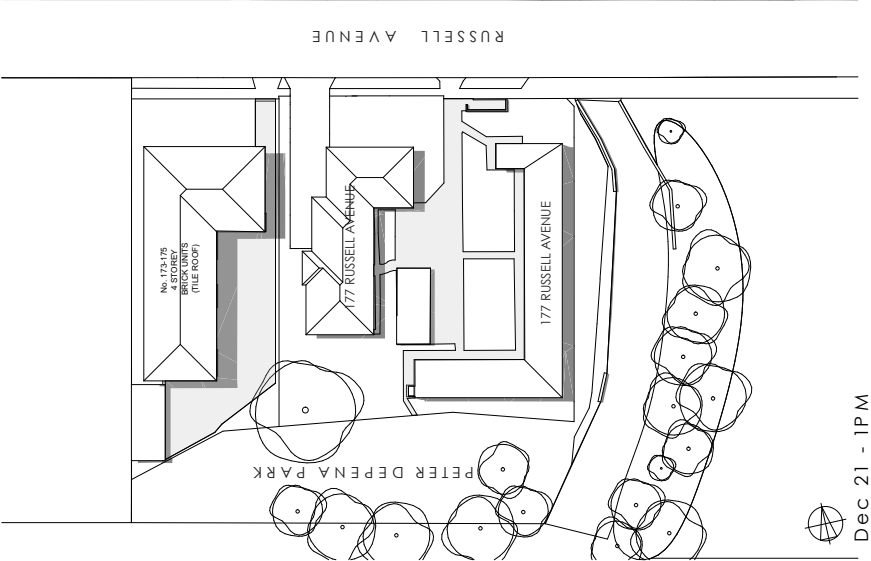
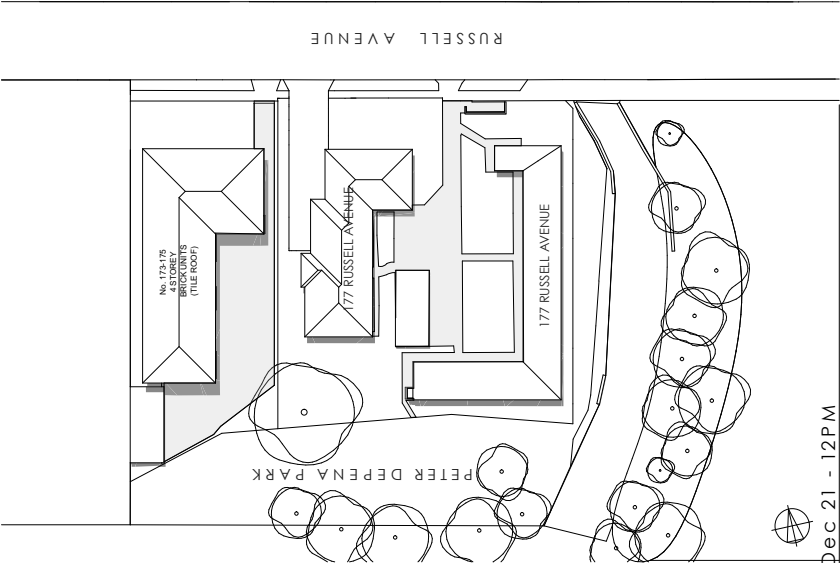
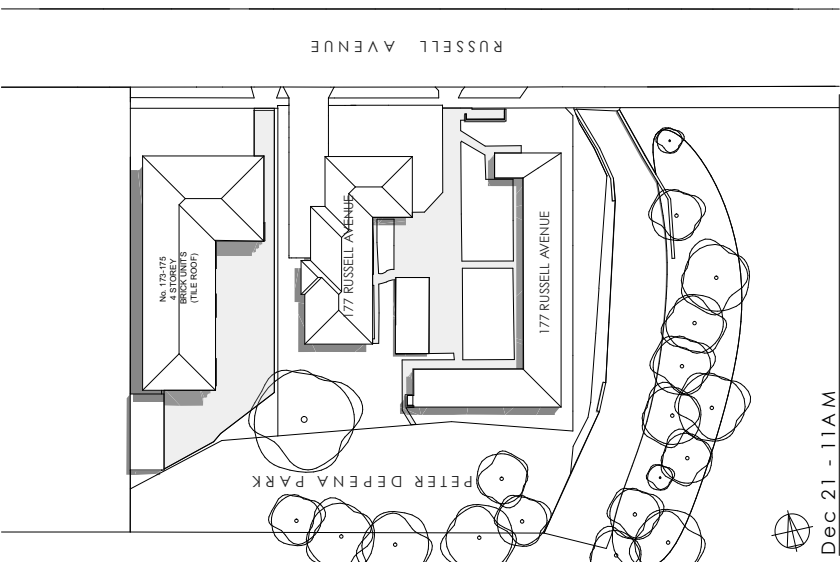
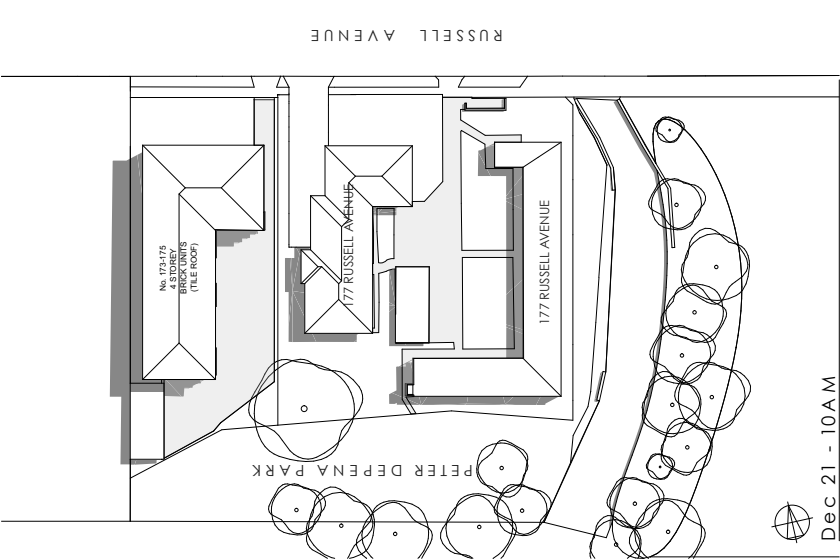
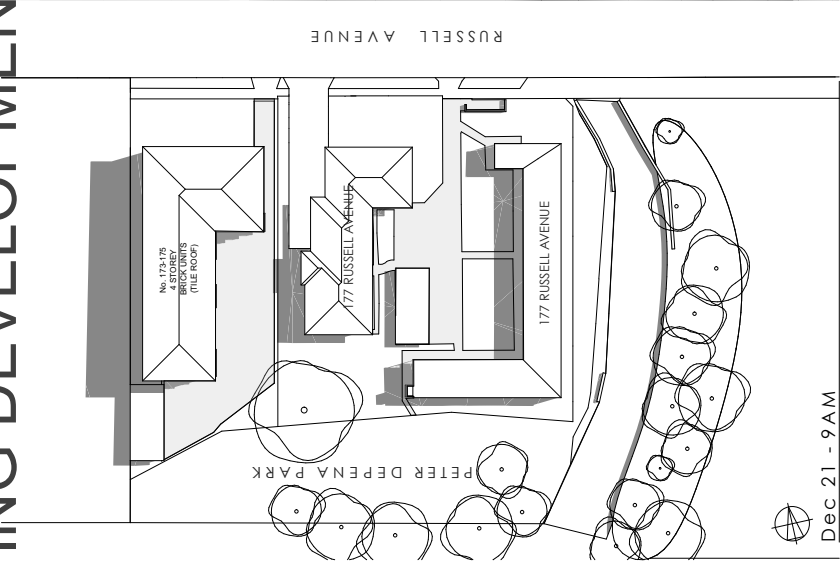


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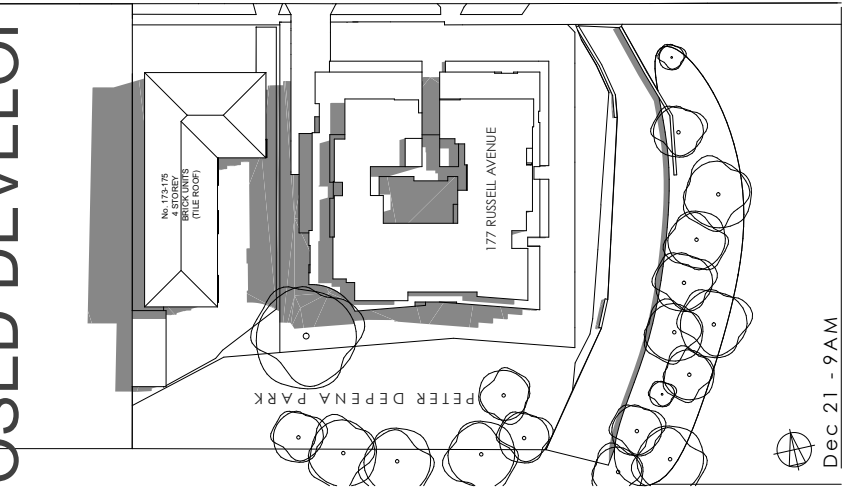




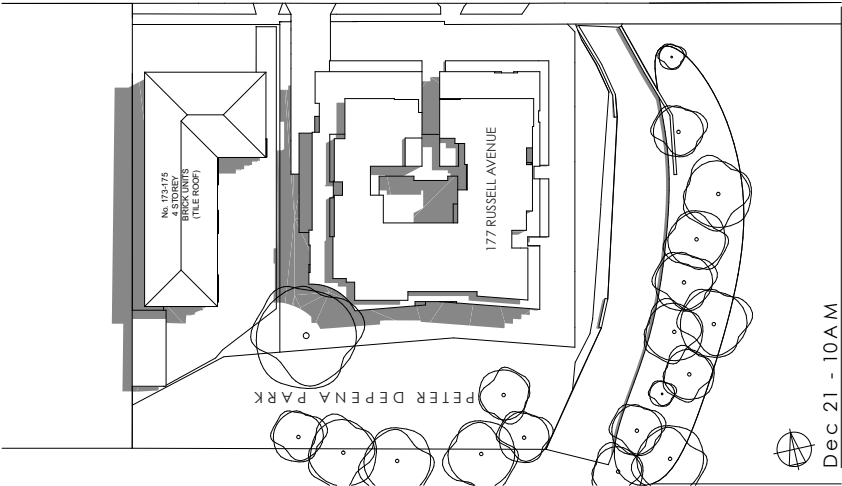
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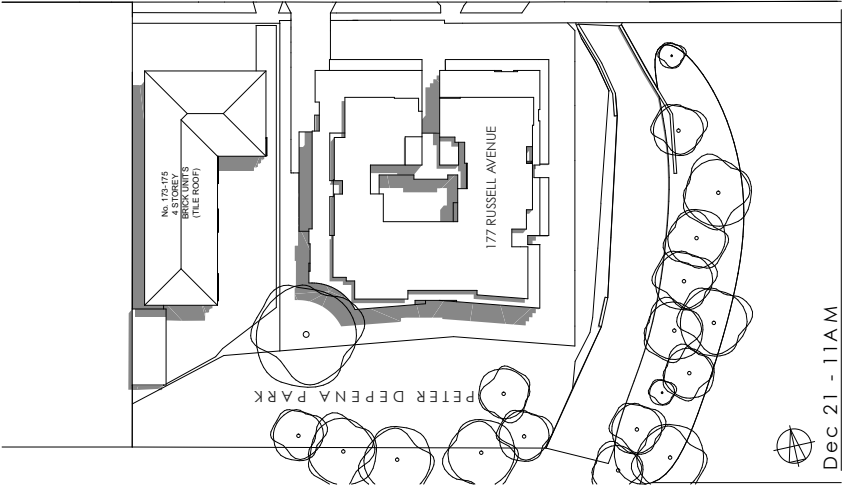
PROPOSED DEVELOPMENT



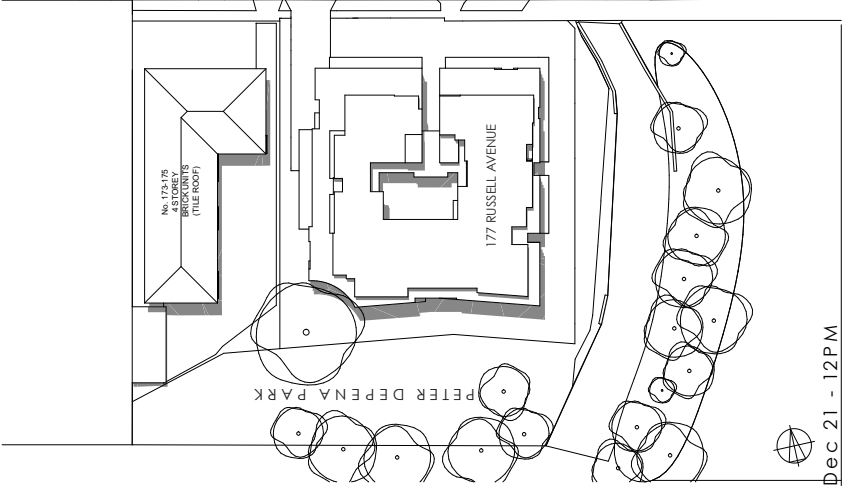
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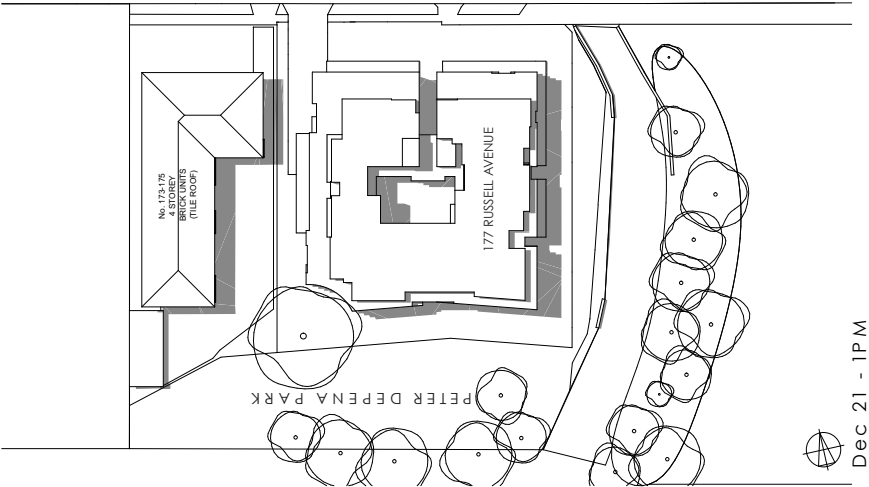
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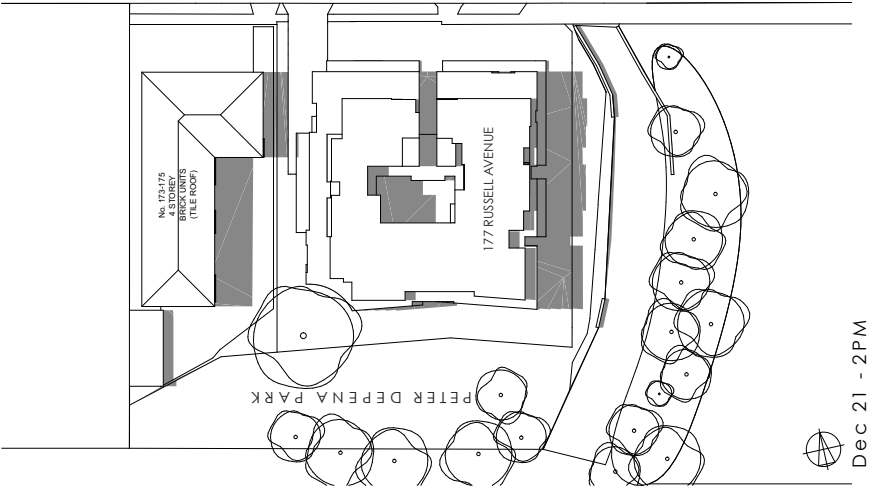
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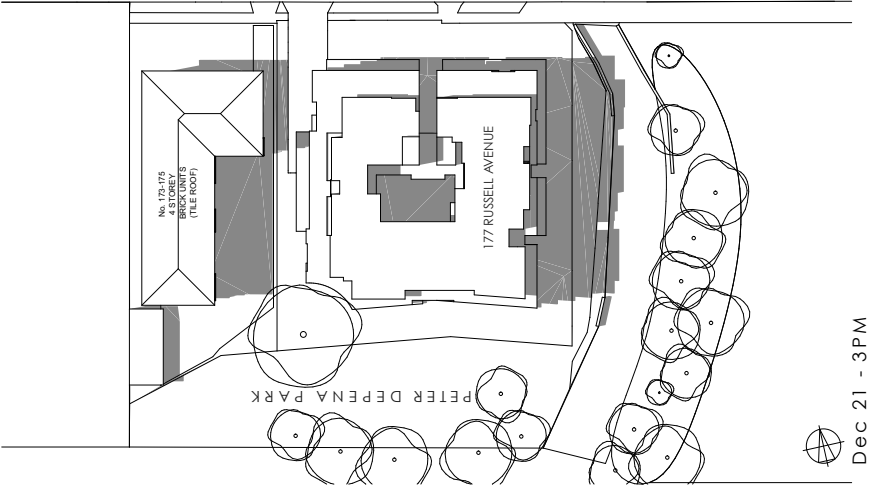
Dec 21 - 12 PM



Dec 21 - 1 PM

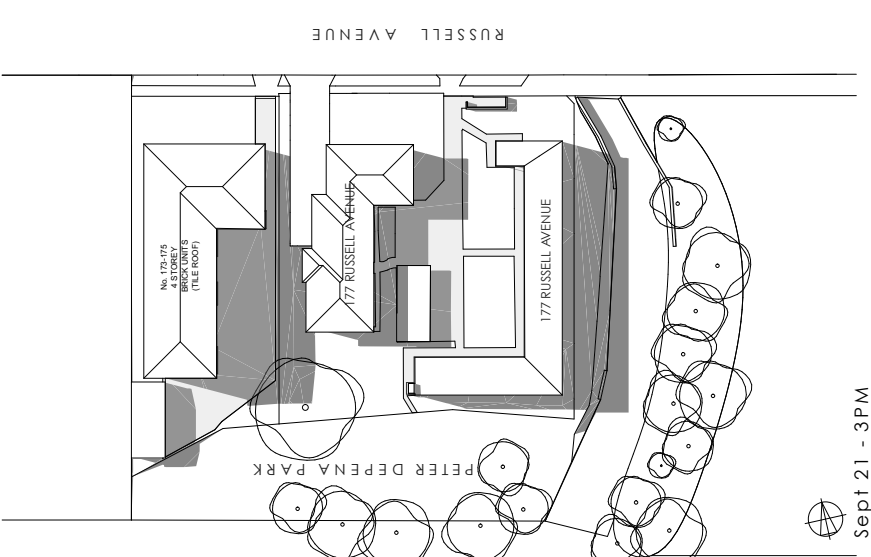
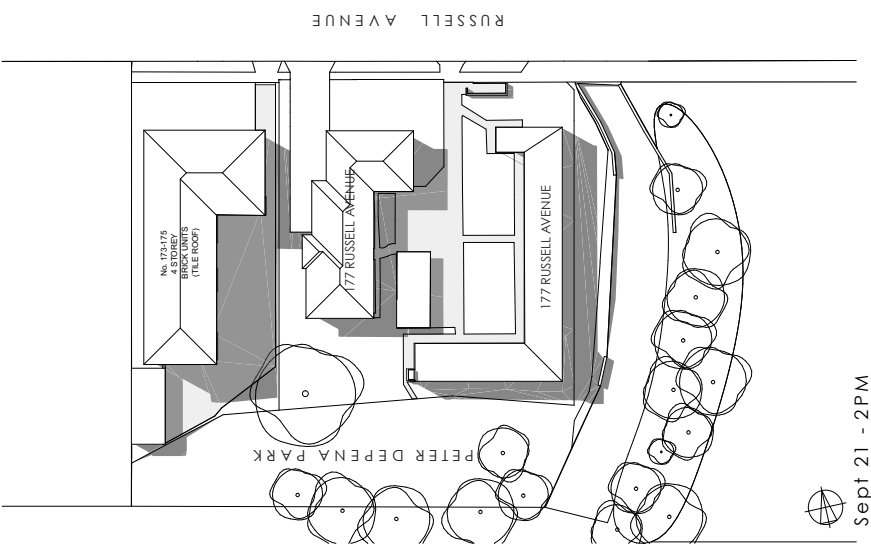
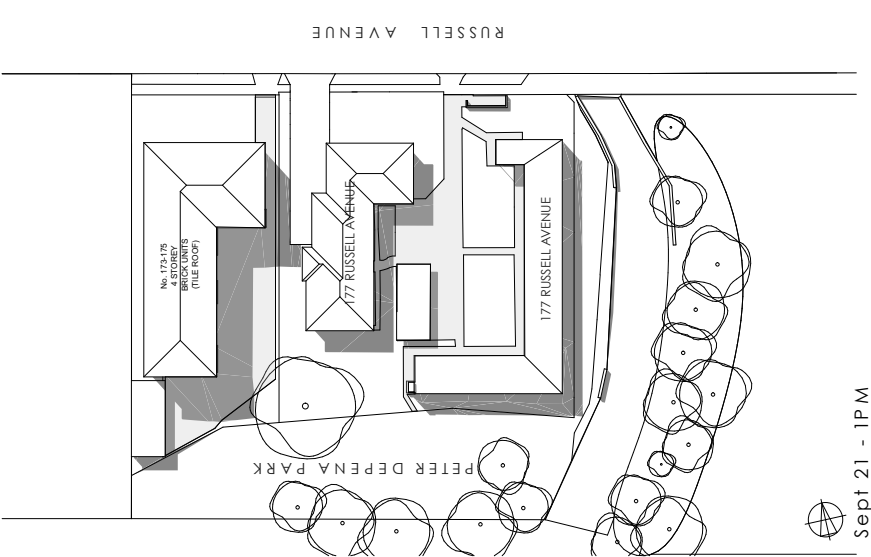
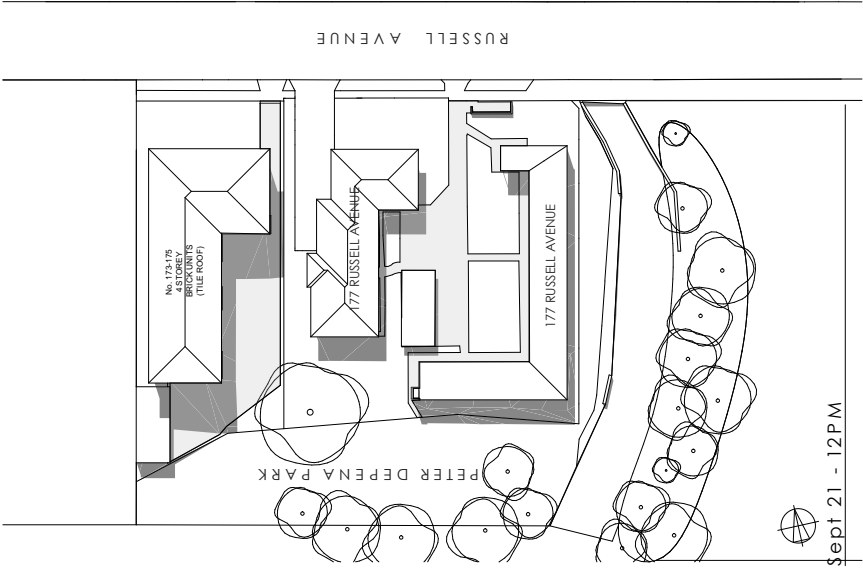
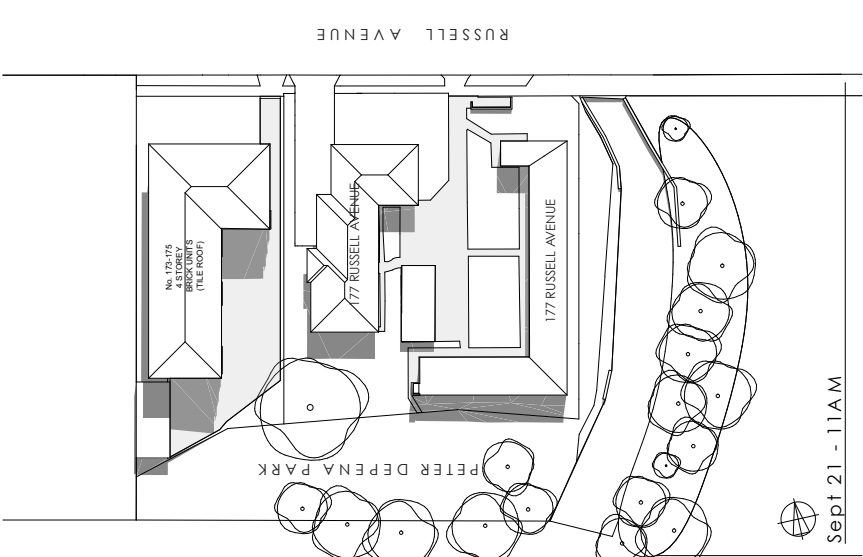
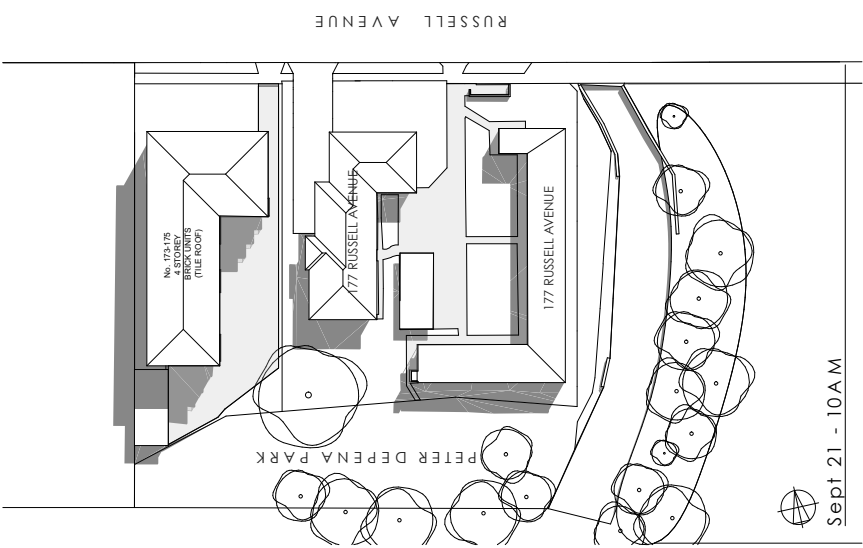
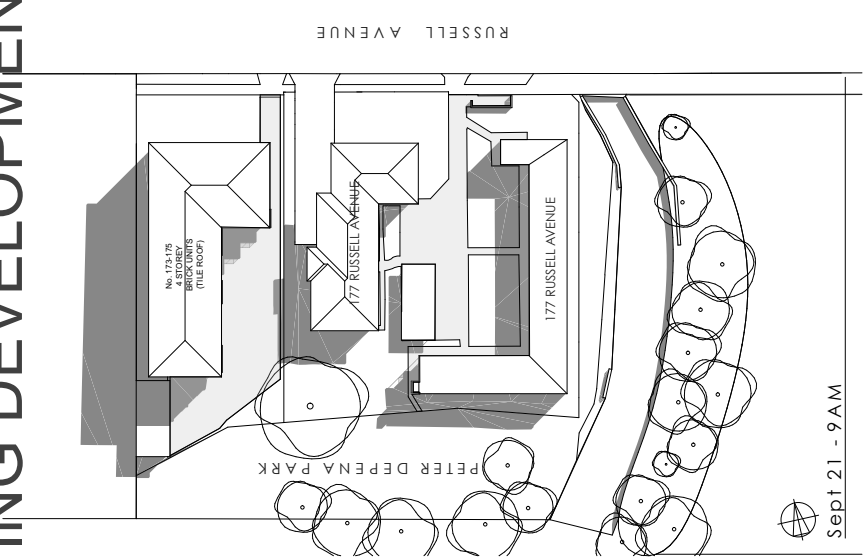


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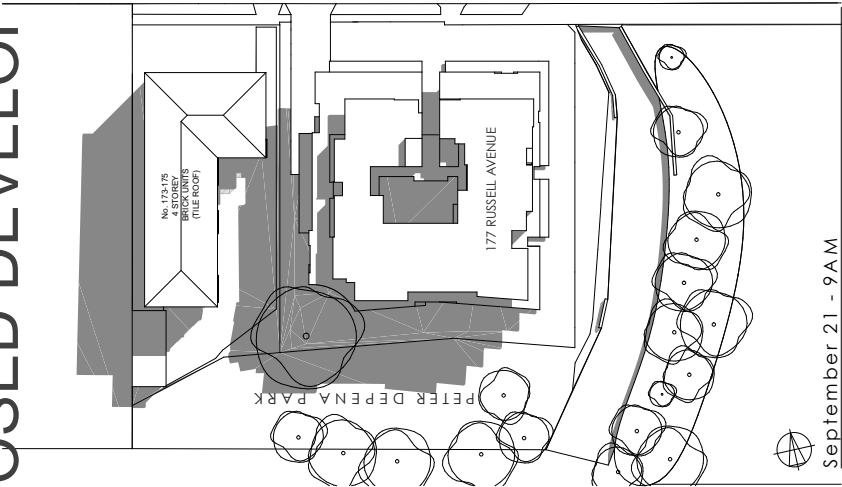


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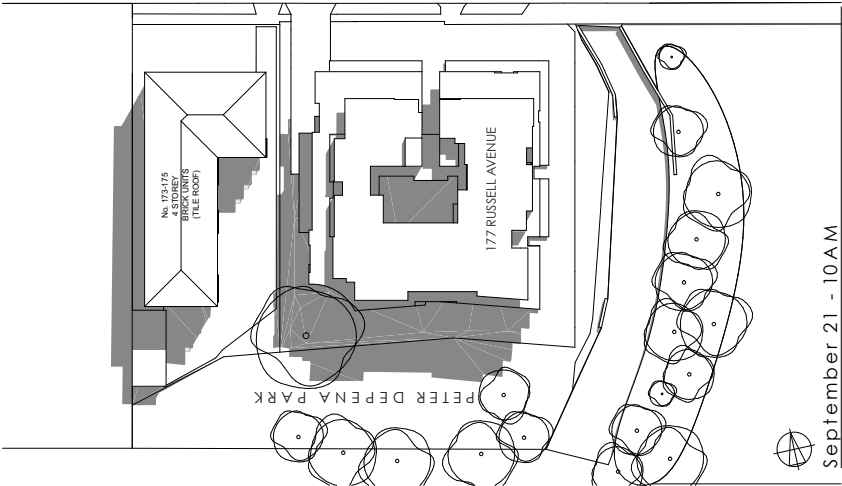
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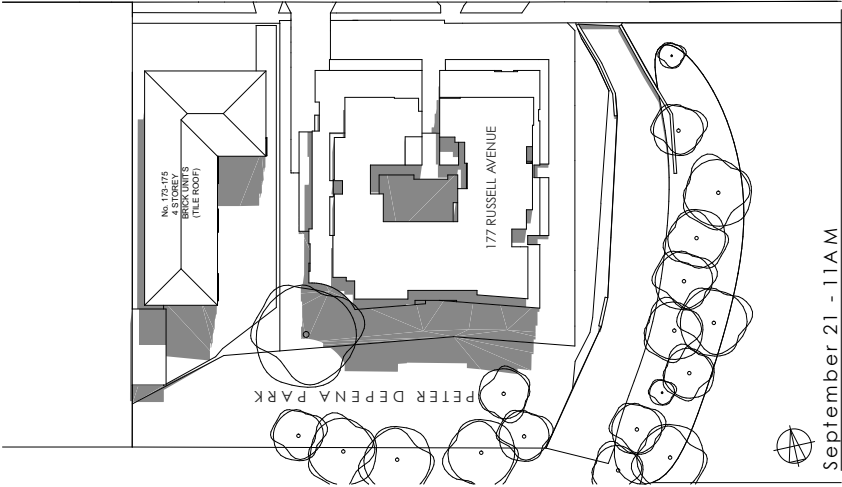
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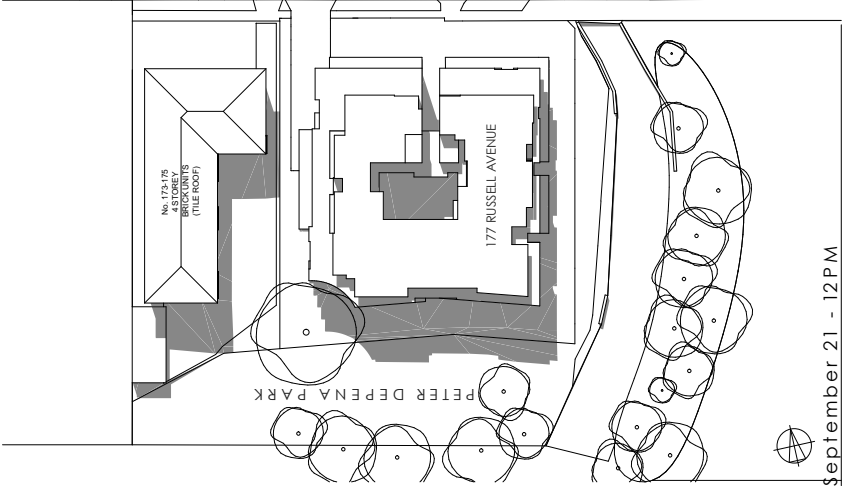
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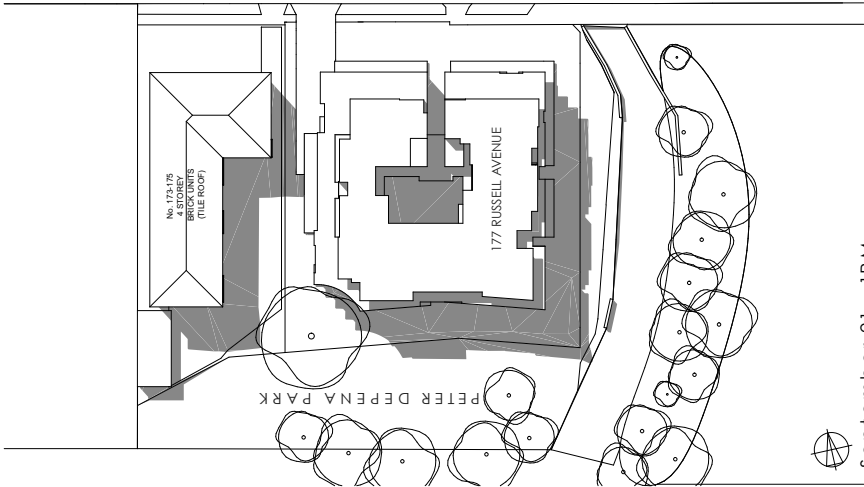
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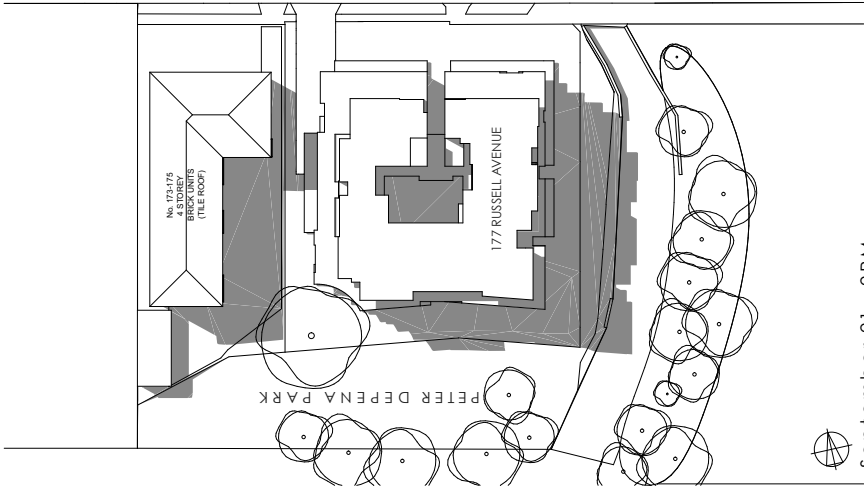
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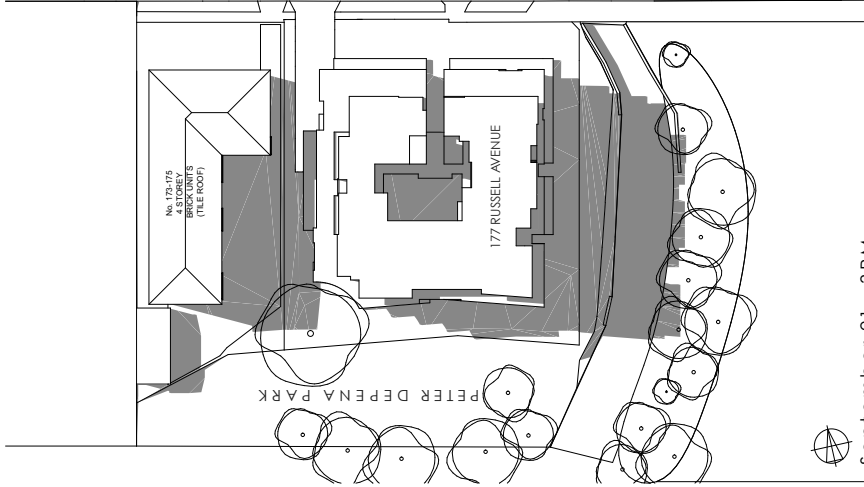
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September 21 - 1 PM

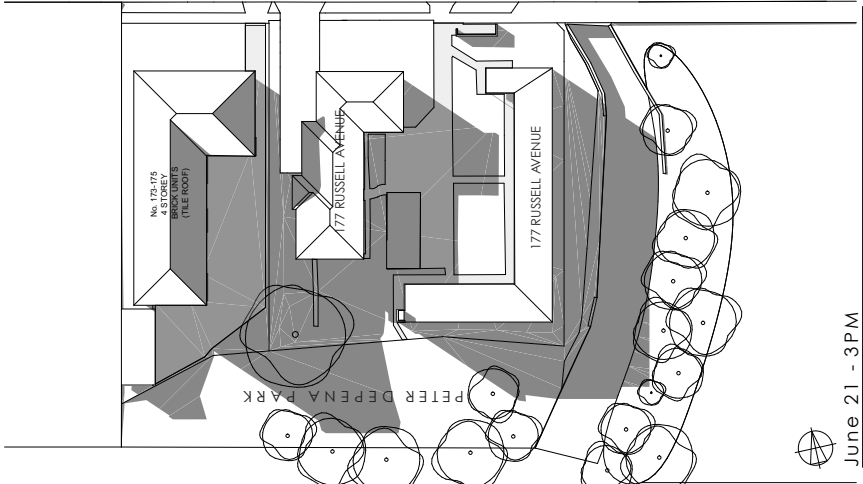
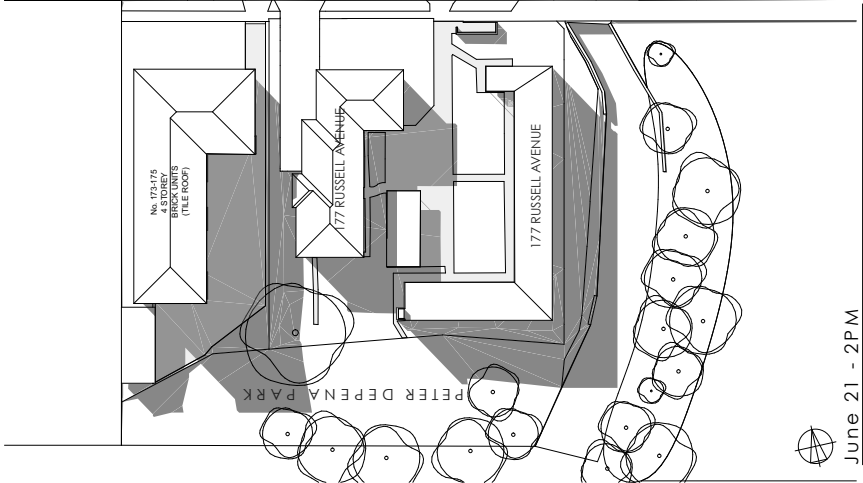
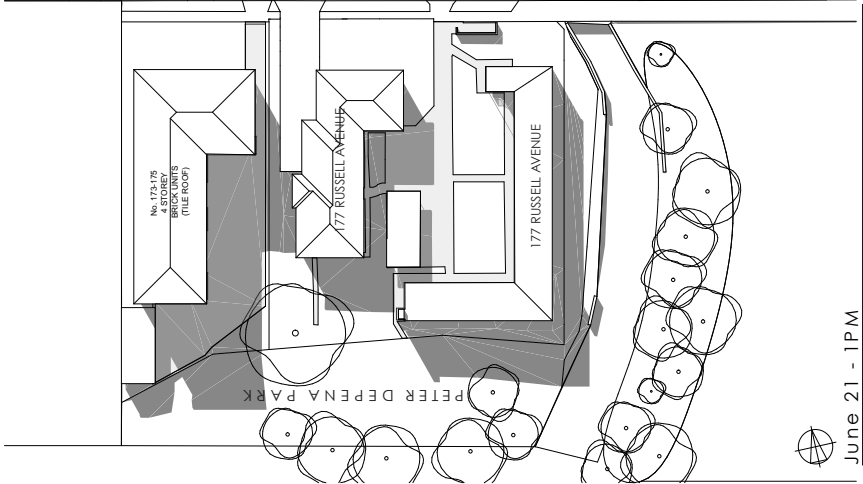
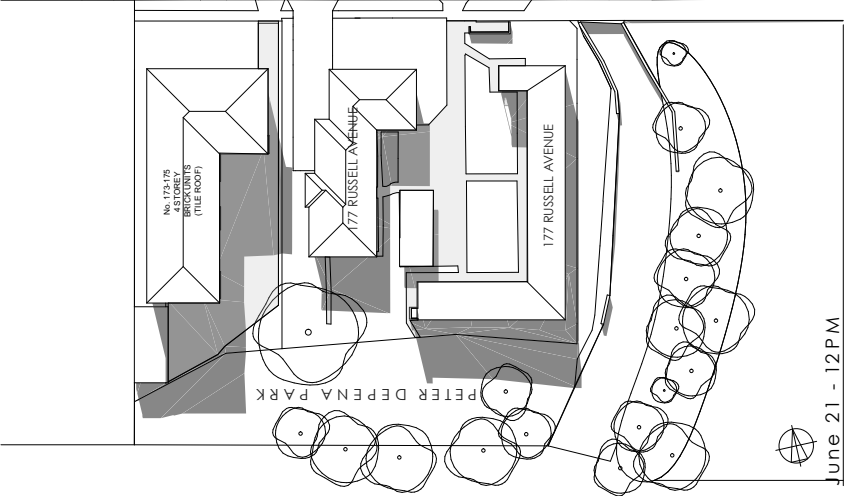
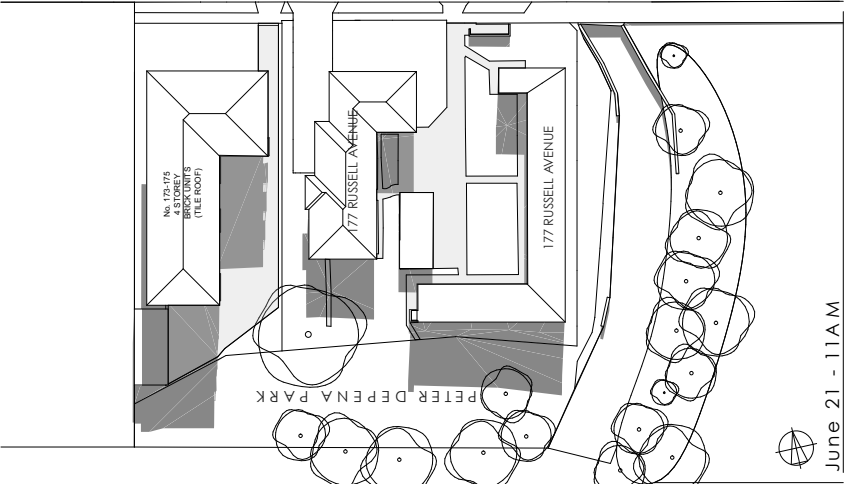
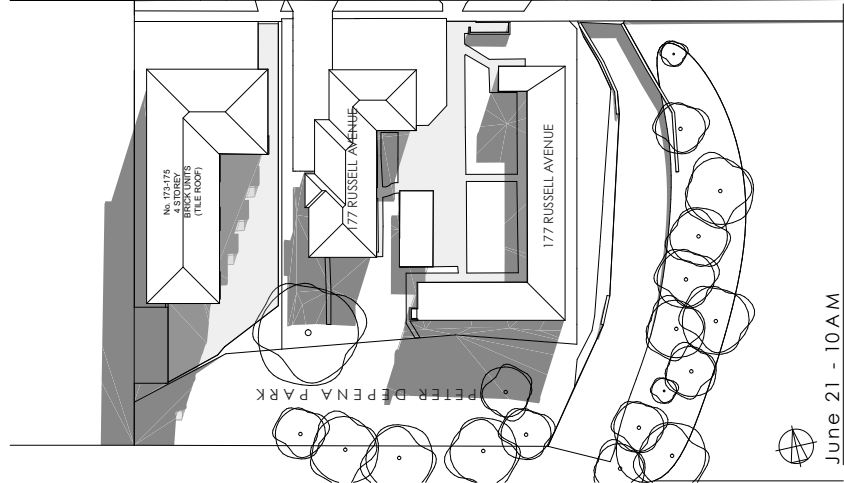
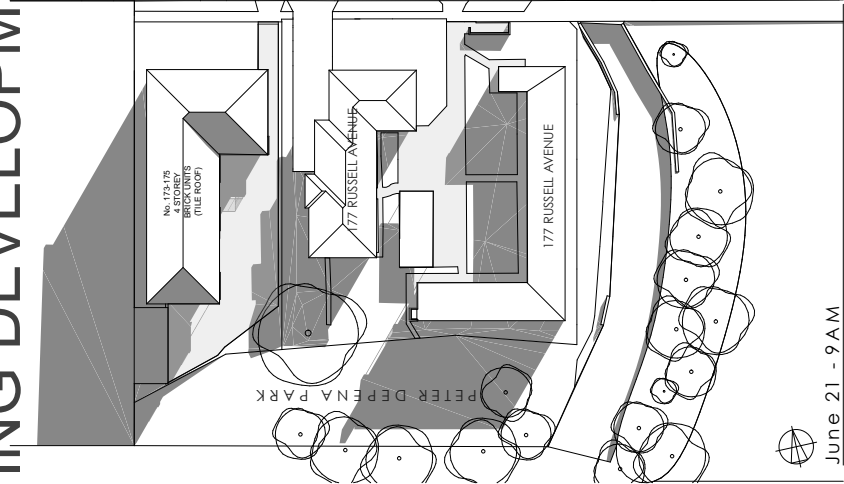


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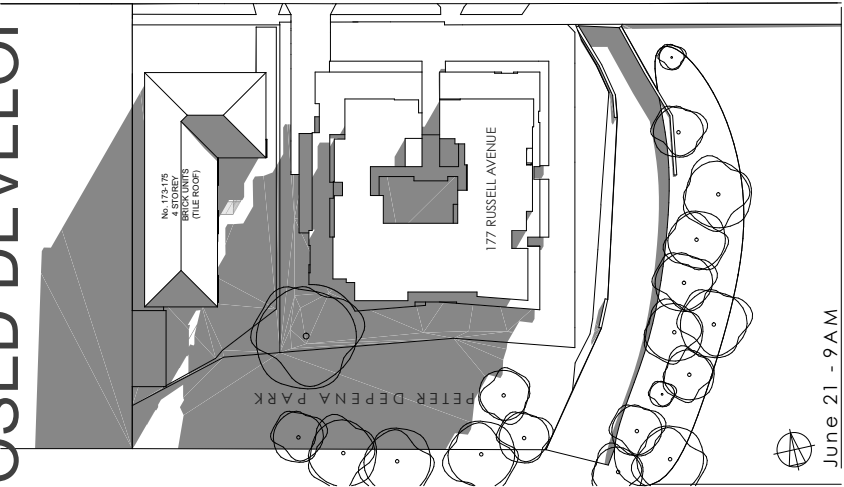


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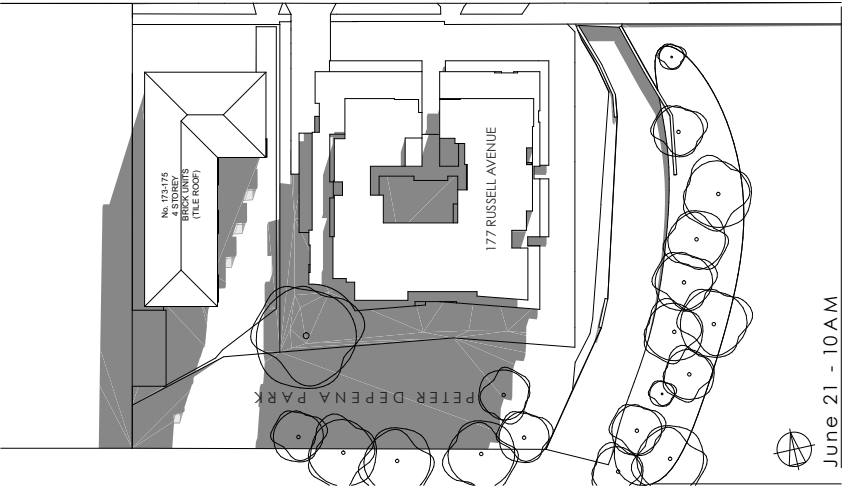
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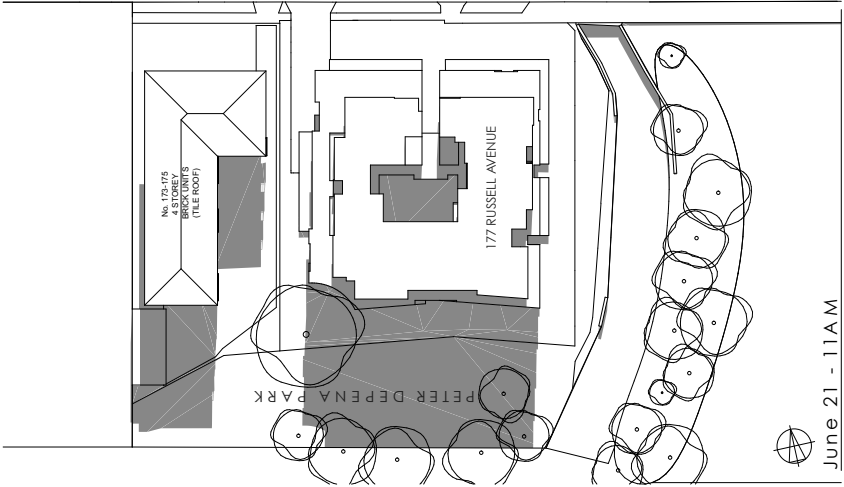
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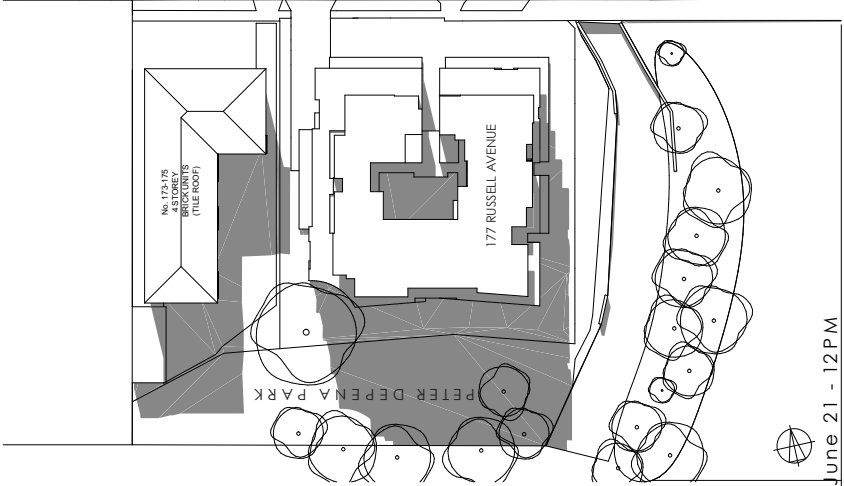
June 21 - 9 AM



June 21 - 10 AM



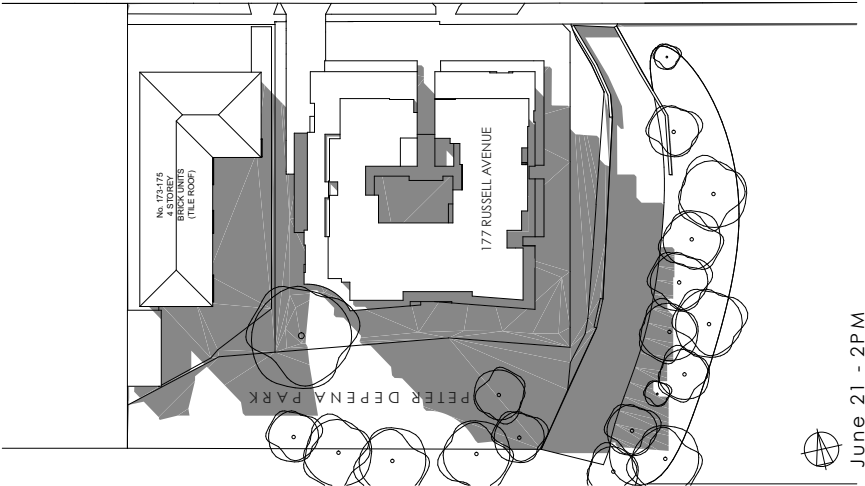
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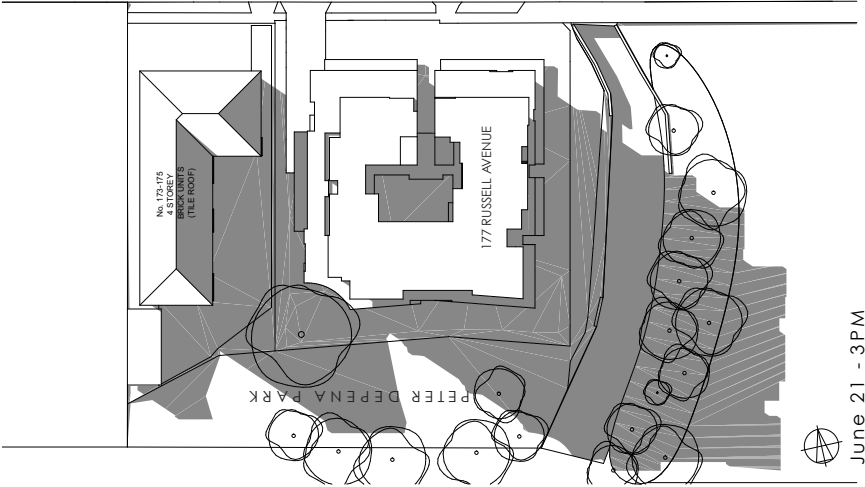
June 21 - 12 PM



June 21 - 1 PM



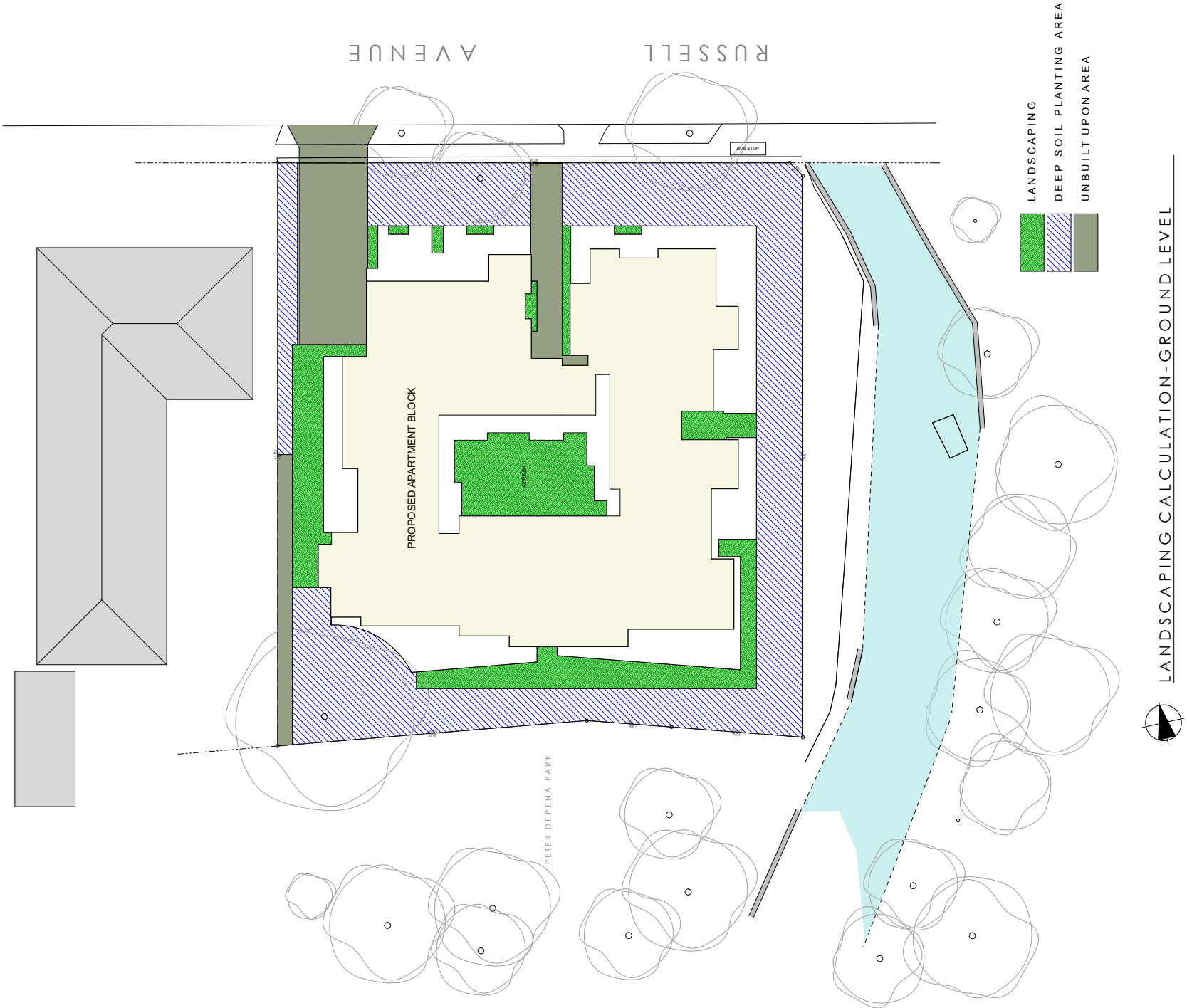
June 21 - 2 PM



June 21 - 3 PM

LANDSCAPE AREAS

	Provided	Minimum Required
Site Area	2575m ²	
Landscaping	293m ² (11%)	
Deep Soil Planting Area	732m ² (29%)	7% ADG
Total Landscaping Provided	1025m ² (40 %)	15% RDCP



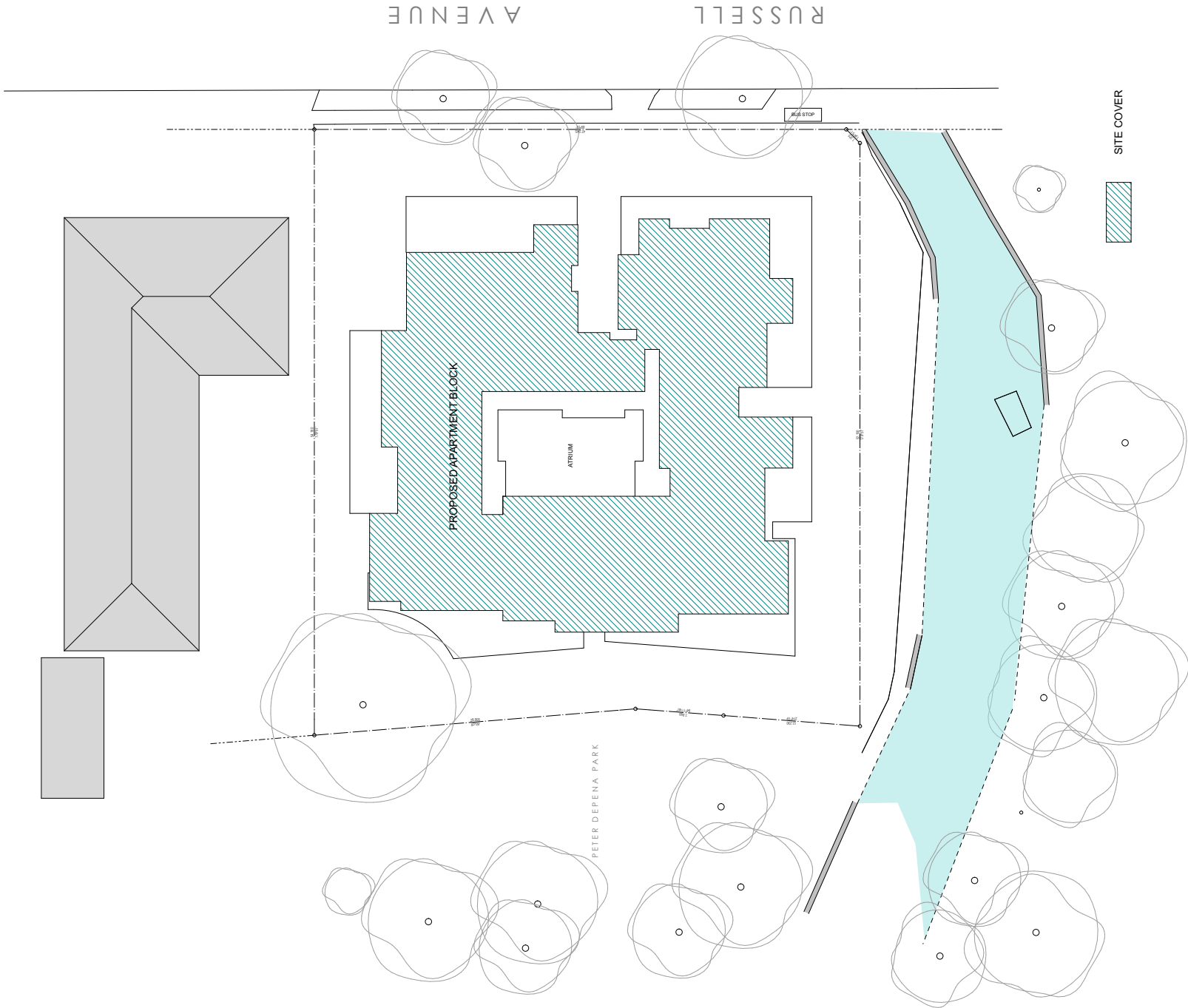
DRAWING	21.06.16 B Urban Design Study		
	09.06.16 A Urban Design Study		
Landscape Calculations	DATE	ISSUE	AMENDMENTS
	JOB No.	DWG. No.	Rev.
	B1601	PA.18	B

SITE COVER CALCULATIONS	
Site Area	2575m ²
Max Site Cover Allowable (35%)*	901m ²
Site Cover Achieved (37.75%) (Podium development in flood prone area)	973m ²

* Exceptions to the site coverage requirement may be considered in flood prone areas where podium development is warranted in accordance with Rockdale Councils DCP

FSR CALCULATIONS			
Site Area	2575m ²		
	INTERNAL	LOBBIES	TOTAL
Ground Level	864m ²	15m ²	879m ²
Level 1	894m ²	15m ²	909m ²
Level 2	894m ²	15m ²	909m ²
Level 3	894m ²	15m ²	909m ²
Level 4	635m ²	15m ²	650m ²
Total All Levels	4181m ²	75m ²	4256m ²
Floor Space Ratio	1 : 1.65		

APARTMENT MIX				
	1B + MEDIA	2B & 2B+STUDY	3B	3B PH
1 Bed (54-56m ²)	4	4		
2 Bed (90m ²)	4			
2 Bed (95m ²)	4			
2 Bed + Study (100-110m ²)	5	13		
3 Bed (125-128m ²)	4			
3 Bed (130-135m ²)	7		15	
3 Bed (155m ²)	4			
3 Bed Penthouse (120m ²)	1			
3 Bed Penthouse (150m ²)	1			
3 Bed Penthouse (170-190m ²)	2			4
Total	36	4	13	4

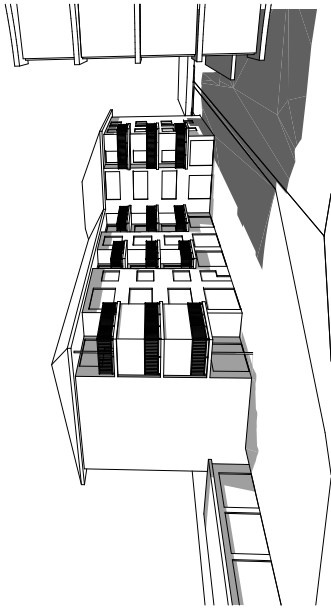


SITE COVER CALCULATION

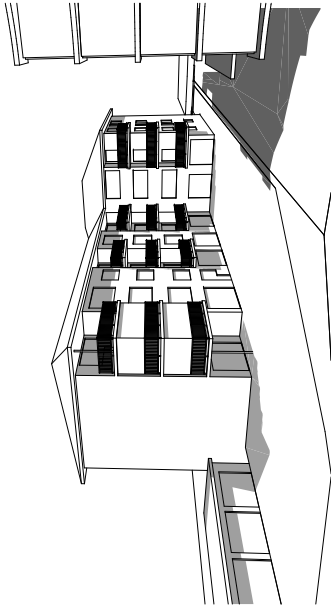
LEGEND

Shadow of Existing Building - 173-175 Russell Avenue

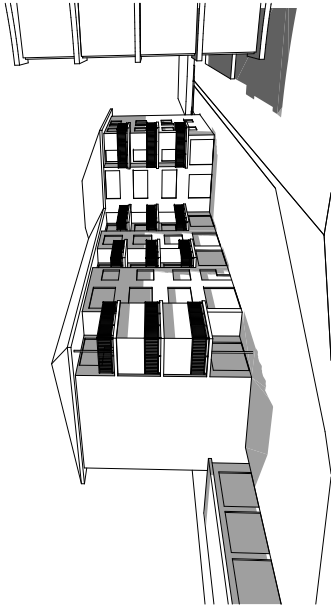
Shadow of Proposed Building - 177 Russell Avenue



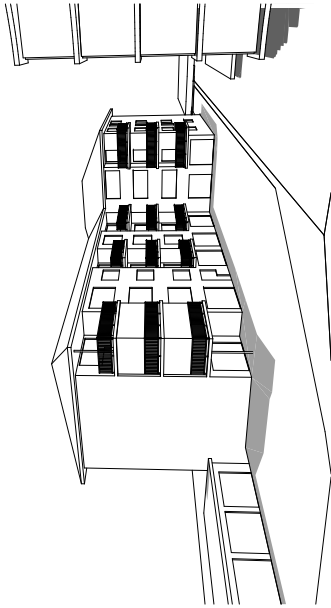
21 December - 9am



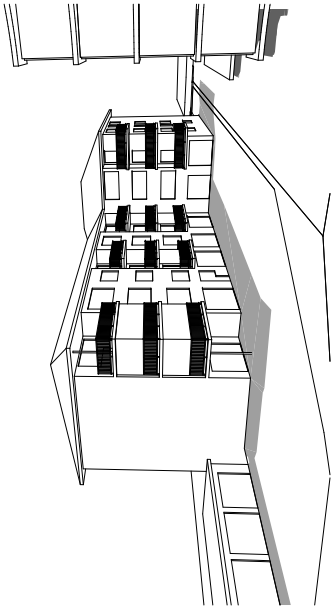
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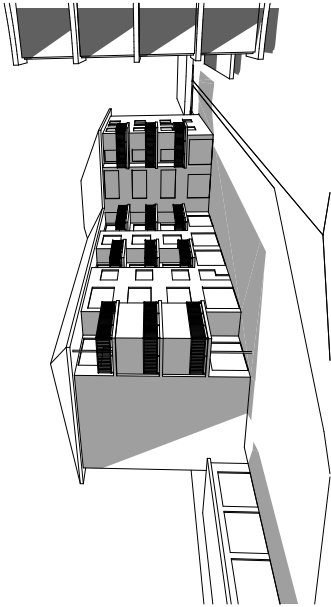
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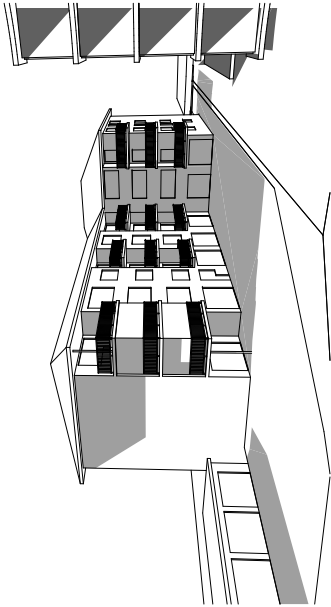
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21 December - 1pm



21 December - 2pm



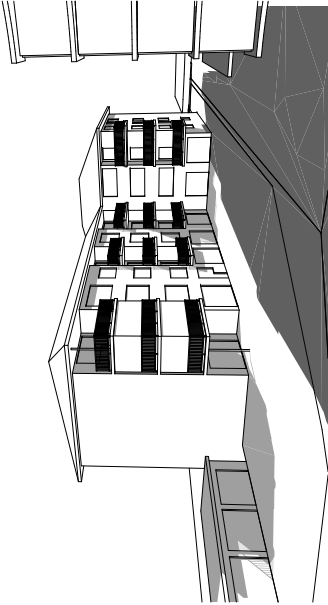
21 December - 3pm

DRAWING	21.06.16 B Urban Design Study		
	09.06.16 A Urban Design Study		
DATE	ISSUE	AMENDMENTS	
		JOB No.	Rev.
		B1601	B
Sun Study-Proposed Development Scenario			
Shadow Impact on 173-175 Russell Avenue			
21 December			

LEGEND

Shadow of Existing Building - 173-175 Russell Avenue

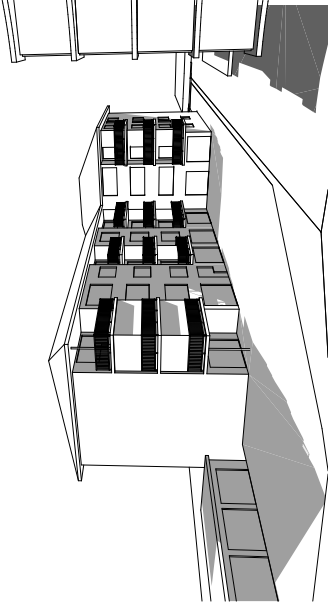
Shadow of Proposed Building - 177 Russell Avenue



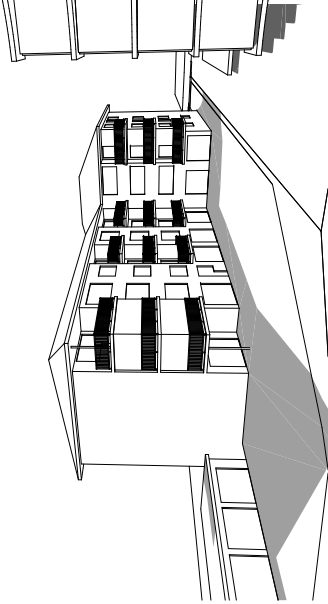
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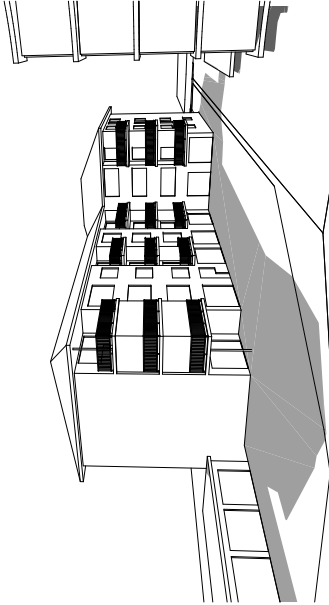
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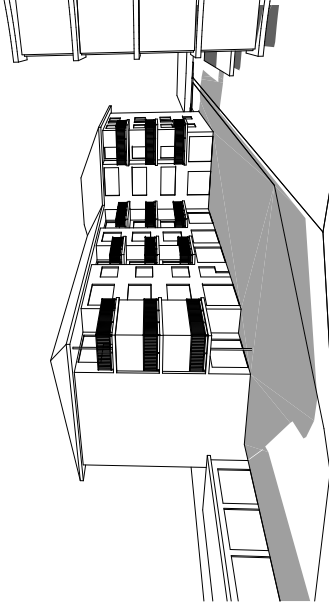
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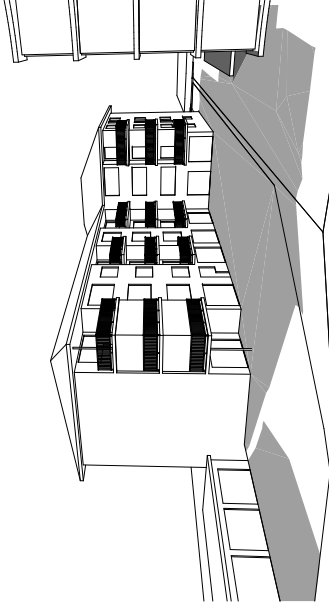
21 September - 12pm



21 September - 1pm



21 September - 2pm



21 September - 3pm

DRAWING	Sun Study-Proposed Development Scenario			21 September	
	Shadow Impact on 173-175 Russell Avenue				
DATE		JOB No.	ISSUE	DWG. No.	Rev.
21.08.16 B		B1601	AMENDMENTS	PA.21	B
09.06.16 A					
Urban Design Study		Urban Design Study			

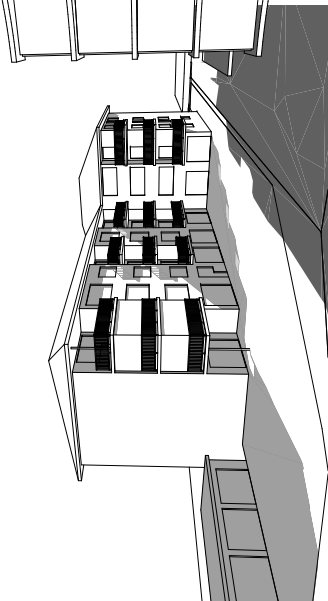
LEGEND

Shadow of Existing Building - 173-175 Russell Avenue

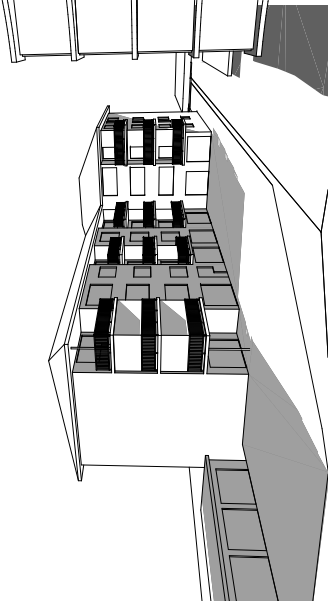
Shadow of Proposed Building - 177 Russell Avenue



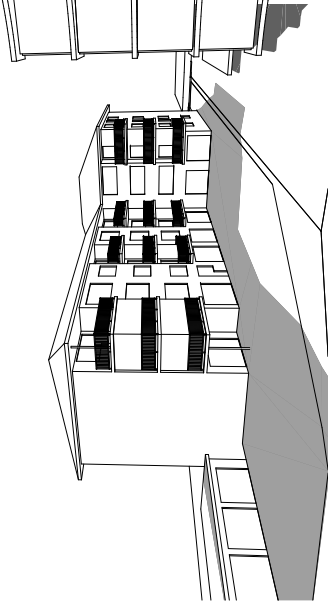
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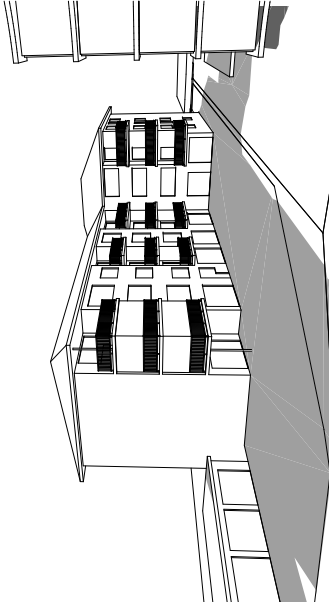
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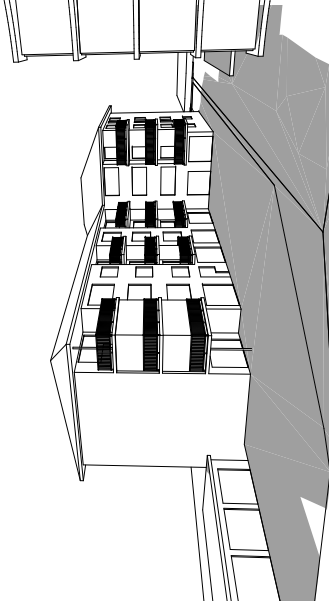
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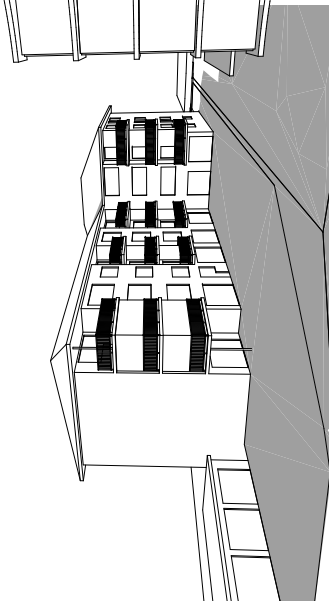
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21 June - 1pm

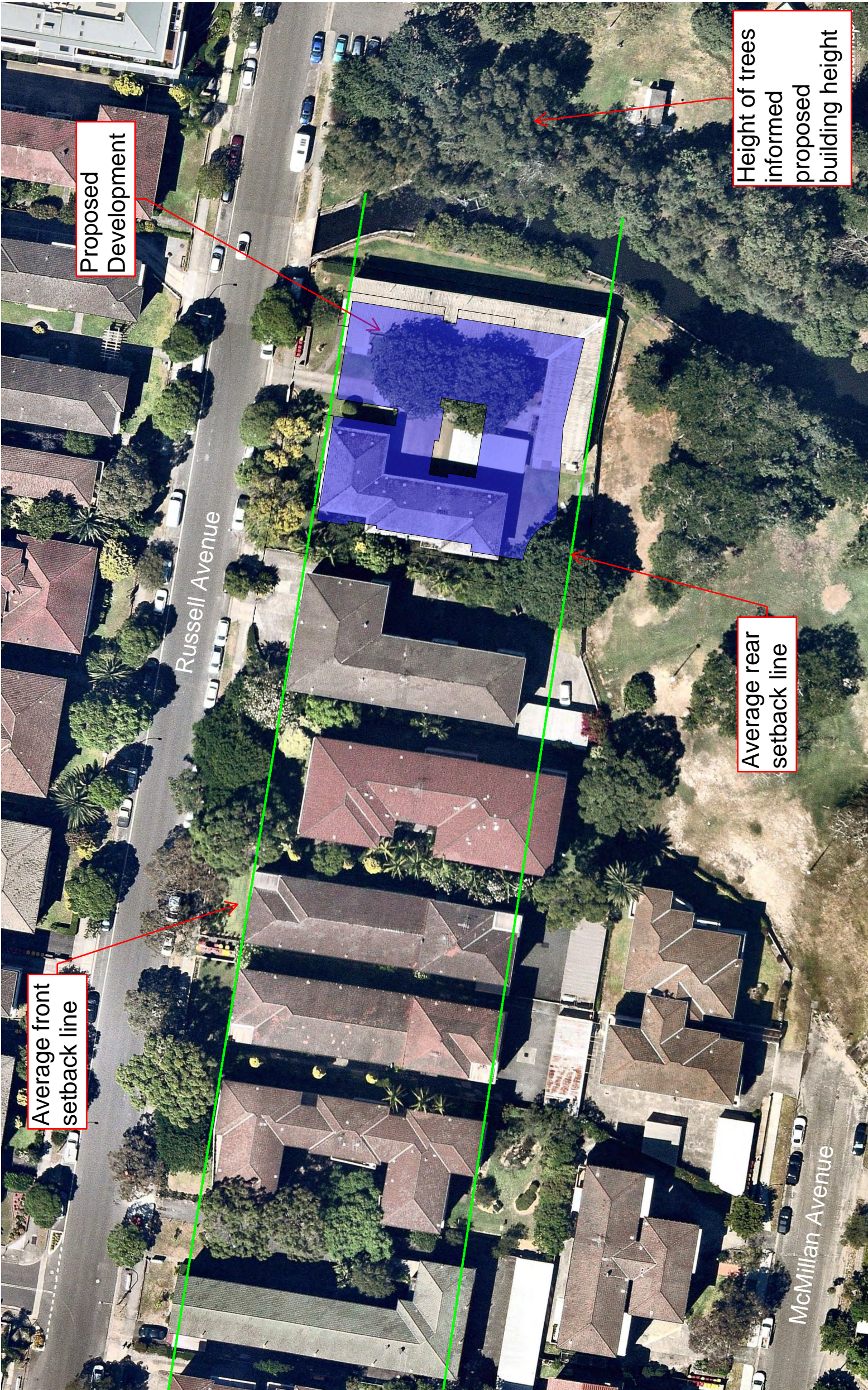


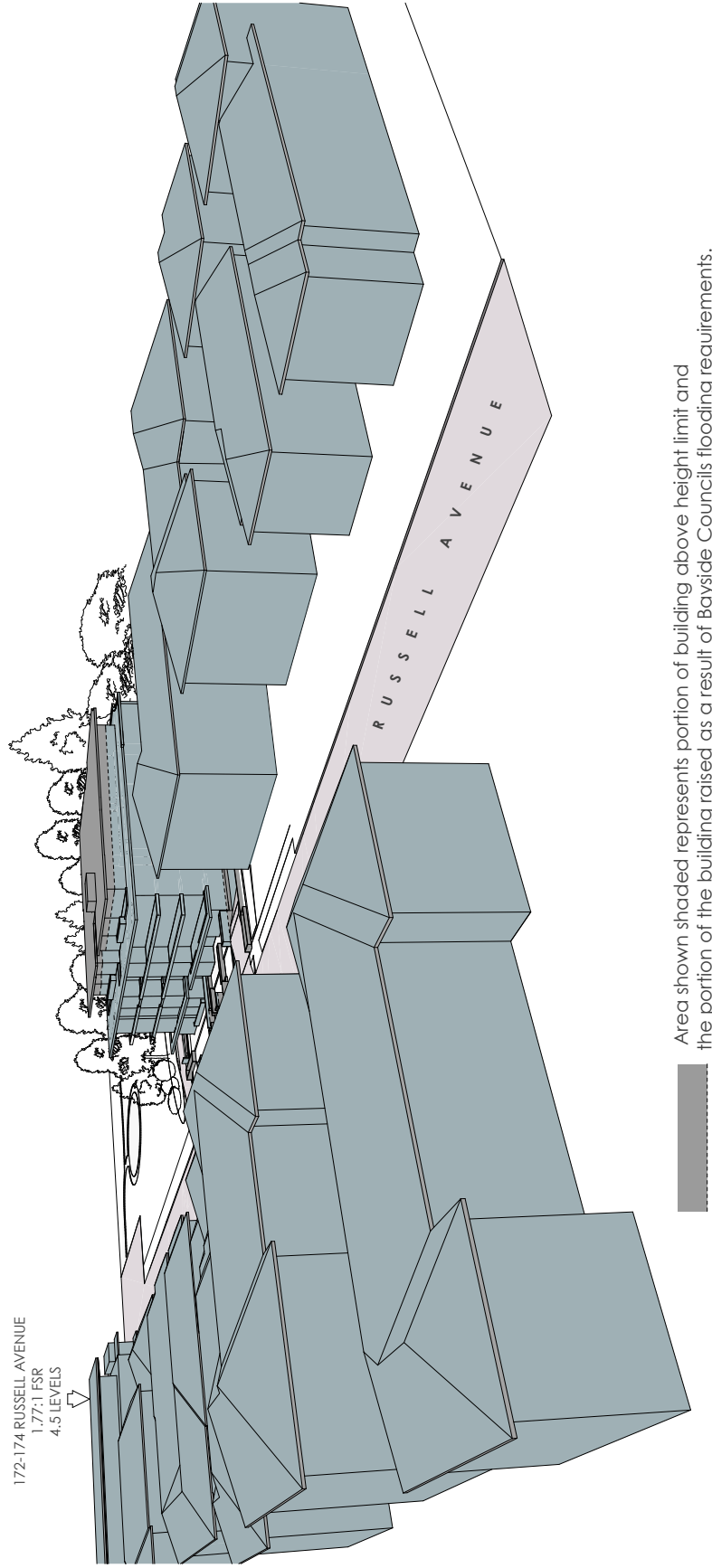
21 June - 2pm



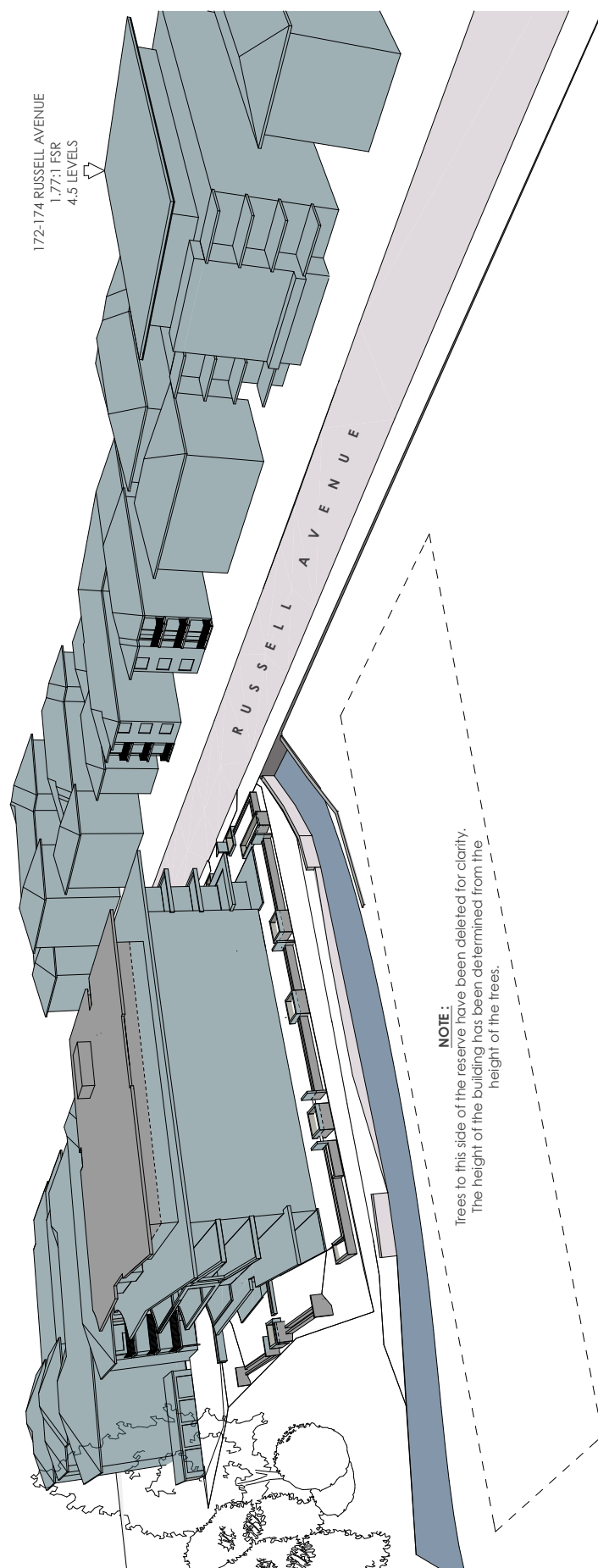
21 June - 3pm

DRAWING	Sun Study-Proposed Development Scenario			21 June	
	JOB No.	ISSUE	AMENDMENTS	DWG. No.	Rev.
	B1601			PA.22	B



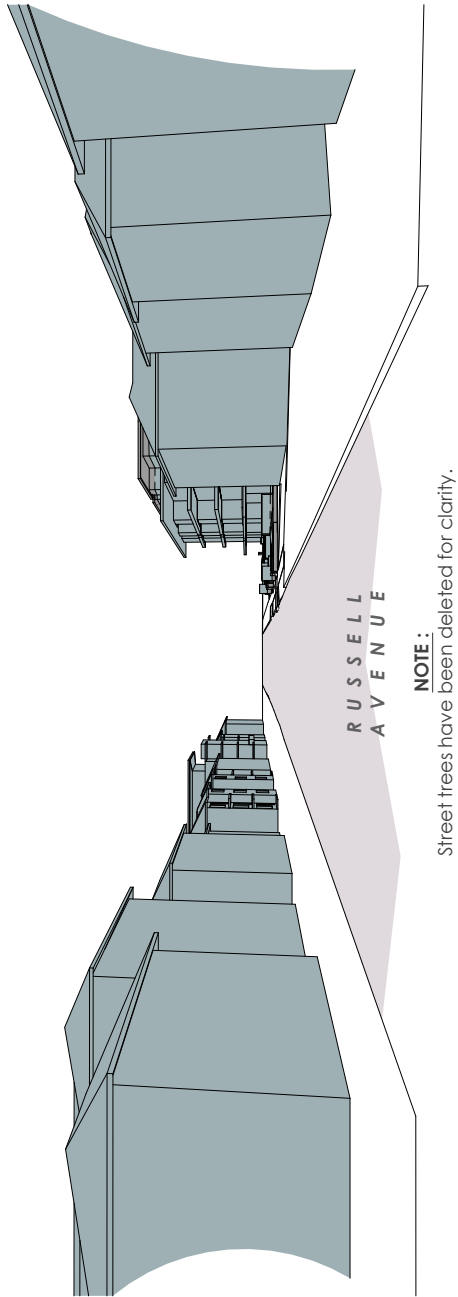


Area shown shaded represents portion of building above height limit and the portion of the building raised as a result of Bayside Councils flooding requirements.



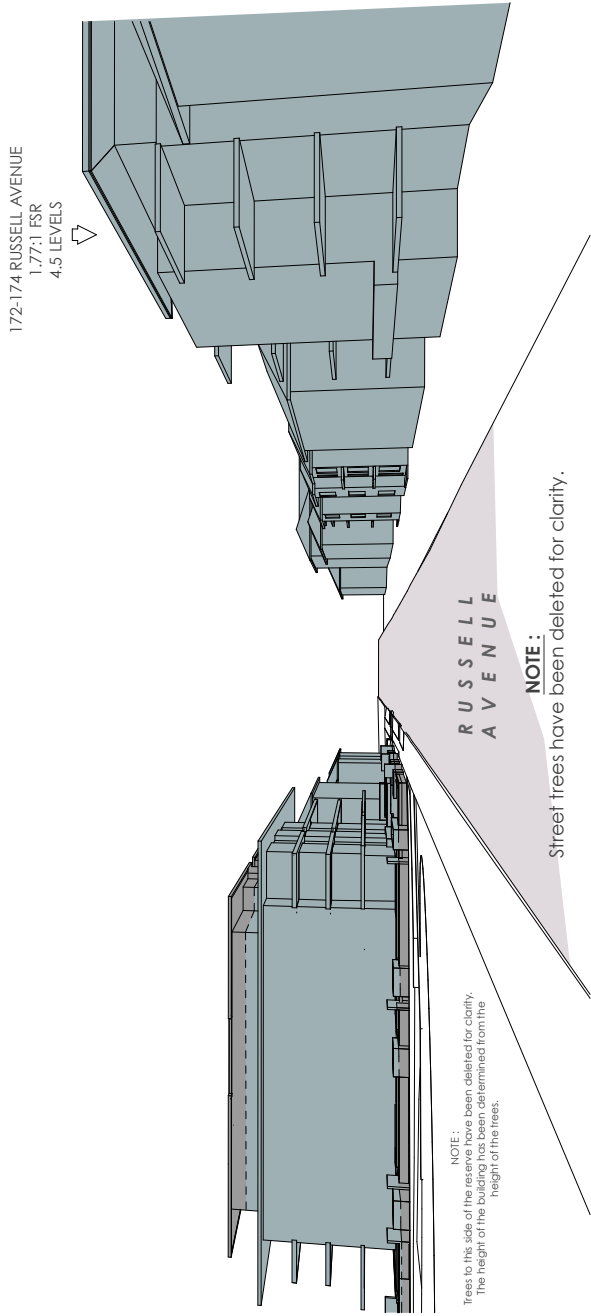
NOTE :
Trees to this side of the reserve have been deleted for clarity.
The height of the building has been determined from the height of the trees.

Area shown shaded represents portion of building above height limit and the portion of the building raised as a result of Bayside Councils flooding requirements.



Area shown shaded represents portion of building above height limit and the portion of the building raised as a result of Bayside Councils flooding requirements.

STREET PERSPECTIVE 1 - VIEW EAST ALONG RUSSELL AVENUE



Area shown shaded represents portion of building above height limit and the portion of the building raised as a result of Bayside Councils flooding requirements.

STREET PERSPECTIVE 2 - VIEW WEST ALONG RUSSELL AVENUE



**TRAFFIC AND PARKING IMPACT ASSESSMENT OF
RESIDENTIAL DEVELOPMENT
AT 177 RUSSELL AVENUE, DOLLS POINT**



**Address: Shop 7, 720 Old Princes Highway Sutherland NSW 2232
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Division of RAMTRANS Australia ABN: 45067491678

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

Development Type: Residential Development

Site Address: 177 Russell Avenue, Dolls Point

Prepared for: HELM

Document reference: 16227.01FA

Status	Issue	Prepared By	Checked By	Date
Draft	A	BH	HC	16 th June 2016
Draft	B	HC	CM	24 th June 2016
Final	A	HC	CM	30 th June 2016

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1 INTRODUCTION

McLaren Traffic Engineering (MTE) was commissioned by *HELM* to provide a Traffic and Parking Impact Assessment of the proposed Residential Development at 177 Russell Avenue, Dolls Point.

1.1 Description and Scale of Development

The proposed residential development (as depicted in Annexure A) includes the demolition of two existing two-storey residential flat buildings at 177 Russell Avenue, Dolls Point and construction of a 5-storey residential flat building including the following:

- 2 level basement carpark
- 4 x 1 bedroom units
- 13 x 2 bedroom units
- 19 x 3 bedroom units
- Total of 36 apartments

The site layout includes an underground car park with a total of 62 car parking spaces including 4 disabled residential garages and 1 disabled visitor space. Vehicular access to the car park is provided via a two-way driveway from Russell Avenue.

1.2 State Environmental Planning Policy (Infrastructure) 2007

The proposed development does not qualify as a development with relevant size and/or capacity under Clause 104 of the SEPP (Infrastructure) 2007. Accordingly, formal referral to the Roads and Maritime Services (RMS) is not necessary and Rockdale City Council officers can determine this proposal accordingly.

1.3 Site Description

The subject site is currently occupied by two residential flat buildings containing 28 residential units, with frontages to Russell Avenue to the north. The site backs onto the Peter Depena Reserve to the south.

The site is generally surrounded by medium to high density residential dwellings whilst a restaurant is located at the end of Russell Avenue to the east, adjacent Dolls Point beach. Public parking exists east of the adjacent canal for the reserve.

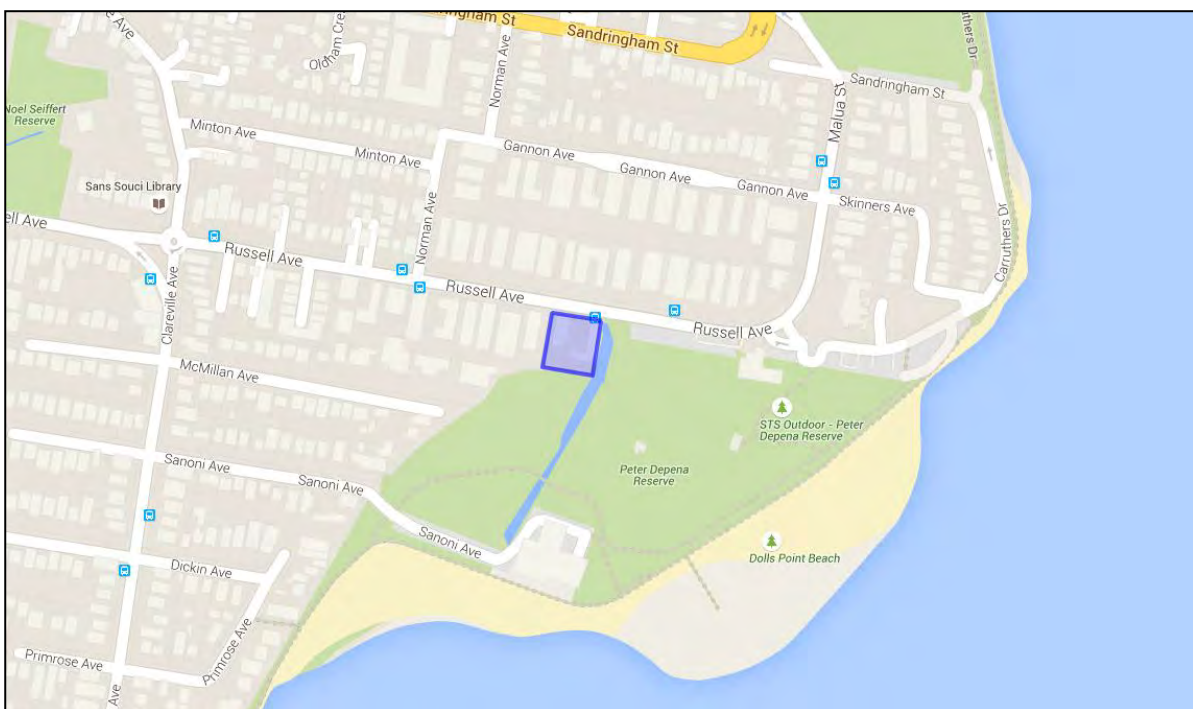
1.4 Site Context

The site location is shown on aerial imagery and a map in **Figure 1 & Figure 2** respectively.



Site Location

FIGURE 1: SITE CONTEXT – AERIAL PHOTO



Site Location

FIGURE 2: SITE CONTEXT – STREET MAP

2 EXISTING TRAFFIC AND PARKING CONDITIONS

2.1 *Road Hierarchy*

Russell Avenue has the following characteristics within close proximity to the site:

- Unclassified local road
- Approximately 12m in width facilitating two-way passing and kerbside parking.
- No speed limit signposted - 50km/h applies
- Unrestricted kerbside parking on both sides of the road

Clareville Avenue has the following characteristics within close proximity to the site:

- Unclassified LOCAL road
- Approximately 12m in width facilitating two-way passing and kerbside parking
- No speed limit signposted - 50km/h applies
- 2-hour restricted kerbside parking permitted along both sides of the street.

2.2 *Existing Traffic Management*

- Round-a-bout controlled intersection of Russel Avenue / Clareville Avenue
- Median controlled entrance to beach car park on Carruthers Drive.
- Pedestrian footpaths exist on both sides of Russell Avenue including along the site frontage.

2.3 *Public Transport*

The subject site has access to existing bus route 303, X03 and 478 provided by Sydney Buses which runs along Russell Avenue, with the nearest bus stop located on the frontage of the site. The 303 and X03 provide access from Dolls Point / Sans Souci to Eastgardens and the City, whilst the 478 service runs from Miranda and Dolls Point to Rockdale Station.



2.4 Future Road and Infrastructure Upgrades

From Rockdale City Council's Development Application tracker and website, it appears that there is no future planned road or public transport changes that will affect traffic conditions within the immediate vicinity of the subject site.

3 PARKING ASSESSMENT

3.1 Council Parking Requirement

Reference is made to *Rockdale City Council 2011 DCP, Part 4.6 – Car Parking, Access and Movement* which designates the following parking rates:

Objectives

To provide sufficient, convenient and safe on-site car parking while encouraging alternative modes of transport, such as walking and cycling

<i>Land Use</i>	<i>Vehicle</i>
<i>Multi Dwelling Housing / Residential Flat building / Shoptop Housing</i>	<ul style="list-style-type: none"> <i>1 space / studio, 1 and 2 bedrooms apartments</i> <i>2 spaces/3 bedrooms apartments or more</i> <i>Visitor parking: 1 space/5 dwellings</i>

Additionally, Council's DCP requires at least one visitor car space to be equipped with car wash facilities for developments with 5 dwellings or more.

TABLE 1: DCP PARKING REQUIREMENTS

Land Use	Type	Scale	Rate	Spaces Required
Residential Flat Building	1 or 2 Bedroom	17	1 space / unit	17
	3+ Bedroom	19	2 space / unit	38
	Visitor	36	1 space / 5 units	7.2 (7) ⁽¹⁾
Total				62 including 1 car wash

Notes: (1) The DCP suggests that any parking calculations that are not whole numbers should be rounded up, however in this instance the calculation is 7.2 visitor car spaces and a requirement of 7 spaces is deemed to be appropriate.

As shown above, strict application of the DCP requires a total of **62** car parking spaces for the current development proposal.

The proposed design includes a provision of 30 parking spaces on Basement 1 and a further 32 car parking spaces on Basement 2, a total of 62 car parking spaces within the basement parking levels.

The provision of 62 car parking spaces complies with Council's DPC parking requirements.

3.2 Disabled Parking

The *Rockdale City Council DCP 2011 - 4.6 Social Equity* states that for residential developments of more than 30 units, 10% of units will be adaptable in accordance with AS 4299. It is reasonable to provide at least one adaptable space per adaptable unit making the requirement 4 adaptable spaces.

Based on Rockdale's DCP four adaptable apartments have been provided as 2 bedroom apartments. Each 2 bedroom adaptable apartment has been nominated with a disabled space and a standard space. The current plans identify four (4) enclosed garages able to accommodate the required disabled parking for adaptable units. Headroom within these garages are to be 2.5m.

3.3 Bicycle & Motorcycle Parking Requirements

Rockdale DCP 2011, Part 4.6 – Car Parking, Access and Movement specifies bicycle and motorcycle parking rates for residential flat buildings as follows:

4.6 Car Parking, Access and Movement

Land Use	Bicycle	Motorcycle
<i>Residential Flat Buildings</i>	<i>1 space / 10 units</i>	<i>1 space / 15 units</i>

Table 4 below summarises Council's bicycle and motorcycle parking requirements.

TABLE 4: DCP BICYCLE AND MOTORCYCLE PARKING REQUIREMENT

Vehicle	Scale	Rate	Spaces Required
Bicycle	36	1 space / 10 units	3.6 (4)
Motorcycle	36	1 space / 15 units	2.4 (3)

The proposal requires four (4) bicycle spaces and three (3) motorcycle spaces. Locations for bicycle and motorcycle spaces are shown in Annexure A.

3.4 Servicing and Loading

Rockdale Council's Technical Specification – *Waste Minimisation and Management*, Section 3.2 (11) states the following:

“Where site characteristics, number of bins and length of street frontage allow, bins may be collection from a kerbside location. All bins will be taken to the kerb by Council's Waste Contractor or Building Manager of the development, provided that waste/recycling storage areas are easily accessible and located within 20m of the front boundary, they are returned to the bin area by the Contractor following collection.”

It is expected that waste collection will be undertaken kerbside as per the above.

3.5 Car Park Design and Compliance

Refer to **Annexure A** which shows the proposed parking layout that is designed in accordance with AS2890.1 – 2004 & AS2890.6:2009 (or better). Compliance review and swept paths of critical locations are shown in **Annexure B** for reference.

It should be noted that while we have assessed the plans to be compliant with the relevant standards, it is usual that a construction certificate is required prior to construction due to possible changes after D.A approval.

Some enclosed garages for single car spaces provide additional width to enhance driver comfort or increase storage capacity within the enclosed garages. The additional width is also provided for less immobile users (although not necessarily disabled users). The following car park design objections are summarised below:

- (a) **Aisle width:** Minimum 5.8 metres.
- (b) **Parking bays:** Minimum 2.4 metre width for residents. Minimum 2.5 metre width for visitor parking. A 300mm widening of the parking space is required for each side wall obstruction for car door opening effects. A minimum parking bay length of 5.4 metres is required, unless a small bay which can have the dimensions of 5.0 metres long by 2.3 metres wide.
- (c) **Driveway Gradient for User Class 1, 1A or 2 (i.e. Medium to Long Term parkers, such as employees, resident & tenants):** To satisfy sight lines to pedestrians on footpaths and to comply with under carriage clearance and overhang checks. In this regard driveways serving more than a “domestic dwelling” (i.e. three dwellings that generate less than 3 peak hour trips) but less than 30 peak hour trips need to achieve acceptable performance as follows:
 - ❑ Provide a 2m by 2.5m sight triangle upon departure to the road boundary to provide adequate sight lines to pedestrians. See Figure 3.3 of AS2890.1-2004.
 - ❑ Max 1:4 for up to 20m for private car parks
 - ❑ 1:8 transition over 2 metres for ramps
- (d) **Headroom:** Minimum of 2.2m EXCEPT for the area directly above disabled parking spaces and shared zone where minimum headroom of 2.5m is required in accordance with Clause 2.4 of AS2890.6:2009.
- (e) The clearance height upon entry to the car park shall be clearly displayed if the height clearance is less than 2.3m.

Disabled parking is in accordance with AS2890.6-2009. The requirements met by the proposed development achieve:

- (a) **Parking Bays:** Minimum 2.4m width and a minimum 5.4m bay length.
- (b) **Shared Zone:** A shared zone must be located adjacent to the parking bay on either side. A Shared zone must also be included at the front or rear of the parking bay. It should be noted that the aisle can be deemed a shared zone for the front or rear of the parking bay. Where a shared zone separates two parking bays or separates the disabled space

and a wall, a Bollard is to be installed in accordance to Figure 2.3 of AS2890.6 2009. Disabled space of 3.8m is an acceptable practice in accordance with AS4299:1995. Disabled spaces provided within the development are compliant.

- (c) **Space Identification:** In accordance with Figure 3.1 of AS2890.6 each dedicated disabled parking bay is to be clearly identified.

Internal circulation has been reviewed and considered satisfactory, with the installation of convex mirrors at ramp locations to improve view lines from within the basement area. Swept paths of critical locations are shown in **Annexure B** for reference.

4 TRAFFIC ASSESSMENT

The impact of the expected traffic generation levels associated with the subject proposal is discussed in the following sub-sections.

4.1 *Traffic Generation & Impact*

The estimated traffic generation level for the proposed development is based upon the RMS Guide to Traffic Generating Developments October 2002, which assumes a worst case of a high proportion of private vehicle trips. The traffic generation is summarised in Table 2 below.

TABLE 2: TRAFFIC GENERATION OF SITE

Time	Rate	Scale	Traffic Generation	Direction
AM Peak	0.29 per dwelling	36	11 trips	9 out; 2 in
PM Peak	0.29 per dwelling	36	11 trips	2 out; 9 in

As shown above, the peak hour traffic generation is estimated to be 11 vehicle trips. The peak hour vehicle trips will typically occur during the commuter peak hours between 7:00-9:00am and 4:00-6:00pm.

The existing developed site consists of 30 units, which equates to 8 peak hour vehicle trips, however the provision of parking is significantly below what would be required of a modern residential flat building as the existing developed site consists of 8 on-site car spaces. This is likely to generate some 3 to 4 peak hour vehicle trips.

Therefore, the net increase in peak hour traffic generation is likely to be up to 8 peak hour vehicles ($11 - 3 = 8$), equivalent to 1 additional movement every 7 to 8 minutes on the surrounding road network.

The relatively minor increase of 1 vehicle every 7 to 8 minutes is anticipated to be negligible and represent no appreciable impact in terms of traffic flow efficiency and residential amenity.

5 **CONCLUSION**

In view of the foregoing, the subject proposal (as depicted in **Annexure A**) is fully supportable in terms of its traffic and parking impacts. The following outcomes of this traffic impact assessment are relevant to note:

- The supply of 62 car parking spaces complies Council's DCP requirement.
- The provision of four (4) disabled residential garages and one (1) disabled visitor satisfies accessibility requirements for car parking
- The design of the basement car parking area satisfies relevant clauses of AS2890.1:2004 & AS2890.6:2009 where applicable. Swept path tests provided in **Annexure B** demonstrate successful on-site manoeuvring and the ability for forward entry and exit.
- The net traffic generation is equivalent to one additional vehicle every 7 to 8 minutes. This level of additional is anticipated to be negligible and represent no appreciable impact in terms of traffic flow efficiency and residential amenity.

ANNEXURE A: PROPOSED PLAN (SHEET 1 OF 3)



(SHEET 2 OF 3)



ANNEXURE A: PROPOSED PLAN (SHEET 3 OF 3)



ANNEXURE B: SWEEP PATH & COMPLIANCE REVIEW
(Sheet 1 of 5)

AS2890.1:2004 COMPLIANCE TABLE		
CLAUSE	COMPLIANCE	NOTES
TABLE 1.1: USER CLASS (SPACES) 1 (0) 1A (51) 2 (6) 3 (0) 3A (0) 4 (5) TOTAL (62)	Yes	
Figure 2.2 Angle Parking Dimensions Applicable bay length, bay width, aisle width	Yes	
Clause 2.4.1(a)(iii) Small Car Space 2.3m wide x 5.0m long	N/A	
Clause 2.4.1(b)(ii) 300mm clearance to high objects	Yes	
Clause 2.4.2(c) 1m blind aisle extension	Yes	
Figure 2.5 Parallel Parking Dimensions Applicable bay length, bay width, aisle width	N/A	
Clause 2.4.5.2(a) Kerb Height	Yes	
Clause 2.4.5.4 Wheel Stops Height, width, setback	N/A	
Clause 2.4.6 Gradients within parking modules Minimum & maximum gradients	Yes	
Clause 2.4.7 Motorcycles Parking bay dimensions	Yes	
Clause 2.5.2(a) Straight ramp widths 3m between kerbs (1 way), 5.5m between kerbs (2 way)	N/A	
Kerb widths – standard 300mm		Adequate width for two-way passing with clearance
Wall-to-wall width (on straight) SINGLE LANE – standard 3.6m TWO LANES – standard 6.1m	Yes	
Table 2.2 Curved ramp widths See table	Yes	
Figure 2.9 Curved ramp dimensions See table	Yes	
Clause 2.5.3(a) Ramp grades (public) >20m: 16.7% max <20m: 20% max	N/A	
Clause 2.5.3(b) Ramp grades (private) >20m : 20% max <20m: 25% max	Yes	
Clause 2.5.3(d) Changes of grade Not in excess of 12.5% for summit 15% for sag	No	Crest at top of entry driveway is non-compliant. However can be addressed at D.A
Select access facility category from Table 3.1	1	
Table 3.2 Access driveway widths 1: 3-5.5m combined 2: 6-9m combined 3: 6m entry, 4-6m exit, 1-3m separation 4: 6-8m entry, 6-8m exit, 1-3m separation 5: intersection to be provided.	Yes	1

ANNEXURE C: SWEEP PATH & COMPLIANCE REVIEW
(Sheet 2 of 5)

Clause 3.2.3 Driveway location compliance	Yes	
Figure 3.2 Car sight distances	Yes	
Figure 3.3 Pedestrian sight distances	Yes	
Clause 3.4 Queuing areas See table 3.3	Yes	
Clause 4.3.4 Low clearance signs Give way / stop signs Speed limit signs Other warning signs	Yes	Not on plans, can be detailed prior to CC
Clause 4.4 Pavement markings Linemarking Pedestrian crossings arrows	Yes	Not on plans, can be detailed prior to CC
Clause 5.2 Column location See figure 5.1 E.g. 90°: 750mm setback	Yes	
Clause 5.3.1 headroom At least 2.2m for cars	Yes	Minimum 2.2m achieved with 2.5m above disabled parking
Clause 5.4 enclosed garages Single: 3m internal width 2.4m doorway min (see figure 5.4) Multiple: 2.4m wide each	Yes	
Circulation	Yes	
AS2890.6:2009 COMPLIANCE TABLE		
CLAUSE	COMPLIANCE	NOTES
Parking Dimensions 2400x 5400mm 2400x 5400mm shared space Fig 2.2	Yes	
Bollard Located 800 ± 50 1200mm along shared space Fig 2.2	Yes	To be installed accordingly during construction
Min. 2500mm required directly above space (Fig 2.7) Min. 2200mm for general access (CI 2.4)	Yes	Minimum 2.2m achieved with 2.5m above disabled parking
Space Identification Fig 3.1 1200x 1200 min with 500 to 600mm from front of space	Yes	To be linemarked accordingly by a suitable contractor
Space Delineation Clause 3.2	Yes	To be linemarked accordingly by a suitable contractor

ANNEXURE D: SWEEP PATH & COMPLIANCE REVIEW
(Sheet 3 of 5)

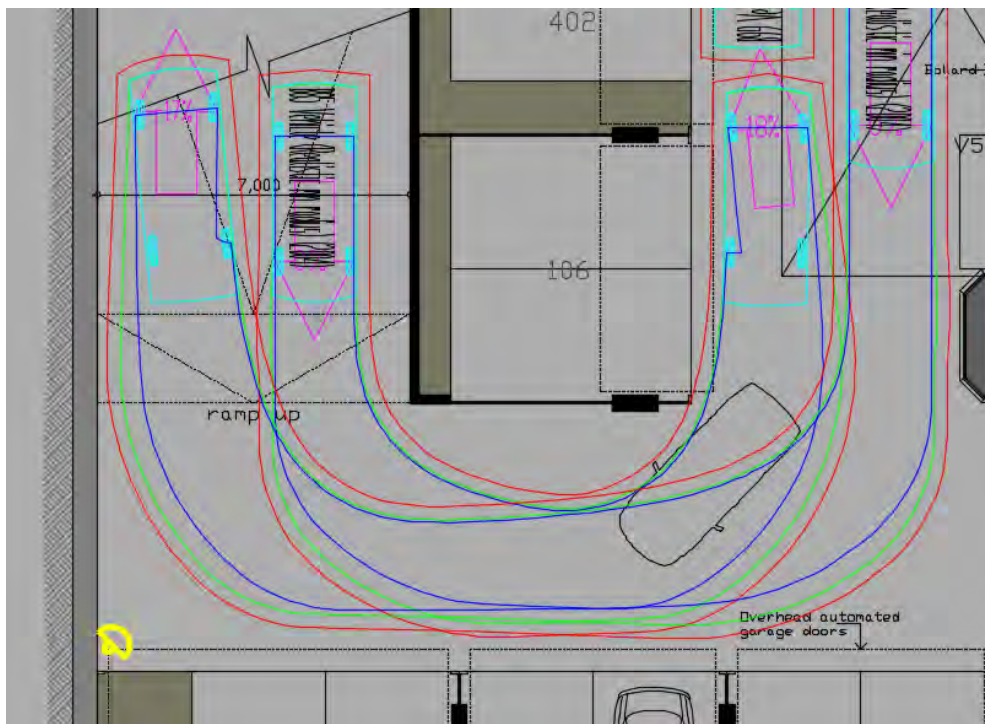


B85 Passing B99 Car
 5km/h

Successful – Recommended convex mirror locations

Blue- Tyre path
 Green – Vehicle body
 Red – 300mm clearance

ANNEXURE E: SWEEP PATH & COMPLIANCE REVIEW
(Sheet 4 of 5)

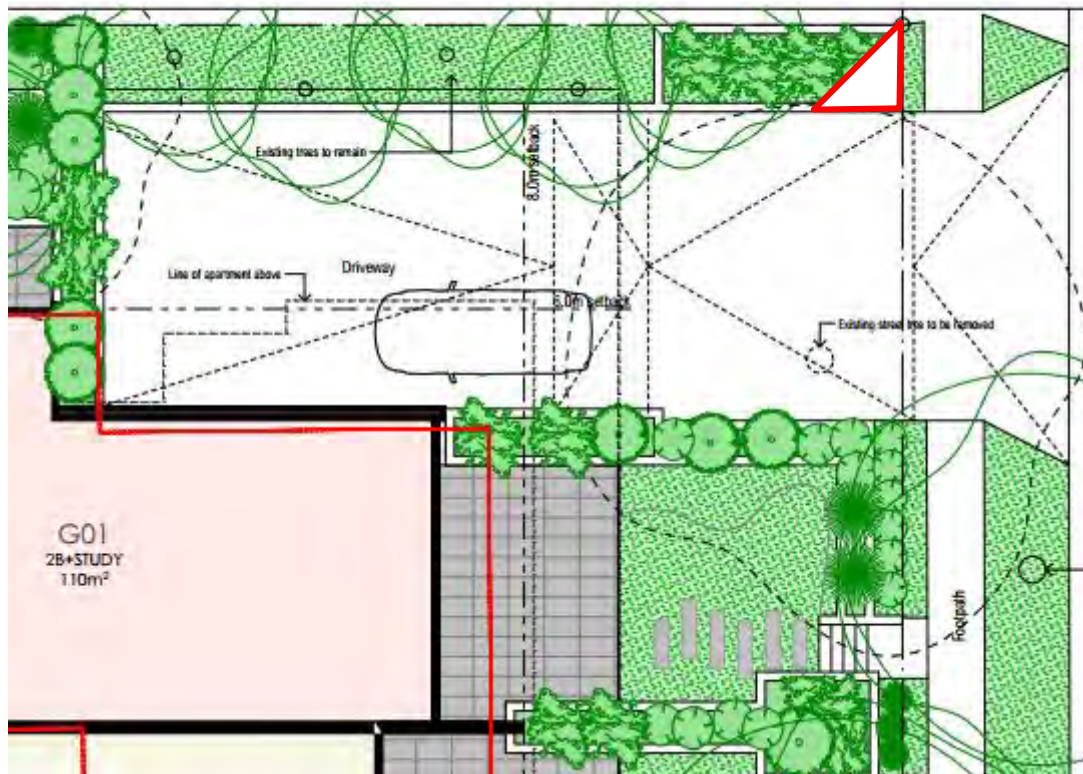


B85 passing B99 Car
5km/h

Successful- recommended convex mirrors and modification of kerbing

Blue- Tyre path
Green – Vehicle body
Red – 300mm clearance

ANNEXURE F: SWEEP PATH & COMPLIANCE REVIEW
(Sheet 5 of 5)



Sight triangle on exit side of driveway required
Sight triangle to measure 2.5m into the site and 2.0m along the boundary.

Arboricultural Impact Assessment Report

Site address: 177 Russell Ave
Dolls Point NSW

Prepared for: Matt Campbell
Helm Pty Limited
131 Sailors Bay Road
Northbridge NSW

Prepared on: 24th June 2016

Report number: CD1628

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Executive Summary

The proposed development involves the removal of two existing unit blocks and the construction of a new five-storey block with two levels of basement parking along with associated landscape works.

The plans reflect the retention of a large Oak tree in the rear yard as well as a number of palms along the western boundary and a Robinia in the front yard. This report recommends the removal of the Robinia and replanting with a more suitable species as a part of the landscaping works.

In order to construct the building, two large Magnolia trees need to be removed. Consideration has been given to transplanting these two trees but the cost appears to be disproportionate to the landscape benefits.

A Tree Protection Plan (specifications) and Tree Protection Plan (drawing) have been prepared and are included in this report. Provided that these plans are followed the trees that are being retained will not be significantly impacted by the proposed works.

Brief

The author has been asked to;

- visit the site,
- identify the trees present and within 10 metres of the development,
- assess existing site conditions,
- assess the current health of the trees,
- perform a Preliminary Tree Assessment,
- assess the impact of the proposed development on the trees,
- produce a Tree Protection Plan and Tree Protection Plan (drawing),
- compile an Arboricultural Impact Assessment Report.

Information Provided

Plan Name	Drawn By	Date	Plan Number
Ground Level	Helm	21/6/216	PA.01
Level 1	Helm	21/6/216	PA.02
Level 2	Helm	21/6/216	PA.03
Level 3	Helm	21/6/216	PA.04
Level 4	Helm	21/6/216	PA.05
Basement Level 1	Helm	21/6/216	PA.06
Basement Level 2	Helm	21/6/216	PA.07
Detail Survey	Daw & Walton	23/6/2016	1/10-10/10

Geotechnical Report prepared by JK Geotechnics on 25th May 2016.

Method

A site inspection was carried out on the 16th February and the 20th April 2016 and the site related observations contained in this report arise from the inspection on those dates.

This report considers all trees on the neighbouring properties that are likely to be impacted by the proposed development regardless of the definition contained in the Tree Preservation Order.

All trees were inspected from the ground and involved inspection of the external features only. Inspection of trees on the neighbouring property was from client's property and or the public footpath. The inspection included the performance of a Visual Tree Assessment (VTA)^{1, 2}. This inspection did not include any invasive, diagnostic or laboratory testing.

The identification of the trees was made on broad the features visible, from the ground, at the time of inspection. It was not based upon a full taxonomical identification or comparison against an herbarium specimen. Wherever possible, the genus and probable species is provided.

Only the plans referred to above, have been used in assessing the impact of the proposed DA on the trees. In particular, it is noted that no drainage, landscape or service plans referred to in the preparation of this report.

Where specifications are made in this report including those specifications contained in the Tree Protection Guidelines it is essential that these specifications can be implemented. Any additional drawings, details or redesign that impact on the ability to do so may negate the conclusions made in this report

¹ **VTA** – Visual Tree Assessment, as referenced below, is a systematic inspection of a tree for indicators of structural defects that may pose a risk due to failure. The first stage of this assessment is made from ground level and no aerial inspection is undertaken unless there are visual indicators to suggest that this is merited. Details of the visual indicators are contained in *The Body Language of Trees* by Mattheck & Breloer (1994). The use of a Visual Tree Assessment is widely used and standardised approach. Invasive and other diagnostic fault detection procedures will generally only be recommended when visual indicators of potential concern are observed.

² **Mattheck, C & Breloer, H** 1994 *Field guide for visual tree assessment (VTA)*, Arboriculture Journal 18:1-23

Observations

See Tree Schedule attached as Appendix 1. With the exception of an Agonis (Tree 6) and Oak (Tree 5) and two Magnolias (Trees 3 and 4) the plantings are relatively recent (less than 20 – 30 years).

The site is relatively flat. The site soils are a sandy loam over sand.

The proposal calls for the demolition of two existing blocks of units followed by the construction of a 5 storey unit block with two levels of basement parking and associated landscaping.

Discussion

Tree removal and retention

The proposal involves the retention of the Oak tree (Tree 5) along with a number of trees (mostly palms) along the western boundary. The retention of the oak is covered in more detail in the following section.

All the trees shown as being retained along the western boundary may not be able to be retained. While this looks good on paper there has been no consideration given to the construction method that may involve piers and a cap beam. These systems are relatively thick and this appears not to have been considered at this stage.

Consideration was given to the retention of the Agonis (Tree 6); however, the form of this tree and its condition make the retention impractical

The plans also reflect the retention of a Robinia in the front yard (Tree 2). Whilst it may be possible to retain this tree it is in fair health (most likely due to grazing by possums). Furthermore, this species is prone to suckering when roots are damaged and root damage is inevitable as a part of the proposed works. As a result, it may be more appropriate to consider removing this tree and replanting with a 400 litre tree as a part of the final landscape works.

The proposed development requires the removal of the two Magnolia trees (Trees 3 and 4). Consideration has been given to transplanting these two trees. Whilst it is technically possible to transplant the trees the cost of doing so would be disproportionate to the landscape benefit that the trees would provide. In addition, consideration has to be given to the need of large transplants, such as these to be maintained for a number of years after they have been moved as well as the small risk (less than 3%) of mortality associated with transplanting.

In addition, the basement excavation is shown as running through a number of these. The trees that are to be retained are palms. If these palms are going to be in the way of the basement excavation or construction they should be transplanted further to the west.

Impact on the root system of the Oak

The only tree of any significance that is being retained and that will be affected by the proposed development is the Oak (Tree 5).

Tree number 5		Quercus robur		DBH ³ = 100 cm	
ITPZ ⁴ = 12 m		MTPZ ⁵ = 5 m		ISRZ ⁶ = 3.2 m	
				RPA ⁷ = 452 m ²	
<p>The proposed excavation is shown as coming no closer than 8.5 metres from the centre of the tree (including an allowance of 0.5 m for piers and a cap beam). The encroachment has an area of approximately 40 m² or less than 10% of the RPA. This is a Minor Encroachment, as defined in 3.3.2 of AS4970-2009.</p> <p>Given the sandy site soils and the deeper root profile, it seems reasonable to conclude that the impact on this tree will not be significant. In addition, the impact can be further reduced by managing Oak aphids, providing supplementary irrigation and where possible commencing root pruning during the dormant season.</p>					

Design and construction Issues

The proposed excavations and construction adjacent to the Oak (Tree 5) has the potential to result in unnecessary damage to the roots, either by way of drying of the soil or as a result of over excavation. As a result, contiguous piling, or similar system, must be used for all excavation within 12 metres of the trunk of Tree 5. In order to minimise damage to the branches, a low profile drilling rig will need to be used.

The ground floor level is shown as +2.500 metres. This means that portions of the ground floor slab near the tree will either be cantilevered or will need the use of some form of pier and beam structure. The installation of the overhanging portions must not require the use of continuous strip footings.

As a result of Work Health and Safety requirements, the cleaning of gutters on a multistorey building often requires a fall arrest system. Because there are a number of larger trees on and adjacent to the site, consideration should be given to installing a gutter system that will not be significantly impacted by leaves. This could include one or more of the following

- installing a quality leaf screening system that is installed over the lower portion of the roof and the top of the gutters, and
- installing ‘Tornado Rain Heads’ to increase the flow and reduce the likelihood of any blockages, and

³ **DBH** The Diameter at Breast Height (1.4 metres above ground level) in centimetres

⁴ **ITPZ** The Indicative Tree Protection Zone radius in metres as suggested in AS4970 – 2009 without requiring input from an arborist or any ongoing care.

⁵ **MTPZ** The Minimum Tree Protection Zone radius in metres determined following the process for reducing the TPZ outlined in AS 4970 – 2009. Trees retained using the he TPZM usually require moderate to intensive arboricultural input along with ongoing inspections and maintenance for a number of years.

⁶ **ISRZ** The Indicative Structural Root Zone calculated using the formula in AS4970 and rounded to one decimal place.

⁷ **RPA** The Root Protection area or the total area that would be enclosed if the TPZ is enclosed

- installing one or more syphon based diverters such as Gutter Pumper®, and
- installing overflow spouts that allow for the discharge of water in the event of a blockage taking place. (Spouts prevent damage to the building and make it clear that there is a blockage),

Root systems

The critical issue when developing adjacent to trees is the impact of that excavation on the root system. To understand this impact, it is important that we understand how the root system functions.

- All roots start as '**pioneer roots**', pushing their way through the soil in order to take advantage of newly available soil moisture and solutes that are in the zone that they have entered (hence the term pioneer). Cell division at the tip of the root and cell elongation behind this tip creates this push by the roots. This '**zone of elongation**' is typically a few millimetres to less than 100 mm in length.

Cell elongation uses water, and the presence or readily available water, solutes (soluble nutrients), and soil temperature (generally around 16°C for most temperate trees) stimulates root growth. Whilst cells absorb some water in the zone of elongation, at best they seldom meet their needs.

- Once the roots have fully elongated single-celled hairs develop on the surface of the root and these roots with '**root hairs**' to form '**absorbing roots**'.

The absorbing roots are responsible for the uptake of nearly all the water and the majority of solutes used by the tree. They are highly ephemeral, often lasting only a few weeks. However, in association with beneficial fungi, they can last a year or more.

Where trees are already growing well, we can typically assume that soluble nutrients are present at satisfactory levels. Likewise, we can assume that the soil surface temperature often exceeds 16 degrees Celsius most of the year and that at depth, the soil temperature does not vary significantly throughout the year. The biggest limiting factor, therefore, is usually the ready availability of water.

A percentage of these pioneer/absorbing root structures survive the various environmental stresses and within a few weeks to a few months become woody.

- '**Woody roots**' are effectively underground branches. These roots can be a little under a millimetre in diameter and can grow to be hundreds of millimetres in diameter over time. Their thick bark prevents them from drying out, but as a result, they are not able to absorb water and nutrients from the soil to any great extent.

Whilst many young woody roots die as a result of disease, environmental damage or competition; they have the potential to be long-lived, sometimes lasting for hundreds of years. Woody roots act as the connection between the absorbing roots and the rest of the tree

- A small portion of the woody roots, closest to the stem, provide physical support for the tree. These '**structural roots**' grow directly from the trunk (first-order lateral roots) or are roots that branch close to the trunk. These roots provide support in compression and tension. They have a greater wood content and, as a result, tend to be much thicker to allow for strength, as well as transport.

In response to the forces of compression and/or tension, these structural roots develop an asymmetric shape rather than the normal circular shape. As the roots grow further from the trunk, they get rapidly thinner (zone of rapid taper) and more circular in shape.

In fast draining sandy loams, such as is the case on this site, the majority of roots are likely to be deeper than 600 mm, except where there is a sand interface or a permanent water table.

Damage to roots

Damage to larger roots inside the zone of rapid taper is extremely undesirable and, in most circumstances, should be avoided. These are woody roots, and therefore, excavation is more significant in its impact than careful construction over the top of these roots.

Depending on the amount of root division, the cutting of a woody root with a diameter of 25mm could conceivably result in the death of many millions of root hairs. This loss of absorbing roots has a direct impact on a tree's ability to absorb water and solutes. Also, it can affect hormone production, resulting in reduced growth above ground until the root/foilage ratio is restored to its ideal levels.

The loss of roots can result in wilting or thinning of the foliage, the loss of foliage and death of smaller branchlets and sometimes the death of specific larger branches. The ready availability of soil moisture is important in minimising this impact.

Not only do higher soil moisture levels, reduce the energy expended to absorb water, it also stimulates new root development. The faster that sufficient new roots are developed, the less the impact on normal function

Roots are often close to the surface, and therefore construction activity can indirectly impact on the health of roots through direct damage or soil compaction. Even regular pedestrian activity has an effect on the roots close to the surface. In addition, altering of levels by adding fill has the potential to change the movement of water into the soil and in some circumstances can cause the soil to become anoxic, in turn causing the death of the roots and potentially the death of the tree.

By far the easiest and most efficient way of limiting construction damage to trees is to establish and enclose a Root Protection Area (RPA) using a rigid fence. The function of this fence is to eliminate all construction activity in this area.

Methods of Tree Protection

It is important that we understand the processes and methods of tree protection. For that reason, some images have been included in Appendix 5 along with the information in this section to assist in ensuring that appropriate implementation of tree protection.

Protect the roots

As already explained the purpose of establishing a Tree Protection Zone is more than concerned with protecting the trunk of the tree. A Tree Protection Zone's primary function is the protection of the roots of the tree.

The most appropriate method of protecting a tree is to establish an exclusion zone using some form of rigid temporary fence (a Tree Protection Zone or TPZ). While it may seem easier to use flexible fabric barrier fence, these products tend to fail over time and is easily pushed out of the way or damaged. In comparison, damaging rigid fence requires more of a hit, can damage machinery and involves the cost of repair or replacement of the damaged fence.

Sometimes, however, it may become necessary to work within or to gain access through a Tree Protection Zone. To do this, we need to develop a method to stop soil compaction and prevent direct physical damage to roots. A simple action such as walking on the same spot half a dozen times or more can lead to soil compaction. Pushing a full wheelbarrow will cause compaction on the first instance. It does not take long for that damage to accumulate and harm the roots of a tree.

There are some ways to protect roots against compaction and physical damage. We can divide these into two simple groups;

- Systems that share the load and
- Systems that are fully load bearing.

Load-sharing surfaces are temporary lightweight systems. Load-sharing surfaces sometimes can be as simple as mulch beneath plywood or planks or the use of scaffolding, to heavier duty systems such as the use of plastic or metal road plates. Photographs in Appendix 4 show that these can be enough to protect a delicate egg from breaking.

Fully load-bearing structures include finished structures such as the slab of a building, a driveway or a pathway. Obviously, each of these has a limit to the weight that it can bear and if this is exceeded the structure and things beneath it can be damaged. Load bearing systems can also include scaffolding and temporary bridging structures.

Protect the trunk

In most instances, enclosing of the Tree Protection Zone ensures that the trunk of a tree cannot be damaged. Sometimes, however, work needs to take place within the Tree Protection Zone and, as a result, there is a risk of impact to the trunk. Damage to the trunk is extremely undesirable. Where it is possible to treat the wound treatment is time critical and is very expensive. When treatment is not possible or is ineffective, a trunk injury can lead to long-term structural and physiological problems.

Where machinery or performing activities that may result in an impact to the trunk of the tree, such activities should be avoided where possible. Where this is not feasible, it is important to protect the trunk. Strapping pieces of timber to the trunk of the tree has been the traditional method of achieving this task.

As any high school science student will recall Conservation of Momentum (as demonstrated by Newtons cradle) tells us that this force is transferred through the pieces of timber to the trunk of the tree often providing little to no protection and in some circumstances resulting in increased damage.

In response to the failure of wood to absorb impact, hessian or carpet underlay were used and while these improved the situation the timber still lacked the ability to absorb any of the energy. The use of fabric wraps also carried new problems; in particular, they often held moisture and this moist material was in constant contact with the trunk.

A more appropriate system needs a hard, but flexible outer surface bonded to a soft impact absorbing material that has a low water holding capacity. This system is better at absorbing the energy of an impact ... just think about a bicycle helmet. Just as with a bicycle helmet, if the impact damages a board it needs to be replaced and at the same time the trunk of the tree needs inspecting.

Lastly, prevention is the best process. When machinery is operating near the trunk of a tree using, an observer can significantly reduce the likelihood of impact. To be effective, the observer should maintain direct visual contact with the tree and the machine and should have direct audio contact with the operator. (Two-way earmuff systems are useful for this task).

Protection of the canopy

The canopy of the tree is often the part of the tree that is least harmed in the construction process. Even so, there are two ways that the construction process can harm the canopy. The first is by direct impact between equipment and the branches of the tree, and the second is from incorrect or excessive tree pruning.

Avoiding potential impact between machinery and branches simply requires care. When machinery needs to operate near branches, an independent observer should be used. The observer should maintain direct visual contact with the machine and the branches of the tree and should have direct audio contact with the operator.

All pruning work should be performed in accordance with the Australian Standard AS 4373-2007 "Pruning of Amenity Trees." Any person who does not fully understand this standard or who has not had the proper training to perform pruning should not attempt this work. The site arborist may provide instructions to workers on the site on making temporary cuts for later rectification by an arborist. These instructions should be carefully followed.

Tree Protection Plan (Specifications)

Design Issues

#	Specification	Reason
1	Consider the removal of Tree 2 and replanting this with a 400 litre tree replacement tree	To provide the best long-term outcome for trees on the site
2	Consider installing a high quality gutter protection system to reduce leaf ingress into the gutters	To ensure that gutter cleaning is kept to an absolute minimum
3	Ensure that the portion of the building adjacent to the Oak that overhangs the basement excavation does not require a continuous footing	To ensure that root cutting is kept to a minimum and that strip footings are not used in the Tree Protection Zone.
4	All copies of the plans must include a copy of the Tree Protection Plan (Drawing) and a reference must be made on each and every plan or drawing to “ <u>check the Tree Protection Plan (drawing)</u> ”	Tradespeople often read plans rather than notes, including the Tree Management Plan (drawing) in the plan set will help the awareness of all trades people
5	Establish a ‘tree protection’ policy document for inclusion as a part of the site induction process for all staff and contractors to undertake before commencing on site.	Ensuring all site personnel & contractors understand the value and importance of protecting the tree reduces the likelihood of accidental damage.

Pre-construction

6	In accordance with AS 4970-2009 (5.2) a copy of the Tree Protection Plan and the Tree Protection Plan (drawing) must be on site before <u>any</u> work commencing on the site.	To ensure that documentation is present and available as a reference for all site personnel.
7	Before commencing work on the site, enclose the Tree Protection Zones using a 1.8-metre high rigid temporary fence.	Fences create “no-go” zones, show the importance of the trees and help prevent soil compaction and root damage.
8	Install a load sharing surface as shown on the Tree Protection Plan (drawing)	To ensure that roots are protected against construction damage.
9	Attach at least 2 signs to each Tree Protection Zone as detailed in Section 5 of the Generic Tree Protection Guidelines attached as Appendix 4	Signs help to remind people why the fence is there and what should not be happening in that zone
10	Use TrunkGuard™ or a similar system of 100mm wide boards with thick polystyrene foam bonded to one side to protect the trunk.	To provide an additional level of protection for the trunk during adjacent demolition and construction works.
11	Correct and complete installation of Tree “Protection measures are to be certified by the Project Arborist” AS 4970-2009 (5.3.2).	Certification ensures that the tree protection is right and completed in accordance with the Tree Protection Plan
12	An arborist with a Certificate 3 in arboriculture must perform the canopy pruning with all final cuts made in accordance with AS4373-2007. The arborist must not use climbing spikes.	This ensures that the arborist performs the work correctly and makes proper cuts. It is preferable to use an arborist with a Diploma in Arboriculture

During site works

13	Engage a Project Arborist to undertake monthly inspections to meet the requirements of AS 4970-2009, (5.4.1).	Inspections by the Project Arborist allows for documented evidence that the Tree Protection Plan is being followed.
14	If the Tree Protection Plan has been breached, the project arborist must specify any required remedial works and the timeframe in which these works must be completed.	Remedial works mean that all problems are appropriately rectified and that any works required are carried out promptly.
15	If an inspection by the reveals that this Tree Protection Plan has not been followed, site inspections must be carried out weekly thereafter.	More frequent inspections assists in avoid repeated problems and ensure the correct & timely performance of remedial works.
16	Maintain natural ground level within the Tree Protection Zone. Do not trench, stockpile materials or change grades within this zone.	Maintaining natural ground level avoids damage to the trunk, roots and branches of the tree
17	Where truck or heavy machinery access is required within a Tree Protection Zone a Load Bearing Surface must be in place.	Load Bearing Surfaces prevent direct mechanical damage to roots and prevent soil compaction.
18	The Tree Protection Zones must remain in force until construction work is completed.	To ensure that the tree is protected for the duration of the works that may impact on the tree.
19	Machinery access is not permitted in the Tree Protection Zone to perform landscaping works	To avoid damage caused by machinery as a part of landscaping activities.
20	An independent observer must be present during the demolition of any structure within 3 metres of a Tree Protection Zone.	An observer reduces the risk of accidental impact to the tree. (Note: Consider using the Project Arborist for this task)
21	Cleanly cut any root, in or immediately adjacent to a Tree Protection Zone, that needs to be removed and that is greater than 20mm in diameter.	Cutting roots that need to be removed prevents the remaining roots from being torn and helps improve new root generation.
22	Where roots are cut as a part of condition 21 the cut end should be kept moist using a root oasis, temporary hoarding, or a root curtain.	Covering the roots ensures that cut roots do not dry out and stimulates new root generation.
23	Provide notification to the Site Arborist, the Council, and the Certifier not less than 7 days before removing the Tree Protection Fences.	Notification allows a check as to whether any remaining trades and/or landscaping works are likely to affect a tree.

Load sharing and load-bearing surfaces

24	Any Load Sharing Surface for pedestrian and light machinery access must be comprised of plastic road plate (or stronger) on top of a 100mm mulch layer.	Load Sharing Surfaces share the load over a greater area, thus reducing soil compaction. Note: 19 mm may be used where only pedestrian access is required.
25	In areas where turf will be laid, use a geotextile fabric below the mulch to allow for the later removal of the mulch,	A geotextile fabric allows the mulch to be removed by hand and limits root growth into the mulch.
26	Remove all much by hand starting from closest to the tree and moving outwards.	To minimise the impact on roots as a result of the removal of the load sharing surface.
27	A Load Bearing Surface shall be constructed using megadecking, Durabase mats, continuous dragline or JLA bogmat.	A Load Bearing Surface ensures that the surface is sufficiently robust to take the load of heavy equipment
28	Where the surface levels below a Temporary Load Bearing Surface needs to be adjusted this shall be achieved using sand or other suitable material applied to the surface.	This method ensures that excavation does not take place in order to install a Temporary Load Bearing Surface
29	Once a road or parking bay has been completed it shall be deemed to be a Load Bearing Surface	This means that a finished surface can be used as a Load Bearing Surface.
Note: If concerns exist that the works will damage the finished surface the same work will almost certainly damage the tree roots and a temporary surface must be used		

Tree maintenance activities

30	Inspect the Oak tree for oak aphids and treat if present.	This helps reduce the stress on a tree.
31	Irrigate the Tree Protection Zones at a rate of 1 litre/m ² for every 2 mm shortfall in the rainfall during the previous week if <ul style="list-style-type: none"> less than 20mm of rain has fallen in the previous week from October to March, or less than 10mm of rain has fallen in the previous week from April to September. 	This is to ensure healthy root growth and to ensure higher levels of readily available water to minimise stress. (Note: It may be easier to install a temporary irrigation system prior to installing any load sharing surface.)
32	An irrigation log must / should be maintained and kept on site and must record the weekly rainfall and the date and duration of any manual irrigation event.	To ensure appropriate records are available for monitoring and reporting.

Post Construction

33	At practical completion, the project arborist should “assess tree condition and provide certification” on their condition	This certification completes to the document trail for the certifier and or the consent authority.
34	“Certification should include details of the deviations from the approved tree protection measures and their impacts on [the] trees” and provide specifications for any remedial or rectification works required.	This complies with AS 4970-2009 (5.5.2). It provides a documented record of the final condition of the tree. It audits and certifies the correction of any problems.
35	The project arborist should continue to perform quarterly inspects, maintenance and reporting for whichever is greater: <ul style="list-style-type: none">• For 12 months after the completion of construction activities or• For 12 months after achieving stable growth of the tree	To ensure the long-term recovery of the tree is certain.

Should you require any further information, please call our office for assistance.



Mark Hartley

Senior Consulting Arborist- AQF Level 8

Grad Cert Arboriculture (1st Class Honours)

Dip Hort (Arboriculture) with Distinction

Dip Arboriculture, Dip Horticulture

LMAA; LMISA; LMIPS

ISA Certified Arborist WC-0624 (since 1990)

Registered Consulting Arborist™ #0001

ISA Tree Risk Assessment Qualified

Registered QTRA user (No. 807)

Member - Society of Risk Analysis Australia & New Zealand

Appendix 1:

Tree Schedule

Client Name:

Matt Campbell, Helm PTY LTD

Site Address:

177 Russell Ave, Dolls Point

No	Scientific Name	Health	Height (m)	Spread (m)	DBH (cm)	ITPZ (m)	MTPZ (m)	TI/ME (m)	Retention Value	Comments	Retain / remove
1.	<i>Robinia pseudoacacia</i>	Fair	9	6	40	4.8	2.0	3.4	Low	Possum damage	Remove
2.	<i>Robinia pseudoacacia</i>	Fair	7	5	30	3.6	1.5	2.5	Low		Retain and protect
3.	<i>Magnolia grandiflora</i>	Good	14	14	100	12.0	5.0	8.4	Low	Lopped at some stage in the past	Remove for construction
4.	<i>Magnolia grandiflora</i>	Good	14	14	110	13.2	5.5	9.2	Low	Lopped at some stage in the past	Remove for construction
5.	<i>Quercus robur</i>	Good	18	18	100	12.0	5.0	8.4	Essential		Retain and protect
6.	<i>Agonis flexuosa</i>	Fair	5	10	E100	12.0	5.0	8.4	Low		Remove
7.	<i>Cotoneaster glaucophyllus</i>	Fair	6	7	E35	4.2	1.8	2.9	Nil	Undesirable species with a weed-like behaviour	Remove
8.	<i>Archontophoenix cunninghamiana</i>	Good	2	-	-	2.0	0.6	-	Moderate		Retain and protect
9.	<i>Archontophoenix cunninghamiana</i>	Good	1.5	-	-	2.0	0.6	-	Moderate		Retain and protect
10.	<i>Brachychiton acerifolia</i>	Good	12	8	35/20	4.8	2.0	3.4	Low	DBH calculated as 40cm	Remove
11.	<i>Thuja plicata</i>	Fair	8	3	10/10	2.0	0.7	1.2	Low	Variegated, DBH calculated as 14cm	Remove
12.	<i>Archontophoenix cunninghamiana</i>	Good	4	-	-	2.0	0.6	-	High		Retain and protect
13.	<i>Archontophoenix atropurpurea</i>	Good	5	-	-	2.0	0.6	-	High	An uncommon species	Retain and protect
14.	<i>Phoenix roebelenii</i>	Good	2	-	-	2.0	0.6	-	Low		Retain and protect
Trees on neighbouring properties											
N1	<i>Lophostemon confertus</i>	Good	9	5	50	6.0	2.5	4.2	Essential		Retain and Protect
N2	<i>Lophostemon confertus</i>	Good	5	5	40	4.8	2.0	3.4	Essential		Retain and protect
N3	<i>Tristaniaopsis laurina</i>	Fair - Good	5	5	E40	4.8	2.0	3.4	Essential		Retain and protect

Notes on Tree Schedule

Number (No) N – Neighbours tree within proximity of the development

Scientific Name Identification was made using visual features visible from ground level at the time of inspection

Good – In good health with no significant faults or defects

Health

Fair – Some faults or health problems not likely to cause short-term problems, generally able to be managed.

Poor – Significant health or structural defects with management likely to be inadequate or inappropriate

Height (m)*

Palm heights given for trunk only and does not include the height of the fronds.

Spread (m)*

The average diameter of the canopy unless the asymmetry of the canopy is noted or is critical to the design process

DBH (cm)*

Trunk diameter - measured or approximated at 1.4m above ground as outlined in “Appendix A” AS 4970 – 2009

E – Estimated equivalent trunk diameter where multiple trunks and branching exist.

ITPZ

The Indicative Tree Protection Zone radius specified by section 3.2 of AS 4970 -2009 and rounded up to one decimal place

TI/ME

The minimum radius for a Tangential Incursion into the TPZ yet still be a Minor Encroachment using AS 4970 - 2009

TPZM

The suggested minimum Tree Protection Zone radius determined following the process for reducing the TPZ outlined in AS 4970 – 2009. The TPZM usually requires moderate to extensive arboricultural input along with ongoing maintenance

E = Essential - Site suitability 40 plus years, good condition, able to be retained without design changes

H = High - Site suitability 40 plus years, fair condition or better able to be retained with minor design changes

M = Moderate - Site suitability 20 - 40 years, or only retainable with moderate impact on the development of the site

Retention Value

L = Low - Site suitability less than 20 years, or retention impacts significantly on development of the site

N = Nil - Site suitability less than five years or retention sterilises development of site

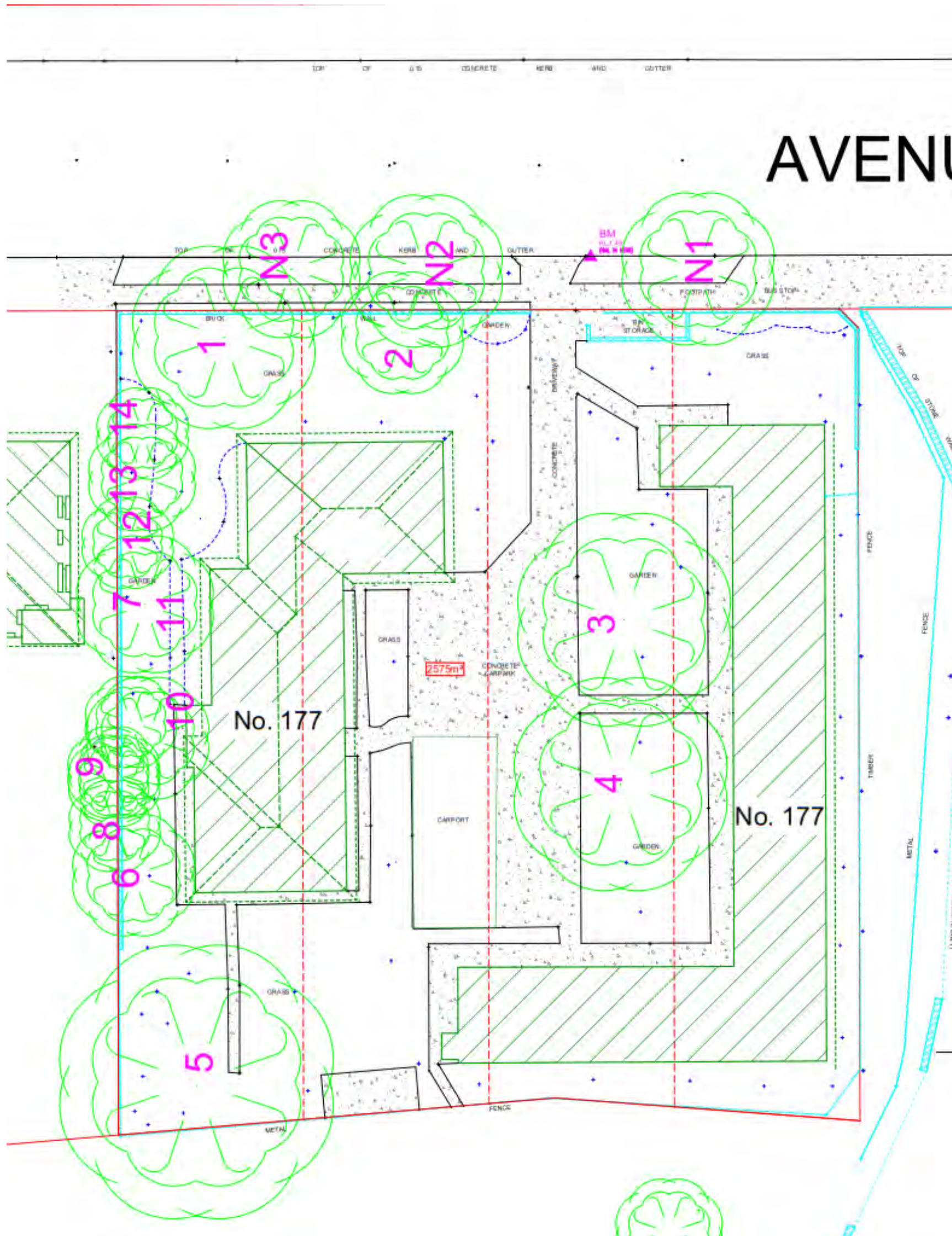
Note: Site suitability considers health, life expectancy, risk of harm, desirability of species, and impacts on current and proposed land use. Impact on development needs to be considered throughout the planning stage

Recommendations Unless otherwise stated trees are to be retained.

* All dimensions are approximate.

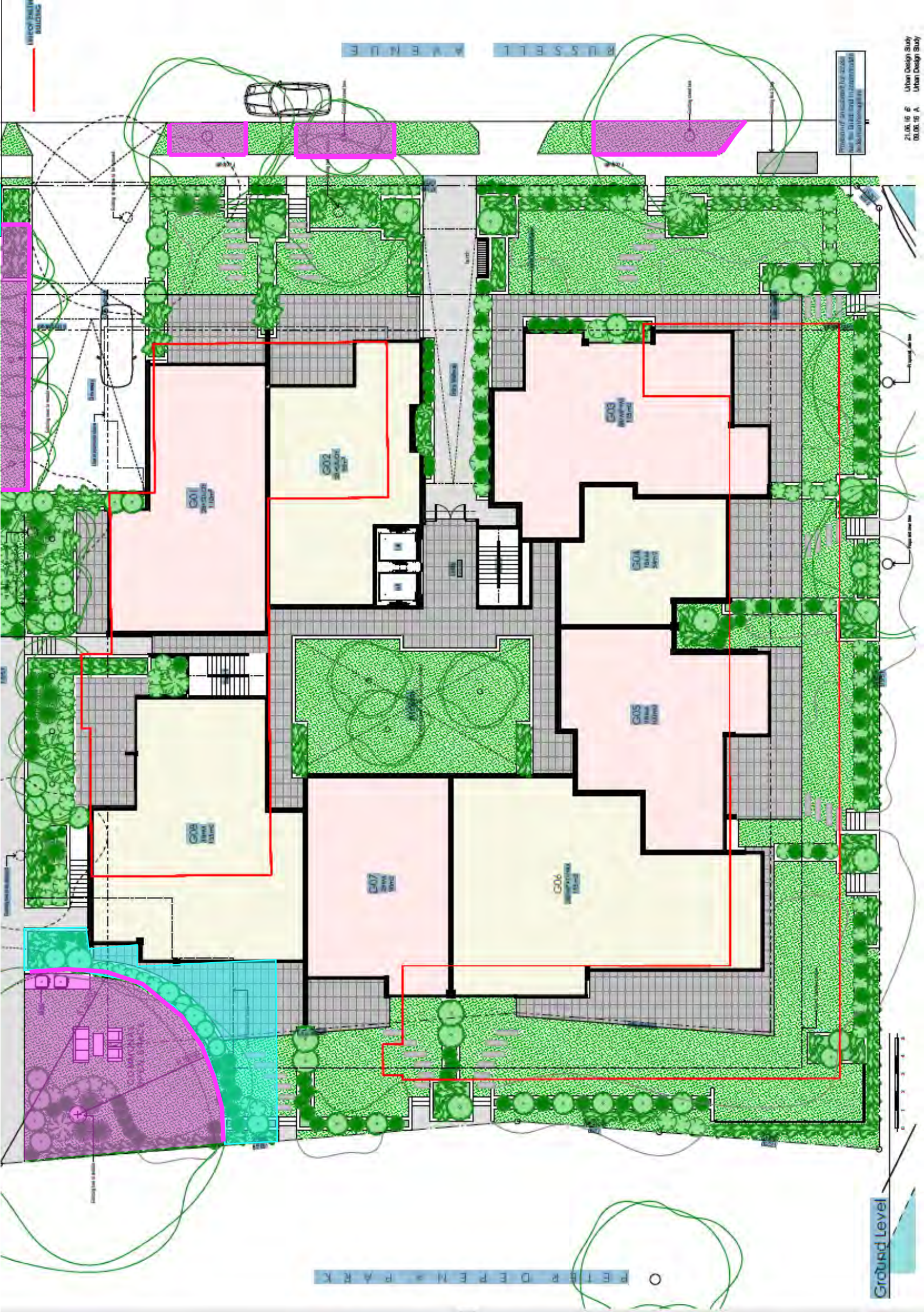
Appendix 2:

Plans



Key	
	Tree Protection Fence
	Tree Protection Zone
	Load sharing surface and secondary tree protection zone

Tree Protection Plan (drawing)



Appendix 3:

Determining the tree protection area

A simple solution

Over the last two decades, there has been an increasing awareness of the need to protect appropriately and care for trees on development sites. There have been conferences, workshops as well as some publications written. Most notably these include British Standard BS 5837: 2005, “Trees and Development” by Matheny N & Clark J and “Protection of Trees on Construction Site” by Hartley M. These publications all focus on minimising damage to the root system of the tree by establishing appropriate **Tree Protection Zones (TPZ)**.

The British Standard provides Matheny and Clark as the source of the formula for calculating the radius of the tree protection zone. Interestingly Matheny and Clark site the British Standard as the source of the formula. Such a circular argument is of concern, particularly when the Matheny and Clark include many examples of their successful encroachment of their Tree Protection Zone in their text.

Matheny said, *“It is not that common that we get that much space.”* and *“With tolerant species, we can squeeze that down by half or two-thirds”*. (ISA Annual Conference 2007) Mathematically that suggests that the Tree Protection Zone could potentially contain as little as 12% of the root volume provided for using either formula.

Calculations and tables in the first two publications aim at providing a Tree Protection Zone sufficiently large enough to ensure that the health of the tree is not adversely impacted and achieves this without the need for arboricultural input other than ensuring the maintenance of the protection zones. The British Standards or Trees and Development are ideal documents to be applied by anybody regardless of their understanding of plant physiology.

Matheny rightly states, *“Because the tree is an individual the table is not enough. You need to consider all the factors.”* (ISA Annual Conference 2007) If we are to find benefit in the **TPZ** given in either the British Standard or Trees and Development, it is that this is a **TPZ** that can be determined by any person and without any arboricultural input since it is a simple formula. Anyone able to measure the trunk diameter and follow the formula can calculate the **TPZ**.

A suitably experienced consulting arborist is often able to support a smaller **TPZ** when combined with appropriate arboricultural care, and some provision is given in the British standard for this to take place. This makes no sense unless the formula for calculating the **TPZ** in the British Standard is prefaced with a note saying that this is the point at which arboricultural input is required. Regrettably the Standard does not say this and as a result, it becomes overly prescriptive.

An arboricultural solution

Land and development costs along with the environmental impact of urban sprawl make it undesirably burdensome to sterilise vast areas of land to enclose an optimum **TPZ**. It is often far more cost effective to provide even the highest level of Arboricultural care possible to a tree to ensure that it thrives and prospers in the long term than to establish a **TPZ** that is unnecessarily large.

It makes logical sense to adopt a **Minimum Tree Protection Zone** that is based on the size of a root plate required to transplant the same tree. Transplanting of large and even very old trees has been carried out with enough frequency and over such a long period that we have a good understanding how transplanted trees respond to root loss. A success rate of 97% can be expected when a transplant is properly undertaken with appropriate ongoing care.

Perhaps the 3% failure rate could be considered as unacceptable, but it is likely that a percentage of these would have died within a few years in any case. Matheny again points out *“Transplanting is a far greater impact – if we are going to transplant it we might as well keep it where it is and squeeze the protection zone.”* (ISA Annual Conference 2007) A transplanted tree will undoubtedly undergo a greater degree of stress than a tree that is retained with an identically sized root plate that is appropriately protected and cared for.

The site constraints, more often than not, are likely to benefit from a **TPZ** that is smaller than that specified by the British Standard and Trees and Development. Using a smaller **TPZ** means that there will be a requirement for appropriate levels of arboricultural care. This approach may give rise to the question “What is the minimum area required by the tree?” There is, unfortunately, no absolute answer to this question but there are some important benchmarks to be considered.

- The protection should be sufficient to allow the maintenance of the tree, with appropriate arboricultural input. In the past, this was called the **Critical Root Zone (CRZ)** and frequently relates to the size of the root plate that would be required to transplant the tree successfully. In most instances is an area with a radius of 5 times the trunk diameter. This document refers to this at the **Minimum Tree Protection Zone (MTPZ)**.
- Depending on the trees response to root damage, it is possible to come even closer to the tree particularly when construction impact is going to be limited to one side or better still to one quadrant of the Critical Root Zone **and** with the provision of additional distance around the remaining area of the root zone.
- The extent of any excavation should not result in the structural instability of the tree. A number of formula and test exist to determine the size of the **Structural Root Zone (SRZ)**. There is however generally no need to consider the issue of structural stability if work is performed outside the **MTPZ**. In most circumstances, it is undesirable and often unwise to cut roots located in the Structural Root Zone.

There must be sufficient soil volume to allow the tree to grow to maturity with appropriate ongoing care. If the goal is to have little ongoing care, this will undoubtedly take a greater soil volume than a tree that will be extensively maintained (such as a tree growing in a rooftop planting).

The approach of AS 4970-2009

In August 2009, Standards Australia released AS 4970-2009 Protection of Trees on Development Sites. In its preface, this document acknowledges its reliance on the British Standard and Matheny and Clark. This standard requires a **TPZ** with a radius 12 times trunk diameter. As already discussed, there is no question that this will provide adequate protection of the tree in almost all conceivable situations. It achieves this by enclosing and sterilising an enormous area.

The standard does acknowledge that it may be possible to encroach on this **TPZ** if the project arborist can demonstrate that the “trees will remain viable.” As already stated, we can successfully transplant most trees in good health and vigour, so the use of a reduced sized root plate remains demonstrated by several hundred years of successful tree transplanting. (Mathematically the standard sized root plate for a transplant has less than 20% of the root area of the **TPZ** specified in the AS 4970-2009.)

Of equal concern is the impact of the insistence of a **TPZ** with a radius of 12 times trunk diameter may have on tree retention and urban sprawl. Where there is a conflict between development and tree retention a decision will need to be made to refuse the development (potentially increasing urban sprawl) or to reduce the size of the **TPZ**.

If the development is acceptable then we need to answer the question “should we be removing trees that cannot be given a TPZ of the size recommended in AS 4970-2009?” The answer should be “No!” whenever there is adequate potential for retention the tree with appropriate arboricultural input. Unfortunately, this standard leaves us guessing on this issue.

Given that the standard has some significant issues and seeks to be “informative”, it is hard to give it the credence that it deserves. The standard does outline some important process namely, considering tree retention as a design consideration, seeking sound arboricultural advice and ensuring appropriate monitoring of the trees. As far as practical this document forms an important part of that process.

This report adopts the terms and nomenclature provided in the Australian Standard AS 4970-2009. This may be particularly true of the terms Tree Protection Plan (the recommendations and processes required to protect the trees and the Tree Protection Plan (drawing), which is a drawing or plan that may or may not include sections of the Tree Protection Plan

Appendix 4:

Generic Tree Protection

Guidelines

1. Pre-Construction:

- 1.1. Prior to the commencement of construction, the consulting Arborist will issue a report outlining the following:
 - 1.1.1. The trees that have been protected, the maintenance activities (if any) for each tree that have already been performed, that the protective fence or fences have been installed in accordance with the Arborist's Report.
 - 1.1.2. A statement that the physical protection (items 7 and 8 of the POTOCS standards) of the trees has been performed, to the above standards or if not, any non-conformances and why. e.g. the fence around trees is incomplete because of boundary fences.
 - 1.1.3. All trees to be removed are to be marked with a single white line around the trunk. No tree shall be so marked until council consent for its removal has been given.
 - 1.1.4. Confirm a tree is to be removed by marking the tree with a single horizontal yellow or orange line. Only a Surveyor, Landscape Architect, Arborist, or Tree Preservation Officer, should do this.

2. Tree Protection Zones:

- 2.1. The trees are to be protected by a 1.8-metre-high fence to be constructed within 500mm of any construction activity and to include as much of the Primary Root Zone as possible.
- 2.2. Where the Tree Protection Zone occurs in part on the adjacent property, the fence will stop at the boundary lines.
- 2.3. Provision will be made to these protection zones for pedestrian access only.

3. Maintenance activities:

The following maintenance activities will be required for this site:

- Irrigation – by hand to comply with current specifications
- Soil Amelioration
- Mulching
- Crown cleaning in accordance with AS 4373-2007
- Pruning of Amenity Trees, removal of trees by sectional felling and stump grinding.

Tree Removal

Timing: Maintenance activities are to be at the commencement of the construction process by qualified Arborists and then as required during the construction period.

3.1. Irrigation

- 3.1.1. Soil moisture during construction shall be maintained at not less than 60% of field capacity.
- 3.1.2. Irrigation is to be applied by hand. No construction activities are to take place within the Primary Root Zone until irrigation has been initiated and soil moisture reaches 70% of field capacity at a depth of 300mm.

- 3.1.3. On each visit, the consulting arborist shall check the soil moisture and manually check the irrigation system, when installed.
- 3.1.4. Soil moisture levels should be checked by physical touch or with a tensiometer.

3.2. Soil amelioration

- 3.2.1. An arborist may apply an application of rooting hormones, humic acids, soil micro-flora and mycorrhizae in accordance with the manufacturer's instructions.
- 3.2.2. Chemical fertilizers are to be used only after representative soil testing and based on the soil scientist's recommendations.

3.3. Mulching

- 3.3.1. The fenced area should be mulched with seed-free mulch to a depth of at least 50mm.

3.4. Weed Control

- 3.4.1. Weed control shall be by hand pulling, wiping or spraying with a glyphosate-based herbicide. Material likely to be root grafted to trees to be retained shall be removed manually.
- 3.4.2. Weed control shall not be performed by mechanical cultivation or by scraping or back burning.

3.5. Crown cleaning

- 3.5.1. Crown cleaning (AS4373-1996, Pruning of Amenity Trees) shall be performed in accordance with the standard, by an arborist and in compliance with the appropriate occupational health and safety regulations. All branches down to 50mm in size shall be inspected and appropriately treated.
- 3.5.2. Any concerns about health or safety that are observed by the arborist on the site will be reported in writing within seven days to the superintendent/principal/client and/or head contractor.
- 3.5.3. The use of spurs on live trees and internodal cutting is strictly prohibited.

3.6. Tree Removal and Stump Grinding

- 3.6.1. Remove trees in a controlled or sectional felling to avoid any damage to the trees to be retained.
- 3.6.2. All shrubs, under-scrub and woody weeds that are to be removed shall be removed by hand as per 3.4 above.
- 3.6.3. No tree shall be removed unless it has been marked with a horizontal white and yellow/orange line around the trunk.

4. Fences:

- 4.1. The Tree Protection Zone should be enclosed, as detailed in section 8.0 of the PTOCS standards, should be completed prior to **any** work commencing, including demolition and land clearing by earth moving machinery. The fence may be erected after tree maintenance activities.
- 4.2. The fence surrounding the Tree Protection Zone must be a rigid fence not less than 1.8m high.

5. Signs:

- 5.1. At least every 25 metres attached to all tree protection fence there shall be a sign, a minimum of 600mm x 600mm, bearing the following phrase in red letters on white background, at least 50mm in height:

“TREE PROTECTION ZONE - KEEP OUT”

- 5.2. On the same sign above or on a different sign, attached adjacent, and in red lettering on white background not less than 25mm in height is to be the following:

“PROHIBITED ACTIVITIES”

Followed by the list below in black letters not less than 15mm in height.

- a) Entry of machinery or people.
- b) Storage of building materials.
- c) Parking of any kind.
- d) Erection or placement of site facilities.
- e) Removal or stockpiling of soil or site debris.
- f) Disposal of liquid waste including paint and concrete wash.
- g) Excavation or trenching of any kind (including irrigation or electrical connections).
- h) Attaching any signs or any other objects to the tree.
- i) Placing of waste disposal or skip bins.
- j) Pruning and removal of branches, except by a qualified Arborist.

- 5.3. In letters not less than 25mm in height on the above sign should be the name of the supervising Arborist or arboricultural company or other appropriate contact and a contact phone number.

6. Root Cutting

- 6.1. All roots greater than 50mm in diameter that are required to be removed shall be cleanly cut and kept moist at all times and shall not be left exposed to the air for more than 10 to 15 minutes.

7. Maintenance Reports:

- 7.1. Weekly inspections and monthly reports should be made until the end of construction.
- 7.2. A consulting Arborist should be on site during any excavation work within the Critical Root Zone and will report on that work in the monthly report.
- 7.3. A site log shall be maintained and include the date of each inspection, the person who performed the inspection, the items inspected or tested, the maintenance activities performed, any repairs undertaken or required to be undertaken, and any substantial breaches or non-conformances.
- 7.4. The arborist performing the inspection should sign the entries in the logbook
- 7.5. The log shall be maintained on site or, alternatively, copies of the log entries for the month shall be submitted each month with the monthly report.
- 7.6. All maintenance shall continue for the three months after completion of construction

8. Non-Conformance Reports:

- 8.1. The following are non-conformances that need to be managed when they occur.
 - 8.1.1. The removal or relocation closer to the tree of all or part of any protective fence prior to landscaping.
 - 8.1.2. The performing of any activity noted as prohibited on protection zone signage
 - 8.1.3. The failure to maintain adequate soil moisture or the failure in the operation of the irrigation system.
 - 8.1.4. Mechanical damage to the trunk, stems, branches, or retained roots.
 - 8.1.5. The sudden and abnormal or premature shedding or decline of the tree.
- 8.2. **Substantial breaches and non-conformances:**
 - 8.2.1. Any breach or non-conformance of the tree protection zone, by any party, shall be notified in writing within 2 working days of it being first observed.
 - 8.2.2. Notification of any non-conformance should be made in writing to the site foreperson, the consent authority and any independent certifier.

Appendix 5:

Protection of Trees on Construction Sites

Establishing a Tree Protection Zone

Good Work



Photo 1: The fence should be rigid and hard to move.

Poor Work



Photo 2: This style of fence is too easily damaged and collapses when hit.



Photo 3: The TPZ is mulched where appropriate and weed free.



Photo 4: Put the fence where it should be! The TPZ is not for storage.



Photo 5: The purpose of the fence is to isolate the tree from the works and to protect the roots.



Photo 6: Woven fences seldom work particularly when space is limited.

Protecting the Roots

Good Work



Photo 7: Like an egg tree roots are delicate and easily damaged.



Photo 9: The load-sharing surfaces should be designed to take the load that will travel over it.



Photo 11: The goal is to ensure that there is minimal impact on the roots that are being protected.

Poor Work



Photo 8: A single movement of a truck can cause significant damage to the absorbing roots.



Photo 10: Without appropriate protection, the soil is compacted and roots are broken and damaged.



Photo 12: Keep equipment away from the tree by using appropriate tree protection.

Trunk Protection

Good Work



Photo 13: TrunkGuard is designed to absorb impact just like a bicycle helmet.

Poor Work



Photo 14: Trunk damage is usually irreparable and frequently causes long-term problems!



Photo 15: It is flexible for a better fit and is attached using screws to avoid even light impact.



Photo 16: Even the installation of a poorly designed system can injure a tree!



Photo 17: Able to withstand and absorb moderate construction impact - not that this should happen!



Photo 18: This serves little purpose at all! It does not protect the roots or the trunk of the tree.



ENVIRONMENTAL INVESTIGATION SERVICES

30 June 2016

Ref: E29353KMlet_rev1

HELM
PO Box 99
NORTHBRIDGE NSW 1560

Attention: Mr Matt Campbell

ACID SULFATE SOIL ASSESSMENT AND PRELIMINARY WASTE CLASSIFICATION ASSESSMENT
PROPOSED RESIDENTIAL DEVELOPMENT
177 RUSSELL AVENUE, DOLLS POINT

1 INTRODUCTION

Helm ('the client') commissioned Environmental Investigation Services (EIS)¹ to undertake an acid sulfate soil assessment and preliminary waste classification assessment for the proposed residential development at 177 Russell Avenue, Dolls Point. The site location is shown on Figure 1 and the investigation was confined to the proposed development area as shown on Figure 2. This report describes the investigation procedures and presents the results of the assessment together with comments, discussion and recommendations.

A geotechnical investigation was undertaken in conjunction with this assessment by JK Geotechnics² and the results are presented in a separate report (Ref. 29353Srpt, dated 25/5/16).

1.1 Proposed Development Details

The proposed development includes demolition of the existing structures on-site and construction of a multi-storey residential building. Excavation to a depth of approximately 6m is expected to be required for construction of a 2-level basement.

1.2 Objectives

The assessment objectives were to:

- Assess the potential for acid sulfate soils at the site; and
- Provide a preliminary waste classification for the off-site disposal of surplus soil.

¹ Environmental consulting division of Jeffery & Katauskas Pty Ltd (J&K)

² Geotechnical consulting division of J&K



1.3 Scope of Work

The investigation was undertaken generally in accordance with an EIS proposal (Ref: EP9852KM) of 5/4/16 and written acceptance from Helm of 18/4/16.

The scope of work included the following:

- A review of relevant geological information and acid sulfate soil (ASS) risk maps;
- Walkover inspection of the site;
- Soil sampling from five boreholes drilled for the JK geotechnical investigation;
- Analysis of selected soil samples for acid sulfate soil characteristics using the sPOCAS method; and
- Analysis of selected soil samples for contaminants of potential concern to provide a preliminary waste classification.

The report was prepared with reference to regulations/guidelines outlined in the table below. Individual guidelines are also referenced within the text of the report.

Table 1-1: Guidelines

Guidelines/Regulations
Contaminated Land Management Act 1997 ³
State Environmental Planning Policy No.55 – Remediation of Land 1998 ⁴
Guidelines for Consultants Reporting on Contaminated Sites 2011 ⁵
Guidelines for the NSW Site Auditor Scheme, 2nd Edition 2006 ⁶
National Environmental Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 ⁷

2 INFORMATION ON ACID SULFATE SOILS

2.1 Background

Acid sulfate soils (ASS) are formed from iron-rich alluvial sediments and sulfate (found in seawater) in the presence of sulfate-reducing bacteria and plentiful organic matter. These conditions are generally found in mangroves, salt marsh vegetation or tidal areas and at the bottom of coastal rivers and lakes.

³ NSW Government Legislation, (1997), *Contaminated Land Management Act 1997*. (referred to as CLM Act 1997)

⁴ NSW Government, (1998), *State Environmental Planning Policy No. 55 – Remediation of Land*. (referred to as SEPP55)

⁵ NSW Office of Environment and Heritage (OEH), (2011), *Guidelines for Consultants Reporting on Contaminated Sites*. (referred to as Reporting Guidelines 2011)

⁶ NSW DEC, (2006), *Guidelines for the NSW Site Auditor Scheme, 2nd ed.* (referred to as Site Auditor Guidelines 2006)

⁷ National Environment Protection Council (NEPC), (2013), *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)*. (referred to as NEPM 2013)

These soils include those that are producing acid (termed actual ASS) and those that can become acid producing (termed potential ASS or 'PASS'). PASS are naturally occurring soil and sediment that contain iron sulfides (pyrite) which, when exposed to oxygen generate sulfuric acid.

2.2 The ASS Management Advisory Committee (ASSMAC)

The NSW government in 1994 formed the ASSMAC to coordinate a response to ASS issues. In 1998 this group released the Acid Sulfate Soil Manual⁸ providing best practice advice for planning, assessment, management, laboratory methods, drainage, groundwater and the preparation of ASS management plans (ASSMP).

In 1997 the Department of Land and Soil Conservation (now part of the Office of Environment and Heritage⁹) developed two series of maps with respect to ASS for use by council and technical staff implementing the ASS Manual 1998:

- ASS Planning Maps – issued to councils and government units; and
- ASS Risk Maps – issued to interested parties.

2.3 The ASS Planning Maps

The ASS planning maps provide an indication of the relative potential for disturbance of ASS to occur at locations within the council area. These maps do not provide an indication of the actual occurrence of ASS at a site or the likely severity of the conditions. The maps are divided into five classes depending on the type of activities or works that if undertaken, may represent an environmental risk through the development of acidic conditions associated with ASS:

Table 2-1: Risk Classes

Risk Class	Description
Class 1	All works.
Class 2	All works below existing ground level and works by which the water table is likely to be lowered.
Class 3	Works at depths beyond 1m below existing ground level or works by which the water table is likely to be lowered beyond 1m below existing ground level.
Class 4	Works at depths beyond 2m below existing ground level or works by which the water table is likely to be lowered beyond 2m below existing ground level.
Class 5	Works within 500m of adjacent Class 1,2,3,4 land which are likely to lower the water table below 1m AHD on the adjacent land.

⁸ *Acid Sulfate Soils Manual*, Acid Sulfate Soils Management Advisory Committee (ASSMAC), 1998 (ASS Manual)

⁹ <http://www.environment.nsw.gov.au/acidsulfatesoil/index.htm>

2.4 The ASS Risk Maps

The ASS risk maps provide an indication of the probability of occurrence of PASS at a particular location based on interpretation from geological and soil landscape maps. The maps provide classes based on high probability, low probability, no known occurrence and areas of disturbed terrain (site specific assessment necessary) and the likely depth at which ASS are likely to be encountered.

2.5 Investigation and Laboratory Testing for ASS

The ASS Manual includes information on assessment of the likelihood of PASS, the need for an ASS Management Plan and the development of mitigation measures for a proposed development located in PASS risk areas. The ASS Manual recommends a minimum of four sampling locations for a site with an area up to 1ha. For sites greater than 4ha, the manual recommends the use of a reduced density of 2 locations per hectare subject to the proposed development. For lineal investigations, the manual recommends sampling every 50-100m.

The sampling locations should include all areas where significant disturbance of soils will occur and/or areas with a high environmental sensitivity. In some instances a varied sampling plan may be more suitable, particularly for sites less than 1,000m² in area. The depth of investigation should extend to at least 1m beyond the depth of proposed excavation/disturbance or estimated drop in water table height, or to a minimum of 2m below existing ground level, whichever is greatest.

Standard methods for the laboratory analysis of samples are presented in the Australian Standard AS4969-2008/09¹⁰ (parts 1 to 14). The principal analytical method is suspension Peroxide Oxidation Combined Acidity and Sulfur (sPOCAS). The sPOCAS method specified in AS4969-2008/09 supersedes the POCAS method specified in the ASS Manual 1998. When S_{POS} (peroxide oxidisable sulfur) values are close to the action criteria confirmation of the result can be undertaken by the chromium reducible sulfur (S_{CR}) method.

The endpoint for the pH titration in AS4969-2008/09 is pH6.5 as opposed to pH5.5 adopted in the ASS Manual. Therefore the values for Total Actual Acidity (TAA), Total Sulfide Acidity (TSA) and Total Potential Acidity (TPA) will be more conservative when analysed using the sPOCAS method specified in AS4969-2008/09.

3 SITE INFORMATION

3.1 Site Description

The site is located within relatively flat, low-lying coastal topography near Botany Bay which is located approximately 300m to the south and east. The relatively flat site is bound by Russell Avenue to the north and consists of a rectangular block extending over four lots: Lots 80-83 in DP2237.

¹⁰ Analysis of acid sulfate soil – Dried samples – Methods of test, Parts 1 to 14, Standards Australia, 2008/2009 (AS4969-2008/09)

The general layout of the site at the time of this assessment is shown in the attached Figure 1. At the time of the assessment the site contained two-storey brick unit blocks, a carport, concrete footpaths, a driveway extending from Russell Avenue and grassed lawn areas and garden beds. Trees and shrubs were located on-site as shown in Figures 1 and 2.

A four-storey brick apartment building was located on the adjacent site to the west. Directly to the east of the site was a sandstone block-lined water channel, Waradiel Creek, which was offset at a distance of approximately 0.5m to 5m from the eastern site boundary. The channel was lined with mangrove trees. Located directly to the south of the site was Peter Depena Reserve – a grassed public park interspersed with large trees.

3.2 Regional Geology

The geological map of Sydney (1983¹¹) indicates the site to be underlain by Holocene deposits of quartz sand with minor shell content, interdune silt and fine sand.

3.3 Rockdale City Council Local Environmental Plan (LEP)

A review of the Rockdale City Council LEP indicates that the site is located in a Class 3 acid sulfate soil risk area.

3.4 Acid Sulfate Soil (ASS) Risk Map

A review of the ASS risk maps prepared by the Department of Land and Water Conservation (1997¹²) indicates that the site is located in an area considered to have a low probability of occurrence of acid sulfate soils at depths of 1m-3m below ground level.

4 ASSESSMENT CRITERIA

4.1 Acid Sulfate Soil Assessment Criteria

The ASS Manual presents “action criteria” for the interpretation of laboratory results. The action criteria define the need to prepare a management plan and are based on the percentage of oxidisable sulfur (or equivalent Total Potential Acidity [TPA]) for broad categories of soil types. Where disturbance of greater than 1,000 tonnes of ASS is proposed, the action criteria for ‘coarse textured soils’ apply to all soil types.

¹¹ 1:100,000 Geological Map of Sydney (Series 9130) Department of Mineral Resources (1983)

¹² Department of Land and Water Conservation, (1997), 1:25,000 Acid Sulfate Soil Risk Map (Series 9130N3, Ed 2).

The following action criteria are presented in the ASS Manual:

Table 4-1: ASS Action Criteria

Category	Description	Criteria
Coarse Textured Soils	Sands to loamy sands	<ul style="list-style-type: none"> pH - less than 5; Total Actual Acidity (TAA)/Total Sulfide Acidity (TSA)/ Total Potential Acidity (TPA) (pH5.5) – greater than 18mol H⁺/tonne; and S_{pos} – greater than 0.03% sulfur oxidisable.
Medium Textured Soils	Sandy loams to light clays	<ul style="list-style-type: none"> pH - less than 5; TAA/TSA/TPA (pH5.5) – greater than 36mol H⁺/tonne; and S_{pos} – greater than 0.06% sulfur oxidisable.
Fine Textured Soils	Medium to heavy clays and silty clays	<ul style="list-style-type: none"> pH - less than 5; TAA/TSA/TPA (pH5.5) – greater than 62mol H⁺/tonne; and S_{pos} – greater than 0.1% sulfur oxidisable.

The action criteria for coarse textured soils have been adopted for this assessment. This is based on the predominant soil type encountered at the sampling locations (i.e. sand or silty sand).

4.2 Preliminary Waste Classification Assessment Criteria

Off-site disposal of fill, contaminated material, stockpiled soil, natural soil and rock excavated as part of the proposed development works is regulated by the Protection of the Environment Operations Act (1997¹³) and associated regulations and guidelines including the NSW EPA Waste Classification Guidelines - Part 1: Classifying Waste (2014¹⁴).

Soils are classed into the following categories based on the chemical contaminant criteria outlined in the guidelines:

Table 4-2: Waste Categories

Category	Description
General Solid Waste (non-putrescible) (GSW)	<ul style="list-style-type: none"> If Specific Contaminant Concentration (SCC) ≤ Contaminant Threshold (CT1) then Toxicity Characteristics Leaching Procedure (TCLP) not needed to classify the soil as GSW; and If TCLP ≤ TCLP1 and SCC ≤ SCC1 then treat as GSW.
Restricted Solid Waste (non-putrescible) (RSW)	<ul style="list-style-type: none"> If SCC ≤ CT2 then TCLP not needed to classify the soil as RSW If TCLP ≤ TCLP2 and SCC ≤ SCC2 then treat as RSW

¹³ NSW Government, (1997), *Protection of Environment Operations Act*. (POEO Act 1997)

¹⁴ NSW EPA, (2014), *Waste Classification Guidelines, Part 1: Classifying Waste*. (referred to as Waste Classification Guidelines 2014)

Category	Description
Hazardous Waste (HW)	<ul style="list-style-type: none"> If SCC > CT2 then TCLP not needed to classify the soil as HW If TCLP > TCLP2 and/or SCC > SCC2 then treat as HW
Virgin Excavated Natural Material (VENM)	<p>Natural material (such as clay, gravel, sand, soil or rock fines) that meet the following criteria:</p> <ul style="list-style-type: none"> Has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial mining or agricultural activities; Does not contain sulfidic ores or other waste; and Includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved from time to time by a notice published in the NSW Government Gazette.

5 INVESTIGATION PROCEDURE

5.1 Subsurface Investigation and Soil Sampling Methods

Field work for this investigation was undertaken from the 2nd to the 6th of May 2016. Soil samples were obtained from four boreholes drilled for the JK geotechnical investigation. The sampling locations are shown on the attached Figure 2. The sample locations were drilled using a truck-mounted hydraulically operated drill rig equipped with spiral flight augers. Soil samples were obtained from a Standard Penetration Test (SPT) sampler or directly from the auger when conditions did not allow use of the SPT sampler.

Soil samples were obtained at various depths, based on observations made during the field investigation. All samples for the acid sulfate soil assessment were placed in plastic bags and sealed with plastic ties with minimal headspace, while samples for the waste classification assessment were placed in glass jars with plastic caps and teflon seals with minimal headspace. Samples for asbestos analysis were placed in zip-lock plastic bags. Each sample was labelled with a unique job number, the sampling location, sampling depth and date. All samples were recorded on the borehole logs attached in the appendices.

The samples were preserved by immediate storage in an insulated sample container with ice. On completion of the fieldwork, the samples were delivered in the insulated sample container to a NATA registered laboratory for analysis under standard COC procedures.

5.2 Laboratory Analysis

For the preliminary waste classification, four fill and one natural soil sample obtained from the site were analysed for potential contaminants of concern (PCC) using the analytical methods detailed in Schedule B(3) of NEPM 2013. The PCC included heavy metals, total recoverable hydrocarbons (TRH), BTEX (benzene, toluene, ethylbenzene and xylenes), polycyclic aromatic hydrocarbons (PAHs),

organochlorine and organophosphate pesticides (OCPs and OPPs), polychlorinated biphenyls (PCBs) and asbestos.

Four natural soil samples from a variety of depths were analysed for acid sulfate soil characteristics using the sPOCAS analytical methods detailed in AS4969-2008/09. The laboratory testing was undertaken by Envirolab Services (NATA Accreditation Number – 2901). Reference should be made to the laboratory reports (Ref: 146262, 146262A) attached in the appendices for further information.

6 RESULTS OF THE INVESTIGATION

6.1 Subsurface Conditions

The subsurface conditions encountered generally consisted of silty sand fill material to depths ranging from 0.3m to 0.5m below ground level, underlain by marine sands. Clay bands were encountered in BH1 and BH3 at depths of approximately 15m-17m. Sandstone bedrock was encountered below the natural soils at depths ranging from 21.8m to 24.0m. Groundwater was encountered in all boreholes at depths between 0.8m to 0.9m below ground level.

6.2 Field Screening

A photoionisation detector (PID) was used to screen the samples for the presence of VOCs. The sensitivity of the PID is dependent on the organic compound and varies for different mixtures of hydrocarbons. Some compounds give relatively high readings and some can be undetectable even though present in identical concentrations. The PID is best used semi-quantitatively to compare samples contaminated by the same hydrocarbon source.

The PID is calibrated before use by measurement of an isobutylene standard gas. All PID measurements are quoted as parts per million (ppm) isobutylene equivalents. PID screening for VOCs was undertaken on soil samples using the soil sample headspace method. VOC data was obtained from partly filled zip-lock plastic bags following equilibration of the headspace gases.

PID soil sample headspace readings are presented in the attached report tables and the COC document attached in the appendices. All results were 0ppm equivalent isobutylene which indicates a lack of PID detectable VOCs.

6.3 Laboratory Results – Preliminary Waste Classification

The soil laboratory results are compared to the relevant waste classification criteria in the attached report tables. A summary of the results is presented below.

Table 6-1: Summary of Soil Laboratory Results

Analyte	Results Compared to Waste Classification Guidelines
Heavy Metals	<p>All heavy metal results were less than the CT1 criteria with the exception of lead in two fill soil samples, BH3 (0.4-0.5) and BH4 (0.0-0.1) in which lead concentrations of 650mg/kg and 170mg/kg respectively were detected, exceeding the CT1 criterion of 100mg/kg.</p> <p>TCLP leachates were prepared from the two samples and analysed for lead. The results were less than the TCLP1 criterion.</p>
TRH	All TRH results were less than the relevant CT1 criteria.
BTEX	All BTEX results were less than the relevant CT1 criteria.
PAHs	All PAH results were less than the relevant CT1 criteria with the exception of benzo(a)pyrene in sample BH3 (0.4-0.5) in which a concentration of 1.3mg/kg was detected, exceeding the CT1 criterion of 0.8mg/kg. A TCLP leachate was prepared from the sample and analysed for PAHs including benzo(a)pyrene. The result was less than the TCLP1 criterion.
OCPs & OPPs	All OCP and OPP results were less than the relevant CT1 criteria.
PCBs	All PCB results were less than the CT1 criteria.
Asbestos	Asbestos was not detected in the samples analysed for the investigation.

6.4 Laboratory Results – Acid Sulfate Soil Assessment

The soil laboratory results were assessed against the guidelines adopted for the investigation. The results are presented in the attached report tables and summarised below.

Table 6-2: Summary of ASS Results

Analyte	Results Compared to ASS Guidelines
pH _{KCl} and pH _{ox}	<p>The pH_{KCl} results ranged from 5.1 to 9.2. The results indicate that prior to oxidation the pH values of the soil suspended in potassium chloride solution ranged from moderately acidic to moderately alkaline.</p> <p>Following oxidation, the pH_{ox} results for the samples ranged from 2.5 to 7.5. These results are strongly acidic to mildly alkaline. The pH of the samples dropped by an average of 2.7 units following oxidation, with the largest drop of 4.3 units occurring in sample BH4 (7.2m-7.65m).</p>

Analyte	Results Compared to ASS Guidelines
Acid Trail	<ul style="list-style-type: none"> TAA results ranged from less than the PQL to 6mol H⁺/tonne. All of the results were below the action criteria of 18mol H⁺/tonne; TPA results ranged from less than the PQL to 180mol H⁺/tonne. Two of the results were above the action criteria of 18mol H⁺/tonne; and TSA results ranged from less than the PQL to 180mol H⁺/tonne. Two of the results were above the action criteria of 18mol H⁺/tonne.
Sulfur Trail	The S _{pos} % results ranged from 0.04% to 0.31%. All of the results were above the action criterion of 0.03% as shown in Table C.
Liming Rate	The liming rate required for neutralisation was approximately 13 to 14kgCaCO ₃ /tonne.

7 **CONCLUSION**

7.1 **Preliminary Waste Classification**

The preliminary waste classification of soil for off-site disposal is summarised in the following table.

Table 7-1: Preliminary Waste Classification

Site Extent / Material Type	Classification	Disposal Option
Fill material over the majority of the site	General Solid Waste (non-putrescible) (GSW)	<p>A NSW EPA landfill licensed to receive the waste stream. The landfill should be contacted to obtain the required approvals prior to commencement of excavation.</p> <p>Alternatively, the fill material is considered to be suitable for re-use on the subject site (only) provided it meets geotechnical and earthwork requirements.</p>
Sandstone bedrock	Virgin excavated natural material (VENM)	<p>VENM is considered suitable for re-use on-site, or alternatively, the information included in this report may be used to assess whether the material is suitable for beneficial reuse at another site as fill material.</p> <p>Alternatively, the natural material can be disposed of as VENM to a facility licensed by the NSW EPA to receive the waste stream.</p>

Site Extent / Material Type	Classification	Disposal Option
Natural sands after lime treatment	General Solid Waste containing treated acid sulfate soil	A NSW landfill licenced to receive treated acid sulfate soil. Alternatively it may be possible to re-use the treated material on-site.

7.2 Acid Sulfate Soil Assessment

The soil samples analysed for this investigation encountered results which were above the action criteria adopted for the acid sulfate soils assessment. Based on these results, the risk of generating ASS conditions following disturbance of the natural soils for the proposed development at the site is considered to be high.

An acid sulfate soil management plan (ASSMP) is required for the proposed development. A site specific management plan is outlined in the section below.

8 ACID SULFATE SOIL MANAGEMENT PLAN (ASSMP)

8.1 Introduction

The most effective management strategy for dealing with PASS is to avoid disturbing the material. If this is not a viable option then the ASSMP should be implemented. The objective of the ASSMP is to reduce the potential on-site and off-site environmental impacts associated with disturbance of PASS identified at the site. The ASSMP has been prepared generally in accordance with the ASS Manual 1998. Reference has also been made to the Queensland Acid Sulfate Soil Technical Manual v 3.8¹⁵.

The following issues are addressed in the ASSMP:

- Strategies for the management of PASS during development;
- Implementation of a soil and groundwater monitoring program; and
- Contingency procedures to be implemented in the event of the failure of management strategies.

8.2 Management of PASS

The following options are available for the management and disposal of PASS:

¹⁵ Queensland Acid Sulfate Soil Technical Manual. Soil Management Guidelines version 3.8

Table 8-1: Management of PASS

Option	Details	Applicability for this Site
<u>Option A:</u> Disposal of PASS Beneath the Water Table at a Landfill	Immediate transport of natural PASS to landfill for disposal beneath the water table. A number of conditions have to be satisfied for burial beneath the water table to be viable. This option is not suitable for fill material or natural soil that has been impacted by contaminants.	May be a viable option for the underlying natural soil. However logistical issues often make this option difficult to implement. Described in detail in Section 8.2.1.
<u>Option B:</u> Treatment of PASS, waste classification and disposal to a landfill	PASS is excavated and neutralised with lime. A Waste Classification is assigned for the off-site disposal of the treated PASS to a landfill.	Considered the most viable option. Described in detail in Section 8.2.2.
<u>Option C:</u> Treatment of PASS and on-site re-use.	PASS is excavated and neutralised with lime. The treated material is re-used on site with adequate capping. This option is not suitable for PASS that has been impacted by contaminants.	Not considered suitable for this site as the soil is being excavated for construction of a basement.

8.2.1 Disposal of PASS Beneath the Water Table at a Landfill (Option A)

Natural soil classed as PASS may be disposed of below the water table at a landfill facility without lime treatment provided that the following conditions are met:

- The material is disposed below the water table **within 24 hours** of excavation;
- The material meets the definition of 'virgin excavated natural material' (VENM) under the *Protection of the Environment Operations Act (1997¹⁶)*, even though it contains sulfidic ores;
- The receiving landfill is licensed by the NSW EPA to dispose of PASS below the water table; and
- The material meets the highly stringent pH criteria.

The procedures outlined in the following table should be implemented for this option:

Table 8-2: Management Procedure for Option A

Procedure	Details
<u>Step 1:</u> Contact Landfill	Prior to commencement of excavation works, the landfill should be contacted and the necessary approvals should be obtained for disposal.

¹⁶ *Protection of Environment Operations Act*, NSW Government, 1997 (POEO Act 1997)

Procedure	Details
<u>Step 2</u> : Excavation & Handling	Natural soil classified as PASS should be excavated/disturbed in stages. PASS must be kept wet at all times during excavation and subsequent handling, transport and storage until they can be disposed of safely.
<u>Step 3</u> : pH testing	The pH of the soil should be checked using the test method(s) outlined in the ASS Manual 1998 (Methods 21A and or 21Af). The pH of each load and the time of extraction should be recorded and forwarded to the landfill. If the pH is less than 5.5 then the material is not suitable for burial beneath the water and Option B should be implemented.
<u>Step 4</u> : Transport	Provided that the pH of the excavated PASS is not less than 5.5 the material can be loaded onto trucks and transported immediately to the landfill. Prior to burial the landfill will check the pH of each load. Any loads that do not meet the acceptance pH criteria will be turned away.

Some of the natural soils may have pH values less than 5.5, making them unsuitable for this method of disposal. This will require a very rigorous monitoring regime to be implemented for this option. If successful only a fraction of the PASS may be found to be suitable for disposal by this method. Consequently the additional time and cost associated with this option may not be worthwhile.

8.2.2 Treatment, Waste Classification and Disposal to Landfill (Option B)

Potential acid generation is typically managed by the addition of lime to neutralise acid that may be generated during and after the excavation works. The treated material should then be assigned a waste classification (WC) in accordance with the *NSW EPA Waste Classification Guidelines - Part 1: Classifying Waste (2014¹⁷)* and disposed of to a NSW EPA licensed landfill facility.

¹⁷ NSW EPA, (2014), *Waste Classification Guidelines, Part 1: Classifying Waste*. (referred to as Waste Classification Guidelines 2014)

The procedures outlined in the following table should be implemented for this option:

Table 8-3: Management Procedure for Option B

Procedure	Details
<u>Step 1</u> : Lime selection	<p>A slightly alkaline, low solubility product such as agricultural lime should be used. This form of lime is chemically stable and any excess lime takes a significant period of time (years) to influence soil pH beyond the depth of mixing. The lime particles eventually become coated with an insoluble layer of ferrihydrite ($\text{Fe}(\text{OH})_3$) that inhibits further reaction. Long term alteration of groundwater conditions is not expected to occur as a result of the use of lime during the proposed development works.</p> <p>The material safety data sheet (MSDS) from the lime supplier should be obtained and the appropriate safety measures implemented as specified on the MSDS.</p>
<u>Step 2</u> : Set up Treatment Area/s	<p>For this site the treatment area is expected to be the entire basement footprint. The lime neutralisation work will only need to commence after the excavation has encountered the acid sulfate soil strata. Therefore the basement perimeter will form a natural bund.</p>
<u>Step 3</u> : Manage water run-off	<p>For this site the surface water (rainfall) will be enclosed within the excavation perimeter. Any discharge of water out of the excavation will be monitored (see Section 8.3 Error! Reference source not found.).</p>
<u>Step 4</u> : Excavation & Handling	<p>Once the excavation has reached the acid sulfate strata the lime treatment should commence. The quantity of lime to be added will be dependent on the laboratory results. For this site it is likely that any acid sulfate soil treatment will take place within the excavation footprint. In general the following procedure should be adopted:</p> <ul style="list-style-type: none"> • We assume that the treatment will take place in sequential 30cm layers through the acid sulfate strata; • The volume of lime required to treat each 30cm layer should be calculated (taking into account the area of the basement footprint); • The surface of the excavation should be dusted with the volume of lime calculated to neutralise a 30 cm deep layer; • An excavator should mix in the lime to a depth of approximately 0.3m using the tines of a large excavator bucket; • The treated layer should then be loaded out and disposed off-site; and • The process should be repeated for each 0.3m layer of PASS to be excavated.

Procedure	Details
<u>Step 5:</u> Lime Treatment & pH Testing	The pH of the treated soil should be checked using the test method(s) outlined in the ASS Manual 1998 (Methods 21A and or 21Af) to confirm that PASS have been neutralised by lime addition. If required, additional lime should be added to the soil and additional mixing undertaken. Following treatment with lime the pH of the soil should be in the 5.5 to 8.5 range.
<u>Step 6:</u> Monitoring by qualified personnel	Monitoring should be undertaken by qualified personnel to ensure the mixing is undertaken to a suitable extent as the success of the neutralisation method relies on the effectiveness of the mixing process.
<u>Step 7:</u> WC and off-site disposal	Following treatment the material should be tested and assigned a waste classification in accordance with the Waste Classification Guidelines 2014. All neutralised material should be disposed of off-site to a NSW EPA landfill licensed to accept treated PASS/ASS.

8.3 Groundwater Seepage and Dewatering

The procedure for managing groundwater seepage and dewatering during development works is outlined in the following table:

Table 8-4: Procedure for Managing Groundwater Seepage and Dewatering

Procedure	Details
<u>Step 1:</u> Minimise the depth of dewatering	Where possible the depth of dewatering should be minimised to reduce the generation of ASS and/or acidic conditions. Excavation and dewatering works should be staged over short durations to reduce the time and volume of PASS exposed to oxidation.
<u>Step 2:</u> Approvals for Groundwater Disposal	Reference should be made to the local council, NSW Office of Water (NOW), Sydney Water and other relevant authorities' approval requirements for further information in relation to disposal of water to either the sewer or stormwater systems.

Procedure	Details
<u>Step 3: pH Testing and Neutralisation</u>	<p>Water pumped from the excavation should be placed in a portable tank, or appropriate holding facility, where samples can be obtained for testing.</p> <p>The water should be in the pH range of 6.5 to 8.5 (<i>Schedule 5 of Protection of the Environment Operations (General) Regulation 2009</i>¹⁸). If the pH is outside of this range, treatment will be necessary prior to disposal. Based on the disposal option chosen for the development, additional screening for contaminants may be required by the relevant authorities prior to disposal.</p>
<u>Step 4: On-going groundwater monitoring</u>	<p>In the event that extended pumping of water is necessary during the construction period, the quality of the groundwater should be monitored on a regular basis over the entire construction period.</p> <p>The pH should be measured and recorded on a regular basis. Immediate advice is to be sought from an experienced consultant if the pH at any location is not within 10% of the initial pH at the commencement of pumping. If required, corrective action should be taken as soon as possible. Laboratory analysis will be required on water samples as part of the corrective action to assess the quantity of neutralising agents required if treatment is necessary.</p>

8.4 Contingency Plan

In the event the results of soil neutralisation or groundwater monitoring tests indicate a significant change in acidic conditions, the contingency plan should be implemented.

If soil monitoring indicates the presence of significantly more acidic material than expected or water monitoring indicates that the pH of the pumped water has become significantly more acidic, all excavation works should be placed on hold until further action is taken to limit the oxidation of PASS in the development area. Contingency works will be undertaken as follows:

- The depth to groundwater (i.e. the extent of de-watering) in the area of excavation will be measured;
- The pH of soils exposed to oxygen within the excavation will be measured to establish the source of the acidic conditions;
- Material found to be acidic will be excavated and neutralised in accordance with the methods presented in **Section 8.2.2**;
- Where suitable, in-place treatment involving lime addition and mixing may be adopted; and
- In the event unacceptable acidic levels are recorded by the groundwater monitoring, installation of a neutralisation trench (or similar) may be required to intercept and treat acidic groundwater prior to discharge. This could consist of an excavation filled with a sand/lime mixture designed to filter, intercept and treat groundwater flowing across the trench.

¹⁸ Schedule 5 Prescribed matter for the definition of water pollution, *Protection of Environment Operations (General) Regulation*, NSW Government, 2009, page 124 (POEO Regulation 2009)

8.5 Disposal Information

The costs associated with the treatment and off-site disposal of PASS can be significant and may affect project viability. These costs should be assessed at an early stage of the project to avoid significant future unexpected additional costs.

Section 143 of the POEO Act 1997 states that if waste is transported to a place that cannot lawfully be used as a waste facility for that waste, then the transporter and owner of the waste are each guilty of an offence. The transporter and owner of the waste have a duty to ensure that the waste is disposed of in an appropriate manner. EIS accepts no liability whatsoever for the unlawful disposal of any waste from any site.

9 LIMITATIONS

The report limitations are outlined below:

- EIS accepts no responsibility for any unidentified ASS or contamination issues at the site. Any unexpected problems or subsurface features that may be encountered during development works should be inspected by an environmental consultant as soon as possible;
- This report has been prepared based on site conditions which existed at the time of the investigation; scope of work and limitation outlined in the EIS proposal; and terms of contract between EIS and the client (as applicable);
- The conclusions presented in this report are based on investigation of conditions at specific locations, chosen to be as representative as possible under the given circumstances, visual observations of the site and immediate surrounds and documents reviewed as described in the report;
- Subsurface soil and rock conditions encountered between investigation locations may be found to be different from those expected. Groundwater conditions may also vary, especially after climatic changes;
- The investigation and preparation of this report have been undertaken in accordance with accepted practice for environmental consultants, with reference to applicable environmental regulatory authority and industry standards, guidelines and the assessment criteria outlined in the report;
- Where information has been provided by third parties, EIS has not undertaken any verification process, except where specifically stated in the report;
- EIS accept no responsibility for potentially asbestos containing materials that may exist at the site. These materials may be associated with demolition of pre-1990 constructed buildings or fill material at the site;
- EIS have not and will not make any determination regarding finances associated with the site;
- Additional investigation work may be required in the event of changes to the proposed development or land use. EIS should be contacted immediately in such circumstances;
- Material considered to be suitable from a geotechnical point of view may be unsatisfactory from a soil contamination viewpoint, and vice versa;

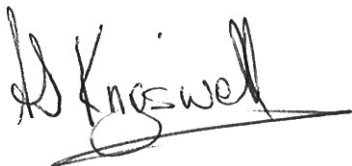
- This report has been prepared for the particular project described and no responsibility is accepted for the use of any part of this report in any other context or for any other purpose;
- Copyright in this report is the property of EIS. EIS has used a degree of care, skill and diligence normally exercised by consulting professionals in similar circumstances and locality. No other warranty expressed or implied is made or intended. Subject to payment of all fees due for the investigation, the client alone shall have a licence to use this report;
- If the client, or any person, provides a copy of this report to any third party, such third party must not rely on this report except with the express written consent of EIS; and
- Any third party who seeks to rely on this report without the express written consent of EIS does so entirely at their own risk and to the fullest extent permitted by law, EIS accepts no liability whatsoever, in respect of any loss or damage suffered by any such third party.

If you have any questions concerning the contents of this letter please do not hesitate to contact us.

Kind Regards



Rob Muller
Senior Environmental Scientist



Adrian Kingswell
Principal

Attachments:

- 1) Site Photos
- 2) Report Figures
- 3) Report Tables
- 4) Appendices

SITE PHOTOGRAPHS



Plate 1: the two brick buildings, car port, driveway and landscaped areas, viewed from the north of the site facing south.



Plate 2: drilling BH4 in the south-western section of the site.



Plate 3: Waradiel Creek, located to the east of the site, which is on the right of the picture.



Plate 4: the north-western section of the site, viewed facing south.

REPORT FIGURES



SOURCE: <http://www.whereis.com/>

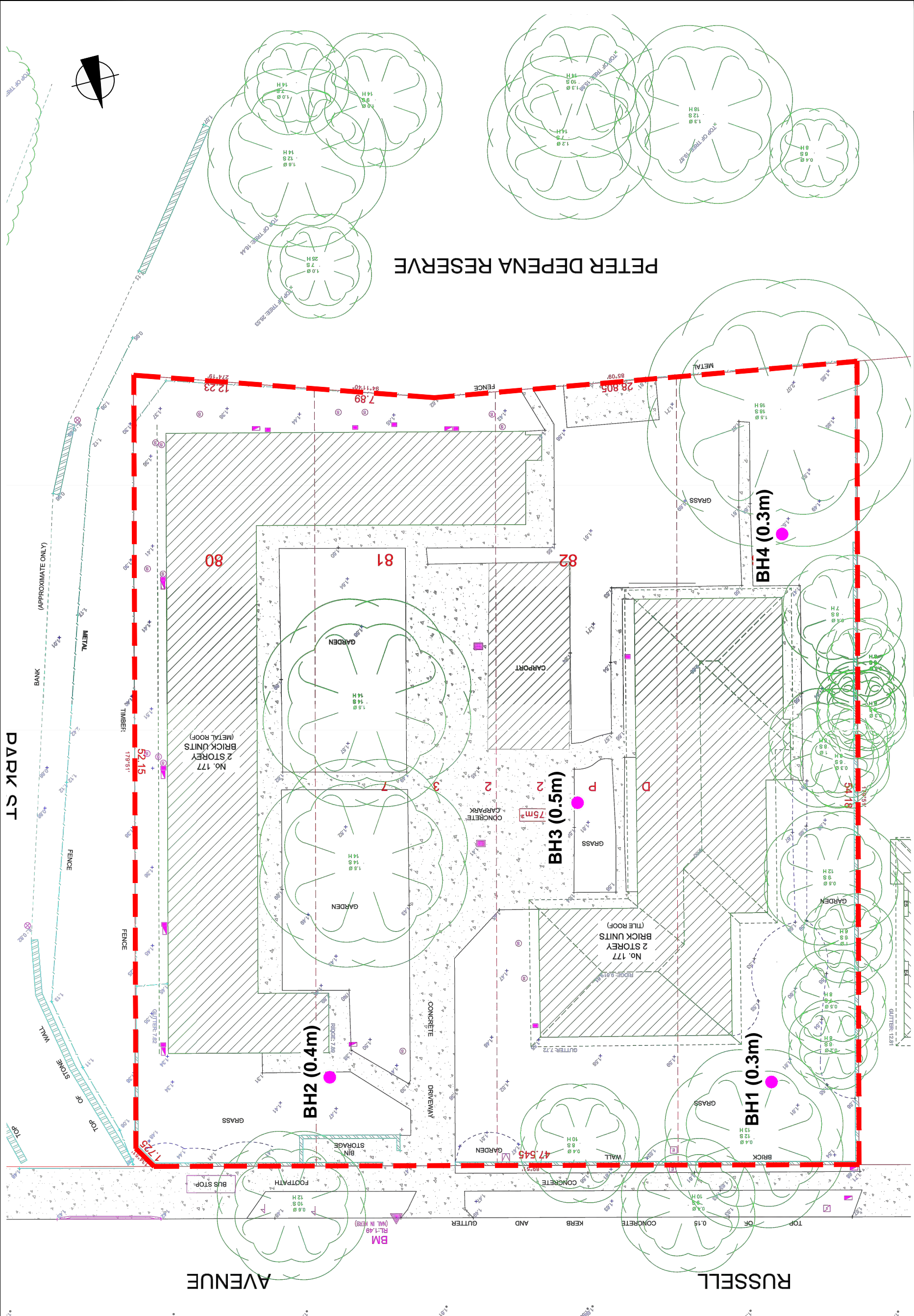
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AERIAL IMAGE SOURCE: GOOGLE EARTH PRO 7.1.5.1557
AERIAL IMAGE ©: 2015 GOOGLE INC.

Title:		SITE LOCATION PLAN
Project:		177 RUSSEL AVENUE, DOLLS POINT, NSW
Report No:	E29353KM	Figure No: 1



This plan should be read in conjunction with the EIS report.



REPORT TABLES

TABLE A SOIL LABORATORY RESULTS COMPARED TO WASTE CLASSIFICATION GUIDELINES All data in mg/kg unless stated otherwise																												
	HEAVY METALS										PAHs		OC/OP PESTICIDES			Total PCBs	BTEX COMPOUNDS				ASBESTOS FIBRES							
	Arsenic	Cadmium	Chromium	Copper	Lead	Mercury	Nickel	Zinc	Total PAHs	B(a)P	Total Endosulfans	Chloropyrifos	Total Moderately Harmful ²	Total Scheduled ³	Total		C ₆ -C ₉	C ₁₀ -C ₁₄	TRH C ₁₅ -C ₂₈	C ₂₉ -C ₃₆		Total C ₁₀ -C ₃₆	Benzene	Toluene	Ethyl benzene	Total Xylenes		
PQL - Envirolab Services	4	0.4	1	1	1	0.1	1	1	-	0.05	0.1	0.1	0.1	0.1	0.1	0.1	25	50	100	100	250	0.2	0.5	1	3	100		
General Solid Waste CT1 ¹	100	20	100	NSL	100	4	40	NSL	200	0.8	60	4	250	<50	<50	<50	650	NSL	NSL	10,000	10	288	600	1,000	-			
General Solid Waste SCC1 ¹	500	100	1900	NSL	1500	50	1050	NSL	200	10	108	7.5	250	<50	<50	<50	650	NSL	NSL	10,000	18	518	1,080	1,800	-			
Restricted Solid Waste CT2 ¹	400	80	400	NSL	400	16	160	NSL	800	3.2	240	16	1000	<50	<50	<50	2600	NSL	NSL	40,000	40	1,152	2,400	4,000	-			
Restricted Solid Waste SCC2 ¹	2000	400	7600	NSL	6000	200	4200	NSL	800	23	432	30	1000	<50	<50	<50	2600	NSL	NSL	40,000	72	2,073	4,320	7,200	-			
Sample Reference	Sample Depth	Sample Description																										
BH1	0.0-0.1	Fill: silty sand										6	LPQL	12	4	83	LPQL	1	26	0.34	0.07	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	Not detected
BH2	0.0-0.1	Fill:silty sand										LPQL	LPQL	3	5	40	LPQL	1	26	1.6	0.2	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	Not detected
BH2	0.5-0.7	Sand										LPQL	LPQL	1	LPQL	1	LPQL	LPQL	1	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	Not detected	
BH3	0.4-0.5	Fill: sand										LPQL	LPQL	3	8	650	LPQL	LPQL	150	17	1.3	LPQL	LPQL	LPQL	LPQL	LPQL	Not detected	
BH4	0.0-0.1	Fill: silty sand										LPQL	LPQL	5	11	170	LPQL	1	180	0.34	0.07	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	Not detected
Total Number of samples		5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5			
Maximum Value		6	LPQL	12	11	650	LPQL	1	180	17	1.3	LPQL	LPQL	LPQL	1.1	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL	LPQL			
Explanation: ¹ - NSW EPA Waste Classification Guidelines (2014) ² - Assessment of Total Moderately Harmful pesticides includes: Dichlorovos, Dimethoate, Fenitrothion, Ethion, Malathion and Parathion ³ - Assessment of Total Scheduled pesticides include: HBC, alpha-BHC, gamma-BHC, beta-BHC, Heptachlor, Aldrin, Heptachlor Epoxide, gamma-Chlordane, alpha-chlordane, pp-DDE, Dieldrin, Endrin, pp-DDD, pp-DDT, Endrin Aldehyde																												
<div>Concentration above the CT1</div> <div>Concentration above SCC1</div> <div>Concentration above the SCC2</div> <div>VALUE</div> <div>VALUE</div> <div>VALUE</div>																												
Abbreviations: PAHs: Polycyclic Aromatic Hydrocarbons B(a)P: Benzo(a)pyrene PQL: Practical Quantitation Limit LPQL: Less than PQL PID: Photoionisation Detector PCBs: Polychlorinated Biphenyls UCL: Upper Level Confidence Limit on Mean Value NA: Not Analysed NC: Not Calculated NSL: No Set Limit SAC: Site Assessment Criteria TRH: Total Recoverable Hydrocarbons CT: Contaminant Threshold SCC: Specific Contaminant Concentration HLLs: Health Investigation Levels NEPM: National Environmental Protection Measure BTEX: Monocyclic Aromatic Hydrocarbons																												

TABLE B				
SOIL LABORATORY TCLP RESULTS				
All data in mg/L unless stated otherwise				
			Lead	B(a)P
PQL - Envirolab Services			0.03	0.001
TCLP1 - General Solid Waste ¹			5	0.04
TCLP2 - Restricted Solid Waste ¹			20	0.16
TCLP3 - Hazardous Waste ¹			>20	>0.16
Sample Reference	Sample Depth	Sample Description		
BH3	0.4-0.5	Fill: sand	4.9	LPQL
BH4	0.0-0.1	Fill: silty sand	0.2	NA
Total Number of samples			2	1
Maximum Value			4.9	LPQL
<u>Explanation:</u>				
1 - NSW EPA Waste Classification Guidelines (2014)				
General Solid Waste			VALUE	
Restricted Solid Waste			VALUE	
Hazardous Waste			VALUE	
<u>Abbreviations:</u>				
PQL: Practical Quantitation Limit				
LPQL: Less than PQL				
B(a)P: Benzo(a)pyrene				
NC: Not Calculated				
NA: Not Analysed				
TCLP: Toxicity Characteristics Leaching Procedure				

TABLE C
SUMMARY OF LABORATORY RESULTS - ACID SULFATE SOILS ANALYSIS (sPOCAS)

		Analysis	pH _{KCL}	TAA	pH _{ox}	TPA	TSA	S _{POS}	Liming Rate
				pH 6.5		pH 6.5		%w/w	kg CaCO ₃ /tonne
Action Criteria ¹ :			pH 5.0	18molH+/ tonne	pH 5.0	18molH+/ tonne	18molH+/ tonne	0.03% w/w	
Sample Reference	Sample Depth (m)	Sample Description							
BH1	3.0-3.15	Sand, dark grey/grey	9.1	LPQL	7.5	LPQL	LPQL	0.21	<0.75
BH2	5.7-6.15	Sand, light brown	9.2	LPQL	7.1	LPQL	LPQL	0.04	<0.75
BH3	7.2-7.65	Silty sand, dark grey	5.1	6	2.5	180	180	0.28	14
BH4	7.2-7.65	Sand, grey	6.9	LPQL	2.6	170	170	0.31	13
Total Number of Samples			4	4	4	4	4	4	2
Minimum Value			5.1	6	2.5	170	170	0.04	13
Maximum Value			9.2	6	7.5	180	180	0.31	14

Explanation:

¹ The Action criteria have been adopted from the Acid Sulfate Soil Manual (1998).

Values Exceeding Action Criteria

VALUE

Abbreviations:

pH_{KCL} : pH of filtered 1:20, 1M KCL extract, shaken overnight
TAA pH 6.5 : Total Actual Acidity in 1M KCL extract titrated to pH6.5
pH_{ox} : pH filtered 1:20 1M KCl after peroxide digestion
TPA : Total Potential Acidity, 1M KCL peroxide digest titrated to pH6.5
TSA: Total Sulfide Acidity
S_{POS}: Peroxide oxidisable Sulfur (SP - SKCL)

Appendix A: Borehole Logs



Borehole No.

1

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
AFTER 15 HRS ON COMPLETION OF AUGERING										FILL: Silty sand, fine grained, brown, trace of roots and root fibres.	M			GRASS COVER
					N = 3 2,1,2		1		SP	SAND: fine to medium grained, light brown, trace of shell fragments.	M	VL		
							1				W			
					N = 8 2,4,4		0			as above, but grey.				
							2							
							-1							
					N = 2 0,0,2		3			SAND: fine to medium grained, dark grey, trace of silt and shell fragments.				SPT SUNK UNDER SELF WEIGHT
							-2							SLIGHT ORGANIC ODOUR
							4							
					N = 3 1,1,2		-3			SAND: fine to medium grained, grey.				
							5							
							-4					L		
					N = 6 2,2,4		6							
							-5							



Borehole No.

1

2 / 5

BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES			Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS									
								SP	SAND: fine to medium grained, grey.	W	MD		CASING ADVANCER
						-6							
						-8							
						-7							
						-9							
						-10							
						-11							
						-12							
						-13							
						-14							
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						-100							



Borehole No.

1

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13		SP	SAND: fine to medium grained, grey.	W	(L - MD)		
					N = 6 7,3,3		15		CH	SILTY CLAY: high plasticity, grey.	MC>PL	St	140 140	
							-14							
							16		SC / CL	CLAYEY SAND/SANDY CLAY: fine grained, light grey.	W	MD		
							-15							
							17							
							-16							
					N = 19 4,8,11		18							
							-17							
							19		SP	SAND: fine to medium grained, light grey, trace of shell fragments.		(MD) D		
							-18							
							20			as above, but trace of clay.				
							-19							
					N = 34 10,18,16									



Borehole No.

1

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
									SP	SAND: fine to medium grained, light grey, trace of shell fragments and clay.	W	D		
							-20							
							22							
									-	SANDSTONE: fine to medium grained, light grey.	SW	L		HIGH RESISTANCE
							-21			REFER TO CORED BOREHOLE LOG				
							23							
							-22							
							24							
							-23							
							25							
							-24							
							26							
							-25							
							27							
							-26							

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Borehole No.

1

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 0 **Core Size:** NMLC **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Loss Level Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX I _s (50)	DEFECT DETAILS	
								DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
							EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
	-20	22		START CORING AT 22.23m					
	-21	23		SANDSTONE: fine to medium grained, light grey, bedded at 5°.	SW	L			(22.80m) Be, 0°, P, S
				as above, but bedded at 0°.					(23.00m) J, 40°, P, R, XW INFILL
				CORE LOSS 0.07m	SW	M			(23.27m) CS, 0°, 2 mm.t
	-22	24		SANDSTONE: fine to medium grained, light grey, bedded at 0-5°.					(23.39m) CS, 0°, 20 mm.t
				SANDSTONE: fine to medium grained, light grey, orange brown and red brown, cross bedded at 20°.		H			(23.84m) CS, 0°, 20 mm.t
	-23	25							
	-24	26		END OF BOREHOLE AT 25.26 m					MONITORING WELL INSTALLED TO 8.49m, SLOTTED TO 5.5m TO 8.49m. SAND FILTER TO 4.8m. BENTONITE PLUG TO 0.7m. BACKFILLED TO SURFACE, COMPLETED WITH GATIC COVER
	-25	27							
	-26								



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
AFTER 14 HOURS							1		-	FILL: Silty sand, fine grained, grey brown, trace of root and root fibres.	M			GRASS COVER
					N = 3 2,1,2		1		SP	SAND: fine to medium grained, grey, trace of fine grained shell fragments.	M	VL		MARINE
							0				W			
					N = 2 2,1,1		2							
							-1							
					N = 2 0,1,1		3							
							-2							
					N = 4 2,1,3		-3					L		
							-4							
					N = 10 2,4,6		6			SAND: fine grained, light brown.				ORGANIC ODOUR
							-5			SAND: fine to medium grained, dark grey, trace of silt.				WASHBORING WITH CASING ADVANCER



Borehole No.
2
2 / 5

BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
					N = 7 3,3,4	-6				SAND: fine to medium grained, dark grey, trace of silt. (<i>continued</i>)	W	L		ORGANIC ODOUR TO 7.65m
							8							
					N = 15 3,6,9	-7						MD		
						9								
						-8								
						10								
						-9								
						11								
						-10				SAND: fine to medium grained, grey.		(MD - D)		
					N = 33 9,16,17	12						D		
						-11								
						13								
						-12								



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13			SAND: fine to medium grained, grey. (continued)	W	D		
							15							
					N = 38 17,28,10		-14							
							16		SC	CLAYEY SAND: fine to medium grained, light grey and yellow brown, trace of shell fragments.	W	(MD - D)		
							-15							
							17							
							-16							
							18					MD		
					N = 18 3,7,11		-17							
							19							
							-18							
							20							
							-19							



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-20			CLAYEY SAND: fine to medium grained, light grey.	W	MD		ATTEMPTED CORING BUT STOPPED DUE TO LOOSE MATERIAL (NOT ROCK)
							22							
							-21							
							23					(D)		HIGH CASING ADVANCER RESISTANCE
							-22							
							24							
							-23			REFER TO CORED BOREHOLE LOG				
							25							
							-24							
							26							
							-25							
							27							
							-26							

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Borehole No.

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 0 **Core Size:** NMLC **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Loss/Level	Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX I _s (50)	DEFECT DETAILS	
									DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
								EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
		-22								
			24		START CORING AT 24.04m					
		-23			CLAYEY SAND: fine to medium grained, grey.		(D)			
					SANDSTONE: fine to coarse grained, light grey.	SW	L			(24.44m) XWS, 0°, 5 mm.t
					SANDSTONE: fine to coarse grained, light grey, orange brown and red brown, trace of fine grained quartz gravel, cross bedded at 20°.		H			(25.10m) Be, 20°, P, S, CLAY INFILL
		-25								(26.03m) Be, 20°, P, S, CLAY INFILL
			26		END OF BOREHOLE AT 26.60 m					
		-26								
			27							
		-27								
			28							
		-28								
			29							

Borehole No.

3

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
					REFER TO EFCP TEST RESULTS				-	FILL: Silty sand, fine grained, brown, trace of roots and root fibres. FILL: Sand, fine to medium grained, grey brown, trace of fine grained sandstone gravel. SAND: fine to medium grained, grey.	M			GRASS COVER
							1		SP		M	VL - L		MARINE
							1				W			
							0							
							2							
							-1							
							3							
							-2					L - MD		CASING ADVANCER
							4							
							-3							
							5							
							-4							
							6							
							-5					MD		



Borehole No.

3

2 / 5

BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
					N = 14 3,6,8		-6		SM	SILTY SAND: fine grained, dark grey.	W	MD		CASING ADVANCER
							8		SP	SAND: fine grained, grey, with silt.				CUTTING HEAD CLEAN
					N = 11 1,4,7		-7							
							9					MD - D		LITTLE TO NO CHANGE IN FLUSH RETURN TO 14.7m DEPTH
							-8							
							10							
							-9							
							11							
							-10					D - VD		
							12							
							-11							
							13					VL - L		
							-12					MD - D		
												VD		

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13		SP	SAND: fine grained, grey, with silt. (continued)	W	D - VD		LITTLE TO NO CHANGE IN FLUSH RETURN TO 14.7m DEPTH
							15							
							-14		CH	SILTY CLAY: high plasticity, grey, with fine grained sand.	MC>PL	F - St	90 70	CLAY RETURNED IN WATER FLUSH
					N = 6 2,3,3		16							
							-15			as above, but red brown.		H		BROWN WATER FLUSH TO 16.8m DEPTH
							17		SC	CLAYEY SAND: fine to medium grained, light grey mottled yellow brown.	W	MD		
							-16							
					N = 13 3,4,9		18							
							-17							
							19							
							-18							
							20		SP	SAND: fine to medium grained, light grey, trace of clay.		D		OBSERVATION BASED ON DRILLING RESISTANCE TO 20.7m DEPTH
							-19							

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW



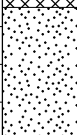
Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-20		SP	SAND: fine to medium grained, light grey, trace of clay. <i>(continued)</i>	W	D		
							22							
							-21							
							23		-	SANDSTONE: fine to medium grained, light grey.	SW	M		
							-22			REFER TO CORED BOREHOLE LOG				NOTE THAT SOIL STRENGTHS HAVE BEEN INTERPOLATED WITH REFERENCE TO ADJACENT EFCP TEST
							24							
							-23							
							25							
							-24							
							26							
							-25							
							27							
							-26							

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Client: HELM PTY LTD												
Project: PROPOSED RESIDENTIAL DEVELOPMENT												
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW												
Job No.: 0												
Core Size: NMLC												
R.L. Surface: ~1.6 m												
Date: 5/5/16												
Inclination: VERTICAL												
Datum: AHD												
Plant Type: JK308												
Bearing: N/A												
Logged/Checked By: A.B./P.S.												
CORE DESCRIPTION												
Rock Type, grain characteristics, colour, structure, minor components.												
Weathering												
Strength												
POINT LOAD STRENGTH INDEX I _s (50)												
DEFECT DETAILS												
DESCRIPTION												
Type, inclination, thickness, planarity, roughness, coating.												
Specific												
General												
Water Loss Level												
Barrel Lift												
RL (m AHD)												
Depth (m)												
Graphic Log												
START CORING AT 23.16m												
SANDSTONE: fine to medium grained, light grey, bedded at 5-10°.												
as above, but bedded at 0-5°.												
SANDSTONE: fine to medium grained, light grey, orange brown and red brown, cross bedded at 15-20°.												
SANDSTONE: fine to medium grained, light grey with brown and grey bands, bedded at 15°.												
END OF BOREHOLE AT 26.10 m												
-21												
23												
-22												
24												
-23												
25												
-24												
26												
-25												
27												
-26												
28												
-27												

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Client: HELM PTY LTD														
Project: PROPOSED RESIDENTIAL DEVELOPMENT														
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW														
Job No.: 29353S				Method: SPIRAL AUGER & CASING ADVANCER				R.L. Surface: ~1.6 m						
Date: 2/5/16				Datum: AHD										
Plant Type: JK308				Logged/Checked By: A.B./P.S.										
Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
										FILL: Silty sand, fine grained, grey brown.	M			GRASS COVER
					N = 4 2,1,3	1			SP	SAND: fine to medium grained, light brown.	M	VL		APPEARS POORLY COMPACTED
						1				SAND: fine to medium grained, grey and grey brown, trace of organic material, roots and shell fragments.	W			MARINE
					N = 6 2,2,4	0								
						2								
					N = 3 0,0,3	-1								
						3								
						-2								
					N = 3 1,1,2	-3								
						5								
					-4									
				N = 3 1,1,2	-6									WASHBORING WITH CASING ADVANCER
					-5									



Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES			Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS									
									SAND: fine to medium grained, grey.	W	MD		SLIGHT ORGANIC ODOUR
						-6							
						-8							
						-7							
						-9							
						-8							
						-10							
						-9			as above, but light grey.				
						-11							
						-10					D		
						-12							
						-11							
						-13							
						-12			SAND: fine to medium grained, dark grey, trace of silt.		L		

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13			SAND: fine to medium grained, dark grey, trace of silt. <i>(continued)</i>	W	L		SLIGHT ORGANIC ODOUR
							15			SAND: fine to medium grained, light grey and grey.		D		
					N = 40 15,28,12		-14							
							16		SC	CLAYEY SAND/SANDY CLAY: fine to medium grained, light grey and yellow brown.				
							-15							
							17							PUSH - NO MOVEMENT
							-16					(L)		ASSESSMENT BASED ON PENETRATION RATE
							18							
							-17							
							19							
							-18							
							20							
							-19					(D)		PENETRATION RATE SLOWED AND CHAIN TIGHTENED

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-20		SC	CLAYEY SAND/SANDY CLAY: fine to medium grained, light grey and yellow brown. (continued)	W	(D)		PENETRATION RATE SLOWED AND CHAIN TIGHTENED
							22		-	SANDSTONE: fine to medium grained, light grey.	DW	M		
							-21			REFER TO CORED BOREHOLE LOG				
							23							
							-22							
							24							
							-23							
							25							
							-24							
							26							
							-25							
							27							
							-26							

Borehole No.

4

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 0 **Core Size:** NMLC **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Loss/Level	Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX $I_p(50)$	DEFECT DETAILS	
									DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
								EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
		-20	22		START CORING AT 22.49m					
		-21	23		SANDSTONE: fine to coarse grained, light grey, bedded at 0-5°.	FR	M			— (22.60m) Be, 5°, P, R, CLAY INFILL
		-22	24		SANDSTONE: fine to medium grained, light grey, orange brown and red brown, cross bedded at 15°-20°.	SW	H			— (24.63m) CS, 0°, 25 mm.t
		-23	25							— (25.18m) Be, 2°, P, R, CLAY INFILL
		-24	26		END OF BOREHOLE AT 25.50 m					MONITORING WELL INSTALLED TO 8m. BENTONITE FROM 0.1m TO 0.5m. FINISHED WITH CONCRETE ENCASED GATIC COVER
		-25	27							
		-26								

EXPLANATORY NOTES – ENVIRONMENTAL LOGS

INTRODUCTION

These notes have been provided to supplement the environmental report with regards to drilling and field logging. Not all notes are necessarily relevant to all reports. Where geotechnical borehole logs are utilised for environmental purpose, reference should also be made to the explanatory notes included in the geotechnical report. Environmental logs are not suitable for geotechnical purposes.

The ground is a product of continuing natural and manmade processes and therefore exhibits a variety of characteristics and properties which vary from place to place and can change with time. Environmental studies involve gathering and assimilating limited facts about these characteristics and properties in order to understand the ground on a particular site under certain conditions. These conditions are directly relevant only to the ground at the place where, and time when, the investigation was carried out.

DESCRIPTION AND CLASSIFICATION METHODS

The methods of description and classification of soils and rocks used in this report are based on Australian Standard 1726, the SAA Site Investigation Code. In general, descriptions cover the following properties – soil or rock type, colour, structure, strength or density, and inclusions. Identification and classification of soil and rock involves judgement and the Company infers accuracy only to the extent that is common in current geotechnical practice.

Soil types are described according to the predominating particle size and behaviour as set out in the attached Unified Soil Classification Table qualified by the grading of other particles present (e.g. sandy clay) as set out below (note that unless stated in the report, the soil classification is based on a qualitative field assessment, not laboratory testing):

Soil Classification	Particle Size
Clay	less than 0.002mm
Silt	0.002 to 0.075mm
Sand	0.075 to 2mm
Gravel	2 to 60mm

Non-cohesive soils are classified on the basis of relative density, generally from the results of Standard Penetration Test (SPT) as below:

Relative Density	SPT 'N' Value (blows/300mm)
Very loose	less than 4
Loose	4 – 10
Medium dense	10 – 30
Dense	30 – 50
Very Dense	greater than 50

Cohesive soils are classified on the basis of strength (consistency) either by use of hand penetrometer, laboratory testing or engineering examination. The strength terms are defined as shown in the following table:

Classification	Unconfined Compressive Strength kPa
Very Soft	less than 25
Soft	25 – 50
Firm	50 – 100
Stiff	100 – 200
Very Stiff	200 – 400
Hard	Greater than 400
Friable	Strength not attainable – soil crumbles

Rock types are classified by their geological names, together with descriptive terms regarding weathering, strength, defects, etc. Where relevant, further information regarding rock classification is given in the text of the report. In the Sydney Basin, 'Shale' is used to describe thinly bedded to laminated siltstone.

DRILLING OR EXCAVATION METHODS

The following is a brief summary of drilling and excavation methods currently adopted by the Company, and some comments on their use and application. All except test pits and hand auger drilling require the use of a mechanical drilling rig.

Test Pits: These are normally excavated with a backhoe or a tracked excavator, allowing close examination of the in-situ soils if it is safe to descend into the pit. The depth of penetration is limited to approximately 3m for a backhoe and up to 6m for an excavator. Limitations of test pits include problems associated with disturbance and difficulty of reinstatement; and the consequent effects on nearby structures. Care must be taken if construction is to be carried out near test pit locations to either properly re-compact the backfill during construction, or to design and construct the structure so as not to be adversely affected by poorly compacted backfill at the test pit location.

Hand Auger Drilling: A borehole of 50mm to 100mm diameter is advanced by manually operated equipment. Premature refusal of the hand augers can occur on a variety of materials such as fill, hard clay, gravel or ironstone, and does not necessarily indicate rock level.

Continuous Spiral Flight Augers: The borehole is advanced using 75mm to 115mm diameter continuous spiral flight augers, which are withdrawn at intervals to allow sampling and in-situ testing. This is a relatively economical means of drilling in clays and in sands above the water table. Samples are returned to the surface by the flights or may be collected after withdrawal of the auger flights, but they can be very disturbed and layers may become mixed. Information from the auger sampling (as distinct from specific sampling by SPTs or undisturbed samples) is of relatively lower reliability due to mixing or softening of samples by groundwater, or uncertainties as to the original depth of the samples. Augering below the groundwater table is of even lesser reliability than augering above the water table.

Rock Augering: Use can be made of a Tungsten Carbide (TC) bit for auger drilling into rock to indicate rock quality and continuity by variation in drilling resistance and from examination of recovered rock fragments. This method of investigation is quick and relatively inexpensive but provides only an indication of the likely rock strength and predicted values may be in error by a strength order. Where rock strengths may have a significant impact on construction feasibility or costs, then further investigation by means of cored boreholes may be warranted.

Wash Boring: The borehole is usually advanced by a rotary bit, with water being pumped down the drill rods and returned up the annulus, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from "feel" and rate of penetration.

Mud Stabilised Drilling: Either Wash Boring or Continuous Core Drilling can use drilling mud as a circulating fluid to stabilise the borehole. The term ‘mud’ encompasses a range of products ranging from bentonite to polymers such as Revert or Biogel. The mud tends to mask the cuttings and reliable identification is only possible from intermittent intact sampling (e.g. from SPT and U50 samples) or from rock coring, etc.

Continuous Core Drilling: A continuous core sample is obtained using a diamond tipped core barrel. Provided full core recovery is achieved (which is not always possible in very low strength rocks and granular soils), this technique provides a very reliable (but relatively expensive) method of investigation. In rocks, an NMLC triple tube core barrel, which gives a core of about 50mm diameter, is usually used with water flush. The length of core recovered is compared to the length drilled and any length not recovered is shown as CORE LOSS. The locations of losses are determined on site by the supervising engineer; where the location is uncertain, the loss is placed at the top end of the drill run.

Standard Penetration Tests: Standard Penetration Tests (SPT) are used mainly in non-cohesive soils, but can also be used in cohesive soils as a means of indicating density or strength and also of obtaining a relatively undisturbed sample. The test procedure is described in Australian Standard 1289, “Methods of Testing Soils for Engineering Purposes” – Test F3.1.

The test is carried out in a borehole by driving a 50mm diameter split sample tube with a tapered shoe, under the impact of a 63kg hammer with a free fall of 760mm. It is normal for the tube to be driven in three successive 150mm increments and the ‘N’ value is taken as the number of blows for the last 300mm. In dense sands, very hard clays or weak rock, the full 450mm penetration may not be practicable and the test is discontinued.

The test results are reported in the following form:

- In the case where full penetration is obtained with successive blow counts for each 150mm of, say, 4, 6 and 7 blows, as: $N = 13 (4, 6, 7)$
- In a case where the test is discontinued short of full penetration, say after 15 blows for the first 150mm and 30 blows for the next 40mm, as: $N > 30 (15, 30/40\text{mm})$

The results of the test can be related empirically to the engineering properties of the soil. Occasionally, the drop hammer is used to drive 50mm diameter thin walled sample tubes (U50) in clays. In such circumstances, the test results are shown on the borehole logs in brackets.

A modification to the SPT test is where the same driving system is used with a solid 60 tipped steel cone of the same diameter as the SPT hollow sampler. The solid cone can be continuously driven for some distance in soft clays or loose sands, or may be used where damage would otherwise occur to the SPT. The results of this Solid Cone Penetration Test (SCPT) are shown as “Nc” on the borehole logs, together with the number of blows per 150mm penetration.

LOGS

The borehole or test pit logs presented herein are an interpretation of the subsurface conditions, and their reliability will depend to some extent on the frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will enable the most reliable assessment, but is not always practicable or possible to justify on economic grounds. In any case, the boreholes or test pits represent only a very small sample of the total subsurface conditions.

The attached explanatory notes define the terms and symbols used in preparation of the logs.

Interpretation of the information shown on the logs, and its application to design and construction, should therefore take into account the spacing of boreholes or test pits, the method of drilling or excavation, the frequency of sampling and testing and the possibility of other than “straight line”

variations between the boreholes or test pits. Subsurface conditions between boreholes or test pits may vary significantly from conditions encountered at the borehole or test pit locations.

GROUNDWATER

Where groundwater levels are measured in boreholes, there are several potential problems:

- Although groundwater may be present, in low permeability soils it may enter the hole slowly or perhaps not at all during the time it is left open;
- A localised perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes and may not be the same at the time of construction; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must be washed out of the hole or 'reverted' chemically if water observations are to be made.

More reliable measurements can be made by installing standpipes which are read after stabilising at intervals ranging from several days to perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from perched water tables or surface water.

FILL

The presence of fill materials can often be determined only by the inclusion of foreign objects (e.g. bricks, concrete, plastic, slag/ash, steel etc) or by distinctly unusual colour, texture or fabric. Identification of the extent of fill materials will also depend on investigation methods and frequency. Where natural soils similar to those at the site are used for fill, it may be difficult with limited testing and sampling to reliably determine the extent of the fill.

The presence of fill materials is usually regarded with caution as the possible variation in density, strength and material type is much greater than with natural soil deposits. If the volume and quality of fill is of importance to a project, then frequent test pit excavations are preferable to boreholes


































LABORATORY TESTING

Laboratory testing has not been undertaken to confirm the soil classifications and rocks strengths indicated on the environmental logs unless noted in the report.

SITE ANOMALIES

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, EIS should be notified immediately.

GRAPHIC LOG SYMBOLS FOR SOIL AND ROCKS

SOIL	ROCK	DEFECTS AND INCLUSIONS
 FILL	 CONGLOMERATE	 CLAY SEAM
 TOPSOIL	 SANDSTONE	 SHEARED OR CRUSHED SEAM
 CLAY (CL, CH)	 SHALE	 BRECCIATED OR SHATTERED SEAM/ZONE
 SILT (ML, MH)	 SILTSTONE, MUDSTONE, CLAYSTONE	 IRONSTONE GRAVEL
 SAND (SP, SW)	 LIMESTONE	 ORGANIC MATERIAL
 GRAVEL (GP, GW)	 PHYLLITE, SCHIST	
 SANDY CLAY (CL, CH)	 TUFF	
 SILTY CLAY (CL, CH)	 GRANITE, GABBRO	
 CLAYEY SAND (SC)	 DOLERITE, DIORITE	
 SILTY SAND (SM)	 BASALT, ANDESITE	
 GRAVELLY CLAY (CL, CH)	 QUARTZITE	
 CLAYEY GRAVEL (GC)		
 SANDY SILT (ML)		
 PEAT AND ORGANIC SOILS		
		OTHER MATERIALS
		 CONCRETE
		 BITUMINOUS CONCRETE, COAL
		 COLLUVIUM

Field Identification Procedures (Excluding particles larger than 75 µm and basing fractions on estimated weights)				Group Symbols	Typical Names	Information Required for Describing Soils	Use grain size curve in identifying the fractions as given under field identification	Laboratory Classification Criteria
Gravels More than half of coarse fraction is larger than 4 mm sieve size	Clean gravels (little or no fines)	Wide range in grain size and substantial amounts of all intermediate particle sizes	GW					
Sands More than half of coarse fraction is smaller than 4 mm sieve size	Gravels with fines (appreciable amount of fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	GP					
	Clean sands (little or no fines)	Nonplastic fines (for identification procedures see <i>ML</i> below)	GM					
	Sands with fines (appreciable amount of fines)	Plastic fines (for identification procedures, see <i>CL</i> below)	GC					
		Wide range in grain sizes and substantial amounts of all intermediate particle sizes	SW					
Identification Procedures on Fraction Smaller than 380 µm Sieve Size	Clean sands (little or no fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	SP					
	Sands with fines (appreciable amount of fines)	Nonplastic fines (for identification procedures, see <i>ML</i> below)	SM					
	Silt and clays Liquid limit less than 50	Plastic fines (for identification procedures, see <i>CL</i> below)	SC					
		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity	Give typical name; indicate degree and character of plasticity, amount and maximum size of coarse grains; colour in wet condition, odour if any, local or geologic name, and other pertinent descriptive information, and symbol in parentheses				
Silt and clays Liquid limit greater than 50	CL	Inorganic clays of low to medium plasticity, gravelly silts, silty clays, lean clays	CL					
	OL	Organic silts and organic silts of low plasticity	For undisturbed soils add information on structure, stratification, consistency in undisturbed and remoulded states, moisture and drainage conditions					
	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	Example: Clayey silt, brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; (<i>ML</i>)					
	CH	Inorganic clays of high plasticity, fat clays						
Highly Organic Soils	OH	Organic clays of medium to high plasticity						
	Pt	Peat and other highly organic soils						

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	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	Example: Clayey silt, brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; (<i>ML</i>)			
	CH	Inorganic clays of high plasticity, fat clays				
Highly Organic Soils	OH	Organic clays of medium to high plasticity				
	Pt	Peat and other highly organic soils				

Field Identification Procedures (Excluding particles larger than 75 µm and basing fractions on estimated weights)		Group Symbols	Typical Names	Information Required for Describing Soils	Use grain size curve in identifying the fractions as given under field identification	Laboratory Classification Criteria
Gravels More than half of coarse fraction is larger than 4 mm sieve size	Clean gravels (little or no fines)					
Sands More than half of coarse fraction is smaller than 4 mm sieve size	Gravels with fines (appreciable amount of fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	GP			
	Clean sands (little or no fines)	Nonplastic fines (for identification procedures see <i>ML</i> below)	GM			
	Sands with fines (appreciable amount of fines)	Plastic fines (for identification procedures, see <i>CL</i> below)	GC			
		Wide range in grain sizes and substantial amounts of all intermediate particle sizes	SW			
Identification Procedures on Fraction Smaller than 380 µm Sieve Size	Clean sands (little or no fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	SP			
	Sands with fines (appreciable amount of fines)	Nonplastic fines (for identification procedures, see <i>ML</i> below)	SM			
	Silt and clays Liquid limit less than 50	Plastic fines (for identification procedures, see <i>CL</i> below)	SC			
		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity	Give typical name; indicate degree and character of plasticity, amount and maximum size of coarse grains; colour in wet condition, odour if any, local or geologic name, and other pertinent descriptive information, and symbol in parentheses		
Silt and clays Liquid limit greater than 50	CL	Inorganic clays of low to medium plasticity, gravelly silts, silty clays, lean clays	CL			
	OL	Organic silts and organic silts of low plasticity	For undisturbed soils add information on structure, stratification, consistency in undisturbed and remoulded states, moisture and drainage conditions			
	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	Example: Clayey silt, brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; (<i>ML</i>)			
	CH	Inorganic clays of high plasticity, fat clays				
Highly Organic Soils	OH	Organic clays of medium to high plasticity				
	Pt	Peat and other highly organic soils				




Field Identification Procedures (Excluding particles larger than 75 µm and basing fractions on estimated weights)		Group Symbols	Typical Names	Information Required for Describing Soils	Use grain size curve in identifying the fractions as given under field identification	Laboratory Classification Criteria
Gravels More than half of coarse fraction is larger than 4 mm sieve size	Clean gravels (little or no fines)					
Sands More than half of coarse fraction is smaller than 4 mm sieve size	Gravels with fines (appreciable amount of fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	GP			
	Clean sands (little or no fines)	Nonplastic fines (for identification procedures see <i>ML</i> below)	GM			
	Sands with fines (appreciable amount of fines)	Plastic fines (for identification procedures, see <i>CL</i> below)	GC			
		Wide range in grain sizes and substantial amounts of all intermediate particle sizes	SW			
Identification Procedures on Fraction Smaller than 380 µm Sieve Size	Clean sands (little or no fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	SP			
	Sands with fines (appreciable amount of fines)	Nonplastic fines (for identification procedures, see <i>ML</i> below)	SM			
	Silt and clays Liquid limit less than 50	Plastic fines (for identification procedures, see <i>CL</i> below)	SC			
		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity	Give typical name; indicate degree and character of plasticity, amount and maximum size of coarse grains; colour in wet condition, odour if any, local or geologic name, and other pertinent descriptive information, and symbol in parentheses		
Silt and clays Liquid limit greater than 50	CL	Inorganic clays of low to medium plasticity, gravelly silts, silty clays, lean clays	CL			
	OL	Organic silts and organic silts of low plasticity	For undisturbed soils add information on structure, stratification, consistency in undisturbed and remoulded states, moisture and drainage conditions			
	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	Example: Clayey silt, brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; (<i>ML</i>)			
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Highly Organic Soils	OH	Organic clays of medium to high plasticity				
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Sands More than half of coarse fraction is smaller than 4 mm sieve size	Gravels with fines (appreciable amount of fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	GP			
	Clean sands (little or no fines)	Nonplastic fines (for identification procedures see <i>ML</i> below)	GM			
	Sands with fines (appreciable amount of fines)	Plastic fines (for identification procedures, see <i>CL</i> below)	GC			
		Wide range in grain sizes and substantial amounts of all intermediate particle sizes	SW			
Identification Procedures on Fraction Smaller than 380 µm Sieve Size	Clean sands (little or no fines)	Predominantly one size or a range of sizes with some intermediate sizes missing	SP			
	Sands with fines (appreciable amount of fines)	Nonplastic fines (for identification procedures, see <i>ML</i> below)	SM			
	Silt and clays Liquid limit less than 50	Plastic fines (for identification procedures, see <i>CL</i> below)	SC			
		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity	Give typical name; indicate degree and character of plasticity, amount and maximum size of coarse grains; colour in wet condition, odour if any, local or geologic name, and other pertinent descriptive information, and symbol in parentheses		
Silt and clays Liquid limit greater than 50	CL	Inorganic clays of low to medium plasticity, gravelly silts, silty clays, lean clays	CL			
	OL	Organic silts and organic silts of low plasticity	For undisturbed soils add information on structure, stratification, consistency in undisturbed and remoulded states, moisture and drainage conditions			
	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	Example: Clayey silt, brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; (<i>ML</i>)			
	CH	Inorganic clays of high plasticity, fat clays				
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Field Identification Procedures (Excluding particles larger than 75 µm and basing fractions on estimated weights)		Group Symbols	Typical Names	Information Required for Describing Soils	Use grain size curve in identifying the fractions as given under field identification	Laboratory Classification Criteria
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	Clean sands (little or no fines)	Nonplastic fines (for identification procedures see <i>ML</i> below)	GM			
	Sands with fines (appreciable amount of fines)	Plastic fines (for identification procedures, see				

Note: 1 Soils possessing characteristics of two groups are designated by combinations of group symbols (eg. GW-GC, well graded gravel-sand mixture with clay fines).
2 Soils with liquid limits of the order of 35 to 50 may be visually classified as being of medium plasticity.

LOG SYMBOLS

LOG COLUMN	SYMBOL		DEFINITION
Groundwater Record			Standing water level. Time delay following completion of drilling may be shown.
			Extent of borehole collapse shortly after drilling.
			Groundwater seepage into borehole or excavation noted during drilling or excavation.
Samples	ES		Soil sample taken over depth indicated, for environmental analysis.
	U50		Undisturbed 50mm diameter tube sample taken over depth indicated.
	DB		Bulk disturbed sample taken over depth indicated.
	DS		Small disturbed bag sample taken over depth indicated.
	ASB		Soil sample taken over depth indicated, for asbestos screening.
	ASS		Soil sample taken over depth indicated, for acid sulfate soil analysis.
	SAL		Soil sample taken over depth indicated, for salinity analysis.
Field Tests	N = 17 4, 7, 10		Standard Penetration Test (SPT) performed between depths indicated by lines. Individual show blows per 150mm penetration. 'R' as noted below.
	N _c =	5	Solid Cone Penetration Test (SCPT) performed between depths indicated by lines. Individual figures show blows per 150mm penetration for 60 degree solid cone driven by SPT hammer. 'R' refers to apparent hammer refusal within the corresponding 150mm depth increment.
		7	
		3 R	
VNS = 25 PID = 100		Vane shear reading in kPa of Undrained Shear Strength. Photoionisation detector reading in ppm (Soil sample heads pace test).	
Moisture (Cohesive Soils) (Cohesionless)	MC > PL MC ≈ PL MC < PL D M W	Moisture content estimated to be greater than plastic limit. Moisture content estimated to be approximately equal to plastic limit. Moisture content estimated to be less than plastic limit. DRY – Runs freely through fingers. MOIST – Does not run freely but no free water visible on soil surface. WET – Free water visible on soil surface.	
Strength (Consistency) Cohesive Soils	VS S F St VSt H ()	VERY SOFT – Unconfined compressive strength less than 25kPa SOFT – Unconfined compressive strength 25-50kPa FIRM – Unconfined compressive strength 50-100kPa STIFF – Unconfined compressive strength 100- 200kPa VERY STIFF – Unconfined compressive strength 200- 400kPa HARD – Unconfined compressive strength greater than 400kPa Bracketed symbol indicates estimated consistency based on tactile examination or other tests.	
Density Index/ Relative Density (Cohesionless Soils)	VL L MD D VD ()	Density Index (ID) Range (%) Very Loose < 15 Loose 15-35 Medium Dense 35-65 Dense 65-85 Very Dense > 85 Bracketed symbol indicates estimated density based on ease of drilling or other tests.	
Hand Penetrometer Readings	300 250	Numbers indicate individual test results in kPa on representative undisturbed material unless noted otherwise	
Remarks	'V' bit 'TC' bit T ₆₀	Hardened steel 'V' shaped bit. Tungsten carbide wing bit. Penetration of auger string in mm under static load of rig applied by drill head hydraulics without rotation of augers.	

LOG SYMBOLS CONTINUED

ROCK STRENGTH

Rock strength is defined by the Point Load Strength Index (Is 50) and refers to the strength of the rock substance in the bedding. The test procedure is described by the International Journal of Rock Mechanics, Mining and Geomechanics Abstract Volume 22, No 2, 1985.

TERM	SYMBOL	Is (50) MPa	FIELD GUIDE
Extremely Low:	EL	0.03	Easily remoulded by hand to a material with soil properties.
Very Low:	VL	0.1	May be crumbled in the hand. Sandstone is "sugary" and friable.
Low:	L	0.3	A piece of core 150 mm long x 50mm dia. may be broken by hand and easily scored with a knife. Sharp edges of core may be friable and break during handling.
Medium Strength:	M	1	A piece of core 150 mm long x 50mm dia. can be broken by hand with difficulty. Readily scored with knife.
High:	H	3	A piece of core 150 mm long x 50mm dia. core cannot be broken by hand, can be slightly scratched or scored with knife; rock rings under hammer.
Very High:	VH	10	A piece of core 150 mm long x 50mm dia. may be broken with hand-held pick after more than one blow. Cannot be scratched with pen knife; rock rings under hammer.
Extremely High:	EH		A piece of core 150 mm long x 50mm dia. is very difficult to break with hand-held hammer. Rings when struck with a hammer.

ROCK STRENGTH

ABBREVIATION	DESCRIPTION	NOTES
Be	Bedding Plane Parting	Defect orientations measured relative to the normal to (i.e. relative to horizontal for vertical holes)
CS	Clay Seam	
J	Joint	
P	Planar	
Un	Undulating	
S	Smooth	
R	Rough	
IS	Iron stained	
XWS	Extremely Weathered Seam	
Cr	Crushed Seam	
60t	Thickness of defect in millimetres	

Appendix B: Laboratory Reports and COC Documents

ERS

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SAMPLE RECEIPT ADVICE

Client Details	
Client	Environmental Investigation Services
Attention	Rob Muller

Sample Login Details	
Your Reference	E29353KM, Dolls Point
Envirolab Reference	146263
Date Sample Received	09/05/2016
Date Instructions Received	09/05/2016
Date Results Expected to be Reported	16/05/2016

Sample Condition	
Samples received in appropriate condition for analysis	YES
No. of Samples Provided	9 Soils
Turnaround Time Requested	Standard
Temperature on receipt (°C)	3.7
Cooling Method	Ice Pack
Sampling Date Provided	YES

Comments
Samples will be held for 1 month for water samples and 2 months for soil samples from date of receipt of samples

Please direct any queries to:

Aileen Hie	Jacinta Hurst
Phone: 02 9910 6200	Phone: 02 9910 6200
Fax: 02 9910 6201	Fax: 02 9910 6201
Email: ahie@envirolabservices.com.au	Email: jhurst@envirolabservices.com.au

Sample and Testing Details on following page

<i>Sample Id</i>	<i>VTRH(C6- C10)/BTEXN in Soil</i>	<i>svTRH (C10-C40) in Soil</i>	<i>PAHs in Soil</i>	<i>Organochlorine Pesticides in soil</i>	<i>Organophosphorus Pesticides</i>	<i>PCBs in Soil</i>	<i>Acid Extractable metals in soil</i>	<i>Asbestos ID - soils</i>	<i>sPOCAS</i>
BH1-0.0-0.1	✓	✓	✓	✓	✓	✓	✓	✓	
BH2-0.0-0.1	✓	✓	✓	✓	✓	✓	✓	✓	
BH2-0.5-0.7	✓	✓	✓	✓	✓	✓	✓	✓	
BH3-0.4-0.5	✓	✓	✓	✓	✓	✓	✓	✓	
BH4-0.0-0.1	✓	✓	✓	✓	✓	✓	✓	✓	
BH1-3.0-3.15									✓
BH2-5.7-6.15									✓
BH3-7.2-7.65									✓
BH4-7.2-7.65									✓



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email: sydney@envirolab.com.au
envirolab.com.au

Envirolab Services Pty Ltd - Sydney | ABN 37 112 535 645

CERTIFICATE OF ANALYSIS

146263

Client:

Environmental Investigation Services

PO Box 976

North Ryde BC

NSW 1670

Attention: Rob Muller

Sample log in details:

Your Reference:

E29353KM, Dolls Point

No. of samples:

9 Soils

Date samples received / completed instructions received

9/5/2016

/ 9/5/2016

Analysis Details:

Please refer to the following pages for results, methodology summary and quality control data.

Samples were analysed as received from the client. Results relate specifically to the samples as received.

Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Please refer to the last page of this report for any comments relating to the results.

Report Details:

Date results requested by: / Issue Date:

16/05/16

/

16/05/16

Date of Preliminary Report:

Not Issued

NATA accreditation number 2901. This document shall not be reproduced except in full.

Accredited for compliance with ISO/IEC 17025.

Tests not covered by NATA are denoted with *.

Results Approved By:


Jacinta Hurst
Laboratory Manager

Envirolab Reference: 146263

Revision No: R 00



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vTRH(C6-C10)/BTEXN in Soil						
Our Reference:	UNITS	146263-1	146263-2	146263-3	146263-4	146263-5
Your Reference	-----	BH1	BH2	BH2	BH3	BH4
Depth	-					
Date Sampled	-----	0.0-0.1	0.0-0.1	0.5-0.7	0.4-0.5	0.0-0.1
Type of sample		4/05/2016	3/05/2016	3/05/2016	5/05/2016	2/05/2016
		Soil	Soil	Soil	Soil	Soil
Date extracted	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	12/05/2016	12/05/2016	12/05/2016	13/05/2016	13/05/2016
TRHC ₆ - C ₉	mg/kg	<25	<25	<25	<25	<25
TRHC ₆ - C ₁₀	mg/kg	<25	<25	<25	<25	<25
vTPHC ₆ - C ₁₀ less BTEX (F1)	mg/kg	<25	<25	<25	<25	<25
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2	<2
o-Xylene	mg/kg	<1	<1	<1	<1	<1
naphthalene	mg/kg	<1	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	89	90	87	91	91

svTRH (C10-C40) in Soil Our Reference: Your Reference Depth Date Sampled Type of sample	UNITS ----- - -----	146263-1 BH1 0.0-0.1 4/05/2016 Soil	146263-2 BH2 0.0-0.1 3/05/2016 Soil	146263-3 BH2 0.5-0.7 3/05/2016 Soil	146263-4 BH3 0.4-0.5 5/05/2016 Soil	146263-5 BH4 0.0-0.1 2/05/2016 Soil
Date extracted	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	11/05/2016	11/05/2016	11/05/2016	11/05/2016	11/05/2016
TRHC ₁₀ - C ₁₄	mg/kg	<50	<50	<50	<50	<50
TRHC ₁₅ - C ₂₈	mg/kg	<100	<100	<100	<100	<100
TRHC ₂₉ - C ₃₆	mg/kg	<100	<100	<100	<100	<100
TRH>C ₁₀ -C ₁₆	mg/kg	<50	<50	<50	<50	<50
TRH>C ₁₀ - C ₁₆ less Naphthalene (F2)	mg/kg	<50	<50	<50	<50	<50
TRH>C ₁₆ -C ₃₄	mg/kg	<100	<100	<100	<100	<100
TRH>C ₃₄ -C ₄₀	mg/kg	<100	<100	<100	<100	<100
Surrogate o-Terphenyl	%	84	85	88	84	82

PAHs in Soil Our Reference: Your Reference	UNITS ----- -	146263-1 BH1	146263-2 BH2	146263-3 BH2	146263-4 BH3	146263-5 BH4
Depth	-----	0.0-0.1	0.0-0.1	0.5-0.7	0.4-0.5	0.0-0.1
Date Sampled		4/05/2016	3/05/2016	3/05/2016	5/05/2016	2/05/2016
Type of sample		Soil	Soil	Soil	Soil	Soil
Date extracted	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Naphthalene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	mg/kg	<0.1	<0.1	<0.1	0.4	<0.1
Acenaphthene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluorene	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Phenanthrene	mg/kg	<0.1	<0.1	<0.1	1.8	<0.1
Anthracene	mg/kg	<0.1	<0.1	<0.1	0.6	<0.1
Fluoranthene	mg/kg	0.1	0.3	<0.1	3.5	0.1
Pyrene	mg/kg	0.1	0.3	<0.1	3.2	0.1
Benzo(a)anthracene	mg/kg	<0.1	0.1	<0.1	1.3	<0.1
Chrysene	mg/kg	<0.1	0.2	<0.1	1.5	<0.1
Benzo(b,j,k)fluoranthene	mg/kg	<0.2	0.3	<0.2	2.2	<0.2
Benzo(a)pyrene	mg/kg	0.07	0.2	<0.05	1.3	0.07
Indeno(1,2,3-c,d)pyrene	mg/kg	<0.1	0.1	<0.1	0.6	<0.1
Dibenzo(a,h)anthracene	mg/kg	<0.1	<0.1	<0.1	0.2	<0.1
Benzo(g,h,i)perylene	mg/kg	<0.1	0.1	<0.1	0.7	<0.1
Benzo(a)pyrene TEQ calc (zero)	mg/kg	<0.5	<0.5	<0.5	1.9	<0.5
Benzo(a)pyrene TEQ calc(half)	mg/kg	<0.5	<0.5	<0.5	1.9	<0.5
Benzo(a)pyrene TEQ calc(PQL)	mg/kg	<0.5	<0.5	<0.5	1.9	<0.5
Total Positive PAHs	mg/kg	0.34	1.6	NIL(+)VE	17	0.34
Surrogate p-Terphenyl-d14	%	90	103	92	82	95

Organochlorine Pesticides in soil						
Our Reference:	UNITS	146263-1	146263-2	146263-3	146263-4	146263-5
Your Reference	-----	BH1	BH2	BH2	BH3	BH4
	-					
Depth	-----	0.0-0.1	0.0-0.1	0.5-0.7	0.4-0.5	0.0-0.1
Date Sampled		4/05/2016	3/05/2016	3/05/2016	5/05/2016	2/05/2016
Type of sample		Soil	Soil	Soil	Soil	Soil
Date extracted	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	12/05/2016	12/05/2016	12/05/2016	12/05/2016	12/05/2016
HCB	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
beta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
delta-BHC	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aldrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Heptachlor Epoxide	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
gamma-Chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
alpha-chlordane	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan I	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDE	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dieldrin	mg/kg	<0.1	<0.1	<0.1	1.1	<0.1
Endrin	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDD	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan II	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
pp-DDT	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endrin Aldehyde	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Endosulfan Sulphate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Methoxychlor	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCMX	%	92	94	97	92	93

Organophosphorus Pesticides						
Our Reference:	UNITS	146263-1	146263-2	146263-3	146263-4	146263-5
Your Reference	-----	BH1	BH2	BH2	BH3	BH4
Depth	-					
Date Sampled	-----	0.0-0.1	0.0-0.1	0.5-0.7	0.4-0.5	0.0-0.1
Type of sample		4/05/2016	3/05/2016	3/05/2016	5/05/2016	2/05/2016
		Soil	Soil	Soil	Soil	Soil
Date extracted	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	12/05/2016	12/05/2016	12/05/2016	12/05/2016	12/05/2016
Azinphos-methyl (Guthion)	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Bromophos-ethyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyrifos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Chlorpyrifos-methyl	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Diazinon	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dichlorvos	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dimethoate	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fenitrothion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Malathion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Parathion	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ronnel	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCMX	%	92	94	97	92	93

PCBs in Soil Our Reference: Your Reference	UNITS ----- -	146263-1 BH1	146263-2 BH2	146263-3 BH2	146263-4 BH3	146263-5 BH4
Depth Date Sampled Type of sample	----- ----- -----	0.0-0.1 4/05/2016 Soil	0.0-0.1 3/05/2016 Soil	0.5-0.7 3/05/2016 Soil	0.4-0.5 5/05/2016 Soil	0.0-0.1 2/05/2016 Soil
Date extracted	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	12/05/2016	12/05/2016	12/05/2016	12/05/2016	12/05/2016
Aroclor 1016	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aroclor 1221	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aroclor 1232	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aroclor 1242	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aroclor 1248	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aroclor 1254	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Aroclor 1260	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Surrogate TCLMX	%	92	94	97	92	93

Acid Extractable metals in soil						
Our Reference:	UNITS	146263-1	146263-2	146263-3	146263-4	146263-5
Your Reference	-----	BH1	BH2	BH2	BH3	BH4
	-					
Depth	-----	0.0-0.1	0.0-0.1	0.5-0.7	0.4-0.5	0.0-0.1
Date Sampled		4/05/2016	3/05/2016	3/05/2016	5/05/2016	2/05/2016
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Arsenic	mg/kg	6	<4	<4	<4	<4
Cadmium	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
Chromium	mg/kg	12	3	1	3	5
Copper	mg/kg	4	5	<1	8	11
Lead	mg/kg	83	40	1	650	170
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Nickel	mg/kg	1	1	<1	<1	1
Zinc	mg/kg	26	26	1	150	180

Moisture Our Reference: Your Reference	UNITS ----- -	146263-1 BH1	146263-2 BH2	146263-3 BH2	146263-4 BH3	146263-5 BH4
Depth Date Sampled Type of sample	----- ----- -----	0.0-0.1 4/05/2016 Soil	0.0-0.1 3/05/2016 Soil	0.5-0.7 3/05/2016 Soil	0.4-0.5 5/05/2016 Soil	0.0-0.1 2/05/2016 Soil
Date prepared	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	11/05/2016	11/05/2016	11/05/2016	11/05/2016	11/05/2016
Moisture	%	8.9	8.6	9.4	7.4	7.6

Asbestos ID - soils						
Our Reference:	UNITS	146263-1	146263-2	146263-3	146263-4	146263-5
Your Reference	-----	BH1	BH2	BH2	BH3	BH4
	-					
Depth	-----	0.0-0.1	0.0-0.1	0.5-0.7	0.4-0.5	0.0-0.1
Date Sampled		4/05/2016	3/05/2016	3/05/2016	5/05/2016	2/05/2016
Type of sample		Soil	Soil	Soil	Soil	Soil
Date analysed	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Sample mass tested	g	Approx. 50g	Approx. 15g	Approx. 15g	Approx. 20g	Approx. 15g
Sample Description	-	Brown fine-grained soil and rocks	Brown fine-grained soil and rocks	Brown fine-grained soil and rocks	Brown fine-grained soil and rocks	Brown fine-grained soil and rocks
Asbestos ID in soil	-	No asbestos detected at reporting limit of 0.1g/kg Organic fibres detected	No asbestos detected at reporting limit of 0.1g/kg Organic fibres detected	No asbestos detected at reporting limit of 0.1g/kg Organic fibres detected	No asbestos detected at reporting limit of 0.1g/kg Organic fibres detected	No asbestos detected at reporting limit of 0.1g/kg Organic fibres detected
Trace Analysis	-	No asbestos detected	No asbestos detected	No asbestos detected	No asbestos detected	No asbestos detected

sPOCAS Our Reference: Your Reference	UNITS ----- -	146263-6 BH1	146263-7 BH2	146263-8 BH3	146263-9 BH4
Depth	-----	3.0-3.15	5.7-6.15	7.2-7.65	7.2-7.65
Date Sampled		4/05/2016	3/05/2016	5/05/2016	2/05/2016
Type of sample		Soil	Soil	Soil	Soil
Date prepared	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016
Date analysed	-	10/05/2016	10/05/2016	10/05/2016	10/05/2016
pH _{KCl}	pH units	9.1	9.2	5.1	6.9
TAA pH 6.5	moles H ⁺ /t	<5	<5	6	<5
s-TAA pH 6.5	%w/w S	<0.01	<0.01	0.01	<0.01
pH _α	pH units	7.5	7.1	2.5	2.6
TPA pH 6.5	moles H ⁺ /t	<5	<5	180	170
s-TPA pH 6.5	%w/w S	<0.01	<0.01	0.30	0.27
TSA pH 6.5	moles H ⁺ /t	<5	<5	180	170
s-TSA pH 6.5	%w/w S	<0.01	<0.01	0.29	0.27
ANCE	% CaCO ₃	0.44	0.25	<0.05	<0.05
a-ANCE	moles H ⁺ /t	87	50	<5	<5
s-ANCE	%w/w S	0.14	0.08	<0.05	<0.05
SKCl	%w/w S	0.02	0.02	0.1	0.03
SP	% w/w	0.24	0.06	0.38	0.34
SPOS	% w/w	0.21	0.04	0.28	0.31
a-SPOS	moles H ⁺ /t	130	26	180	190
CaKCl	% w/w	0.21	0.12	0.06	0.05
CaP	% w/w	0.61	0.26	0.05	0.05
CaA	% w/w	0.39	0.14	<0.005	<0.005
MgKCl	% w/w	0.011	0.023	<0.005	<0.005
MgP	% w/w	0.026	0.025	<0.005	<0.005
MgA	% w/w	0.015	<0.005	<0.005	<0.005
Fineness Factor	-	1.5	1.5	1.5	1.5
a-Net Acidity	moles H ⁺ /t	<10	<10	180	180
Liming rate	kg CaCO ₃ / t	<0.75	<0.75	14	13
a-Net Acidity without ANCE	moles H ⁺ /t	130	26	NA	NA
Liming rate without ANCE	kg CaCO ₃ / t	10	1.9	NA	NA

MethodID	Methodology Summary
Org-016	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater.
Org-014	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS.
Org-003	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID. F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis.
Org-012	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-MS. Benzo(a)pyrene TEQ as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater - 2013. For soil results:- 1. 'TEQ PQL' values are assuming all contributing PAHs reported as <PQL are actually at the PQL. This is the most conservative approach and can give false positive TEQs given that PAHs that contribute to the TEQ calculation may not be present. 2. 'TEQ zero' values are assuming all contributing PAHs reported as <PQL are zero. This is the least conservative approach and is more susceptible to false negative TEQs when PAHs that contribute to the TEQ calculation are present but below PQL. 3. 'TEQ half PQL' values are assuming all contributing PAHs reported as <PQL are half the stipulated PQL. Hence a mid-point between the most and least conservative approaches above. Note, the Total +ve PAHs PQL is reflective of the lowest individual PQL and is therefore "Total +ve PAHs" is simply a sum of the positive individual PAHs.
Org-005	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-008	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC with dual ECD's.
Org-006	Soil samples are extracted with dichloromethane/acetone and waters with dichloromethane and analysed by GC-ECD.
Metals-020	Determination of various metals by ICP-AES.
Metals-021	Determination of Mercury by Cold Vapour AAS.
Inorg-008	Moisture content determined by heating at 105+/-5 deg C for a minimum of 12 hours.
ASB-001	Asbestos ID - Qualitative identification of asbestos in bulk samples using Polarised Light Microscopy and Dispersion Staining Techniques including Synthetic Mineral Fibre and Organic Fibre as per Australian Standard 4964-2004.
Inorg-064	sPOCAS determined using titrimetric and ICP-AES techniques. Based on Acid Sulfate Soils Laboratory Methods Guidelines, Version 2.1 - June 2004.

QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
vTRH(C6-C10)/BTEXN in Soil						Base II Duplicate II %RPD		
Date extracted	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			12/05/2016	[NT]	[NT]	LCS-7	12/05/2016
TRHC ₆ - C ₉	mg/kg	25	Org-016	<25	[NT]	[NT]	LCS-7	99%
TRHC ₆ - C ₁₀	mg/kg	25	Org-016	<25	[NT]	[NT]	LCS-7	99%
Benzene	mg/kg	0.2	Org-016	<0.2	[NT]	[NT]	LCS-7	96%
Toluene	mg/kg	0.5	Org-016	<0.5	[NT]	[NT]	LCS-7	99%
Ethylbenzene	mg/kg	1	Org-016	<1	[NT]	[NT]	LCS-7	98%
m+p-xylene	mg/kg	2	Org-016	<2	[NT]	[NT]	LCS-7	100%
o-Xylene	mg/kg	1	Org-016	<1	[NT]	[NT]	LCS-7	96%
naphthalene	mg/kg	1	Org-014	<1	[NT]	[NT]	[NR]	[NR]
Surrogate aaa-Trifluorotoluene	%		Org-016	103	[NT]	[NT]	LCS-7	107%
QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
svTRH (C10-C40) in Soil						Base II Duplicate II %RPD		
Date extracted	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
TRHC ₁₀ - C ₁₄	mg/kg	50	Org-003	<50	[NT]	[NT]	LCS-7	110%
TRHC ₁₅ - C ₂₈	mg/kg	100	Org-003	<100	[NT]	[NT]	LCS-7	94%
TRHC ₂₉ - C ₃₆	mg/kg	100	Org-003	<100	[NT]	[NT]	LCS-7	129%
TRH>C ₁₀ -C ₁₆	mg/kg	50	Org-003	<50	[NT]	[NT]	LCS-7	110%
TRH>C ₁₆ -C ₃₄	mg/kg	100	Org-003	<100	[NT]	[NT]	LCS-7	94%
TRH>C ₃₄ -C ₄₀	mg/kg	100	Org-003	<100	[NT]	[NT]	LCS-7	129%
Surrogate o-Terphenyl	%		Org-003	89	[NT]	[NT]	LCS-7	101%
QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PAHs in Soil						Base II Duplicate II %RPD		
Date extracted	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Naphthalene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	LCS-7	83%
Acenaphthylene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Acenaphthene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Fluorene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	LCS-7	92%
Phenanthrene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	LCS-7	100%
Anthracene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Fluoranthene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	LCS-7	95%
Pyrene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	LCS-7	101%
Benzo(a)anthracene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Chrysene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	LCS-7	77%
Benzo(b,j+k)fluoranthene	mg/kg	0.2	Org-012	<0.2	[NT]	[NT]	[NR]	[NR]

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QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PAHs in Soil						Base II Duplicate II %RPD		
Benzo(a)pyrene	mg/kg	0.05	Org-012	<0.05	[NT]	[NT]	LCS-7	93%
Indeno(1,2,3-c,d)pyrene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Dibenzo(a,h)anthracene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Benzo(g,h,i)perylene	mg/kg	0.1	Org-012	<0.1	[NT]	[NT]	[NR]	[NR]
Surrogate p-Terphenyl-d14	%		Org-012	101	[NT]	[NT]	LCS-7	107%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Organochlorine Pesticides in soil						Base II Duplicate II %RPD		
Date extracted	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			12/05/2016	[NT]	[NT]	LCS-7	12/05/2016
HCB	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
alpha-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	99%
gamma-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
beta-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	116%
Heptachlor	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	87%
delta-BHC	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
Aldrin	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	84%
Heptachlor Epoxide	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	88%
gamma-Chlordane	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
alpha-chlordane	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
Endosulfan I	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
pp-DDE	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	78%
Dieldrin	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	96%
Endrin	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	96%
pp-DDD	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	79%
Endosulfan II	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
pp-DDT	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
Endrin Aldehyde	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
Endosulfan Sulphate	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	LCS-7	68%
Methoxychlor	mg/kg	0.1	Org-005	<0.1	[NT]	[NT]	[NR]	[NR]
Surrogate TCMX	%		Org-005	101	[NT]	[NT]	LCS-7	115%

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QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Organophosphorus Pesticides						Base II Duplicate II %RPD		
Date extracted	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			12/05/2016	[NT]	[NT]	LCS-7	12/05/2016
Azinphos-methyl (Guthion)	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NR]	[NR]
Bromophos-ethyl	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NR]	[NR]
Chlorpyrifos	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	93%
Chlorpyrifos-methyl	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NR]	[NR]
Diazinon	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NR]	[NR]
Dichlorvos	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	79%
Dimethoate	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	[NR]	[NR]
Ethion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	92%
Fenitrothion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	103%
Malathion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	75%
Parathion	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	92%
Ronnel	mg/kg	0.1	Org-008	<0.1	[NT]	[NT]	LCS-7	115%
Surrogate TCMX	%		Org-008	101	[NT]	[NT]	LCS-7	96%
QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PCBs in Soil						Base II Duplicate II %RPD		
Date extracted	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			12/05/2016	[NT]	[NT]	LCS-7	12/05/2016
Aroclor 1016	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	[NR]	[NR]
Aroclor 1221	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	[NR]	[NR]
Aroclor 1232	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	[NR]	[NR]
Aroclor 1242	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	[NR]	[NR]
Aroclor 1248	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	[NR]	[NR]
Aroclor 1254	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	LCS-7	110%
Aroclor 1260	mg/kg	0.1	Org-006	<0.1	[NT]	[NT]	[NR]	[NR]
Surrogate TCLMX	%		Org-006	101	[NT]	[NT]	LCS-7	95%

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QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Acid Extractable metals in soil						Base II Duplicate II %RPD		
Date prepared	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Date analysed	-			10/05/2016	[NT]	[NT]	LCS-7	10/05/2016
Arsenic	mg/kg	4	Metals-020	<4	[NT]	[NT]	LCS-7	103%
Cadmium	mg/kg	0.4	Metals-020	<0.4	[NT]	[NT]	LCS-7	97%
Chromium	mg/kg	1	Metals-020	<1	[NT]	[NT]	LCS-7	99%
Copper	mg/kg	1	Metals-020	<1	[NT]	[NT]	LCS-7	100%
Lead	mg/kg	1	Metals-020	<1	[NT]	[NT]	LCS-7	98%
Mercury	mg/kg	0.1	Metals-021	<0.1	[NT]	[NT]	LCS-7	84%
Nickel	mg/kg	1	Metals-020	<1	[NT]	[NT]	LCS-7	94%
Zinc	mg/kg	1	Metals-020	<1	[NT]	[NT]	LCS-7	98%
QUALITYCONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
sPOCAS						Base II Duplicate II %RPD		
Date prepared	-			10/05/2016	146263-6	10/05/2016 10/05/2016	LCS-1	10/05/2016
Date analysed	-			10/05/2016	146263-6	10/05/2016 10/05/2016	LCS-1	10/05/2016
pH _{kcl}	pH units		Inorg-064	[NT]	146263-6	9.1 9.1 RPD: 0	LCS-1	103%
TAA pH 6.5	moles H ⁺ /t	5	Inorg-064	<5	146263-6	<5 <5	LCS-1	85%
s-TAA pH 6.5	%w/w S	0.01	Inorg-064	<0.01	146263-6	<0.01 <0.01	[NR]	[NR]
pH _α	pH units		Inorg-064	[NT]	146263-6	7.5 7.1 RPD: 5	LCS-1	100%
TPA pH 6.5	moles H ⁺ /t	5	Inorg-064	<5	146263-6	<5 <5	LCS-1	114%
s-TPA pH 6.5	%w/w S	0.01	Inorg-064	<0.01	146263-6	<0.01 <0.01	[NR]	[NR]
TSA pH 6.5	moles H ⁺ /t	5	Inorg-064	<5	146263-6	<5 <5	[NR]	[NR]
s-TSA pH 6.5	%w/w S	0.01	Inorg-064	<0.01	146263-6	<0.01 <0.01	[NR]	[NR]
ANCE	% CaCO ₃	0.05	Inorg-064	<0.05	146263-6	0.44 0.31 RPD: 35	[NR]	[NR]
a-ANCE	moles H ⁺ /t	5	Inorg-064	<5	146263-6	87 62 RPD: 34	[NR]	[NR]
s-ANCE	%w/w S	0.05	Inorg-064	<0.05	146263-6	0.14 0.10 RPD: 33	[NR]	[NR]
SKCl	%w/w S	0.005	Inorg-064	<0.005	146263-6	0.02 0.02 RPD: 0	[NR]	[NR]
SP	%w/w	0.005	Inorg-064	<0.005	146263-6	0.24 0.25 RPD: 4	[NR]	[NR]
SPOS	%w/w	0.005	Inorg-064	<0.005	146263-6	0.21 0.23 RPD: 9	[NR]	[NR]
a-SPOS	moles H ⁺ /t	5	Inorg-064	<5	146263-6	130 140 RPD: 7	[NR]	[NR]
CaKCl	%w/w	0.005	Inorg-064	<0.005	146263-6	0.21 0.22 RPD: 5	[NR]	[NR]
CaP	%w/w	0.005	Inorg-064	<0.005	146263-6	0.61 0.58 RPD: 5	[NR]	[NR]
CaA	%w/w	0.005	Inorg-064	<0.005	146263-6	0.39 0.37 RPD: 5	[NR]	[NR]

QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
sPOCAS						Base Duplicate %RPD		
Mg _{KCl}	% w/w	0.005	Inorg-064	<0.005	146263-6	0.011 0.011 RPD: 0	[NR]	[NR]
Mg _P	% w/w	0.005	Inorg-064	<0.005	146263-6	0.026 0.026 RPD: 0	[NR]	[NR]
Mg _A	% w/w	0.005	Inorg-064	<0.005	146263-6	0.015 0.015 RPD: 0	[NR]	[NR]
SHCl	% w/w S	0.005	Inorg-064	<0.005	[NT]	[NT]	[NR]	[NR]
SNAS	% w/w S	0.005	Inorg-064	<0.005	[NT]	[NT]	[NR]	[NR]
a-SNAS	moles H ⁺ /t	5	Inorg-064	<5	[NT]	[NT]	[NR]	[NR]
s-SNAS	% w/w S	0.01	Inorg-064	<0.01	[NT]	[NT]	[NR]	[NR]
Fineness Factor	-	1.5	Inorg-064	<1.5	146263-6	1.5 1.5 RPD: 0	[NR]	[NR]
a-Net Acidity	moles H ⁺ /t	10	Inorg-064	<10	146263-6	<10 <10	[NR]	[NR]
Liming rate	kg CaCO ₃ /t	0.75	Inorg-064	<0.75	146263-6	<0.75 <0.75	[NR]	[NR]
a-Net Acidity without ANCE	moles H ⁺ /t	10	Inorg-064	<10	146263-6	130 140 RPD: 7	[NR]	[NR]
Liming rate without ANCE	kg CaCO ₃ /t	0.75	Inorg-064	<0.75	146263-6	10 11 RPD: 10	[NR]	[NR]

Report Comments:

Asbestos ID was analysed by Approved Identifier: Lulu Scott
Asbestos ID was authorised by Approved Signatory: Lulu Scott

INS: Insufficient sample for this test
NR: Test not required
<: Less than

PQL: Practical Quantitation Limit
RPD: Relative Percent Difference
>: Greater than

NT: Not tested
NA: Test not required
LCS: Laboratory Control Sample

Quality Control Definitions

Blank: This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.

Duplicate: This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.

Matrix Spike: A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.

LCS (Laboratory Control Sample): This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.

Surrogate Spike: Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.

Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: <5xPQL - any RPD is acceptable; >5xPQL - 0-50% RPD is acceptable.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals; 60-140% for organics (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Aileen Hie

From: Rob Muller <RMuller@jkgroup.net.au>
Sent: Wednesday, 18 May 2016 5:10 PM
To: Aileen Hie
Subject: TCLP - batch #146263

Hi Aileen,

Could you please arrange for TCLP analysis of the following samples from batch #146263:

Sample location and depth	Lab ID	TCLP required
BH3 (0.4-0.5)	146263 - 4	Lead, benzo(a)pyrene
BH4 (0.0-0.1)	146263-5	Lead

Regards,

Rob Muller
Senior Environmental Scientist
RMuller@jkgroup.net.au
www.jkgroup.net.au



Environmental Investigation Services
CONSULTING ENVIRONMENTAL ENGINEERS AND SCIENTISTS
PO Box 976, North Ryde BC NSW 1670
115 Wicks Rd, Macquarie Park NSW 2113
T: +612 9888 5000 F: +612 9888 5001

146263 - A.
Due 25/5.

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12 Ashley Street, Chatswood, NSW 2067
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email: sydney@envirolab.com.au
envirolab.com.au

Envirolab Services Pty Ltd - Sydney | ABN 37 112 535 645

CERTIFICATE OF ANALYSIS

146263-A

Client:

Environmental Investigation Services

PO Box 976

North Ryde BC

NSW 1670

Attention: Rob Muller

Sample log in details:

Your Reference:

E29353KM, Dolls Point

No. of samples:

9 Soils

Date samples received / completed instructions received

9/5/2016

/ 18/05/16

Analysis Details:

Please refer to the following pages for results, methodology summary and quality control data.

Samples were analysed as received from the client. Results relate specifically to the samples as received.

Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Please refer to the last page of this report for any comments relating to the results.

Report Details:

Date results requested by: / Issue Date:

25/05/16

/ 23/05/16

Date of Preliminary Report:

Not Issued

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Accredited for compliance with ISO/IEC 17025.

Tests not covered by NATA are denoted with *.

Results Approved By:


Jacinta Hurst
Laboratory Manager

Envirolab Reference: 146263-A

Revision No: R 00



Page 1 of 7

Page 479

Metals in TCLP USEPA 1311			
Our Reference:	UNITS	146263-A-4	146263-A-5
Your Reference	-----	BH3	BH4
	-		
Depth	-----	0.4-0.5	0.0-0.1
Date Sampled		5/05/2016	2/05/2016
Type of sample		Soil	Soil
Date extracted	-	20/05/2016	20/05/2016
Date analysed	-	20/05/2016	20/05/2016
pH of soil for fluid# determ.	pH units	10.0	8.6
pH of soil TCLP (after HCl)	pH units	1.8	1.5
Extraction fluid used	-	1	1
pH of final Leachate	pH units	6.0	5.0
Lead in TCLP	mg/L	4.9	0.2

PAHs in TCLP (USEPA 1311)		
Our Reference:	UNITS	146263-A-4
Your Reference	-----	BH3
	-	
Depth	-----	0.4-0.5
Date Sampled		5/05/2016
Type of sample		Soil
Date extracted	-	20/05/2016
Date analysed	-	20/05/2016
Benzo(a)pyrene in TCLP	mg/L	<0.001
Surrogate <i>p</i> -Terphenyl-d14	%	92

MethodID	Methodology Summary
Inorg-004	Toxicity Characteristic Leaching Procedure (TCLP) using in house method INORG-004.
EXTRACT.7	Toxicity Characteristic Leaching Procedure (TCLP).
Inorg-001	pH - Measured using pH meter and electrode in accordance with APHA latest edition, 4500-H+. Please note that the results for water analyses are indicative only, as analysis outside of the APHA storage times.
Metals-020 ICP-AES	Determination of various metals by ICP-AES.
Org-012	Leachates are extracted with Dichloromethane and analysed by GC-MS.
Org-012	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-MS.

Client Reference: E29353KM, Dolls Point

QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Metals in TCLP USEPA1311						Base II Duplicate II %RPD		
Date extracted	-			20/05/2016	146263-A-5	20/05/2016 20/05/2016	LCS-W1	20/05/2016
Date analysed	-			20/05/2016	146263-A-5	20/05/2016 20/05/2016	LCS-W1	20/05/2016
Lead in TCLP	mg/L	0.03	Metals-020 ICP-AES	<0.03	146263-A-5	0.2 0.2 RPD: 0	LCS-W1	95%
QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
PAHs in TCLP (USEPA 1311)						Base II Duplicate II %RPD		
Date extracted	-			20/05/2016	[NT]	[NT]	LCS-W1	20/05/2016
Date analysed	-			20/05/2016	[NT]	[NT]	LCS-W1	20/05/2016
Benzo(a)pyrene in TCLP	mg/L	0.001	Org-012	<0.001	[NT]	[NT]	LCS-W1	90%
Surrogate p-Terphenyl-d14	%		Org-012	80	[NT]	[NT]	LCS-W1	85%

Report Comments:

Asbestos ID was analysed by Approved Identifier: Not applicable for this job
Asbestos ID was authorised by Approved Signatory: Not applicable for this job

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REPORT
TO
HELM PTY LTD
ON
GEOTECHNICAL INVESTIGATION
FOR
PROPOSED RESIDENTIAL DEVELOPMENT
AT
177 RUSSELL AVENUE, DOLLS POINT, NSW

15 June 2016
Ref: 29353Srptrev1



JK Geotechnics
GEOTECHNICAL & ENVIRONMENTAL ENGINEERS

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Jeffery & Katauskas Pty Ltd, trading as
JK Geotechnics ABN 17 003 550 801

Date: 15 June 2016
Report No: 29353Srptrev1
Revision No: 1

Report prepared by:



Paul Stubbs
Principal Geotechnical Engineer

For and on behalf of
JK GEOTECHNICS
PO Box 976
NORTH RYDE BC NSW 1670

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- b) the limitations defined in the Client's brief to JK;
- c) the terms of contract between JK and the Client, including terms limiting the liability of JK.

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STS TABLE A: POINT LOAD STRENGTH INDEX TEST REPORT

ENVIROLAB SERVICES REPORT NO: 146253

BOREHOLE LOGS 1 TO 4 INCLUSIVE

CORE PHOTOGRAPHS

EFCP LOGS 2 AND 3

FIGURE 1: SITE LOCATION PLAN

FIGURE 2: INVESTIGATION LOCATION PLAN

FIGURE 3: CROSS SECTION AA' AND CROSS SECTION BB'

REPORT EXPLANATION NOTES



1 INTRODUCTION

This report presents the results of a geotechnical investigation for the proposed residential development at 177 Russell Avenue, Dolls Point, NSW. The investigation was commissioned by Mr Matt Campbell of Helm Pty Ltd, by returned Acceptance of Proposal dated 18 April 2016, in accordance with our fee proposal Ref: P42259S.

We understand from email correspondence and phone conversations that the redevelopment comprises:

- Demolition of the existing structures at the site.
- Construction of a multi-storey residential building.
- Excavation of a two-level basement to depths of about 6m.

At the time of investigation, detailed architectural drawings were not provided. We have not been provided with loadings and have assumed typical loadings for this type of development.

The purpose of the investigation was to obtain geotechnical information on subsurface conditions as a basis for comments and recommendations on excavation, retention and footings.

This geotechnical investigation was carried out in conjunction with an environmental assessment by our specialist division, Environmental Investigation Services (EIS). Reference should be made to the separate report by EIS, Ref: E29353KM, for the results of the environmental site assessment.

2 INVESTIGATION PROCEDURE

The fieldwork for the investigation was carried out between 3 May 2016 and 6 May 2016 during which time four boreholes, BH1 to BH4, were drilled using our track-mounted JK308 rig to depths between 25.25m (BH1) and 26.60m (BH2). These boreholes were initially auger drilled and then extended by casing advancer to depths between 22.23m and 24.30m. Coring of the bedrock by diamond coring techniques using an NMLC core barrel with water flush extended the boreholes to their termination depths.

In addition two Electric Friction Cone Penetrometer (EFCP) tests (EFCP 1 and 2) were carried out using our specialised truck mounted EFCP rig. The tests were carried out to depths of 24.8m and 22.9m respectively below the top of the existing ground surface.



EFCP testing involves continuously pushing a 35mm diameter rod with a conical tip into the soil using hydraulic rams fitted to a truck mounted rig. Measurements of the end resistance on the cone tip and the frictional resistance on a separate sleeve, immediately behind the cone, are taken. The subsurface material identification, including material strength/relative density, is assessed by interpretation of the test results based on past experience, and empirical correlations. EFCP testing does not provide sample recovery.

The investigation locations, as shown on Figure 2, were set out by taped measurements from existing surface features and inferred site boundaries. The approximate surface levels, as shown on the borehole and EFCP logs, were estimated by interpolation between spot levels shown on the supplied survey plan by Daw & Walton (Job No. 3063-16, dated 7/03/16). The datum of the levels is Australian Height Datum (AHD).

The strength and relative density of the subsurface soils were assessed from Standard Penetration Test (SPT) 'N' values and the EFCP test results, augmented by hand penetrometer test results on cohesive samples recovered by the SPT split tube sampler. The strength of the cored sandstone was assessed with reference to Point Load Strength Index ($I_{s(50)}$) test results. The point load strength test results are summarised on the attached STS Table A and on the cored borehole logs.

Groundwater observations were made during and on completion of auger drilling. The use of water for core drilling limited meaningful measurements of groundwater levels once coring had commenced. Two piezometers were also installed at the locations of BH1 and BH4 to allow long-term monitoring of groundwater levels.

Our geotechnical engineer set out the borehole locations, nominated the sampling and testing locations, and prepared logs of the strata encountered. The borehole logs, which include field test results and groundwater observations, and the EFCP test results, are attached to this report together with a set of explanatory notes, which describe the investigation techniques, and their limitations, and define the logging terms and symbols used.

Selected samples were returned to Soil Test Services Pty Ltd (STS) and Envirolab Services Pty Ltd, both NATA registered laboratories, for testing to determine point load strength index test results, pH, sulphate content, chloride content and resistivity. The results of the laboratory testing are summarised in the attached STS Table A and Envirolab Report No. 146253.



3 RESULTS OF INVESTIGATION

3.1 Site Description

The site is located within a relatively flat, low-lying coastal topography near Botany Bay which is located between 250m to 300m to the south and east.

The site consists of a rectangular block which is flat or with slopes less than 1°. Located on the site are two two-storey brick unit blocks situated centrally over the site. The buildings appeared in fair condition with some cracking (generally 2mm wide) through the mortar around windows. One of the buildings had suspended timber floors supported on short brick columns; the other building had a slab on grade. Surrounding the buildings were concrete footpaths and a driveway with grassed lawn areas and garden beds. Three large trees are located on the site – one approximately 16m tall oak in the southwest corner and two 14m tall fig trees in the centre of the site.

To the west of the site is a four storey brick apartment building set back between 3m and 10.6m from the common boundary. A concrete driveway runs between this building and the site.

The northern boundary is with Russell Avenue which runs level or slopes at less than 1° along the site frontage. Russell Avenue is paved with asphaltic concrete and appeared in reasonable condition upon cursory observation with minor longitudinal cracking.

East of the site is a sandstone block-lined channel offset between 0.5m and 5m from the eastern site boundary. The channel is lined with mangrove trees on its banks. South of the site is Peter Depena Reserve – a large open grassed reserve with large trees interspersed throughout.

3.2 Subsurface Conditions

Reference to the 1:100,000 geological map of 'Sydney' indicates that the site is underlain by Holocene interdune deposits of quartz sand with moderate silt content and shell layers, with Hawkesbury Sandstone at depth.

In summary, the boreholes encountered shallow fill covering deep marine sands, with clay bands below 14m, overlying sandstone bedrock. Further comments on the subsurface conditions encountered are provided below. Reference should be made to the borehole logs for detailed descriptions of the subsurface conditions encountered.



Fill

Silty sand fill was encountered in all boreholes to depths of 0.3m and 0.5m below existing surface levels. The soils were moist, appeared poorly compacted and contained roots and root fibres.

Marine Soils

The marine soils exhibit a variability which is not unexpected for similar soils in the area. The following is a broad summary based on the borehole and EFCP test information but, as ever, for detail it is essential that reference is made to the specific logs. It must also be recognised that in the boreholes the soil descriptions and strength assessments are based largely upon the SPT test results and that there are often large gaps between tests; the soil descriptions and strengths in BH2 and BH3 where there are EFCP tests adjacent, have been partly based on the EFCP results where the borehole provided little information. In the EFCP tests it is also important to recognise that the test does not distinguish well some of the mixed soils such as sandy clay/clayey sand/clayey silt etc and where these soil types are significant to the project then it may be necessary to carry out further testing and sampling to confirm the actual conditions.

Very Loose Sand: Occurs at all locations from the near surface to depths between 3.4m and 6.0m.

Loose Sand: Present from 5.6m to 7.0m in BH1 and 4.2 to 6.1m in BH2. In BH3 the sand was interpreted as loose to medium dense from 3.4m to 6.4m. In BH4 this layer was not noted but the very loose sand extended to 6.0m.

Medium Dense Sand: This was generally interpreted as occurring between:

BH1 7.0m - 14.9m

BH2 6.1m – 11.7m

BH3 6.4m – 11.2m

BH4 6.0m – 11.7m

In addition dense sand was interpreted between the following depths:

BH1 N/A

BH2 11.7m – 16.0m

BH3 11.2m – 15.3m (with VL band 11.7m – 16.0m)

BH4 11.7m – 16.0m (with L band 13.2m – 14.7m)

Clay: A band of stiff clay was found as follows:

BH1 14.9m – 16.0m

BH3 15.3m – 16.8m



Clayey Sand and Sand: Clayey sand and sand, typically of medium density, was found overlying sandstone bedrock between the following depths:

BH1 16.0m – 22.1m

BH2 16.0m – 24.0m

BH3 16.8m – 22.9m

BH4 16.0m – 21.8m

Sandstone Bedrock

Sandstone was encountered below the natural soils at depths between 21.8m and 24.0m. The rock was of low to moderate strength upon initial contact and graded to high strength within 0.5m to 1.0m. From 25.0m depth the rock was of high strength and contained minimal defects. Classification of the rock in accordance with Pells et al. (1998) is summarised below:

Rock Class	Class V Depth RL (below existing)	Class IV Depth RL (below existing)	Class III Depth RL (below existing)	Class II Depth RL (below existing)	Class I Depth RL (below existing)
Location					
BH1	-	-20.63 (22.23)	-	-	-22.33 (23.93)
BH2	-22.70 (23.00)	-	-	-23.18 (24.48)	-23.80 (25.10)
BH3	-	-	-21.56 (23.16)	-	-22.91 (24.51)
BH4	-	-	-20.89 (22.49)	-21.90 (23.50)	-22.20 (23.80)

Groundwater was encountered in all boreholes at between 0.8m and 0.9m below the existing ground surface.

3.3 Laboratory Test Results

The point load strength index test results generally showed good correlation with our field assessment of rock strength. The estimated Unconfined Compressive Strength (UCS) of the rock core generally ranged from 4MPa to 36MPa indicating low to high strength rock, with a few outlying values both higher and lower.

The soil pH values indicate that the soils are neutral to slightly alkaline. Based on the results, the soils would be classified as ‘non-aggressive’ to ‘mild’ exposure classification for concrete piles in accordance with Table 6.4.2(C) of AS2159-2009 ‘Piling – Design and Installation’. For steel piles, however, the soils would be classified as ‘moderate’ to ‘severe’ in accordance with Table 6.5.2(C) of AS2159-2009. This classification arises from the very low resistivity values which seem to reflect



the relatively high chloride values (salty water is more conductive/less resistive than distilled water). The chloride values in themselves are not high enough to make much difference to the exposure classification.

4 COMMENTS AND RECOMMENDATIONS

4.1 Geotechnical Issues

The principal geotechnical issues associated with the proposed development at the subject site are:

- The proposed basement will require excavations in the order of 6m depth below existing surface levels. The excavations are likely to be entirely within the fill and silty sands.
- The basement excavations will extend well below the natural groundwater level which was recorded between 0.8m and 0.9m depth. Under the Rockdale Council guidelines *Rockdale Technical Specification – Stormwater Management* Section 2.1.2b it is not permitted to permanently dewater basement excavations and basements must consequently be designed as tanked structures. Basement walls and floor slabs will need to be designed to cater for groundwater pressures.
- A decision must be made at an early stage whether a raft foundation is feasible and economical or whether the structure should be piled to rock.
- A dewatering licence will be required for the construction period and a detailed application will have to be made to DPI Water.

4.2 Dilapidation Surveys

Prior to demolition, dilapidation reports should be completed, both externally and internally, on the adjoining property located to the west of the site as well as the road to the north. The respective owners should be asked to confirm that the dilapidation reports represent a fair record of actual conditions. The dilapidation reports may then be used as a benchmark against which to assess possible future claims for damage resulting from the works. Detailed surveys should also be carried out of the buried services and note made of any that are likely to be sensitive to displacement.

4.3 Excavation Conditions

Excavation to the required depths of about 6m, for the two-level basement, will encounter some surficial fill but predominantly very loose and loose marine sands. Excavation of the soils should be readily achievable using conventional excavation equipment, such as the buckets of hydraulic



excavators. Excavation works should be complemented by reference to the Code of Practice 'Excavation Work' prepared by Safe Work Australia July 2014. The major difficulty with the excavation will be the wet condition of the soils and it may be necessary to dewater ahead of excavation to reduce this problem. A system where the sands are stockpiled and allowed to drain before being loaded out may be beneficial. The bearing capacity of the saturated sands will be low and care must be taken in choice and operation of plant.

4.4 Dewatering

Groundwater is expected to be a significant issue for this development due to the shallow water table across the site. Dewatering will thus be required for basement excavation and for trafficability of construction equipment. Since we expect that shoring will be constructed around the basement perimeter, we expect temporary dewatering should not cause excessive drawdown outside the site provided the cut-off is properly designed and constructed. Nevertheless, dewatering must be carefully controlled and monitored to reduce the risk of excessive drawdown outside of the basement causing settlement of adjoining buildings supported on shallow footings.

Detailed hydrogeological analysis of the dewatering will be required to assess the effect of dewatering on neighbouring properties and optimum depth of shoring cut-off. It may be necessary to embed the cut-off wall into the clay/clayey sand layers which occur below depths between 14.9m and 16.0m to keep flows below acceptable levels.

Permanent dewatering systems are not likely to be approved, therefore the basement will need to be tanked and designed to take the hydrostatic lateral and uplift pressures into account.

Water quality must be determined to assess the need for treatment prior to discharge.

4.5 Retention

Since the basement will extend below the water table it will not be possible to form stable temporary batters. We expect therefore that the excavation will need to be supported by a properly designed shoring system, such as a secant pile wall or cutter soil mix (CSM) wall, installed prior to commencement of excavation. Jet grouted secant pile walls and driven sheet pile walls may be considered, but issues including ground disturbance, noise and vibration levels which could affect adjoining buildings and structures would need to be addressed. The "severe" exposure classification for buried steel would further mitigate against steel piles.



To reduce the effects of dewatering on the neighbouring property, the retention system must be installed to a minimum depth which satisfies stability and dewatering considerations. It must also be decided whether the shoring system is to support structural loads as founding the shoring wall in the clay soil layers will result in a low bearing capacity and it may become necessary to found the wall on rock if this becomes an issue.

Lateral restraint in the form of soil anchors will probably be required to reduce deflections, and these must be installed progressively as excavation proceeds. If anchors are to be installed, they will extend beyond the site boundaries, and permission of the owners and authorities must be obtained before installation. If approval is not forthcoming then walls will need to be laterally supported by alternative methods, such as berms or props which would cause difficulties in construction of the proposed raft slab. We note the sands are of very low density to depths of about 6m and this will severely limit the capacity of anchors. It may be necessary to install anchors at greater decline angles than normal such that they form a bond length in the more competent medium dense sands.

For preliminary design of propped or anchored walls, we recommend the use of a rectangular envelope of lateral pressure of $6H$ (kPa), where H is the retained height in metres. In areas that are sensitive to adjacent movements, such as where structures or movement sensitive services are located within $2H$ of the wall, a higher earth pressure distribution of $8H$ kPa should be used. Design using more sophisticated software, such as Wallap and Plaxis, is likely to result in more economical design.

The lateral toe resistance of shoring walls can be calculated using a passive earth pressure coefficient, K_p , of 3.0 for stiff clay and clayey sand and 3.5 for medium dense and dense sand. A factor of safety of 2 should be applied to the calculated resistance due to the large strains necessary to generate the full pressure.

All surcharge loads and hydrostatic pressures should be allowed for in the shoring design. The design must also take into account the groundwater situation where there will be differential water levels on the active and passive sides of the wall.

As a guide soil anchors bonded into the sands may be designed (if required) based on an effective friction angle of 28° for sands of very loose to loose relative density, 32° for medium dense sands or 34° for dense sands. Uncased anchor holes within the sands will almost certainly collapse and temporary casing of these holes will be required. Anchors with penetrations through the wall below the water table would be subject to inflows of both soil and water which would cause subsidence



outside the excavation and would be very difficult to control. The most obvious solutions to this are to use only a single row of anchors with heads above the water table or possibly to use long inclined casings with the top above the water table through which the anchors are drilled and the casing only removed once the anchor has been grouted and the groundwater sealed off.

Only expert contractors should be used for this type of anchor construction as poor techniques can result in damage to adjoining properties. Anchor bond lengths should be proof-tested to 1.3 times the working load under the direction of an experienced engineer of construction superintendent, independent of the anchor contractor. Lift-off tests should be carried out on 10% of anchors after 72 hours from initial tensioning to check that the anchors are holding their loads.

It is normal good practice for anchors to be a specialist design and construct sub-contract to avoid disputes if anchors fail to hold their test load.

4.6 Footings

There are a number of potential options for the footings for the proposed structure. These comprise piles to rock, a stiffened raft slab and a piled raft slab. The design of the footing system should take into account the silty clay and clayey sand layers encountered within the sandy profile. The footing options are discussed in more detail forthwith.

4.6.1 Piles to Rock

The proposed structure may be supported using piled footings founded in the underlying sandstone though we note that the rock is moderately deep. The rock appears to dip slightly towards the east but variations in the buried topography could result in irregular depths to rock and to date there has been no investigation of the south-eastern corner of the site due to lack of access..

We assume that all piles will be uniformly founded within the underlying sandstone bedrock. Where an ultimate limit state approach is adopted the following ultimate base resistance and shaft frictions may be used. For piles founded within the rock, skin friction within the upper 0.3m of rock socket should be ignored. A geotechnical strength reduction factor (ϕ_g) of 0.60 for the wall (ie high redundancy) and 0.52 for individual piles with low redundancy should be adopted where a limit state design approach is used in accordance with AS2159-2009, subject to further investigation to complete coverage of the site to the required standard. The following parameters may be adopted:



Rock Class	Ultimate End Bearing Pressure (MPa)	Serviceability End Bearing Pressure (MPa)	Ultimate Shaft Adhesion (kPa)	Serviceability Shaft Adhesion (MPa)
IV	8	2	450	0.2
III	28	4	1100	0.4
II	40	6	1500	0.6
I	80	10	3000	0.6

Classification in accordance with Foundations on Sandstone and Shale in the Sydney Region, Pells, Mostyn and Walker, Australian Geomechanics, Dec 1998.

Substantially more investigation will be necessary to confirm the rock quality for Class I and II rock and some additional investigation to confirm Class III rock.

4.6.2 Raft Slabs

As medium dense sands will be encountered at or a little below the bulk excavation level, the use of a raft slab may be considered. A piled raft slab is also possible, but as the piles will probably need to bear upon rock it may make this a less economical option compared with transferring all loads to rock and not needing to construct a raft.

The design of a raft slab would need to take into consideration the potential for large settlements due to the very loose to loose layers such as that between 13.2m and 14.7m in BH4, the firm to stiff and stiff clays found in BH1 and BH3 and the clayey sand/sandy clay found in all locations below about 16m.

As discussed in Section 4.5, the shoring system is likely to terminate in the medium dense clayey sand stratum, and may not be suitable for bearing substantial loads. Therefore, column and line loads around the perimeter of raft may be high, which is difficult to accommodate economically in raft design. The alternative would be to push the shoring wall even deeper but this would be costly.



Detailed analysis of a raft would be required to estimate the settlements and the contact pressures below the raft. The preliminary design of the raft may be completed using the elastic parameter model provided below with both upper and lower bound parameters being checked so as to estimate differential settlements due to horizontal variations in soil properties beneath the raft. We must emphasise that the properties of the deep soil layers have not been clearly established to date and further work in this regard is necessary.

RECOMMENDED ELASTIC PARAMETERS FOR DESIGN			
Unit	Parameters	Lower Bound	Upper Bound
Medium Dense to Dense Sand	Depth (m)/ Elastic Modulus (MPa)/ Poisson's Ratio	7m – 14.9m/20/0.3	6m – 16m/50/0.3
Very Loose to Loose Clayey Sand	Depth (m)/ Elastic Modulus (MPa)/ Poisson's Ratio	Various bands/4/0.3	Various bands/12/0.3
Clay or sandy clay, firm to stiff or stiff	Depth (m)/ Elastic Modulus (MPa)/ Poisson's Ratio	16m – 21.8m/8/0.3	15.2m – 16.8m/15/0.3
Dense to Very Dense Sand	Depth (m)/ Elastic Modulus (MPa)/ Poisson's Ratio	0	19.8m – 22.9m/100/0.3
Bedrock	Depth (m)	>24m	21.8m

The design of heavily loaded raft footings is complex and requires complex analysis procedures for soil/structure interaction. Therefore, we expect that the design of the raft will be an iterative procedure with both the geotechnical and structural engineers having input to the process. The first pass of the analysis will demonstrate the potential of the concept and identify the parameters critical to the design. The parameters will then need refinement and may require further investigation and testing to justify the key assumptions and enable the design to be refined. Further geotechnical investigations involving a close grid of Electrical Friction Cone Penetrometer (EFCP) testing together with Marchetti Dilatometer testing may be needed to obtain a continuous subsurface profile and assess the extent of any weaker subsurface conditions. The latter tool, the dilatometer, is particularly useful as it provides a direct measurement of the soil stiffness characteristics (elastic modulus). A potential drawback of any indirect testing such as the EFCP is that the mixed soils (not clearly clay or sand) are difficult to interpret and some direct sampling may be necessary.

We can assist with the detailed geotechnical analysis of the raft using our finite element analysis software, once the initial raft details are supplied by the structural engineer.



4.7 Basement Slab

For a tanked basement, the basement floor slab or raft slab must be designed for uplift forces due to hydrostatic pressure, with normal groundwater levels assumed at depths of about 1m below existing ground levels but with peak levels at ground surface level. Peak levels can be limited by use of pressure relief drains if necessary, but in this case as the groundwater is so shallow it may not really be worthwhile. Waterproof construction systems are required for external walls. An assessment of groundwater seepage rates during construction can be assessed by computer modelling. Data could be improved by completing pump out tests within the monitoring wells installed in BH1 and BH4.

As a minimum, following dewatering and bulk excavation, the exposed subgrade should be proof-rolled with a 5 tonne deadweight, smooth drum vibratory roller. The proof-rolling should be carried out under the direction of an experienced earthworks superintendent to assist in the detection of unstable areas which were not disclosed by this investigation and to be sure that vibrations do not affect adjoining properties. Any unstable areas identified during proof-rolling should be locally excavated down to a competent base and replaced with engineered fill. If a raft slab footing is adopted a more stringent specification will be needed which will include a testing regime to demonstrate that the subgrade matches the design assumptions for the raft.

The materials recommended for use as engineered fill are well-graded granular materials, such as ripped and/or crushed sandstone, free of deleterious substances, contaminants and having a maximum particle size of 75mm. The sandy soils excavated from the site would also be suitable for reuse as engineered fill. Engineered fill should generally be placed in loose layers not exceeding 150mm and compacted to at least 98% of Standard Maximum Dry Density (SMDD). In-situ density tests will be required at close frequency to confirm the target density has been achieved.

A gravel working platform would be necessary to support the large piling rigs likely to be needed within the excavation if piled footings are used; such a layer would also be useful as a construction platform. This working platform can be a significant cost factor which must be considered early in the design. Large rigs even on medium dense sand may need platforms 600mm or more in thickness and the cost of exporting the over-excavated material for the platform is also likely to be high.



4.8 Further Work

Although the investigation to date has provided a good basic understanding of the geotechnical conditions at the site, design and construction of the proposed development will require significant further geotechnical work once the design concepts are better known. We envisage some or all of the following being necessary:

- Additional EFCP and/or dilatometer testing to assess soil parameters for raft slab design.
- Additional cored boreholes to assess rock properties for pile design.
- Groundwater quality testing.
- Wallap/Plaxis analysis of shoring walls.
- Seepage analysis to assess likely volumes of groundwater inflows during construction and drawdown effect on water table outside the excavation.
- Calculation of working platform thickness for construction plant.

5 GENERAL COMMENTS

The recommendations presented in this report include specific issues to be addressed during the construction phase of the project. In the event that any of the construction phase recommendations presented in this report are not implemented, the general recommendations may become inapplicable and JK Geotechnics accept no responsibility whatsoever for the performance of the structure where recommendations are not implemented in full and properly tested, inspected and documented.

The long term successful performance of raft slabs may be dependent on the satisfactory completion of the earthworks. In order to achieve this, the quality assurance program should not be limited to routine compaction density testing only. Other critical factors associated with the earthworks may include subgrade preparation, selection of fill materials, control of moisture content and drainage, etc. The satisfactory control and assessment of these items may require judgment from an experienced engineer. Such judgment often cannot be made by a technician who may not have formal engineering qualifications and experience. In order to identify potential problems, we recommend that a pre-construction meeting be held so that all parties involved understand the earthworks requirements and potential difficulties. This meeting should clearly define the lines of communication and responsibility.



Occasionally, the subsurface conditions between the completed test locations may be found to be different (or may be interpreted to be different) from those expected. Variation can also occur with groundwater conditions, especially after climatic changes. If such differences appear to exist, we recommend that you immediately contact this office.

This report provides advice on geotechnical aspects for the proposed civil and structural design. As part of the documentation stage of this project, Contract Documents and Specifications may be prepared based on our report. However, there may be design features we are not aware of or have not commented on for a variety of reasons. The designers should satisfy themselves that all the necessary advice has been obtained. If required, we could be commissioned to review the geotechnical aspects of contract documents to confirm the intent of our recommendations has been correctly implemented.

A waste classification will need to be assigned to any soil excavated from the site prior to offsite disposal. Subject to the appropriate testing, material can be classified as Virgin Excavated Natural Material (VENM), General Solid, Restricted Solid or Hazardous Waste. Analysis takes seven to 10 working days to complete, therefore, an adequate allowance should be included in the construction program unless testing is completed prior to construction. If contamination is encountered, then substantial further testing (and associated delays) should be expected. We strongly recommend that this issue is addressed prior to the commencement of excavation on site.

This report has been prepared for the particular project described and no responsibility is accepted for the use of any part of this report in any other context or for any other purpose. If there is any change in the proposed development described in this report then all recommendations should be reviewed. Copyright in this report is the property of JK Geotechnics. We have used a degree of care, skill and diligence normally exercised by consulting engineers in similar circumstances and locality. No other warranty expressed or implied is made or intended. Subject to payment of all fees due for the investigation, the client alone shall have a licence to use this report. The report shall not be reproduced except in full.

TABLE A
POINT LOAD STRENGTH INDEX TEST REPORT

Client:	JK Geotechnics	Ref No:	29353S
Project:	Proposed Residential Development	Report:	A
Location:	177 Russell Avenue, Dolls Point, NSW	Report Date:	11/05/2016

Page 1 of 1

BOREHOLE NUMBER	DEPTH m	$I_{S(50)}$	ESTIMATED UNCONFINED COMPRESSIVE STRENGTH
		MPa	(MPa)
1	22.33-22.37	0.2	4
	22.90-22.94	0.09	2
	23.18-23.21	0.2	4
	23.72-23.76	0.6	12
	24.15-24.19	1.2	24
	24.65-24.70	1.4	28
	25.22-25.26	1.7	34
2	24.40-24.44	0.04	1
	24.84-24.87	1.1	22
	25.31-25.35	1.3	26
	25.71-25.76	1.7	34
	26.11-26.15	2.4	48
	26.67-26.70	1.3	26
3	23.31-23.35	0.2	4
	23.85-23.89	0.5	10
	24.25-24.29	0.5	10
	24.71-24.75	1.4	28
	25.09-25.14	1.2	24
	25.62-25.66	1.6	32
4	26.04-26.07	1.8	36
	22.53-22.56	0.4	8
	23.00-23.04	0.6	12
	23.50-23.54	1.1	22
	24.16-24.20	1.7	34
	24.72-24.76	1.2	24
	25.26-25.31	1.8	36

NOTES:

1. In the above table testing was completed in the Axial direction.
2. The above strength tests were completed at the 'as received' moisture content.
3. Test Method: RMS T223.
4. For reporting purposes, the $I_{S(50)}$ has been rounded to the nearest 0.1MPa, or to one significant figure if less than 0.1MPa
5. The Estimated Unconfined Compressive Strength was calculated from the point load Strength Index by the following approximate relationship and rounded off to the nearest whole number :
U.C.S. = $20 I_{S(50)}$



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Envirolab Services Pty Ltd - Sydney | ABN 37 112 535 645

CERTIFICATE OF ANALYSIS

146253

Client:

JK Geotechnics

PO Box 976

North Ryde BC

NSW 1670

Attention: Arthur Billingham

Sample log in details:

Your Reference:

29353S, Dolls Point

No. of samples:

3 Soils

Date samples received / completed instructions received

09/05/2016 / 09/05/2016

Analysis Details:

Please refer to the following pages for results, methodology summary and quality control data.

Samples were analysed as received from the client. Results relate specifically to the samples as received.

Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

Please refer to the last page of this report for any comments relating to the results.

Report Details:

Date results requested by: / Issue Date:

16/05/16 / 13/05/16

Date of Preliminary Report:

Not Issued

NATA accreditation number 2901. This document shall not be reproduced except in full.

Accredited for compliance with ISO/IEC 17025.

Tests not covered by NATA are denoted with *.

Results Approved By:


Jacinta Hurst
Laboratory Manager

Envirolab Reference: 146253

Revision No: R 00



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Misc Inorg - Soil				
Our Reference:	UNITS	146253-1	146253-2	146253-3
Your Reference	-----	BH1	BH2	BH3
	-			
Depth	-----	20.7-21.15	5.7-6.15	15.4-15.85
Date Sampled		4/05/2016	3/05/2016	5/05/2016
Type of sample		Soil	Soil	Soil
Date prepared	-	11/05/2016	11/05/2016	11/05/2016
Date analysed	-	11/05/2016	11/05/2016	11/05/2016
pH 1:5 soil:water	pH Units	6.6	7.5	7.6
Chloride, Cl 1:5 soil:water	mg/kg	1,100	2,100	1,800
Sulphate, SO4 1:5 soil:water	mg/kg	220	360	470
Resistivity in soil*	ohmm	13	7.0	7.5

MethodID	Methodology Summary
Inorg-001	pH - Measured using pH meter and electrode in accordance with APHA latest edition, 4500-H+. Please note that the results for water analyses are indicative only, as analysis outside of the APHA storage times.
Inorg-081	Anions - a range of Anions are determined by Ion Chromatography, in accordance with APHA latest edition, 4110-B. Alternatively determined by colourimetry/turbidity using Discrete Analyser.
Inorg-002	Conductivity and Salinity - measured using a conductivity cell at 25oC in accordance with APHA 22nd ED 2510 and Rayment & Lyons. Resistivity is calculated from Conductivity.

Client Reference: 29353S, Dolls Point

QUALITY CONTROL	UNITS	PQL	METHOD	Blank	Duplicate Sm#	Duplicate results	Spike Sm#	Spike % Recovery
Misc Inorg - Soil						Base Duplicate %RPD		
Date prepared	-			11/05/2016	146253-1	11/05/2016 11/05/2016	LCS-1	11/05/2016
Date analysed	-			11/05/2016	146253-1	11/05/2016 11/05/2016	LCS-1	11/05/2016
pH 1:5 soil:water	pH Units		Inorg-001	[NT]	146253-1	6.6 6.5 RPD: 2	LCS-1	101%
Chloride, Cl 1:5 soil:water	mg/kg	10	Inorg-081	<10	146253-1	1100 1100 RPD: 0	LCS-1	99%
Sulphate, SO4 1:5 soil:water	mg/kg	10	Inorg-081	<10	146253-1	220 190 RPD: 15	LCS-1	114%
Resistivity in soil*	ohmm	1	Inorg-002	<1.0	146253-1	13 14 RPD: 7	[NR]	[NR]

Report Comments:

Asbestos ID was analysed by Approved Identifier:	Not applicable for this job
Asbestos ID was authorised by Approved Signatory:	Not applicable for this job

INS: Insufficient sample for this test	PQL: Practical Quantitation Limit	NT: Not tested
NR: Test not required	RPD: Relative Percent Difference	NA: Test not required
<: Less than	>: Greater than	LCS: Laboratory Control Sample

Quality Control Definitions

Blank: This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.

Duplicate: This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.

Matrix Spike: A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.

LCS (Laboratory Control Sample): This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.

Surrogate Spike: Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.

Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: <5xPQL - any RPD is acceptable; >5xPQL - 0-50% RPD is acceptable.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals; 60-140% for organics (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.



Borehole No.

1

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
<div> <div>ON COMPLETION OF AUGERING</div> <div>AFTER 15 HRS</div> </div>										FILL: Silty sand, fine grained, brown, trace of roots and root fibres.	M			GRASS COVER
					N = 3 2,1,2		1		SP	SAND: fine to medium grained, light brown, trace of shell fragments.	M	VL		
							1				W			
					N = 8 2,4,4		0			as above, but grey.				
							2							
							-1							
					N = 2 0,0,2		3			SAND: fine to medium grained, dark grey, trace of silt and shell fragments.				SPT SUNK UNDER SELF WEIGHT
							-2							SLIGHT ORGANIC ODOUR
							4							
					N = 3 1,1,2		-3			SAND: fine to medium grained, grey.				
							5							
							-4					L		
					N = 6 2,2,4		6							
							-5							



Borehole No.

1

2 / 5

BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES			Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
ES	U50	DB	DS										
				N = 22 6,9,13	-6			SP	SAND: fine to medium grained, grey.	W	MD		CASING ADVANCER
					-7								
				N = 15 3,6,9	-9								
					-10								
				N = 30 6,13,17	-12								



Borehole No.

1

3 / 5

BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13		SP	SAND: fine to medium grained, grey.	W	(L - MD)		
					N = 6 7,3,3		15		CH	SILTY CLAY: high plasticity, grey.	MC>PL	St	140 140	
							-14							
							16		SC / CL	CLAYEY SAND/SANDY CLAY: fine grained, light grey.	W	MD		
							-15							
							17							
							-16							
					N = 19 4,8,11		18							
							-17							
							19		SP	SAND: fine to medium grained, light grey, trace of shell fragments.		(MD) D		
							-18							
							20			as above, but trace of clay.				
							-19							
					N = 34 10,18,16									



Borehole No.

1

4 / 5

BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
									SP	SAND: fine to medium grained, light grey, trace of shell fragments and clay.	W	D		
						-20								
						22								
									-	SANDSTONE: fine to medium grained, light grey.	SW	L		HIGH RESISTANCE
						-21				REFER TO CORED BOREHOLE LOG				
						23								
						-22								
						24								
						-23								
						25								
						-24								
						26								
						-25								
						27								
						-26								

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Borehole No.

1

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Core Size:** NMLC **R.L. Surface:** ~1.6 m
Date: 4/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Loss/Level	Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX I _s (50)	DEFECT DETAILS	
									DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
								EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
			-20							
			22		START CORING AT 22.23m					
			-21		SANDSTONE: fine to medium grained, light grey, bedded at 5°.	SW	L			(22.80m) Be, 0°, P, S
			23		as above, but bedded at 0°.					(23.00m) J, 40°, P, R, XW INFILL
			-22		CORE LOSS 0.07m	SW	M			(23.27m) CS, 0°, 2 mm.t
			24		SANDSTONE: fine to medium grained, light grey, orange brown and red brown, cross bedded at 20°.		H			(23.39m) CS, 0°, 20 mm.t
			-23							
			25							
			-24		END OF BOREHOLE AT 25.26 m					MONITORING WELL INSTALLED TO 8.49m, SLOTTED TO 5.5m TO 8.49m. SAND FILTER TO 4.8m. BENTONITE PLUG TO 0.7m. BACKFILLED TO SURFACE, COMPLETED WITH GATIC COVER
			26							
			-25							
			27							
			-26							



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Job No. 29353S BHI START CORING AT 22.23m

22

23

CORE
LOSS: 0.0 ft

24

25

EOBH AT 25.26m



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
AFTER 14 HOURS							1		-	FILL: Silty sand, fine grained, grey brown, trace of root and root fibres.	M			GRASS COVER
					N = 3 2,1,2		1		SP	SAND: fine to medium grained, grey, trace of fine grained shell fragments.	M	VL		MARINE
							0				W			
					N = 2 2,1,1		2							
							-1							
					N = 2 0,1,1		3							
							-2							
					N = 4 2,1,3		-3					L		
							-4							
					N = 10 2,4,6		-5			SAND: fine grained, light brown.				ORGANIC ODOUR
										SAND: fine to medium grained, dark grey, trace of silt.				WASHBORING WITH CASING ADVANCER



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
					N = 7 3,3,4	-6				SAND: fine to medium grained, dark grey, trace of silt. (<i>continued</i>)	W	L		ORGANIC ODOUR TO 7.65m
							8							
						-7								
					N = 15 3,6,9	9						MD		
						-8								
						10								
						-9								
						11								
						-10				SAND: fine to medium grained, grey.		(MD - D)		
						12								
					N = 33 9,16,17	-11						D		
						13								
						-12								



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13			SAND: fine to medium grained, grey. (continued)	W	D		
							15							
					N = 38 17,28,10		-14							
							16		SC	CLAYEY SAND: fine to medium grained, light grey and yellow brown, trace of shell fragments.	W	(MD - D)		
							-15							
							17							
							-16							
							18					MD		
					N = 18 3,7,11		-17							
							19							
							-18							
							20							
							-19							



Borehole No.

2

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-20			CLAYEY SAND: fine to medium grained, light grey.	W	MD		ATTEMPTED CORING BUT STOPPED DUE TO LOOSE MATERIAL (NOT ROCK)
							22							
							-21							
							23					(D)		HIGH CASING ADVANCER RESISTANCE
							-22							
							24							
							-23			REFER TO CORED BOREHOLE LOG				
							25							
							-24							
							26							
							-25							
							27							
							-26							

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Borehole No.

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Core Size:** NMLC **R.L. Surface:** ~1.3 m
Date: 3/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Level	Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX $I_p(50)$	DEFECT DETAILS	
									DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
								EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
		-22								
			24		START CORING AT 24.04m					
		-23			CLAYEY SAND: fine to medium grained, grey.		(D)			
					SANDSTONE: fine to coarse grained, light grey.	SW	L			(24.44m) XWS, 0°, 5 mm.t
					SANDSTONE: fine to coarse grained, light grey, orange brown and red brown, trace of fine grained quartz gravel, cross bedded at 20°.		H			(25.10m) Be, 20°, P, S, CLAY INFILL
		-25								
		-26								(26.03m) Be, 20°, P, S, CLAY INFILL
					END OF BOREHOLE AT 26.60 m					
		-27								
		-28								



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JOB No. 29353S

BH2

START CORING AT 24.04m

24

25

26

EOBH AT 26.60m

18.850m

Borehole No.

3

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
					REFER TO EFCP TEST RESULTS				-	FILL: Silty sand, fine grained, brown, trace of roots and root fibres.	M			GRASS COVER
							1		SP	FILL: Sand, fine to medium grained, grey brown, trace of fine grained sandstone gravel. SAND: fine to medium grained, grey.	M	VL - L		MARINE
							1				W			
							0							
							2							
							-1							
							3							
							-2					L - MD		CASING ADVANCER
							4							
							-3							
							5							
							-4							
							6							
							-5					MD		

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
					N = 14 3,6,8		-6		SM	SILTY SAND: fine grained, dark grey.	W	MD		CASING ADVANCER
							8		SP	SAND: fine grained, grey, with silt.				CUTTING HEAD CLEAN
					N = 11 1,4,7		-7							
							9					MD - D		LITTLE TO NO CHANGE IN FLUSH RETURN TO 14.7m DEPTH
							-8							
							10							
							-9							
							11							
							-10					D - VD		
							12							
							-11							
							13					VL - L		
							-12					MD - D		
												VD		

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13		SP	SAND: fine grained, grey, with silt. (continued)	W	D - VD		LITTLE TO NO CHANGE IN FLUSH RETURN TO 14.7m DEPTH
							15							
							-14		CH	SILTY CLAY: high plasticity, grey, with fine grained sand.	MC>PL	F - St	90 70	CLAY RETURNED IN WATER FLUSH
					N = 6 2,3,3		16							
							-15			as above, but red brown.		H		BROWN WATER FLUSH TO 16.8m DEPTH
							17		SC	CLAYEY SAND: fine to medium grained, light grey mottled yellow brown.	W	MD		
							-16							
					N = 13 3,4,9		18							
							-17							
							19							
							-18							
							20		SP	SAND: fine to medium grained, light grey, trace of clay.		D		OBSERVATION BASED ON DRILLING RESISTANCE TO 20.7m DEPTH
							-19							



Borehole No.

3

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-20		SP	SAND: fine to medium grained, light grey, trace of clay. <i>(continued)</i>	W	D		
							22							
							-21							
							23		-	SANDSTONE: fine to medium grained, light grey.	SW	M		
							-22			REFER TO CORED BOREHOLE LOG				NOTE THAT SOIL STRENGTHS HAVE BEEN INTERPOLATED WITH REFERENCE TO ADJACENT EFCP TEST
							24							
							-23							
							25							
							-24							
							26							
							-25							
							27							
							-26							

Borehole No.

3

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Core Size:** NMLC **R.L. Surface:** ~1.6 m
Date: 5/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Loss/Level	Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX I _s (50)	DEFECT DETAILS	
									DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
								EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
		-21	23		START CORING AT 23.16m					
		-22			SANDSTONE: fine to medium grained, light grey, bedded at 5-10°.	SW	M - H			— (23.45m) Be, 0°
		-24			as above, but bedded at 0-5°.	FR	H			— (23.75m) Be, 0°, P, R, CLAY INFILL
		-23								— (24.51m) XWS, 0°, 70 mm.t, P, R
		-25			SANDSTONE: fine to medium grained, light grey, orange brown and red brown, cross bedded at 15-20°.	SW				— (25.34m) CS, 0°, 5 mm.t
		-24								
		-26			SANDSTONE: fine to medium grained, light grey with brown and grey bands, bedded at 15°.					— (26.00m) Be, 15°, P, S, IS
					END OF BOREHOLE AT 26.10 m					
		-25								
		-27								
		-26								
		-28								
		-27								

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JOB No. 29353S

BH3 START CORING AT 23.16m

23

24

25

26

EOBH AT 26.10m

Borehole No.

4

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
										FILL: Silty sand, fine grained, grey brown.	M			GRASS COVER
									SP	SAND: fine to medium grained, light brown.	M	VL		APPEARS POORLY COMPACTED MARINE
					N = 4 2,1,3	1	1			SAND: fine to medium grained, grey and grey brown, trace of organic material, roots and shell fragments.	W			
					N = 6 2,2,4	0	2			SAND: fine to medium grained, grey, with fine grained shell fragments and shells.				
					N = 3 0,0,3	-1	3							
					N = 3 1,1,2	-3	5							
					N = 3 1,1,2	-4	6							WASHBORING WITH CASING ADVANCER
						-5								

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Client: HELM PTY LTD														
Project: PROPOSED RESIDENTIAL DEVELOPMENT														
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW														
Job No.: 29353S			Method: SPIRAL AUGER & CASING ADVANCER				R.L. Surface: ~1.6 m							
Date: 2/5/16			Datum: AHD											
Plant Type: JK308			Logged/Checked By: A.B./P.S.											
Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
ES	U50	DB	DS											
				N = 13 3,7,6	-6			SAND: fine to medium grained, grey.	W	MD		SLIGHT ORGANIC ODOUR		
				N = 18 4,8,10	-7									
				N = 22 6,8,14	-9			as above, but light grey.						
				N = 36 7,15,21	-12					D				
				N = 6 4,4,2	-12			SAND: fine to medium grained, dark grey, trace of silt.		L				



Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-13			SAND: fine to medium grained, dark grey, trace of silt. <i>(continued)</i>	W	L		SLIGHT ORGANIC ODOUR
							15			SAND: fine to medium grained, light grey and grey.		D		
					N = 40 15,28,12		-14							
							16		SC	CLAYEY SAND/SANDY CLAY: fine to medium grained, light grey and yellow brown.				
							-15							
							17							PUSH - NO MOVEMENT
							-16					(L)		ASSESSMENT BASED ON PENETRATION RATE
							18							
							-17							
							19							
							-18							
							20							
							-19					(D)		PENETRATION RATE SLOWED AND CHAIN TIGHTENED

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Borehole No.

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BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Method:** SPIRAL AUGER & CASING ADVANCER **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Datum:** AHD
Plant Type: JK308 **Logged/Checked By:** A.B./P.S.

Groundwater Record	SAMPLES				Field Tests	RL (m AHD)	Depth (m)	Graphic Log	Unified Classification	DESCRIPTION	Moisture Condition/ Weathering	Strength/ Rel Density	Hand Penetrometer Readings (kPa)	Remarks
	ES	U50	DB	DS										
							-20		SC	CLAYEY SAND/SANDY CLAY: fine to medium grained, light grey and yellow brown. (continued)	W	(D)		PENETRATION RATE SLOWED AND CHAIN TIGHTENED
							22		-	SANDSTONE: fine to medium grained, light grey.	DW	M		
							-21			REFER TO CORED BOREHOLE LOG				
							23							
							-22							
							24							
							-23							
							25							
							-24							
							26							
							-25							
							27							
							-26							

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Borehole No.

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CORED BOREHOLE LOG

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S **Core Size:** NMLC **R.L. Surface:** ~1.6 m
Date: 2/5/16 **Inclination:** VERTICAL **Datum:** AHD
Plant Type: JK308 **Bearing:** N/A **Logged/Checked By:** A.B./P.S.

Water Loss/Level	Barrel Lift	RL (m AHD)	Depth (m)	Graphic Log	CORE DESCRIPTION Rock Type, grain characteristics, colour, structure, minor components.	Weathering	Strength	POINT LOAD STRENGTH INDEX $I_p(50)$	DEFECT DETAILS	
									DEFECT SPACING (mm)	DESCRIPTION Type, inclination, thickness, planarity, roughness, coating.
								EL-0.03 VL-0.1 L-0.3 M-1 H-3 VH-10 EH	500 300 100 50 30 10	Specific General
		-20	22		START CORING AT 22.49m					
		-21	23		SANDSTONE: fine to coarse grained, light grey, bedded at 0-5°.	FR	M			— (22.60m) Be, 5°, P, R, CLAY INFILL
		-22	24		SANDSTONE: fine to medium grained, light grey, orange brown and red brown, cross bedded at 15°-20°.	SW	H			— (24.63m) CS, 0°, 25 mm.t
		-23	25							— (25.18m) Be, 2°, P, R, CLAY INFILL
		-24	26		END OF BOREHOLE AT 25.50 m					MONITORING WELL INSTALLED TO 8m. BENTONITE FROM 0.1m TO 0.5m. FINISHED WITH CONCRETE ENCASED GATIC COVER
		-25	27							
		-26								



JK Geotechnics

JOB No. 29353S BH4 START CORING AT 22.49m

22

23

24

25

EOBH AT 25.50m

PA 201 810

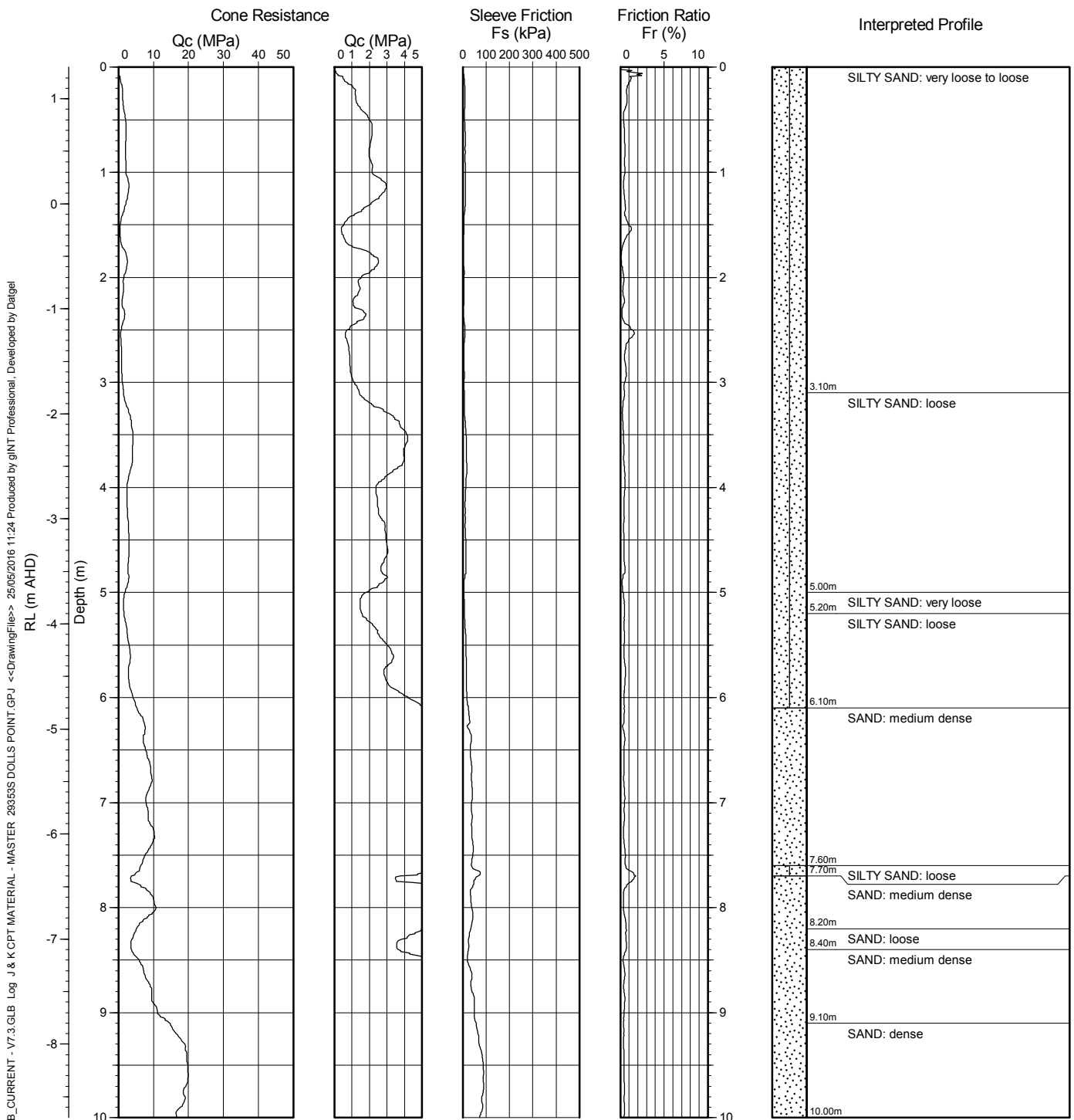
ELECTRICAL FRICTION CONE PENETROMETER TEST RESULTS

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S
Date: 6/5/16

R.L. Surface: ~1.3 m
Datum: AHD

Data File: J:\29000's\29353S
Operator: T.C.



JK_LIB_CURRENT - V7.3.GLB Log J & K CPT MATERIAL - MASTER 29353S DOLLS POINT.GPJ <<DrawingFile>> 25/05/2016 11:24 Produced by gINT Professional. Developed by Datgel

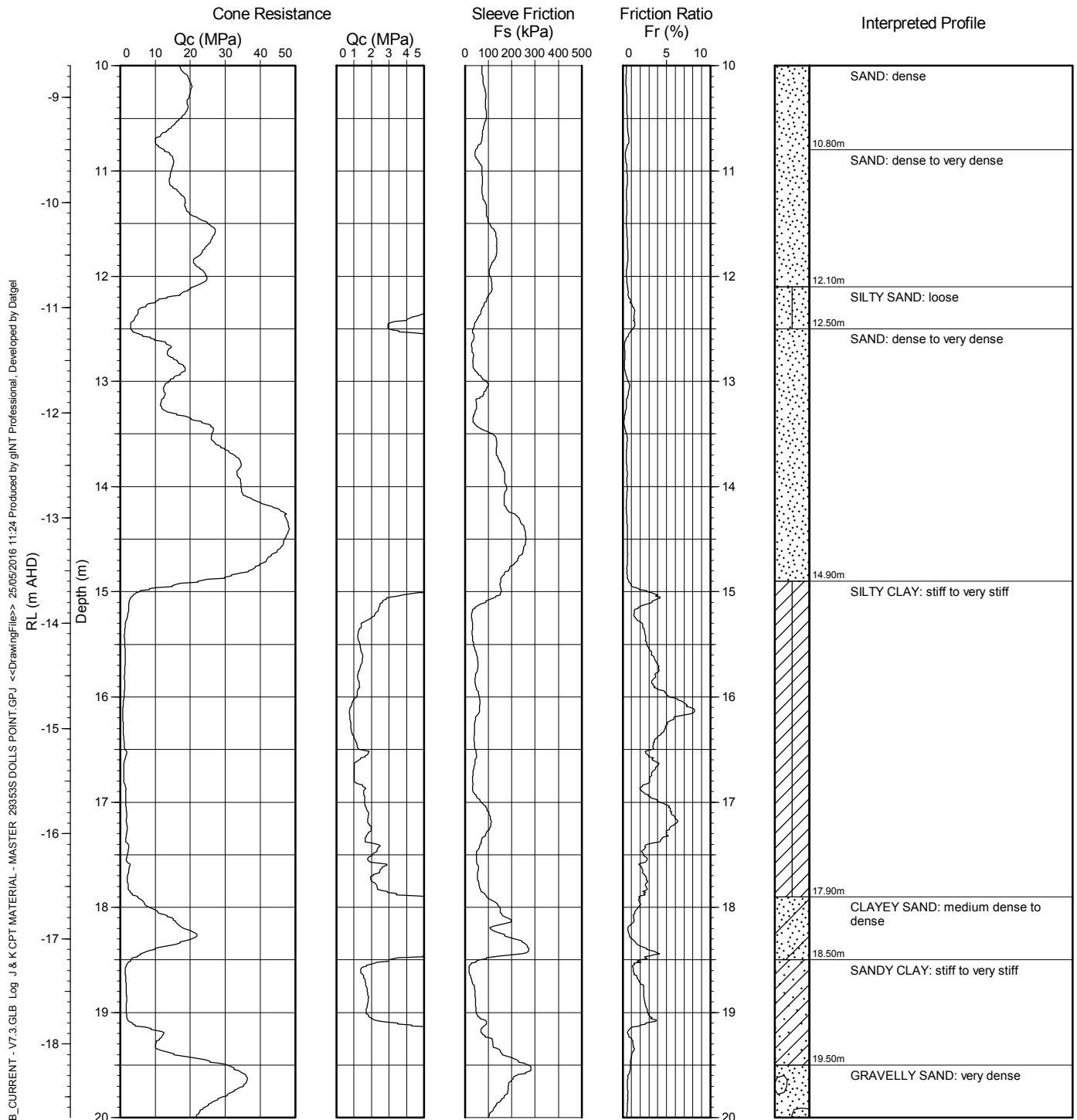
ELECTRICAL FRICTION CONE PENETROMETER TEST RESULTS

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S
Date: 6/5/16

R.L. Surface: ~1.3 m
Datum: AHD

Data File: J:\29000's\29353S
Operator: T.C.



Interpreted by: T.C.
Checked by: P. Page 535

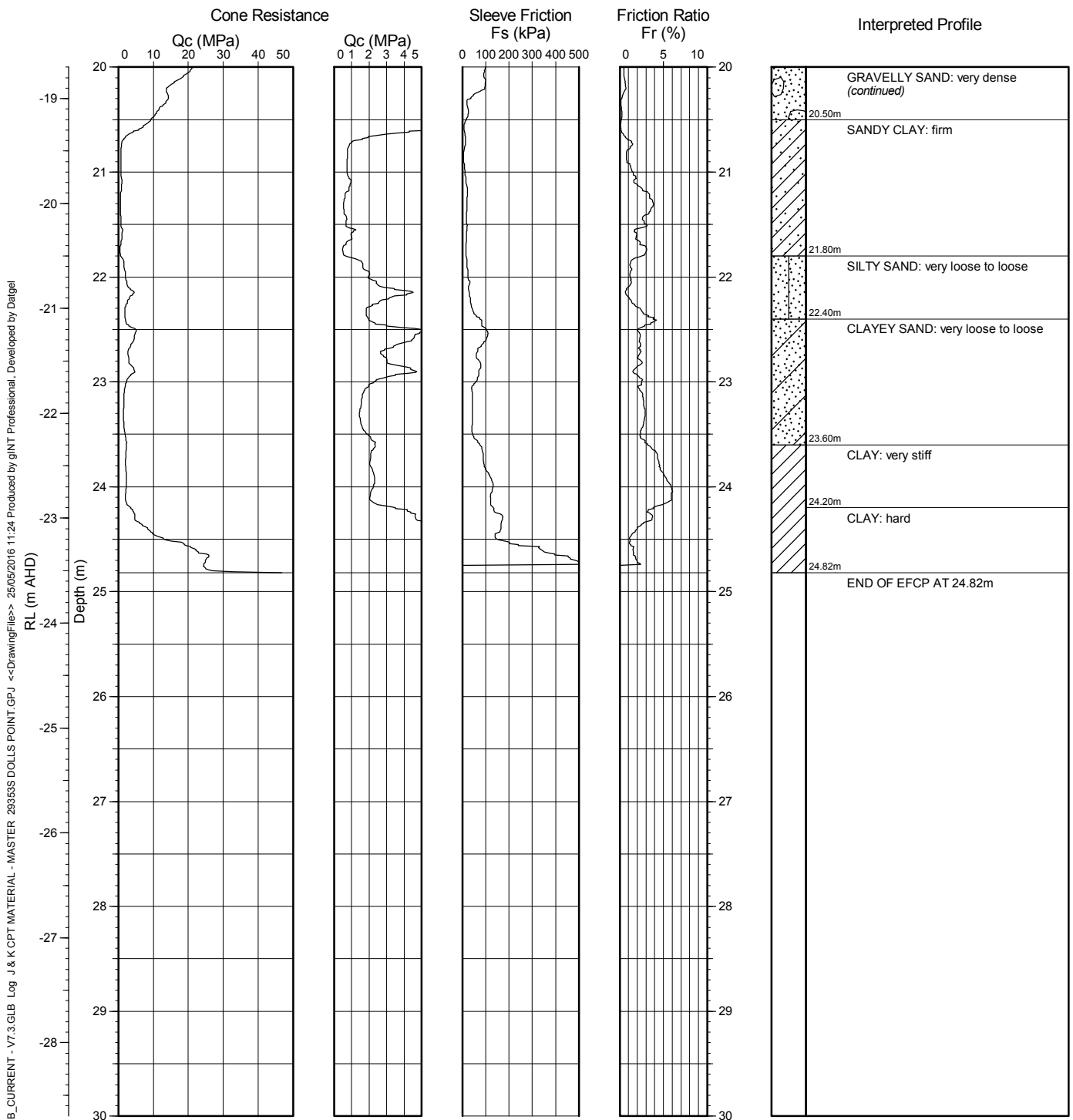
ELECTRICAL FRICTION CONE PENETROMETER TEST RESULTS

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

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Datum: AHD

Data File: J:\29000's\29353S
Operator: T.C.



ELECTRICAL FRICTION CONE PENETROMETER TEST RESULTS

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S

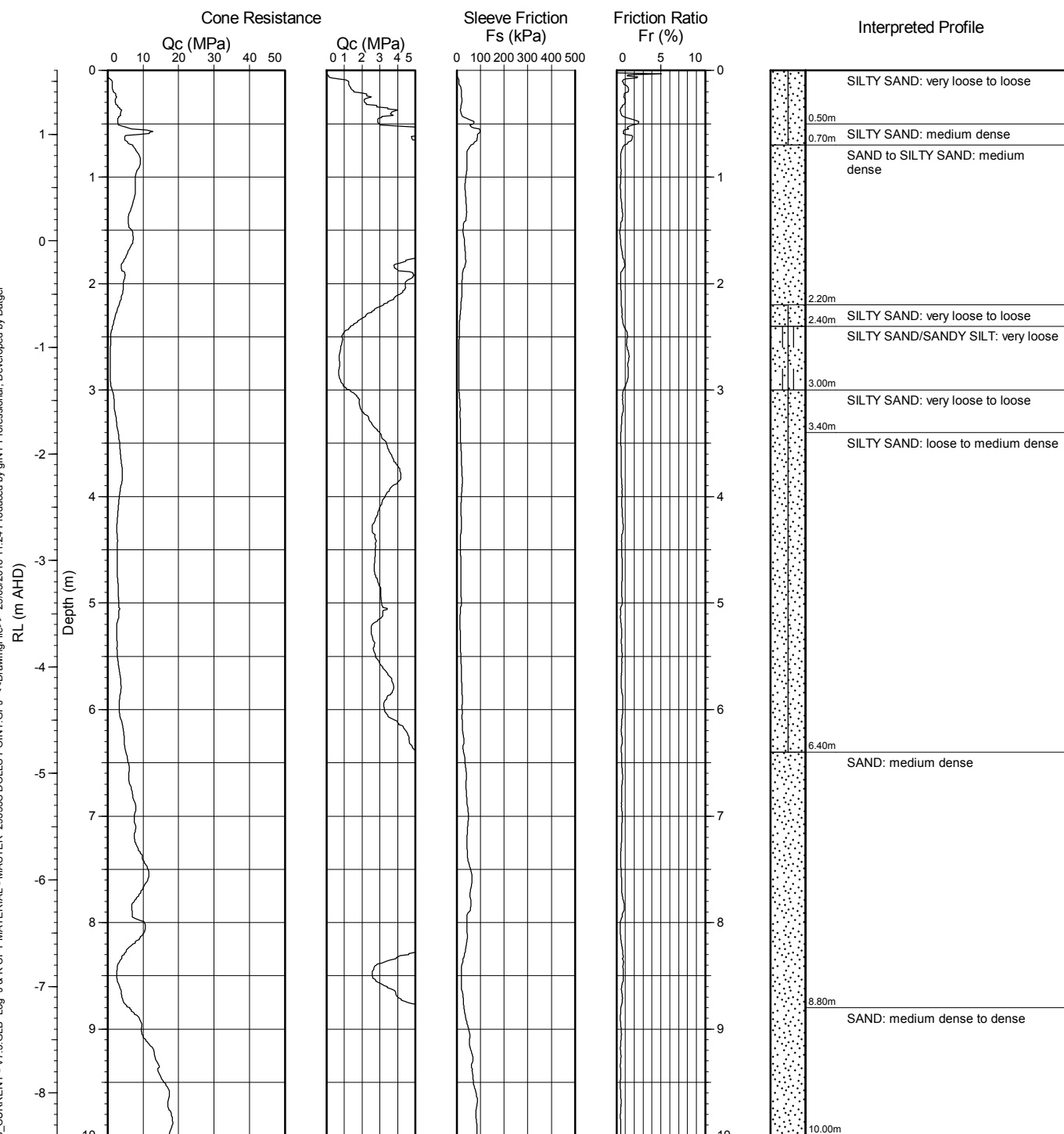
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Data File: J:\29000's\29353S

Date: 6/5/16

Datum: AHD

Operator: T.C.



JK_LIB_CURRENT - V7.3.GLB Log J & K CPT MATERIAL - MASTER 29353S DOLLS POINT.GPJ <<DrawingFile>> 25/05/2016 11:24 Produced by gINT Professional. Developed by Datgel

ELECTRICAL FRICTION CONE PENETROMETER TEST RESULTS

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S

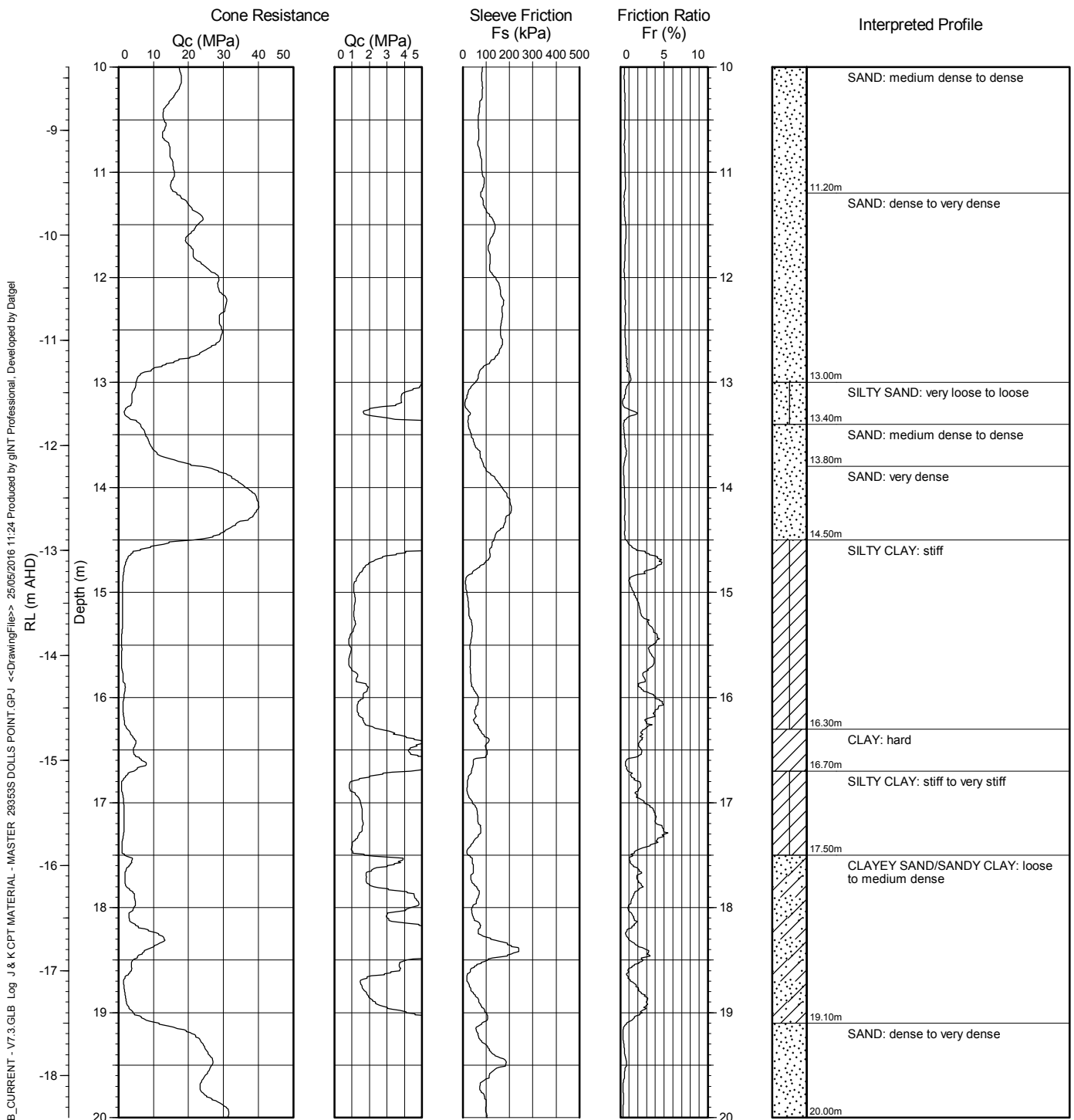
R.L. Surface: ~1.6 m

Data File: J:\29000's\29353S

Date: 6/5/16

Datum: AHD

Operator: T.C.



Interpreted by: T.C.
Checked by: P. Page 538

ELECTRICAL FRICTION CONE PENETROMETER TEST RESULTS

Client: HELM PTY LTD
Project: PROPOSED RESIDENTIAL DEVELOPMENT
Location: 177 RUSSELL AVENUE, DOLLS POINT, NSW

Job No.: 29353S

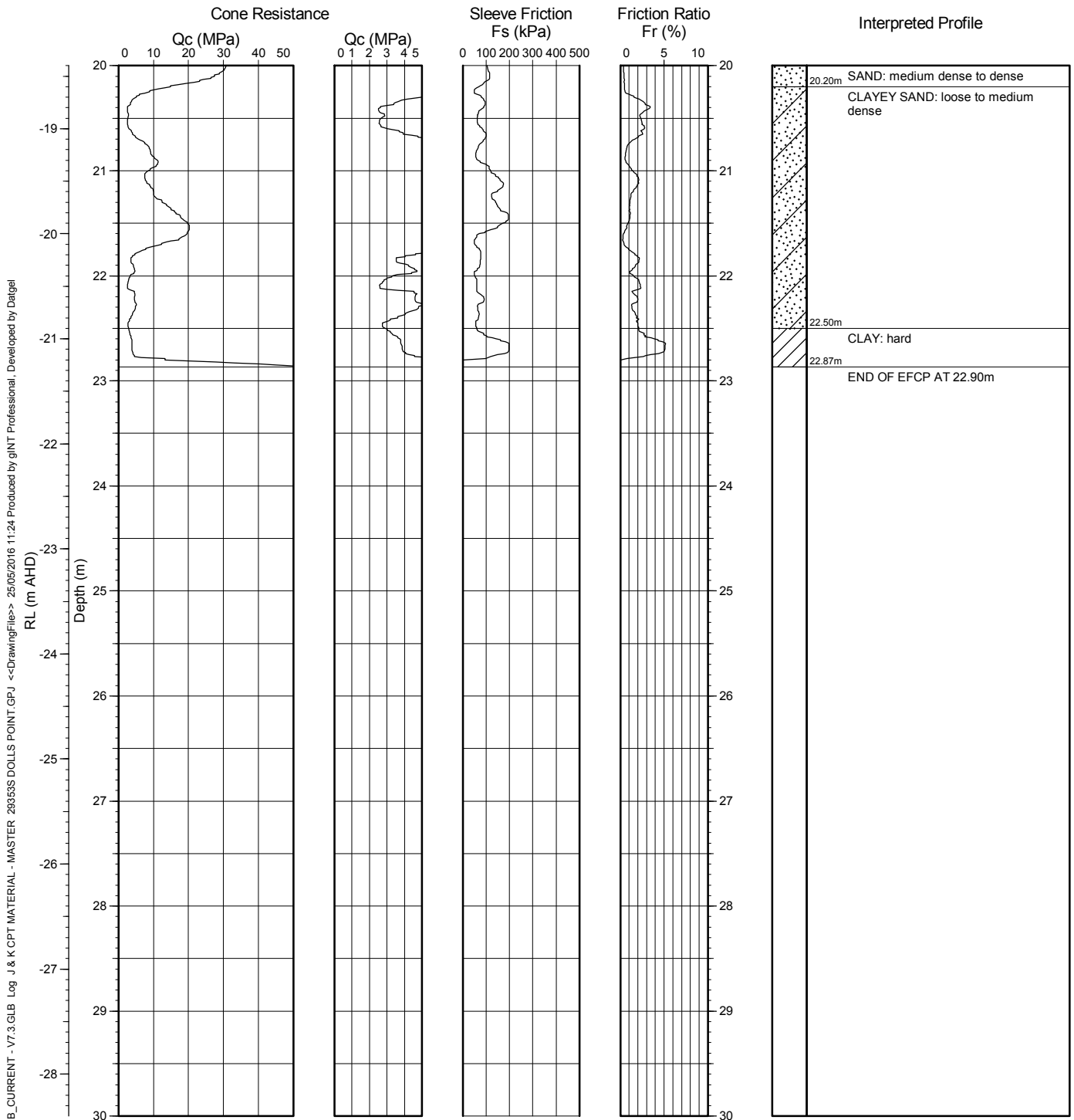
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Data File: J:\29000's\29353S

Date: 6/5/16

Datum: AHD

Operator: T.C.



Interpreted by: T.C.
Checked by: P. Page 539

PLOT DATE: 25/05/2016 1:38:54 PM DWG FILE: S:\6 GEOTECHNICAL\6 GEOTECHNICAL JOBS\293535\293535 DOLLS POINT\CAD\293535.DWG



AERIAL IMAGE SOURCE: GOOGLE EARTH PRO 7.1.5.1557
AERIAL IMAGE ©: 2015 GOOGLE INC.

Title:

SITE LOCATION PLAN

Project:

177 RUSSEL AVENUE,
DOLLS POINT, NSW

Report No:

293535

Figure No:

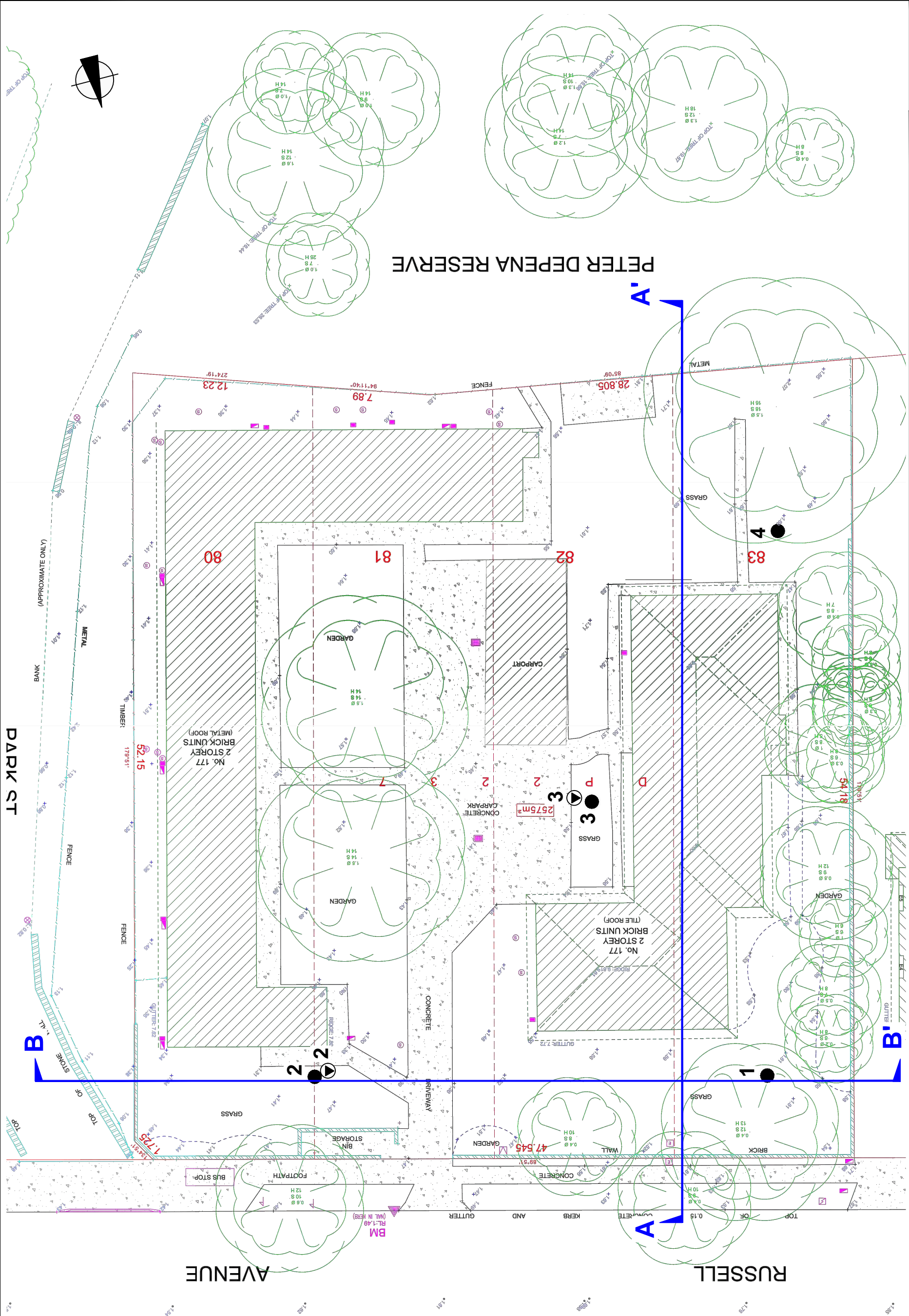
1

This plan should be read in conjunction with the JK Geotechnics report.

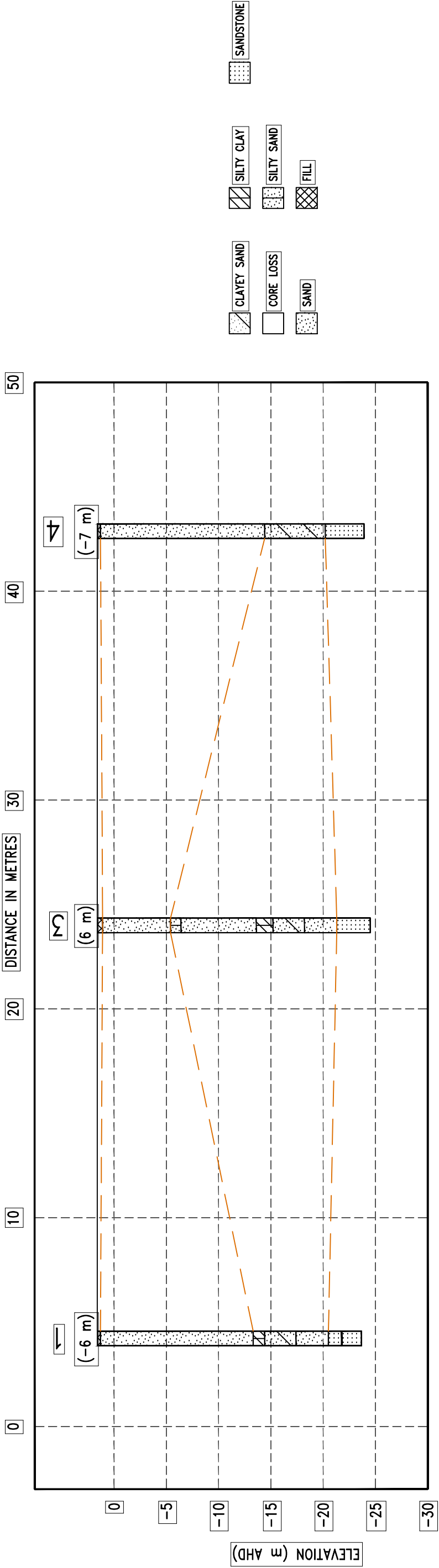
JK Geotechnics

Page 540

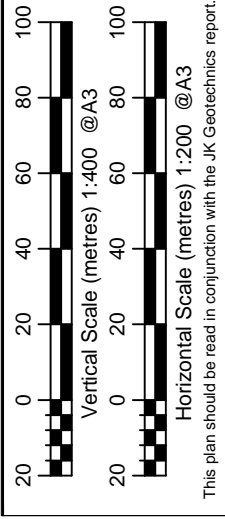
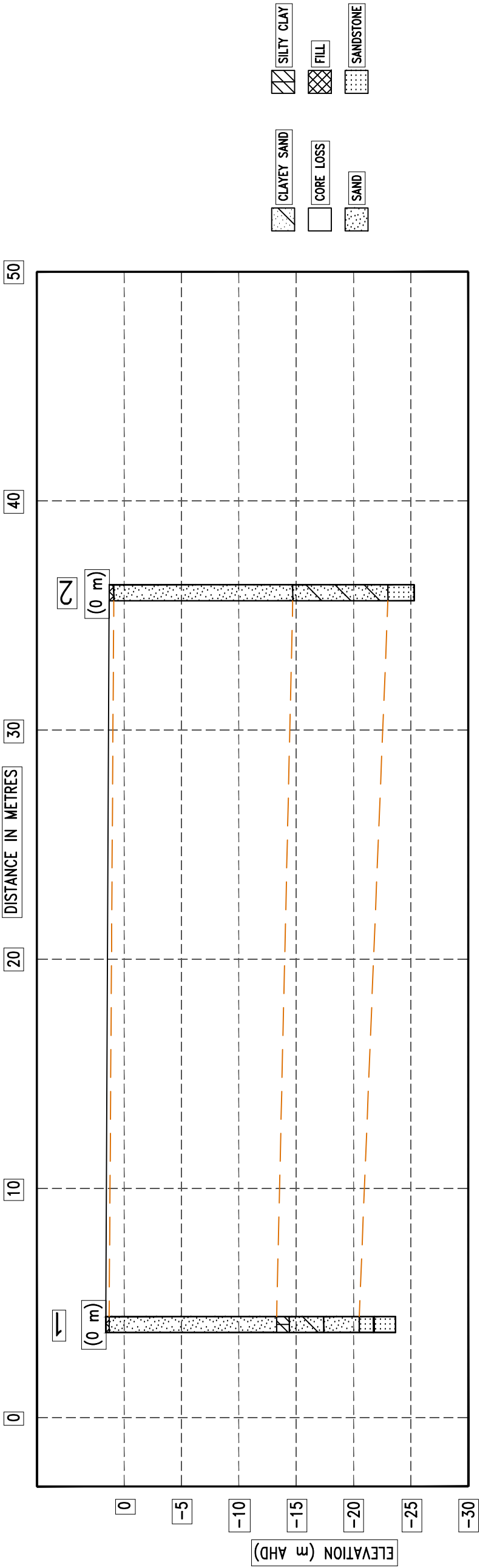




CROSS SECTION AA



CROSS SECTION BB



CROSS SECTION AA & BB
Project: 177 RUSSEL AVENUE,
DOLLS POINT, NSW
Report No: 29353S
Figure No: 3

JK Geotechnics



REPORT EXPLANATION NOTES

INTRODUCTION

These notes have been provided to amplify the geotechnical report in regard to classification methods, field procedures and certain matters relating to the Comments and Recommendations section. Not all notes are necessarily relevant to all reports.

The ground is a product of continuing natural and man-made processes and therefore exhibits a variety of characteristics and properties which vary from place to place and can change with time. Geotechnical engineering involves gathering and assimilating limited facts about these characteristics and properties in order to understand or predict the behaviour of the ground on a particular site under certain conditions. This report may contain such facts obtained by inspection, excavation, probing, sampling, testing or other means of investigation. If so, they are directly relevant only to the ground at the place where and time when the investigation was carried out.

DESCRIPTION AND CLASSIFICATION METHODS

The methods of description and classification of soils and rocks used in this report are based on Australian Standard 1726, the SAA Site Investigation Code. In general, descriptions cover the following properties – soil or rock type, colour, structure, strength or density, and inclusions. Identification and classification of soil and rock involves judgement and the Company infers accuracy only to the extent that is common in current geotechnical practice.

Soil types are described according to the predominating particle size and behaviour as set out in the attached Unified Soil Classification Table qualified by the grading of other particles present (e.g. sandy clay) as set out below:

Soil Classification	Particle Size
Clay	less than 0.002mm
Silt	0.002 to 0.075mm
Sand	0.075 to 2mm
Gravel	2 to 60mm

Non-cohesive soils are classified on the basis of relative density, generally from the results of Standard Penetration Test (SPT) as below:

Relative Density	SPT 'N' Value (blows/300mm)
Very loose	less than 4
Loose	4 – 10
Medium dense	10 – 30
Dense	30 – 50
Very Dense	greater than 50

Cohesive soils are classified on the basis of strength (consistency) either by use of hand penetrometer, laboratory testing or engineering examination. The strength terms are defined as follows.

Classification	Unconfined Compressive Strength kPa
Very Soft	less than 25
Soft	25 – 50
Firm	50 – 100
Stiff	100 – 200
Very Stiff	200 – 400
Hard	Greater than 400
Friable	Strength not attainable – soil crumbles

Rock types are classified by their geological names, together with descriptive terms regarding weathering, strength, defects, etc. Where relevant, further information regarding rock classification is given in the text of the report. In the Sydney Basin, 'Shale' is used to describe thinly bedded to laminated siltstone.

SAMPLING

Sampling is carried out during drilling or from other excavations to allow engineering examination (and laboratory testing where required) of the soil or rock.

Disturbed samples taken during drilling provide information on plasticity, grain size, colour, moisture content, minor constituents and, depending upon the degree of disturbance, some information on strength and structure. Bulk samples are similar but of greater volume required for some test procedures.

Undisturbed samples are taken by pushing a thin-walled sample tube, usually 50mm diameter (known as a U50), into the soil and withdrawing it with a sample of the soil contained in a relatively undisturbed state. Such samples yield information on structure and strength, and are necessary for laboratory determination of shear strength and compressibility. Undisturbed sampling is generally effective only in cohesive soils.

Details of the type and method of sampling used are given on the attached logs.

INVESTIGATION METHODS

The following is a brief summary of investigation methods currently adopted by the Company and some comments on their use and application. All except test pits, hand auger drilling and portable dynamic cone penetrometers require the use of a mechanical drilling rig which is commonly mounted on a truck chassis.



Test Pits: These are normally excavated with a backhoe or a tracked excavator, allowing close examination of the insitu soils if it is safe to descend into the pit. The depth of penetration is limited to about 3m for a backhoe and up to 6m for an excavator. Limitations of test pits are the problems associated with disturbance and difficulty of reinstatement and the consequent effects on close-by structures. Care must be taken if construction is to be carried out near test pit locations to either properly recompact the backfill during construction or to design and construct the structure so as not to be adversely affected by poorly compacted backfill at the test pit location.

Hand Auger Drilling: A borehole of 50mm to 100mm diameter is advanced by manually operated equipment. Premature refusal of the hand augers can occur on a variety of materials such as hard clay, gravel or ironstone, and does not necessarily indicate rock level.

Continuous Spiral Flight Augers: The borehole is advanced using 75mm to 115mm diameter continuous spiral flight augers, which are withdrawn at intervals to allow sampling and insitu testing. This is a relatively economical means of drilling in clays and in sands above the water table. Samples are returned to the surface by the flights or may be collected after withdrawal of the auger flights, but they can be very disturbed and layers may become mixed. Information from the auger sampling (as distinct from specific sampling by SPTs or undisturbed samples) is of relatively lower reliability due to mixing or softening of samples by groundwater, or uncertainties as to the original depth of the samples. Augering below the groundwater table is of even lesser reliability than augering above the water table.

Rock Augering: Use can be made of a Tungsten Carbide (TC) bit for auger drilling into rock to indicate rock quality and continuity by variation in drilling resistance and from examination of recovered rock fragments. This method of investigation is quick and relatively inexpensive but provides only an indication of the likely rock strength and predicted values may be in error by a strength order. Where rock strengths may have a significant impact on construction feasibility or costs, then further investigation by means of cored boreholes may be warranted.

Wash Boring: The borehole is usually advanced by a rotary bit, with water being pumped down the drill rods and returned up the annulus, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from "feel" and rate of penetration.

Mud Stabilised Drilling: Either Wash Boring or Continuous Core Drilling can use drilling mud as a circulating fluid to stabilise the borehole. The term 'mud' encompasses a range of products ranging from bentonite to polymers such as Revert or Biogel. The mud tends to mask the cuttings and reliable identification is only possible from intermittent intact sampling (eg from SPT and U50 samples) or from rock coring, etc.

Continuous Core Drilling: A continuous core sample is obtained using a diamond tipped core barrel. Provided full core recovery is achieved (which is not always possible in very low strength rocks and granular soils), this technique provides a very reliable (but relatively expensive) method of investigation. In rocks, an NMLC triple tube core barrel, which gives a core of about 50mm diameter, is usually used with water flush. The length of core recovered is compared to the length drilled and any length not recovered is shown as CORE LOSS. The location of losses are determined on site by the supervising engineer; where the location is uncertain, the loss is placed at the top end of the drill run.

Standard Penetration Tests: Standard Penetration Tests (SPT) are used mainly in non-cohesive soils, but can also be used in cohesive soils as a means of indicating density or strength and also of obtaining a relatively undisturbed sample. The test procedure is described in Australian Standard 1289, "Methods of Testing Soils for Engineering Purposes" – Test F3.1.

The test is carried out in a borehole by driving a 50mm diameter split sample tube with a tapered shoe, under the impact of a 63kg hammer with a free fall of 760mm. It is normal for the tube to be driven in three successive 150mm increments and the 'N' value is taken as the number of blows for the last 300mm. In dense sands, very hard clays or weak rock, the full 450mm penetration may not be practicable and the test is discontinued.

The test results are reported in the following form:

- In the case where full penetration is obtained with successive blow counts for each 150mm of, say, 4, 6 and 7 blows, as
$$N = 13$$
$$4, 6, 7$$
- In a case where the test is discontinued short of full penetration, say after 15 blows for the first 150mm and 30 blows for the next 40mm, as
$$N > 30$$
$$15, 30/40\text{mm}$$

The results of the test can be related empirically to the engineering properties of the soil.

Occasionally, the drop hammer is used to drive 50mm diameter thin walled sample tubes (U50) in clays. In such circumstances, the test results are shown on the borehole logs in brackets.

A modification to the SPT test is where the same driving system is used with a solid 60° tipped steel cone of the same diameter as the SPT hollow sampler. The solid cone can be continuously driven for some distance in soft clays or loose sands, or may be used where damage would otherwise occur to the SPT. The results of this Solid Cone Penetration Test (SCPT) are shown as " N_c " on the borehole logs, together with the number of blows per 150mm penetration.

Static Cone Penetrometer Testing and Interpretation:

Cone penetrometer testing (sometimes referred to as a Dutch Cone) described in this report has been carried out using an Electronic Friction Cone Penetrometer (EFCP). The test is described in Australian Standard 1289, Test F5.1.

In the tests, a 35mm diameter rod with a conical tip is pushed continuously into the soil, the reaction being provided by a specially designed truck or rig which is fitted with an hydraulic ram system. Measurements are made of the end bearing resistance on the cone and the frictional resistance on a separate 134mm long sleeve, immediately behind the cone. Transducers in the tip of the assembly are electrically connected by wires passing through the centre of the push rods to an amplifier and recorder unit mounted on the control truck.

As penetration occurs (at a rate of approximately 20mm per second) the information is output as incremental digital records every 10mm. The results given in this report have been plotted from the digital data.

The information provided on the charts comprise:

- Cone resistance – the actual end bearing force divided by the cross sectional area of the cone – expressed in MPa.
- Sleeve friction – the frictional force on the sleeve divided by the surface area – expressed in kPa.
- Friction ratio – the ratio of sleeve friction to cone resistance, expressed as a percentage.

The ratios of the sleeve resistance to cone resistance will vary with the type of soil encountered, with higher relative friction in clays than in sands. Friction ratios of 1% to 2% are commonly encountered in sands and occasionally very soft clays, rising to 4% to 10% in stiff clays and peats. Soil descriptions based on cone resistance and friction ratios are only inferred and must not be considered as exact.

Correlations between EFCP and SPT values can be developed for both sands and clays but may be site specific.

Interpretation of EFCP values can be made to empirically derive modulus or compressibility values to allow calculation of foundation settlements.

Stratification can be inferred from the cone and friction traces and from experience and information from nearby boreholes etc. Where shown, this information is presented for general guidance, but must be regarded as interpretive. The test method provides a continuous profile of engineering properties but, where precise information on soil classification is required, direct drilling and sampling may be preferable.

Portable Dynamic Cone Penetrometers: Portable Dynamic Cone Penetrometer (DCP) tests are carried out by driving a rod into the ground with a sliding hammer and counting the blows for successive 100mm increments of penetration.

Two relatively similar tests are used:

- Cone penetrometer (commonly known as the Scala Penetrometer) – a 16mm rod with a 20mm diameter cone end is driven with a 9kg hammer dropping 510mm (AS1289, Test F3.2). The test was developed initially for pavement subgrade investigations, and correlations of the test results with California Bearing Ratio have been published by various Road Authorities.
- Perth sand penetrometer – a 16mm diameter flat ended rod is driven with a 9kg hammer, dropping 600mm (AS1289, Test F3.3). This test was developed for testing the density of sands (originating in Perth) and is mainly used in granular soils and filling.

LOGS

The borehole or test pit logs presented herein are an engineering and/or geological interpretation of the sub-surface conditions, and their reliability will depend to some extent on the frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will enable the most reliable assessment, but is not always practicable or possible to justify on economic grounds. In any case, the boreholes or test pits represent only a very small sample of the total subsurface conditions.


The attached explanatory notes define the terms and symbols used in preparation of the logs.

Interpretation of the information shown on the logs, and its application to design and construction, should therefore take into account the spacing of boreholes or test pits, the method of drilling or excavation, the frequency of sampling and testing and the possibility of other than “straight line” variations between the boreholes or test pits. Subsurface conditions between boreholes or test pits may vary significantly from conditions encountered at the borehole or test pit locations.

GROUNDWATER

Where groundwater levels are measured in boreholes, there are several potential problems:

- Although groundwater may be present, in low permeability soils it may enter the hole slowly or perhaps not at all during the time it is left open.
- A localised perched water table may lead to an erroneous indication of the true water table.
- Water table levels will vary from time to time with seasons or recent weather changes and may not be the same at the time of construction.
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must be washed out of the hole or ‘reverted’ chemically if water observations are to be made.



More reliable measurements can be made by installing standpipes which are read after stabilising at intervals ranging from several days to perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from perched water tables or surface water.

FILL

The presence of fill materials can often be determined only by the inclusion of foreign objects (eg bricks, steel etc) or by distinctly unusual colour, texture or fabric. Identification of the extent of fill materials will also depend on investigation methods and frequency. Where natural soils similar to those at the site are used for fill, it may be difficult with limited testing and sampling to reliably determine the extent of the fill.

The presence of fill materials is usually regarded with caution as the possible variation in density, strength and material type is much greater than with natural soil deposits. Consequently, there is an increased risk of adverse engineering characteristics or behaviour. If the volume and quality of fill is of importance to a project, then frequent test pit excavations are preferable to boreholes.

LABORATORY TESTING

Laboratory testing is normally carried out in accordance with Australian Standard 1289 'Methods of Testing Soil for Engineering Purposes'. Details of the test procedure used are given on the individual report forms.

ENGINEERING REPORTS

Engineering reports are prepared by qualified personnel and are based on the information obtained and on current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal (eg. a three storey building) the information and interpretation may not be relevant if the design proposal is changed (eg to a twenty storey building). If this happens, the company will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical aspects and recommendations or suggestions for design and construction. However, the Company cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions – the potential for this will be partially dependent on borehole spacing and sampling frequency as well as investigation technique.
- Changes in policy or interpretation of policy by statutory authorities.
- The actions of persons or contractors responding to commercial pressures.

If these occur, the company will be pleased to assist with investigation or advice to resolve any problems occurring.

SITE ANOMALIES

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, the company requests that it immediately be notified. Most problems are much more readily resolved when conditions are exposed that at some later stage, well after the event.

REPRODUCTION OF INFORMATION FOR CONTRACTUAL PURPOSES

Attention is drawn to the document 'Guidelines for the Provision of Geotechnical Information in Tender Documents', published by the Institution of Engineers, Australia. Where information obtained from this investigation is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. The company would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Copyright in all documents (such as drawings, borehole or test pit logs, reports and specifications) provided by the Company shall remain the property of Jeffery and Katauskas Pty Ltd. Subject to the payment of all fees due, the Client alone shall have a licence to use the documents provided for the sole purpose of completing the project to which they relate. License to use the documents may be revoked without notice if the Client is in breach of any objection to make a payment to us.

REVIEW OF DESIGN

Where major civil or structural developments are proposed or where only a limited investigation has been completed or where the geotechnical conditions/ constraints are quite complex, it is prudent to have a joint design review which involves a senior geotechnical engineer.

SITE INSPECTION

The company will always be pleased to provide engineering inspection services for geotechnical aspects of work to which this report is related.

Requirements could range from:

- i) a site visit to confirm that conditions exposed are no worse than those interpreted, to
- ii) a visit to assist the contractor or other site personnel in identifying various soil/rock types such as appropriate footing or pier founding depths, or
- iii) full time engineering presence on site.



GRAPHIC LOG SYMBOLS FOR SOILS AND ROCKS





SOIL		ROCK		DEFECTS AND INCLUSIONS	
	FILL		CONGLOMERATE		CLAY SEAM
	TOPSOIL		SANDSTONE		SHEARED OR CRUSHED SEAM
	CLAY (CL, CH)		SHALE		BRECCIATED OR SHATTERED SEAM/ZONE
	SILT (ML, MH)		SILTSTONE, MUDSTONE, CLAYSTONE		IRONSTONE GRAVEL
	SAND (SP, SW)		LIMESTONE		ORGANIC MATERIAL
	GRAVEL (GP, GW)		PHYLLITE, SCHIST		
	SANDY CLAY (CL, CH)		TUFF		
	SILTY CLAY (CL, CH)		GRANITE, GABBRO		
	CLAYEY SAND (SC)		DOLERITE, DIORITE		
	SILTY SAND (SM)		BASALT, ANDESITE		
	GRAVELLY CLAY (CL, CH)		QUARTZITE		
	CLAYEY GRAVEL (GC)				
	SANDY SILT (ML)				
	PEAT AND ORGANIC SOILS				
				OTHER MATERIALS	
					CONCRETE
					BITUMINOUS CONCRETE, COAL
					COLLUVIUM

Field Identification Procedures (Excluding particles larger than 75 μ m and basing fractions on estimated weights)			Group Symbols		Typical Names		Information Required for Describing Soils		Use grain size curve in identifying the fractions as given under field identification		Laboratory Classification Criteria	
<p>Coarse-grained soils More than half of material is larger than 75 μm sieve size</p> <p>Gravels More than half of coarse fraction is larger than 4 mm sieve size</p> <p>Clean gravels (little or no fines)</p>	Wide range in grain size and substantial amounts of all intermediate particle sizes	<p>Identification Procedures on Fraction Smaller than 380 μm Sieve Size</p> <p>(The 75 μm sieve size is about the smallest particle visible to naked eye)</p> <p>More than half of material is smaller than 75 μm sieve size</p>	GW	Well graded gravels, gravel-sand mixtures, little or no fines	Give typical name; indicate approximate percentages of sand and gravel; maximum size; angularity, surface condition, and hardness of the coarse grains; local or geologic name and other pertinent descriptive information; and symbols in parentheses	<p>Determine percentages of gravel and sand from grain size curve (Depending on percentage of fines (fraction smaller than 75 μm sieve size) coarse grained soils are classified as follows: GW, GP, SM, SP Less than 5% More than 12% 5% to 12% Borderline cases requiring use of dual symbols</p>	$C_u = \frac{D_{60}}{D_{10}}$ $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$	Greater than 4 Between 1 and 3				
	Predominantly one size or a range of sizes with some intermediate sizes missing		GP	Poorly graded gravels, gravel-sand mixtures, little or no fines								
	Nonplastic fines (for identification procedures see <i>ML</i> below)		GM	Silty gravels, poorly graded gravel-sand-silt mixtures								
	Plastic fines (for identification procedures, see <i>CL</i> below)		GC	Clayey gravels, poorly graded gravel-sand-clay mixtures	For undisturbed soils add information on stratification, degree of compactness, cementation, and moisture characteristics							
	Wide range in grain sizes and substantial amounts of all intermediate particle sizes		SW	Well graded sands, gravelly sands, little or no fines	Example: <i>Silty sand</i> , gravelly; about 20% hard, angular gravel particles 12 mm maximum size; rounded and subangular sand grains coarse to fine, about 15% non-plastic fines with low dry strength; well compacted and moist in place; alluvial sand; (<i>SM</i>)							
<p>Sands More than half of coarse fraction is smaller than 4 mm sieve size</p> <p>Sands with fines (appreciable amount of fines)</p>	Predominantly one size or a range of sizes with some intermediate sizes missing	SP	Poorly graded sands, gravelly sands, little or no fines									
	Nonplastic fines (for identification procedures, see <i>ML</i> below)	SM	Silty sands, poorly graded sand-silt mixtures									
	Plastic fines (for identification procedures, see <i>CL</i> below)	SC	Clayey sands, poorly graded sand-clay mixtures									
	<p>Identification Procedures on Fraction Smaller than 380 μm Sieve Size</p> <p>(The 75 μm sieve size is about the smallest particle visible to naked eye)</p> <p>More than half of material is smaller than 75 μm sieve size</p>	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity	Give typical name; indicate degree and character of plasticity, amount and maximum size of coarse grains; colour in wet condition, odour if any, local or geologic name, and other pertinent descriptive information, and symbol in parentheses	<p>Comparing soils at equal liquid limit</p> <p>Toughness and dry strength increase with increasing plasticity index</p> <p>OH or MH</p> <p>CL or OL</p> <p>ML</p>	<p>Plasticity index</p> <p>Liquid limit</p>	<p>Plasticity chart for laboratory classification of fine grained soils</p>					
		CL	Inorganic clays of low to medium plasticity, gravelly silts, sandy clays, silty clays, lean clays									
OL		Organic silts and organic silty clays of low plasticity										
<p>Highly Organic Soils</p> <p>Silts and clays liquid limit greater than 50</p>	SLight to medium	SLow	None	High	Highly Organic Soils							
	SLight to medium	SLow to none	None	High	Highly Organic Soils							
	SLight to medium	SLow to none	None	High	Highly Organic Soils							
<p>Highly Organic Soils</p> <p>Silts and clays liquid limit greater than 50</p>	SLight to medium	SLow	None	High	Highly Organic Soils							
	SLight to medium	SLow to none	None	High	Highly Organic Soils							
	SLight to medium	SLow to none	None	High	Highly Organic Soils							

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LOG SYMBOLS

LOG COLUMN	SYMBOL	DEFINITION
Groundwater Record		Standing water level. Time delay following completion of drilling may be shown.
		Extent of borehole collapse shortly after drilling.
		Groundwater seepage into borehole or excavation noted during drilling or excavation.
Samples	ES	Soil sample taken over depth indicated, for environmental analysis.
	U50	Undisturbed 50mm diameter tube sample taken over depth indicated.
	DB	Bulk disturbed sample taken over depth indicated.
	DS	Small disturbed bag sample taken over depth indicated.
	ASB	Soil sample taken over depth indicated, for asbestos screening.
	ASS	Soil sample taken over depth indicated, for acid sulfate soil analysis.
	SAL	Soil sample taken over depth indicated, for salinity analysis.
Field Tests	N = 17 4, 7, 10	Standard Penetration Test (SPT) performed between depths indicated by lines. Individual figures show blows per 150mm penetration. 'R' as noted below.
	N _c = 5 7 3R	Solid Cone Penetration Test (SCPT) performed between depths indicated by lines. Individual figures show blows per 150mm penetration for 60 degree solid cone driven by SPT hammer. 'R' refers to apparent hammer refusal within the corresponding 150mm depth increment.
	VNS = 25	Vane shear reading in kPa of Undrained Shear Strength.
	PID = 100	Photoionisation detector reading in ppm (Soil sample headspace test).
Moisture Condition (Cohesive Soils) (Cohesionless Soils)	MC>PL	Moisture content estimated to be greater than plastic limit.
	MC≈PL	Moisture content estimated to be approximately equal to plastic limit.
	MC<PL	Moisture content estimated to be less than plastic limit.
	D	DRY – Runs freely through fingers.
	M	MOIST – Does not run freely but no free water visible on soil surface.
	W	WET – Free water visible on soil surface.
Strength (Consistency) Cohesive Soils	VS	VERY SOFT – Unconfined compressive strength less than 25kPa
	S	SOFT – Unconfined compressive strength 25-50kPa
	F	FIRM – Unconfined compressive strength 50-100kPa
	St	STIFF – Unconfined compressive strength 100-200kPa
	VSt	VERY STIFF – Unconfined compressive strength 200-400kPa
	H	HARD – Unconfined compressive strength greater than 400kPa
	()	Bracketed symbol indicates estimated consistency based on tactile examination or other tests.
Density Index/ Relative Density (Cohesionless Soils)	VL	Density Index (I_p) Range (%) Very Loose <15
	L	Loose 15-35
	MD	Medium Dense 35-65
	D	Dense 65-85
	VD	Very Dense >85
	()	Bracketed symbol indicates estimated density based on ease of drilling or other tests.
		SPT 'N' Value Range (Blows/300mm) 0-4 4-10 10-30 30-50 >50
Hand Penetrometer Readings	300 250	Numbers indicate individual test results in kPa on representative undisturbed material unless noted otherwise.
Remarks	'V' bit	Hardened steel 'V' shaped bit.
	'TC' bit	Tungsten carbide wing bit.
		Penetration of auger string in mm under static load of rig applied by drill head hydraulics without rotation of augers.

LOG SYMBOLS continued

ROCK MATERIAL WEATHERING CLASSIFICATION

TERM	SYMBOL	DEFINITION
Residual Soil	RS	Soil developed on extremely weathered rock; the mass structure and substance fabric are no longer evident; there is a large change in volume but the soil has not been significantly transported.
Extremely weathered rock	XW	Rock is weathered to such an extent that it has "soil" properties, ie it either disintegrates or can be remoulded, in water.
Distinctly weathered rock	DW	Rock strength usually changed by weathering. The rock may be highly discoloured, usually by ironstaining. Porosity may be increased by leaching, or may be decreased due to deposition of weathering products in pores.
Slightly weathered rock	SW	Rock is slightly discoloured but shows little or no change of strength from fresh rock.
Fresh rock	FR	Rock shows no sign of decomposition or staining.

ROCK STRENGTH

Rock strength is defined by the Point Load Strength Index (Is 50) and refers to the strength of the rock substance in the direction normal to the bedding. The test procedure is described by the International Journal of Rock Mechanics, Mining, Science and Geomechanics. Abstract Volume 22, No 2, 1985.

TERM	SYMBOL	Is (50) MPa	FIELD GUIDE
Extremely Low: -----	EL -----	0.03	Easily remoulded by hand to a material with soil properties.
Very Low: -----	VL -----	0.1	May be crumbled in the hand. Sandstone is "sugary" and friable.
Low: -----	L -----	0.3	A piece of core 150mm long x 50mm dia. may be broken by hand and easily scored with a knife. Sharp edges of core may be friable and break during handling.
Medium Strength: -----	M -----	1	A piece of core 150mm long x 50mm dia. can be broken by hand with difficulty. Readily scored with knife.
High: -----	H -----	3	A piece of core 150mm long x 50mm dia. core cannot be broken by hand, can be slightly scratched or scored with knife; rock rings under hammer.
Very High: -----	VH -----	10	A piece of core 150mm long x 50mm dia. may be broken with hand-held pick after more than one blow. Cannot be scratched with pen knife; rock rings under hammer.
Extremely High:	EH		A piece of core 150mm long x 50mm dia. is very difficult to break with hand-held hammer. Rings when struck with a hammer.

ABBREVIATIONS USED IN DEFECT DESCRIPTION

ABBREVIATION	DESCRIPTION	NOTES
Be	Bedding Plane Parting	Defect orientations measured relative to the normal to the long core axis (ie relative to horizontal for vertical holes)
CS	Clay Seam	
J	Joint	
P	Planar	
Un	Undulating	
S	Smooth	
R	Rough	
IS	Ironstained	
XWS	Extremely Weathered Seam	
Cr	Crushed Seam	
60t	Thickness of defect in millimetres	

11 August, 2016
Our Ref: 216-1508

Helm Pty Ltd
PO Box 99
Northbridge NSW 1560

Attention: Mr. Mathew Campbell

**REVIEW OF PROPOSED GROUND FLOOR LEVELS AND COUNCILS FLOOD ADVICE LETTER
PROPOSED RESIDENTIAL DEVELOPMENT – 177 RUSSELL AVENUE, DOLLS POINT**

Dear Mathew,

We have carried out review of the proposed ground floor drawing PA.03 Revision B and associated vehicle access ramp descending to the basement. We can confirm the current proposal satisfies the requirements of Council's flood advice letter dated 24 February, 2016.

Sincerely,



Michael Green Dip. Eng., AHSCA
Director

Sydney

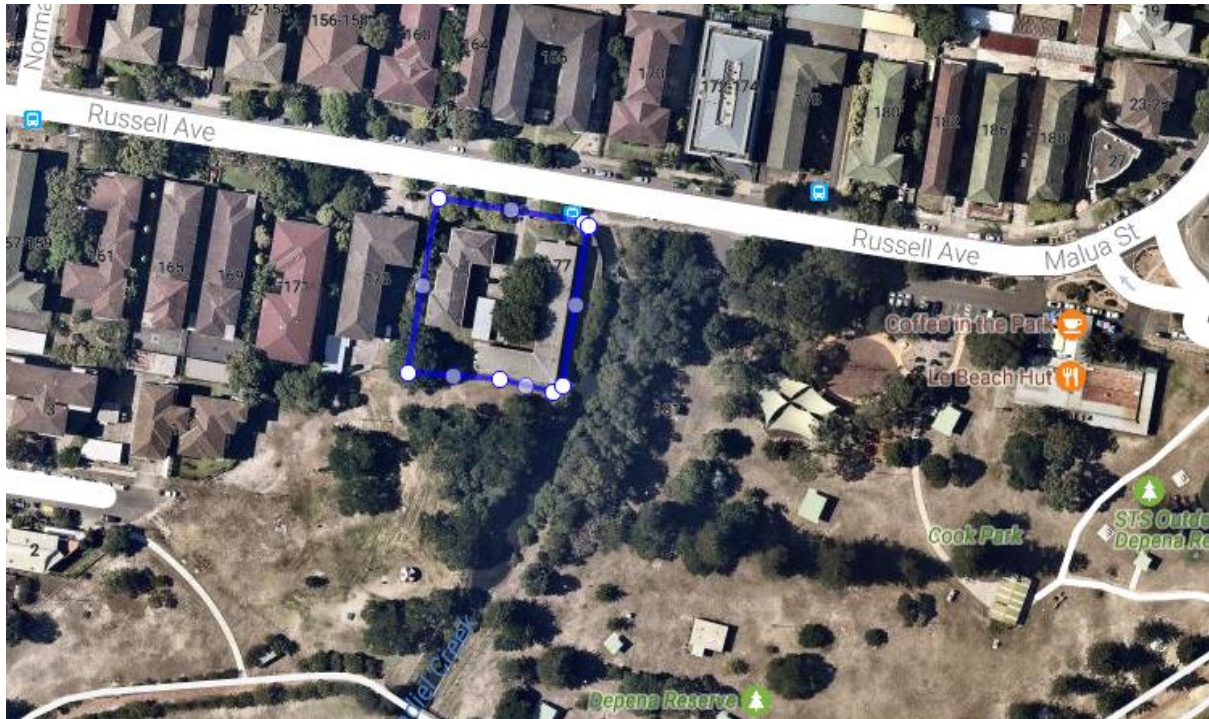
PO Box 442 Bexley NSW 2207
t: 02 9567 4466
admin@greenarrow.net.au

Wollongong

Suite 5, 50 Crown Street,
Wollongong, NSW 2500
t: 02 422644 90
admin@greenarrow.net.au

Valuation Report

177 Russell Avenue,
Dolls Point NSW 2219



Valuation Date: 31 January 2017
Inspection Date: 31 January 2017
Prepared for: Rockdale City Council
Purpose: Planning Assessment Purposes Only

Rockworth Pty Ltd
ABN 80 159 253 479
Suite 202, 75 Archer Street
Chatswood NSW 2067
T 9411 5318 M 0421 375 311

"Liability limited by a scheme approved under Professional Standards Legislation"

Property Overview

Address: 177 Russell Avenue, Dolls Point, NSW, 2219.

Site Description: A square shaped site situated on the southern side of Russell Avenue, Dolls Point. To the east and adjoining the site is Waradiel Creek and Cook Park/Dolls Point Beach. The topography is relatively level.

The site is currently zoned R4 High Density Residential with a FSR of 1:1 and a height limit of 14.5 metres. The site has a frontage to Russell Avenue of 48.98 metres with a depth of 53.37/54.18 metres.

Surrounding development comprises generally two to four level residential flat buildings.

Title Details; Lots 80-83 in Deposited Plan 2237.

Land Area: 2,560.80 sqm.

Local Government Area: Rockdale City Council.

Zoning: R4 High Density Residential.

Proposal: To change the planning parameters of the site with an existing FSR of 1:1 to 1.65:1 and to change the height limit from 14.5 metres to 17.75 metres. Resultant increase in FSR/GFA is 1,665 sqm.

Valuation

Current Market Value of Increased FSR/GFA of 1,665 sqm (Excl GST)

\$4,150,000 to \$5,000,000

(Four Million One Hundred and Fifty Thousand Dollars to Five Million Dollars)

ROCKWORTH PTY LTD

Rhyan Hepworth AAPI
Registered Real Estate Valuer No. VAL013894

Note: This Executive Summary must be read in conjunction with the attached report. The valuation and report is contingent on a number of conditions, qualifications and critical assumptions which are fully detailed in the report.

It is critical that any party relying on this valuation will read the report in its entirety, including annexures before reliance.

In the event that the relying party be or become aware of any issue or issues that cast doubt on or are in conflict with the conditions, qualifications or assumptions contained within this report they must notify Rockworth Pty Ltd in writing so that any conflicts may be considered and, if required, the report will be amended and reissued.

Critical Assumptions

This valuation is subject to a variety of critical assumptions and conditions that must be read and understood by the reliant parties. In the event that the reliant parties do have any queries in relation to the key assumptions of this report, we recommend these are immediately directed to the undersigned valuer for comment and review.

Further, this valuation may only be relied upon if the following Critical Conditions are fully investigated and / or complied with.

We have assumed the following verifiable assumptions:

- The “As Is” Site value assumes development of the site is undertaken as outlined in this report. On Completion the property will fully comply with all statutory building regulations, building code of Australia and council's conditions. Completed units will each have clear & unencumbered individual strata title and provide a level of finishes, fixtures and fittings as described herein. Further, we assume the construction will be undertaken in good a workman like manner. Completed Lots will each have clear & unencumbered individual title.
- In the event that the site is sold, we specifically assume that all intellectual property & material associated with the property, including but not limited to, permits, presale contracts, relevant agreements, development consents, floor & building plans are transferred with the land and form part of the contract for sale at no additional cost. Should this not be the case, the site value will likely be lower than reported herein.
- This “As Is” Site valuation is based on the development of the subject site being undertaken within the short term. In the event the site is land banked for a further period of time, the site value may be less than the site value reported herein due to increased holding costs and potential for adverse market movements.
- This valuation does not purport to be a site or structural survey or the existing improvements (if any).
- The valuation is conditional upon future development being conducted under the GST Margin Scheme with the project sponsor being liable for 1/11th of the gross realisations upon sale.
- That we are not Quantity Surveyors nor are we consulting engineers. We have not been provided with any cost estimates for potential redevelopment of the site. Should an estimate of costs be obtained, then this report should be referred back to the valuer for comment and accordingly we reserve the right to amend the valuation assessment herein.
- That the property is not affected by any contamination, geotechnical or environmental issues of any kind.
- That there are no notifications or restrictions that would have an adverse effect on either the value or liquidity of the property.
- That there are no outstanding land tax payments or other statutory charges against the property.
- This valuation assumes the site has no contamination issues and the site is suitable for residential use.

- This valuation assumes all other professional advice provided and relied upon is true and correct.
- We have specifically assumed the property is made available with vacant possession.

Assumptions requiring further consultancy:

- Treatment of this property in relation to GST should be clarified as part of legal due diligence in the event of entering into a transaction. In relation to our GST calculations for our “As Is” assessment, we highlight that we are not taxation or legal experts. We therefore recommend that qualified relevant professional advice be obtained. In the event that qualified advice does vary from our interpretation of Australian Taxation Legislation / Rulings as at the date of this valuation, we reserve the right to review the advice provided herein.

Valuation Qualifications

- 1 Market Movement Clause.** This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
- 2** Our report is prepared solely for the private and confidential use of reliance party/parties named in this report for the stated purpose of this report. It should not be relied on by the party/parties for any other purpose and should not be reproduced in whole or part for any other purpose without the express written consent of Rockworth Pty Ltd. No third party may rely on this report for any purpose and should obtain their own valuation before acting in any way in respect of the subject property.
- 3** Reliance on this report should only be taken upon sighting an original document that has been signed by or on behalf of the respective valuer employed by Rockworth Pty Ltd.

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1 Introduction

1.1 Instructions

Instructing Party:	Albert Jean – Bayside Council
Reliant Party:	Bayside Council
Purpose of Report:	Planning Assessment Purposes
Interest Valued:	Freehold Interest
Date of Valuation:	31 January 2017
Date of Inspection:	31 January 2017
Basis of Valuation:	Assessment the impact on Value of Land based on the change in planning guidelines from an FSR of 1:1 to 1.65:1 and the height limit change from 14.5 metres to 17.75 metres.

A copy of the Letter of Instruction is appended. Our report has been prepared in accordance with the Australian Property Institute's Valuation Standards.

1.2 Valuer's Declaration

We confirm that the prime signatory:

- Is authorised, under the law of the State where the valuation takes place, to practice as a Valuer.
- Is suitably registered and qualified to carry out valuations of such property and has at least five years' experience in the assessment of property of this size and nature; and
- Has no pecuniary interest in the subject property, past, present or prospective, and the opinion expressed is free of any bias in this regard.

1.3 Basis of valuation

This valuation has been completed in accordance with the following definition of Market Value, as defined by the International Standards Committee (IVSC), and endorsed by the Australian Property Institute, as follows:

Market Value	<i>“Market Value is the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing wherein the parties had acted knowledgeably, prudently and without compulsion.”</i>
---------------------	---

This Valuation has been undertaken on the basis of the price that might reasonably be expected if the Property was sold at the date of valuation assuming the conditions detailed in the Market Value as defined above, but also assuming:

- A reasonable period within which to negotiate that sale, relative to the state of the market for this class of property asset;
- The Property was adequately exposed to the market via a proper marketing campaign;
- No weighting of the value of other advantages or benefits additional to market value, to the buyer incidental to ownership of the subject property;

Included in the valuation amount are Lessor owned items of building fixtures, fittings, together with all building plant and equipment.

1.4 Information Sources

The information relied upon for the purpose of this valuation is as follows:

- Town planning information obtained from the local council
- Sales and leasing data from usual industry sources such as RP data, property Investment Monitors, as well as information from sales and leasing real estate agents.
- Title searches & deposited plans.

We have sourced information from the owner and other third parties, such as, but not limited to, tenancy schedules, outgoings budgets, environmental consultants advice and planning consultant’s advice. We have relied upon the accuracy, sufficiency and consistency of the information supplied to us. Where possible, within the scope of our retainer and limited to our expertise as valuers, we have reviewed this information and made comparisons against industry standards. Based on that review we have no reason to believe that the information is not fair and reasonable or that material facts have been withheld. However, our enquiries are necessarily limited the nature of our role and we do not warrant that we have identified or verified all the matters which a full audit, or “Due Diligence” process might disclose. Accordingly, we accept no liability for any inaccuracies contained in information disclosed by the Client or other parties or for conclusions which are drawn either wholly or partially from that information. Should any inaccuracies be subsequently discovered, we reserve the right to amend our valuation advice provided herein.

2 Land Particulars

2.1 Location

Position

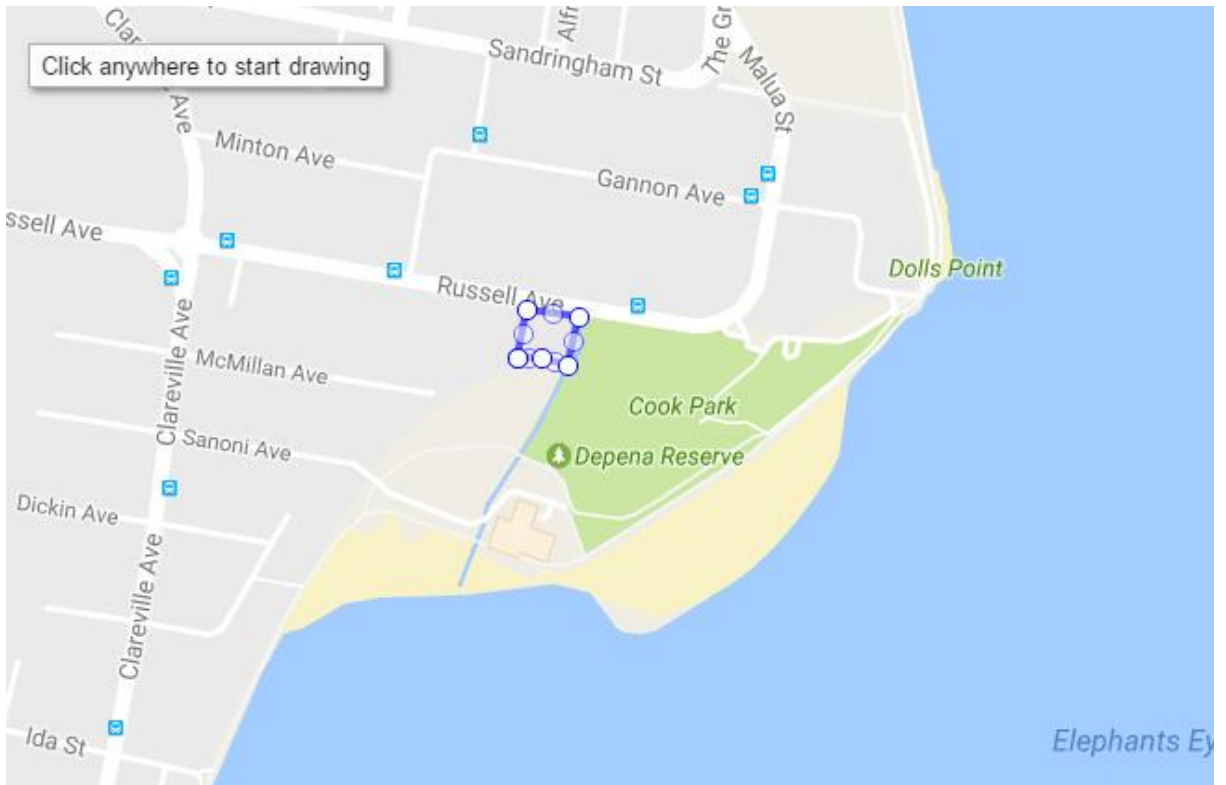
- The property is situated on the southern side of Russell Avenue, Dolls Point. To the east and adjoining the site is Waradiel Creek and Cook Park/Dolls Point Beach.
- The nearest intersection is at Clareville Avenue, about 350 metres to the west.
- Surrounding development comprises generally two to four level residential flat buildings.
- The suburb of Dolls Point is considered to be a working class suburb which forms part of Sydney's South. Adjoining suburbs include Ramsgate Beach to the north, Tarren Point to the south and Blakehurst to the west.

The suburb of Dolls Point is located approximately 20 kilometres south of the Sydney CBD and approximately 10.2 kilometres to the south of Sydney Airport.

Infrastructure & Amenity

- **Retail:** A small group of shops is located at the intersection of Clareville Avenue and Russell Avenue, on the border with Sans Souci and Sandringham. It includes Sans Souci Library, grocery shop, chemist, 3 hairdresser shops, take-away shops and a 2 café's.
 - **Education Facilities:** Sans Souci Public School, St Finbar's Catholic Primary School.
 - **Open Space:** Cook Park adjoins the subject to the east.
 - **Entertainment Amenity:** The nearest golf club is The Park Beverley, about 2 kilometres to the north west.
 - **Bus Services:** Regular bus services run along Russell Avenue and Rock Point Road.
 - **Railway Services:** The nearest Railway station is 4 kilometres to the north west at Carlton.
 - **Road Networks:** Major arterial road networks such as the Princes Highway and the M5 Motorways are convenient to the subject property and provide good egress to and from Sydney generally. Traffic conditions are typically of high volumes during peak hours.
 - **Noise Affection** The property is situated within a relatively quiet location with local traffic conditions only.
-

A copy of a location map and photos of surrounding areas is provided below .



Source: Nearthmaps

2.2 Title Particulars

FOLIO: AUTO CONSOL 5492-242

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
31/1/2017	12:12 PM	2	28/7/2004

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA BAYSIDE
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP2237

FIRST SCHEDULE

WAR WIDOW'S GUILD OF AUSTRALIA NSW LIMITED (CN AA835969)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AF492332 THE LAND ABOVE DESCRIBED IS USED AS A RETIREMENT
VILLAGE UNDER THE RETIREMENT VILLAGES ACT 1999 KNOWN
AS KENT HOUSE & PRINCESS ALEXANDRA HOUSE RETIREMENT
VILLAGE
- 3 LAND EXCLUDES THE ROAD(S) WITHIN LOT 80 SHOWN IN DP223703

NOTATIONS

AF492332 NOTE: REFER ALL DEALINGS TO SD2 (RETIREMENT VILLAGE)

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 80-83 IN DP2237.

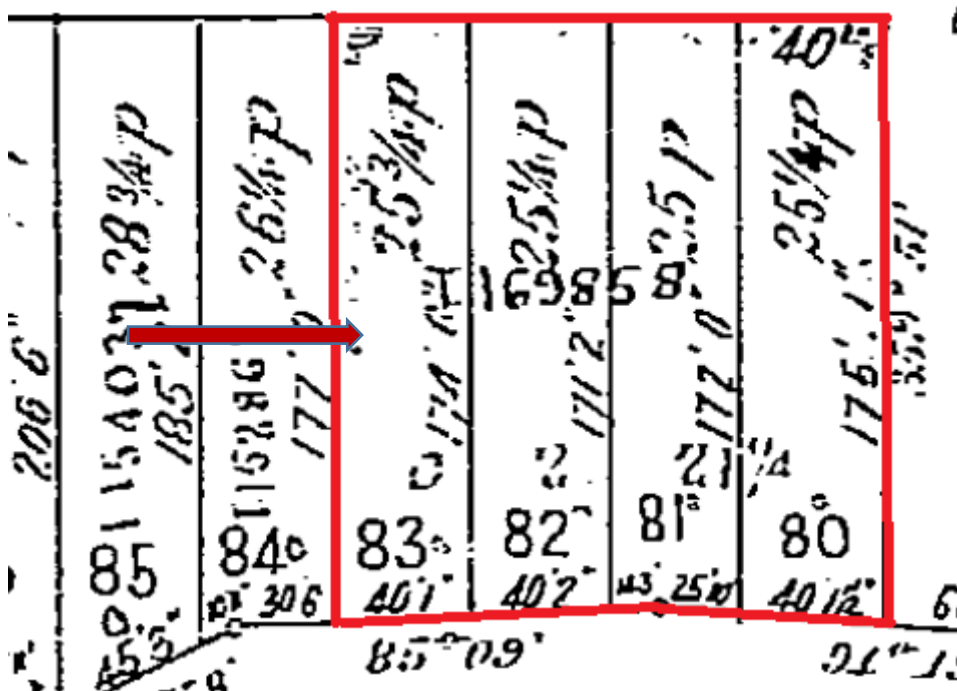
*** END OF SEARCH ***

We have not conducted any searches of title apart from obtaining the Titles Searches. Our valuation is made on the basis that the property is free of encumbrances, restrictions, or other impediments of an onerous nature, which would affect value. Should any encumbrances not notes in the valuation be discovered the valuation should be referred to the Valuer for review.

2.3 Site identification

The site has been identified by reference to the Deposited Plan and street address. We have physically identified the apparent boundaries, we are not surveyors and we cannot give warranty relating to the encroachments without the benefit of an identification survey. An extract of the Deposited Plan is set out below:

Lots 80-83 in Deposited Plan 2237



2.4 Site Particulars (Subject portion of Land)

Boundary:	The site has a frontage to Russell Avenue of 48.98 metres with a depth of 53.37/54.18 metres.
Area:	2,560.80 square metres.
Topography:	The site is reasonably level.
Flooding:	Located within a flood affected area.
Landslip:	Enquiries with the local council indicate the subject site is not impacted by land slip.
Utilities:	Electricity, water, sewerage, gas and telephone services are available for connection to the property.

2.5 Statutory assessment of land value

Statutory land value assessments are made for rating and taxation purposes only and are quoted here for general information only.

We detail below the Land value assessments that reflect the following Land Values for Tax Assessment Purposes and the corresponding Land Tax.

Land Value Assessment			3 yr
2014	2015	2016	Ave
\$4,900,000	\$6,010,000	\$7,210,000	\$6,040,000
Land Tax pa			\$ 98,688

3 Town Planning

3.1 Zoning

Local Government Area:	Bayside Council
Planning Instrument:	Rockdale Local Environmental Plan 2011
Gazettal Date:	5 December 2011
Zoning:	R4 High Density Residential
Objectives:	<p>1) Objectives of zone</p> <ul style="list-style-type: none"> ▪ To provide for the housing needs of the community within a high density residential environment. ▪ To provide a variety of housing types within a high density residential environment. ▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>2) Permitted without consent</p> <p>Home-based child care; Home businesses; Home occupations; Recreation areas; Roads.</p> <p>3) Permitted with consent</p> <p>Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Shop top housing; Water supply systems; Any other development not specified in item 2 or 4.</p> <p>4) Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor);</p>

Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.

Height Limit:	14.5 metres.
FSR:	1:1.
Heritage Issues:	The southern boundary of the site is abutted by Heritage item I168 (Cook Park).
Native Title:	We are not aware of any native Title Claims. We recommend verification with the NTT Registers, native title representative bodies or other sources prior to the release of funds.
Conformance:	The current use conforms to the objectives of the zone.

We have obtained the zoning information from the abovementioned council's website. We have not received a section 149 certificate. Verification of the planning aspects can be confirmed by application to the council for the issue of a Section 149(2) Certificate under the Environmental Planning and Assessment Act 1979.

3.2 Rockdale Development Control Plan 2011

We have perused the relevant sections of the Development Control Plan 2011. The following controls for development are noted:

Min: Frontage:	24m for residential flat buildings.
Landscaping:	Building footprints for residential flat buildings are limited to 35% of the site area.
Setbacks:	To be consistent with the prevailing setback along the street within the range of 3-9m.

Dwellings:	Dwelling Type	Min int. Area	Parking	Dwelling Mix
	Studio	38.5 sqm	1 space	10%-30%
	1 bed	50-63.4 sqm	1 space	10%-30%
	2 bed	80-121 sqm	1 space	50%-75%
	3 bed	124 sqm	2 spaces	10%-20%

3.3 Development Approval

The subject property has been assessed without the benefit of development approval.

4 Environmental Issues

4.1 Environmental Investigations

We detail in the table below the various historical and future uses of the subject site:

Past Use:	We are unaware of the full history of the sites uses. Past uses appear to be residential/retirement accommodation.
Existing Use:	Residential accommodation.
Proposed Use:	Redevelopment for residential.
Surrounding Uses:	Surrounding uses include residential and open space, restaurant/cafe. The land adjoins an environmentally sensitive area, being Waradiel creek.
API Contaminated Land Practice Standard:	The site does not have any uses identified in the API guidance note.
Further Investigations:	A search of the contaminated land database at http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx which did not reveal a listing for the subject property. This search is of a database established and maintained by the Environmental Protection Agency under Part 5 of the Contaminated Land Management Act, 1997. The database is not a record of all contaminated land in NSW, but lists written notices issued by the EPA under the Act relating to the investigation or remediation of site contamination that presents a 'significant risk of harm', which refers to the status of a site where the contamination is considered to be serious and requires EPA regulatory intervention

4.2 Environmental reports

We have not been provided with any Environmental reports for the subject property.

We have specifically assumed for the purpose of this valuation the property is not contaminated. No allowance has been made for any remediation costs in this valuation. If this assumption is found to be incorrect, or if the party on whose instruction this valuation is provided wishes our valuation to be based on a different assumption, then this valuation should be referred back to the Valuers for comment and amendment if necessary.

4.3 Geotechnical Reports

We have not been provided with any geotechnical reports for the subject property. Accordingly, we are unaware of the subterranean conditions that may adversely impact the construction of basement levels. Our assessment of the residual site value specifically assumes further development of the site will **not** encounter any adverse ground conditions, such as but not limited to excavation of rock material or water table issues.

4.4 Asbestos

We have not been provided with any Environmental/Asbestos Audit reports.

We have specifically assumed for the purpose of this valuation the property is not contaminated. No allowance has been made for any remediation costs in this valuation. If this assumption is found to be incorrect, or if the party on whose instruction this valuation is provided wishes our valuation to be based on a different assumption, then this valuation should be referred back to the Valuers for comment and amendment if necessary.

4.5 Flora & Fauna

Based on the existing use and our site inspection, we have no reason to consider rare flora / endangered fauna or archaeological relics are located on the site.

5 Building Improvements

5.1 Overview

Currently constructed on the site are two residential apartment buildings of two storey brick 1950's to 1970's construction. Given our assessment is predicated on the calculation of value of increased FSR/GFA as part of redevelopment of the site, we do not propose to detail the existing improvements herein.

6 Site Redevelopment

We have been specifically instructed to assess the impact on Value of Land based on the change in planning guidelines from an FSR of 1:1 to 1.65:1 and the height limit change from 14.5 metres to 17.75 metres.

In assessing the value of this Land, we have considered the development potential on both a before & after basis which contemplates the following:

- The Value of the site with an FSR of 1:1 and height limit of 14.5 metres.
- The Value of the site with an FSR of 1.65:1 and a height limit of 17.75 metres.

The resultant finding for the purpose of this report results in increased development rights of approximately 1,665 sqm.

7 Property Income and Expenses

7.1 Tenancy Details

We have not been provided with tenancy details from the Applicant. We understand the property is currently occupied.

Our assessment assumes the property is available vacant possession. Accordingly, we have disregarded the current improvements and any incumbent lease/s.

8 Goods & Services Tax (GST)

Leases in the Property

We have assumed that GST on all rental income from the Property is recovered from Tenants.

Market Rentals

This Valuation assumes all market rentals and any other income are exclusive of GST.

Capital Value

Under GST R2002/5, the sale of the property would be classified as a going concern and therefore GST free if:

- The property is leased and / or was previously leased, is now vacant and being marketed for lease.
- The property is vacant, not previously leased and at least one agreement to lease is entered into.

Alternatively, given that a potential purchaser is likely to be able to claim input tax credits on purchase of the property, which in turn will allow the vendor to pass on the full cost of the GST to the purchaser, the parties may choose to use the ordinary method. In instances where difficulties arise in financing the full 10% GST for the period a period of up to 2 months post acquisition, potential purchasers may seek to utilise the margin scheme in order to reduce their GST liability. Consequently, I expect that there will be a neutral effect on any future sale of the property due solely to the tax positions of the vendor and purchaser.

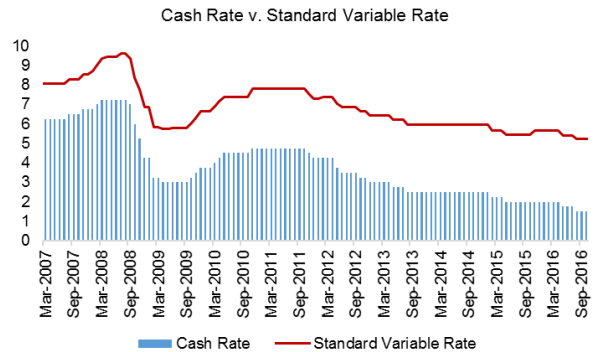
In relation to any potential GST liability, it is important to note that we are not taxation or legal experts and we recommend professional advice be obtained in relation to these matters. Should professional advice vary from the relevant interpretation of the legislation and Australian Tax Office Rulings current as at the date of valuation, we reserve the right to review and amend our advice provided in this report.

9 Market Commentary

9.1 Economic Indicators

Interest Rates:

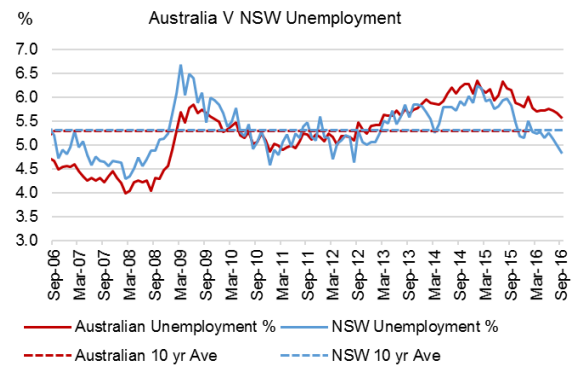
- On 2 November 2016 the RBA decided to keep the cash rate on hold at 1.50%. The previous change was on 3 August 2016 when the cash rate was cut 0.25% to 1.50%. It remains at the lowest level on record.
- The standard variable home loan rate is currently around 3.60%. This compares to the long term (10 year) historical average of 6.73%.
- The RBA maintains concerns of the imbalance in the housing market in Sydney & Melbourne, but notes that the pace of growth has moderated of late and that supervisory measures are helping contain the risks.



Source: RBA

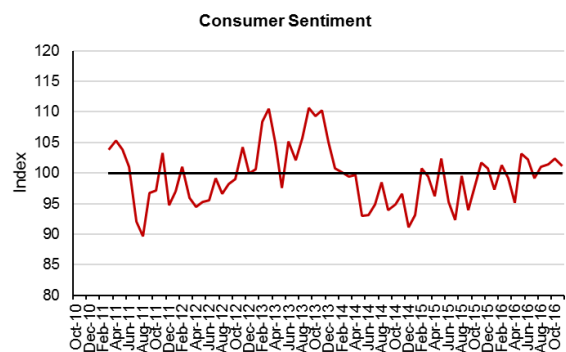
Employment:

- The Seasonally adjusted Australian unemployment rate decreased by 0.1% to 5.6% to September 16. The number of unemployed persons decreased by 3,100 to 715,100 in the same period.
- The Australian participation rate decreased by less than 0.1% but remained at 64.7% in rounded terms.
- NSW unemployment also decreased from 5.3% in May 2016 to 5.3% in June 2016 and continues to have a lower unemployment rate compared to Australia as a whole.



Consumer Sentiment:

- The Westpac Melbourne Institute Index of Consumer Sentiment fell by 1.1% in November 2016 from 102.4 in October to 101.3 in November.
- The Index continues to hold in a very tight band. Over the last six months the Index has held within the range of 99.1 to 102.4.
- However, if you compare the average level during this period with the average over the comparable six month period in 2015 there has been a clear lift in the Index of 4.7%. Most of that improvement has been in the components of the Index that measure expectations which are up by an average of 7.3% on last year, whereas the components which measure current conditions have increased by only 1.2%.



Source: Westpac Sentiment Index

9.2 Sydney Economy – December 2016

Sydney's economy expanded by a robust 4.5% last financial year while the rest of NSW grew by just 0.4%, according to a report released by SGS Economics and Planning on 6 December 2016. NSW was the only state to register growth in business investment. It also topped the states for new housing investment, which surged by 25.1% throughout the year. Both business investment and housing investment are key factors when it comes to long-term economic success. Separate jobs figures show unemployment in NSW is best among the states at 4.9%. NSW has now had the lowest jobless rate of any state for 17 consecutive months.

Even so, there are signs that the NSW economy has lost some of its momentum recently. While the annual figure for state final demand was very strong, the expansion was just 0.1 per cent during the latest quarter. That's significantly down on the 1.6 per cent growth registered in each of the three previous quarters.

Analysis for the separately released ANZ "Stateometer", which draws on 37 economic indicators to gauge the performance of states, also shows the economic impetus in NSW has moderated somewhat.

Last month's report said there had been a "broadly based slowdown" in the state's underlying economic indicators, most notably the business sector. There was a "clear risk" of further deterioration, it warned.

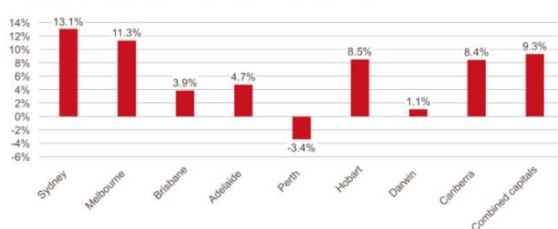
9.3 Sydney Housing Market – December 2016

Off the back of these economic figures and historically low interest rates, the Sydney housing market has reflected strong figures to the last quarter of 2016. Demand for housing in Sydney has continued to exceed supply for the past 5 years. Sydney is the major destination for new migrants as well as a favoured domestic destination for those seeking employment opportunities.

According to Corelogic, dwelling values in Sydney increased by 13.1% for the twelve months to the end of November 2016 and 2.3% increase for the three months to the end of November 2016.

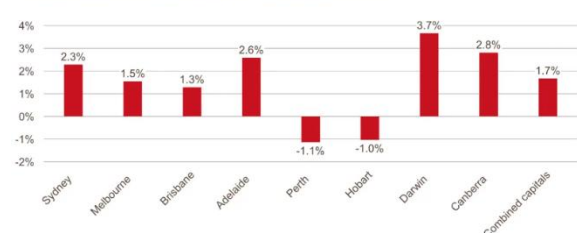
Change in dwelling values

Twelve months to the end of November 2016



Change in dwelling values

Three months to the end of November 2016



Source: CoreLogic

The rate cuts in May and August earlier this year have helped fueling the market and this is reflected in consistently high Auction clearance rates over the year of 2016. The yearly highs reflected Auction clearance rates of circa 80% and they have tapered off slightly to the end of mid December at 74%.

However, the month on month change in values was the lowest since December 2015, potentially indicating that the acceleration in housing value growth rates may be starting to abate. Reasons for this may be due to a recent rise in fixed mortgage rates and expectations of higher interest rates in the coming year.

In terms of growth rates between houses and units, Sydney housing rates are up 13.5% (with a median house price of \$990,000), while the Sydney unit market has risen 10.8% (with a median unit price of \$715,000). Average selling period is 31 days, up slightly from 2015 at 29 days.

Average weekly rentals for houses is \$610 /week and \$548/ week for units. While dwelling values have risen strongly over the past year, rental rates have remained relatively subdued, resulting in further compression in the dwelling yield.

Yield compression does not seem to be of concern to investors, with housing finance commitments tracking higher over consistent months since May 2016, with the value of investor housing finance commitments having risen by 14.5%. Investors now account for 49% of all new housing finance commitments. The most prominent being in NSW where investors account for 58% of all new housing finance commitments.

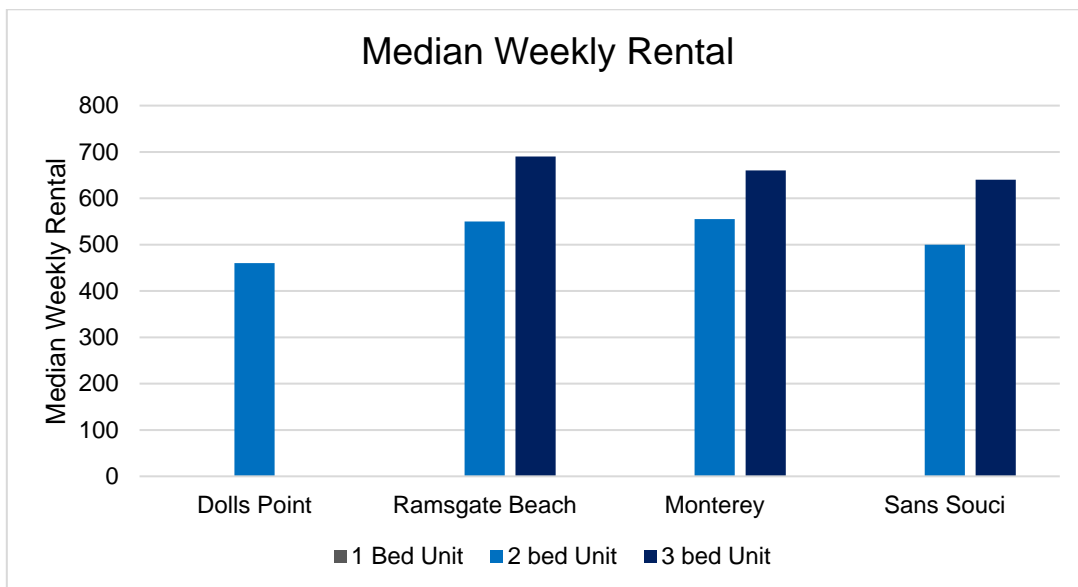
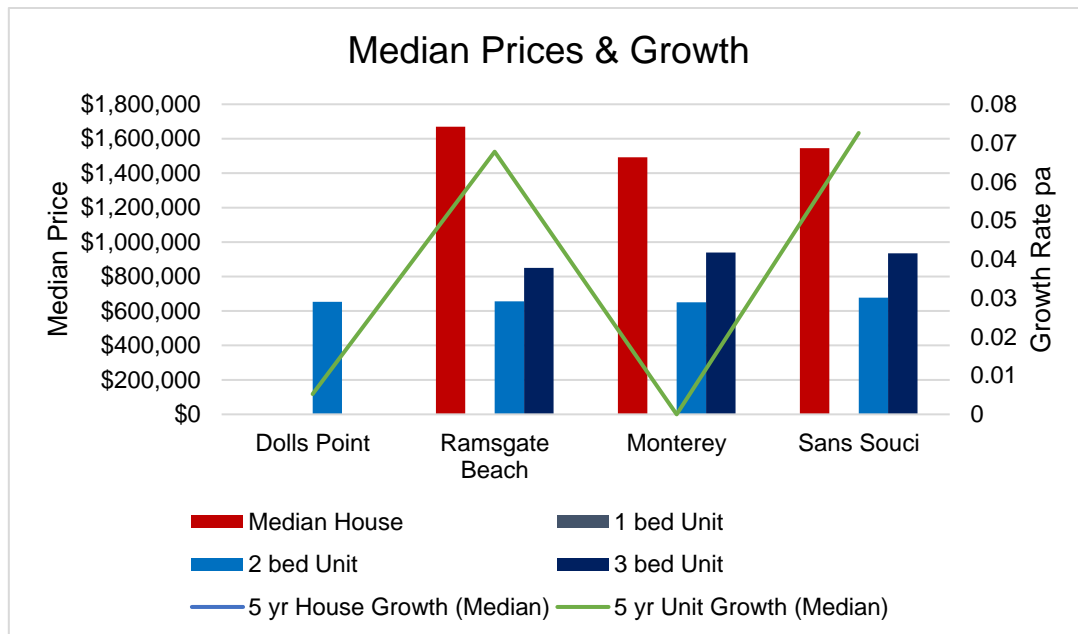
The number of settled sales has increased from August 2016 to the end of November by 16.4% nationally. This is likely off the back of interest rate cuts. However, as at December 2016 there is some speculation that interest rates may move higher over the early part of 2017. The likelihood of the effect on the housing market will be a cooling off in growth rates.

In terms of housing supply, the ABS released numbers for October show a trend towards fewer high rise units. Unit approvals were down 41.8% to the year to October 2016. While house approvals are down 4.5% lower compared with a year ago. While approvals remain high compared to the long-term average, it is becoming increasingly apparent that approved dwelling supply has moved through the peak of the cycle, suggesting that the construction pipeline is likely to follow suit over the coming year.

9.4 Rockdale Local Government Area Residential Market

9.4.1 Median Prices

We have investigated the median house and unit prices within the suburb of the subject property as well as surrounding suburbs and provide a summary of the median prices, growth rates and rental in the graphs below:



9.5 Sales Evidence

9.6 Site Sales Evidence

In arriving at our opinion of value of the increased development rights of the site, we have had regard to a range of site sale transactions as part of our Direct Comparison method. We detail these sales herein:

Address	Sale Date	Sale Price	Site /GFA Area Sqm	\$/ sqm \$/ FSR	No. Units \$/ Unit
205-207 President Avenue, Monterey	Mar 15	\$5,000,000	1,347 1,347	\$3,712 \$3,712	Equiv. of 16 units \$312,500

Comment:

This site is zoned R4 with a FSR limit of 1:1 and a height limit of 14.5 metres. The site has a frontage to President Avenue of 20.115 metres. Construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking. The proposed development consists of the erection of a residential flat building consisting of 2 x 3, 12 x 2 and 2 x 1 bedroom, strata titled units with 22 basement car spaces. Proposed GFA is 1,347 sqm and proposed height is 13.5 metres.

295 Bay Street Brighton-Le-Sands	Sept 16	\$5,750,000	697 2,557	\$8,250 \$2,249	Equiv. of 29 units \$198,276
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Comment:

The site is zoned B4 with an FSR of 3:1 with a bonus of 0.6:1 and a height limit of 28 metres. A DA was submitted Dec 2016 for the construction of an eleven (11) storey mixed use development comprising a boarding house containing 88 rooms (including manager's room), one (1) retail tenancy of 120 sqm, roof top communal area, basement car park for 22 cars and demolition of existing structures. GFA is 2,557 sqm and proposed height is 38 metres.

6-8 Cecil Street, Monterey	Feb 16	\$3,880,000	790 636	\$4,911 \$6,100	No DA Pot 9 units \$431,111
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Comment:

The site is zoned R4 with a FSR of 1:1 and a height limit of 14.5 metres. A DA was submitted for a 4-storey residential flat building comprising 9 apartments with underground parking for a total of 12 spaces. Ground floor consists of 3 units and comprising 1 x 2 bedroom unit, 1 x 1 bedroom and Studio unit. First and second floors have identical unit layouts and comprise 2 x 2 bedroom units. Third floor comprises 1 x 3 bedroom and 1 x 2 bedroom unit (with private access to individual roof top terraces). GFA is 636 sqm and building height is 13.4 metres.

27-31 Bryant St, Rockdale	Oct 15	\$9,400,000	1,378 4,889	\$6,821 \$1,922	No DA Pot 55 units \$170,909
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Comment:

Residential development site located on the corner of Bryant and George Street within close proximity to the Rockdale town centre. Land is zoned B4 mixed use under the Rockdale LEP 2011. The site has no FSR allocation, however the developable GFA is governed by a height limit of 28m and building set back requirements. A development application has been lodged for a 9 storey mixed use development comprising ground level child care centre of 283 sqm and 53 residential units (8 x 1 bed, 38 x 2 bed & 7 x 3 bed) with 2 levels of basement car parking for 84 vehicles. We have assessed the overall GFA to be 4,889 sqm based on the application lodged with council. This reflects a rate per GFA of \$1,922.

398 Princes Highway, Rockdale	Aug 15	\$7,150,000	1,000 3,500	\$7,150 \$2,042	No DA Pot 43 Units \$166,279
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Comment:

This site is zoned B4 Mixed Use under the Rockdale Local Environmental Plan and has a height limit of 28 metres. We have assessed the potential FSR to be in the order of 3,500 sqm and a potential unit yield of 43 apartments. This property is located nearby the subject property on the eastern side of the Princes Highway.

373-377 Rocky Point Road, Sans Souci	Mar 15	\$6,000,000	2,029 4,058	\$2,957 \$1,478	No DA Pot 43 Units \$168,235
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Comment:

The site is zoned B1. Draft Planning Proposal with Kogarah Council recommendation for 2:1 FSR and Building Height of 15m. Comprising of three separate titles on Rocky Point Road, providing approximately 37m frontage is this ripe development site. Access via right of Carriageway to Broughton Street is active.

1559-1563 Botany Rd, Botany	Mar 16	\$4,570,000	1,861 GFA 1,526	\$2,456 \$2,995	DA 20 units \$228,500
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Comment:

B4 Zoning with a FSR of 1:1 and a height of 10 metres. Site frontage is circa 38 metres. A Development Application has been approved for the construction of a mixed-use development plus conservation and restoration works to the heritage listed former Church including a 3 storey residential flat building of 19 dwellings with ground floor retail and single level basement parking for 40 cars. unit mix including 5 x 1 beds, 12 x 2 beds, 1 x 3 bed plus SOHO. The approved development has a maximum building height of approximately 12.13m and a floor space ratio of approximately 0.82:1.

15-19 Edgehill Ave, Botany	Apr 15	\$17,800,000	5,937	\$2,998 \$1,982	DA 89 units \$200,000
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Comment:

B3 Zoning with a FSR of 0.85:1 and a height of 10 metres. Irregular and triangular shaped allotment with development approval for 89 units arranged over 3 residential buildings ranging from 3 levels to 6 levels and 2 levels of basement car parking. Unit mix comprises 9 x 3 bedroom townhouses, 1 x studio, 29 x 1 bedroom, 50 x 2 bedroom units. The floor area is reported to be 8,980 sqm. This site was the former South Sydney Juniors bowling club. The site requires excavation and remediation.

577 Gardeners Road, Mascot	Nov 16	\$12,300,000	1,626 GFA 4,058	\$7,565 \$3,031	DA 46 units \$267,391
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Comment:

Purchased by Meriton Apartments. B4 Zoning with a FSR of 2.5:1 and a height of 26 metres. Integrated Development Approval for the demolition of existing building and construction of mixed use development consisting of: · One (1) basement level comprising of 52 car spaces and one at grade level comprising of 32 car spaces. This is a total of 84 car spaces; · Construction of one x eight (8) storey residential flat building (Northern Building 1) containing 28 units and one 60sqm commercial tenancy fronting Gardeners Road and one x four (4) storey residential flat building (Southern Building 2) containing 15 units. The development will have a total of 43 residential apartments; · Communal open space to the centre of the site and associated landscaping. Section 96AA Application to modify Development Consent No. 15/98. The modification includes; increase in the number of units from 43 to 46; modifications to the car parking, internal ramp reconfiguration and driveway width; increase in the size of the commercial area and private open space for units; modifications to the podium level and floor to floor RL levels; and minor façade and landscape design adjustments.

59-65 Chester Avenue, Maroubra	15	\$6,850,000	1,794	\$3,818	DA 32 units
			GFA 3,370	\$2,033	\$214,063

Comment:

R3 Zoning with a FSR of 0.75:1 and a height of 9.5 metres. Demolition of the existing structures, construction of a 3 storey residential flat building containing 32 units, basement carparking for 35 vehicles, landscaping and associated works (variation to height and floor space ratio controls). 23 Pre-sales in place with 9 sales remaining; basement works completed. The highlights of the property include: DA Approved with CC (stage 2); 32 Apartments – 30 x 1 Bedrooms + 2 x 2 Bedrooms; Works completed, pad footings, basement columns, lift pit and basement plumbing. The Site Is Ready for the basement slab to be poured. 23 Pre-sales totalling \$13,180,406.00 are in place.

27 Robey Street, Mascot	Nov 16	\$4,700,000	752	\$6,250	DA 19 units
			GFA 1,527	\$3,078	\$247,368

Comment:

B2 Zoning with a FSR of 2:1 and a height of 14 metres. Integrated DA for mixed use development with 18 units (4x1 bedroom, 10x2 bedroom and 4x3 bedroom), 1 shop & 31 cars Integrated Development Application for the demolition of existing structures and erection of a mixed use development comprising 18 apartments, commercial premises and basement car parking for 31 vehicles. North facing development site, with majority of units with Northerly aspect overlooking John Curtin Reserve.

1225 Botany Road, Mascot	Feb 16	\$3,550,000	942	\$3,769	DA Lodged for 12
			GFA 1,554	\$2,284	units
					\$273,077

Comment:

B4 Zoning with a FSR of 2:1 and a height of 14 metres Amended plans received in relation to an Integrated Development Application for the demolition of the existing building and construction of a 4 storey mixed-use development comprising of 110m2 of commercial space on ground level, 12 x 2 bedroom apartments on level 2 to 4, and basement carpark for 24 cars. Total FSR of the Development is 1.65:1.

205 Homer Street, Earlwood	July 15	\$6,500,000	1,125.6	\$5,773	DA
				\$2,759	26 units
					\$250,000

Comment:

This site is zoned B2 Local Centre under the Canterbury Local Environmental Plan and has frontage to Homer Street, which is a busy arterial road in Earlwood. The site sold with development approval for a mixed use scheme comprising a five storey development with two levels of basement parking. The unit mix includes 7x 1 bed, 16 x 2 bed and 3 x 3 bed with 425 sqm of ground level retail. The approved GFA equates to 2,356 sqm. This site is of a smaller scale with development approval compared to the subject and therefore lower rate is warranted for the subject.

10 Valuation Rationale

10.1 Basis of Valuation

In arriving at our opinion of value we have had regard to the current economic climate, the prevailing real estate market conditions as well as recent sales transactions of similar properties.

In arriving at our assessment of the increased FSR/GFA earmarked for the subject site, we have undertaken a Direct Comparison approach, comparing and contrasting the subject site with sales transactions of sites purchase for Residential development.

10.2 Direct Comparison Approach

This approach to valuation compares the Property to the sales of other properties with similar features. This assessment analyses each property on a rate per developable unit, rate per square metre of developable FSR/GFA and a rate per square metre of site area.

In undertaking the analysis, we consider a range of factors such as, but not limited to, location, zoning, time, sale terms, scale of development, amenity, views, market appeal, site features and proximity to the beach & infrastructure.

This assessment contemplates logical adjustments to each sale in order to make comparisons on a 'like for like' basis. Several factors are considered, key factors include:

- Planning approval status and the risk, time and cost in obtaining development consent.
- Deviations in development costs. Due to site factors (topography, servicing, easements, access, drainage, contamination) & building factors (height, basement levels, scale & size).
- Terms of sale. Many sites are purchased on terms in this market in order to reduce planning risk.
- Quantum dollar site value. The size of various development projects and the funding required, particularly for large projects, will dictate the marketability of a site.
- Selling risk. Differing risks associated with selling differing residential product.
- A summary of the pertinent site sales transactions considered includes:

Address	Units	Sale Price	Date	\$/FSR	\$/ Unit
205-207 President Avenue, Monterey	16	\$5,000,000	Mar 15	\$3,712	\$312,500
295 Bay Street Brighton-Le-Sands	29	\$5,750,000	Sept 16	\$2,249	\$198,276
6-8 Cecil Street, Monterey	9	\$3,880,000	Feb 16	\$6,100	\$431,111
27-31 Bryant St, Rockdale	55	\$9,400,000	Oct 15	\$1,922	\$170,909
398 Princes Highway, Rockdale	43	\$7,150,000	Aug 15	\$2,042	\$166,279
373-377 Rocky Point Road, Sans Souci	43	\$6,000,000	Mar 15	\$1,478	\$168,235
1559-1563 Botany Rd, Botany	20	\$4,570,000	Mar 16	\$2,995	\$228,500
15-19 Edgehill Ave, Botany	89	\$17,800,000	Apr 15	\$1,982	\$200,000
577 Gardeners Road, Mascot	46	\$12,300,000	Nov 16	\$3,031	\$267,391
59-65 Chester Avenue, Maroubra	32	\$6,850,000	Oct 15	\$2,033	\$214,063
27 Robey Street, Mascot	19	\$4,700,000	Nov 16	\$3,078	\$247,368
1225 Botany Road, Mascot	12	\$3,550,000	Feb 16	\$2,284	\$273,077
205 Homer Street, Earlwood	26	\$6,500,000	Jul 15	\$2,759	\$250,000
SUBJECT 177 Russell Ave, Dolls Point		\$4,150,000 - \$5,000,000		\$2,500 - \$3,000	

When having regard to the sales evidence, we have specifically focused on the Capital Value Rate per FSR/GFA. The pertinent sales evidence shows a range of \$1,478 to \$3,712 per sqm. When applying this range to the potential FSR relinquished as part of land dedication, the capital value ranges are as follows:

Metric		Rate		Capital Value		
		Low	High	Low	High	Mid
FSR (sqm)	1,665	\$2,500	\$3,000	\$4,162,500	\$4,995,000	\$4,578,750

11 Valuation

We are of the opinion that the Current Market Value of the increase in GFA/FSR (being 1,665 sqm) freehold interest in the subject property, subject to the assumptions and qualifications outlined in this report and the property being free of encumbrances, restrictions or other impediments of an onerous nature of which we are not aware, as at 31 January 2017 for Planning Assessment Purposes only is:

Current Market Value of Increased FSR/GFA of 1,665 sqm (Excl GST)

\$4,150,000 to \$5,000,000

(Four Million One Hundred and Fifty Thousand Dollars to Five Million Dollars)

Rockworth Pty Ltd

Rhyan Hepworth

Certified Practising Valuers (Reg No. VAL013894)

Contact number: (02) 9411 5318

rhyan@rockworth.com.au

Annexures

Letter of Instruction

26 May 2017

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

E council@bayside.nsw.gov.au

Emailed only

Dear Ms Wallace

Re: Voluntary Planning Agreement - 177 Russell Avenue, Dolls Point

The War Widows' Guild would like to thank you and the Officers involved for the time you gave us last Friday to discuss the Guild's Planning Proposal and in particular the Voluntary Planning Agreement for our property at 177 Russell Avenue, Dolls Point.

It was pleasing to hear that Council's Officers are still considering the matters put forward in the Guild's letters of 14 March 2017 to Mr Albert Jean and 13 April 2017 to yourself. The following details the points we believe are key to the resolution of the Voluntary Planning Agreement:

1. The FSR Control placed over the Guild's Land in the 2011 LEP, was an arbitrary control that was not envelope tested on potential development sites within Dolls Point Catchment.
2. The application of an FSR Control of 1:1 does not support feasible development within Dolls Point Catchment. This statement is supported by the fact that no apartment development has taken place within the Catchment since the Gazettal of the 2011 LEP, which was at the commencement of one of the strongest property periods seen in NSW.
3. The Development approved by Council in 2010, located diagonally opposite the Guild's land at 174 Russell Avenue, was approved with an FSR of **1.77:1**.
4. A scheme with a complying envelope for the Guild's property achieves an FSR of 1.54:1 and adds further support to our contention that the 1:1 FSR was not envelope control tested.
5. The Planning Proposal for our property is only seeking 4 additional apartments contained on the highest level, which encroaches over the height plane by 2/3rds of a level, 1.2 metres of which is required to comply with Council's flood plain control level.

6. The Planning Proposal for the Guild's property proposes an FSR of 1.65:1, which is considerably less than the most recently approved development at 174 Russell Avenue, Dolls Point.
7. The Guild is a charitable organisation whose purpose is to promote and protect the interests of War Widows, many of whom are located in the Bayside Council Area. The Guild has never received on-going funding from the Government and relies solely on membership subscriptions (\$30 per year), member donations, limited community donations, a few bequests and interest on savings. Any contribution Council receives will deprive the Guild of much needed funds for its members and the broader war widow community into the future. As our Director, Mrs Wendy Thompson, advised at the meeting with you, the Guild sees its remaining properties as it's "superannuation".

Valuation

In addition to the matters raised above, we refer to HELM's letter to Mr Albert Jean of 08 May 2017, in which additional information is provided in regard to further geotechnical investigation of the Guild's Property.

The Reports attached to this letter detail significant cost impediments associated with the adverse ground conditions at our property, which impact the feasibility for the Planning Proposal by **\$2,778,560**.

While we do not dispute Council's Valuer's Valuation in regard to the 'Current Market Value of the Increased FSR/GFA, the Valuation clearly states at Page ii under the Critical Assumptions Section, that "The property is not affected by any contamination, geotechnical or environmental issues of any kind". The Reports and information contained within and attached to HELM's letter of 08 May 2017 confirm that there are adverse conditions. Accordingly, the costs associated with these proven conditions need to be addressed in the Valuation.

The Guilds position follows;

– Current Market Value of Increased FSR/GFA (The average of \$4,150,000 & \$5,000,000)	\$4,575,000
– Less the costs associated with the adverse ground conditions detailed in the Reports & Costings contained in HELM's letter to Council of 08 May 2017	(\$2,778,500)
Total	\$ 1,796,500

Council have advised they believe an equal share of the increased land Value is appropriate. A 50% share of \$1,796,500 equals

\$ 898,250

The Guild believes that a 50% share is disproportionate to the risk Council is taking (as Council is not taking any risk), particularly given the circumstances of this matter. Furthermore this letter details salient points that we believe need to be taken into consideration in determining a final Voluntary Planning Agreement, including;

- The application of a 1:1 FSR does not support feasible development and it is therefore unfair for Council to use a 1:1 FSR as the basis for the increase in FSR.
- A complying Envelope Control provides a project that achieves an FSR of 1.54:1.
- The Planning Proposal only breaches the height control by 2/3 thirds of 1 level, 1.2 metres of which is required to comply with Council's Flood Control.
- The Guild is a charitable organisation whose purpose is to promote and protect the interests of War Widows many of whom live in the Bayside Council Area.

- We are of the view that Council should not be applying the same commercial requirements in regard to this property, as are applied to commercial developers.

Revised Voluntary Planning Agreement Offer

The Guild is willing to amend its Offer for a Voluntary Planning Agreement to the following:

The Owner of 177 Russell Avenue will pay to Council the following prior to the issuance of the Occupation Certificate for the apartments to be erected upon 177 Russell Avenue, Dolls Point;

1. Works within Peter Depena Reserve

- Master Planning of the Beach Hut & Surrounds **\$ 70,000**
- Upgrades to Peter Depena Reserve including **\$340,000**
 - the amenities building
 - playground
 - signage
 - other infrastructure to support passive & active recreation
 - Should the community decide it is important, the construction of a 2.5 metre wide pedestrian path and cycle way in accordance with Council's regulations that curves its way between the footpath running in an east/west direction to the south side of Russell Avenue and the Waradiel Creek footbridge.

2. Revegetation of Waradiel Creek

\$ 40,000

- Design and works associated with the revegetation of the western side of Waradiel Creek, commencing at the southern side of the Russell Avenue Bridge (that extends over Waradiel Creek) and moving south towards the footbridge to an extent that the funds will allow.

3. Land Dedication

No Cost

To enable a continuous pedestrian path and cycle way (to be created at some point in time in the future) between the footpath running in an east/west direction to the south side of Russell Avenue and the Waradiel Creek footbridge (which is located to the NNW of Georges River 16ft Sailing Club), the Guild will dedicate to Council two portions of land;

- The first portion of land is located in the North Eastern corner of 177 Russell Avenue and comprises 19 sqm of land and is marked 'A' on the attached plan at Annexure 1.
- The second portion of land is located in the South Eastern corner of 177 Russell Avenue and comprises 13 sqm of land and is marked 'B' on the attached plan at Annexure 2.
- Dedication of both portions of land totals 32 square metres.

The dedication of the Land is not to prevent the land being included for the purpose of calculating FSR, as the dedication to Council will occur at the completion of the development.

TOTAL VOLUNTARY PLANNING CONTRIBUTION

\$450,000

4. Operation of this Agreement

The above Offer is dependent upon the amendments proposed by the Planning Proposal being adopted and gazetted in an amended LEP, resulting in the additional height and FSR being permitted by the LEP.

Council agrees that fees will not be charged for works undertaken by the owners of 177 Russell Avenue, Doll Point in public areas associated with the development of the property.

The VPA does not negate the owner's requirement to pay Section 94 fees.

Improved Water Quality to Waradiel Creek

In addition to the Voluntary Planning Agreement, the Land Owner of 177 Russell Avenue will undertake investigation with a qualified hydrologist and an aquatic ecologist to determine the amount of flow needed to minimize the stagnation and improve ecosystem conditions.

This will likely include the installation of water pumps within the immediate vicinity of the property to oxygenate the water, thus removing the pungent stench associated with the stagnant water in Waradiel Creek. The supply, installation, maintenance and running costs of the pumps will be paid for by the Owner of 177 Russell Avenue.

Streetscape

An existing substation is located on the eastern side of Waradiel Creek (please refer to Annexure 2). The substation is screened from view by the surrounding landscaping.

Based on HELM's Electrical Engineer's preliminary calculations of the load requirements for the proposed building, the existing substation will not provide enough power to supply the proposed development. We will therefore be required to commission a new substation, for which we will need to bear the cost.

The new substation would not be for the sole use of the apartment occupants at 177 Russell Ave. The substation would provide additional capacity for future developments in the Dolls Point Area.

We would like to locate the new substation next to the existing substation, on Council's land, as this will result in a superior streetscape outcome (as both substations would be screened by the established existing landscaping).

The land required by Ausgrid for the substation and surrounding curtilage is 18.8 square metres.

We do not propose to make this item a condition of the Voluntary Planning Agreement. This is a matter that is to be discussed with Council during the Development Application Assessment period.

CONCLUSION

In light of the facts of this matter, we consider the revised Voluntary Planning Agreement Offer to be fair and one that will be well received by the local community.

In addition to the Voluntary Planning Agreement, the Planning Proposal provides significant streetscape and amenity benefits for the area, improves passive surveillance, activates Peter Depena Reserve, improves safety, will improve biodiversity, increases housing choice for the local community and replaces buildings that are well passed their use by date and no longer adequately serve the needs of our members due to mobility and design issues.

Given that the Department of Planning & Environment provided their Gateway Determination on 24 January and advised that the timeframe for completing the LEP is to be 9 months, we are keen to work with Council, to resolve the Voluntary Planning Agreement as soon as possible.

To this end, we would appreciate Council's Officers considering the contents of this letter and our position and advising of a time to meet to resolve the Voluntary Planning Agreement. We ask that Matt Campbell be contacted on 0419 976 640 to arrange the meeting.

Yours sincerely



PATRICIA CAMPBELL
Chief Executive Officer

cc	Mr Michael McCabe	- Bayside Council
	Mr Albert Jean	- Bayside Council
	Mark Monk	- HELM Pty Limited

COMMERCIAL IN CONFIDENCE - NOT TO BE UPLOADED TO COUNCIL WEBSITE

Council Meeting

12/07/2017

Item No	8.4
Subject	Bayside Design Excellence Guidelines
Report by	Wil Robertson, Urban Designer
File	F16/824

Summary

The Rockdale Design Excellence Guidelines inform the delivery of Design Excellence through the Rockdale Local Environmental Plan 2011. This update to the Guidelines acknowledges Bayside Council as the new Local Government Area and amends some clerical anomalies.

This report is seeking Council to adopt the updated Design Excellence Guidelines.

Officer Recommendation

That Council adopts the attached Bayside Design Excellence Guidelines dated July 2017.

Background

The former Rockdale Council encouraged and supported higher quality development outcomes within the Local Government Area (LGA). A key mechanism to achieve this is the Rockdale Local Environmental Plan (RLEP) 2011 Clause 6.14 Design Excellence. This requires design concepts to be prepared under a competitive process, with design excellence assessed and a scheme selected by a Jury. This allows a subsequent Development Application, prepared by the selected schemes Architect, to be submitted to Council for assessment.

The Rockdale Design Excellence Guidelines (Guidelines), used in conjunction with RLEP 2011 Clause 6.14, outline criteria to deliver and assess design excellence of the highest standard of architectural, urban and landscape design.

In addition the Guidelines contain procedures that assist proponents in the development of a Design Excellence Competition for sites where a Design Competition is required by way of:

- Strategy - that forms an agreement with Council on how the Design Excellence Competition will be run; and
- Brief - that informs the Competitors with details on the competition site, design and development objectives, and expectations regarding the delivery of Design Excellence

The Guidelines were initially adopted by Rockdale Council in 2015. This was followed by the creation of an Amendment to the RLEP to reflect the introduction of Design Excellence. A subsequent refinement to the Guidelines was adopted by Council in March 2016 (see **Attachment 2**).

The Bayside Design Excellence Guidelines July 2017 (see **Attachment 1**) provide procedures and specific requirements that both Council and a Proponent are required to meet to achieve an outcome in the:

- Delivery of a Design Excellence Competition
- Assessment of Design Excellence
- Ongoing commitment to deliver an outcome that achieves Design Excellence.

This update seeks to address the following:

- ***Replace Rockdale City Council with Bayside Council***
 - This supports the transition of documents to reflect the amalgamation of Rockdale and Botany Councils to Bayside Council, noting that the Guidelines form a part of the Rockdale Local Environmental Plan and do not have effect in the Botany Local Environmental Plan.
- ***Headings and text formatted and numbered.***
 - To assist clearer navigation and referencing.
- ***The Guidelines now references RLEP 2011 Clause 6.14, where it previously repeated text from Clause 6.14.***
 - The Rockdale Design Excellence Guidelines support and are enforced by the RLEP 2011. To ensure the Guidelines' integrity, and minimise areas of potential conflict or ambiguity, it is vital that the information communicated in the RLEP and Guidelines forms a cohesive communication document. Therefore, content within the RDEG that repeats content within the RLEP has been removed.
 - This will minimise any potential or future conflicts in content if the Rockdale LEP 2011 is amended.
- ***Reference to “(Draft)” Rockdale LEP 2011 removed.***
 - The 2015 Guidelines were adopted by Council prior to RLEP 2011 Amendment 8, and, therefore, it is no longer a “Draft” LEP.
- ***Jury expertise and recognition clarified to reflect naming as per Professional Associations (ie Architect and Landscape Architect) rather than Architectural design and Landscape design.***
 - The terms Architect and Landscape Architect are addressed in the NSW Architects Act, and require specific professional qualifications and proven industry expertise. The use of these professional titles ensures the highest level of expertise. This is consistent with the Bayside Design Review Panel membership prequalification

These Guidelines are only relevant to the Rockdale Local Environmental Plan 2011. They do not apply to the Botany Local Environmental Plan 2013.

Financial Implications

Not applicable

Community Engagement

Not required

Attachments

- 1 Bayside Design Excellence Guidelines July 2017
- 2 Rockdale Design Excellence Guidelines February 2016

Bayside Council

Serving Our Community

Bayside Design Excellence Guidelines

July 2017



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File: F16/823 Document: 16/140642

Enquiries: Manager Strategic Planning



Telephone Interpreter Services - 131 450

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1) Explanation

- a) These guidelines provide criteria and procedures for the assessment of design excellence and to support clause 6.14 *Rockdale LEP 2011 (RLEP 2011)* which requires that an Independent Design Review, or an Architectural Design Competition must be held in relation to certain types of development or for specific sites before development consent may be granted. Clause 6.14 of the RLEP 2011 prescribes the locations where Design Excellence must be determined prior to the submission and acceptance of a Development Application
- b) These procedures provide details which are essential to ensure that design competitions will:
 - i) Operate in a manner which is accountable, fair and efficient
 - ii) Explain the competition process which includes tasks, responsibilities and timelines

2) Design Excellence Criteria

- a) Design Excellence shall be determined with regard to the areas described in the *RLEP 2011 Clause 6.14*. ←
- b) Key Criteria to be used as a guide when developing and evaluating merit
 - i) Capacity to transform existing character and activity within and beyond its context
 - ii) Creative integration of design and technical requirements
 - iii) Communication of lateral responses to current planning controls and guidelines
 - iv) Contribution to amenity and place making through the development of a proposal that is presented as a cohesive place, contributing to civic quality, public realm, systems and paths of movement and activity
 - v) Comprehensive appreciation of environmental features
 - vi) New public spaces, frontages to public and communal areas that generate high levels of activation and encourage social interaction
 - vii) Scale, character, form and siting complement surrounding urban qualities and likely future development
 - viii) An appropriate balance between resilient materials, embodied energy and resource consumption and dependence
 - ix) Land uses, activity, building configuration and occupancies that may be adapted in future.
- c) Design Excellence Procedures provide a framework in establishing, reviewing and progressing Design Excellence.

3) Objectives for These Guidelines

- a) Provide a detailed explanation of terms and procedures which are provided by Clause 6.14 of the *RLEP 2011*
- b) Criteria that define the "highest standard of ... design" in order to ensure consistent evaluation of competition entries and a baseline for the assessment of development applications which are affected by the LEP's clause 6.14
- c) Establish a Design Excellence – Competition Strategy and Design Excellence – Competition Brief that ensures balance with Council's Design Excellence requirements and the proponent's (developer's) objectives
- d) Outline the procedures and approach in assessing, decision making and responsibility
- e) Intended to select a design proposal which demonstrates that the scheme's Architect has the capacity to deliver design excellence throughout the life of the project

4) The Guidelines

- a) Design Excellence
 - i) Objectives for design excellence apply to Independent Design Review and Architectural Design Competitions, and require design solutions that are *exemplary* as opposed to solutions which demonstrate a basic level of competence.
 - ii) Design Excellence Guidelines and Criteria shall be considered in the following:
 - (1) Competition Entries
 - (2) Evaluation and review of Design Excellence and Competition Entries
 - (3) Assessment of Development Applications that are affected by the LEP's clause 6.14 that consider the Design Excellence Guidelines and Criteria, in addition to statutory requirements of s79C in the Environmental Planning and Assessment Act (EPA Act).
 - iii) Design Excellence integrity shall be continued through to detailed development proposals.
- b) Procedures for a Design Excellence Competition
 - i) The Design Excellence Competition procedures involve a sequence of tasks which are summarised below. This initially requires the proponent to complete a Design Excellence Strategy and Design Excellence Competition Brief for consideration, approval and endorsement by Council.
- c) Design Excellence Competition - Design Excellence Strategy
 - i) The Design Excellence process is to be undertaken in accordance with a Design Excellence Strategy that defines the following:
 - (1) Location, extent and scope of the design excellence process
 - (2) Type of Design Excellence process to be undertaken that shall be an "Invited" Design Competition.
 - (3) Number of submissions to be sought
 - (4) Design Excellence Guidelines and Criteria
 - (5) Assessment and decision making participants and process
 - (6) Jury (Design Excellence Panel) composition and financial remuneration/honorarium
 - (7) Outcome of the Design Excellence Process
 - (8) Fees and charges to be paid to Bayside Council by the proponent to cover management and financial considerations and obligations including remuneration and or honorarium to members of the Jury (Design Excellence Panel).
 - ii) Design Excellence Competition - Brief
 - (1) The Design Excellence Brief will identify all of the competing design groups.
 - (a) The same information is to be provided to the competing design groups:
 - (i) Draft competition briefs must be endorsed by Council officers before any competition may commence
 - (ii) If the proponent's draft brief is considered unacceptable, Council's response will confirm reasons and will recommend matters which require further attention.
 - (b) The design brief must provide a comprehensive range of information about the site and its context.
 - (c) A schedule of fees to be charged by each competitive submission
 - (d) Ongoing role of a selected schemes Architect
- d) Design Concepts

- i) Design competitions require the submission of design concepts by at least three competing design groups:
 - (1) Proponents are responsible for selecting the design groups, and for making an agreed payment to each design group for their completed design submissions
 - (2) Each of the selected design groups will be independent and shall be headed by a registered Architect, and may be a single firm or a consortium of complementary design professionals, together with project experience that has direct relevance to the competition brief. The nominated Architect may only represent a single Architectural Practice Competing in the Design Excellence Competition.
 - (3) All of the selected design groups should demonstrate a capacity to deliver design excellence have levels of skill and expertise which are broadly-equivalent and meet the conditions and requirements for eligibility, assessment and entry to the NSW Government Architect's Strategy and Design Excellence Prequalification Scheme.
- ii) Details on specific Design Excellence submission requirements are to be detailed in the Design Excellence Competition Brief set out by the proponent.
- e) Design Excellence Review
 - i) A Design Excellence Jury of no less than four, and no more than six members shall be established for each competition and act as a jury.
 - (1) Jury members shall have recognised qualifications and expertise in Architecture, or Landscape Architecture, or Urban Design,
 - (2) The Jury shall consist of an equal number of members who are nominated by the proponent and by Council.
 - (3) The Jury may also include a member who is independently selected from both the proponent and Council.
 - (4) Members of a Design Excellence Jury shall provide a fair and honest appraisal of design concepts.
 - (5) In situations where heritage considerations are relevant, the Jury may refer to the proponent's technical advisors.
 - ii) Excluding any submissions that are deemed to be disqualified, the Jury shall consider and assess a minimum of three competition entries to determine an outcome.
 - iii) The Jury will be engaged by Council.
 - iv) The proponent is responsible for remuneration or honorarium costs to members of the Design Excellence Jury.
 - v) Review of design submissions by the Design Excellence Jury requires reference to the following:
 - (1) Primarily, to matters for consideration which are specified by clause 6.14 of the (draft) RLEP 2011; and
 - (2) Design Excellence Guidelines and Criteria; and
 - (3) Any design quality considerations which might be specified by state or local planning controls that are relevant to the subject site or to the development concept.
 - vi) In relation to design competitions, reviews by the Design Excellence Jury require the following:
 - (1) A majority opinion of the Jury that identifies the preferred design submission that exhibits design excellence
 - (2) A statement that explains how the preferred submission exhibits design excellence

Titles
changed to
reflect
professional
industry
standards

- (3) If none of the submissions exhibit design excellence, the Jury may identify amendments to submissions that would guide a competitor in amending a submission
 - (4) If amendments are recommended, the responsible competitor should provide the amended submission within 28 days after receipt of the Jury's report, and the Jury should be reconvened to review the amended submissions.
 - (5) The competition is terminated without an outcome, winner or awarding design excellence to any submission:
 - (a) If the Jury cannot identify design amendments that would achieve excellence
 - (b) Any Jury's recommended amendments have not been provided within a reasonable timeframe
 - (c) The Jury finds that none of the submissions achieve design excellence
- f) In general, the review of design excellence involves the following procedures:
- (1) Payment of any required fees to Council
 - (2) Administrative tasks shall be provided by the Proponent: confirmation of meeting dates, distribution of documents and booking of meeting venues.
 - (3) Preparation of a Design Excellence Strategy and Brief for endorsement by Council
 - (4) Design submissions should be distributed to Jury members at least 14 days prior to a scheduled review meeting
 - (5) Review meetings should provide for a 30 minute presentation by each competitor followed by questions from Jury members
 - (6) Discussion and decisions by the Jury should occur during closed sessions that follow presentations
 - (7) Reports should be drafted by the Jury for distribution to the proponent and the Council within 14 days after each review meeting
 - (8) Requests for reconsideration or clarification of the Jury's final report may be submitted by the proponent or the Council within 14 days after receipt of the Jury's report.
- ii) Requirements of (draft) RLEP 2011 to hold a design competition are deemed to have been satisfied:
- (1) 14 days after final reports by the Design Excellence Jury have been distributed to the proponent and the Council
- g) Assessment and Determination
- i) The consent authority shall have regard for relevant considerations under s79C of the EPA Act and Design Excellence provisions of clause 6.14 RLEP. The outcome of a Design Excellence Competition does not constitute a Development Application or Approval. Any selected design proposal must undergo the Council's DA Process (including review by the Design Review Panel)
Council reserves the right to convene an independent panel (at the cost to the developer) to review subsequent modifications to the design outcome and determine if they conform to the design intent of the selected scheme.

Consolidated into a single subclause

Subclause regarding termination previously here moved to Clause 4-e-vi-5

Version History

Version	Release Date	Author	Reason for Change
1	6 May 2015	Wil Robertson	Initial document
2	4 February 2016	Wil Robertson	Amended content Adopted by Council
3	27 June 2017	Wil Robertson	Amended content for adoption by Council



Rockdale Design Excellence Guidelines

04 February 2016

Important

This document contains important information about Rockdale City Council. If you do not understand, please visit Council's Customer Service Centre at 2 Bryant Street Rockdale, Monday – Friday from 8.30am – 4.30pm, Saturday from 9am – 1pm. Council Staff will be happy to arrange interpreter services for you.

You may also contact Telephone Interpreter Services on 131 450 and ask them to ring Rockdale City Council on 9562 1666 on your behalf.

Arabic

هام:

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Italian

Importante:

Questo documento contiene importanti informazioni sul Comune di Rockdale City. Se avete difficoltà a comprenderne il contenuto, recatevi presso il Customer Service Centre del Comune a 2 Bryant Street, Rockdale dal lunedì al venerdì dalle ore 8.30 alle 16.30 e al sabato dalle 9.00 alle 13.00. Il personale del Comune sarà ben lieto di procurarvi un servizio interpreti.

Potete anche chiamare il Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che telefoni per vostro conto al Comune di Rockdale City al numero 9562 1666.

Chinese

重要消息

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您也可以聯絡電話傳譯服務處，電話 131 450，並請他們代您致電 9562 1666 給Rockdale 市政府。

Macedonian

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Greek

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Spanish

Importante:

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Puede asimismo llamar al Servicio Telefónico de Intérpretes al 131 450 y pedirles que llamen de su parte al Rockdale City Council, teléfono 9562 1666.

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Adopted: 04 February 2016

Enquiries: 9562 1666

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1. Explanation

These guidelines provide criteria and procedures for the assessment of design excellence to support clause 6.14 *Rockdale LEP 2011 (RLEP 2011)* which requires that an architectural design competition must be held in relation to certain types of development or for specific sites before development consent may be granted.

Clause 6.14 of the LEP applies to the following types of development and locations:

- Erection of new buildings on lands which are outlined by a black line on the Design Excellence Map
- Development applications which relate to sites that are identified as "incentive areas" by the Height of Buildings Map, and which seek the bonus height that is provided by clause 4.3(2A) of the LEP

These procedures provide details which are essential to ensure that design competitions will:

- Operate in a manner which is accountable, fair and efficient
- Explain the competition process which includes tasks, responsibilities and timelines
- Describe situations where a design competition might be unreasonable or unnecessary

2. Design Excellence Criteria

The following criteria shall be considered when assessing Design Excellence where clause 6.14 in the Rockdale LEP (RLEP2011) applies.

Key Principles

Conceptual strength from contextual analysis, design principles and the depth of response in design outcomes with respect to:

- Innovation
- Context, Place and Environs
- Site planning
- Building form and scale
- Character and expression
- Public Realm and Landscape
- Interior Layout
- Sustainability.

Key Criteria to be used as a guide when developing and evaluating merit

- Capacity to transform existing character and activity within and beyond its context
- Creative integration of design and technical requirements
- Communication of lateral responses to current planning controls and guidelines
- Contribution to amenity and place making through the development of a proposal that is presented as a cohesive place, contributing to civic quality, public realm, systems and paths of movement and activity
- Comprehensive appreciation of environmental features
- New public spaces, frontages to public and communal areas that generate high levels of activation and encourage social interaction
- Scale, character, form and siting complement surrounding urban qualities and likely future development
- An appropriate balance between resilient materials, embodied energy and resource consumption and dependence
- Land uses, activity, building configuration and occupancies that may be adapted in future.

Design Excellence Procedures provide a framework in establishing, reviewing and progressing Design Excellence.

3. Objectives for These Guidelines

- A. Provide a detailed explanation of terms and procedures which are provided by clause 6.14 of the (draft) *RLEP 2011*
- B. Criteria that define the "highest standard of ... design" in order to ensure consistent evaluation of competition entries and a baseline for the assessment of development applications which are affected by the LEP's clause 6.14
- C. Establish a Design Excellence – Competition Strategy and Design Excellence – Competition Brief that ensures balance with Rockdale City Council Design Excellence requirements and the proponent's (developer's) objectives
- D. Outline the procedures and approach in assessing, decision making and responsibility
- E. Intended to select a design proposal which demonstrates that the scheme's Architect has the capacity to deliver design excellence throughout the life of the project

4. The Guidelines

4.1 Design Excellence

Objectives for design excellence apply to Architectural design competitions, and require design solutions that are *exemplary* as opposed to solutions which demonstrate a basic level of competence.

4.1.1 Design Excellence Guidelines and Criteria shall be considered in the following:

- a) Competition Entries
- b) Evaluation of Competition Entries
- c) Assessment of Development Applications that are affected by the LEP's clause 6.14 that consider the *Design Excellence Guidelines and Criteria*, in addition to statutory requirements of s79C in the *Environmental Planning and Assessment Act (EPA Act)*.

4.1.2 Design Excellence integrity shall be continued through to detailed development proposals.

4.2 Procedures for Design Excellence

Design Excellence procedures involve a sequence of tasks which are summarised below. This initially requires the proponent to complete a Design Excellence Strategy and Design Excellence Competition Brief for consideration, approval and endorsement by Rockdale City Council.

4.2.1 Design Excellence Strategy

The Design Excellence process is to be undertaken in accordance with a Design Excellence Strategy that defines the following:

- Location, extent and scope of the design excellence process
- Type of Design Excellence process to be undertaken that shall be an "Invited" Design Competition. Council may give consideration to a proposal providing alternative and distinct design outcomes
- Number of submissions to be sought
- Design Excellence Guidelines and Criteria
- Assessment and decision making participants and process
 - Jury (Design Excellence Panel) composition and financial remuneration/honorarium
- Outcome of the Design Excellence Process
- Ongoing role of the selected scheme consultancy
- Fees and charges to be paid to Rockdale City Council by the proponent to cover management and financial considerations and obligations including remuneration and or honorarium to members of the Jury (Design Excellence Panel).

4.2.2 Design Excellence Competition Brief

The Design Excellence Brief will identify all of the competing design groups.

1. The same information is to be provided to the competing design groups:
 - Draft competition briefs must be endorsed by Council officers before any competition may commence
 - Council's written response to the draft competition brief should be provided to the proponent within 14 days after Council's receipt of that draft
 - If the proponent's draft brief is considered unacceptable, Council's response will confirm reasons and will recommend matters which require further attention.
2. The design brief must provide a comprehensive range of information about the site and its context.
3. A schedule of fees to be charged by each competitive submission.

4.3 Design Concepts

Design competitions require the submission of design concepts by at least three competing design groups:

- Proponents are responsible for selecting the design groups, and for making an agreed payment to each design group for their completed design submissions
- Each of the selected design groups will be independent and shall be headed by a registered architect, and may be a single firm or a consortium of complementary design professionals, together with project experience that has direct relevance to the competition brief. The nominated Architect may only represent a single Architectural Practice Competing in the Design Excellence Competition.
- All of the selected design groups should demonstrate a capacity to deliver design excellence have levels of skill and expertise which are broadly-equivalent and meet the conditions and requirements for eligibility, assessment and entry to the NSW Government Architect's Strategy and Design Excellence Prequalification Scheme..

Details on specific Design Excellence submission requirements are to be detailed in the Design Excellence Competition Brief set out by the proponent.

4.4 Design Excellence Review

1. A Design Excellence Panel of no less than four, and no more than six members shall be established for each competition and act as a jury. Excluding any submissions that are deemed to be disqualified, the jury shall consider and assess a minimum of three competition entries to determine an outcome. It should review submissions for competitions and any alternative approach in lieu of a competition which the Council has endorsed:
 - Jury members shall have recognised qualifications and expertise in architectural design, or landscape design, or urban design; and
 - In situations where heritage considerations are relevant, the Jury may refer to the proponent's technical advisors.
2. Members of a Design Excellence Jury shall provide a fair and honest appraisal of design concepts:
 - The Jury shall consist of an equal number of members who are nominated by the proponent and by Rockdale City Council
 - The Jury may also include a member who is independently selected from both the proponent and Rockdale City Council
 - The Jury will be engaged by Rockdale City Council.
 - The proponent is responsible for remuneration or honorarium costs to members of the Design Excellence Jury.
3. Review of design submissions by the Design Excellence Jury requires reference to the following:
 - Primarily, to matters for consideration which are specified by clause 6.14 of the (draft) RLEP 2011; and
 - Design Excellence Guidelines and Criteria; and
 - Any design quality considerations which might be specified by state or local planning controls that are relevant to the subject site or to the development concept.

4. In relation to design competitions or endorsed alternatives, reviews by the Design Excellence Jury require the following:
 - A majority opinion of the Jury that identifies the preferred design submission that may have the capacity to deliver design excellence
 - A statement that explains how the preferred submission will achieve design excellence
 - In relation to the preferred design submission, a summary of features which demonstrate excellence
 - If the preferred submission does not achieve design excellence, the Jury should identify any amendments that would achieve design excellence
 - If amendments are recommended, the responsible design group should provide amended documents within 28 days after receipt of the Jury's report, and the Jury should be reconvened to review those amended documents
 - If the Jury cannot identify design improvements that would achieve excellence, or if the Jury's recommended amendments have not been provided within a reasonable timeframe, or the amended submission does not demonstrate the capacity to achieve design excellence, the competition should be terminated without awarding design excellence to any submission.
5. In general, the review of design excellence involves the following procedures:
 - Administrative tasks shall be provided by the Proponent: confirmation of meeting dates, distribution of documents and booking of meeting venues
 - Design submissions should be distributed to Jury members at least 14 days prior to a scheduled review meeting
 - Review meetings should provide for a 30 minute presentation by each design practice followed by questions from Jury members
 - Discussion and decisions by the Jury should occur during closed sessions that follow presentations
 - Reports should be drafted by the Jury for distribution to the proponent and the Council within 14 days after each review meeting
 - Requests for reconsideration or clarification of the Jury's report may be submitted by the proponent or the Council within 14 days after receipt of the Jury's report.
6. Requirements of (draft) RLEP 2011 to hold a design competition are deemed to have been satisfied:
 - 14 days after final reports by the Design Excellence Jury have been distributed to the proponent and the Council
 - Final reports include the review of any design amendments which the Jury might have requested.

4.5 Assessment and Determination

1. The consent authority shall have regard for relevant considerations under s79C of the EPA Act and Design Excellence provisions of clause 6.14 RLEP.

The outcome of a Design Excellence Competition does not constitute a Development Application or Approval. Any selected design proposal must undergo the Rockdale City Council DA Process (including review by the St George Design Review Panel)

Council reserves the right to convene an independent panel (at the cost to the developer) to review subsequent modifications to the design outcome and determine if they conform to the design intent of the selected scheme.

Version History

Version	Release Date	Author	Reason for Change
0.1	6 May 2015	Wil Robertson	Initial document
0.2	4 February 2016	Wil Robertson	Amended content Adopted by Council

Council Meeting

12/07/2017

Item No	8.5
Subject	Eastlakes Reserve Upgrade Works Tender
Report by	Karin Hartog, Major Projects Director
File	F17/428

Summary

This report is to be read in conjunction with the report 'CONFIDENTIAL – Eastlakes Reserve Upgrade Works Tender' which outlines the tender assessment.

Bayside Council is providing upgrades to Eastlakes Reserve including a new landscaped playground with shade sails, fitness station, landscaping, footpaths, learner cycle path, planting, paved ping pong area and park furniture.

Officer Recommendation

- 1 That the report be received and noted.
- 2 That in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005 Council declines to accept any of the tenders submitted for the Eastlakes Reserve Upgrade works.
- 3 That in accordance with clause 178(4)(a) of the Local Government (General) Regulation 2005 Council resolves to decline to invite fresh tenders or applications as it has undertaken a public tender process inviting tenders from the open market. There would be no advantage in calling fresh tenders as Council has just undertaken this process and it is unlikely that new tenders would provide an improved service for Council and additionally the construction of Eastlakes Reserve would be delayed if fresh tenders were sought. Negotiations with the preferred contractor will provide the opportunity for a better result and reduce the risk to Council.
- 4 That in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005 Council delegates authority to the General Manager to enter into negotiations with Glascott Landscape & Civil Pty Ltd (and if required Planet Civil Pty Ltd).
- 5 That Council delegates authority to the General Manager to enter into and execute the GC 21 contract for the Eastlakes Reserve upgrade works.
- 6 That in accordance with clause 178(4)(b) of the Local Government (General) Regulation 2005 Council advises that the decision to enter into negotiations with Glascott Landscape & Civil Pty Ltd is as a direct result of them being considered the preferred contractor following a comprehensive tender evaluation.

Background

The request for tender was released on 30 May 2017 with tender submissions closing at 10.00 am on 20 June 2017.

Two (2) tender submissions were received from the following companies, in alphabetical order:

- Glascott Landscape & Civil Pty Ltd; and
- Planet Civil Pty Ltd.

Both submissions had omissions and items included that were client supplied. It is therefore necessary to enter into negotiations to establish the correct scope of works to be supplied.

Glascott Landscape & Civil Pty Ltd is identified as offering best value based on Evaluation Matrix Scoring under the following criteria:

- Price offered (including exclusions and qualifications);
- Non price capabilities, past experience, track records and proposed delivery program and work methodologies that demonstrate their understanding of the challenges and risks specific to the project.

Glascott provided written referees reports on projects and personnel with relevant and similar project experience to the Eastlakes project and is currently successfully completing the Cahill Park playground project.

Referee checks have previously been undertaken on Glascott Pty Ltd and these confirmed Glascott's claim of successful delivery of project, sound management of stakeholders and good understanding of undertaking construction projects for and on behalf of public sector clients.

Financial Implications

Glascott Pty Ltd tender price offer is within the overall project budget allocated by Council and outlined in the attachment to the confidential report titled 'CONFIDENTIAL – Eastlakes Reserve Upgrade Works Tender' listed as Item 10.2. It is anticipated that several items can be deleted during the project negotiations.

Community Engagement

Community engagement was completed at the design stage of the Eastlakes project.

Attachments

Nil

Council Meeting

12/07/2017

Item No	8.6
Subject	Disability Inclusion Action Plan 2017-2021
Report by	Karen Purser, Manager Community Engagement & Capacity Building
File	(R) F16/986

Summary

The Disability Inclusion Act 2014 (NSW) provides the legislative framework for state and local government disability inclusion and access planning.

The Plan demonstrates Bayside Council's commitment to people with disability through the improvement of access to services, facilities and jobs and by changing perceptions about people with disability in the workplace and the community.

Officer Recommendation

That Council adopts the Disability Inclusion Action Plan 2017- 2021.

Background

The Disability Inclusion Act 2014 (NSW) provides the legislative framework for state and local government disability inclusion and access planning.

Under the Act, Councils are required to develop and adopt a Disability Inclusion Action Plan (DIAP) 2017-2021 and submit it to the Office of Local Government.

The Plan demonstrates Bayside Council's commitment to people with disability through the improvement of access to services, facilities and jobs and by changing perceptions about people with disability in the workplace and the community.

The Disability Inclusion planning process has expanded on previous Council Disability Action Plans as it requires all actions identified by Council to be incorporated into their Integrated Planning & Reporting (IP&R) processes. As such, the DIAP will help inform Council's Community Strategic Plan, Operational Plan and Delivery Program.

In developing its DIAP, Bayside Council was required to identify actions to support people under the four (4) key areas identified in the NSW Inclusion Plan. These were:

- 1 Liveable communities
- 2 Systems and processes
- 3 Access to meaningful employment
- 4 Attitudes and Behaviours

These actions encourage Council to examine how it currently provides access and inclusion both in the organisation and in its services to the community, and identifying opportunities to improve.

How does Council support people with disability?

The former City of Botany Bay and Rockdale City Councils had a history of working to ensure the accessibility of their communities and the inclusion of people with disability both in the workplace and the community. This is still being fostered and encouraged by Bayside Council.

Council currently undertakes a range of strategies designed to ensure an inclusive organisation and community:

- Provides mobility parking spaces at public transport nodes and commercial centres
- Provides an on-going rehabilitation program that funds upgrades to building facilities
- Provides accessibility of Council facilities
- Assesses building and development in accordance with the DDA and relevant federal and State standards and codes
- Provides signage and way finding in accessible formats
- Provides Council information in accessible formats.

Community Engagement

In developing the DIAP, an extensive program of community engagement was undertaken by Council's Community Capacity Building team.

Council held consultations with people with disability, carers, older people, service providers, researchers, and other key stakeholders between March and June 2017.

These included:

- A forum with community service providers
- An online survey on Councils *Have Your Say* page. The survey was also made available in hard copy
- Community Forums at Mascot and Rockdale
- Telephone Interviews with people with disability and/ or carers
- Face to Face interviews with people with disability and/or carers
- Face to face interviews with key community stakeholders
- Focus groups with community groups.

In addition, an internal survey was distributed to all Council staff to identify how Council supports employees with disability and how staff feel they manage the delivery of services to people with disability in the community.

Key findings from the community engagement and staff survey are included in the Disability Inclusion Action Plan document.

Given its recent amalgamation Council is in a strategic position to review current processes, strategies and policies for barriers to access and inclusion and to identify opportunities that will enable the delivery of best practice in Council's services, facilities and systems.

The challenge is to not simply ensure Council meets compliance requirements but to foster a depth of understanding and awareness of barriers to inclusion and access in all aspects of Council responsibility.

In identifying actions for the Disability Inclusion Action Plan, several factors were considered:

- existing actions in Bayside Council Draft Operational Plan 2017/18
- areas where clarification, review and/ or mapping of policies and processes would be beneficial
- opportunities to incorporate access and inclusion in Council policies, Plans of Management, and Terms of Reference criteria
- the determination of an ongoing leadership process for the delivery of the DIAP
- opportunities to input data into Council's impending EEO Policy
- feedback from community and staff consultation.

As a result the majority of actions identified in the DIAP involve a review and assessment of current processes, practices and policies as a means of identifying opportunities to develop best practice models.

Any cost implications will be identified and prioritised in the review process and considered for inclusion in future operational budgets.

Implementation of the DIAP

Implementation of the DIAP involves all areas of Council however the guidelines specify that Council must identify a sponsor at the Executive level, such as the General Manager or a member of the Executive Committee, who will be responsible for initiating the leadership process.

This sponsor is required to take responsibility for championing the importance of inclusion planning throughout Council, assume overall accountability for resourcing and planning decisions and commit to driving the inclusion action planning process.

It is recommended that Bayside Council also establish Terms of Reference for a cross organisational DIAP Working Group for the first 12 months to ensure the allocation and monitoring of actions and their implementation. The ongoing role of this working group would be assessed as part of the DIAP.

Organisational training on inclusion and accessibility would occur with all staff concurrently as a process of creating understanding, awareness and support for the DIAP process.

Evaluating the DIAP

Once adopted the DIAP will inform Council's Community Strategic Plan, Operation Plan and Delivery Program as part of Councils Integrated Planning & Reporting Process and will have an annual reporting requirement.

Like the Operational Plan, the DIAP is a living document and actions and strategies will change as the organisation develops and accessibility and inclusion become a more inherent part of Council's culture. It is envisaged that moving forward, the DIAP will be integrated into Council's Operational Planning process.

Under Section 14 of the NSW Disability Inclusion Act Councils are required to review the DIAP every four (4) years.

Feedback on the draft DIAP

The Office of Local Government advised that as a standalone plan Council was not required to publicly exhibit the draft DIAP, however good practice dictated that we offered people involved in the consultation process the opportunity to provide feedback on the identified actions. That opportunity was available for two weeks.

Publishing the DIAP

Once adopted the DIAP will be prepared/graphic designed for publishing to the community, and distributed through Council's normal channels.

Financial Implications

Included in existing approved budget.

Community Engagement

The community has been engaged in this process and no further engagement is required at this stage.

Attachments

Disability Inclusion Action Plan

BAYSIDE COUNCIL



DISABILITY INCLUSION ACTION PLAN

2017-2021

**Bayside
Council**

Acknowledgement to Country

Bayside Council would like to pay its respects to and acknowledge the traditional custodians of the Land and pay its respects to Elders past, present and future.

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1 Message from the General Manager

It is with great pleasure that I present Bayside Council's ***Disability Inclusion Action Plan 2017 – 2021*** to the community.

This Plan sets out the actions and strategies Council will undertake to work toward both identifying and removing the barriers to inclusion and participation for people with disability in the Bayside community.

In preparing the Disability Inclusion Action Plan (DIAP), Council conducted extensive consultation with the community and Council staff. These consultations recognised the work that Bayside has done in the past, while sending a clear message that there are challenges ahead if true access and inclusion are to become a reality.

Bayside sees these challenges as opportunities.

As a community leader, Council has an important role to play in ensuring that our community are able to access services, facilities, programs and events regardless of disability, age or circumstance.

As our systems and processes change over time to deliver more inclusive outcomes to the community so too will the actions identified in the Disability Inclusion Action Plan change. This progress will be reported on as part of Council's Annual Report to the NSW Government, as well as to the local disability sector.

We look forward to reporting back to you on what we have achieved with our partners and our community.



Meredith Wallace
General Manager

2 Aim of the Disability Inclusion Action Plan

Bayside Council has championed the rights of people with disability through the former entities of the City of Botany Bay and Rockdale City Councils and is committed to continuing that leadership and advocacy role in the community.

As a newly formed Council, Bayside has taken the opportunity to look at how it provides services, facilities, information and programs to the community and how current policies and practices impact on the day to day lives of people with disability.

Bayside Council will actively seek to reduce the barriers to inclusion for all residents and acknowledge and facilitate the right of people with disability to participate equally and meaningfully in all aspects of community life.

While this Plan has a focus on people with disability, the aged and those with mobility difficulties, Council understands that inclusion extends to the broader community – to families, to visitors, to tourists, and to people from other cultures and language groups.

The actions outlined in this Plan will help guide Bayside Council toward the removal of barriers faced by an increasing number of people in the focus areas of:

1. Liveable communities
2. Systems and processes
3. Access to meaningful employment
4. Attitudes and Behaviours

By addressing these areas Council looks forward to ensuring its services, facilities, programs and information are inclusive for all members of the community.

3 The Case for Inclusion

- As a community, we are poorer without a diverse range of viewpoints and perspectives
- Exclusion leads to disadvantage and discrimination, which have far reaching negative impacts across all aspects of life, including health, welfare, education and employment. These impacts are felt beyond the individual, with families and the broader community being negatively impacts by a non-inclusive community
- Employment can provide independence, reduce reliance on benefits and improve the living standards of people with disability. This can have positive health impacts and contribute to a greater sense of self worth

- Access to business benefits not only people with disability but older people, parents with prams, and business owners by expanding their business reach. There is a strong economic case to increase inclusion in our community.

4 Legislative Framework

i) United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The UNCRPD, was ratified by Australia in 2008 and acknowledges that people with disability have the same human rights as those without disability. This commits participating governments to ensure these rights can be exercised and that barriers are removed. The UNCRPD recognises that attitudes, practices and structures are disabling and can create barriers to people with disability from enjoying economic participation, social inclusion and equality which are not an inevitable outcome of their disability.

ii) National Disability Strategy 2010-2020 (NDS)

The NDS 2010-2020, developed in partnership by the Commonwealth, State, Territory and Local Governments, sets out a national plan for improving life for Australians with disability, their families and carers, to support the commitment made to the UNCRPD.

The NDS NSW Implementation Plan 2012-2014 was the NSW Government's initial two-year strategy to promote the principles of the NDS.

Actions in the Implementation Plan that involve councils include:

- Implementing Web Content Accessibility Guidelines 2.0 Level AA
- Implementing local strategic plans and delivery programs
- Integrating NSW guidelines on universal design principles and *Disability (Access to Premises - Buildings) Standards 2010*
- Improving the availability of accessible toilets
- Supporting access to sports and recreation facilities
- Identifying measures to encourage people with disability to stand for election to Local Government
- Increasing internal workforce diversity.

The majority of these actions have now been aligned with the aims and objectives of the *NSW Disability Inclusion Act 2014* and NSW Disability Inclusion Plan.

iii) NSW Disability Inclusion Act 2014

The NSW Disability Inclusion Act defines disability as:

“The long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder the full and effective participation in society on an equal basis with others.”

This definition reinforces the importance of the social model of disability which focuses on the interaction between people living with a range of impairments and their physical and social environment.

Disability is not just about the individual or their impairment. The onus to break down barriers rests with the whole community.

The Disability Inclusion Act encourages planning and coordination across state and Local Government to reduce barriers for people with disability. It mandates Local Government to undertake disability action planning while recognising that this is not a new approach for some councils. A number of NSW councils have an existing Disability Action Plan as a consequence of the Federal *Disability Discrimination Act (1992)*.

iv) Disability Inclusion Action Plans (DIAP)

The Disability Inclusion Act builds on existing social equity requirements within the Local Government Integrated Planning & Reporting framework to strengthen Local Government’s commitment to inclusion, consultation and equity for people with disability.

Under the *Disability Inclusion Regulation 2014*, Councils must prepare a Disability Inclusion Action Plan by 1 July 2017. This timing is designed to fit the current Community Strategic Planning and Delivery Program cycle.

Disability inclusion action planning plays a critical role in identifying and delivering on practical measures to transform intent into action by Local Government.

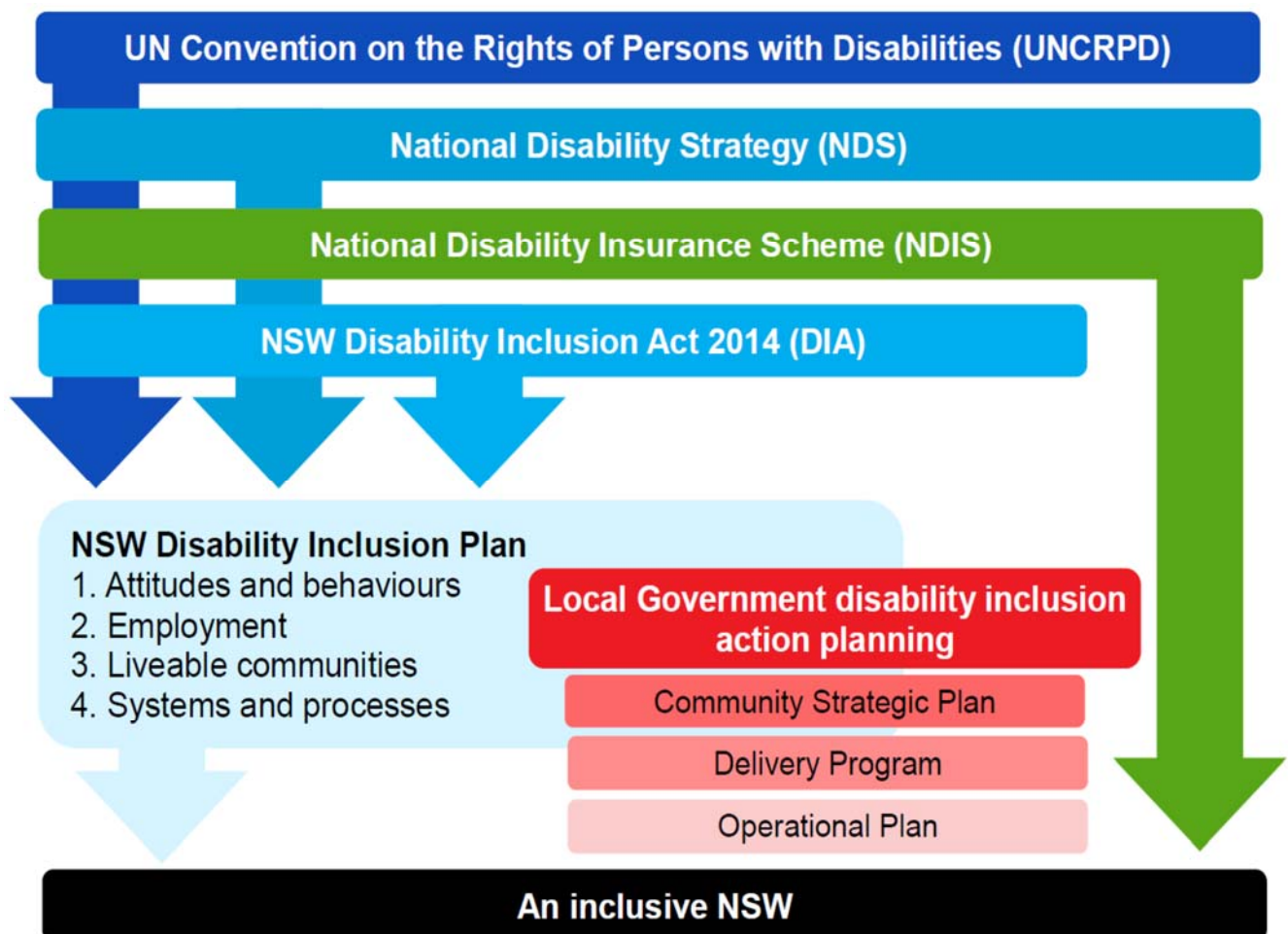
In developing its DIAP, Bayside Council has identified actions to support people under the four (4) key areas identified in the NSW Inclusion Plan. These are:

1. Liveable communities
2. Systems and processes
3. Access to meaningful employment
4. Attitudes and Behaviours

These actions aim to encourage Council to take a closer look at how it provides for access and inclusion both within the organisation and in its services to the community, and to identify opportunities to improve on its performance.

This performance will be reported on annually through Council's Annual Report to the NSW Department of Local Government.

Figure 1 – The relationships between the relevant policy and legislative instruments



5 Community Profile of Bayside

Bayside Council was established in September 2016 through the amalgamation of the former Botany City and Rockdale City Councils.

Bayside incorporates 29 suburbs and has an estimated population of 169 682 as at June 2017.



i) Prevalence of Disability

Statistical data on the prevalence of disability in the community is undertaken every three (3) years by the Australian Bureau of Statistics (ABS) through its Survey of Disability, Ageing & Carers (SDAC).

In this survey, a person is defined as having a disability if they report a limitation, restriction or impairment which has lasted, or is likely to last, for at least six months and restricts everyday activities.

Disability may occur as a result of genetics, accident or illness and can affect a person's mobility, communication and learning.

In 2015, the ABS Survey of Disability, Ageing & Carers (SDAC) identified the rate of disability in Australia as 17% or approximately 1 in 5 Australians.

Based on current population estimates, this indicates a likelihood that approximately 28 856 Bayside residents are living with disability.

The incidence of disability increases significantly with age. This adds to the need to consider good access and inclusion policies and strategies across the organisation.

Bayside has an ageing population with 15.1% of residents aged 65 years and older.

According to the ABS, in 2015 just over half (50.7%) of Australians aged 65 and over reported living with disability.

The majority (78.5%) of people with disability reported a physical condition as their main long-term health condition. The other 21.5% reported mental and behavioural disorders.

ii) Disability and Employment

Disability affects all areas of a person's life including their income and participation in education, social activities and the labour force.

According to the 2015 ABS Survey on Disability, Ageing & Carers:

- The labour force participation rate for people with disability is 53.4% which is considerably lower than for people without disability (83.2%).
- Lower proportions of people with disability were employed full-time (27.0%) compared to those without disability (53.8%).
- Australians with disability were more likely to be unemployed compared to those without disability (10.0% compared with 5.3%).

iii) Discrimination

In 2015, a new disability discrimination module was introduced by the ABS to estimate the prevalence of discrimination for those with disability and to identify the nature of this discrimination.

Data collected referred to Australians with disability who were living in households, aged 15 years and over, and their experience in the last 12 months with discrimination due to their disability.

The survey found that:

- Almost one in 12 Australians with disability (8.6%) reported they had experienced discrimination or unfair treatment because of their disability.
- Young people with disability (aged 15 to 24 years) were more likely to report the experience of discrimination (20.5%) than those aged 65 years and over (2.1%).
- Over one-third (35.1%) of women and over one-quarter (28.1%) of men aged 15 years and over had avoided situations because of their disability.

6 Supporting the Community

The former Botany and Rockdale City Councils had a positive history of working to ensure the accessibility of the built environment and the inclusion of people with disability both in the workplace and the community.

This is still being fostered and encouraged by Bayside Council through:

- Compliance with all relevant Federal and State legislation, Codes and Standards with regard to disability access and inclusion for the delivery of its services, programs and facilities and in the built environment;
- Employment of a full time Aged and Disability Services specialist to develop Community Capacity, provide information, identify need and gaps in service provision and provide advice to Council on disability issues
- Employment of a Coordinator Aged and Disability services to deliver direct services to older people and people with disability through its Meals on Wheels, shopping and social programs and events
- Participation and support of local disability and aged forums and interagencies;
- Celebrations on the achievements and abilities of people with disability and older people through International Day of Disability and Seniors Week;
- Administration of the Community Grants program to assist with funding community groups to deliver and enhance local programs;
- Employment of staff with disabilities and fostering of an inclusive workplace;
- Provision of mobility parking spaces at public transport nodes and commercial centres

- On-going assessment of buildings as part of a rehabilitation program that funds upgrades to building facilities
- Accessibility of Council facilities and urban areas
- Assessment of all building and development in accordance with the Disability Discrimination Act and relevant Australian Standards and State codes
- Signage and way finding in accessible formats
- Information in a range of accessible formats

7 Talking to the Community

To assist in developing the actions listed in this Plan Council undertook extensive and interactive community engagement with people with disability, carers, older people, service providers, researchers and other key stakeholders.

Council advertised in the St George edition of the St George Sutherland Leader and the Southern Courier newspapers to promote the development of the Disability Inclusion Action Plan and the ways in which people could become involved in shaping the Plan.

Editorial stories featuring the development of the Plan also appeared in the Southern Courier and Council's Bayside Community Review newsletter.

Opportunities for involvement included:

- Attendance at one of two community forums located in Botany and Mascot;
- Completing an online survey on Council's **Have Your Say** page or a hard copy version of the same survey
- A face to face interview
- A telephone interview
- Small group discussions with existing community groups
- Service provider forum.

Council officers also sought direct input from key representatives from culturally and linguistically diverse, and Indigenous communities to ensure specific issues impacting on these communities were identified.

Through the community engagement process Council spoke to over one hundred and twenty (120) people with an additional forty nine (49) people completing the community survey either online or in hard copy.

An internal survey of Council staff was conducted with the aim of identifying staff attitudes toward disability, and the role of Council as an employer of people with disability. This survey received one hundred and ten (110) responses.

8 Listening to the community

The information obtained during the engagement process has proved invaluable, providing constructive and specific advice on what Council should be looking at to improve community inclusion.

This information has been collated into reports for each of the engagement processes and has informed the actions identified in the Disability Inclusion Action Plan.

A summary of issues identified from community engagement has been organised under the four (4) focus areas of the Disability Inclusion Action Plan.

i) Focus Area One: Liveable Communities

- Better design of Kerb ramps and street crossings
- Provide shelter and seating at bus stops
- Improvements to accessible paths of travel in and around town centres and transport nodes
- Incorporate Universal Access Guidelines and best practice design guidelines from disability specific organisations into assessment policies
- More seating/rest areas in green space areas
- More accessible Council events including improvements to parking, drop off points and promotion
- Create inclusive playgrounds so that families can play together
- Provide opportunities to gain access to the beach and water for people with mobility difficulties
- Locate public toilets in town centres not just on the Grand Parade
- Improve access within Council pools to water areas

ii) Focus Area Two: Systems and Processes

- Better options for distribution of Council and community information. Difficult to find out what is happening
- Website that is user friendly to all – accessible formats, multi lingual, Easy English
- Develop specific locations in public areas for location of Council information and community information and to enable staff to speak with the community
- Faster response times to resident enquiries
- Flexibility in how information is disseminated and received
- Promote opportunities for those who find it difficult to use on line services to participate in Council decisions and programs
- Visible signage of what assistance is available at Council touch points and customer service desks
- Improved Signage - less words, larger print, more explanatory diagrams

iii) Focus Area Three: Access to meaningful employment

- Provide a flexible work environment
- Improved access to workplaces including ramps, lifts , adjustable desks
- Outsource to disability business enterprises on a contract basis where feasible
- Designated positions for people with disability
- Partner with supported employment agencies to encourage employment by people with disability
- Investigate opportunities for internships and placements for university and TAFE students with disability

iv) Focus Area Four: Attitudes and Behaviours

- Disability awareness training for staff at all levels of responsibility
- Customer service staff to be trained in use of assistive devices
- Conduct workshops with businesses about access and people with disability as customers and potential employees
- Promote abilities of people with disabilities to the community and in promotions
- Reports on the community engagement outcomes will be submitted to Council Executive and the Disability Inclusion Working Group.

9 Reporting, Monitoring and Reviewing

The DIAP Working Group will be responsible for the coordination and implementation of the Disability Inclusion Action Plan and for determining the methodology for inclusion to become an inherent practice in all Council policies and plans of management.

This year Bayside Council will develop its Community Strategic Plan which will further entrench the philosophy of an inclusive community. The DIAP will inform the Community Strategic Plan and information obtained in the Strategic Plan will further enhance and develop actions within the DIAP.

Council will also report on the implementation of the Plan in its Annual Report which is submitted to the NSW Minister for Local Government and to the NSW Disability Council as required.

10 Risk Assessment

Council recognises that risks are inherent in delivering its strategies, activities and projects, and expects that they will be mitigated to acceptable levels. In order to manage such risks, Council has adopted a Risk Management Framework. This Framework is applied to the management of all risks within Council.

11 Actions

Focus Area One:	Building Liveable Communities
Focus Area Two:	Systems and Processes
Focus Area Three:	Access to Meaningful Employment
Focus Area Four:	Promoting Positive attitudes and Behaviours

DISABILITY INCLUSION ACTION PLAN 2017 - 2021

1: Building Liveable Communities

1. Ensure Bayside Council's internal and external events, services and information programs are accessible

2. Make our buildings, facilities and infrastructure physically accessible

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
Deliver an inclusive Bayside Council Events Program which adds value to our community and City, activates public spaces and invigorates town centres	To increase the accessibility of Bayside Council events	Develop an access checklist for use in the planning phase of all Council events to improve accessibility and inclusion	Head Communications & Events (HCE)	Checklist compiled in accordance with best practice	2017/18
		Conduct an audit of current cultural venues and programs for accessibility and inclusion	Head Communications & Events (HCE)	Audit completed	2017/18
		Develop policy guidelines for planning and implementing accessible and inclusive events	Head Communications & Events (HCE)	Policy drafted and adopted	2017/ 18
		Improve availability of information regarding the accessibility of events and cultural services, facilities and programs	Head Communications & Events (HCE)	Marketing program for accessibility identified	2018
Continuously monitor effectiveness of Council direct services to ensure provision of best practice community outcomes	Council direct services are inclusive and accessible	Collate existing usage data and identify strategies to promote increased use	Manager Recreation & Community Services (MRC)	% of participants satisfied based on annual survey	On going
Review utilisation and promote community facilities to encourage increased use and align with Council strategies	Council facilities are accessible and inclusive	Collate existing usage data and identify strategies to promote increased use	Manager Community Capacity Building & Engagement (MBE)	% of users utilising facilities	Annually

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
Develop a business case for condition inspections and monitoring using mobility in the enterprise asset management system		Undertake an annual access audit of Council owned facilities including continuous accessible paths of travel and priority recommendations	Manager Property (MPR)	Access audit completed and priorities identified	2018
		Ensure prioritised upgrades are costed and incorporated into Council's Asset Management Plan	Manager Property (MPR)	Costs for priority upgrades identified and considered for Works Budget	2018
Identify and manage proposals for major development/urban renewal areas to ensure growth is appropriately scaled and located and delivers community benefits	Enhance Council's policy and planning assessment process for access and mobility	Continue to ensure the accessibility of new building and development in accordance with Disability Discrimination Act, relevant Australian Standards and the National Construction Code building codes	Manager Development Services (MDS)	Compliance with relevant Standards and Codes continue to be met	On going
		Review and revise Council's policies and requirements for accessibility and inclusion in all DA's and map the process for approving DA's that impact on the community	Manager Development Services (MDS)	Revision and mapping completed and recommendations for improvement identified	2017/18
Advocate for an integrated accessible and affordable public transport system	Improve accessibility of public and private transport within Bayside Council area	Continue to improve accessibility to and within bus stops through compatibility of design against DSAPT guidelines	Manager City Works (MCW)	Public Transport nodes are increasingly accessible for people with disability and mobility issues	On going
		Map the location of existing Mobility Parking spaces in commercial centres, transport nodes Council operated facilities	Manager Strategic Planning (MSP)	Mapping report conducted	2017/18

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
		and parking areas and identify priority areas for location of future spaces			
Undertake inspections of open space infrastructure and playgrounds from Asset Management Strategy	Ensure open space and playgrounds are inclusive places	Review accessibility and inclusion features of all playgrounds and play areas and identify opportunities to create inclusive spaces	Manager City Infrastructure (MCI)	Review completed	2017/19
Improve participation of all community groups in a range of active recreation, leisure and sporting opportunities	Opportunities for participation are available to all residents	Identify and facilitate opportunities to provide beach and water access through the provision of beach wheelchairs and beach mats	Manager Community Capacity Building & Engagement (MBE)	Business case created	2017/18
Deliver ongoing programs and events across all libraries to enhance lifelong learning opportunities for the range of demographic groups within the community	Library programs are inclusive and accessible	Review and identify the need for adaptive technologies in Council libraries	Manager Library & Customer Services (MLC)	Review with recommendations undertaken	2017/18

2: Systems and Processes

1. Ensure accessibility to Bayside Council's systems and information

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
Implement the Disability Inclusion Action Plan	Bayside Council is an accessible and inclusive community	Disability Inclusion Action Plan Adopted Plan adopted and strategies for implementation identified	Manager Community Capacity Building & Engagement (MBE)	DIAP adopted	2017
		Establish a DIAP Working Party with representatives from across Council to coordinate initial implementation of DIAP strategies	Manager Community Capacity Building & Engagement (MBE)	Working Group membership and TOR established	2017
		Embed access and inclusion principles into all Council frameworks, Plans of Management, criteria and studies related to infrastructure, asset planning and the urban environment	Manager Governance & Risk (MGR)	Governance and planning frameworks assessed recommendations to incorporate inclusiveness identified	2017
Undertake responsive and accountable Integrated Planning and Reporting to deliver the community vision and needs	Transparent IP & R based processes undertaken within specified timeframes	Incorporate DIAP actions and measures into IPR Framework and delivery program	Manager Community Capacity Building & Engagement (MBE)	Reports and Plans completed, adopted and submitted on schedule	Ongoing
		Develop Bayside Council Community Strategic Plan	Manager Community Capacity Building & Engagement (MBE)	Community Strategic Plan developed	2017
Implement a range of methods to engage the community including surveys, online and face to face methods as	All people are able to participate in Council's decision making processes	Councils Engagement processes are inclusive and maximise opportunities to include people	Manager Community Capacity Building & Engagement (MBE)	% of people with disability identified as participating in Council's engagement processes	On going

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
outlined in Council's adopted Communication & Community Engagement Strategy		with disability in Council consultations			
		Conduct community engagement with people with disability annually to identify issues impacting on access and inclusion and DIAP outcomes	Manager Community Capacity Building & Engagement (MBE)	% of involvement of people with disability and relevant persons and groups in annual consultation	2018
Maintain Strategic Reference Groups to enable community input into Council decision making, and replace previous Council Advisory Committees	Ensure Councils Strategic Reference Groups are advised of, and address access and inclusion in their practices and decisions	Identify a transparent pathway for issues impacting on access and inclusion to be addressed and accounted for within the SRG process	Manager Community Capacity Building & Engagement (MBE)	Process for Strategic Reference Groups to identify access is identified	2017
Inform the community and stakeholders about Council business, news and activities via multimedia channels and maintain Council's image through positive media relations	All people are informed about Council activities	Assess website design to ensure compatibility with Web Accessibility National Transition Strategy – Guidelines (WCAG 2.0) to level `AA`	Website Working Party	Compatibility to WCAG 2.0 - AA assessed and necessary amendments made	2017
		Ensure staff involved in authoring website information and documents are aware of Councils communication strategy and accessible formats and that this is incorporated in the style guide details online	Head Communications & Events (HCE)	Staff training conducted	2017 and ongoing
Prepare and produce key documents in alternative formats and community languages		Identify and implement the range of formats necessary to address all needs, including Easy English and digital communication and	Head Communications & Events (HCE)	Formats identified and report on potential implementation completed	2017

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
		appropriate technologies to convey messages			
		Develop an Accessible Formats Style Guide to stand alongside Council existing Style Guide and Inform staff of availability	Head Communications & Events (HCE)	Style Guide developed and posted on Intranet	2017
Administer Bayside Councils Community Grants and Financial Assistance Programs	Grants and Assistance programs are	Ensure Community Grants programs identify inclusive criteria for groups supporting and /or advocating for people with disability	Manager Community Capacity Building & Engagement (MBE)	Grants program conducted as per guidelines	2017/18

3: Access to meaningful Employment

1. Be known as an accessible employer

Relevant Ops Plan	Aim	Action	Responsibility	Indicator	Timeframe
Maintain and develop appropriate Human Resources Management Policies to attract, develop and retain a skilled and motivated workforce	Council's workforce is diverse	Continue to provide, and investigate future opportunities, to employ people with disability including work experience, traineeships, supported employment, flexible work hours, and reasonable adjustments to the workplace environment	Manager People & Organisational Culture (MPC)	Business case for targeted employment completed Survey on internal staff support completed	2017/18
		Investigate opportunities to establish links to purchase services from local disability organisations operating small business enterprise	Manager Procurement (MPT)	Business case conducted for consideration	2018
		Improve employment opportunities locally in partnership with local Chambers of Commerce, business and disability agencies	Manager Strategic Planning / Manager Community Capacity Building & Engagement (MBE)	Information provided to relevant organisations and businesses	2018

4: Promoting Positive Attitudes and Behaviours

1. Deliver training to engage and educate staff and the community so that they can help build an inclusive culture.

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
Provide excellence in Customer Service across Bayside Council community touch points	Bayside Customer Service Strategy ensures access and inclusion	Display information at Customer Service and Library information touch points and counters that encourages customers to notify staff if they require assistance due to disability	Manager Library & Customer Services (MLC)	Opportunities for information identified and assessed for implementation	2017
	Staff are trained in the use of assistive devices and aides	Assistive devices are available at targeted Council touch points and counters and staff are aware of and have the capacity to use them confidently	Manager Library & Customer Services (MLC)	Need for devices and locations identified and purchase and training program identified	2017/18
	All Council staff and Council representatives are aware of the issues impacting on inclusion	Undertake disability awareness and confidence training for all new staff at Induction and retrospectively for all current staff and Council representatives, including Councillors	Manager People & Organisational Culture (MPC)	Business Case prepared including potential training providers	2017/18
Partner with Botany Enterprise Centre to deliver Building Better Business Workshop Programs for local business operators	Local businesses are increasingly inclusive	Increase awareness within the business community of the benefits of being access friendly and inclusive	Manager Community Capacity Building & Engagement (MBE)	Opportunities to incorporated inclusiveness into workshops identified	2017/18
Work with key stakeholders including FACS, SES Local Health District, community partners and NGO's to map existing services and identify gaps	Council and the community are aware of issues impacting on people with disability	Undertake activities to advocate and raise awareness of the rights of people with disability to support their increased inclusion and participation in community life	Manager Community Capacity Building & Engagement (MBE)	Number of activities to raise awareness conducted	On going

Operational Plan	Aim	Action	Responsibility	Indicator	Timeframe
		Continue to support and participate in relevant inter-agencies and Forums in Bayside area	Manager Community Capacity Building & Engagement (MBE)	Number of inter-agencies and Forums attended or coordinated by Council	On going

12 References

- 1: Australian Bureau Statistics 2011 Census of Population and Housing
- 2: Australian Bureau Statistics - Survey of Disability, Ageing & Carers 2015
- 3: Bayside Council – Operational Plan 2017/ 2018
- 4: Disability Inclusion Action Planning Guidelines 2016
- 5: Disability Inclusion Action Planning Guidelines – Family & Community Services 2016
- 6: Profile i.d - Bayside LGA

Council Meeting

12/07/2017

Item No	8.7
Subject	Bayside Procurement Policy
Report by	Bobbi Mayne, Manager Procurement
File	SF16/455

Summary

The purpose of this report is to present the draft Procurement Policy to Council for endorsement.

Officer Recommendation

That Council adopts the attached draft Procurement Policy.

Background

Bayside Council is required to review policies of the former Councils and develop harmonised policies applicable to the new entity.

A proposed Bayside Council Procurement Policy has been developed for Council's review and endorsement.

The Procurement Policy states the Local Government legislation that governs procurement practices and outlines Council's core principles when undertaking procurement activities. Detailed administrative guidelines and processes will support the Policy.

Development of the policy has been informed by:

- Local Government Legislation and Guidelines relating to procurement
- Procurement Policies of the former Botany and Rockdale Councils
- Benchmarking with other Councils
- Previous ICAC and Audit recommendations for procurement practices in Local Government
- Legal advice obtained on behalf of Bayside Council regarding procurement panels and schemes
- Feedback from key stakeholders including Bayside's Governance & Risk, Finance and Procurement business units.

The Policy once adopted will be placed on Council's website. Staff and suppliers will be educated on the new policy as part of an annual education program being implemented.

Financial Implications

Not applicable

Community Engagement

Not required

Attachments

Draft Procurement Policy

Draft Procurement Policy

July 2017



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Procurement Policy

File: SF16/455 Document: 17/61373

Class of document: Council Policy

Enquiries: Manager Procurement



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1 Introduction

1.1 Background

This outlines the legislative and administrative framework that applies to all Procurement activities undertaken by the Council.

1.2 Definitions

The definitions of certain terms are:

Council

Bayside Council NSW

GST

Goods and Services Tax (GST)

Procurement

The act of obtaining and buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment. Reference: <http://www.businessdictionary.com>

Procurement Methods

Procurement methods include but are not limited to Expression of Interest, Selective Tendering, Request for Quotations, Request for Tender and Direct Negotiation.

Regulations

Refers to Local Government Regulations General (2005)

The Act

Refers to the Local Government Act 1993

Value for Money

Considers all non-price and price factors when determining the procurement of a good, material and/or service.

1.3 Policy statement

Council is committed to procuring value for money goods, materials and services in a lawful, commercial, consistent, open, fair and transparent manner that ensures the application of appropriate standards of efficiency, risk management, probity and ethics.

1.4 Scope of policy

The Policy is applied from when Council has identified a need for procurement through to the receiving and completion of that procurement activity.

This Policy will apply to Council, Council staff and all persons undertaking procurement on behalf of Council.

2 Legislation

2.1 Tendering

The procurement of goods, services and materials by Council is governed by the NSW Local Government Act 1993, NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government.

Councils must tender for goods, services and materials with an estimated of the amount specified in Clause 163 of the Local Government Regulations (General) 2005. Exceptions apply in certain circumstances as listed in Section 55 of the Local Government Act 1993.

Procurement requirements below the amount specified in the Regulations is governed by Council's administrative policies and guidelines.

3 Council's Values

Council is committed to providing a positive customer experience to our community and customers. In collaboration with our staff, the leadership team will refresh our values to reflect the new organisation and vision for the future.

The guiding principles of respect, trust, accountability, leadership, innovation, collaboration and excellence in customer service define how Bayside Council strengthens its working environment to deliver on aspirations of our community.

4 Statement of Business Ethics

Council partners with and engages the private sector to implement many of its responsibilities. Appropriate working relationships with the private sector enhance the efficiency and effectiveness of Council's many and varied services.

This *Statement of Business Ethics* clarifies the relationship between the private sector and Council. It provides, in one document, important information about Council's values, business principles, expectations of staff and private sector entities, and how to report unethical behaviour.

Council's *Statement of Business Ethics* is to be read in conjunction with the Procurement Policy. The Statement can be viewed on Council's website.

5 Procurement Principles

5.1 Ethics and Fair Dealing

In order to achieve ethical and fair procurement practices, Council will:

- 1 Respect and comply with *Council's Code of Conduct*, *Statement of Business Ethics* and other policies and procedures, and abide by the law;
- 2 Maintain principles of probity including fairness, honesty, integrity and professionalism;
- 3 Be accountable and act in the public interest;
- 4 Promote fair and open competition, seeking the best value for money;

- 5 Approach potential market sources with consistent factual information;
- 6 Ensure purchases are not split for the purposes of avoiding statutory or other mandatory government purchasing requirements;
- 7 Only conduct procurement activities for Council related business;
- 8 Identify and report any pecuniary or non-pecuniary interests without delay, in accordance with the Code of Conduct;
- 9 Maintain and protect the confidentiality of commercial information and intellectual property, as agreed to under terms and conditions with the supplier/provider;
- 10 Comply strictly with the Gifts and Benefits policy by not soliciting or accepting any gift or benefit from suppliers;
- 11 Use Council resources effectively and efficiently;
- 12 Apply a 'No Purchase Order, No Purchase' practice to procurement activities with the exception of exemptions outlined in procurement administrative policies and guidelines.

5.2 Value for Money

Council will seek the best value for money in procuring goods, materials and services taking into account price and non-price factors.

Value for money does not mean Council is obliged to accept the lowest price.

Council will apply careful and objective consideration of all value factors to the procurement decision to achieve the best value for money outcome. Value factors include but are not limited to: Price, quality, fit for purpose, sustainability, serviceability, delivery, whole of lifecycle costs and disposal methods and costs.

5.3 Risk Management

Procurement practices have inherent risks including financial and reputational risks for Council.

Risk assessment and management will be applied at all stages of procurement process in accordance with Council's Enterprise Risk Management Framework and guidelines.

5.4 Sustainability

Council will apply sustainable procurement principles and practices with the aim to generate benefits to our business and community whilst minimising damage to the environment and human health.

5.5 Best Practice

Council will apply a continuous improvement approach to procurement ensuring that policies, procedures and business processes are regularly updated to meet contemporary standards and current legislative requirements.

Council embraces Innovation and technological initiatives that enhance, improve and support procurement activities.

5.6 Buy Local Considerations

Council will seek to utilise local suppliers and/or Australian-made products where possible taking price, quality and other relevant best 'value for money' considerations into account.

5.7 Disability Considerations

In accordance with Office of Local Government Circular 12-02, councils will encourage the procurement of goods, materials and services where possible from organisations that employ people with disabilities.

6 Policy implementation

6.1 Delegations

Responsibility for the acceptance of tenders, quotations, expressions of interest, and the like is governed by the Act, Regulations, Council's Policies and Procedures, and the General Manager's Sub-delegations to staff.

6.2 Policy responsibilities

The General Manager has the overall responsibility for this Policy. The Manager Procurement is responsible for the administration of the Policy.

6.3 Procedures

Administrative Policies and Procedures that support this Policy, may be approved by the General Manager from time to time and cover such matters as:

- Bayside Purchase Cards
- Methods of Procurement and Financial thresholds
- Financial Delegations of Authority
- Petty Cash
- Internal controls
- Emergency work
- e-procurement
- Contract management
- Standard Terms and Conditions

6.4 Breaches

Non-compliance of this policy by Council, Council staff and all persons undertaking procurement on behalf of Council will be addressed in accordance with the Code of Conduct and relevant legislation.

Breach in the policy by an existing or potential supplier may result in disqualification of doing business with Council. It may also result in the disqualification of the supplier from being engaged by Council to perform future procurement activities.

7 Document control

7.1 Review

This policy is to be reviewed every 4 years or when relevant legislation changes.

The General Manager may approve non-significant and/or minor editorial amendments that do not change the policy substance.

7.2 Related documents

- Local Government Act NSW 1993
- Local Government Regulation (General) 2005
- NSW Government Tendering Guidelines 2010
- Bayside Council Code of Conduct
- Bayside Council Statement of Business Ethics
- Bayside Council Procurement Guidelines
- Bayside Council Contract Management Guidelines
- OLG Circular 12-02 Procurement from Disability Employment Organisations
- OLG Circular 11-37 Council Procurement and Contract Management Practices
- NSW Procurement Policy Framework for NSW Government Agencies 2015
- OLG Circular 10-34 Capital Expenditure Guidelines
- Australian Government Sustainable Procurement Guide 2013.

8 Version history

This document is based on policies of the former Rockdale City Council and former City of Botany Bay.

Version	Release Date	Author	Reason for Change
1.0	TBA	Bobbi Mayne	Harmonised document from former Councils

Council Meeting

12/07/2017

Item No	8.8
Subject	Expenses & Facilities Policy
Report by	Warren Park, Coordinator Governance
File	F11/553

Summary

Council at its meeting on 25 May 2017 resolved to place on public exhibition amendments to the Councillors Expenses & Facilities Policy. The draft policy with amendments has been advertised for a period of 28 days as required under the Local Government Act. One submission was received concerning the limits on telephone/data plans, Christmas Cards and Councillor photographs.

It is considered that there is merit in reducing the mobile phone service limit to \$125 for councillors and setting a \$150 limit for the Mayor having regard to the current publicly available plans. Some other minor amendments are also proposed to that exhibited. A final Policy is attached to this report and is submitted to Council for adoption with amendments proposed to the exhibited draft.

Officer Recommendation

- 1 That the Expenses & Facilities Policy attached to this report be adopted.
 - 2 That the Expenses & Facilities Policy be refreshed and placed on Council's website.
-

Background

On 25 May 2017, Council resolved to publicly exhibit a draft Expenses & Facilities Policy for a period of 28 days in accordance with s253 of the Act. The policy was subsequently exhibited on Council's website and, through an advertisement placed in the Southern Courier on 31 May 2017 and the St George & Sutherland Shire Leader on 1 June 2017. The draft policy was also placed on Council's website and available for inspection at Customer Service Centres and the branch libraries. The exhibition period closed on Tuesday 27 June 2017.

One submission has been received and discussed below.

Public Submission

The public submission suggested lowering the limit on telephone costs and reducing the number of Christmas Cards allocated to Councillors.

12.1 Telephone costs and expenses

The submission suggests that a limit of \$80 per month is sufficient for a Council provided mobile phone service or a "bring your own" plan by a councillor. This is on the basis that

mobile phone plans have reduced significantly since \$150 per month limit (referring to the former Rockdale City Council Policy being reviewed in 2012. It should be noted that the \$150 limit at former Rockdale was set in 2011 and this was at the time reduced from \$350 per month (having been set in 2007). The last adopted Policy for the former City of Botany Bay Council also had \$150 monthly limit.

The submission provides an example of current mobile phone plans being \$30 per month unlimited calls plus 2gb data with the ability to upgrade to 10gb data for an extra \$10 per month. It is claimed that there are many plans available with at least 10gb data, unlimited calls and mobile phone handsets.

A reasonable comparison would be to Council's telephone carrier Telstra with Council's standard mobile phone handset iPhone (current version). Current Telstra personal plans for such a package range from \$100 to \$195 per month over 5 plans. The Telstra recommended plan is its "Large" plan of \$122 per month. This provides unlimited calls and text, 12gb of data (including a bonus of 4gb). The next lower plan of \$115 only provides 3gb of data. (It is noted that Council's mobile phone operating environment is the Apple iPhone).

It is convenient for councillors in performing their civic duties to modern and mobile communication devices for telephone calls, messaging and internet access for an array of uses including internet. The telecommunications industry is extremely competitive and there is a rapid change in the cost and package of mobile phone plans. Unlimited phone calls and reasonable data packaging are desirable to assist councillors in their day to day civic duties. While there would be lower packages to those offered by Telstra, and there is no data that the submitters example would be one such plan, should Council be required to provide a mobile phone service it would provide a Telstra/iPhone combination.

It would be reasonable to provide a package of unlimited calls and 8gb data as standard to councillors and therefore the current Telstra plan that would meet that criteria is the large plan of \$122 per month.

Accordingly it is considered that the Policy limit be reduced to \$125 to allow some leeway to the current pricing plan.

12.7 Stationary, Office Supplies and Support

Christmas Cards – bullet point 2

The submission suggests reducing the maximum number of Christmas Cards from 300 to 100 as being sufficient for civic office purposes as it is argued that the current level is very generous.

It is noted that the current Policy reflects the former Rockdale City Council Policy limit as the former City of Botany Bay Council's Policy had no limit to the provision of the cards. The former Rockdale Policy limit had been altered by Council in 2012 and increased from the then 100 card limit.

The take up of this provision is discretionary and based on the former Rockdale City Council experience, it is varied with some then councillors seeking the full allocation while others a significantly lesser number. The practice has been to ask each councillor whether they required cards and if so what number.

The limit of 300 Christmas Cards per councillor is considerable reasonable given that the councillor's use is varied, the ward size has increase and it is reasonable for Councillors to pass on the season's well wishes to their constituents.

Councillor Photographs in Public Foyer

It was the practice to display Councillor photographs in the Rockdale Administrative Building public foyer. This practice was mentioned in the former Rockdale's Policy - it was not included in Botany's Policy. The reference to photographs is not included in the current draft Bayside Policy.

The submission suggests that the wording should reflect that photographs of councillors would be on display at the Council's Customer Service Centres for the benefit of the public. Although not listed as a 'facility for councillors' in the draft Policy, it is intended to display images and contact details of Councillors in suitable locations such as customer service centres and on the website, in line with good customer service.

Additional comments by Governance

The Office of local Government (OLG) by circular 17-17 dated 27 June 2017 reinforced the need for Councils to provide for maximum levels of expenditure that will be met under Expenses & Facilities Policies. To comply with this requirement the following item has been amended:

Clause 13 – Cost of calls from the Mayor's mobile phone

An amount of up to \$150 per month is suggested rather than the current wording that Council would meet all call costs. This reflects the fact that Council only reimburses cost of business calls, and the higher amount also reflects the additional workload and contact with the community that the position of Mayor has in undertaking mayoral duties and civic functions. In effect, having regard to the previously mentioned comparison of Telstra plans, this would effectively only mean an additional data allowance to 25gb per month as calls are unlimited.

It is noted that some editorial has been posted on facebook concerning 2017-18 fees for the Mayor and Councillors however the setting of fees is not covered by this policy and accordingly no further comment will be made.

There are no further amendments to the draft policy proposed at this time.

The Office of Local Government (OLG) by circular 16-30 dated 2 September 2016 advised that 'Expenses & Facilities Policies' are to be adopted by Council within 12 months of the term of a new council, rather than annually. Accordingly this policy will need to be reconsidered and adopted by Council prior to September 2018.

It is noted in the report to Council on 25 May 2017 that:

At the time of the drafting of this report, the Department of Premier and Cabinet released, for merged councils, a suggested template for a Council's Expenses & Facilities Policy. A perusal of this template indicates that generally the content and principles in that template document are included or addressed in the revised draft Policy and the proposed amendments. Accordingly, it is considered, at this stage, that Council's Policy be retained in its current format. Notwithstanding, the use of the suggested template will be considered in a future review along with expected further guidelines proposed by the Office of Local Government.

As indicated in the previous report, the conversion of council's policy into the template format released by the OLG will be considered prior to the next review.

Financial Implications

No additional financial resources will be required to meet any amendments to this Policy. The inclusion of professional development for Councillors will be funded from existing annual budget allocations.

Community Engagement

No further community engagement is required.

Attachments

Draft Expenses & Facilities Policy

Expenses & Facilities Policy

Draft

Deleted: 14 September 2016



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Expenses & Facilities Policy

File: F11/553 Document: 16/111665 [v21](#)

Class of document: Council Policy

Enquiries: [Manager Governance & Risk](#)

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Expenses & Facilities Policy

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PART 1 INTRODUCTION

1 TITLE, COMMENCEMENT OF THE POLICY

This Policy will be referred to as the Expenses and Facilities Policy for the Mayor and Councillors; long title is Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, and Councillors. This policy takes effect from the date of adoption until further amended.

2 DEFINITIONS

For the purpose of this policy the term “Councillors” also refers to the Mayor and Deputy Mayor unless otherwise stated.

Accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Administrator/s of Council in circumstances where an Administrator has been appointed this Policy also applies.

Councillor expenses and facilities policy: policy prepared on the payment of expenses and the provision of facilities to Mayor and Councillors.

Expenses: Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses to be reimbursed must be outlined in Council's policy and may be either reimbursed to a Councillor or paid directly by Council for something that is deemed to be a necessary expense to enable the Councillor to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by the Council to Councillors to assist or enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

Functions of civic office/civic functions: Functions that Councillors undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area.

Legal Expenses means any fee or fees charged for legal representation or legal advice.

The Act: The Local Government Act 1993.

The Regulation: The Local Government (General) Regulation 2005.

3 PURPOSE OF THE POLICY

To ensure that there is accountability and transparency in the reimbursement of actual expenses incurred by Councillors. This policy also ensures that the facilities provided to assist Councillors to carry out their civic functions are reasonable.

To reimburse Councillors for expenses reasonably incurred in the performance of their role as a Councillor, including expenses incurred in becoming adequately informed on subjects relevant to their civic functions.

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Further that the details and range of expenses paid and facilities provided to Councillors by the Council are clearly and specifically stated, fully transparent and acceptable to the local community.

4 OBJECTIVES AND COVERAGE OF THE POLICY

The objectives of this policy are:

- To ensure that the Mayor, as the first citizen of the Bayside Council area, as the leader of the governing body of the Council and as the principal spokesperson on Council policy and attitude is reimbursed for expenses reasonably incurred in performing the role of Mayor, and is provided with a standard and range of facilities appropriate to the importance of the office.
- To ensure that the Councillors of Bayside in their dual roles as members of the governing body of the Council and as elected persons are reimbursed for expenses reasonably incurred in the performance of their role and are provided with a standard and range of facilities to assist in discharging the functions of civic office.
- To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their responsibilities as a member of the governing body of the Council or as an elected person.

5 OBLIGATIONS OF COUNCILLORS

A Councillor must:

- Use Council resources effectively and economically in the course of his or her discharging the functions of civic office and must not use them for private purposes unless the use is authorised by this policy and proper payment is made.
- Not convert to his or her use any property of Council.
- Carry out the functions of civic office by attending a variety of functions in their capacity as a representative of Council.

Note: Breaches of this clause would be viewed as a breach of the Code of Conduct

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6 REPORTING REQUIREMENTS

Section 428 of the Act and clause 217 of the Regulation require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These are detailed in section 20 of this Policy.

The General Manager must include in Council's annual report such information on expenses as required by the Regulation but also itemised by individual Councillor and Mayor.

7 LEGISLATIVE PROVISIONS

This policy is made under the Act including Sections 252 to 254A, together with clause 403 of the Regulation. The Act requires that the Council must adopt a policy

concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor and other Councillors.

Note:

This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the Act. These fees are separately determined each year based on the determination of the Local Government Remuneration Tribunal.

8 OTHER GOVERNMENT POLICY PROVISIONS

In addition to the Act and Regulation a number of documents have also been considered during the development of this Policy including:

- Division of Local Government (Department of Premier and Cabinet) Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Division of Local Government Circulars to Councils
- ICAC publications

Further details in relation to these documents are contained in section 21 of this Policy.

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9 APPROVAL ARRANGEMENTS

Attendance at seminars, conferences, training, education and including other activities by Councillors for Council business and the like is to be, where possible, approved by a full meeting of the Council. If this is impracticable then the approval is to be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of a Council meeting it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

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All other matters not specifically covered by this policy in relation to civic office expenses or facilities are to be dealt with by the Mayor and General Manager.

Total costs for the payment of expenses and the provision of facilities to the Mayor and Councillors are to be within the limits of the provision of this Policy and Council's annual budget, with expenditure against budget allocation to be reviewed quarterly in accordance with Council's normal quarterly budget review process.

PART 2 PAYMENT OF EXPENSES

10 GENERAL PROVISIONS

10.1 Payment of Expenses

Where there is a right under this Policy to claim reimbursement of costs and expenses, reimbursement will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms, attached to this policy (see Appendix A).

Unless extraordinary circumstances are determined by the Mayor and General Manager, Councillors must seek reimbursement of expenses within one (1) month of incurring that expense. This allows the Council to report on actual expenses monthly internally and within its quarterly reporting processes.

Any payments in advance in anticipation of expenses to be incurred in attending conferences, seminars, training and approved functions/events away from the City are to be reconciled and submitted to Executive Services within one (1) month of the conclusion of the conference, seminar, training, and approved event/function. Subsequent advances will not be made until previous reconciliations are submitted.

Where a service is partly used for official Council business, Councillors must claim only that part directly related to their civic duties as a Councillor. Individual Councillors must therefore make a reasonable estimate as to their private and civic duties usage (in percentage terms) for such accounts. In accordance with the Office of Local Government (OLG) Guidelines, incidental private use is allowed. Council allows 5% for private use for mobile phones, landlines, internet, stationery and minor equipment. Any private usage above the 5% threshold must be paid for by the Councillor.¹

This policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties. Council will not pay a general expense allowance. It is not appropriate or lawful to pay a general allowance unrelated to actual expenses incurred or designed to supplement Councillors' annual fees payable under the Local Government Act 1993. Only those expenses included in this policy are to be paid or reimbursed.

Decisions on approval or refusal of claims for expenses for Councillors will be made by the General Manager or his/her nominee.

Value of Expenses^{2 3}

Notwithstanding any other specific references in this Policy to individual values for expenses, the maximum total expenses that are claimable by Councillors will be as follows:

¹ DLG Circular No. 09-36, (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009), Guidelines Private Benefit Page 5.

² DLG Circular No. 09-36, (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Limits Page 6, Reasonable Expenses Page 8, Monetary Limits to Expenses Page 6.

³ Code of Conduct (Part 7) Use of Resources – Page 16-17.

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Total Reimbursement for <u>Value of</u> Expenses each 12 month period from <u>9 September to 8 September</u> <u>(Amounts below include GST)</u>	
Position	Amount
Mayor	\$15,000
Deputy Mayor	\$12,000
Councillor	\$11,000

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10.2 Process for Disputes⁴

When a Councillor's Expenses Claim is refused for not being in accordance with this Policy:

- The Councillor is advised by the Manager Executive Services via email.
- Councillor states his/her case to the Manager Executive Services in writing if he/she disputes the determination.
- Manager Executive Services to advise the Councillor of his/her decision in writing.
- The Councillor then has the right to have the matter determined by Council.
- Councillor submits his/her claim in writing for Council's determination.
- The matter is determined by Council; Council's Resolution is final and binding.

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10.3 Annual Fees

Annual fees are payable to the Mayor and Councillors in accordance with the determination of the Local Government Remuneration Tribunal.

Deleted: Council's policy determined on 6 June 2012 is that future increases be in line with the NSW Government Wages Policy for the Public Sector or the Tribunal's recommendation, whichever is the lower.

10.4 Spouse, Partner and Accompanying Persons Expenses

Council will meet the reasonable costs of spouses, partners and accompanying persons when they accompany the Mayor or Councillors in the following circumstances:

- Attendance at formal and ceremonial events/functions within the Local Government area. This includes but is not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and charitable functions for charities formally supported by the Council.
- Attendance at the NSWLG Annual Conference with costs limited to conference registration and official conference dinner.
- Attendance by the Mayor or a Councillor representing the Mayor at an official Council function or official ceremonial duty outside the city but within the state. Interstate and overseas events are expressly excluded.

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The above reasonable costs are limited to the ticket, meal and/or direct costs of attending the function and specifically exclude grooming, special clothing and transport costs. Furthermore the policy does not include attendance at seminars, conferences and the like.

⁴ DLG Circular 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Page 6.

Any additional accommodation and/or other costs incurred as a result of the attendance of spouse, partners, accompanying persons and/or children shall be borne by the Councillor.

Note: An accompanying person in this policy is defined as a person who has a close personal relationship with the Councillor and/or provides care support to the Councillor.

11 SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

11.1 Attendance at seminars, conferences, training, education and including Council business.

Councillors, with the approval of Council or with the written approval of the Mayor and the General Manager are able to attend conferences, seminars, education and training courses etc subject to the following:

- The conference, seminar etc relates to Local Government, its responsibilities and the functions of civic office;
- It is held within Australia; and
- All relevant costs are within the available budget.

Councillors attending conferences, seminars, courses etc will have the following expenses paid, where applicable, provided Council has resolved that the Councillor attend the conference seminar etc or written approval has been provided by the Mayor and the General Manager:

- Registration fees, official luncheons, dinners and tours relevant to the conference, seminar, courses, etc and meetings.
- Accommodation in the hotel where the conference is being held, or the nearest hotel of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area as defined under the Regional Development Regulation 2012 – Reg 4 or as superseded. The period of accommodation is to not be longer than the night before the official opening of a conference, seminar etc and the night of the last day of the conference, seminar.
- Reasonable costs (including sustenance, telephone, fax and Internet charges, laundry and dry cleaning charges, newspapers, taxi fares and parking fees). Receipts must be supplied to substantiate reimbursement.
- Reasonable childcare expenses of the Councillor incurred where the Councillor is the nominated Primary Care Giver of any child that may be required to accompany the Councillor to the conference during official conference sessions including conference luncheons and dinners.
- Accommodation cost reimbursement for Council business not covered within this policy will be determined by the Mayor and General Manager.

Council will make all necessary arrangements for Councillors attending conferences, seminars, courses etc. The procedures will be as follows:

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- Council will, where possible, book accommodation in advance and pay expenses directly to the hotel/host organisation.
- Councillors finding they need to pay reasonable expenses incurred in connection with their attendance but not prepaid by Council will submit a claim for reimbursement to the General Manager, as provided in Clause 10.1 of this policy.
- Once all expenses have been finalised, accounts will be forwarded to Councillors for any expenses payable by them, in accordance with Council's normal terms ie 30 days. Any arrangements to finalise an account by periodic payment must be approved by the Mayor and the General Manager. Accounts, with prior approval, will be settled via a deduction from the Councillor's monthly allowance.

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All Councillors will, as soon as possible or otherwise within one month after attending a conference/seminar (excluding the NSWLG Annual Conference and Education and Training Courses), provide the Council with a written report on the aspects of the conference/seminar relevant to the Council business. Alternatively copies of papers presented, decisions taken etc in either an electronic or paper form are to be provided to the General Manager who will advise Councillors of their existence and provide copies to interested Councillors.

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Councillors attending approved education and training courses that are directly associated with their civic duties, must provide a written request to the General Manager stating what the course covers and what the benefits are to both Council and the community. Each Councillor will be eligible to attend Council approved education and training courses up to an individual value of \$5,000 per annum.

Council is committed to supporting Councillors attending learning and professional development activities related to Council functions and their role as a Councillor.

The Councillors Professional Development Policy addresses the training needs of Councillors. The cost of attending training will be accounted in the Value of Expenses provided annually to Councillors. As part of this Policy and annual Professional Development Plan, Council will arrange for internal seminars and guest speakers to address Councillors on relevant topics (e.g. changes to legislation, best practice initiatives).

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11.2 Attendance at dinners and other non-Council functions representing Council

Council will meet the cost of Councillors attendance at dinners and other functions where the Councillor is representing Council or the Mayor as well as non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet the cost of attending will only be given when the function is relevant to the Council's interest. Reimbursement will be up to a maximum of \$150 per function per Councillor.

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Approval will not be provided for a Councillor to attend any political fundraising event, for any donation to a political party or candidate's electoral fund or for some

other private benefit. Enquires should be made whether any expenses to be incurred would be directed towards such events and activities prior to approval being granted.

11.3 Local travel arrangements and expenses

As a general principle, Councillors should undertake their travel by utilising the most direct route and the most practicable and economical mode of transport including public transport. Councillors are also encouraged to walk or use a bicycle where appropriate for Council related business.

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11.3.1 Public Transport

Council will meet the cost of reasonable public transport expenses for travel relating to council business eg activities described in clause 11.1, 11.2 and 11.3.4.

11.3.2 Private Motor Vehicle Use

Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award. The claim is to be submitted no later than 1 month after the costs were incurred and the claim include full details of the nature of the Council business, the date and time and the amount claimed. Councillors are responsible for any fines for parking and traffic infringements.

11.3.3 Bicycle

Councillors may claim incidentals costs for the use of a bicycle to attend Council related business.

11.3.4 Taxi Cab

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A Taxi cab card, will be provided and is available to an annual value of \$1000, in the following circumstances:-

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- Attendance by Councillors at meetings of community groups whose activities encompass all or part of the local government area and where the venue of such meeting may be either inside or outside the area.
- Attendance at social functions or meetings as a representative of the Mayor or Council when requested to do so by the Mayor.
- Attendance at social functions or meetings where the invitation or opportunity to attend the functions or meetings would not, in the normal course of events have been extended to the Councillor(s) concerned had it not been for their position as a Councillor within Council.
- Inspection of works or properties in the city as a result of a request from the resident.
- Travel as a result of Councillors attendance at a Council, Committee, Reference Group, Task Group, External Committee or Working Party meeting or where 3 or more Councillors are meeting on Council business.

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- Attendance at approved Conferences, Seminars, Training Sessions and Courses. Taxi cab cards can be used in relation to the above events/activities for travel between:
 - place of residence and airport, airport and approved accommodation;
 - approved accommodation and site of conference or official visit;
 - within approved locations outside of the Council area.

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Note:

Councillors are required to submit Taxi cab dockets containing a note as to the Council business/function attended that was covered by the journey and the pick-up point and destination for reconciliation with the monthly account from the service supplier.

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11.3.5 Parking Fees and Tolls

Councillors will be reimbursed reasonable parking fees and road tolls incurred while on business expressly authorised by this policy. Fees payable will be up to \$75 per event. In all instances, Councillors are encouraged to find the lowest cost parking and toll option.

11.4 Travel outside the LGA including Interstate travel

11.4.1 Travel within Australia

Councillors who travel within Australia as approved under this policy have the following entitlements in relation to transportation:

- An economy class air ticket (or business class if medical reasons prevail). With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements will be with the approval of the Mayor and the General Manager.
- Use of a personal vehicle (provided the vehicle has current and unlimited third party risk insurance covering damage by the vehicle to property). Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award for the shortest practical route. The claim is to be submitted no later than 1 month after the costs are incurred and the claim includes full details of the nature of the Council business, the date and time and the amount claimed.
- Travel using a Council owned vehicle – A Councillor may use a Council-owned vehicle (if one is available) to facilitate the Councillors travelling requirements under this Policy by the shortest practical route and meeting the following;
 - Provide a copy of a current and valid driver's licence to the Manager Executive Services indicating that they are licenced to drive a motor vehicle.
 - May claim actual costs, if a fuel card does not meet the full costs involved, and a claim is submitted to the General Manager within one (1) month of costs being incurred in the terms referred to in this policy.
- Use of Hire car – A Councillor may use a hire car to facilitate travel requirements provided approval by the General Manager has been given prior to the hire of the vehicle.

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11.4.2 Overseas Travel

- Any overseas travel by a councillor is at the expense of the individual councillor.

11.4.3 General

Council's policy is as follows:

- accommodation expenses incurred for conference, seminars and/or other travel/delegation etc. will be paid for by Council, including for the night prior to ~~the Official Opening of the~~ conference or delegation, depending upon travel schedules, as expressly authorised by Council prior to such travel being incurred. In accordance with the Australian Fringe Benefits Tax Guidelines, these accommodation expenses need to be substantiated in writing and a travel record kept where the travel involves more than 6 nights away ~~(or as required by legislation from time to time)~~ from the Councillor's ordinary place of residence;
- all travel vouchers and/or tickets will be returned to Council at the completion of each journey; the cost of daily meals and any incidental expenses actually incurred by the authorised attendee of Council to conferences and/or delegations. Amounts will be reimbursed on provision of documentary evidence and a claim form and to the daily limit having regard to the amounts set in the Australian Taxation Office TD ~~2016/13~~ for ~~2016/17~~, or such determinations or policies of the Australian Tax Office that supersede it. In this regard for domestic travel the limits are set per Table 3 of paragraph 11 of that ruling. Provided also that such expenses incurred are subject to the period of stay not exceeding the period for the conference or authorised business plus one day each way for travelling;
- airfares will be at economy class standard, or business class if medical reasons prevail.

After returning from overseas Councillors or an accompanying member of staff are to provide a detailed written report within one month to Council on the aspects of the trip relevant to Council business and/or the local community.

~~No~~ the travel is ~~to be~~ sponsored by private enterprise.

Note: Administrative arrangements may be made for Council to initially fund travel and accommodation costs of Councillors associated with the Sister City Program, with such costs being fully reimbursed by Councillors from their monthly fee payments over a maximum 12 month period.

11.5 Carers Expenses (Childcare, the care of the elderly, disabled and/or sick immediate family member)

Councillors will be reimbursed for reasonable expenses incurred for carer's expenses due to the need to attend Council Meetings, Committee Meetings or other official Council business providing the Councillor is the Primary Care Giver or a Legal Guardian irrespective of whether more than one Councillor on Council is responsible for the care of an immediate family member. Councillors are to provide evidence of attendance at such events.

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Councillors will be reimbursed for expenses paid to commercial providers other than spouse or partner up to one (1) hour before and up to one (1) hour after the civic duties mentioned above, to a maximum of \$150 per day, per person requiring care except for childcare expenses. In respect of childcare expenses the maximum limit that may be reimbursed is \$150 per family per day for accredited persons/organisations or a maximum of 50% of the daily allowance for non-accredited persons. A tax invoice is to be submitted with the claim. Childcare limits do not apply in cases of the NSWLGA Annual Conference (see section 11.1).

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11.6 Disability and Access Needs

Council will give consideration to the payment of reasonable expenses associated with the special requirements of Councillors with respect to disability and access needs to allow them to perform their normal civic duties.

11.7 Insurance and Legal Assistance

11.7.1 Insurance

Councillors are covered under the following insurance policies (subject to any limitations or conditions set out in those policies) while discharging the duties of civic functions, including attendance at meetings of external bodies as Council's representative:

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- **Personal Injury** For claims arising out of or in connection with a Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor.
- **Professional Indemnity** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under Section 731 of the Local Government Act, but subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.
- **Public Liability** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith but subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

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Deleted: whilst ever on Council business, worldwide, bodily injury caused by accidental, violent, external and visible means is covered up to a sub-limit for death and capital limits of \$200,000. It also covers permanent disablement, temporary total disability and temporary partial disability. Current policy does provide cover for "non-Medicare - medical expenses" ie the Medicare gap

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11.7.2 Legal Assistance

11.7.2.1 The Council may indemnify or reimburse, a Councillor's reasonable legal costs including defending legal proceedings being taken against a Councillor arising from the discharging in good faith the Councillors functions of civic office under the Local Government Act (section 731 refers) or defending where such proceedings are an action in defamation, provided that the outcome of the legal proceedings is not substantially unfavourable to the Councillor. Provided that:

- the amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the average hourly rate then being charged by partners at the firm(s) appointed by Council

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as it's solicitors will be paid, and any portion of the expenses exceeding that hourly rate will not be reimbursed; and

- the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis as a result of the proceedings which caused the legal expenses to be incurred; and
- the legal expenses were incurred:
 1. as a result of an inquiry, investigation or hearing, into a Councillor's conduct by an appropriate investigative or review body including but not limited to:
 - Local Government Pecuniary Interest and Disciplinary Tribunal
 - [conduct reviewer or conduct review panel](#)
 - Independent Commission Against Corruption
 - Office of the Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - [Federal or State](#) Police Force
 - Director of Public Prosecutions
 - Councils Conduct Review Committee/ Reviewer
 - A Court
 2. as a result of legal proceedings taken against the Councillor in relation to his or her discharging in good faith the functions of civic office; or
 3. as a result of an appeal commenced by the Councillor against the outcome of any originating inquiry, investigation, hearing or proceeding relating to the discharge of the functions of civic office but only if the appeal is successful;
- the expenses can only be reimbursed after the conclusion of the inquiry, investigation, hearing or proceeding.

Note: This may include circumstances in which a matter does not proceed to a finding. Also in addition to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

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11.7.2.2 Council will not meet:

- the legal costs of legal proceedings initiated by the Mayor and/or Councillors under any circumstance,⁵
- expenses incurred in any defamation proceedings instituted by the Councillor, even if they relate to activities undertaken by the Councillor in relation to discharging the function of civic office;
- expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain;
- any expenses incurred by a Councillor in discharging the functions of civic office not in good faith.

11.7.2.3 It should be noted that the legal expenses must be incurred in relation to discharging the functions of civic office and not all activities by a Councillor undertaken as a Councillor as such.

11.7.2.4 Notwithstanding the above, the General Manager is delegated to obtain legal advice relating to this Policy and any associated matters concerning to a pecuniary interest, conflict of interests or matter governed by the Code of Conduct which in the opinion of the General Manager is necessary to clarify the particular Councillor's responsibilities in the performance of his/her functions of civic office.

11.7.2.5 Any resolution by Council to provide indemnity and reimbursement needs to be subject to the provisions of this Policy and specifically clause 11.7.2.1.

11.7.2.6 A Councillor seeking reimbursement of any legal costs must following the claims process outlined in Appendix B to this Policy.

⁵ DLG Circular No. 09-36 ([Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009](#)) Legal Assistance Provisions and Expenses Page 17-18

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PART 3 PROVISION OF FACILITIES

12 PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS

Given the increasing ownership or access by individuals to electronic communication devices such as PCs, laptops/tablets, internet, and mobile phone devices it is recognised that Councillors may not wish to duplicate such services by the provision of separate communications devices. Accordingly in such circumstances Council's preference is that Councillors use their own equipment/services and seek reimbursement of usage for civic office purposes from Council eg for voice and data costs.

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Council takes a flexible approach towards continuously reviewing innovations to obtain the benefits from such technological advances that improve service and reliability.

Equipment, facilities and services provided under this policy, if any, shall not be used to produce election material or for political purposes. Council's Code of Conduct and Electronic Communications Policy also govern the use of such equipment. Councillors will be required to sign an Electronic Equipment Acknowledgement Statement (as per Appendix C or similar) to that effect.

12.1 Telephone costs and expenses

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Councillors should use their private electronic communications services and related equipment (including mobile, landline and fax) for Council related business and claim reimbursement up to a monthly maximum of \$125 (including voice, fax, landline and data) from Council. Councillors using their private electronic communication devices are required to present copies of monthly accounts and indicate the costs attributable to Council business.

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In the event that Councillors use a Council provided mobile phone service and equipment (under a capped agreement up to \$125 per month), costs in excess of capped agreement will be repaid by the Councillor. The mobile phone, and any other equipment will remain the property of Council subject to the acquisition provisions under this Policy.

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All mobile phone/landline/faxlines numbers the subject of reimbursement of costs or mobile phone numbers provided by Council will be automatically published as contact number(s) of the relevant Councillor.

Councillors must abide by all Federal, State and Local laws and regulations when using a Council mobile phone including those that apply to the use of mobile phones while in motor vehicles.

12.2 Tablet

Councillors will be provided with a tablet based on Council's current standards, to enable Internet access, emailing access to Council business papers, minutes, policies and other Council records. This will include the provision of relevant "apps" as considered relevant from time to time by Council to enable Councillors to undertake their civic duties. A data package will be provided to a maximum of \$60 per month.

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12.3 Personal Equipment and Internet Access

All Councillors will be provided with a Council email address and extranet service (or Councillor Webpage).

Councillors should use their own internet service and related equipment eg PC, Laptop and/or printer for Council business and claim reimbursement from Council. The limits are:

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¶ Provide their own¶

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- o For internet access up to a monthly maximum of \$79. This service may be part an overall voice/data service. Councillors using their internet service are required to present copies of monthly account and indicate the costs attributable to Council business.
- o For Multi functional device, printer or similar, paper supplies to a limit of \$250 per annum (as per section 12.7) and other consumables ie toner to a limit of \$250 per annum.

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In the event that Councillors prefer Council to provide equipment then they may select:

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- 1 Multi functional device, printer or similar to Council's standard and the provision of paper supplies to a limit of \$250 per annum (as per section 12.7) and other consumables ie toner to a limit of \$250 per annum.
- 1 Council Standard Laptop
 - o All equipment will be provided with the latest system configuration requirements and be subject to regular reviews to keep pace with future technological advancements and the latest operating software.
 - o No unauthorised or unlicensed software is to be installed on the computer provided by Council and Councillors are required to comply with Councillor Use of Email and the Internet at all times, when using Council's computers. Council has the right to block the downloading of software should the need arise.
 - o Wireless Internet access via USB dongle or related means up to a maximum of \$79 per month.

12.4 Other Equipment

Councillors may also select from within the following list the appropriate type of equipment/support required to perform their duties:

- **Shredder** - Provided with a paper shredder on request.
- **Filing Cabinet** - Be provided with a filing cabinet on request.
- **Computer software training** - Be provided with computer training where necessary to undertake the functions of civic office. The cost of training course fees and software will be met from the annual Councillor Value of Expenses outlined in this policy.

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12.5 Public Facilities

Councillors will be provided with the following facilities, which remain the property of Council and must be returned to Council within 14 days of Councillors ceasing to hold office:-

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- A security card and automatic gate "buzzer" to enable access from outside of the building to the Councillors' Room, in the case of the Mayor, access to the Mayor's Office. Access will be denied immediately from ceasing to hold Office.
- Above Rooms suitably furnished and equipped with telephone, computer facilities and photocopier to enable meetings with constituents.
- A bar fridge within the Councillors' Room, which will be maintained and stocked by Council, for Councillors' official use.

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Deleted: , in the case the Deputy Mayor access to Deputy Mayor's Office.

12.6 Postage Arrangements

Official Councillor correspondence is to be directed through Council's own mail system. Where that is impractical Councillors are entitled to claim a monthly maximum reimbursement subject to substantiation equivalent to the cost of 50 standard letters.

Deleted: <#>A driver and vehicle on those occasions when official/civic/ceremonial duties dictate such a mode of transport.¶

12.7 Stationery, Office Supplies and Support

Councillors have access to the following support in performance of their role as elected members of Council:

- Standard office supplies (pens, rulers, staples, paper etc).
- 500 Business Cards (replacement on request) up to a maximum of **\$150** per annum. To include Councillor's contact details as authorised and a colour photograph. Up to 300 personalised Christmas Cards, if required and corporate presentation gifts (tie, scarf, etc). Additional generic Christmas Cards are to be purchased by the Councillor at the unit cost to Council.
- Personalised Councillor professional eletterhead with colour photograph and their contact details will be provided as well as paper supplies up to a value of \$250 per annum.
- Councillor eletterhead provided to Councillors and Councillor emails using Council email address will carry the following disclaimer:

Deleted: supplied

"The statements made in this correspondence [email] are the views of the individual Councillor and do not necessarily reflect the views or the position of the Council or Management of Bayside Council".

- A suitable name badge.
- Tea, coffee and refreshments when carrying out civic duties in the Council premises during office hours.
- Suitable meal and refreshments at Council/Committee/Task Group/etc meetings. The standard of the meal will be determined by the Mayor in consultation with the General Manager.
- Corporate gifts for use on a Council related business trip or when receiving visitors. These will be of token value and managed in accordance with a policy on Gifts.
- Dedicated executive services in typing of Councillor correspondence and all other needs.
- A briefcase to the value of \$200 will be provided to each Councillor on request.
- Professional advice and assistance from Council officers in preparing media material (other than election campaign material) relevant to the function of civic office and in each case subject to the approval of the Mayor and General Manager.
- A Recognition of Service plaque will be provided to each Councillor when they cease to hold office.

Deleted: secretarial assistance

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Deleted: <#>A photograph of the current Councillors is to be displayed in the public foyer of the Administration Building.¶

13 PROVISION OF ADDITIONAL EXPENSES AND FACILITIES FOR MAYOR

In addition to the previously detailed support in this Clause the Mayor and Deputy Mayor (when acting in the position of the Mayor) will be provided with:

- Mayoral vehicle of prestige class (of a similar standard as that provided to the General Manager under State Government purchasing requirements) at the discretion of the Mayor of the day, fully maintained and complete with hands free access for a mobile phone and for use by the Mayor at all times;
- The cost of telephone calls made from the Mayor's mobile telephone in relation to mayoral duties, up to a limit of \$150 per month having regard to the need for additional contact with the community in undertaking mayoral functions and civic duties;
- An allotted secure parking space;
- A petrol card for the Mayoral vehicle;
- Mayoral Chain of Office for official/civic/ceremonial use;

Deleted: Holden Caprice, **Toyota Prius** or similar vehicle

Deleted: a car kit for

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Deleted: under the Council Administrative building

- A Mayoral office, suitably furnished and equipped;
- A refreshment cabinet located in the Mayoral office, which will be maintained and stocked by Council for official use (meetings/receptions) by the Mayor, and by the Deputy Mayor when acting in the position of Mayor.
- A suitably qualified and experienced executive assistant;
- Standard Mayoral letterhead for official correspondence;
- Handling of all Mayoral correspondence written in the course of Mayoral duties, including posting of mail and follow up correspondence.
- Tea, coffee, meals and refreshments when carrying out meetings in the course of official duties in the Council Chambers or Administration Centre.

Deleted: liquor

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14 PRIVATE USE OF COUNCIL EQUIPMENT AND FACILITIES

Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any such loyalty schemes. (Note any benefits from travel or loyalty schemes would be considered a breach of Council's Code of Conduct.) However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Deleted: Furthermore Council will provide a suitable furnished and equipped office for the Deputy Mayor.¶

Where a Mayor or councillor's private use is more than incidental (5%), the councillor shall compensate Council for the private use within 30 days of request. Council is entitled to deduct from the councillor's fees any amounts outstanding after 30 days from request.

Councillors must report the theft of any equipment issued immediately to the Police and to the General Manager or Manager Executive Services.

PART 4 OTHER MATTERS

15 ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS

Councillors will have the option to purchase Council equipment, allocated to them, but owned by Council, at the cessation of their duties or following upgrading or replacement of such equipment. These items are to be purchased at the written down value according to Council's accounting records, payout figure if the equipment is leased or agreed current fair market price as determined by the General Manager.

Deleted: laptops, mobile phones, telecommunications equipment and the like, allocated to them,

16 STATUS OF THE POLICY

This Policy, once adopted, is to remain in force until it is reviewed by the Council in accordance with the provisions of Sections 253 and 254 of the Local Government Act 1993.

This Policy will be reviewed in accordance with the provisions of Section 252(1) of the Local Government Act.

Deleted: on an annual basis

Amendments to the Policy will be carried out in accordance with the provisions of Section 253 of the Local Government Act. Formatting or grammatical corrections to the Policy including amendments to legislation or guidelines issued by the Office of Local Government may be made with approval of the General Manager.

17 ALLOWANCE (SALARY) SACRIFICE

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

Councillors should seek their own financial advice on the impact upon their personal financial and taxation benefits before nominating a deduction from their allowance/s into the nominated superannuation fund. These requests are to be directed to the General Manager.

No other allowance (salary) sacrifice benefits are available to Councillors.

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18 THE ROLE OF COUNCILLOR

Section 232 of the Local Government Act defines the role of a Councillor. It generally provides that Councillors have two distinct roles; as a member of the governing body of the Council; and as an elected person. Councillors as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the Council. Their ir role as an elected person requires Councillors to represent the interests of the community and provide leadership.

The Councillor Expenses and Facilities Policy y should facilitate and assist Councillors to carry out their role.

Deleted: <#>The role of a Councillor is, as a member of the governing body of the Council.¶
¶
to direct and control the affairs of the Council in accordance with this Act;¶
participate in the optimum allocation of the Council's resources for the benefit of the area;¶
to play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions;¶
to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.¶
¶
The role of a Councillor is, as an elected person.¶
¶
to represent the interests of the residents and ratepayers;¶
to provide leadership and guidance to the community;¶
to facilitate communication between the community and the Council.¶

Section 232 of the Act (The role of a councillor) states:

(1) The role of a councillor is as follows:

- (a) to be an active and contributing member of the governing body.
- (b) to make considered and well informed decisions as a member of the governing body.
- (c) to participate in the development of the integrated planning and reporting framework.
- (d) to represent the collective interests of residents, ratepayers and the local community.
- (e) to facilitate communication between the local community and the governing body.
- (f) to uphold and represent accurately the policies and decisions of the governing body.
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

(2) A councillor is accountable to the local community for the performance of the council.

Recognition of service

In recognition of long service as Councillor and/or Mayor, Councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. Refer to Council's *Councillors' Recognition of Service Policy* for details.

19 ACCESS TO POLICY

The Government Information (Public Access) Act 2009 ("GIPA Act") gives a right to all persons to access Council documents as listed in the Act. These documents include annual reports, management plans, and Council policies including this Policy. The GIPA Act provides that the public is able to inspect such documents during office hours at the Council, and at no charge. This Policy is also available online.

20 RELEVANT PROVISIONS UNDER THE ACT AND REGULATION

Reporting

Section 428(2) (f) of the Act requires Council to include in its annual report:

- *The total amount of monies expended during the year on Mayoral fees and Councillors fees,*
- *The Council's policy on the provision of facilities for the use by Councillors and the payment of Councillors' expenses,*
- *Statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition, Section 428(2) (r) of the Act states, "*such other information as the regulations may require*".

Clause 217 of the Regulation requires Council to include in its annual report the following information:

- (a) *details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations).*

(a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:

- (i) the provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
- (ii) telephone calls made by Councillors, including calls made from mobile telephones provided by the Council and from landline telephones and facsimile services installed in Councillors' homes,
- (iii) the attendance of Councillors at conferences and seminars,
- (iv) the training of Councillors and the provision of skill development for Councillors,
- (v) interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
- (vi) overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
- (vii) the expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time.
- (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.

Disallowance of expenses and facilities

Clause 403 disallows the payment of a general expense allowance and for a vehicle to be made available for the exclusive use of a Councillor other than the Mayor.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a Council:

- (a) to pay any Councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

21 OTHER NSW GOVERNMENT POLICY PROVISIONS

21.1 Office of Local Government Guidelines

Under section 252(5) of the *Local Government Act 1993* the Council expenses policy must comply with guidelines issued under section 23A of the Act.

Deleted: Division

21.2 Circulars to Councils

The policy must take into account the following Circulars.

- Circular 16-20 re Misuse of Council Resources
- Circular 16-18 re Council Decision Making prior to Ordinary Elections
- Circular 09/36 re Councillor Expenses and Facilities Guidelines

Deleted: 08/24

Deleted: 08/37

21.3 The Model Code of Conduct for Local Councils in NSW

(QLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW*, Office of Local Government - November 2015. The following parts of the Code are particularly relevant to s252 policies:

Code of Conduct provisions relevant to this policy are;

"Use of Council resources"

Deleted: As previously stated, these guidelines replace any previous versions of these Guidelines and Circular 04/60 *Policy on payment of facilities to the Mayor, Deputy Mayor and other Councillors.*¶

*Note: Circular 08/24 has been updated by Circular 10-24 and has also been taken into account.¶

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You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:

- a) the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

Deleted: 10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.¶

10.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.¶

10.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.¶

10.16 The interests of a Councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, Council crests and other information that could give appearance it is official Council material for these purposes.¶

10.17 You must not convert any property of the Council to your own use unless properly authorised.¶

10.18 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic threatening abusive or defamatory nature.

You must not convert any property of the Council to your own use unless properly authorised.

You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

21.4 Councillor Induction and Professional Development Guide (OLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the Council. The Office has produced a *Councillor Induction and Professional Development Guide* (September 2008) and this was updated in June 2012 (circular 12-18) to assist Councils to develop these programs. The Guide is available on the OLG website.

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21.5 No Excuse for Misuse, preventing the misuse of Council resources (ICAC)

Councils should also be aware of and take account numerous corruption reports available from the Independent Commission Against Corruption (ICAC) concerning misuse of resources or corruption that are available on the ICAC website at www.icac.nsw.gov.au.

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Deleted: publication No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2) November 2002. This publication is

Councillors are also referred to the Council's Code of Conduct (Part 7) and its Electronic Communications Policy (Appendix 1 – Inappropriate use of electronic communications) regarding the use of Council's resources

22 Relevant Documents

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees
- Council's Code of Conduct

Version History

Version	Release Date	Author	Reason for Change
1.0	14/09/2016	Bruce Cooke	New document
<u>2.0</u>	<u>TBA</u>	<u>Warren Park</u>	<u>Review of document</u>

Appendix A - Claim for Reimbursement of Expenses by Councillors

I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the Local Government Act and Council's Councillors' Expenses & Facilities Policy.

Councillor.....

Claim for reimbursement of expenses

Date	Nature of Business/ Function attended	Representing Mayor/Council		Nature of Claim	\$ or % For Private Use Above 5%	\$ or % Civic Duties	Amount Claimed (Inc GST)
		Yes	No				

Claim for reimbursement of travel expenses (personal vehicle/taxi cab)

Deleted: cabcharge

Date	Nature of Business/ Function attended	Method of travel	Pick-up Point*	Destination*	Distance in kms	Rate /km#	Amount claimed

* Pick-up Point and Designation is required for Taxi cab vouchers.
Contact Council's Executive Services to obtain current rate for Km usage

Deleted: Cabcharge

Total amount claimed: \$ _____

Please note:

- The form is to be lodged with Tax Invoices/Receipts attached in order for reimbursement to be processed.
Claims must be lodged within one month of incurring.
- Councillors are required to submit Taxi cab dockets containing a note as to the Council business/function attended that was covered by the journey as well as the pick-up point and destination for reconciliation with the monthly account from the service supplier

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I certify that the above expenses have been reasonably incurred in the performance of my role as a Councillor of Bayside Council and are due and payable to me in accordance with Council's Policy.

Signature: Date:/...../.....

Appendix B – Process for Claiming Reimbursement of Legal Costs

1. To whom do you make the application for reimbursement?

The application for reimbursement of legal expenses should be made in writing to the General Manager. The General Manager may ask for additional information and shall put such application before the Council in accordance with the Policy.

2. When can you make an application for reimbursement?

An application for reimbursement of legal expenses can be made having regard to rights and obligations in the Policy.

3. Requirement for previous application to the Attorney-General where acting as a witness before an ICAC hearing

If you have been called as a witness at a hearing (public or private) conducted by the Independent Commission Against Corruption (ICAC), you must have:

- 3.1. **Prior to or during your appearance as a witness at the hearing**, applied in writing to the Attorney General for financial assistance with respect to your legal representation, pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*; and
- 3.2. Have been refused such financial assistance in part or full.

Note: Your application to the Attorney-General will need to include the full details of your financial situation and, provided your summons does not prevent you from doing so, the evidence you expect to give.

4. What other eligibility requirements need to be addressed in your application?

The application should address the following criteria where relevant:

- 4.1 specify which investigative body has conducted the relevant interview/s and hearing/s (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.2 specify whether you are currently a Councillor or Mayor, or have been a former Councillor or Mayor (in which case you must have been acting in this office at any time from the March 2004 Local Government Elections onwards);

Note: See the definition of “investigative body” in the Policy.

- 4.3 state whether you are the subject of the investigation/s and/or the hearing/s and, if not, specify who is the subject (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

Note: Where you are uncertain as to whether you are the subject of the investigation/s and/or the hearing/s, or as to whom the subject is, you should state this.

- 4.4 provide details of the request or summons to attend an interview/s or hearing/s by the relevant investigative body (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

- 4.5 detail the legal expenses (including hourly rate charged) in part or in full incurred in connection with attending the interview/s or hearing/s (public or private);
- 4.6 describe the nature of the information the investigative body has, through requesting an interview or your attendance at a hearing, sought from you (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.7 describe how the information the investigative body has sought from you directly derives from your discharge of duties or your exercise of civic functions as the Mayor or as a Councillor (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.8 state whether you are satisfied you discharged the duties or exercised the functions in question in good faith or with honest intent (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.9 show that you have complied with any reasonable and lawful direction of your insurer and/or the General Manager (if there has been any such direction); and
- 4.10 provide evidence that the investigative body or Court has:
 - 4.10.1 confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be provided pursuant to the relevant legislation, published its Report; and
 - 4.10.2 confirmed in writing that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you.

5. What documents need to be included with your application?

Where appropriate the following information should be provided:

- 5.1 A copy of the document requesting your attendance at an interview/s or hearing/s by the investigative body or Court, for example, a letter or summons (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 5.2 If you have been called as a witness at a hearing (public or private) conducted by ICAC, a copy of your request to the Attorney-General for legal assistance pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*, and a copy of the Attorney General's response;
- 5.3 Copies of any itemised invoices issued to you for legal expenses (fees charged for legal representation or legal advice including the hourly rate charged) in connection with the interview/s or hearing/s and any receipts for payment for such invoices;
- 5.4 Confirmation in writing from the investigative body or Court that it has completed its investigation/s or hearing/s or, where a Report has been prepared, a copy of the Report or the decision of the Court;
- 5.5 Where not included in the Report, or where a Report is not provided, written confirmation that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you;
- 5.6 Any other documents relevant to the eligibility requirements outlined in paragraph 4.

6. What will happen where a suppression order or other order restricting disclosure of information applies?

- 6.1 Where you have been ordered by the investigative body or Court, for example, in your summons, not to disclose information which the Policy requires you to provide (see paragraph 4 and 5 above), you should refrain from including such information in your application.
- 6.2 Once any suppression order or other order has been lifted by the investigative body or Court, you should immediately provide the General Manager with the information previously omitted from your application on this basis.
- 6.3 The General Manager may not be able to consider your application where a suppression order or other order restricting disclosure of information apply until the suppression order or other order is lifted and information previously omitted is available where the information is required to approve the reimbursement.

7. Will Council need to pass a resolution regarding my application?

- 7.1 Yes, in accordance with Clause 11.7.2.5 Legal Assistance of this Policy "A Councillor must seek and obtain approval from Council for indemnity and reimbursement of any legal cost covered by this policy prior to legal expenses being incurred.
- 7.2 Any resolution by Council to provide indemnity and reimbursement needs to be consistent with this Policy and subject to the provisions of clause 11.7.2.1.
- 7.3 Where Council is not satisfied of the above, Council should provide reasons for its determination.

Appendix C - Electronic Equipment Acknowledgement

Appropriate Use

As a Council official of Bayside Council, I will use electronic communications and/or devices appropriately, and in accordance with the Code of Conduct and Electronic Communications Policy (both accessible from the Councillor Portal).

In particular, I am aware that:

- Council's Code of Conduct specifically includes a requirement that Council officials "must use resources ethically, effectively, efficiently and carefully in the course of (their) duties."
- Council's Electronic Communications Policy provides more specific guidance as to the use of Council's electronic communication devices.

I understand that it is my responsibility to seek advice regarding any questions that I might have regarding the use of Council's equipment prior to my using this device.

Standards of use

I acknowledge that the standards of use of electronic communications and devices are as outlined in the Electronic Communications Policy:

- Do not use devices or electronic communications in a way that is unlawful or in conflict with this and other Council's policies and procedures.
- Do not use devices or electronic communications in a way that damages Council's reputation.
- Do not access Council information that is not relevant to your official responsibilities.
- Do not interfere with others conducting Council business.
- Do not use Council's electronic devices for personal use (apart from insignificant use).

Software and applications

I understand that:

- I should report any known misuse of software or related documentation to the General Manager.
- Under Australian copyright law, unauthorised duplication and distribution of software can expose Council to extensive fines and claims for civil damages, and can expose me to personal fines together with possible detention and claims for civil damages.
- With Council owned and supplied electronic devices, I must only use on those devices copies of software legally acquired by the Council or myself, and I must comply with all known license conditions accompanying any software acquired or used.

Monitoring

I acknowledge that, in accordance with Section 10 of the Workplace Surveillance Act 2005, surveillance of electronic communications and devices is undertaken by Council.

Deleted: the

Enquiries

Enquiries to IT Helpdesk through Councillor Support or 9562 1757.

Ownership

I acknowledge that, if an electronic communication device is provided by Council, it remains the property of Bayside Council. The following electronic communications and other items have been allocated to me:

Tablet	RCC No:	Serial No:
Mailbox key	No:	
Garage remote	User No:	
Taxi card	Yes	Refer to separate Taxi cab form

Deleted: iPad

Deleted: CabCharge

Councillor's Name

Signature

Date

Councillor Support Officer

Council Meeting

12/07/2017

Item No	8.9
Subject	Code of Meeting Practice
Report by	Warren Park, Governance Coordinator
File	F11/563

Summary

Council at its meeting on 10 May 2017 resolved to place on public exhibition amendments to the Code of Meeting Practice. The draft code with amendments has been advertised for a period of 28 days with public submissions being accepted for 42 days as per the requirements of the Local Government Act (s360-363). No submissions were received from the public during the exhibition period. Minor additional changes are proposed to the Code exhibited.

The draft code is now submitted for adoption by council.

Officer Recommendation

- 1 That the draft Code of Meeting Practice attached to this report be adopted.
 - 2 That the draft Code of Meeting Practice be refreshed and placed on Council's website.
-

Background

Council at its meeting on 10 May 2017 resolved to publicly exhibit a draft Code of Meeting Practice for a period of 28 days with submissions being open for a period of 42 days in accordance with the Local Government Act (s360-363).

The code was subsequently exhibited on Council's website including 'Have Your Say', through an advertisement in the Southern Courier on 23 May 2017, the St George and Sutherland Shire Leader on 24 May 2017, and was available for inspection at Customer Service Centres and the branch libraries.

The exhibition period closed on Tuesday 4 July 2017 and at the time of writing this report no submissions have been received. Should any submissions be received they will be presented to Council via a supplementary report.

Additional amendments by Governance

Clause 2.4.2 – Order of Business

To ensure speakers addressing Council through the Public Forum have an opportunity to comment on matters flowing to Council through a committee system the item 'Minutes of Previous Committee Meetings' has been moved to appear after Public Forum. This re-order will allow members of the public to speak in the Public Forum on matters that may be included in minutes from committee meetings.

Clause 10.5 – Audio recording / webcasting of meetings

Some minor amendments made to the heading and the inclusion of a statement regarding live streaming (webcasting) meetings of council.

Financial Implications

No additional financial resources will be required to meet any amendments to this Code.

Community Engagement

No further community engagement is required.

Attachments

Draft Code of Meeting Practice

Code of Meeting Practice

~~14 September 2016~~Draft



© Bayside Council

Code of Meeting Practice

File: (R) F11/563 Document: 16/110968[v2]

Class of document: Council Policy

Enquiries: ~~Governance~~ Manager Governance & Risk



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

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Part 1 – Preliminary

Title

This Code of Meeting Practice (**Code**) has been developed in accordance with the Local Government Act 1993 (**Act**), Local Government (General) Regulation 2005 (**Regulation**), Office of Local Government's Meetings Practice Note No.-16, dated August 2009.

Objectives

This Code has the following objectives:

- 1 To ensure that Council and Committee Meetings are conducted expeditiously in an orderly, efficient and equitable manner.
- 2 To ensure that Council and Committee Meetings promote open government and maximise community access and participation.
- 3 To ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process.
- 4 To ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views.
- 5 To ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.
- 6 To ensure that Council Meetings restrict themselves to matters of policy, direction, resource allocation and statutory decisions.

Interpretation

This Code may be cited as the Council Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the Act, Regulations, and objectives of this Code. Should there be any inconsistencies the Act or Regulations will prevail.

Definitions

In this Code:

Advisory Committee, in relation to Council, means a Committee established under Clause 6.2 of the Code.

amendment, in relation to an original motion, means a motion moving an amendment to that motion. Amendments may be in the form of additional words to a motion and/or the removal of words from a motion. Any amendment to a motion must not alter the motion to the extent that it effectively reverses the motion. If more than one amendment has been

moved against the motion subsequent amendments are Foreshadowed Amendments and are only considered after the original amendment is defeated. Each amendment is separately considered and voted on.

Chairperson,

- a in relation to a meeting of the Council - means the person presiding at the meeting as provided by Clause 3.1 of this Code; and
- b in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by Clause 5.9 of this Code;

Committee in relation to a Council means a Committee established under Clause 5.2 or the Council when it has resolved itself into a Committee of the Whole;

Office of Local Government means the Office of Local Government, Department of Premier and Cabinet and its successors;

late Report means a report which is not listed on the published agenda for the meeting but is considered by the General Manager, in view of the importance or urgency of the issue, to be a report which must be submitted to the meeting of the Council, provided the statutory notice is given;

motion is a proposal put forwarded by a Councillor or Committee member calling for action to be taken or a decision to be made on a particular matter under consideration. A motion should be specific. If possible, it should be qualified by referring to a timetable, amounts of money involved, who is to take the necessary action and so on. It should be simple, clearly expressed and easy to understand so that there is no doubt as to its meaning. It should be well structured and if it involves a number of different aspects then there should be different parts to the motion or a series of separate motions. A motion needs to be seconded to become a motion for consideration at the meeting. Any amendments to a motion put forward by a Councillor need to be seconded but it cannot be accepted if it is a direct rebuttal of the motion it seeks to amend (see definition of amendment);

record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council;

relative, in relation to a person, means any of the following:

- a the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
- b the spouse or the de facto partner of the person or of a person referred to in paragraph (a).

supplementary report means a report which adds to or amends a report which is included on the agenda for a meeting of Council;

task group means a group established under Clause 6.1 of the Code;

the Act means the Local Government Act 1993;

the Code means Council's Code of Meeting Practice; and

the Regulation means the Local Government (General) Regulation 2005.

Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

Act and Regulation

- a This Code is made pursuant to Section 360(2) of the Act.
- b It incorporates relevant provisions of the Act and the Regulation.
- c In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Notes to text

Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

General

1.1 Application of the Code - Conduct of Meetings of Council and Committees (Section 360 of the Act)

- 1.1.1 The regulations may make provision with respect to the conduct of meetings of Councils and Committees of Councils of which all the members are Councillors.
- 1.1.2 A Council may adopt a Code that incorporates the regulations made for the purposes of this section and supplement those regulations with provisions that are not inconsistent with them.
- 1.1.3 A Council and a Committee of Council of which all the members are Councillors must conduct its meetings in accordance with the Code adopted.

1.2 Preparation of the Code of Meeting Practice - Preparation, public notice and exhibition of draft Code (Section 361 of the Act)

- 1.2.1 Before adopting the Code, Council must prepare a draft.
- 1.2.2 The Council must give public notice of the Draft Code after it is prepared.
- 1.2.3 The period of public exhibition must be not less than 28 days.
- 1.2.4 The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to Council.
- 1.2.5 The Council must publicly exhibit the draft Code in accordance with this notice.

1.3 Adoption and Amendment of the Code - Adoption of Draft Code (Section 362 and Section 363 of the Act)

- 1.3.1 After considering all submissions received by it concerning the draft code, the Council may decide:
 - a To amend those provisions of its draft Code that supplement regulations made for the purposes of Section 360 of the Act; or
 - b Adopt the draft Code as its Code.
- 1.3.2 If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this Division, or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft Code without public exhibition as its Code.
- 1.3.3 A Council may amend a Code adopted under this Part by means only of a Code so adopted (Section 363 of the Act).

1.4 Revision of the Code

- 1.4.1 Changes to the Local Government Act and Regulations automatically change the Code. Automatic amendment of the Code by the Act and/or Regulation does not require public notification under Sections 361 to 363 of the Local Government Act 1993.
- 1.4.2 The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advices from the Office of Local Government. The General Manager shall cause Councillors to be informed of such amendments to the Code.

1.5 Availability of the Code (Section 364 of the Act) - Public Availability of the Code

- 1.5.1 The Code under this Division adopted by a Council must be available for public inspection free of charge at the office of the Council during ordinary working hours.
- 1.5.2 Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.
- 1.5.3 A copy of the Code will also be available on Council's website.

Part 2 – Before Council Meetings

2.1 Frequency of Meetings of the Council (Section 365 of the Act)

- 2.1.1 The Council is required to meet at least 10 times each year, each time in a different month.
- 2.1.2 The Council meets ordinarily, on the second Wednesday of each month (except January) commencing at 7:00 pm in either Rockdale Town Hall, Princes Highway, Rockdale or the Botany Town Hall, corner Botany Road and Edward Street, Botany as determined by the Council and indicated in the Notices of Meeting.

2.2 Extraordinary Meetings of Council (Section 366 of the Act)

- 2.2.1 Notwithstanding Sub Clause 2.1.2, the Mayor may call Extraordinary Meetings of the Council on any matter or matters considered necessary.
- 2.2.2 If the Mayor receives a request in writing signed by at least two (2) Councillors (one of which may be the Mayor), the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable but in any event within 7 days after the receipt of the request.
- 2.2.3 If the Mayor refuses or delays to call an Extraordinary Meeting after receiving a request, signed by at least two (2) Councillors, those Councillors, may, in writing, request the General Manager to call the Extraordinary Meeting. The General Manager shall call the meeting as soon as practicable.

2.3 Notice of Meetings to Councillors (Section 367 of the Act)

- 2.3.1 The General Manager of the Council must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held and the business proposed to be transacted at the meeting.
- 2.3.2 Notice of less than three (3) days may be given of an Extraordinary Meeting called in an emergency, but in no case shall notice of less than one day be given. [Note: Notice of meetings can be delivered by courier, ~~or~~ by facsimile transmission or by electronic means used by the Council].
- 2.3.3 A notice under this section and the agenda for, and the business paper relating to, the meeting will be given in either:
 - a Electronic form if all Councillors have such access, or
 - b Hard copy but allowing Councillors the option to be notified electronically.

2.4 Order of Business (Clause 239 of the Regulation)

- 2.4.1 At a meeting of the Council (other than an Extraordinary Meeting), the general order of business is (except as provided by the Regulations) as fixed by Council's Code of Meeting Practice or (if the Council does not have a Code of

Meeting Practice or its Code does not fix the general order of business) as fixed by resolution of Council.

2.4.2 The order of business for Ordinary Meetings is as follows:

- a Acknowledgement of traditional owners
- b Opening Prayer
- c Apologies
- ~~d~~ Disclosures of Interests
- ~~e~~ Confirmation of Minutes of Previous Council and Extraordinary Meetings
- ~~e~~ Notification of Interests
- ~~ff~~ Mayoral Minutes
- ~~gg~~ Public Forum and associated business paper items
- ~~h~~ Rescission Motions
- ~~i~~ Notices of Motion
- ~~h~~ Minutes of Previous Committee Meetings
- ~~ij~~ Officer Reports
- ~~k~~ Receipt of Minutes of Committees
- ~~j~~ Notices of Motion – including rescission motions
- ~~klj~~ Questions With Notice
- ~~lm~~ Confidential items~~Consideration of Business in Closed Session~~
- ~~m~~ Consideration of recommendations from Closed Session
- ~~n~~ Call for Rescission Motions

2.4.3 Apart from those items on the business paper that members of the public have registered to speak on, the Mayor may bring forward an item of business from the business paper where it is established there is a strong community interest or that a member of the public with an interest in that item is present in the public gallery.

2.4.4 The order of business fixed under Sub-Clause 2.4.2 may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

2.4.5 Despite Clause 3.23, only the mover of a motion referred to in Sub-Clause 2.4.4 may speak to the motion before it is put.

2.5 Giving Notice of Business (Clause 241 of the Regulation)

2.5.1 A Council must not transact business at a meeting of the Council:

2.5.1.1 unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the business paper is prepared and delivered to Councillors; and

2.5.1.2 unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act, that being 3 clear working days notice. ~~[Note: This is ordinarily the Wednesday prior to the meeting.]~~

2.5.2 Sub-Clause 2.5.1 does not apply to the consideration of business at a meeting if the business:

2.5.2.1 is already before, or directly relates to a matter that is already before, the Council; or

2.5.2.2 is the election of a Chairperson to preside at the meeting as provided by Clause 3.9; or

2.5.2.3 is a matter or topic put to the meeting by the Chairperson in accordance with Clause 2.6; or

2.5.2.4 is a motion for the adoption of recommendations of a Committee of the Council; or.

2.5.2.5 are reports from officers listed on the business paper which require additional information pursuant to a decision of a Committee or for other circumstances.

2.5.3 Despite Sub-Clause 2.5.1, business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

2.5.3.1 a motion is passed to have the business transacted at the meeting; and

2.5.3.2 the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice.

2.5.4 Despite Clause 3.23, only the mover of a motion referred to in Sub Clause (3) can speak to the motion before it is put.

2.6 Mayoral Minutes (Clause 243 of the Regulation)

2.6.1 If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

2.6.2 Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.

2.6.3 A recommendation made in a minute of the Chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

2.7 Agenda for Extraordinary Meeting (Clause 242 of the Regulation)

2.7.1 The General Manager must ensure that the business paper for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.

2.7.2 Despite Sub-Clause 2.7.1, business may be transacted at an Extraordinary Meeting of a Council even though due notice of the business has not be given to the Councillors. However, this can happen only if:

2.7.2.1 a motion is passed to have the business transacted at the meeting;
and

2.7.2.2 the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

2.7.3 Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

2.7.4 Despite Clause 3.23, only the mover of a motion referred to in Sub-Clause 2.7.3 can speak to the motion before it is put.

2.7.5 The order of business for Extraordinary Council Meetings is as follows:

a Acknowledgement of traditional owners

b Opening Prayer

c Apologies

d Disclosures of Interests

e Reports as listed on notice

2.8 Notice of Motion - Lodgement

2.8.1 Notice of Motion serves two purposes:

2.8.1.1 It enables a Councillor to bring to the attention of the Council, matters particularly of a policy nature, which may not otherwise be included in the business of a Council Meeting.

2.8.1.2 It also provides opportunity for other Councillors to consider the form and content of the motion before a matter is presented at the meeting.

2.8.2 A Notice of Motion must be submitted in writing to the General Manager or their delegate no later than 12 noon on the Tuesday before the day on which the business paper is delivered to the Councillors.

2.9 Public Notice of Meetings (Section 9(1) of the Act) (Clause 232 of the Regulation)

[Note: This clause prescribes the manner in which the requirements outlined in Section 9(1) of the Act are to be complied with.]

2.9.1 A Council must give notice to the public of the times and places of its meetings –and meetings of those of its Committees of which all the members are Councillors

2.9.2 A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.

2.9.3 Notice of more than one meeting may be given in the same notice.

- 2.9.4 The Council and each Committee (of which all Councillors are members) must have available to the public at its offices and each meeting, copies (for inspection or take away by any person) of the agenda and the associated business papers for the meeting.
- 2.9.5 In the case of a meeting where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
- 2.9.5.1 the agenda for the meeting must indicate that the relevant item of business is of such a nature (but not give details of that item): and
- 2.9.5.2 the requirements of Clause 2.9.4 with respect to the availability of business papers do not apply for that item of business.
- 2.9.6 The copies of the agenda and associated business paper are to be available to the public as soon as possible to the time they are available to Councillors.
- 2.9.7 The copies of the agenda and associated business paper are to be available free of charge.
- 2.9.8 A notice given under this clause or a copy of an agenda or of a business paper made available under this clause may in addition be given or made available in electronic form.
- 2.9.9 Public Notices of meetings will also be displayed on the website.

2.10 Application for Leave of Absence (Section 234 of the Act)

- 2.10.1 A Councillor applying for a leave of absence from the meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.
- 2.10.2 A Councillor's application for leave of absence from Council Meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent (Clause 235A (1) of the Regulation).
- Note: If a Councillor is on leave of absence he/she may not sit in the public gallery of a meeting as they will be recognised as being in attendance even though they may not vote on an item/s.
- 2.10.3 If the holder of a civic office attends a Council Meeting (whether or not an Ordinary Meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards to any future Council Meeting.
- 2.10.4 This section does not prevent the Council from granting further leave of absence in respect of any future Council Meeting.
- 2.10.5 A Councillor who intends to attend a Council Meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days notice of his or her intention to attend, (Clause 235A(2) of the Regulation).

2.11 Agendas and Business Papers for Council Meetings (Clause 240 of the Regulation)

- 2.11.1 The General Manager must ensure that the business paper for a meeting of the Council states:
- 2.11.1.1 all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - 2.11.1.2 (if the Mayor is the Chairperson) - any business that the Chairperson may decide to put before the meeting without notice or the Deputy Mayor if acting for the Mayor; and
 - 2.11.1.3 subject to Sub-Clause 2.11.2 any business of which due notice has been given.
- 2.11.2 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- 2.11.3 The General Manager must cause the agenda for a meeting of the Council or a Committee of Council to be prepared as soon as practicable before the meeting. [Note: The agenda is ordinarily delivered to Councillors on the Wednesday evening preceding the Wednesday meeting. The papers are available to the public on the Friday preceding the meeting.]
- 2.11.4 If, in the opinion of the General Manager, business to be transacted at a meeting of the Council is a kind of business referred to in Clause 3.7, the business may be included in a confidential business paper. All other business to be transacted at the meeting must be included in an ordinary business paper.
- 2.11.5 If a confidential business paper is prepared for a kind of business referred to in Clause 3.7, the business must be referred to in the ordinary business paper prepared for the same meeting.
- 2.11.6 Nothing in this clause limits the powers of the Chairperson under Clause 243 of the Regulation.

2.12 Supplementary or Late Reports

- 2.12.1 As circumstances necessitate, supplementary or late reports may be tabled at an Ordinary Meeting.
- 2.12.2 In the case of a supplementary report, where the report is distributed at or just prior to the Meeting, a period of time (to be determined by the Chairperson) shall be allowed for Councillors to read the report.
- 2.12.3 Supplementary and/or late reports are to be ~~electronically provided~~ forwarded to Councillors ~~as far as possible~~ prior to the Meeting, ~~and via email as well as facsimile.~~

2.12.4 Notwithstanding this clause, the requirements of Clause 2.3 concerning notice of meetings to Councillors must be met for late reports except minutes by the Mayor.

Part 3 – Procedure for the conduct of council meetings

3.1 Quorum and Attendance

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

3.2 Councillor Presence at Council Meetings (Clause 235 of the Regulation)

- 3.2.1 A Councillor cannot participate in a meeting of Council unless personally present at the meeting.
- 3.2.2 A Councillor shall not be deemed to be present at any meeting of the Council, unless they are within the Council Chamber. For the purposes of this requirement, the Council Chamber foyer is not regarded as being in the Council Chamber.
- 3.2.3 However, for the sake of clarity, a Councillor declaring an interest in a matter and leaving the Chamber shall not remain in either the public gallery or any part of the foyer within view of the meeting.

3.3 What Happens When a Quorum is Not Present (Clause 233 of the Regulation)

- 3.3.1 A meeting of the Council must be adjourned if a quorum is not present:
 - a within half an hour after the time designated for the holding of the meeting; or
 - b at any time during the meeting.
- 3.3.2 In the case of 3.3.1, the meeting must be adjourned to a time, date and place fixed:
 - a by the Chairperson; or
 - b in his or her absence - by the majority of the Councillors present; or
 - c failing that, by the General Manager
- 3.3.3 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

3.4 Councillor Attendance at Council Meetings (Section 234 of the Act)

A civic office becomes vacant if the holder (Councillor) is absent from 3 consecutive Ordinary Meetings of the Council (unless the holder is absent because he or she has been suspended from office under Section 482 of the Act) without:

- a prior leave of the Council, or

- b leave granted by the Council at any of the meetings concerned.

3.5 Councillor Departure from Meeting

Councillors are required, on proposing to retire from a meeting of Council for the remainder of that meeting, to give prior notice of intended departure to the Chairperson.

3.6 Who is entitled to attend Council Meetings (Section 10 of the Act)

3.6.1 Except as provided by this Part:

- a everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors; and
- b a Council must ensure that all meetings of the Council and of such Committees are open to the public.

3.6.2 However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:

- a by a resolution of the Council;
- b by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

3.6.3 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

3.7 Attendance of General Manager (Section 376 of the Act)

3.7.1 The General Manager is entitled to attend, but not to vote at a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.

3.7.2 The General Manager is entitled to attend a meeting of any other Committee of the Council, and may if a member of the Committee exercises a vote.

3.7.3 However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

3.8 Attendance of Council Employees

The General Manager shall arrange for the attendance of such Council employees as are considered necessary by the General Manager for the transaction of the notified Council business.

3.9 Chairperson of Council Meetings (Section 369 of the Act) (Clause 236 of the Regulation)

- 3.9.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of the Council.
- 3.9.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
- 3.9.3 If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.
- 3.9.4 The election must be conducted:
 - 3.9.4.1 by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election;
or
 - 3.9.4.2 if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- 3.9.5 If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 3.9.6 For the purposes of Clause 3.9.5, the person conducting the election must:-
 - 3.9.6.1 arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - 3.9.6.2 then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 3.9.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

3.10 Chairperson to Have Precedence (Clause 237 of the Regulation)

When the Chairperson rises or speaks during a meeting of the Council:

- a any Councillor then speaking or seeking to speak must immediately resume his or her seat; and
- b every Councillor present must be silent to enable the Chairperson to be heard without interruption.

3.11 Chairperson's Duty with Respect to Motions (Clause 238 of the Regulation)

- 3.11.1 It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 3.11.2 The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

- 3.11.3 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

3.12 Recognition of Chairperson

- 3.12.1 In addressing Council, Councillors and other persons addressing the Council shall at all times speak through the Chairperson.
- 3.12.2 Councillors and other persons addressing the Council shall at all times show appropriate respect and observe the ruling of the Chairperson.
- 3.12.3 A Councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the Chairperson.

3.13 Mode of Address

Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.

3.14 Report of an Office of Local Government's Representative to be Tabled at Council Meeting (Clause 244 of the Regulation)

When a report of a Departmental representative has been presented to a meeting of Council in accordance with Section 433 of the Act, the Council must ensure that the report:

- a is laid on the table at that meeting; and
- b is subsequently available for the information of Councillors, General Manager and members of the public at all reasonable times.

3.15 Notice of Motion - Absence of Mover (Clause 245 of the Regulation)

In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of the Council:

- a any other Councillor may move the motion at the meeting; or
- b the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

3.16 Motions to be Seconded (Clause 246 of the Regulation)

- 3.16.1 A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chairperson to speak for five (5) minutes to the motion before calling for the motion to be seconded. (Note: seconder is not required to speak).
- 3.16.2 The seconder of a motion or of an amendment may reserve the right to speak for five (5) minutes later in the debate.

3.17 How Subsequent Amendments May be Moved (Clause 247 of the Regulation)

- 3.17.1 A Councillor who does not agree with the motion, or agrees in part, may move an amendment after the motion has been seconded. (Note: Amendments cannot be accepted if they are a direct rebuttal of the motion they seek to amend).
- 3.17.2 If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- 3.17.3 It is permissible to debate the motion and an amendment concurrently.
- 3.17.4 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such Foreshadowed Amendment shall not be moved and debated until the amendment is dealt with.
- 3.17.5 If a Councillor who moves a motion thinks that an amendment moved later is an improvement on the motion, the Councillor may withdraw the motion in favour of the amendment, provided the seconder agrees. Alternatively, the mover and seconder of the original motion may agree to incorporate in the motion, points raised in the amendment. On this basis the amendment would be withdrawn.

3.18 Procedural Motions

- 3.18.1 Procedural Motions are used for dealing with the Order of Business of the meetings. A Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson. A Procedural Motion requires a seconder and cannot be moved by the Chairperson.
- 3.18.2 Procedural Motions can seek to:
 - a Bring forward an item of business
 - b Withdraw an item
 - c Defer an item of business to later in the meeting
 - d Adjourn the meeting
 - e Reconvene the meeting

3.19 Motions of Dissent (Clause 248 of the Regulation)

- 3.19.1 A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the Motion of Dissent. A Motion of Dissent does not require a seconder.
- 3.19.2 If a Motion of Dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.

- 3.19.3 Despite Clause 3.23, only the mover of a Motion of Dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

3.20 Petitions May be Presented to the Council

- 3.20.1 A Councillor may present a petition to the Council.
- 3.20.2 The Chairperson must not permit discussion on the petition, unless it relates to an item on the business paper. Petitions shall be referred to the General Manager for report, reply or other appropriate action.

3.21 Tabled Documents

- 3.21.1 Other than those documents referred to in Clause 3.20, documents (including correspondence) are not to be tabled during a meeting, either by a Councillor or a member of the public, in relation to a matter before that meeting except in exceptional circumstances and then only with the leave of the Chairperson whose decision will be final on the matter.
- 3.21.2 In the event that a Councillor or member of the public wishes to table a document during a meeting, that document must be given to the General Manager or nominee by 4.00 pm on the day of the meeting.
- 3.21.3 Any other documents that a Councillor or a member of the public wishes to submit to Council should be forwarded to the General Manager in the normal manner.

3.22 Questions May be Put to Councillors and Council Employees concerning matters on the Council Business Paper (Clause 249 of the Regulation)

[Note: For questions about matters not on the Business Paper Councillors should lodge a Question With Notice]

- 3.22.1 A Councillor:
- a may, through the Chairperson, put a question to another Councillor; and
 - b may, through the Chairperson and the General Manager, put a question to a Council employee.
- 3.22.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3.22.3 Any such question must be put directly, succinctly, and without argument. Councillors may draw the Mayor's attention to the relevance of the questions.
- 3.22.4 The General Manager may exercise the option to take on notice a question under this clause.
- 3.22.5 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

- 3.22.6 Nothing in this clause prevents a Councillor putting a question which is similar or related to a question put earlier at the same meeting.

3.23 Limitation as to Number of Speeches (Clause 250 of the Regulation)

- 3.23.1 A Councillor who, during debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 3.23.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 3.23.3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 3.23.4 Despite Clauses 3.23.1 and 3.23.2, if at least two (2) Councillors have spoken in favour of a motion or an amendment and at least two (2) Councillors have spoken against the motion or amendment, any Councillor may move that the matter be now put. A Councillor may also move that the matter be now put if the mover of a motion or amendment has spoken in favour of the motion or amendment and no Councillor indicates to speak against it.
- 3.23.5 The Chairperson must immediately put to the vote a motion that the matter be now put and without debate.
- 3.23.6 If a motion that the matter be now put is passed, the Chairperson must, after the mover of the motion has exercised his or her right of reply under Clause 3.23.1, immediately put the question to the vote without further debate.
- 3.23.7 If a motion that the matter be now put is rejected, the Chairperson must resume the debate on the original motion or amendment.

3.24 Motions Put Without Debate

Provided there is no objection from any Councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

3.25 Voting at Council Meetings (Section 370 of the Act)

- 3.25.1 Each Councillor is entitled to one vote.
- 3.25.2 The Chairperson has, in the event of an equality of votes, a second or casting vote and that vote shall be used at the absolute discretion of the Chairperson. Should the Chairperson fail to exercise a casting vote the motion will be lost.
- 3.25.3 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

This sub clause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

3.25.4 If a Councillor who has voted against a motion put at a Council Meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.

3.25.5 The decision of the Chairperson as to the result of a vote is final, unless:

- a in the case where a vote has been declared on the voices, a Councillor immediately requests a show of hands; or
- b the decision is immediately challenged and not fewer than two (2) Councillors rise and demand a division.

3.25.6 When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately.

3.25.7 The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the minutes. Divisions can be taken on both amendments and motions.

3.25.8 Voting at a Council Meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Note: The Local Government (General) Regulation 2005 provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 394 of the Regulation and Clause 3 of Schedule 7 of the Regulation). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

3.26 Recording of Voting on Planning Matters (Section 375A of the Act)

3.26.1 In this Section, Planning Decision means a decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979:

- a including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution under that Act; but
- b not including the making of an order under Division 2A of Part 6 of that Act.

3.26.2 The General Manager is required to keep a register containing, for each planning decision made at a meeting of Council or a Council Committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or who are taken to have opposed) the decision.

3.26.3 For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

3.26.4 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document and is to include the information required by the regulations.

3.26.5 This section extends to a meeting that is closed to the public.

3.27 Which Parts of a Meeting Can Be Closed to the Public?

3.27.1 A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- a the discussion of any of the matters listed in Clause 3.27.2; or
- b the receipt or discussion of any of the information so listed.

3.27.2 The matters and information are the following:

- a personnel matters concerning particular individuals (other than Councillors);
- b the personal hardship of any resident or ratepayer;
- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- d commercial information of a confidential nature that would, if disclosed:
 - i prejudice the commercial position of the person who supplied it; or
 - ii confer a commercial advantage on a competitor of the Council; or
 - iii reveal a trade secret;
- e information that would, if disclosed, prejudice the maintenance of law;
- f matters affecting the security of the Council, Councillors, Council staff or Council property;
- g advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; and
- h information concerning the nature and location of a place or an item of Aboriginal significance on community land.

3.27.3 A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

- 3.27.4 A Council, or a Committee of Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (see clause 3.31).

3.28 Further Limitations Relating to Closure of Parts of Meetings to Public (Section 10B of the Act)

- 3.28.1 A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2) of the Act (see Sub Clause 3.27.2):
- a except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - b if the matter concerned is a matter other than a personal matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 3.28.2 A meeting is not to be closed during the receipt and consideration of information or advice referred to in Section 10(2)(g) of the Act (see Sub Clause 3.27.2g) unless the advice concerns legal matters that:
- a are substantial issues relating to a matter in which the Council or Committee is involved; and
 - b are clearly identified in the advice; and
 - c are fully discussed in that advice.
- 3.28.3 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Section 10A(3) of the Act (see Clause 3.27), the consideration of the motion must not include any consideration of the matter or information to be discussed in that part of the meeting (other than consideration of whether the matter concerned is a matter referred to in Section 10A(2) of the Act (see Clause 3.27).
- 3.28.4 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a a person may misinterpret or misunderstand the discussion; or
 - b the discussion of the matter may:
 - i cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council; or
 - ii cause a loss of confidence in the Council or Committee.
- 3.28.5 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director-General.

3.29 Notice of Likelihood of Closure Not Required in Urgent Cases (Section 10C of the Act)

Part of a meeting of Council, or of a Committee of Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- a it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Section 10A(2) of the Act (see Clause 3.27); and
- b the Council or Committee, after considering any representations made under Section 10A(4) of the Act (see Clause 3.31), resolves that further discussion of the matter:
 - i should not be deferred (because of the urgency of the matter); and
 - ii should take place in a part of the meeting that is closed to the public.

3.30 Grounds for Closing Part of Meeting to be Specified (Section 10D of the Act)

3.30.1 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

3.30.2 The grounds must specify the following:

- a the relevant provision of Section 10A(2) of the Act (see Sub Clause 3.27.2);
- b the matter that is to be discussed during the closed part of the meeting; and
- c the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

3.31 Representation by Members of the Public - Closure of Part of Meeting (Clause 252 and 264 of the Regulation)

[Note: For public participation in the Public Forum see Section 8].

3.31.1 To ensure adherence with Council's objective that proceedings should be transparent and understandable to all persons participating in and observing meetings of Council the following process will occur:

- 3.31.1.1 After a motion to close part of the Council Meeting to the public has been moved or seconded, the Chairperson will ask the General Manager (or his/her representative) if there are any written representations from the public on the proposed closure.

- 3.31.1.2 The General Manager (or his/her representative) will read out any written representation.
- 3.31.1.3 The Chairperson will ask if any persons present wish to make verbal representations.
- 3.31.1.4 The opportunity to speak will be given to each person present to make verbal representations.
- 3.31.1.5 The opportunity to speak will be given to each person or representative person chosen by the public gallery on a “for” or “against” basis.
- 3.31.1.6 Each person addressing the Council will be allowed a maximum time of five (5) minutes.
- 3.31.1.7 After receiving all presentations on this matter and on a motion moved, seconded and carried that the meeting be closed under Section 10A(3) of the Act, the meeting should be closed to consider the matter in closed session.
- 3.31.1.8 The determination of the resolution in Sub Clause 3.31.7.7 will be announced by the Chairperson.
- 3.31.1.9 The grounds on which a meeting is closed must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
- 3.31.1.10 A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
- 3.31.1.11 Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, provided such limitation is for reason of safety or security.

3.32 Resolutions Passed at Closed Meetings to be Made Public (Clause 253 of the Regulation)

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson will make the resolution public as soon as practicable after the closed part of the meeting has ended.

3.33 What constitutes a decision of the Council (Section 371 of the Act)

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

3.34 Rescinding or Altering Resolutions (Section 372 of the Act)

- 3.34.1 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the regulations made under Section 360 and, if applicable, this Code of Meeting Practice.

- 3.34.2 If notice of motion to alter or rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion has been dealt with, except that, in the case of a motion of alteration, this sub section only applies to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- 3.34.3 If notice of motion to alter or rescind a resolution is given prior to the resolution having been carried into effect, then the resolution must not be carried into effect until after the motion has been dealt with, except that, in the case of a motion of alteration, this sub section only applies to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- 3.34.4 If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Council's Code of Meeting Practice.
- 3.34.5 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by a least three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 3.34.6 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three (3) months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 3.34.7 A motion to which this clause applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes.
- 3.34.8 The provisions of this clause concerning negated motions do not apply to motions of adjournment.
- 3.34.9 All motions to rescind or alter a resolution received in accordance with this clause will be included in the agenda of the next available meeting of Council.
- 3.34.10 If it is proposed to move a further motion in the event that a motion to rescind a resolution is carried, the required notice must be given of the proposed further motion.

3.34.11 A proforma for a Notice of Motion to alter or rescind a resolution is included in the Appendix.

3.34.113.34.12 Notwithstanding the provisions of subclause (3.34.1) Council may, by resolution, provided that the majority of Councillors present agree, re-commit a matter for further consideration at the same meeting at which the matter has been resolved, to avoid the necessity to rescind the resolution. However re-committal will not be allowed if the meeting lapses for want of a quorum or is adjourned to another day.

Note: The purpose of this sub-clause is to permit the Council to re-visit a decision taken, where it is realised after the vote on the matter, which because there may have been confusion or misunderstandings during debate, the decision may be inconsistent with the wishes of a majority of Councillors.

3.35 Motions of Adjournment

- 3.35.1 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 3.35.2 If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- 3.35.3 A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.

3.36 Adjournment of Council Meetings

Notwithstanding Clause 3.35 no meeting shall be permitted to continue beyond 11.00 pm without approval of a majority of the Councillors who are present and eligible to vote. A new time limit must be established before taking a vote to extend the meeting. Any further extension must also be approved by the majority of the Councillors who are present and eligible to vote.

Any extension of time should not go beyond midnight unless the business of Council remaining can be completed in a reasonable time.

Part 4 – Keeping order at meetings

Councillors, employees of Council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of the Council. Failure on the part of a Councillor or an employee to observe the Code of Meeting Practice may be subject to a complaint under the Code of Conduct.

4.1 Questions of Order (Clause 255 of the Regulation)

- 4.1.1 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 4.1.2 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson by raising a “point of order” regarding the matter. A point of order does not require a seconder.
- 4.1.3 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 4.1.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

4.2 Acts of Disorder (Clause 256 of the Regulation)

- 4.2.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:-
 - a contravenes the Act, any regulation in force under the Act or this Code; or
 - b assaults or threatens to assault another Councillor or person present at the meeting; or
 - c moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
 - d insults or makes personal reflections on or imputes improper motives to any other Councillor; or
 - e says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt; or
 - f reads at length from any correspondence, report or other document without the leave of the Council.
- 4.2.2 The Chairperson may require a Councillor:-
 - a to apologise for an act of disorder referred to in Clause 4.2.1(a) or (b); or

- b to withdraw a motion or an amendment referred to in Clause 4.2.1(c) and, where appropriate, to apologise without reservation; or
- c to retract and apologise for an act of disorder referred to in Clause 4.2.1(d) or (e); or
- d to refrain from any further reading and apologise for the act of disorder in Clause 4.2.1(f).

4.2.3 The Council or Committee of the Council may, by resolution, expel from a meeting a Councillor who fails to comply with a requirement made under Clause 4.2.2. The expulsion of a Councillor under this sub clause does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

4.3 How Disorder at a Meeting may be Dealt With (Clause 257 of the Regulation)

4.3.1 If disorder occurs at a meeting of the Council or Committee of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council, on reassembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

4.3.2 The Council or Committee may, as provided by Section 10(2)(a) or (b) of the Act, by resolution, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

4.4 Power to Remove Persons from Meeting after Expulsion Resolution (Clause 258 of the Regulation)

If a Councillor or a member of the public fails to leave the place where a meeting of a Council or Committee is being held:-

- a immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- b where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting;

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

4.5 Relevance in Debate

4.5.1 Councillors, in the course of debate, should not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking and resume his or her seat.

- 4.5.2 Members of the public who address Council also have an obligation to ensure relevance to the item under discussion. The Chairperson has the discretion, including action similar to Sub Clause 4.5.1, to deal with members of the public who introduce irrelevant material.

Part 5 – Council Committees

5.1 Committee of the Whole (Section 373 of the Act and Clause 259 of the Regulation)

- 5.1.1 The Council may resolve itself into a Committee of the Whole to consider any matter before the Council.
- 5.1.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a Committee of the Whole, except the provisions:
 - a limiting the number and duration of speeches; and
 - b requiring Councillors to stand when speaking .
- 5.1.3 The General Manager is responsible for reporting to the Council proceedings in a Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 5.1.4 The Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

5.2 Council may establish Committees (Clause 260 of the Regulation)

- 5.2.1 The Council may, by resolution, establish such Committees as it considers necessary.
- 5.2.2 A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 5.2.3 The quorum for a meeting of a Committee is to be:-
 - a such number of members as the Council decides, or
 - b if the Council has not decided a number - a majority of the members of the Committee.
- 5.2.4 if a Committee lacks a quorum, another Councillor may be seconded to the Committee to achieve a quorum and that seconded member will have full voting rights.

5.3 Functions of Committees (Clause 261 of the Regulation)

The Council must specify the functions of each of its Committees when the Committee is established but may from time to time amend those functions.

5.4 Notice of Committee Meetings to be Given (Clause 262 of the Regulation)

- 5.4.1 The General Manager of the Council must send to each Councillor, at least three (3) days before each meeting of the Committee, a notice specifying:
- a the time and place at which and the date on which the meeting is to be held; and
 - b the business proposed to be transacted at the meeting.
- 5.4.2 However, notice of less than three (3) days may be given of a Committee meeting called in an emergency.
- 5.4.3 The provisions of Sub Clause 2.3.3 apply to the agenda of Committee Meetings in the same manner as they apply to the agenda of Meetings of the Council

5.5 Non-members Entitled to Attend Committee Meetings (Clause 263 of the Regulation)

- 5.5.1 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at, a meeting of the Committee.
- 5.5.2 Except as provided by Clause 5.2.4, a Councillor is not entitled:
- a to give notice of business for inclusion in the business paper for the meeting, or
 - b to move or second a motion at the meeting, or
 - c to vote at the meeting.

5.6 Representations by the Members of the Public - Closure of Part of Meeting (Clauses 252 and 264 of the Regulation)

The same process will be undertaken for Committees as detailed under Clause 3.27 for Council Meetings.

5.7 Procedure in Committees (Clause 265)

- 5.7.1 Subject to Sub Clause 5.7.3 each Committee of the Council may regulate its own procedure.
- 5.7.2 Without limiting Sub Clause 5.7.1, a Committee of the Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote. (Note: the Council's current adopted policy on Committee functions does not provide for a casting vote in Council Committees.)
- 5.7.3 Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands).

5.8 Committee to Keep Minutes (Clause 266 of the Regulation)

5.8.1 Each Committee of a Council must ensure that full and accurate Minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's Minutes:-

- a details of each motion moved at a meeting and of any amendments moved to it;
- b the names of the mover and seconder of the motion or amendment;
- c whether the motion or amendment is passed or lost.
- d All Committee Minutes are to be submitted to the next available meeting of Council.

5.8.2 As soon as the Minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the Minutes of the earlier meeting.

5.9 Chairperson and Deputy Chairperson of Committee (Clause 267 of the Regulation)

5.9.1 The Chairperson of each Committee of the Council must be:-

- a the Mayor; or
- b if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council; or
- c if the Council does not elect such a member - a member of the Committee elected by the Committee.

5.9.2 A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

5.9.3 If neither the Chairperson nor the Deputy Chairperson of a Committee of a Council is unable or unwilling to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.

5.9.4 The Chairperson is to preside at a meeting of a Committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if either the Chairperson or the Deputy Chairperson is unable or unwilling to preside, the Acting Chairperson is to preside at the meeting.

5.9.5 The Mayor is, by virtue of holding that office, a member of each Committee of the Council. (Clause 260 of the Regulation).

5.10 Absence from Committee Meetings (Clause 268 of the Regulation)

5.10.1 A member ceases to be a member of a Committee if the member (other than the Mayor):-

- a has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
- b has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

5.10.2 Sub Clause 5.10.1 does not apply if all of the members of the Council are members of the Committee. [Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.]

5.11 Reports of Committees (Clause 269 of the Regulation)

5.11.1 If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.

5.11.2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.

5.11.3 If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:-

- a make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
- b report the resolution or recommendation to the next available meeting of the Council.

5.12 Disorder in Committee Meetings (Clause 270 of the Regulation)

The provisions of the Act, the Regulation and this Code relating to the maintenance of order in Council Meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

5.13 Committee May Expel Certain Persons from its Meetings (Clause 271 of the Regulation)

5.13.1 If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with section 10A of the Act, the Committee may, by resolution, expel from the place where the meeting is being held any person who is not a Councillor.

5.13.2 If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Council for the purpose, may remove the person from, and, if necessary, restrain the person from re-entering, that place.

Part 6 – Task Groups and Advisory Committees

6.1 Task Groups

- 6.1.1 The Council may appoint a group of Councillors and staff members to investigate a specific proposal and to report to the Council or appropriate Committee.
- 6.1.2 The Council shall determine the terms of reference for the Task Group, such to clearly state:
 - a the specific issues to be addressed
 - b the time available to the Task Group to complete its investigation
- 6.1.3 The Task Group shall have the power to regulate its own procedures and need only report to the Council or Committee when a decision on policy or resources is required.
- 6.1.4 Notwithstanding 6.1.3.3 the minutes of Task Groups shall be reported to Council for notation.
- 6.1.5 The Task Group shall be disbanded after the terms of reference have been completed. [Note: The General Manager appoints staff member representatives on Task Groups.]

6.2 Advisory Committees

- 6.2.1 The Council may appoint a group of Councillors, staff and on occasions, community representatives to undertake a particular administrative responsibility.
- 6.2.2 Where possible, community representatives on Advisory Committees shall be nominated by community organisations.
- 6.2.3 The Council shall determine the terms of reference for the Advisory Committee.
- 6.2.4 The Advisory Committee shall have power to regulate its own procedures, subject to:-
 - a the Chairperson of the Advisory Committee being the Mayor of the Council or a Councillor/Officer, nominated as Chair by the Council or Advisory Committee;
 - b minutes of meetings being submitted to the next available meeting of the Council.
- 6.2.5 The Advisory Committees term of reference shall not be time limited but the Council can disband the Advisory Committee or alter its terms of reference and membership composition at any time.

Part 7 – Dealing with conflicts of interests

Note: The General Manager cannot give a ruling on whether a Councillor has a pecuniary or non-pecuniary interest in a particular matter. If Councillors are in doubt they should seek their own legal advice.

Pecuniary Interests

7.1 Pecuniary interest (Section 442 of the Act)

- 7.1.1 For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
- 7.1.2 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Act.

7.2 Persons who have a Pecuniary Interest

- 7.2.1 For the purposes of the Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - a the person; or
 - b another person with whom the person is associated.
- 7.2.2 A person is taken to have a pecuniary interest in a matter if:
 - a the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter; or
 - b the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- 7.2.3 However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
 - a if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body; or
 - b just because the person is a member of, or employed by, a Council or a statutory body or is employed by the Crown; or
 - c just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

7.3 Interests that Need Not be Declared (Section 443 of the Act)

- 7.3.1 The following interests do not need to be disclosed for the purposes of this Part:
- 7.3.1.1 An interest as an elector.
 - 7.3.1.2 An interest as a ratepayer or a person liable to pay a charge.
 - 7.3.1.3 An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part.
 - 7.3.1.4 An interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part.
 - 7.3.1.5 An interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not).
 - 7.3.1.6 An interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee.
 - 7.3.1.7 An interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of permissible uses of:
 - a land in which the person or a person, company or body referred to in Section 443(1)(b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise); or
 - b land adjoining, or adjacent to, or in proximity to land referred to in paragraph (a);if the person or the other person with whom the person is associated would by reason of the propriety interest have a pecuniary interest in the proposal.
 - 7.3.1.8 An interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights of the company.

- 7.3.1.9 An interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a Director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership.
- 7.3.1.10 An interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation of any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - a the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation;
 - b security for damage to footpaths or roads;
 - c any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract.
- 7.3.1.11 An interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor).
- 7.3.1.12 An interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under Section 252 of the Act.
- 7.3.1.13 An interest relating to the election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor.
- 7.3.1.14 An interest of a person arising from the passing of payment of a regular account for wages and salary of an employee who is a relative of the person.
- 7.3.1.15 An interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council Committee.
- 7.3.1.16 An interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

7.4 Disclosure and Participation in Meetings (Section 451 of the Act)

- 7.4.1 A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable. [Note: One

of the first items on each Council and Committee Meeting Agenda is Notification of Interests].

- 7.4.2 The disclosure ideally should be in writing and describe the nature and extent of the pecuniary interest. [Note: A proforma declaration is provided in Attachment 1 in order to facilitate declarations.]
- 7.4.3 The Councillor or member must not take part in the consideration or discussion of the matter.
- 7.4.4 The Councillor or member must not be present at, or in sight of, or within earshot of the meeting of the Council or Committee:
 - a at any time during which the matter is being considered or discussed by the Council or Committee, or:
 - b at any time during which the Council or Committee is voting on any question in relation to the matter.
- 7.4.5 The exclusion is from all discussions on the matter, not just discussions on a formulation motion or a resolution of the matter.
- 7.4.6 Councillors barred from taking part in a discussion because of a pecuniary interest cannot escape this by addressing the meeting as a “resident” or “ratepayer”.

7.5 Disclosure by Advisers (Section 456 of the Act).

A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

7.6 Circumstances where Disclosure Rules are not breached (Section 457 of the Act)

A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

7.7 Disclosures to be Recorded (Section 453 of the Act)

A disclosure made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting. [Note: A register of declared interests is held by the Council's Public Officer]

7.8 Powers of the Council in Relation to Meetings (Section 10 of the Act)

A Councillor or member of a Council Committee must not, if the Council or Committee so resolves, attend a meeting of the Council or Committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Part.

7.9 Office of Local Government - Power of Minister in relation to meetings (Section 458 of the Act)

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at the meeting of the Council Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a that the numbers of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- b that it is in the interests of the electors for the area to do so.

Non-Pecuniary Interests

7.10 Special duty of a Councillor, member of staff and delegate

A Councillor, member of staff or delegate must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or public or professional duties.

7.11 Non-Pecuniary Interest

For the purposes of this Part, non-pecuniary private or personal interests that the Council official has, that do not amount to a pecuniary interest as defined in the Act, commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

7.12 Conflict of Interest

7.12.1 A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

7.12.2 A non-pecuniary conflict of interest need not mean automatic or complete exclusion from participation in discussion or decision making and a determination of how the non-pecuniary conflict of interest is to be dealt with is to be made in accordance with Council's Policy on Conflicts of Interest.

7.13 Disclosures and Participation in Meetings – Non-Pecuniary (Section 454 of the Act)

7.13.1 A Councillor or a member of a Council Committee who has a non-pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the interest to the meeting as soon as is practicable.

7.13.2 The disclosure ideally should be in writing and describe the nature and extent of the pecuniary interest. [Note: A proforma declaration is provided in Attachment 1 in order to facilitate declarations.]

- 7.13.3 Non-pecuniary conflicts of interest must be managed in accordance with Council's Code of Conduct.
- 7.13.4 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary conflict of interest is considered by the Councillors to be significant, the Council must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter.
- 7.13.5 Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary interest is considered by the Councillor to be less than significant and not requiring further action, the Councillor should provide an explanation of why he/she believes the conflict requires no further action in the circumstances.

Part 8 – Press and public

8.1 Public Forum

- 8.1.1 The Council shall make provision for members of the public to address the Council meeting on matters that are raised in the Business Paper.
- 8.1.2 Applications to address the Council:-
- a must be made no later than ~~noon~~^{4.00pm} on the day of the Council Meeting to the ~~Director – Corporate and Community~~General Manager or nominee who receives applications;
 - b must state the name and address of the applicant, a contact telephone number, and general details of the nature of the address;
 - c will be listed with a copy given to the Mayor immediately prior to the commencement of the meeting. The Mayor shall give first speaking preference to those persons who have an interest in a matter before the Council that evening.
- 8.1.3 The Council shall give consideration to allowing opposing points of view to be presented prior to determining a matter.
- 8.1.4 Subject to 8.1.5, fifteen (15) minutes will be allocated for discussion on any one item, with preference given to the arrangement where one person speaks for the motion and one speaks against the motion. Groups are encouraged to nominate a representative to make the presentation to the Council on behalf of the group.
- 8.1.5 Where two speakers have registered on the one subject, five (5) minutes will be given to each speaker. Where more than two speakers have registered to speak on the same item, the Chairperson will determine the equal allocation of time between speakers.
- 8.1.6 When making a presentation:-
- a Subject to 8.1.5, each presentation shall be limited to five (5) minutes, and the Council may extend the presentation by a further three (3) minutes if considered appropriate. The maximum time for all presentations on each subject will be limited to fifteen (15) minutes.
 - b Where it is considered that a particular matter requires further discussion, the Council may wish to resolve itself into a Committee of the Whole in accordance with clause 5.1.
 - c Speakers shall conduct themselves with due respect to the Council and observe the rules of order and meeting procedure as contained in the Code of Meeting Practice.
- 8.1.7 Councillors may, through the Chairperson, ask questions of the speakers at the conclusion of their address.

8.2 Committee Interviews – Public Forum

- 8.2.1 Any person with an interest in a matter before a Committee will be given the opportunity to make a presentation to the Committee.
- 8.2.2 All requests should be referred to the ~~Committee Secretary~~General Manager or nominee who will liaise with the Chairperson and the applicant and make the necessary arrangements prior to the meeting.
- 8.2.3 The Chairperson will allow opposing views on the same issue to be put to the Committee without interruption.
- 8.2.4 As far as possible individuals with the same view should be encouraged to appoint a spokesperson to speak on their behalf.
- 8.2.5 All presenters are expected to answer questions put to them by Committee members and the Chairperson will not permit parties with opposing views to question each other.

8.3 Public Access to Correspondence and Reports (Section 11 of the Act)

- 8.3.1 The Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. [Note: Clause 2.9 allows public access to agendas and associated business papers issued prior to the Council Meeting.]
- 8.3.2 This clause does not apply if the correspondence or reports:
 - a relate to a matter that was received or discussed; or
 - b were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- 8.3.3 This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Section 10A(2) of the Act (see Sub Clause 3.27.2), are to be treated as confidential.

Part 9 – Record of meetings

9.1 Minutes of Meetings (Section 375 of the Act)

- 9.1.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- 9.1.2 The minutes must when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.
- 9.1.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of proceedings.
- 9.1.4 The temporary absences from a meeting of Council or any Committee shall not be recorded in the Minutes unless the temporary absence is during a vote on a decision.

9.2 Minutes – Matters required to be recorded

- 9.2.1 Details of each motion and of any amendments moved to it (Clause 254(a) of the Regulation).
- 9.2.2 The names of the mover and seconder of any motion or amendment (Clause 254(b) of the Regulation).
- 9.2.3 Whether each motion and amendment is passed or lost (Clause 254(c) of the Regulation).
- 9.2.4 The circumstances and reasons relating to the absence of a quorum together with the names of the Councillors present (Clause 233(3) of the Regulation).
- 9.2.5 The dissenting vote of a Councillor when requested (Clause 251(2) of the Regulation).
- 9.2.6 When a valid division is called, a table of the names of each Councillor and the way their vote was cast, either For or Against, is recorded in the Minutes. (Clause 251(4) of the Regulation). Note that a division is always required when a motion for a planning decision is put to a meeting of the Council (Section 375A of the Act).
- 9.2.7 A report of the proceedings of the Committee of the Whole, including any recommendations of the Committee (Clause 259(3) of the Regulation).
- 9.2.8 The grounds for closing part of the meeting to the public (Section 10D of the Act).
- 9.2.9 The report of a Council Committee leading to a rescission or alteration motion (Section 372(6) of the Act).
- 9.2.10 The disclosure to a meeting by a Councillor of a pecuniary interest (Section 453 of the Act).

Part 10 – Miscellaneous

10.1 Disclosure and Misuse of Information

10.1.1 A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:

- a with the consent of the person, from whom the information was obtained; or
- b in connection with the administration or execution of this Act; or
- c for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
- d in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Government Information (Public Access) Act 2009*; or
- e with other lawful excuse.

10.1.2 In particular, should part of a meeting of a Council or a Committee of a Council is closed to the public in accordance with Section 10A(1) of the Act, a person must not, without the authority of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

10.1.3 Clause 10.1.2 does not apply to:

- a the report of a Committee of a Council after it has been presented to the Council; or
- b disclosure made in any of the circumstances referred to in Clause 10.1.1; or
- c disclosure made in circumstances prescribed by the regulations; or
- d any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Schedule 1 of the *Government Information (Public Access) Regulation 2009*.

10.1.4 A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

10.1.5 A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:

- a the determination of an application for an approval; or
- b the giving of an order.

10.2 Inspection of the Minutes of the Council or a Committee

- 10.2.1 Schedule 1 of the Government Information (Public Access) Regulation 2009 requires that the Minutes of the Council or a Committee are to be made publicly available for inspection. The public is entitled to inspect these documents either on Council's website or at the offices of the Council during ordinary working hours or at any other place determined by Council. Any current or previous Minutes may be inspected free of charge.
- 10.2.2 An inspection of the minutes of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes. [Note: The person so designated ~~is the are the Director–Corporate and Community Manager Governance & Risk~~ and in ~~their his~~ absence another employee as designated by the General Manager.]
- 10.2.3 The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. [Note: Schedule 1 of the Government Information (Public Access) Regulation 2009 confers a right to inspect the minutes of a Council or Committee of a Council.]

10.3 Access to Records

- 10.3.1 Councillors have access to Council records under the Government Information (Public Access) Act and Regulation 2009.
- 10.3.2 Nothing in this clause derogates from the common law right of a Councillor to inspect any record of the Council which is necessary for the Councillor to exercise the office of Councillor.

10.4 Recording of Meeting of the Council or a Committee Prohibited Without Permission (Clause 273 of the Regulation)

- 10.4.1 A person may use a recorder to record the proceedings of a meeting of the Council or a Committee of a Council only with the authority of the Chairperson, who will advise all other Councillors in attendance of the situation.
- 10.4.2 A person may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a recorder in contravention of this clause.
- 10.4.3 If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from the place and, if necessary, restrain that person from re-entering that place.

10.4.4 In this clause, recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

10.4.5 All mobile phones in the Chamber and Public Gallery are not to be used and are to be turned off or switched to silent/vibrate. Failure to do so or use of a mobile phone may be treated as an act of disorder.

10.5 Audio Recording / Live streaming of Meetings by Council Staff

Audio

10.5.1 Audio recordings of a meeting of the Council or a Committee of Council may be made by Council staff for the purpose of:

- Assisting in the preparation of the Minutes;
- Ensuring decisions are accurately recorded;
- Verifying the accuracy of Minutes prior to their confirmation.

10.5.2 Audio recordings will be erased or otherwise destroyed as soon as the minutes of the meeting to which they relate ~~has have been~~ officially confirmed or within three (3) months, whichever is the greater.

~~The tapes will be subject to the provisions of the Government Information (Public Access) Act 2009.~~

Live streaming

~~10.5.3 The chairperson or general manager will, at the commencement of meetings, inform those in attendance that the proceedings are being recorded for the purpose of this clause of the Code of Meeting Practice and remind them that any comments should only include personal information that is relevant or necessary to the matters under consideration by the Council/Committee.~~

~~10.5.4 Web casting of a meeting of the Council or a Committee may be made at council's discretion to provide the community an option of being involved with and to view decisions of council without the need to be physically present. This provides the community another avenue of being involved in matters before the council and of interest to the Bayside community if they are unable to attend the meeting due to work commitments, time, weather or physical limitations.~~

~~10.5.5 A notice informing members of the public that live web casting is being undertaken will be displayed when this occurs and the chairperson or general manager will also read a statement to this effect. Recordings of web streaming will be erased or otherwise destroyed after a period of three (3) months or as permitted by the State Records Act.~~

The audio and video recordings will be subject to the provisions of the Government Information (Public Access) Act 2009.

Note: Video recordings and live streaming of meetings are used to improve the open nature of meetings by making them more accessible to the community. During live streaming the public may be incidentally captured in the live web cast.

10.6 Certain Circumstances do not invalidate Council Decisions (Section 374 of the Act)

Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:-

- a a vacancy in a civic office; or
- b a failure to give notice of the meeting to any Councillor or a Committee member; or
- c any defect in the election or appointment of a Councillor or a Committee member; or
- d a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or a Committee Meeting; or
- e a failure to comply with this Code.

10.7 Council Seal (Clause 400 of the Regulation)

10.7.1 The Seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.

10.7.2 The Seal of a Council may be affixed to a document only in the presence of:-

- a the Mayor and the General Manager; or
- b at least one (1) Councillor (other than the Mayor) and the General Manager; or
- c the Mayor and at least one (1) other Councillor; or
- d at least two (2) Councillors other than the Mayor.

10.7.3 The affixing of a Council Seal to a document has no effect unless the persons who were present when the Seal was affixed (being persons referred to in Clause 10.7.2) attest by their signatures that the Seal was affixed in their presence.

10.7.4 The Seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed. (The power to authorise the fixing of the Seal of Council can only be exercised by the Council. It cannot be delegated to a Committee or employee (Section 377 of the Act)).

10.7.5 For the purposes of Clause 10.8.4, a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

Version history

Version	Release Date	Author	Reason for Change
1.0	14/09/2016	Bruce Cooke	New document
<u>2.0</u>	<u>TBA</u>	<u>Warren Park</u>	<u>Review of document</u>

Disclosure of Interest – Pecuniary and Non-pecuniary

In accordance with the Council's Code of Meeting Practice, Council's Code of Conduct, and the *Local Government Act 1993 and Regulations*, I hereby disclose the following Pecuniary Interest/Non-Pecuniary Interest at the meeting and in respect of the item indicated:

Date of Meeting:		Item No:	
Subject:			

☐

Pecuniary Interest – You must comply with Section 451 of the Local Government Act and state the nature of the interest at the meeting, leave the Chamber and be out of sight of the meeting, take no part on the discussion or consideration of the matter, and not vote on the matter.

☐

Significant Non-Pecuniary Interest – You must comply with Council's Code of Conduct (Section 7) and state the nature of the interest at the meeting, leave the Chamber and be out of sight of the meeting, take no part on the discussion or consideration of the matter, and not vote on the matter.

☐

Less than Significant Non-Pecuniary Interest – In accordance with Council's Code of Conduct (Section 7), you must state the nature of the interest at the meeting and where you decide that the interest does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Nature of Interest:	

Reason for no further action:	<u>Only where Less than Significant Non-Pecuniary Interest</u>

Councillor: _____
(Please print name) (Signature)

Date: _____

Notice of Motion to alter or rescind a resolution

Original Resolution

Date of Meeting:	
Report title:	
Decision:	

Notice of Motion to rescind / alter

In accordance with the Council's Code of Meeting Practice, we hereby give notice that at the next available meeting of Council we intend to put the motion outlined below.

That Council rescinds the above decision. ☐
In the event that this motion to rescind is adopted,
we put the following further motion: ☐

OR

That the Council alters the above decision as outlined below. ☐

New Motion

Further motion (if rescission adopted)	That ...
OR	
Re-worded altered motion	

Councillors	Name	Signature	Date
	Name	Signature	Date
	Name	Signature	Date

Council Meeting

12/07/2017

Item No	8.10
Subject	Schedule of Council Meeting Dates and Venues - September to December 2017
Report by	Warren Park, Coordinator Governance
File	(R) F11/563

Summary

Council at its meeting on 14 December 2016 adopted a schedule of Council Meeting dates up to August 2017 with the intention that the new council would set dates for the remainder of the year following the election.

The Code of Meeting Practice governing Council and Committee Meetings sets Ordinary Meetings at the second Wednesday of each month. Logistically it would not be possible to hold a Council Meeting on 13 September 2017 as it is extremely unlikely that the local election results would not have been declared. Accordingly, the first meeting following the elections is scheduled for Wednesday 27 September 2017 to elect the Mayor and Deputy Mayor and to appoint any delegates to external bodies and the like.

To ensure prospective candidates, successful candidates, the public and the Administration are well informed in advance of Council Meeting dates, and given the requirements of the Code of Meeting Practice, it is desirable to confirm the dates and locations for Council Ordinary Meetings for the remainder of 2017. Council may elect to hold Extraordinary Meetings should there be an urgent need. Generally this has not been the case as the delegations to the General Manager and the establishment of the Bayside Planning Panel has positioned the Council Meeting to a strategic and policy making function as envisaged in the current local government reforms.

Officer Recommendation

- 1 That Council confirms the Ordinary Meeting dates in accordance with the Code of Meeting Practice for October to December 2017 at Rockdale Town Hall as follows:
 - Wednesday 11 October 2017
 - Wednesday 8 November 2017
 - Wednesday 13 December 2017
- 2 That Council holds an Extraordinary Meeting on 27 September 2017 to elect the Mayor and Deputy Mayor and appoint delegates to external bodies.

Background

The Code of Meeting Practice states that Ordinary Meetings of Council are to be held on the second Wednesday of the month in either the Rockdale Town Hall or the Botany Town Hall as determined by Council.

In accordance with the Code of Meeting Practice, Council at its meeting on 14 December 2016 adopted Council Meeting dates up to August 2017 with the then intention that the new council would set dates for the remainder of the year following the election.

Given the timing of the election and current predictions about the declaration of the poll, it is extremely unlikely that Council can hold its Ordinary Meeting on 13 September 2017.

The current delegations to the General Manager and the Bayside Planning Panel have been extremely effective in allowing the Administrator to focus on his role and overseeing the activities of the Council but not being involved in the day-to-day running of the Council. This is consistent with the recent local government reforms re-affirming the need for the elected body to focus on the principles prescribed under the Local Government Act 1993 in setting the strategic and policy framework of Council that guide the exercise by their functions, decision making, community participation, sound financial management and integrated planning and reporting.

Following the September 2017 elections, Bayside Council will consist of 15 Councillors. The logistics of holding a meeting of Council to accommodate 15 Councillors with relevant staff in attendance and the live streaming of meetings has raised a number of issues that need to be addressed. At the present time only the Rockdale Town Hall is adequate to accommodate the number of officials, members of the public and the provision of live streaming for the meeting.

To allow the new Council time to consider all options available it is desirable to determine meeting dates and a venue for Council Meetings for the remainder of 2017 and to provide adequate notice to the general public. This will also assist prospective candidates and successful candidates. Accordingly in accordance with the Code of Meeting Practice it is proposed that the following dates be set for Council Ordinary Meetings for the months of October, November and December 2017.

- Wednesday 11 October 2017
- Wednesday 8 November 2017
- Wednesday 13 December 2017

The first meeting of the new Council is an Extraordinary Council Meeting proposed for Wednesday 27 September 2017 to elect the Mayor and Deputy Mayor and to appoint any delegates to external bodies.

Further, the meetings should be held in the Rockdale Town Hall.

Financial Implications

Included in existing approved budget

Community Engagement

Not required

Attachments

Nil

Council Meeting

12/07/2017

Item No	8.11
Subject	Fire and Rescue NSW Report – 1 Market Street, Rockdale
Report by	Fausto Sut, Manager Governance & Risk
File	(R) F08/584

Summary

Council is in receipt of correspondence from Fire and Rescue NSW advising that an inspection of 1 Market Street, Rockdale by one of their Authorised Fire Officers identified a concern relating to fire safety. A copy of the report and recommendations is referred to Council as required by Section 121ZD (2) of the Environmental Planning and Assessment Act 1979.

Council is progressing the appropriate action to address concerns raised by Fire and Rescue NSW in accordance with legislative obligations and a further report will be submitted to the next meeting of Council.

Officer Recommendation

That report Reference number BFS 17/965 (13485) dated 30 May 2017 forwarded on behalf of the Commissioner of Fire and Rescue NSW be tabled at Council's meeting as required by Section 121ZD (2) of the Environmental Planning and Assessment Act 1979.

Background

Council is in receipt of correspondence from Fire and rescue NSW advising that an inspection of 1 Market Street, Rockdale by one of their Authorised Fire Officers identified a concern relating to fire safety.

Section 121ZD (2) of the Environmental Planning and Assessment Act 1979 requires Council to table any report and recommendations to determine whether Council exercise its powers to give order No. 6 or No. 8 in the table Section 121B.

Section 121ZD (4) of the Environmental Planning and Assessment Act 1979 requires Council to give notice of a determination to the Commissioner of NSW Fire Brigades.

Council officers are progressing the appropriate action to address concerns raised by Fire and Rescue NSW in accordance with legislative obligations. Council has an obligation to determine whether it will exercise its powers to give an Order to rectify any matters and a further report will be submitted to the next meeting of Council.

Financial Implications

Not applicable

Community Engagement

Not required

Attachments

Inspection Report – 1 Market Street, Rockdale



File Ref. No: BFS17/965 (13485)
TRIM Ref. No: D17/35415
Contact: Station Officer Paul Scott

30 May 2017

General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Email: council@bayside.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT
Paul's USA Direct
1 Market Street, Rockdale ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 8 May 2017, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Emergency exits at rear of store have a chain and padlock on them.*
- *My concern is if there is a fire at the front of the store how are people/shoppers getting out.*

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 24 May 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW in the company of Bayside Council Officer, Michael Azzi.

The inspection was limited to the following:

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Unclassified



COMMENTS

The following items were identified as concerns during the inspection:

1. Contrary to the requirements of Clause 184, 185 and 186 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg) and Clause D2.21 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC), access and operation of exit doors were obstructed due to;
 - a. Stock and fixtures being placed in front of doors; and/or
 - b. Padlocks chains or cables secured to latches, preventing doors from opening.
2. It appears that adequate hose lay coverage cannot be achieved from street hydrants to the premises, contrary to the requirements of Clause E1.3 of the NCC and Clause 3.2.2 of Australian Standard (AS) 2419.1-2005.
3. Fire hose reels are not installed within the building, contrary to the requirements of Clause E1.4 of the NCC.
4. Multiple exit signs throughout the premises were not illuminated and had not been maintained, contrary to the requirements of Clause E4.5 of the NCC and Clause 182 of the EP&A Reg.
5. Exit signs located within the carpark are not illuminated and are not cleaned or maintained to assist persons in evacuating the building, contrary to the requirements of Clause E4.5 of the NCC.

Furthermore, the colour and design of the exits signs directing vehicular egress is likely to create confusion to pedestrians evacuating the building.

6. The sprinkler control valve room was not secured in accordance with Specification E1.5 – Part 6 of the NCC. In respect to this, an open water storage tank is capable of being accessed by the installed ladder.
7. The step located outside the final exit door of Paul's USA, near the intersection of King and Pitt Lane incorporates a step of approximately 270 mm in height, contrary to the requirements of Clause D2.13 of the NCC.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.



RECOMMENDATIONS

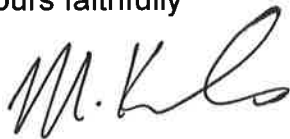
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 7 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/965 (13485) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Building Surveyor
Fire Safety Compliance Unit



Council Meeting

12/07/2017

Item No	9.1
Subject	Minutes of Bayside Traffic Committee – 5 July 2017
Report by	Jeremy Morgan, Manager City Infrastructure
File	SC17/29

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 5 July 2017 be received and the recommendations therein be adopted.

Present

Pintara Lay, Coordinator Traffic & Road Safety, Bayside Council (Convenor)
George Perivolarellis, representing, State Member for Rockdale
Traffic Sergeant Frank Gaal, St George LAC
Andrew Ellison, Leading Senior Constable, Botany Bay LAC
James Suprain, representing Roads and Maritime Services

Also present

Rabih Bekdache, State Transit Authority – south
Eric Graham, State Transit Authority - east
Joe Scarpignato, St George Cabs
Kathee Quirk, St George Bicycle User Group
Michael Lee, Traffic Engineer, Bayside Council
Glen McKeachie, Coordinator Regulations, Bayside Council
Agasteena Patel, Traffic Engineer, Bayside Council
Pat Hill, Traffic Committee Administrative Officer, Bayside Council

The Convenor opened the meeting in the Mascot Coronation Hall at 9:15am.

1 Apologies

The following apologies were received:

Jeremy Morgan, Manager City Infrastructure, Bayside Council (Convenor)
Lyn Moore, NSW Pedestrian Council
Peter Hannett, George Bicycle User Group
Senior Constable Alexander Weissel, Botany Bay Police
Les Crompton, representing State Member for Kogarah
Christina Curry representing State Member for Maroubra
Lisa Williams representing Office of Michael Daley MP

2 Minutes of Previous Meetings

BTC17.94 Bayside Traffic Committee Meeting–7 June 2017

Committee Recommendation

That the Minutes of the meeting of the Bayside Traffic Committee held on 7 June 2017 be confirmed.

3 Disclosures of Interest

There were no disclosures of interest.

4 Reports

BTC17.95 Argyle Street and Willison Road Carlton – Proposed no stopping restriction on all approaches of the intersections

Committee recommendation

That approval be given for the installation of "No Stopping" signs to reinforce the statutory 10m 'No Stopping' restrictions at the following intersections:

Argyle Street and Willison Road, Carlton – 10m 'No Stopping' restrictions on all approaches at the T-intersection.

BTC17.96 Edward Street east of Kingsgrove Road, Kingsgrove – proposed removal of 4 x redundant bus stops and conversion of a bus zone to a 1P parking zone

Committee recommendation

- 1 That endorsement be given to State Transit Authority to remove 4 x redundant bus stops in Edward Street, east of Kingsgrove Road, as a result of cessation of bus route 495 from Edward Street:

- a) At the side of Nos. 1 Berith Street
- b) At the side of Nos. 48 Way Street
- c) In front of Nos. 55 Edward Street opposite Coveney Street
- d) At the side of Nos. 84 Coveney Street

- 2 That approval be given to the replacement of a bus zone with 1P parking restriction along the southern kerb line of Edward Street east of Kingsgrove Road, as follows:

- a) from 0m to a point 12m – retain existing 'No Stopping'
- b) from 12m to 38m – proposed replacing 'bus zone' with '1P, 8:30am – 6pm, Mon – Fri and 8:30am – 12:30pm, Sat' restriction
- c) From 38m eastward – retain existing parking restrictions

BTC17.97 Harris Street and Sutherland Street north of Coward Street, Mascot – St Therese Primary School – proposed conversion of Disabled Parking Zone to No Stopping

Committee recommendation

That approval be given for the conversion of the existing Disabled Parking Zone in Harris Street, Mascot near the St Therese Catholic Primary school to "No Stopping, 8am-9:30 am and 2:30pm-4pm School Days".

BTC17.98 Kooreela Street, Kingsgrove, cul-de-sac end near the M5 – proposed 20m 'No Parking' signs in cul-de-sac

Committee recommendation

That approval be given for the installation of 20m "No Stopping" signs in Kooreela Street cul-de-sac end, Kingsgrove, to ensure clear and safe access to the shared bike and pedestrian route along M5 Corridor and Council reserve.

BTC17.99 2 Margate Street, Ramsgate, east of Rocky Point Road – proposed 9m 'No Parking 7am-9am, and 3pm – 5pm Mon-Fri'

Committee recommendation

- 1 That approval be given for the installation of 9m 'No Parking, 7am-9am and 3pm-5pm Mon-Fri' restriction along the northern kerbline fronting No. 2 Margate Street, Ramsgate.
- 2 That the parking restrictions be reviewed annually.

BTC17.100 Meurants Lane, Ramsgate - Proposed 'No Stopping' and 'No Parking' restriction along southern kerbline

Committee recommendation

That approval be given for the installation of parking restrictions along southern kerbline of Meurants Lane, east of Rocky Point Road as follows:

- 1 From 0m to a point 10m - retain existing 'No Stopping'
- 2 From 10m to 34m – Proposed 24m 'No Parking'
- 3 From 34m to 44m – Proposed 10m 'No Stopping'
- 4 From 44m eastward – retain existing parking and restrictions

**BTC17.101 McPherson Street and Exell Street, Banksmeadow
Proposed conversion GIVE WAY to STOP**

Committee recommendation

- 1 That approval be given to the proposed conversion of the GIVE WAY to STOP priority control in the eastern approach of McPherson Street to Exell Street, Banksmeadow.
- 2 That approval be given to the installation of '1/2P, 6:30am – 4:30pm, Mon - Fri' restriction along the eastern kerb line of Exell Street south of McPherson Street as follows:
 - a) from 0m to 11m – retain existing 'No Stopping'
 - b) from 11m to 43m – proposed 32m '1/2P, 6:30am – 4:30pm, Mon - Fri'
 - c) From 43m southward – retain existing parking

BTC17.102 Pitt-Owen Avenue near Forest Road, Arncliffe – proposed parking re-arrangement and restriction

Committee recommendation

- 1 That the proposed installation of '3P, 8:30am- 6pm Sat and Sun' restriction on both sides of Pitt-Owen Avenue south of Forest Road, at the rear of the Church be presented to the community and the church for further consultation.
- 2 That proposed relocation of a disabled parking space on the southern kerb line to the northern kerb line of Pitt-Owen Avenue be further investigated to meet the current standards.
- 3 That approval be given to the installation of 'No Stopping' signage to highlight the 10m statutory 'No Stopping' zones at the corners of the intersection of Pitt-Owen Avenue and Forest Road.
- 4 That approval be given to the installation of 90 degree angle parking signs to formalise the existing 90 degree angle parking in Pitt-Owen Avenue.

**BTC17.103 Railway Street and Kimpton Street, Banksia –
Proposed 'No Stopping'**

Committee recommendation

That approval be given for the installation of 'No Stopping' signs to reinforce the 'No Stopping' restrictions at the intersection of Railway Street and Kimpton Street, Banksia as follows:

- 1 10m 'No Stopping' signs along western kerblines of Railway Street both north and south of Kimpton Street
- 2 10m 'No Stopping' sign along the southern kerblines of Kimpton Street, west of Railway Street.
- 3 20m 'No Stopping' sign along the northern kerblines of Kimpton Street, west of Railway Street.

**BTC17.104 Railway Street, Rockdale, north of Walz Street –
Proposed change of P5 min parking to ‘No Parking’ with a
‘pick up and drop off area’ signs**

Committee recommendation

That approval be given to re-arrange parking restrictions along the western kerb line of Railway Street, north of Walz Street, Rockdale, in order to provide a drop off and pick up area, as follows:

- 1 From 0m to 10m – proposed 10m ‘No Stopping’
- 2 From 10m to 22m – proposed 12m ‘No Parking’ with additional ‘Pick Up and Set Down Area’ signs
- 3 From 22m to 44.05m – proposed ‘P15 Minute’
- 4 From 44m northward – retain existing loading zones and bus zone and other restrictions

**BTC17.105 Staples Street, Kingsgrove -
Proposed reinstatement of Bus Stop outside number 92**

Committee recommendation

- 1 That the bus stop located outside number 80 and 82 Staples Street Kingsgrove be relocated north to its original location outside the frontage of numbers 92.
- 2 That ‘Bus Zone, 6am-10:45pm Mon-Fri and 7am-10:15pm Sat, and 8am-10:15pm Sun’ signs 15m apart be installed between the driveways of number 92 and 94 Staples Street.

**BTC17.106 Sutherland Street and King Street signalised intersection,
Mascot – Review of Proposed Right Turn Facility**

Committee recommendation

That the report on the review of the exclusive right turn lane at the intersection of Sutherland Street and King Street, Mascot be received and noted.

**BTC17.107 General Business Session – Additional Item raised by
Bayside Traffic Committee Members**

Committee recommendation

No additional items were raised

5 General Business

The Convenor closed the meeting at 10.07am.

Council Meeting

12/07/2017

Item No	9.2
Subject	Minutes of Local Representative Committee – 5 July 2017
Report by	Jeremy Morgan, Manager City Infrastructure
File	(R) SF17/915

Officer Recommendation

That the Minutes of the Local Representation Committee held on 5 July 2017 be received.

Present

Greg Wright, Administrator
Joe Awada
Liz Barlow
Ron Bezic
Mark Castle
Christina Curry
George Glinatsis
Mark Hanna
Tarek Ibrahim
Petros Kalligas
James Macdonald
Nicholas Mickovski
Michael Nagi
Peter Poulos
Bill Saravinovski
Brian Troy
Andrew Tsounis

Also Present

Meredith Wallace, General Manager
Liz Rog, Manager Executive Services
Michael McCabe, Director City Futures
Luis Melim, Manager Development Assessment
Anne Suann, Meeting Secretary
John Crawford, Project Lead Information Technology

The Administrator opened the meeting in the Upstairs Meeting Room of Coronation Hall, 1007 Botany Road, Mascot at 7.08 pm.

1 Acknowledgement of Traditional Owners

The Administrator acknowledged the traditional custodians of the Land, the Gadigal and Bidjigal clans.

2 Apologies

The following apologies were received:

- Paul Sedrak
- Lydia Sedrak
- Ron Bezic

3 Minutes of Previous Meetings

3.1 Local Representation Committee Meeting – 7 June 2017

The Minutes of the meeting of the Local Representative Committee held on 7 June 2017 were received.

The Minutes of the Local Representation Committee held on 7 June 2017 were received by Council at its meeting held on 14 June 2017.

4 Disclosures of Interest

There were no disclosures of interest.

5 Update on Transition Plan Milestones

The General Manager presented an overview of the progress in the last month for transition to Bayside Council. This is summarised as follows:

- **Reporting on Performance through Transition**

Council has formally been handed over to Office of Local Government (OLG) for monitoring of its performance and for reporting against transition milestones. The Department of Planning and Cabinet previously had oversight of the process, however the staff from the Department of Planning and Cabinet have moved across to the OLG to continue performance monitoring of Councils through the cycle as part of transition.

The Auditor General has four staff located in Bayside working through accounts of former City of Botany Bay. We have formally sought and received agreement to an extension to the timeframe for presentation of the Botany accounts as part of the annual statement. The impact on Council is that Bayside's financial statements will be delayed.

- **ICAC "Operation Ricco"**

General discussion and update on the investigation.

- **Accommodation Project**

Work has been ongoing with accommodation and co-location of staff into the main administration centre at Rockdale with one level almost completed. Work is progressing at the various sites across the LGA including Botany Depot, Bexley Depot and Hillsdale Community Centre. It is expected that by September we will have everybody in their location and ready to support the newly elected

Council.

We have undertaken a large amount of work in the IT Section. Working closely with TPG to improve internet speed and access to all systems. We will then commence work on our telephony, including a new telephone system and hands free mobiles to provide for future needs.

Eastgardens is well underway with existing spaces completely emptied ready for refurbishment works to commence.

- **Major Infrastructure Projects**

Cahill Park – the new playground is on target and it is expected will be finalised in the next couple of months. Booralee Amenities Development Application has been finalised, the building contractor has been appointed and the Construction Certificate is almost complete.

Mascot Oval – We continue to be lobbied for greater public access. Discussions are ongoing with Mascot Juniors to improve public access.

GM: Council previously had in its design an accessway for people to enter Mascot Oval from the park side. I don't know why it has not been done. When Mascot Juniors play they want to close off.

MW: At the moment we are re-negotiating with Mascot Juniors for their next licence – it falls due in January 2018. The current licence has a very large shoulder period on each side of the playing season. Access to public is limited by the licence agreement, so we are in negotiations with a view to coming back to a seasonal timeframe that will work for Club and will improve access for the public during Autumn and Springtime outside of the playing season. Negotiations are going well and continuing.

- **Smarter Cities Grant Applications**

We have made two applications for Smarter Cities Grants:

- 1 Smart Litter Bin, Communications and Safety Initiative
- 2 Traffic Congestion Tool (in partnership with Randwick / Inner West Council)

These are two separate submissions and if successful each of the projects will require an additional financial component from Council. The resulting outcomes will deliver innovative solutions for waste collection and traffic monitoring.

- **NAIDOC Celebrations**

The NAIDOC celebrations were very well received this week. There were Short Film and Music Videos shown as well as a traditional yet very moving welcome to country.

- **Botany Audit**

MH: Does Council have to pay the Auditor General's staff working at Council?

MW: Yes. The cost of the audit will come back to Council. The Auditor General is aiming to minimise investigation and time taken.

GM: Can we have an update on the status of the King Street Car Park?

MM: Council is undertaking a review of what can be built on that site. This will provide options to facilitate all traffic management demand. That is being commissioned at the moment.

GM: Traffic management plans have not been finalised.

MM: We expect this to be finalised in next two to three months.

GG: Do we know when the ICAC will release their investigation report?

MW: Not at this stage.

6 Update on Cooks Cove

At the previous meeting, JMc requested an update on Cooks Cove. The presentation was provided by Michael McCabe, Director City Futures, and Luis Melim, Manager Development Assessment.

The presentation comprised three components:

- 1 Landowner's response to the John Boyd Properties Golf Club Relocation proposal.
- 2 Strategic Planning by way of assessment on the property led Planning Proposal.
- 3 Development Assessment of the current Golf Club Development Application.

Michael McCabe advised the Development Application cannot be determined until all landowners have given consent. There are numerous landowners involved, Council is one.

7 Action Items Review

7.1 Action Items Review

Answers were provided to Members, regarding questions that arose at the previous Local Representation Committee meeting, in the form of a report in the agenda.

8 Advice from Members on Local Issues

MH: Are there any rangers on duty at weekends in Bayside East?

MW: That is no longer correct – the matter has been resolved with the service harmonisation of rangers duties across the local government area.

MH: Bexley Car Park – I have had five separate Service Requests because of the various spot fine problems. Not left with confidence that these problems will not re-occur. Would it be possible for Council to designate a Case Manager who, from time to time, goes and looks at the site and actions things that need to be actioned.

MW: I will look into that.

GM: Horner Avenue, Mascot – Council has put a barricade around subsidence at one drain in Horner Avenue, near Gordon Street. It has been there for two or three months. Nothing has taken place. There is also subsidence approximately 100 yards along the same street. Needs to be looked at and rectified.

MW: I will look into that.

BT: Library Services – At the moment the library services are totally unsatisfactory. With Eastgardens being refurbished, Mascot is the only library being used in Bayside East. It is only open during business hours, until 6.00 pm. It is not open Thursday night or Saturday.

MW: The hours at Mascot Library have been extended and the numbers of people attending Mascot Library have increased. Feedback from Library patrons has been positive to the extended hours.

BT: We need to extend the hours now. Thursday night should be extended to 9.00 pm and Saturday morning.

MW: I will look into that.

LB: Has the State Government communicated anything to us about the F6 Motorway?

MW: We have heard about the F6 through the Sydney Morning Herald.

LB: The Council 1300 number is still being advertised. It costs 40 cents to call and this impacts on the community, pensioners in particular. Is that number to remain as Council's number?

MW: The 1300 number was established as one point of entry into Bayside. Once we have established Eastgarden's Customer Service Centre as a point of entry, we can review the phone numbers for the two customer contact centres.

LB: Can we ask Local Member or State Government if we can get extra funding because of the merge and the debts we are incurring. We have inherited these costs? Extra money could help us with the cost of fleet vehicles that we have had to replace. We have worked so hard to keep costs down at the former Rockdale.

GW: Seeking further money from the State Government for the merger is not something I have contemplated. The \$10M looked reasonable at the time. However I understand your concerns and the General Manager and I will have a chat about that as it would need to be carefully quantified.

CC: Some residents have said that the fees for Botany Golf Course has increased by 60% from 1 July.

MW: The club usually sets the member fees. The Council sets the daily green fees.

GW: The General Manager and I will investigate this.

CC: Concerns about traffic in Botany and restrictions. A Traffic Study done in 2014. Need to look at major intersections and what should be done.

GW: I will look at this.

CC: Traffic lights at Pagewood – Could there be more pressure applied to look at the timing of the lights. Takes 20 minutes to go one kilometre in the peak periods.

GM: Sutherland Street Traffic Lights at King Street - The Honourable Duncan Gay, MLC was looking at giving permission for right turn phase from Sutherland Street into King Street and money was allocated.

MW: I will look into this.

MH: The Local Government section of the Sydney Morning Herald quoted a court case challenge on behalf of three Councils including Bayside. Is there any consideration to Appeal? How much has been spent on legal costs?

A general overview of the legal issues was provided.

MW: On Saturday, 15 July 2017, at 11.30 am, Council will be hosting a Dedication Ceremony for former long standing employee, Jimmy El Sayed at the Mutch Park Squash Court. Jimmy passed away earlier this year and Council will be honouring his 30 years of memorable service. You are invited to attend this event. His family is delighted that Council is acknowledging Jimmy's contribution.

9 Final Meeting of the Local Representation Committee

The Administrator advised that this was the final meeting of the Local Representation Committee, noting the following matters:

- The final Council Meeting will be held on 9 August 2017, after which Bayside Council will move into caretaker mode under the Administrator.
- The Council election will be held on 9 September 2017.
- The first Council Meeting for the election of Mayor is tentatively set for 27 September 2017 pending declaration of polls
- At the meeting on 9 August 2017 the following important items will be tabled:

- Three fairly large tenders for consideration – these were for works already reported to Council and are now at the stage to progress
- Council's end of term report on the 12 months of administration. It will detail where we started, what we have achieved and where we are up to.
- The Administrator will be leaving behind a series of discussion papers for the new Council to address around harmonisation of services across the local government area, one example is the solution for the longer term accommodation of staff.
- There will be a backlog of business cases and briefing papers on matters. It is entirely at the discretion of the new Councillors what they want to do with these, however they will form part of the Administrator's end of term report.
- A Community Information Session will be held on 19 July 2017 at the Rowers Club at Wolli Creek - partly about encouraging people to stand for Council however we are also trying to use that forum to encourage community participation with Council on a number of levels eg Strategic Reference Groups; volunteering, committee membership etc.

The Administrator then thanked the members of the Committee for their participation over the past ten months. It has been helpful to him. Special mention also to Lauren Thomas and Anne Suann for their help as Meeting Secretaries. Good luck to those members standing for Council, and to those not standing, a happy retirement.

BS thanked the Administrator, on behalf of all the Committee members, for providing former Councillors with this opportunity to continue advocating on behalf of the community. More importantly, he thanked the Administrator for taking on board their comments and noting that the Administrator had run the new organisation in a very professional manner.

10 Meeting Close

The Administrator closed the meeting at 8.37 pm.