

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Council Chambers, Rockdale Town Hall
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 13 December 2017** at **7.00 pm**

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

2 OPENING PRAYER

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7 PUBLIC FORUM

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

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

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Resumption of Open Council Meeting

13 CALL FOR RESCISSION MOTIONS

The meeting will be audio recorded for the purposes of minute taking 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

13/12/2017

Item No	5.1
Subject	Minutes of the Council Meeting - 8 November 2017
Report by	Lauren Thomas, Governance Officer
File	SF16/1264

Officer Recommendation

That the Minutes of the Council meeting held on 8 November 2017 be confirmed as a true record of proceedings.

Present

Mayor, Councillor Bill Saravinovski
Deputy Mayor, Councillor Joe Awada
Councillor Liz Barlow
Councillor Ron Bezic (arrived late during Item 5.2)
Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor Petros Kalligas
Councillor James Macdonald
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
Councillor Paul Sedrak
Councillor Andrew Tsounis

Also present

Meredith Wallace, General Manager
Colin Clissold, Director City Presentation
Debra Dawson, Director City Life
Daniel Fabri, Director City Performance
Michael McCabe, Director City Futures
Matthew Walker, Manager Finance
Fausto Sut, Manager Governance & Risk
Ben Heraud, Coordinator Property
Pintar Lay, Coordinator Traffic and Road Safety
Vincenzo Carrabs, Coordinator Media & Events
Roland Sinn, Procurement Specialist
Anne Suann, Governance Officer
Lauren Thomas, Governance Officer
Ian Vong, IT Support Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.04 pm.

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

2 Opening Prayer

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

At the request of Councillor Nagi, Council observed a minute's silence in remembrance of the local school children who were recently killed after a car ran into their demountable classroom.

3 Apologies

There were no apologies.

4 Disclosures of Interest

Councillor Macdonald declared a Less than Significant Non-Pecuniary Interest in Item 8.6 on the basis that he is a contractor of the company that has major dealings with the telecommunication carriers referred to in the report.

Councillor Morrissey declared a Pecuniary Interest in Item 8.6 on the basis that he is employed by St George Bank which is a subsidiary of Westpac, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Pecuniary Interest in Item 12.1 on the basis that he is an employee of St George Bank and a shareholder of Westpac, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Rapisardi declared a Pecuniary Interest in Item 12.1 on the basis that she is a leasee in the development referred to in the report, and stated she would leave the Chamber for consideration and voting on the matter

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 11 October 2017

RESOLUTION

Minute 2017/199

Resolved on the motion of Councillors Nagi and Morrissey

That the Minutes of the Council meeting held on 11 October 2017 be confirmed as a true record of proceedings.

Presentation

Zoran Marinkovic, one of the winners of the Ramsgate Shopping Centre Prize Draw for Shop Local and Win was presented with his prize by Councillor McDougall.

The following winners of the Bayside Garden Competition were presented with their prizes by Councillor Curry:

Christopher Diaz – Best Balcony

Tony and Anna Tuzarovski- Best Back Garden, Best Overall Garden

5.2 Suspension of Standing Orders

RESOLUTION

Minute 2017/200

Resolved on the motion of Councillors Tsounis and Nagi

That Standing Orders be suspended in order to deal with Item 8.6.

8.6 Bad Debts Write-Off for Uncollectable Debts Relating to the Former City of Botany Council as at 9 September 2016

The Mayor, Councillor Saravinovski, vacated the Chair and left the Chamber during the consideration and voting on this item due to his declaration of a Pecuniary Interest. The Deputy Mayor, Councillor Awada, assumed the Chair.

Councillor Macdonald left the Chamber during the consideration and voting on this item due to his declaration of a Less than Significant Non-Pecuniary Interest.

Councillor Morrissey left the Chamber during the consideration and voting on this item due to his declaration of a Pecuniary Interest.

RESOLUTION

Minute 2017/201

Resolved on the motion of Councillors Ibrahim and Nagi

That the outstanding bad debts totalling \$577,232.23 as detailed in table 1 of this report, relating to the former City of Botany Bay Council as at 9 September 2016, be written off as uncollectable income.

The Deputy Mayor, Councillor Awada, vacated the Chair at the conclusion of this item, left the Council Chamber and did not return.

The Mayor, Councillor Saravinovski returned to the Council Chamber at the conclusion of this item and resumed the Chair.

6 Mayoral Minutes

6.1 Mayoral Minute - Bayside Council Student Excellence Awards 2017

RESOLUTION

Minute 2017/202

Resolved on the motion of Councillors Barlow and Tsounis

That the Minute be received and noted.

6.2 Mayoral Minute - Fairy Lights

RESOLUTION

Minute 2017/203

Resolved on the motion of Councillors Curry and Morrissey

That Council agrees to the staged reinstallation of fairy lights in the trees lining Botany Road and that an upper limit of \$70,000 be set aside in 2017/18 to fund this stage of the project.

6.3 Mayoral Minute - Water Feature - Rockdale Park

RESOLUTION

Minute 2017/204

Resolved on the motion of Councillors Nagi and McDougall

That a report be brought to Council early in 2018 on the current cost of the works required to reinstall the water feature in Rockdale Park, on the corner of West Botany and Bryant Streets, Rockdale.

6.4 Mayoral Minute - Bayside Sculpture Prize

RESOLUTION

Minute 2017/205

Resolved on the motion of Councillors Barlow and Nagi

- 1 That Council resolves to allocate funds for an acquisitive sculpture prize for the Bayside Arts Festival 2018.
- 2 That the value of the prize be up to \$50,000.

- 3 That a report be brought back to Council on the impact of the prize, including publicity achieved, increases in number and calibre of entries to the exhibition and visitation rates.

6.5 Mayoral Minute - Master Builders Award, Angelo Anestis Aquatic Centre

RESOLUTION

Minute 2017/206

Resolved on the motion of Councillors Barlow and Nagi

That Council note that for the second year in succession a Bayside community facility has received a Master Builders Award, most recently for the Angelo Anestis Aquatic Centre.

6.6 Mayoral Minute - Absence of the General Manager

RESOLUTION

Minute 2017/207

Resolved on the motion of Councillors Nagi and Barlow

That Council grant leave to the General Manager to attend a 100 Resilient Cities workshop in Santiago, Chile from the 4 – 8 December 2017, noting that all costs associated with this opportunity will be funded by the Rockefeller Foundation.

7 Public Forum

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

9.2 Minutes of the Bayside Traffic Committee Meeting - 1 November 2017

RESOLUTION

Minute 2017/208

Resolved on the motion of Councillors Nagi and Ibrahimi

That the Minutes of the Bayside Traffic Committee meeting held on 1 November 2017 be received and the recommendations therein be adopted with the exception of Items BTC.153, BTC.165 and BTC.166.

**BTC17.153 Chamberlain Road, West of Bexley Road, Bexley -
Proposed Parking Restriction**

Dr Siva Purushothuman and Dr Tharani Anandarajan, speaking for the Committee Recommendation, addressed the Council..

RESOLUTION

Minute 2017/209

Resolved on the motion of Councillors Sedrak and Nagi

That the report be deferred for further consultation and an on-site meeting be held with interested Councillors.

**BTC17.165 Somerville Street, Arncliffe, South of Forest Road -
Detailed Drawings for Traffic Calming Scheme**

Mr Tony Lehmann, speaking for the Committee Recommendation, addressed the Council.

RESOLUTION

Minute 2017/210

Resolved on the motion of Councillors Nagi and Bezic

That the matter be deferred for further consultation and there be an on-site meeting for Councillors and interested parties.

BTC17.166 Waratah Road, Botany - Proposed Works Zone

Mr Terry Morse and Mr John Nasr, objecting to the Committee Recommendation, addressed the Council.

RESOLUTION

Minute 2017/211

Resolved on the motion of Councillors Curry and Nagi

That this item be deferred to the next meeting of the Traffic Committee on 6 December 2017 for further investigation.

Councillor Barlow requested that her name be recorded voting against the motion.

8 Reports

8.1 Proposed Acquisition of Part 116 Wentworth Avenue Banksmeadow

RESOLUTION

Minute 2017/212

Resolved on the motion of Councillors Curry and Nagi

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reasons:
 - a. In accordance with Section 10A (2) (d) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that, would, if disclosed, prejudice the commercial position of the person who supplied it and would, on balance, be contrary to the public interest due to the issue it deals with.
 - b. In accordance with Section 10A (2) (c) of the Local Government Act 1993, the information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 2 That Council endorse the acquisition of part 116 Wentworth Avenue, Banksmeadow estimated at 55sqm for the purpose of road.
- 3 That the acquisition is to proceed on the premise that it is by way of agreement.
- 4 That funds required for the acquisition be voted from the former City of Botany Bay Section 94 Plan.
- 5 That the Mayor and General Manager be delegated the authority to sign and seal, where required, all documentation to finalise the acquisition.

8.2 Affordable Rental Housing

RESOLUTION

Minute 2017/213

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That Council write to the Minister for Planning and the Sydney Alliance and indicate its support for the introduction of state level planning controls and guidelines which will assist in the delivery of Affordable Rental Housing.
- 2 That Council undertake research about affordable rental housing to inform the Bayside Local Housing Strategy and the new, Bayside Local Environmental Plan.

8.3 Events Infrastructure

RESOLUTION

Minute 2017/214

Resolved on the motion of Councillors Tsounis and McDougall

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

In accordance with Section 10(A) (2) (d) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That Council awards Standing Offer Agreements to the following tenderers under the following Categories:

Category 1 Events Infrastructure Hire

Class Occasions Hire Pty Limited

Events Festivals Weddings Pty Ltd

Patti's Hire Services Pty Ltd

Pillinger's Hiring Service Pty Ltd

Posh Events Pty Ltd

The Trustee for BENSON FAMILY TRUST T/A Walkers Party Hire

Category 3 Specialist Security

Australian Concert and Entertainment Security Pty Ltd

ECS International Security Pty Ltd

ISEC Australia Pty Ltd

Reddawn Australia Pty Ltd

Category 4 Traffic Management and Control

Event Sports Projects Australia Pty Ltd

- 3 That Council does not award any Standing Offer Agreement under **Category 2 Small Plant Hire** for the reasons detailed in the confidential attachment Events Infrastructure Evaluation Report (confidential).

8.4 Quarterly Budget Review Statement for Quarter Ended 30 September 2017

RESOLUTION

Minute 2017/215

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That the Quarterly Budget Review Statement by the Acting Manager Finance for the quarter ended 30 September 2017 be received and noted.
- 2 That the proposed variations to the original budget detailed in this report be adopted by Council.

8.5 2017/18 Updated Fees and Charges Schedule

RESOLUTION

Minute 2017/216

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That Council endorse the draft amendments to the 2017/18 Schedule of Fees and Charges for the purposes of public exhibition and consultation for a minimum of 28 days in accordance with the Local Government Act 1993.
- 2 That any submissions received will be provided at the Ordinary Council Meeting to be held on Wednesday 13 December 2017 for consideration and adoption of the amended 2017/18 Schedule of Fees and Charges.
- 3 That Council adopt the previously exhibited members discount rate of \$23 for Botany Golf Club members.

8.7 Bayside Advisory Committees

RESOLUTION

Minute 2017/217

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council adopts the names and focus for each of the six advisory committees and the two sub-committees as outlined in this report, and that this information be published on Council's website, subject to the Community Relations Committee being renamed to the Community Engagement Committee.
- 2 That Council adopts the attached Terms of Reference for the six abovementioned advisory committees, and that they be applicable to other advisory committees that might be established by Council from time to time, with the exception of any committee with a specific set of terms of reference, charter, constitution or the like.

- 3 That Council adopts the advisory committee meeting timing and frequency principles as outlined in this report and in the attached Indicative Meeting Schedule.

8.8 Disclosure of Interest Returns - Designated Persons Appointment

RESOLUTION

Minute 2017/218

Resolved on the motion of Councillors Nagi and Macdonald

That the information be received and noted.

8.9 Statutory Financial Report - September 2017

RESOLUTION

Minute 2017/219

Resolved on the motion of Councillors Barlow and Morrissey

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

9 Minutes of Committees

9.1 Minutes of the Risk & Audit Committee Meeting - 17 August 2017

RESOLUTION

Minute 2017/220

Resolved on the motion of Councillors Nagi and McDougal

That the Minutes of the Risk and Audit Committee meeting held on 17 August 2017 be confirmed as a true record of proceedings.

10 Notices of Motion

10.1 Notice of Motion - Minor Park Improvements

RESOLUTION

Minute 2017/221

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That Council be provided with a report at the December Council Meeting with scope of works, costings and any options for the following:

- a. minor works at Lance Studdert Reserve, Kyeemagh including the establishment of an off-leash dog walking area, similar to the facility at Civic Avenue, Kogarah; and the extension of existing water pipes on the eastern side of the reserve and a tap to cater to the newly established Bay Community Garden which is making fantastic use of the reserve.
 - b. minor works at Lady Robinsons Beach north of Solander Street, Monterey and a location near the C-Side Pavilion at the northern end of the beach for the provision of an off leash dog area on the beach and options to delineate the area including the possibility of fencing or signage which is visually unobtrusive but adequately distinguishes between those areas in which dogs are permitted and those where they are not.
- 2 That Council, in the cases of both off-leash dog walking areas proposed, provide sufficient signage and dog waste facilities (plastic bags, garbage bins etc).

10.2 Notice of Motion - Ramsgate Shops

RESOLUTION

Minute 2017/222

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That Ramsgate Beach Town Centre has a special focus this Christmas in recognition of the delays experienced during protracted improvement works to the pavement, car park and landscaping and that a Christmas Tree and a program of festive activities and events be provided and promoted during December.
- 2 That Council note that with the establishment of its Advisory Committees, the forward events program for Bayside 2018 will be developed with input from the Community Engagement Committee members and Ward Councillors.
- 3 Council consider a proposal to waive the Footpath Trading fees for all relevant businesses within the Ramsgate Shopping Centre precinct for the 2018 calendar year to encourage visitors to return to the shopping centre following the required public consultation process.

11 Questions With Notice

11.1 Botany Road and Pemberton Street, Botany Traffic Lights and Pedestrian Crossing Status

Councillor Morrissey asked the following question:

Could Council be provided with a report at the next Council meeting on the progress and expected timing of the installation of traffic lights and pedestrian crossing at the intersection of Botany Road and Pemberton Street, Botany.

12 Confidential Reports

Councillor Rapisardi left the Chamber during the consideration and voting on this item due to her declaration of a Pecuniary Interest.

Council did not move into Closed Session

12.1 ParkGrove West, Botany - Court Proceedings and Voluntary Planning Agreement - Toplace Pty Ltd and JKN Australia Pty Ltd

RESOLUTION

Minute 2017/223

Resolved on the motion of Councillors Curry and Nagi

- 1 That the report be withheld from the press and public in accordance with Section 10A(2)(d)(ii) and (g) as it is confidential for the following reasons:
 - a. it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council and it would, on balance, be contrary to the public interest due to the issue it deals with; and
 - b. it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Council delegate to the General Manager to proceed to settle the legal proceedings, including the execution of the Voluntary Planning Agreement by way of:
 - a. Creation of easement rights over Lot 4 for perpetual access rights by the public.
 - b. Dedication of Lot 4 as a public road prior to any occupation certificate/occupation of Park Grove West
 - c. Court orders reflecting recommendations 1 and 2 above plus payment of Council's legal costs.
 - d. Such other detailed matters as may be determined by the General Manager following public exhibition.

13 Call For Rescission Motions

The Mayor closed the meeting at 8.31 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager

Council Meeting

13/12/2017

Item No	6.1
Subject	Mayoral Minute - Vale Sam Zorbas
File	SF16/1264

Motion

- 1 That Council remembers the life and work of the Late Sam Zorbas who served as the Local Controller of the Rockdale State Emergency Service for 33 years, and was actively involved in the SES for 35 years.
 - 2 That Council provide a copy of this Mayoral Minute to his family in recognition of his lifelong achievements.
-

Mayoral Minute

It is with great sadness that I present this Mayoral Minute to honour Sam Zorbas who passed away recently.

Sam voluntarily dedicated much of his life to the local community and the extraordinary contribution he made helping many local residents did not go unnoticed.

In 2006 Sam was named Rockdale City Citizen of the Year for his outstanding community work as Local Controller of the Rockdale State Emergency Service, a position he held from 1982 until he retired in 2015. He was involved with the Rockdale SES for 35 years.

His outstanding contribution to the local community and beyond through his work with the SES was written into the history books for future generations when the Hon. Shaoquett Moselmane, MLC, spoke of his work in the NSW State Parliament during Volunteers Week in 2012.

As the Local Controller of the State Emergency Service Sam coordinated and provided assistance during storms, flooding and searches.

He was actively involved in providing support and assistance for a number of major disasters including the Newcastle earthquake, the Boral gas explosion, wind storms in the North Shore and Holroyd, hail storms in western Sydney and the eastern suburbs, the Thredbo landslide, the wind storm at Manyana and Ulladulla in the South Coast, a landslide and flooding in the Wollongong area, the Father's Day storms in the Rockdale area, the Queensland floods and Rural Fire Service assistance during the 1994 fires.

He will be greatly missed and our thoughts are with his family.

Attachments

Nil

Council Meeting

13/12/2017

Item No	6.2
Subject	Mayoral Minute - Vale Former Councillor Geoff Hedge (1931 - 2017)
File	SF16/1264

Motion

- 1 That Council remembers the life and work of the late Geoff Hedge, former Mayor and Councillor of Rockdale City Council, a true son of Rockdale City.
 - 2 That Council in recognition of his lifelong achievement provide to his family a copy of this Mayoral Minute.
-

Mayoral Minute

It is with great sadness that I present this Mayoral Minute to honour former Rockdale City Councillor Geoff Hedge who passed away recently.

I would like to recognise and acknowledge his outstanding contribution to Rockdale City Council, its residents, ratepayers and the community.

Geoff served as a councillor on Rockdale City Council for 19 years. He was first elected at a by-election in 1985 and served until 2004. He served as Deputy Mayor from 1993 – 1995, and was Mayor from 1999 – 2000.

He was a hard working Councillor who devoted his time to serving his community. During his time on Rockdale City Council he was passionate about the development of the Brighton beachfront and the tourist potential of Brighton Le Sands. Geoff was an active member of the Rockdale and Brighton Le Sands Task Groups.

But one of his lasting tributes is, and will always be, the Rockdale Community Nursery which was established during his time as Deputy Mayor in 1994. Geoff played a significant role in getting this project off the ground and continued to guide its development even after he retired from Council. At the 20th anniversary celebrations in 2014 Geoff's ongoing work was recognised and the then Mayor Shane O'Brien presented him with a *Rhapiolepis* which had been specially grafted by the Nursery staff to produce flowers in a range of colours.

During his time on the Council he served on many boards and committees including:

- Chairman of the Local Traffic Committee
- Member of the Works and Recreation Committee
- Member of Lions International (Deputy District Governor)
- National Chairman Lions Christmas Cake Project
- Vice President Newsagents Association
- Scoutmaster

- President Brighton Le Sands Chamber of Commerce
- Chairman St George Starr-Bowkett Building Society
- President Blakehurst Branch Liberal Party

Geoff is survived by his wife Jill and his children Jennifer, Peter, Scott and Vicky.

Our thoughts are with his family.

Attachments

Nil

Council Meeting

13/12/2017

Item No 6.3
Subject **Mayoral Minute - Armistice Centenary Grant**
File SF16/1264

Motion

- 1 That Council notes and supports the Botany Historical Trust's application for funding under the current round of Federal Armistice Centenary Grants to:
 - a Restore the War Memorial at Arthur Park, Botany.
 - b Install Armistice Plaques at Booralee Park Botany, and Mascot War Memorial, Mascot Park.
 - c Create a Beersheba Centenary Plaque at the Light Horse Memorial, Light Horse Reserve Eastlakes.
 - 2 That Council gives a commitment to assist with the historical research, landscaping, memorial restoration and commemorations to be held in 2018 on Armistice Day and on the anniversary of the Light Horse charge at Beersheba.
-

Mayoral Minute

Council has been approached by the President of Botany Historical Trust to provide support for an Armistice Centenary Grant to improve War Memorials at Arthur Park, Botany, Booralee Park, Mascot Park and the Light Horse Reserve in Eastlakes. Funding will be sought to cover the cost of the plaques at these sites and Council has been asked for primarily in kind support to refresh the areas around the Memorials and to assist in organising commemorative events to mark Armistice Day and the anniversary of the Battle of Beersheba in 2018. Both Mascot and Botany RSL have also been invited to contribute to the restoration project.

Councillors would be aware of increasing community interest in our military history. The swelling numbers of people who participate in ANZAC Day ceremonies are testament to this. What Councillors may not be familiar with is the significance of Light Horse Reserve at Eastlakes. The Memorial sits on the site of the Head Quarters, staging and training area of the Australian Light Horse in World War 1.

I commend the Botany Historical Trust's initiative and seek your endorsement for Council's participation in preparing the memorials for the events planned for 2018.

Attachments

Nil

Council Meeting

13/12/2017

Item No	6.4
Subject	Mayoral Minute - Sydney Regional Environmental Plan No. 33 - Cooks Cove
File	F14/308

Motion

That Council write to the Minister for Planning and request that Part 3, Clause 1 'Special Uses Zone' of the *Sydney Regional Environmental Plan No. 33 – Cooks Cove* be amended to include 'Recreation Facility' as a Permissible Use (only with development consent).

Mayoral Minute

In November 2016 a Development Application (DA-2017/179) was lodged with Bayside Council in relation to the Cooks Cove site for:

- Site remediation
- Environmental improvements
- Public domain enhancements
- Construction and operation of a new 18 hole golf course and driving range to be located south of the M5 Motorway.

The *Sydney Regional Environmental Plan No.33 – Cooks Cove* (the SREP) is the relevant environmental planning instrument which applies to Cooks Cove. Development for the purpose of a golf course is considered to be a 'Recreation Facility' which is a use that is currently prohibited under the SREP.

Bayside Council assessed the Development Application and established that the proposed golf course was not permissible. The Development Application was withdrawn by the Applicant on 5 October 2017.

The proposed development of a golf course in the southern portion of Cooks Cove is also the subject of a Planning Proposal to amend the *Rockdale Local Environmental Plan 2011* to facilitate development of the northern Cooks Cove precinct for the purpose of a residential mixed use precinct including open space and a southern precinct accommodating a relocated Kogarah Golf Course.

In order to progress the relocation of the Kogarah Golf Course prior to and independent of the Planning Proposal an amendment to the *Sydney Regional Environmental Plan No.33* is sought. Council does not have statutory power to initiate the amendment of SREP No.33.

Attachments

Nil

Council Meeting

13-12-2017

Item No	8.1
Subject	Stronger Communities Fund Reporting Major Projects
Report by	Karin Hartog, Major Projects Unit 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.

The first 6 monthly Major Projects report for the period from 1 January – 30 June 2017 was approved to be submitted to the NSW Office of Local Government by the Council on 12 July 2017.

Officer Recommendation

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 July – 31 December 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 for the period from 1 July 2017 to 31 December 2017 is attached to this paper and requires approval by the Council prior to submission to OLG by 31 January 2018.

Financial Implications

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

Community Engagement

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

Attachments

Stronger Communities Fund - Major Projects Program - Report to 31 December 2017 [↓](#)

Stronger Communities Fund – Major Projects Program – Progress Report – 1 January 2017 to 31 December 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	\$ 2,500,000	76-100%	The new Bayside Council customer service centre replacing the existing customer service centre at the previous City of Botany Bay Council Administration Centre in Mascot is now fully operational in Eastgardens Shopping Centre.
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	\$ 59,623	0-25%	Tender for design consultancy awarded by Council 11th October 2017. The consultant engaged is continuing to refine and develop the Masterplan design and project scoping. Community consultation regarding the proposed park changes was carried out in November and a briefing session with the General Manager and elected members in late November. The refined Masterplan, community feedback and scoping plan

Bayside Council

was approved by Council at its meeting on 13th December 2017. Detailed design will continue in early 2018.

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	\$ 64,660	0-25%	Tender for design consultancy awarded by Council 11th October 2017. The consultant engaged is continuing to refine and develop the masterplan as well as the seawall analysis and concept design/construction options. Detailed design will continue in early 2018 and stakeholder consultation in February/March 2018. Detail seawall existing condition assessment will be completed; Anticipate tender for construction of the Masterplan component to occur in the second quarter 2018.

TRIM 17/70290

Council Meeting

13/12/2017

Item No	8.2
Subject	Stronger Communities Community Grant Funding - Round One Progress Report
Report by	Karen Purser, Manager Community Capacity Building
File	F16/945

Summary

This report provides a progress report, as required by the Office of Local Government, on the 11 projects awarded funding in Round One of the Stronger Communities Community Grant Funding and endorsed by Council on 12 April 2017.

Officer Recommendation

That Council note the report and approve it to be sent to the Office of Local Government.

Background

Under the Stronger Communities Fund, Bayside Council was provided with \$1 million in funding for the Community Grant Program to allocate up to \$50,000 to incorporated not-for-profit community groups, for projects that build more sustainable and inclusive local communities.

On 12 April 2017 Council endorsed the allocation of grants to the value of \$483,856 from the \$1M provided by the NSW Government to deliver the Stronger Communities Fund Community Grants Program.

The remaining \$516,144 is to be allocated in a separate funding round in November 2017.

The Stronger Communities Fund Guidelines require that Councils provide six monthly reports each year (by 31 July and 31 January) to the Office of Local Government (OLG) on projects selected for funding.

The Stronger Communities Fund is to be spent or committed by 30 June 2019 and all funding acquitted before 31 December 2019.

The following table provides the details of each project and the progress made against the project to date.

Funded organisation	Project name	Summary	% complete	Progress update
Women's Community Shelters Ltd	New WCS Crisis Accommodation Shelter for Women	To establish a new crisis accommodation shelter for up to 6 women, with or	0-25%	Seeking appropriate accommodation for site. To date the shelter has been incorporated and secured tax DGR status and we are in the process of looking for a property which meets our shelter

Funded organisation	Project name	Summary	% complete	Progress update
	Bayside LGA	without dependent children, who are homeless or leaving domestic violence in the Bayside Council LGA.		requirements. They are liaising with the local community and researching local leads. Other funding achieved for this project includes: <ul style="list-style-type: none"> • \$50k Thyne Reid Foundation • \$50k towards year 2 from Plenary • \$2615 Give Now donations • \$3800 SCEGGS • \$500 Golf Club donation
Exodus Youth Worx	Project Food Worx	Launch a new Employment Skills Training Program and Social Enterprise, Food Worx. The training program aims at growing the technical skill sets of disengaged and disconnected young people in the areas of hospitality and cooking, whilst the Social Enterprise Arm will allow for lasting and immediate employment opportunities.	80%	<p>Additional 8 Local Area Young people are inducted into Food Worx. Partnership developed between Blakehurst High and Moorefield Girls High School allowing for students to do a variation of Work Experience on Thursdays and participate in a modified Food Worx Course. 11 Students participate.</p> <p>All 8 previous inductees to Food Worx find employment opportunities at Diaspora Cantina, serving in the newly developed Catering Wing. 2 inductees graduate to external employment</p> <p>Diaspora Cantina opens Catering Division serving to Advance Diversity Services, Bayside Council and Multicultural NSW. Diaspora Cantina highlights include Migrant Information Day (serving over 600 people outside Rockdale Town Hall) and ADS AGM.</p> <p>Food Worx is successful in sourcing a \$25000 investment from Coca-Cola through their Employee Connect Grant Program</p>
Sunnyfield	TechKNOWLE DGE	Deliver 40 innovative Skills-for-Life courses that target opportunities for daily independence, social integration, education and employment for people with intellectual disability. This includes the purchase and installation of technology-driven equipment as well as furniture.	0-25%	Project is in planning stage, to date they have engaged the staff and obtained all their quotes, they have spent about 10% of the budget – they anticipate having completed all of the purchases in next 2 – 3 months.

Funded organisation	Project name	Summary	% complete	Progress update
Kyeemagh Infants Public School P&C Association	Kyeemagh Community Sustainability Hub	Purchase a demountable building, with kitchen, air conditioning, sliding doors and windows. Within this space children will learn about growing food and cooking their own produce, caring for their environment (such as the frog pond and native bees), our local community will run and attend workshops and school families will start a healthy food program for breakfasts and lunches.	80%	Electricians have connected power to the building and plans are underway to connect plumbing. The kitchen design has been approved. Works will continue over the school holidays to prepare the building for an opening in early 2018.
Bay City Care	My Youth Hub	Establish an additional after school structured youth 'Drop in Centre'. The aim would be to provide a place for 12-18 year old youth to connect in structured programs inclusive of life skills education, sporting, homework centre, recreational and educational activities.		TBC

Funded organisation	Project name	Summary	% complete	Progress update
South Eastern Community Connect	Community Wellness Mentoring and Empowerment Program	The Community Wellness Mentoring and Empowerment project will deliver training for up to 30 community members with the aim of creating an inclusive community that is focussed on recovery and hope for all who are affected by mental illness and to provide community members with skills so that they feel empowered to support those more vulnerable members of our community. It will also conduct quality community well-being workshops which respond to the expressed interests of residents and people with mental health issues.	50%	<p>Committee is formed including a number of mental health agencies and a community representative.</p> <p>Mental health Awareness day – 25 residents attended</p> <p>Established pottery class and art therapy classes – 15 community members received CADRE Training so far.</p>
Dolls Point Football Club	Memorial Lighting Enhancement	The installation of 2 additional lighting towers on the western side of Memorial Playing Fields. The improved lighting will be used to extend the use of the grounds during the winter months for night training.	0%	No progress on the DA submission at this time. A survey is required before Dolls Point Football Club can progress it.

Funded organisation	Project name	Summary	% complete	Progress update
Pagewood Botany Football Club Inc	Media and Canteen Facilities Upgrade	Upgrade the Club's internet and media technology as well as canteen facilities. This would include new laptops and screens, projectors, screens, TV, fridge, microwave, dishwasher, convection oven, coffee machine, grinder, as well as a marque for weekends and special event functions.	0%	No Action taken as we are awaiting the club house to be completed in late May 2018.
St George Children with Disabilities Fund Incorporated	Enhancing the Quality of Lives of Children with a Disability and Their Families	Providing support to overcome the challenges faced by children with a disability and their families. This includes purchase of iPad's, podiatry, wheelchair, air conditioning, vehicle repairs, trainers, walkers and trikes specific for the children's needs.	35%	Needs identified – procurement of individual items commenced
Arncliffe Scots Baseball Club	Ground Watering Project	The project involves the installation of dedicated ground watering to the baseball Field Diamonds to improve both ground amenity and player safety.	0-25%	Getting quotes - project commence in a month
St George Football Association	New Seating & Goalposts - McCarthy Reserve	Installation of new seating (7 x 4 tier, 4 metre stands) and portable goalposts at McCarthy Reserve for football field.	0%	Status has not changed, waiting further advice from Bayside Council in regards DA process.

Financial Implications

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

Community Engagement

Not Applicable

Attachments

Nil

Council Meeting

13/12/2017

Item No	8.3
Subject	Bayside Council Community Grant Program 2016/17 Round Two
Report by	Karen Purser, Manager Community Capacity Building
File	F16/998

Summary

This report deals with community grant applications recommended for funding in Round 2 of the 2016/2017 Bayside Community Grants Program, as assessed by the Evaluation Panel in accordance with the eligibility and selection criteria detailed in Council's Community Grants Program Policy. Details of the individual small and seeding grants recommended for funding have been included.

Officer Recommendation

That Council endorses the recommendations of the Assessment Panel and approves the recommended Small and Seeding Grants to the value of \$40,000.

Background

Bayside Council runs an Annual Community Grants Program designed to support local community organisations and clubs to deliver appropriate and relevant services to the community.

The remaining funds held over from the initial 2016/2017 Council's Community Grants Program conducted earlier this year, was included in a second wave of Community Grants, and run in conjunction with Round 2 of the Stronger Communities Community grants program.

Round 2 of the 2016/2017 Council's Community Grants Program funding was opened 24 July 2017 and closed 27 October 2017.

The Community Grants program was run in tandem with Council's Stronger Communities Fund Communities Grants program. Six information sessions were conducted across Botany, Hillsdale and Rockdale and applications were made through the Smarty Grants Portal.

Two types of community grants are available:

- Small grants of up to \$1500, to be spent on equipment, special activities or information resources, and
- Seeding grants of up to \$5000, which are one-off grants to support new community, social, cultural or leisure programs.

Evaluation Panel

Under Council's Community Grants Policy an Applications Evaluation Panel is required to assess the applications against the criteria and make recommendations to Council for approval.

The following external panel members convened on 16 November 2017:

Mr	Paul	Graham	Bayside's Citizen of the Year
Ms	Kate	Holmes	Bayside's School Principal Representative
Ms	Kathryn	Sigley	Department of Family and Community Services Representative

The panel was supported by Council officers, who were available to answer the panel's questions about the process and eligibility criteria:

- Ms Karen Purser - Manager Community Capacity Building and Engagement
- Ms Cheryl Brady – Coordinator Community Capacity Building
- Ms Denize Venn – Community Grants and Administration Officer

Grant Allocation

The eligibility and criteria established for small and seeding grants are documented in the Bayside Council Community Grants Program Policy.

The main distinction between the two types of grants is that "Small Grants" refer to one-off grants of up to \$1,500 to voluntary community groups and clubs to purchase items of equipment, run a specific activity or event or produce an information resource. "Seeding Grants" are one-off grants of up to \$5,000 to voluntary community groups and clubs to establish a community, social, cultural or leisure program or activity that will have enduring community benefits. A copy of the Policy is attached to this report.

The budget allocation for Round 2 of the Community Grants in 2016/2017 is \$40,000.

A total of 26 applications were received seeking \$109,157.

The Evaluation Panel considered that a number of the applications did not meet the criteria established in the Policy, and has recommended that 16 grant applications be funded, with a total value of \$40,000.

The Evaluation Panel have recommended that 9 of the Small Grant applications receive funding. The projects that have been recommended for funding are summarised below.

Small Grants		
Organisation	Program Description	Amount Requested
3Bridges Community Limited	Dream it, Do it!	\$1,500.00
St.George Brass Band	Junior Player Advancement Program	\$500.00
Little Heroes Swim Academy Limited	Botany Mad About Inclusion Program - Equipment	\$1,500.00
Shopfront Arts Co.op. Ltd	The Organs Inside - A Shopfront Member Production	\$1,500.00
Pagewood Senior Citizens	Active Bowls For Seniors	\$1,260.00
South Eastern Community Connect Inc.	Multicultural Sewing Classes and Latino Men's Group Support	\$1,500.00
Kingsford Smith Scout Group - Scout Association	Activity Equipment Upgrade	\$1,500.00
Botany Public School Parents and Citizens Association	Botany Public School - an historical perspective	\$1,500.00
1st Hurstville Venturer Unit	Equipment Purchase for Abseiling Training Program	\$1,500.00

The Evaluation Panel recommended that 5 of the Seeding Grant applications receive funding. The projects that have been recommended for funding are summarised below.

Seeding Grants		
Organisation	Program Description	Amount Requested
The Shepherd Centre	'Ready Set Go' -- A School readiness program for children who are deaf from Bayside community	\$5,000.00
Windgap Foundation	Commercial Kitchen Oven for people with Intellectual disabilities	\$5,000.00
3Bridges Community Limited	Bayside Language and Cultural Programme for Mongolian Community.	\$1,340.00
Bayside Business Enterprise Centre	Bayside BEC Community Connect	\$5,000.00

Seeding Grants		
Organisation	Program Description	Amount Requested
Shopfront Arts Co-op	Creative Scholarships for Bayside Young People	\$5,000.00
South Eastern Community Connect Inc (SECC)	Using Tech to Connect	\$5,000.00
Arncliffe Public School's Parents and Community Association Incorporated (Art After School Program)	Fire It Up! community pottery program and hands on-learning for Arncliffe's community, teachers and children	\$1,400.00

Note that two seeding grants were partially funded to optimise community benefit and the allocation of grant funds. Those applicants who were unsuccessful in this round will be contacted and provided with feedback on their applications.

Financial Implications

Not applicable ☐

Included in existing approved budget ☒

Additional funds required ☐

Community Engagement

Not applicable

Attachments

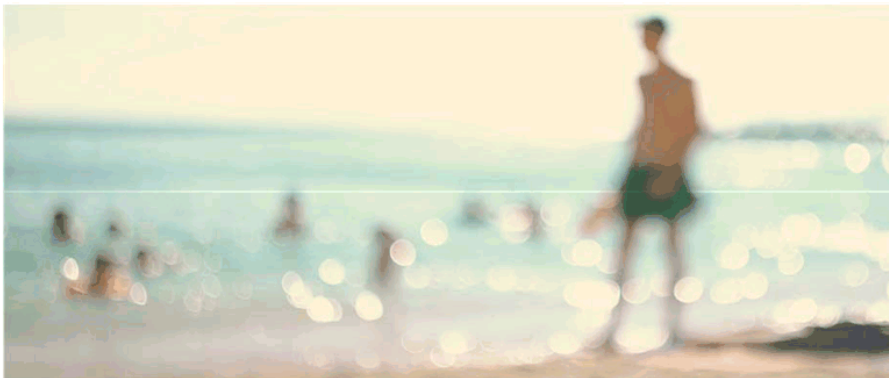
Bayside Council Community Grants Policy [↓](#)

Bayside Council

Serving Our Community

Community Grants Policy

14 December 2016



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Bayside Council Community Grants Policy

File: Document: 16/140494

Adopted:

Class of document: Council Policy

Enquiries: Manager Community Planning and Reporting



Telephone Interpreter Services - 131 450

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Community Grants Policy

2

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1 Introduction

Background

Council recognises the significant role local voluntary groups, local community service providers and clubs play in the provision of community, cultural and leisure services for local residents of Bayside Council.

Council supports these groups and organisations to provide these services and introduce new services through our Community Grants Program, offering one off small grants and seeding grants to local voluntary groups, community service providers and clubs operating in the Bayside Council area.

Council encourages applications for projects that aim to create a more socially inclusive community and that engage diverse communities of all ages and backgrounds.

Definitions

Community Grants Program

Bayside Council's annual grants program, offering one-off small grants and seeding grants to local voluntary groups, local community service providers and clubs operating in the Bayside Council LGA.

Small Grants

refers to one-off grants of up to \$1,500 to voluntary community groups, local community service providers and clubs to purchase items of equipment, run a specific activity or event, or produce an information resource.

Seeding Grants

one-off grants of up to \$5,000 to voluntary community groups, local community based services providers and clubs to establish a new community, social, cultural or leisure program that will have enduring community benefit.

Grant Applications Evaluation Panel

refers to the panel established to assess applications received against the agreed selection criteria for each grant category and make recommendations on the recipients of grants.

Voluntary Community Groups and Clubs

refers to incorporated or unincorporated groups or clubs that are located in the Bayside Council area and operated predominately by volunteers to provide community, social, cultural and leisure services to the Bayside community.

Local Based Community Service Providers

refers to incorporated community service providers, located in the Bayside LGA that provide community, social, cultural services to the Bayside Community.

Applicant

refers to an application for Council's Community Grants Program that is submitted on the official application form and received by the stated closing date.

Policy Statement

The purpose of this policy is to establish a model for the management and administration of Council's Community Grants Program to support the effective allocation of financial assistance to local community groups and clubs, supporting the development of a broad range of sustainable community, cultural and leisure services for residents.

Scope of Policy

This policy applies to the overall operation of the Bayside Council Community Grants Program and all applications received under the Program.

2 Principles

The Community Grants Program upholds the five following principles:

- Applications for Community Grants will be processed fairly and impartially.
- Council's Community Grants Program will be administered and implemented in a transparent and open manner.
- Information provided to Council in grant applications will be treated confidentially.
- Council staff, Assessment Panel Members and Elected Representatives are bound by Council's Code of Conduct to declare any conflict of interest when assessing grant applications.
- Successful grants will demonstrate best value to the community.

3 Grants

Categories of Grants

Council will establish three Community Grant categories, as listed here:

1. Small Grants (up to \$1,500.00 per application)
2. Seeding Grants (up to \$5,000 per application)
3. Australia Day Sporting Grants (up to \$500.00 per application)

Grants	Type of Activities Supported	Selection Criteria
Small Grants	<ul style="list-style-type: none"> • Purchase of equipment to provide an activity. • Conduct of a specific activity or event in the category of 	<ul style="list-style-type: none"> • The majority of recipients or participants are residents of Bayside Council. • Promotes increased access and usage of the activity, program or service.

Grants	Type of Activities Supported	Selection Criteria
	community, social, cultural or leisure. <ul style="list-style-type: none"> Production of a new information resource for either a community, social, cultural, leisure program. 	<ul style="list-style-type: none"> Supports the principle of best value community benefit. Encourages collaboration and sharing of resources. The funding addresses an identified need Promotes health, well-being or lifelong learning.
Seeding Grants	An unfunded, new, community, social, cultural or leisure program that will have enduring community benefit.	<ul style="list-style-type: none"> The majority of recipients or participants are residents of Bayside Council. Is innovative. Aims to strengthen and increase the community's capacity Supports the principle of best value community benefit. Encourages the formation of co-operative community partnerships Encourages collaboration and sharing of resources. The funding addresses an identified need Promotes health, well-being or lifelong learning. Encourages participation of a broad cross section of the community from the perspective of cultural, genders and ages.
Australia Day Sporting Grants (for trophies)	Local sporting events open to both sexes	<ul style="list-style-type: none"> Must be a sporting association or group within the Bayside Local Government Area. Must recognise Bayside Council Must deliver the event on Australia Day

Grants cannot be applied for projects that are already funded through other funding bodies, or projects that have already commenced.

Note: Ongoing operating costs or staff salaries will not be funded. Projects will not be funded retrospectively.

Eligibility Criteria

Grant Category	Eligibility Criteria
Small Grants Seeding Grants	<p>The applicant:</p> <ul style="list-style-type: none"> • must be a voluntary community group, community based service provider or club. • must be located within Bayside Council or deliver the majority of services to residents in Bayside Council. • must not be in receipt of funds from Council or another organisation to purchase the requested equipment, or for the conduct of the proposed event/activity/program, or production of the proposed information resource. • must not be a recipient of Club Grant funding in the same financial year or annual funding round as the Community Grants Program. • must have met all previous acquittal and reporting obligations for previous grants awarded under the Community Grants Program. • must not be in receipt of recurrent government funding to conduct activities that they are applying for under the Community Grants Program. • must not have substantial unallocated resources of their own that could be used to fund the activity, event or information resource. • must not have previously received funding under the Community Grants Program for the purchase of the requested equipment, or for the conduct of the proposed event/activity/program, or production of the proposed information resource.
Australia Day Sporting Grants (for trophies)	<p>The applicant:</p> <ul style="list-style-type: none"> • must be a sporting association or group within the Bayside Local Government Area. • must deliver an event open to both sexes. • must deliver the event on Australia Day

Applications received from the following will not be considered eligible:

- Political parties and groups associated with political parties.
- Community organisations or groups in receipt of Club Grant funding or recurrent government funding over \$200,000 per annum for the conduct of the group's or club's operations or activities to conduct the activities being applied for.
- For profit, government, business or private organisations.
- Applications for activities or services that are an identified responsibility of a government instrumentality.
- Fundraising organisations or fundraising drives.

Grant Application Process

Each year Bayside Council will publish the opening and closing dates of the Community Grant program.

Council will hold information sessions for intending applicants, who will be provided with detailed guidelines for submitting their applications.

Applications must conform to those guidelines to be considered for funding, and late applications will not be considered.

Grant Applications Evaluation Panel

A Grant Applications Evaluation Panel will be established to assess applications received for Council's annual Community Grants Program. Each year the General Manager will invite and appoint members to serve on the panel. The composition of the evaluation panel will be:

- A Principal of a school in the Bayside Council area (on a rotational basis)
- A Community Policing Officer from the St George or Botany Local Area Command
- A representative from a local community group
- A representative from the Department of Family and Community Services
- Bayside Citizen of Year
- Council's Director City Life or their nominated representative.
- A Bayside youth representative

The Grant Applications Evaluation Panel will be responsible for:

- Assessing all applications received against the eligibility and selection criteria matrix established for each grant category and award a ranking for each criteria.
- Making recommendations to Council on those applications deemed successful.

- In making this recommendation the members must ensure the recommended recipients of grants for each category meet the required eligibility and selection criteria.
- The Grant Applications Evaluation Panel will meet and act according to the Grant Applications Evaluation Panel Terms of Reference.

Grant Acquittal and Reporting Requirements

All recipients of funds under Council's Community Grants Program are required to meet the following funding conditions, acquittal and reporting requirements:

- Recipients must enter into a written agreement with Council that states the conditions for the use of the grant funds and agreed performance outcomes.
- Recipients must spend the grant funds as detailed in the application and written agreement, unless written approval is obtained from Council to vary the expenditure. This approval must be sought prior to varying the expenditure.
- Recipients must expend and complete the funded activity within 12 months from the date of receiving the grant.
- Recipients must submit proof of expenditure in the form of official receipts and/or expenditure statements - depended on size of grant. Full records of project expenditure must be kept by the recipient.
- Recipients must submit an evaluation report as detailed in the written agreement with Council at the end of the grant funding period.
- Recipients must acknowledge the support of Bayside Council on any promotional material or publicity features.
- Recipients must refund unspent funds exceeding \$50.00.

4 Breaches of the Policy

All breaches of this policy should be reported to the Unit Manager that is responsible for the management of Council's annual Community Grants Program.

Penalties for breaches of this policy will be implemented in accordance the Council's Code of Conduct Policy

5 Policy Implementation

The General Manager is responsible for this policy overall.

Procedures that support this policy, may be approved by the General Manager from time to time

6 Document Control

Review

This policy should be reviewed in two years

Between reviews a Director or Manager Governance may approve non-significant and/or minor editorial amendments that do not change the policy substance.

Related documents

- This document should be read in conjunction with:
- Council's Financial Assistance Policy
- Council's Code of Conduct
- Council's Conflict of Interest Policy
- Community Grants Guidelines.

Version history

Include the details of the original adoption / approval and subsequent changes.
Version 1.0 is the initial adopted/approved version.

Version	Release Date	Author	Reason for Change
1.0	14/12/2018	Karen Purser	New document

Council Meeting

13/12/2017

Item No	8.4
Subject	Stronger Communities Fund - Community Grants Program Round Two
Report by	Karen Purser, Manager Community Capacity Building
File	F16/945

Summary

Under the Stronger Communities Fund, Bayside Council was provided with \$1 million in funding for the Community Grant Program to allocate up to \$50,000 to incorporated not-for-profit community groups, for projects that build more sustainable and inclusive local communities.

In establishing the Stronger Communities Community Grants Program, Bayside Council determined to provide two waves of community grant funding, each offering \$500,000; and to place a lower limit on individual applications of \$10,000.

Round One of the Stronger Communities Fund Community Grants Program saw \$483,856 awarded to community organisations in April 2017, leaving a balance of \$516,144 to be allocated in Round Two.

This report outlines the Round Two Stronger Community Grant Applications that have been deemed eligible under the Stronger Communities Funding Guidelines. These applications received support from the Stronger Communities Fund Assessment Panel at their meeting on 17 November 2017.

Officer Recommendation

- 1 That Council determines funding allocations to Community Grant Applications as identified in this report, noting that they are:
 - a deemed eligible under the Stronger Communities Funding Guidelines; and
 - b supported by the Stronger Communities Fund Assessment Panel at their meeting on 17 November 2017.
 - 2 That Council submits the funded Community Grant Applications Listing to the Office of Local Government as part of the Bayside Council three year plan for the Stronger Communities Fund (\$1M).
 - 3 That Council receives regular reports (at least 6 monthly) on the progress of the funding acquittal process to ensure governance processes are in accordance with the Stronger Communities Funding Guidelines.
-

Background

The Stronger Communities Fund was established by the NSW Government to provide merged councils with funding for the delivery of projects that improve community infrastructure and services.

The Administrator's Minute to the Ordinary Meeting of Council held 14 December 2016, announced the Stronger Communities Fund program, which is divided into two categories:

- a **Community Grants Program** – allocation of \$1 million in grants to community organisations for projects that build vibrant local communities.
- b **Major Project Program** – allocation of \$9 million to larger scale priority infrastructure and services that deliver long term economic and social benefits to communities.

Round One of the Stronger Communities Fund Community Grants Program saw \$483,856 awarded to community organisations in April 2017, leaving a balance of \$516,144 to be allocated in Round Two.

Round 2 of the 2016/2017 Council's Community Grants Program funding was opened 24 July 2017 and closed 27 October 2017.

This report details the Round Two Stronger Community Grant Applications that have been deemed eligible under the Stronger Communities Funding Guidelines.

Council's Process to assess Community Grants Applications

Councils are accountable for the expenditure of the Stronger Communities Fund in accordance with the NSW Government Guidelines. In summary, the guidelines state that the Community Grants Program provides up to \$1M in grants of up to \$50K to incorporated not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities, that:

- deliver social, cultural, economic or environmental benefits to the community
- address an identified community priority
- are well defined with a clear budget
- demonstrate that any ongoing or recurrent costs of the project can be met by the community group once grant funding has been expensed
- demonstrate the capacity of the organisations to manage funds and deliver the project

The Bayside Council Community Grants Applications recommended for funding are attached to this report.

Promotion of the Stronger Communities Grant Program – Round Two

Council widely promoted the opportunity to apply for the second round of community grants under the Stronger Communities Fund through local press and newsletters, Council's website and social media platforms.

Eight briefing workshops were held in Rockdale Library and Hillsdale Community Centre.

The briefings including the background to the Stronger Communities Fund; the guidelines and instruction as to how to prepare and submit an eligible application via the online Smarty Grants platform.

Establishment of a Stronger Communities Fund Assessment Panel

In accordance with the guidelines, Council established a Stronger Communities Fund Assessment Panel. Panel membership includes:

- The Mayor or delegate;
- State Member(s) of Parliament or representatives for the Bayside Council area:
 - Michael Daley MP, Member for Maroubra
 - Ron Hoenig MP, Member for Heffron
 - Steve Kamper MP, Member for Rockdale
 - Christopher Minns MP, Member for Kogarah
- Regional Coordinator of the Department of Premier and Cabinet, or delegate;
- Other members as appointed by the Mayor, as required; and
- An independent probity advisor, appointed by the Mayor to advise the Panel on their deliberations and assessment process.

The Panel is responsible for funding projects received through the Round Two Community Grants Program. The Panel used the defined criteria for each program to consider and recommend projects for funding.

Assessment Panel Meetings

The Assessment Panel met on 17 November 2017 to review and determine the eligible community grant applications to be supported with funding recommendations to Council (attachment 1).

The process undertaken by the Panel included sighting and review of the 24 applications seeking funding of \$850,000 (noting that one was deemed 'not compliant' due to late submission).

Each project was considered on its merit, and evaluated by the panel against the assessment criteria provided by Department of Premier and Cabinet as part of the Stronger Community Fund guidelines. In addition, local members were able to bring their experience and knowledge of the area and its needs to the table and provide guidance regarding the prioritisation of individual applications.

Probity Advisor Report

O'Connor Marsden & Associates (OCM) was engaged to provide probity services to Bayside Council (the Council) in relation to the Applications for Round 2 of the Stronger Communities Fund.

The report covering the probity aspects of the Round 2 funding process is attached to this report.

Timeframe for Implementation

The Stronger Communities Fund is to be spent or committed by 30 June 2019 and all funding acquitted before 31 December 2019.

Conclusion

The Stronger Communities Fund provides a one off opportunity to allocate \$1 million additional funds to community organisations and individuals for projects that meet the criteria for funding. The projects recommended aim to deliver significant community benefits to local groups and individuals across the Bayside Council area.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	This report seeks the balance of \$516,144 from the \$1M provided by the NSW Government to deliver the Stronger Communities Fund Community Grants Program.
Additional funds required	<input type="checkbox"/>	

Community Engagement

The Community Grant Application Process was placed on public exhibition from 24 July 2017 to 27 October 2017, to enable the community to submit applications for consideration under the criteria for Stronger Communities Fund – Community Grant Program.

Attachments

- 1 Stronger Communities Fund Community Grants - Round Two Recommendations
- 2 OCM Probity Report on SCF Round 2 Community Grants [↓↓](#)

Stronger Community Grant Fund- Round 2

Community Grant Applications- Recommended



ID	Organisation	Amount	Project to be funded
1. SCR00003R2	Kingsgrove Community Aid Centre Inc	\$19,880	In Kind Support to fund various elements of service provision including – Venue / Room Hire; Childcare Worker; Staff recruitment and induction; Playgroup Coordinator; Petty Cash (catering, toys, craft items); mental health clinical support; early intervention; RUOK day; Post natal depression week etc.
2. SCR00005R2	Bayside Business Enterprise Centre	\$4833	Facilitation – Programs and incidentals such as transport/parking, stationery, computer software to support the running of the centre
3. SCR00006R2	The Bay Community Garden	\$30,327	Shelter / Shed / Water Tank / Guttering and Downpipe Installation inc. Contingency To provide community visitors can sit close to the garden and enjoy it and the Reserve. The Shelter will be used for regular meetings of the gardening group and its roof will collect Rain water to use on the garden. A storage shed for gardening tools and equipment will be located adjacent to the shelter. The shelter will also provide a suitable venue for future activities such as workshops about gardening and sustainability.
4. SCR00011R2	South Eastern Community Connect	\$49,654	Project Coordinator/Health Nurse/Venue Hire/Publicity and Promotion; Admin – to provide a model of integrated care between child and family health nurse, community child health and speech pathology and key child and family service providers and the NGO sector in this area we are ensuring that children who have been historically under-represented in accessing early intervention services have the best start at school. This model of integrated care will also serve as a foundation for a community hub for CALD communities and conduit for access to additional essential health services such as immunisation, dental health, and women's health
5. SCR00012R2	Rockdale Rugby Football Club	\$50,000	Funding to upgrade the canteen facilities which will include cupboards, bench-tops, storage, commercial refrigerator, and commercial deep fryer; new lighting. Renovate the male and female toilets which include new toilets, cisterns, plumbing, hand basins and new lighting. Renovate home and visitors shower and change room facilities; includes new tiling, new drainage, and new lighting. Replacement of existing faulty hot water tanks.
6. SCR00013R2	Botany Family and Children's Centre	\$50,000	Resurface backyard with soft-fall, install fixed equipment / panels & seating. Much needed repair and renovation of the educational and interactive outdoor play area currently used by more than 150 Bayside Council families through supported playgroups and other programs provided by BFCC. This 150SM back garden area was last updated approximately 13 years ago and requires soft-fall resurfacing, replacement and upgrade of sun-protection sails and modern play equipment. BFCC has been located at its current premises and providing services to the local community for 38 years.
7. SCR00014R2	3 Bridges Community Limited	\$50,000	The Arncliffe Men's Shed is relocating to a bigger and better site within the Bayside Council LGA. The new site will have the capacity to provide a separate space allocated specifically to a work area where the equipment, machinery, work benches will be located for the shedders to build and create projects. It will also need disability access bathrooms so the Arncliffe Men's Shed can offer workshops to seniors groups and people with disabilities. And to ensure the safety of their equipment and machinery, the roller door needs to be replaced with a modern, electronic industrial door to make it harder to break into the building and make it easier to open and close for the

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Stronger Community Grant Fund- Round 2

Community Grant Applications- Recommended



ID	Organisation	Amount	Project to be funded
			shedders as well as ensuring that the health and safety of all participants using the building will be safeguarded. (Disability Toilet; Galvanised Roller Door; work benches; storage cabinets; painting and marking of work area)
8. SCR00016R2	The Deli Women and Children's Centre	\$26,996	Domestic Violence Groups for Mums with the key focus on strengthening safety, security and reinforcing mother/child attachment. Additional personalised parenting appointments will be offered for those needing extra support.
9. SCR00017R2	Children with Disabilities Fund	\$25,000	Support Equipment for Children with Disabilities; Home Respite Relaxation chair iPad; Disability pram iPad switch interface; Three weeks intensive physiotherapy; Therasuit Intensive Program Powered wheelchair/ramp for vehicle; financial support for vehicle modification; iPad, head mount for wheelchair, head switch and specialised software compatible with switch access; Tilite titanium manual wheelchair; Pool hoist; Financial support for holiday; Split system air conditioner; Custom moulded sensor-motoric orthoses; Modified vehicle insurance and registration
10. SCR00020R2	Moving Forward Domestic Family Violence	\$24,829	Education costs for technology, stationery, tertiary fees, text books and some of the other hidden costs associated with study. This is specific to 10 of our clients who are women who have or are escaping Domestic and Family Violence. These costs can be a burden and deterrent for women who may want to study. To be eligible the women must be undertaking or continuing education during the funded time period. In addition to assistance with study costs, we would like to pay for women to attend a recognised Parenting Course through a local community or government organisation.
11. SCR00021R2	Nurses on Wheels	\$50,000	Nurses On Wheels (NOW), Day Tripper Bus is a vital and highly successful Program which we currently run from Monday - Friday. We are seeking to buy a 22 seater bus to expand on the existing 12-seater service which takes-up to 11 frail and socially isolated clients (from theBayside Council area) on affordable and interesting day trips during the week.
12. SCR00025R2	Shopfront Arts Co. Op. Ltd.	\$50,000	Project Manager Wages for 12 months + Carer Supervision and Support Program Administration - Shopfront will work with Young People to facilitate six Youth forums across 12 months for an audience of their peers. These Youth curated events will focus on issues relevant to the Young People of the area and provide a safe space for genuine engagement, discussion and community building.
13. SCR00030R2 (same as above organisation at 12. SCR00020R2)	Moving Forward Domestic Family Violence	\$10,068	To facilitate a half day professional development symposium offering strategies to assist those who are working with children who have experienced trauma. In particular the training will focus on children who have experienced family violence. There has been an emphasis on the theory of trauma informed practice and considerable training made available to those who work with vulnerable populations. There has been limited training on actual strategies to employ when working with children. This half day will allow us the opportunity to invite professional people who use evidence based strategies successfully in their daily practice.
14. SCR00031R2	Macedonian Orthodox Church St Petka	\$24,568	New technology - Fire & Emergency Lighting Upgrade. We are spending an unjustifiable amount on up keeping an old Fire & lighting system. Project is to replace the complete fire and emergency lighting system. The up-to date system does not require 6 monthly testing.

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Stronger Community Grant Fund- Round 2

Community Grant Applications- Recommended



ID	Organisation	Amount	Project to be funded
15. SCR00034R2	St George Youth Services	\$50,000	The Youth POP-UP! Activities Project is an innovative, interactive & engaging program of POP-Up activities for young people who reside in various locations across the Bayside LGA. These activities will incorporate personal development and life skills using arts-based and interactive activities to increase the positive health, well-being & community engagement of young people aged 17-21. It will be available for all young people, including those who are identified as disadvantaged, disengaged or 'at risk'. This will include unemployed youth, young people who are culturally & linguistically diverse backgrounds, Aboriginal youth, young people living with a mental illness, coping with family breakdown or drug addiction, homeless youth, young offenders, early school leavers.

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Bayside Council

Probity Report: Stronger Communities Fund
Tranche 2 Applications

Community Grant Program and Major Projects
Fund

December 2017



Cr Bill Saravinovski
Mayor
Bayside Council
PO Box 21
Rockdale NSW 2216

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Copy to: Ms Meredith Wallace, General Manager
Ms Liz Rog, Panel Secretariat

5 December 2017

Via email: Liz.Rog@bayside.nsw.gov.au

Dear Bill,

**Probity Report: Provision of Probity Advisory Services for the Stronger Communities
Fund Process Tranche 2**

O'Connor Marsden & Associates (OCM) was engaged to provide probity services to Bayside Council (the Council) in relation to the Applications for Tranche 2 of the Stronger Communities Fund.

This report covers the probity aspects of the tranche 2 funding process from the 23 October 2017, the date of the commencement of our engagement via letter from yourself, to the date of this report.

If you require any further information or wish to clarify any matters, please contact either myself or Rochelle Kirk on (02) 9252 2565.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Marsden'.

**Andrew Marsden
Director**

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About the Services

The services described in this document are of an assurance and internal risk management nature only and are not intended to be of a financial services nature.

The engagement was performed in accordance with the Australian Auditing Standard on Assurance Engagements ASAE 3000, *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Government Auditing and Assurance Standards Board.

Further information in relation to the extent and nature of the procedures performed is detailed in the Statement of Responsibility in Appendix B.

Confidential - this document and the information contained in it are confidential and should not be used or disclosed in any way without our prior consent.

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1 Executive Summary

1.1 Introduction

At the request of the Bayside Council (Council), OCM has prepared this report in relation to the assessment process for the Stronger Communities Fund - Community Grant Program – Tranche 2.

1.2 Background

Bayside Council was formed by NSW Government proclamation on Friday 9 September 2016 through the merger of the former City of Botany Bay and Rockdale City Councils. The Council covers approximately 55 square kilometres and has an estimated population of 156,500.

The Stronger Communities has been established by NSW Government to provide the newly created Councils with funding to kick start the delivery of projects that improve community infrastructure and services. Council has received funding of \$10 million as a result of the two councils merging which will fund a Community Grant Program and Major Projects Program.

At a Stronger Communities Fund Panel meeting on 11 November 2016, Council agreed to allocate the \$10m as \$1m for community grants and \$9m for Major Projects – Tranche 1 consistent with the Stronger Communities Fund Guidelines. Following the evaluation of the Tranche 1 applications, Council resolved on 12 April 2017 to allocate \$483,856.

At a Stronger Communities Fund Panel meeting on 17 November 2017, Council agreed to allocate the remaining \$516,144 of the \$1 million community grants.

Governance arrangements were established that were consistent with the NSW Government's Stronger Communities Fund Guidelines, issued by the Department of Premier and Government, to assess applications using an open call for applications. Panel membership included:

- The Mayor, or delegate;
- Michael Daley, Member for Maroubra (Lisa Williams, representing)
- Ron Hoenig, Member for Heffron
- Steve Kamper, Member for Rockdale
- Christopher Minns, Member for Kogarah (James Zhou, representing)
- Mayor, Councillor Bill Saravinovski (Councillor Ed McDougall, representing)
- Councillor Christina Curry
- Councillor James Macdonald
- Alison Morgan, Regional Coordinator, Department Premier and Cabinet (DPC)
- Andrew Marsden, O'Connor Marsden, Probity Adviser

Community Grants

The Council further agreed that the Stronger Communities Program would be allocated in two tranches (allocated in April 2017 as Tranche 1 and this process as Tranche 2) of approximately \$500,000 each. Council also agreed to place a lower limit on individual applications of \$10,000, to incorporated, not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities. Tranche 1 allocated a total of \$483,856 leaving an allocation of the remaining funding of \$516,144 for Tranche 2.

For Tranche 2, a series of eight briefing workshops were held in Rockdale, Botany and Hillsdale with 17 organisations and individuals attending. The briefings including the background to the Stronger Communities Fund; the guidelines and instruction as to how to prepare and submit an eligible application via the online platform known as SmartyGrants.

The Assessment Panel convened to review the community consultation outcomes and to determine the eligible community grant applications to be supported with funding for Tranche 2 recommendations to Council. Based on the evaluation, the Assessment Panel recommended the allocation of the remaining \$516,144 to fourteen (14) successful organisations.

As per the NSW Government requirements, the Stronger Communities Fund is to be spent or committed by 30 June 2019 and all funding acquitted before 31 December 2019.

Objective

The overall objective of our engagement was to provide a conclusion based on the work performed on assessing the applications whether anything came to our attention to indicate that the assessment process did not comply with probity principles in all material aspects.

Scope

The scope of our engagement covers the probity aspects of the assessment process undertaken by Bayside Council in relation to the Stronger Community Fund Program- Tranche 2.

As Council is a body established under the Local Government Act 1993, we have reviewed the process with reference to the Local Government Act 1993; the Local Government (General) Regulation 2005 (the Regulation), where applicable; and most importantly the NSW Government's Stronger Communities Fund Guidelines.

Council officers are bound to the policies and directives approved by the Council as well as being accountable for the expenditure of the Stronger Communities Fund in accordance with the related Guidelines. The Guidelines clearly state that "...the NSW Government will require councils to apply high governance standards to the decision-making process".

In accordance with the requirements stated in the NSW Government Guidelines, we have focused on Council's assessment processes, particularly in regard to:

- How the grant funds can be allocated
- The criteria for selecting projects – for Community Grants and Major Projects
- The role and composition of the Assessment Panel
- Classification of ineligible activities
- Community Fund timeframes for acquittal and reporting responsibilities to Office of Local Government (OLG).

We have also had regard to the assessment of the applications for the Stronger Community Fund Program being in accordance with the generally accepted probity principles, as outlined in Appendix A.

Methodology

Our methodology included attendance at the Assessment Panel meeting and sighting certain documentation, as more fully described under Work Performed, in order to:

- Review the link between the guidelines and the selected approach to the community (note this was reviewed as part of the Tranche 1 report)

- Review the documented probity controls, including conflict of interest, confidentiality and security management
- Review the evaluation procedures, including alignment with tender documentation, evaluation meetings, criteria assessment and scoring methodology
- Review the evaluation documentation, including records, scoring and reporting
- Review the communications and meetings including the Assessment Panel.

In accordance with the terms and conditions of the *NSW Department of Premier and Cabinet – Good to Practice Guide to Grants Administration* and generally accepted probity principles, we have focused on Bayside's evaluation management systems and processes in regard to:

- Accountability of the participants and transparency of the process
- Fairness, impartiality and honesty in carrying out the process
- Management of actual, potential and perceived conflicts of interest
- Maintenance of confidentiality and security of documentation and information; and
- Attaining best possible value for money under the prevailing circumstances.

A further description of these principles is included in **Appendix A**.

1.3 Conclusion

OCM is not aware of any matter to indicate that the application assessment process conducted by Council for Tranche 2 of the Stronger Community Fund, was not compliant with the probity principles described in the Scope in all material respects. We can also conclude that the Stronger Communities Fund Guidelines have been complied with during the assessment.

This conclusion is based on the activities carried out by OCM between 23 October 2017, the commencement of our engagement, and the date of this report and described in the Work Performed section below.

2 Work Performed

In completing our work, we undertook the following tasks in order to form a conclusion from a probity perspective in regard to the evaluation process followed by Council to the date of this report:

1. Reviewed, from a probity perspective, the final Assessment Matrix and ensured consistency with the criteria stated under the Stronger Communities Fund Guidelines which consisted of the following:
 - a. Details of evaluation criteria and the scoring methodology
 - b. Details of the process methodology.
2. Ensured that Conflict of Interest declarations were addressed at an agenda item at the meeting of 17 November 2017. Some members of the Assessment Panel (or their delegates) identified associations with some of the applicant organisations (such as patronage of some organisations and community groups); however, these were not considered personal associations or material conflicts which would impact on their impartiality to assess and make recommendations on the applications. Further, each member who disclosed such as association confirmed that they had not participated in preparing the applications or held discussions with the applicants in relation to the Tranche 2 application process.

Councillor James Macdonald declared an interest in the Macedonian Community Church as his business partner has previously worked with the Church Group. Councillor Macdonald indicated he would not participate in the discussions/voting on this application. This was noted by the probity advisor and confirmed as the action followed during the meeting.
3. Confirmed with Council that all applications were kept securely by the Council within the SmartyGrants portal, which required user specific login and access controls. We understand that all documents and material relating to the assessment process were stored securely when not in use. No breaches of the security arrangements to maintain confidentiality were observed by OCM or reported to OCM by Council staff involved in the project. All Assessment Panelists were reminded that the meeting outcomes were confidential.
4. Reviewed documents provided by email and USB by Council which included:
 - a. Stronger communities fund guidelines
 - b. Process for Community Grants Fact sheet
 - c. Summary of the Community Grants Applications received
 - d. Assessment Matrix and Application Assessment Sheet
 - e. All applications received.
5. Attended a meeting of the Assessment Panel on 17 November 2017 and observed the following:
 - a. The meeting was attended by all the members of the Assessment Panel or their representative
 - b. The meeting noted one late application was received on 2 November 2017 (closing date was 27 October 2017) from Little Heroes Swim Academy which was deemed ineligible
 - c. The Assessment Matrix was presented through which internal staff had completed an initial assessment which identified twenty-three (23) assessed as eligible. Observed discussions and alignment to criteria
 - d. It is noted that whilst there were twenty-three (23) projects that were identified in the scoring matrix as eligible, the Assessment Panel, using the comments on the original eligibility assessment and knowledge of the local State Members of Parliament and

councilors appointed as a guide, refined those twenty-three (23) to fourteen (14). This included one application that was to be recommended for part-funding. OCM notes, as per the requirements in the Guidelines that this would be subject to approval at a Council meeting

- e. The Assessment Panel determined not to score applications as per the Assessment Matrix but rather considered the narrative as per d above in making their recommendations. It is noted that this is not inconsistent with the methodology described in the Stronger Communities Fund Guidelines issued by DPC
 - f. The Assessment Panel completed the assessment and made recommendations for fourteen (14) organisations to take up the Tranche 2 allocation of \$516,144.
- 6. Sighted the final agreed minutes of the 'Stronger Communities Fund Panel', as well as attachments from members of the Assessment Panel Team which confirms the assessment of 23 eligible applications (noting one was not eligible), with a final recommendation for fourteen (14) organisations for the Stronger Communities Funding Tranche 2.
 - 7. Sighted the minutes of the Assessment Panel meeting on 17 November 2017 and observed that they were consistent with OCM observations at points 4 and 5 above. Comments were recorded for the 14 funded and nine unfunded applications to align with the discussions in the meetings.

The Assessment Matrix and evaluation records included the comments and justification for the assessment of the applications and the recommendations, which were accepted by the Assessment Panel.

Appendix A: Probity Principles

Accountability of the participants and transparency of the process

Accountability and Transparency are related concepts. Accountability involves agencies being able to justify the use of public resources to an appropriate authority by allocating and taking responsibility for past and expected performance. This includes aligning the decision making process with the appropriate delegated authority, and keeping adequate records that will leave an auditable trail. Transparency refers to the preparedness to open a project and its processes to scrutiny and possible criticism. This also involves providing reasons for all decisions that are taken and the provision of appropriate information to relevant stakeholders.

Fairness, impartiality and honesty

Individuals and organisations involved in preparing and submitting tenders are entitled to expect impartial treatment at every stage of the process. If they do not consider the process to be fair, impartial and honest they may withhold valuable ideas or be deterred from bidding in the future. Any form of bias, whether driven by personal interests or not, could jeopardise the integrity of the project. Procedures that include multiple person panels, independent members and observers mitigate this risk.

Management of Conflicts of Interest

A conflict of interest is a conflict between the public duty and private interests of a public official where the public official has private interests which could improperly influence their official duties and responsibilities. The community and potential tenderers have a right to expect that public officials will make decisions that are not influenced by private interests. Similarly, when the private sector is engaged to perform public sector duties, there is an obligation to ensure that conflicts of interest are disclosed and effectively managed. Perceived or potential conflicts of interest can be as damaging as actual conflicts, and procedures should be implemented to mitigate the effect.

Maintenance of confidentiality and ensuring security

Although accountability and transparency are fundamental to the work of public sector organisations and public officials, there is some information that needs to be kept confidential, at least for a specified period of time, in order to protect the integrity of the process and give tenderers the confidence to do business with government. This information can include the content of tenders, intellectual property and tenderers' pricing and profit structures. Importantly, much of the information relating to the project needs to be kept confidential up to the point where a contract is executed with the successful tenderer. However, once this has happened, government guidelines require that certain information be released, consistent with the fundamental principles of public sector accountability and transparency, as discussed above. Procedures must be implemented to ensure that no unauthorised release of confidential information occurs.

Attaining value for money

This is demonstrated by the use of an open competitive environment in which the market is tested regularly, and tenderers can make attractive, innovative tenders with the confidence that they will be assessed on their merits. Value-for-Money is not necessarily achieved by accepting the lowest available price. The process should include: the evaluation of non-price criteria (such as the quality of the goods or services offered, the experience and past performance of the providers, the financial strength of the companies, the differing risk factors, the quality of the personnel, etc.); cost-benefit analysis against a target outcome or budget; the assessment of the total cost over the proposed life of the project; and, where appropriate, whether the outcome is best achieved by the Private Sector, using a Public Sector Comparator.

Appendix B: Statement of Responsibility

Management's responsibility for the evaluation process

The management of Bayside Council are responsible for the design and implementation of the evaluation process controls in accordance with Government and Bayside Council's policies. This responsibility includes establishing and maintaining processes relevant to the evaluation process to ensure that the process meets appropriate probity policies, laws and regulations; and leads to selecting the most appropriate tenderer or tenderers under the prevailing circumstances.

Assurance practitioner's responsibility

Our responsibility is to express a conclusion on the Evaluation Process based on our review. We conducted our review in accordance with the Australian Auditing Standard on Assurance Engagements ASAE 3000, Assurance Engagements Other than Audits or Reviews of Historical Financial Information issued by the Australian Government Auditing and Assurance Standards Board, in order to state whether or not, on the basis of the procedures described and witnessed where appropriate, we have become aware of any matter that makes us believe that the evaluation process is not in accordance with the principles described above.

A review consists primarily of making enquiries, primarily of persons responsible for undertaking the evaluation process and its underlying documentation, applying analytical and other review procedures, and examination of evidence for a small number of transactions or events. A review is substantially less in scope than a reasonable assurance audit conducted in accordance with ASAE 3000. Accordingly, we do not express an audit opinion. Had we performed a reasonable assurance audit as defined by ASAE 3000 or an audit as defined by the Australian Auditing Standards, additional information may have come to our attention, which would have been reported to Bayside Council.

While conducting our review and/or in our report we may provide advice and/or recommendations in relation to the mitigation of risk of challenge to the processes undertaken by Bayside Council. In these cases, our responsibility is limited to providing such advice and/or recommendations, based on our experience and knowledge of the subject matter of the project. For the avoidance of doubt, the procedures performed in providing advice and/or recommendations do not constitute an assurance engagement in accordance with the Australian Auditing Standards for Assurance Engagements, nor do they represent any form of audit under the Australian Auditing Standards. We therefore do not express any form of assurance in relation to the advice and/or recommendations, and none should be inferred from any such commentary in this report.

Inherent limitations

Our Work is subject to the following limitations:

- Owing to the inherent limitations of any internal control structure, it is possible that errors or irregularities may occur and not be detected. Our procedures were not designed to detect all weaknesses in control procedures as they were not performed continuously throughout the period and the tests performed are on a sample basis.

- Any projection of the evaluation of the control procedures to future periods is subject to the risk that the systems may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.
- The matters raised in this report are only those which came to our attention during the course of performing our procedures and are not necessarily a comprehensive statement of all the weaknesses that exist or improvements that might be made. We cannot, in practice, examine every activity and procedure, nor can we be a substitute for management's responsibility to maintain adequate controls over all levels of operations and their responsibility to prevent and detect irregularities, including fraud. Accordingly, management should not rely on our report to identify all weaknesses that may exist in the evaluation process, or potential instances of non-compliance that may exist.

Advice and/or recommendations for improvement should be assessed by management for their full commercial impact before they are implemented.

Limitations on use

This report is made solely to the Management of Bayside Council in accordance with our engagement proposal dated 26 September 2016, for the purpose of providing comfort to senior management on the appropriateness and robustness of the evaluation process and should not be quoted in whole or in part without our prior written consent. We disclaim any assumption of responsibility for any reliance on this report to any person other than the management of Bayside Council, or for any purpose other than that for which it was prepared.

We disclaim all liability to any other party for all costs, loss, damages, and liability that the other party might suffer or incur arising from or relating to or in any way connected with the contents of our report, the provision of our report to the other party, or the reliance on our report by the other party.

Independence, Competence, and Experience

All professional personnel involved in this engagement have met the independence requirements of the Australian professional accounting bodies.

Council Meeting

13/12/2017

Item No	8.5
Subject	Post Exhibition Report: Planning Proposal for 177 Russell Avenue Dolls Point
Report by	Josh Ford, Coordinator Statutory Planning
File	F16/835

Summary

The Planning Proposal for land known as 177 Russell Avenue, Dolls Point has been exhibited in accordance with the relevant provisions of the NSW Environmental Planning & Assessment Act, 1979. The aim of this report is to respond to the submissions received during the exhibition period, and to progress the Planning Proposal.

Following a review of the submissions received during the exhibition period, it is recommended that Council requests that the Minister make the LEP, in the form that it was exhibited. While several submissions contain items of planning merit, these are considered to have been addressed in the environmental studies supporting the Planning Proposal. Furthermore, the issues in the submissions largely relate to matters that would be considered in the future as part of any future Development Application for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment.

A Voluntary Planning Agreement (VPA) was exhibited concurrently with the Planning Proposal.

The Bayside Planning Panel has recommended that a site specific Development Control Plan be prepared for the site.

Officer Recommendation

- 1 That in accordance with Section 59 of the Environmental Planning & Assessment Act 1979, Council exercise delegation from the Minister and make the LEP amendment for 177 Russell Avenue, Dolls Point.
 - 2 That the General Manager note the outcomes of the exhibition of the Voluntary Planning Agreement and execute the VPA in accordance with existing delegated authority under the relevant provisions of the Environmental Planning and Assessment Act 1979.
 - 3 That Council consider the recommendation of the Bayside Planning Panel on 14 November 2017 to defer the making of the LEP amendment until a Development Control Plan has been adopted for the site to guide future development and:
 - a that in accordance with Section 18 of the Environmental Planning & Assessment Regulation 2000, Council exhibits a Draft Development Control Plan for the site, for a minimum 28 days, and
 - b that a further report be presented to Council detailing any submissions that are
-

received during the exhibition of the Draft Development Control Plan.

Background

On 9 November 2016, Council resolved to endorse the Planning Proposal for the subject land, and seek a Gateway determination from the NSW Department of Environment & Planning (DPE). Council's resolution supported a change in the maximum building height from 14.5 metres to 17.75 metres, and a change to the maximum floor space ratio from 1:1 to 1.65:1 for the site. The Gateway determination (**Attachment 1**) approved exhibition of the Planning Proposal, subject to the Planning Proposal being revised prior to exhibition to demonstrate consistency with the Draft Central District Plan.

Exhibition

The Planning Proposal was exhibited from 2 August 2017 to 31 August 2017, satisfying the minimum 28 day community consultation requirement included in the Gateway determination. A total of 4 public submissions were received, which included some key themes. The key themes related to:

- general objections against the proposal;
- excessive building height;
- site overdevelopment;
- loss of views; and
- traffic and carparking issues.

The NSW Office of Environment & Heritage (OEH) was consulted as per the requirements of the Gateway determination, but no response was received from OEH.

Assessment of Submissions

A summary and response to each of the key points in every submission has been formulated (see **Attachment 2**) to assist Council with identifying the key matters associated with the Planning Proposal.

Objections / Support for the Proposal

Some submissions stated their objection to the Planning Proposal. These views have been noted in the response to submissions.

Excessive Building Height

The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor of any future development could be concentrated in the centre of the site, allowing for views around any future proposed development at the upper extent of development. Given that the indicative contextual analysis identifies the aforementioned point, and that approximately 50% of the height of the uppermost storey would be above the existing 14.5 metre building height limit currently applying to the site, the proposed building

height control of 17.75 metres is not considered to be dominant or overburdening to the streetscape or broader landscape setting. Furthermore, any lift overrun would be contained to a minimal vertical portion of the uppermost storey.

Given that the site is affected by flooding, the minimum floor levels for any development within the site will need to be raised approximately 1.2 metres above natural ground level. The proposed building height control is appropriate in the circumstances from a flood planning perspective, since a better flood planning outcome will result for the site than currently exists.

Building height, bulk, scale, form and design are just some of the matters that would be assessed in association with any future Development Application (DA) for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. Future development of any proposed residential flat building within the site would need to comply with State Environmental Planning Policy 65 (SEPP 65) and the Apartment Design Guide (ADG) referred to in SEPP 65.

Loss of Views

The Planning Proposal includes a change to the height and floor space ratio development standards for the site, not approval of a specific development that would instead be the subject of a DA. Any future DA would need to assess the visual impact of a proposal, including consideration of design, form, bulk, scale and site context. The Planning Proposal includes a maximum building height control of 17.75 metres, being 3.25 metres above the existing height of building control for the site. While existing development at the site is of two storey built form, there is potential to build up to a maximum 14.5 metres within the site, which, if developed to this current maximum allowable height under the RLEP 2011, would impede views from 166 Russell Avenue in any case. In this context, views are considered a current privilege, not a perpetual right. This has been demonstrated through historical planning principles outlined under case law, which have highlighted that property owners do not maintain a right or entitlement to a view. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for views around any future proposed development.

Principle 2: Built Form and Scale under *Schedule 1 - Design Quality Principles* of SEPP 65 states that:

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Any future DA for a Residential Flat Building within the site would need to comply with SEPP 65, including *Principle 2: Built Form and Scale*. The Planning Proposal only includes amendments to the current height of building and floor space ratio development standards for the subject site. A Planning Proposal does not require Council's approval of a final development outcome, which would instead be a future consideration as part of a DA assessment. The principles outlined under SEPP 65 and the ADG included under SEPP 65 would need to be considered in the design of any future Residential Flat Building within the site, to consider impacts from built form and scale, including, but not limited to, how design can potentially minimise impacts on views. Furthermore, the Development Control Plan applicable at the time of any future DA assessment would need to be considered in the design of the proposed development. Currently, *Chapter 5.2 Residential Flat Buildings* of the Rockdale Development Control Plan 2011 contains development controls relating to building design, including roof form. Any future DA for a Residential Flat Building within the site would

need to ensure that the design responds to the development controls in Council's applicable DCP chapters.

Site Overdevelopment

There are examples along Russell Avenue where density exceeds the current height of building and floor space ratio development standards under the Rockdale Local Environmental Plan 2011 (LEP 2011). This is because some of the higher density developments in the street existed prior to the LEP 2011. The most notable example is 172-174 Russell Avenue, which is substantially above the 1:1 FSR, estimated to be an FSR of 1.77:1, which is higher than that proposed under the Planning proposal for the subject site. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for a reduction in perceived bulk and scale. Matters like bulk, scale, form and design are matters that would be determined in association with any future Development Application (DA) for the land, if the Planning Proposal is supported by Council and finalised by the NSW Department of Planning & Environment. As stated above, the future development of any proposed residential flat building within the site would need to comply with SEPP 65 and the ADG.

Traffic & Carparking Issues

A Traffic & Carparking Impact Assessment supports the Planning Proposal, and highlights that:

- (i) future development could comply with Council's carparking requirements under the Rockdale DCP 2011; and
- (ii) that the level of additional traffic generated by future development of the site would be negligible.

Furthermore, specific traffic and vehicle numbers would be considered in the future as part of any future Development Application for the land, if the Planning Proposal is supported by Council and finalised by the NSW Department of Planning & Environment. In any case, the difference in the number of vehicle movements associated with existing four storey developments in the locality (including that immediately West of the subject site), and a five storey development would be negligible in the context of local traffic movements.

Bayside Planning Panel Recommendation

At its meeting of 14 November 2017, the Bayside Planning Panel made the following recommendation for the Planning Proposal:

The Panel supports the Council's making of the Local Environmental Plan having regard to the delegation of the 24 January 2017 from the Department of Planning and Environment. However, given the significance of this site that adjoins public open space to provide greater certainty in the planning process and the final built form, the Panel recommends to the Council to consider resolving to prepare a Development Control Plan in parallel with the plan making process. Alternatively, if appropriate, special provisions could be included in the LEP to provide greater certainty in the built form outcome. The Development Control Plan (or special provisions in the LEP) may include, although is not limited to: establishing urban design principles; setbacks; percentage of landscaped area; connectivity to the

public domain; overshadowing/solar access; tree preservation for the oak tree; and providing a building envelope generally consistent with the proposed concept plan.

The proponent has prepared a Draft Development Control Plan (DCP) for the site, which forms **Attachment 3** to this report. The Draft DCP includes controls that respond to the Panel's recommendation about that provisions that should be included in a DCP for the site, which are detailed below.

Establishing Urban Design Principles

Provisions contained within the Draft DCP introduce some basic urban design principles for the site. These principles would help guide the assessment of any Residential Flat Building proposed for the site. A Residential Flat Building would need to be assessed against *SEPP 65 - Design Quality Design of Residential Apartment Development* and the supporting *Apartment Design Guide*, which include detailed urban design principles.

Setbacks

The Draft DCP includes provisions relating to minimum setback requirements under the section titled *Development Setbacks*, which includes two indicative building envelopes with minimum setbacks identified for these indicative building envelopes. Figure 1 below shows the proposed building setbacks overlaid with the existing building setbacks at the site. Figure 1 clearly demonstrates that the proposed side and rear setbacks identified in the Draft DCP will be increased, while the front setback will not be reduced from the minimum front building line that currently exists at the site. While the proposed rear setback is less than that required under the *Rockdale Development Control Plan 2011 Chapter 5.2 Residential Flat Buildings*, there are many examples of existing Residential Flat Buildings in the immediate locality not complying with Council's minimum rear setback requirements. A site specific DCP that includes setbacks greater than those of development of similar scale in the immediate locality is considered to be a positive planning outcome.



Figure 1: Proposed Building Setbacks Overlaid with Existing Building Setbacks

Percentage of Landscaped Area

Provisions have been included in the Draft DCP that detail the percentage of deep soil planting to be provided within the site, and an illustrative figure has been provided that identifies where the deep soil planting is to occur within the site.

Connectivity to the Public Domain

Control number 8 in the Draft DCP states that: *Ground floor apartments adjoining Russell Ave, Waradiel Creek and Peter Depena Reserve are to have direct access to and from the public spaces they adjoin.* This control will ensure that future building design considers connectivity to the public domain.

Overshadowing & Solar Access

The Draft DCP includes detailed setback controls, which will allow for more informed assessment of overshadowing and solar access when a future building design is considered for the site. Any Residential Flat Building proposed for the site would need to be assessed against SEPP 65 Design Quality Design of Residential Apartment Development and the

supporting Apartment Design Guide, which include detailed provisions regarding overshadowing and solar access.

Tree Preservation (Oak tree)

Provisions are made in the Draft DCP, including diagrammatic representations, for the retention of the Oak Tree at the rear of the site.

Building Envelope

The Draft DCP includes an indicative modelled building envelope.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) has previously been reported to Council in relation to this site. The VPA was exhibited concurrently but separately to the Planning Proposal, for a period of 28 days. One submission was received in relation to the VPA. The submission objected to the Voluntary Planning Agreement however as the submission did not provide a reason for or specific objection to the details of the proposed VPA it was not deemed to be valid.

The public benefits which will be provided to the community subsequent to the execution of the VPA are:

Public Benefit	Agreed Value
Master planning of The Beach Hut and Surrounds	\$70,000
Upgrades to Peter Depena Reserve	\$340,000
Revegetated of Waradiel Creek	\$40,000
Land Dedication	No Cost
<i>Total</i>	<i>\$450,000</i>

The General Manager has delegated authority to execute the Voluntary Planning Agreement.

Next Step

If Council resolves to support the finalisation of the LEP amendment and exhibit the Draft DCP, the Draft DCP will be exhibited and reported back to Council, so that any submissions can be considered by Council.

If Council resolve to support the adoption of the DCP, Council's delegate of the Minister for Planning will make the LEP amendment in full.

Financial Implications

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

Community Engagement

The community engagement actions in relation to this Planning Proposal were:

- Exhibition for 29 days from 2 August 2017 to 31 August 2017
- Hard copies of the information were made available to the Sans Souci branch library and the Rockdale Customer Service Centre.
- An advertisement was published in the St George Leader, notifying of the exhibition period and where exhibition materials could be viewed, including Council's 'Have Your Say' website.
- Letters were sent to all adjoining landowners, as well as the NSW Office of Environment & Heritage, as stipulated in the Gateway determination.
- The Planning Proposal was presented to the Bayside Planning Panel on 14 November 2017.

Attachments

- 1 Gateway Determination
- 2 Response to Submissions
- 3 Draft Development Control Plan [↓↓↓](#)



Planning &
Environment

Ms Meredith Wallace
General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Our ref: PP_2017_BSIDE_002_00 (16/15859)
Your ref: F16/835

Attention: Mr John McNally

BAYSIDE COUNCIL
RECEIVED

09 FEB 2017

AUSTRALIAN POST

Dear Ms Wallace

Planning proposal to amend Rockdale Local Environmental Plan 2011

I am writing in response to your Council's letter dated 18 November 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to increase the height of buildings from 14.5 metres to 17.75 metres, and increase the floor space ratio from 1:1 to 1.65:1 in relation to 177 Russell Avenue, Dolls Point.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 4.1 – Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Department of Planning and Environment
320 Pitt Street Sydney 2000 | GPO Box 39 Sydney 2001 | planning.nsw.gov.au

Should you have any queries in regard to this matter, I have arranged for Ms Rachel Johnston of the Department's regional office to assist you. Ms Johnston can be contacted on (02) 9274 6325.

Yours sincerely


Karen Armstrong ✓ 24/1/17
Director, Sydney Region East
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Planning &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2017_BSIDE_002_00): to increase the height of buildings from 14.5 metres to 17.75 metres and increase the floor space ratio from 1:1 to 1.65:1 in relation to 177 Russell Avenue, Dolls Point.

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Rockdale Local Environmental Plan (LEP) 2011 to increase the height of buildings from 14.5 metres to 17.75 metres and increase the floor space ratio from 1:1 to 1.65:1 in relation to 177 Russell Avenue, Dolls Point should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be revised to demonstrate consistency with the Draft Central District Plan.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2016).
3. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24th day of JANUARY 2017

Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

PP_2017_BSIDE_002_00 (16/15859)



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bayside Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_BSIDE_002_00	Planning proposal to increase the height of buildings from 14.5 metres to 17.75 metres and increase the floor space ratio from 1:1 to 1.65:1 in relation to 177 Russell Avenue, Dolls Point.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 24TH JANUARY 2017

A handwritten signature in blue ink, appearing to read "Karen Armstrong".

Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

PP_2017_BSIDE_002_00 (16/15859)

Response to Submissions – Planning Proposal: 177 Russell Avenue, Dolls Point		
Submission	Issues	Council Officer Response
Community Submission 1	<ul style="list-style-type: none"> Long-term residents of Dolls Point for more than 15 years Strongly object to the planning proposal Firstly, and importantly the overall height being is (sic) 3.25 meters (sic) over and above the currently allowable maximum height. Why should this limit be exceeded? There could only be one reason – pure developer greed and hence a profit driven focus The entirety of the surround (sic) street/s are no more than 'standard' 3-4 level buildings constructed in 1960-1980s (with the minor single exception of 174-176 Russell). Thereby there is a form of harmony and balance in that no one building is dominant or over burdens the streetscape 	<ul style="list-style-type: none"> Noted. Noted. The Planning Proposal includes a maximum building height control of 17.75 metres, being 3.25 metres above the <i>existing</i> height of building control for the site. While existing development at the site is of two storey built form, there is currently potential to build up to a maximum 14.5 metres within the site. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for views around any future proposed development on the upper extent of development. Given that the indicative contextual analysis identifies the aforementioned point, and that approximately 50% of the height of the upper storey is above the existing 14.5 metre building height limit currently applying to the site, the additional height is not considered to be dominant or overburdening. <p>Given that the site is affected by flooding, the minimum floor levels for any development within the site will need to be raised approximately 1.2 metres above natural ground level. The proposed building height control is considered warranted in the circumstances of the case from a safety improvement perspective, since a better flood planning outcome will result for the site than what currently exists for the existing built form/residents within the site.</p>

	<ul style="list-style-type: none"> • The reality is that the trees grow, get damaged in storms or die meanwhile the building remains unchanged. So for some arbitrary period, the trees may briefly match the proposed 17.75m height, but over the longer term this will not be the enduring case • What sort of precedent would it set for approving this planning application as then other locations will see it as a green light to argue to a similar outcomes and therefore fundamentally the allowed design style of this 'high density' residential area would be compromised quite dramatically • Rules are rules, and no exceptions should be granted. The FSR being applied for is simply too dense for this location and if that means that the profit percentage is not high enough, let the developers look for a more balanced design 	<p>Bulk, scale, form and design are matters that would be determined in association with any future Development Application (DA) for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment.</p> <ul style="list-style-type: none"> • The proponent provided an Arborist's Report to support the Planning Proposal, which was included in the exhibition materials. The issues raised in relation to trees and landscaping within the site are relevant to any future Development Application for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. • There are examples along Russell Avenue where density exceeds the current development standards, given the historic nature of some of the higher density developments in the street. The most notable example is 172-174 Russell Avenue, which is substantially above the 1:1 FSR. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for a reduction in perceived bulk and scale. Matters like bulk, scale, form and design are matters that would be determined in association with any future Development Application (DA) for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. • As above.
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	<p>that takes into account blending in with the neighbourhood overall heights better</p> <ul style="list-style-type: none"> Other issues do exist such as risks to ground disturbance, noise and vibration levels caused by the construction of the below ground 2-level basement car park. This could affect adjoining buildings and structures and solutions have not yet been addressed however is clearly identified in the Geotechnical Report dated 12 April 2017 (doc reference: 9353Srptrev2). The following are quotations extracted from that report: <ul style="list-style-type: none"> Para 4.5 - Retention at Page 10 of the Geotechnical Report dated 12 April 2017 quotes "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 within the excavation." - And further on page 11, "Only expert contractors should be used for this type of anchor construction as poor techniques can result in damage to adjoining properties." Para 4.7 – Basement Slab at Page 14, "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." Construction activity may adversely affect the street to the North of the site, the adjacent complex immediately to the West of the 177 Russell Avenue, and likely our property, given the above risks of vibrational and soil disturbances to adjoining properties are highlighted in several paragraphs in the geotechnical report 	<ul style="list-style-type: none"> The issues raised in relation to ground disturbance, noise and vibration are relevant to any future Development Application for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. These are not key considerations at the Planning Proposal stage. As above. Adjoining landowners would be notified of any future DA and could provide further submissions at that point in time in relation to any concerns relating to the specific proposal.
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	<ul style="list-style-type: none"> • If the vertical scale of the proposal were scaled back to a more sensible FSR limit of 1:1, then the top (5th) level would be removed, thus avoiding the planning application and a much smaller basement car park could be constructed on perhaps a single level which would not likely experience this complexities and risks of this proposal • The VPA is taken by us as nothing more than a blatant bribe pretending to compensate the community for significantly breaking the rules over height and FSR. We can rather much do without these bribes and we just want the development rules enforced fairly and equally for everyone • Furthermore, the existing two separated buildings on the proposed site are currently spaced apart letting more some views of the parkland and natural coastal breezes to pass through, over and around the land and to our neighbourhood. This proposal, if approved, would dramatically alter this opportunity by the removal of all views to the parklands from No 166 Russell Ave (even from our top most units) and also the surrounding properties adjacent to 166. 	<ul style="list-style-type: none"> • There are examples along Russell Avenue where FSR is above 1:1, given the historic nature of some of the higher density developments in the street. The most notable example is 172-174 Russell Avenue, which is substantially above the 1:1 FSR. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for views around any future proposed development. This would be considered in the future as part of any future Development Application for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. • A Voluntary Planning Agreement (VPA) has been submitted, and considered, in association with the Planning Proposal. VPAs enable proponents to negotiate with Council on items that can provide community benefits. The contents of the VPA are to be considered in a separate report to Council. VPAs cannot be used to leverage outcomes relating to Planning Proposals, it is illegal under NSW legislation to do so. • Loss of views is just one consideration in the assessment of a Planning Proposal. The Planning Proposal includes a maximum building height control of 17.75 metres, being 3.25 metres above the existing height of building control for the site. While existing development at the site is of two storey built form, there is currently potential to build up to a maximum 14.5 metres within the site, which, if developed to this current maximum allowable height, would impede views from 166 Russell Avenue in any case. In this context, views are considered a current privilege, not a perpetual right. The indicative contextual analysis submitted with the Planning Proposal
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	<ul style="list-style-type: none"> The apartment complex on the Western side would lose views and the predominantly Easterly breezes by virtue of the additional height of the proposal; We respectfully request that under no circumstances approval be granted for this proposal. 	<p>demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for views around any future proposed development. Any future design would need to consider the prevailing breezes and ventilation, and how building layout and design can respond to this.</p> <ul style="list-style-type: none"> As above. Noted.
Community Submission 2	<ul style="list-style-type: none"> Several design issues: The proposal states no privacy impact on 173-175 Russell Ave, yet a lot said about the impact on the park No diagrams of Western side of proposed building that give an accurate display of balconies and windows that would impact on the privacy of those home units in 153 Russell Ave As the proposed building would be much higher than 153 Russell Ave, it would impact in many ways. Not only restricting views of the park, but most importantly the western 177 Russell unit's balconies and windows would view from a greater height directly into the living rooms and bedrooms of those in 153 Russell Ave Could you please supply western side diagrams and privacy impact report of proposed building at 177 Russell Ave 	<ul style="list-style-type: none"> The concerns raised in this submission are matters that would be determined in association with any future Development Application (DA) for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. A DA would need to comply with the relevant Local and State planning policies relating to development of the site, including any LEP & DCP controls relating to matters like privacy, view corridors, solar access and overshadowing. The purpose of the Planning Proposal is to consider whether there is potential for the development standards to be amended so that DAs for higher density development could be considered. Adjoining landowners would be notified of a future DA, and would have the opportunity to raise comments relating to specific design elements or issues at that time. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for views around any future proposed development.

Community Submission 3	<ul style="list-style-type: none"> • We are writing to express our dismay at the proposed amendment of the Rockdale Local Environmental Plan 2011 • Council has sought public feedback on this proposal and we now submit our complete disapproval of a proposed five-story building that will dwarf surrounding apartment blocks in Russell Avenue at Dolls Point • This 5-story building will block the pleasant view we currently have from our balconies and will, seemingly, create an atmosphere of claustrophobia to many residents in this apartment block • Not only will such a large building appear out of place in the gentle surroundings of the park, over which it will completely dominate, but, additionally, this apartment block would increase the number of permanent cars in Russell Avenue to another 68 vehicles, all of which will enter and leave the premises directly opposite our block of units (166 Russell Avenue) on an almost daily basis 	<ul style="list-style-type: none"> • Noted. • There are several examples of existing higher density residential buildings in close proximity to the subject site, including the established property immediately West of the subject site, which is of four storey built form. • Loss of views is just one consideration in the assessment of a Planning Proposal. The Planning Proposal includes a maximum building height control of 17.75 metres, being 3.25 metres above the <i>existing</i> height of building control for the site. While existing development at the site is of two storey built form, there is currently potential to build up to a maximum 14.5 metres within the site. In this context, views are considered a current privilege, not a perpetual right. The indicative contextual analysis submitted with the Planning Proposal demonstrates that the bulk of the upper floor could be concentrated in the centre of the site, allowing for views around any future proposed development. • A Traffic & Carparking Impact Assessment supports the Planning Proposal, and highlights that (i) future development could comply with Council's carparking requirements under the Rockdale DCP 2011; and (ii) that the level of additional traffic generated by future development of the site would be negligible. Furthermore, specific traffic and vehicle numbers would be considered in the future as part of any future Development Application for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. In any case, the difference in the number of vehicle movements associated with existing four storey developments in the locality (including that immediately
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	<ul style="list-style-type: none"> Russell Avenue is a difficult place to find a park for any vehicle at the best of times and, more particularly, on weekends and public holidays. With a well-used recreational park on its doorstep and a popular children's playground only metres from the proposed over-development, we are fearful for children's future road safety, the unwanted additional traffic on Russell Avenue, an increase in vehicle noise levels and the subsequent pollution from many new residents vehicles and their visitors And what is council prepared to do to address the obvious increase needed in street parking when the Scots School opens at the easternmost end of Russell Avenue in 2018? We appeal to the councillors of Bayside Council to please consider carefully the affect your decision will have upon the current residences of Russell Avenue, Dolls Point 	<p>West of the subject site), and a five storey development would be negligible in the context of local traffic movements.</p> <ul style="list-style-type: none"> As stated above, further detailed analysis of vehicle movements and carparking requirements would be required in conjunction with any future DA. Any future detailed traffic and carparking assessment for a specific use of the land would need to consider any new developments in the locality, and how these affect the local road network. Noted, this is not for consideration by Council's planning staff.
Community Submission 4	<ul style="list-style-type: none"> Object to any proposal that includes raising the height of buildings/increasing density that contradicts the current rulings The current low rise guidelines add to the real estate value and charm of the area. Creating higher density through high rise apartment dwellings in this location is objectionable and opportunistic. 	<ul style="list-style-type: none"> The Planning Proposal includes a maximum building height control of 17.75 metres, being 3.25 metres above the <i>existing</i> height of building control for the site. While existing development at the site is of two storey built form, there is currently potential to build up to a maximum 14.5 metres within the site. Assessment of a Planning Proposal cannot take into consideration of real estate value. There are several examples of existing higher density buildings in close proximity to the subject site, including

	<ul style="list-style-type: none"> • Infrastructure cannot be improved to support high rises and big apartment blocks, there is one road in and out of Dolls Point. We already have to deal with the constant "hoon" factor in Russell Ave, and we have a Primary School opening in 2018. • What happens to the current residents? • Seems like there is quid pro quo between the developer and Council plans for upgrading Peter Depena Park. 	<p>the established property immediately West of the subject site, which is of four storey built form.</p> <ul style="list-style-type: none"> • Infrastructure improvements for a site of this scale would be determined by the relevant agencies in association with any future Development Application for the land, if the Planning Proposal was to be supported by Council and finalised by the NSW Department of Planning & Environment. • The landowner is a private entity. It is not Council's role to become involved in private land transactions, or in future arrangements for existing tenants. These are not matters of planning merit that Council can consider as part of the Planning Proposal process. • A Voluntary Planning Agreement (VPA) has been submitted, and considered, in association with the Planning Proposal. VPAs enable proponents to negotiate with Council on items that can provide community benefits. The contents of the VPA are to be considered in a separate report to Council. VPAs cannot be used to leverage outcomes relating to Planning Proposals. So, in response to this issue raised in the submission, no, there is no "quid pro quo" between the developer and Council.
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SPECIAL PRECINCTS**177 RUSSELL AVE, DOLLS POINT****EXPLANATION**

These controls apply to 177 Russell Ave, Dolls Point (Lots 80-83 in DP 2237) and recognize the unique attributes of the site. These attributes include the orientation of the consolidated site and the frontages to Peter Depena Reserve and Waradiel Creek and the built form characteristics of surrounding development. These attributes provided the basis for the increased height and density controls that now apply to the site.

This section must be read together with other relevant sections of the DCP, however, where there is a conflict, the controls in this section prevail.

OBJECTIVES

1. To enable a comfortable and safe pedestrian access from Russell Ave to Peter Depena Reserve adjacent to the western side of Waradiel Creek.
2. To maximise ground floor activity and ensure a landscaped interface on the Russell Ave, Waradiel Creek and Peter Depena Reserve frontages.
3. To reduce the apparent height of any future development by disguising the top floor and creating a distinct and architecturally pleasing roof form.
4. To ensure the Oak tree in the south-western corner of the site is preserved.

CONTROLS**Development setbacks**

1. The building footprint is established in accordance with the building setbacks indicated in Figures 1 and 2 below.
2. The building footprint includes the area inside the outer face of the external walls of the building, including balconies that are not enclosed, except for those on the top floor. The building footprint does not include any podium required to mitigate ground floor flood risk.
3. The building footprint of the top habitable floor is not to exceed 75% of area of the building footprint below.

Note: The building massing diagram for the top floor illustrates the minimum setbacks at key locations and the maximum building mass permitted on the top floor relative to the floors below. The final arrangement of this floor may vary provided the setback and maximum floorplate controls are observed.

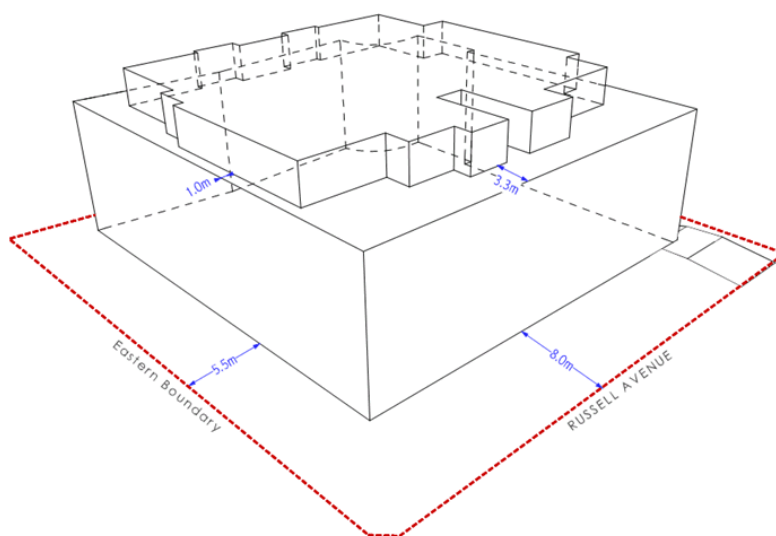


Figure 1 - Indicative building envelope with minimum setbacks indicated (north-east view)

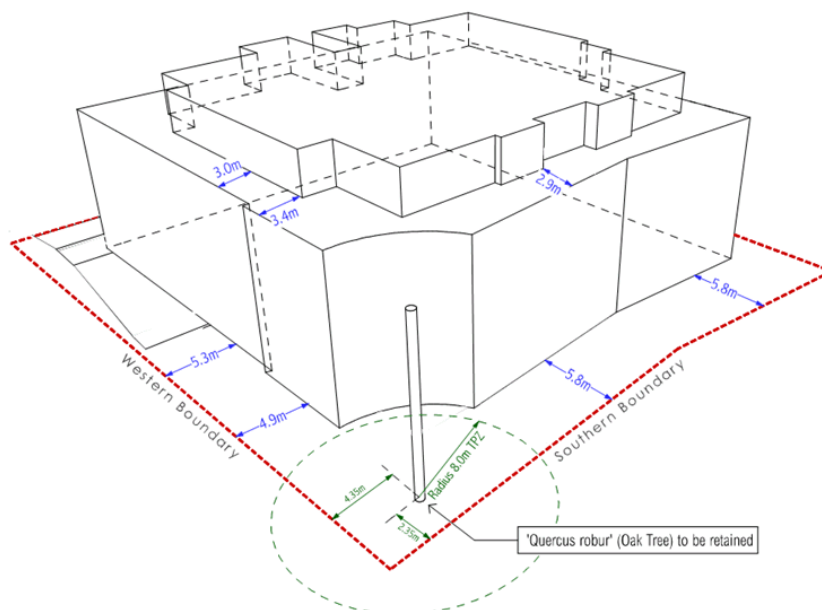


Figure 2 - Indicative building envelope with minimum building setbacks indicated (south-west view)

Building Height – Storeys

4. The maximum number of storeys permitted above the flood planning level (RL +2.500) is five (5).

Note: The fifth storey is required to provide increased setbacks as shown in Figures 1 and 2, which includes a minimum increased front setback of 3.3m from the floor below.

Landscaped area and deep soil

5. The minimum landscaped area is 35% of the site area. Landscaped area includes planting on structure provided the soil depths are no less than shown in Table 5 (page 116) of the Apartment Design Guide.
6. The minimum deep soil area is 20% of the site area.
7. The deep soil area is to be located around the perimeter of the site to create a landscaped interface with the adjacent public spaces.

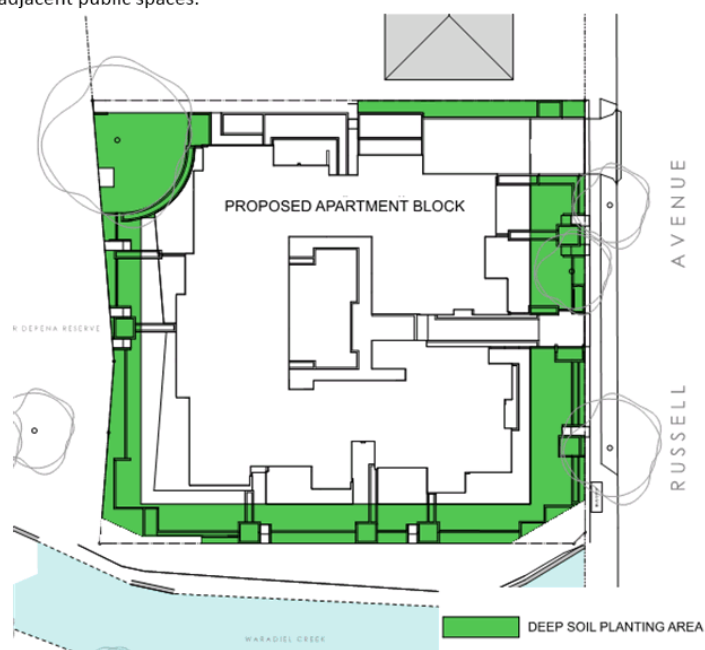


Figure 3 - Site plan illustrating quantum and indicative location of deep soil zones.

Building Design

8. Ground floor apartments adjoining Russell Ave, Waradiel Creek and Peter Depena Reserve are to have direct access to and from the public spaces they adjoin.
9. Perimeter fencing is to be of an open style to promote casual surveillance. Landscaping is to soften the interface and balance privacy with passive surveillance in appropriate locations.

Council Meeting

13/12/2017

Item No	8.6
Subject	Post-Exhibition Report: Planning Proposal for Land Bounded by Abercorn Street, Kingsland Road South, Stoney Creek Road South, Stoney Creek Road and Bexley RSL
Report by	Josh Ford, Coordinator Statutory Planning
File	F16/832

Summary

The Planning Proposal for land bounded by Abercorn Street, Kingsland Road South, Stoney Creek Road and Bexley RSL has been exhibited in accordance with the relevant provisions of the NSW Environmental Planning and Assessment Act, 1979, and the Gateway determination issued by the NSW Department of Planning and Environment (DPE). The aim of this Council report is to respond to the submissions received during the exhibition period, and provide Council with a recommendation about how to progress the Planning Proposal.

Following a review of the submissions received during the exhibition period, it is recommended that Council requests that the Minister make the amendment to the Local Environmental Plan, in the form that it was exhibited. While several submissions address items of planning merit, these are considered to have been addressed in the environmental studies supporting the Planning Proposal. Furthermore, the issues in the submissions largely relate to matters that would be considered as part of any future Development Application for the land, if the Planning Proposal is supported by Council and finalised by the NSW Department of Planning & Environment.

A Voluntary Planning Agreement (VPA) was exhibited concurrently with the Planning Proposal.

Officer Recommendation

- 1 That in accordance with Section 59 of the Environmental Planning & Assessment Act 1979, Council exercise delegation from the Minister and make the LEP amendment for land bounded by Abercorn Street, Kingsland Road South, Stoney Creek Road and Bexley RSL as exhibited.
 - 2 That the General Manager note the outcomes of the exhibition of the Voluntary Planning Agreement and execute the VPA in accordance with existing delegated authority under the relevant provisions of the Environmental Planning and Assessment Act 1979.
 - 3 That Council consider the recommendation of the Bayside Planning Panel on 28 November 2017 to defer the making of the LEP amendment until a Development Control Plan has been adopted for the site to guide future development and that Council consider amending the Planning Proposal to identify percentages of commercial, residential and other uses.
-

Background

On 14 December 2016, Council resolved to endorse a Planning Proposal for the subject land, and seek a Gateway determination from the NSW Department of Environment and Planning (DPE). Council's resolution supported the following amendments for the site under the *Rockdale Local Environmental Plan 2011* (RLEP 2011):

- amending the zoning from R2 Low Density Residential zone to B4 Mixed Use zone;
- amending the maximum building height from 8.5 metres to 16.0 metres;
- amending the maximum floor space ratio from 0.5:1 to 2.0:1; and
- removing the minimum lot size of 450m²

The resolution also included provisions relating to an incentive area of 800m² for Floor Space Ratio (FSR) and Height of Building (HOB) development standards, which may be initiated where lot amalgamation occurs. A location plan showing an aerial photo of the subject land is included under Figure 1 below.



Figure 1: Aerial Photo of Subject Site

The Gateway determination (**Attachment 1**) approved exhibition of the Planning Proposal, subject to the Planning Proposal being revised prior to exhibition to satisfy conditions annexed to the Gateway determination. An updated Planning Proposal was submitted to the NSW Department of Planning and Environment (DPE), which included all changes required by the Gateway conditions, as well as the 800m² minimum incentive area as endorsed by Council's resolution of 16 December 2016.

Exhibition

The Planning Proposal was exhibited from 26 July 2017 to 23 August 2017, satisfying the

minimum 28 day community consultation requirement included in the Gateway determination.

A total of 19 submissions were received, which included 14 public submissions and 5 government agency submissions. The key themes related to:

- general objections against the proposal;
- traffic and carparking issues;
- increased noise;
- excessive building height and site overdevelopment;
- overshadowing and solar access;
- public transport availability; and
- property devaluation.

The following agencies were required to be consulted in accordance with the conditions of the Gateway determination:

- Department of Education and Communities (DEC)
- Transport for NSW (TfNSW) – Roads and Maritime Services (RMS)
- Sydney Airport Corporation Limited (SACL)
- Civil Aviation Safety Authority (CASA)
- Commonwealth Department of Infrastructure and Regional Development.(DIRD)

Apart from DEC, all government agencies provided submissions, including two from TfNSW, one submission being from their sub-agency RMS.

A summary and response to each of the key points in every submission has been formulated (see **Attachment 2**) to assist Council with identifying the key matters associated with the Planning Proposal.

Assessment of Submissions

General Objections Against the Proposal

Some submissions stated their objection to the Planning Proposal. These views have been noted in the response to submissions.

Traffic & Carparking Issues

Several submissions highlighted concerns with additional traffic generation and a potential increase in street carparking. Any future Development Application for a particular use would determine the trip generation rates and onsite carparking requirements for the use for which approval is being sought from Council. A more detailed traffic impact assessment would be required at that stage. The submitted traffic study has been prepared by a suitably qualified

traffic engineer and was reviewed by Council's Transport Planner, RMS and TfNSW. As stated in Council's resolution dated 14 December 2016, detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses.

After reviewing submissions from RMS and TfNSW, the proponent provided additional information to Council. A request was made by Council to RMS and TfNSW for both agencies to review the additional information and provide feedback to Council. These additional comments are included under **Attachment 3**.

Increased Noise

Some submissions included concerns relating to increased noise from future construction, and additional traffic noise. The Planning Proposal represents an extension to an existing Town Centre, so any additional traffic noise would be consistent with the activities within and around a centre. Any future Development Application for a particular use would limit the hours in which construction work could be undertaken. Furthermore, any future DA would require notification to adjoining landowners, at which time:

- (i) any concerns relating to noise could be assessed in the context of a specific development design; and
- (ii) opportunities to ameliorate potential noise impacts could be considered through building design and specific design elements.

Excessive Building Height & Site Overdevelopment

An Urban Design Study, including building massing and urban context modelling, was exhibited with the Planning Proposal. Extracts from the Urban Design Study are included as **Attachment 4** to this report. The extracts clearly identify:

- (i) existing built form height;
- (ii) existing built form height modelled with current maximum height of building controls under the Rockdale Local Environmental Plan 2011; and
- (iii) proposed podium and maximum upper storey heights of potential new development within the subject site as a result of the proposed building height control.

The Planning Proposal is not seeking any greater maximum building height or maximum floor space ratio (FSR) than the current FSR that applies to the broader Bexley Town Centre, which is zoned B4 Mixed Use. The height and FSR development standards that currently apply to B4 Mixed Use zoned land within Bexley Town Centre under the Rockdale Local Environmental Plan 2011 (RLEP 2011) are:

- Building Height - 16 metres, plus a 3 metre incentive where lot amalgamation can achieve an area of minimum 600m² [see Clause 4.3(2A)(e) of RLEP 2011]
- FSR - 2.0:1, plus a 0.5:1 incentive where lot amalgamation can achieve an area of minimum 600m² [see Clause 4.4(2C)(e) of RLEP 2011]

Furthermore, as per Council's resolution dated 14 December 2016, Council supports a lot amalgamation area of minimum 800m², instead of 600m², for height and FSR incentives

applying to land in the Planning Proposal. This minimum lot amalgamation size was amended in the preliminary assessment stages of the Planning Proposal, as it was considered to provide opportunities for better management of building height and site development for the land included in the Planning Proposal.

Building height, bulk, scale, form and design are just some of the matters that would be assessed in association with any future Development Application (DA) for the land, if the Planning Proposal was to be supported by Council and finalised by DPE. Future development of any proposed development associated with apartments within the site would need to comply with State Environmental Planning Policy 65 (SEPP 65) and the Apartment Design Guide (ADG) referred to in SEPP 65.

Overshadowing and Solar Access

Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents can be minimised.

Public Transport Availability

The site exists within the broader urban context of the Bexley Town Centre, which is currently serviced by public buses. Transport for NSW (TfNSW) have been consulted in relation to this Planning Proposal. While TfNSW stated that future development proposals will need to ensure that construction does not impact bus services, they did not raise any issues with capacity to provide adequate bus services to the site.

Property Devaluation

Council must consider the planning merits associated with a Planning Proposal, not whether a Planning Proposal may devalue adjoining properties. This is not a matter of planning merit.

Bayside Planning Panel Recommendation

At its meeting of 28 November 2017, the Bayside Planning Panel made the following recommendation for the Planning Proposal:

The Panel recommends to the Council that it defers the making/gazettal of the planning proposal to allow a DCP for the total site proposed to be rezoned to B4.

Such a DCP would be to guide future development of the site which is in multiple ownership and to allow urban design guidelines to be incorporated having regard to the total context of the Bexley local centre and surrounding residential areas in particular, the relationship with the Kingsland Road and Abercorn street.

The Panel considers that a deferral would allow for a DCP to inform future development of the site as a blanket B4 zone without more detailed controls within the LEP would create uncertainty and not necessarily provide the impetus for revitalisation of the entire Bexley centre.

Council may also wish to consider that additional controls could be provided in the LEP with regard to percentages of commercial, residential and other uses having regard to the entire site's juxtaposition with adjoining development.

The officer's recommendation in this Council report responds to the Bayside Planning Panel's recommendation.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) has previously been reported to Council in relation to this site. It is noted that the VPA relates to only one site within the area of the Planning Proposal. This is because Council extended the area of the Planning Proposal, rather than it being a proponent led change to the LEP controls. The VPA was exhibited concurrently but separately to the Planning Proposal, for a period of 28 days. One submission was received in relation to the VPA. The submission was from the Roads and Maritime Services which raised no objection to the VPA.

The public benefits which will be provided to the community subsequent to the execution of the VPA are:

Public Benefit	Agreed Value
Contributions to Public amenities	\$300,000
<i>Total</i>	<i>\$300,000</i>

The General Manager has delegated authority to execute the Voluntary Planning Agreement.

Next Step

Should Council resolve to endorse the Planning Proposal, it will be forwarded to the Department of Planning and Environment with a request that the Minister make the LEP amendment, subject to any amendments resolved by Council.

Financial Implications

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

Community Engagement

The community engagement actions in relation to this Planning Proposal were:

- Planning Proposal was exhibited for 28 days from 26 July 2017 to 23 August 2017
- Hard copies of the information were made available to the Bexley branch library and the Rockdale Customer Service Centre.
- An advertisement was published in the St George Leader, notifying of the exhibition period and where exhibition materials could be viewed, including Council's 'Have Your Say' website.
- Letters were sent to all adjoining landowners, as well as all government agencies outlined in the Gateway determination.
- The Planning Proposal was presented to the Bayside Planning Panel on 28 November 2017.

Attachments

- 1 Gateway Determination
- 2 Response to Submissions
- 3 Additional Comments – RMS & TfNSW
- 4 Extracts from Urban Design Study [↓↓↓↓](#)



Our ref: PP_2017_004_00 (17/03474)

Ms Meredith Wallace
General Manager
Bayside Council
PO Box 21
Rockdale NSW 2216

Attention: Mr Josh Ford

Dear Ms Wallace

Planning proposal to amend Rockdale Local Environmental Plan 2011

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of a planning proposal seeking to amend the zoning from R2 Low Density Residential to B4 Mixed Use, and amend the applicable building height and floor space ratio (FSR) and associated bonus provisions, and remove the existing minimum lot size controls for land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley under Rockdale Local Environmental Plan 2011 (RLEP 2011).

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council may need to obtain the agreement of the Department's Secretary to comply with the requirements of certain relevant S117 Directions. Council should ensure this occurs prior to the plan being publicly exhibited.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council wishes to exercise the Plan making delegation in relation to the planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Department of Planning and Environment
320 Pitt Street Sydney | GPO Box 39 Sydney 2001 | planning.nsw.gov.au

Should you have any queries in regard to this matter, I have arranged for Mr Michael Kokot of the Department's regional office to assist you. Mr Kokot can be contacted on (02) 9274 6564.

Yours sincerely



8/03/2017

Martin Cooper
Acting Director, Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation



Planning &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2017_BSIDE_004_00): to rezone and amend the applicable building height and floor space ratio and associated bonus provisions and minimum lot size controls, for land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley.

I, the Acting Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Rockdale Local Environmental Plan 2011 in respect of land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley to rezone the land from R2 Low Density Residential to B4 mixed Use, amend the applicable building height and floor space ratio and associated bonus provisions, and minimum lot size controls, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to include:
 - (a) justification regarding inconsistency with the following Section 117 Direction and policy matters:
 - 1.1 Business and industrial zones;
 - 3.1 Residential zones;
 - 3.5 Development near licensed aerodromes;
 - 4.3 Flood prone land; and
 - (b) an assessment of consistency with the draft Central District Plan.
2. Prior to community consultation, the revised planning proposal is to be provided to the Department for approval in relation to the above matters.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2016)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Department of Education and Communities;
 - Transport for NSW - Roads and Maritime Services;
 - Sydney Airport Authority;

PP_2017_BSIDE_004_00 (17/03474)



Planning & Environment

- Civil Aviation Safety Authority; and
- Commonwealth Department of Infrastructure and Regional Development.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 8TH day of MARCH 2017

A handwritten signature in blue ink, appearing to read 'M. Cooper'.

Martin Cooper
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

PP_2017_BSIDE_004_00 (17/03474)



Our ref: 17/07313

Ms Meredith Wallace
General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Attention: Mr Josh Ford

Dear Ms Wallace

I am writing in relation to the Gateway determination of the Planning Proposal for Kingsland Road South, Bexley (PP_2017_BSIDE_004_00).

As part of the Gateway determination issued on 8 March 2017, Council was required to update the Planning Proposal and return it to the Department for review and assessment prior to public exhibition. The Department received the updated Planning Proposal on 8 May 2017.

I have now reviewed the resubmitted Planning Proposal and have determined that the Gateway conditions have been sufficiently satisfied to enable it to proceed to community consultation.

It is recommended that prior to community consultation, Council updates Appendix I to the Planning Proposal (summary of consistency of the proposal with Section 117 Directions) to reflect the additional information provided in the revised Planning Proposal to justify consistency with Section 117 Directions.

Should you have any further questions about this matter, please contact Mr Martin Cooper of the Department's Sydney Region East section on (02) 9228 6582.

Yours sincerely

A handwritten signature in black ink that reads 'Sandy Chappel'.

27.06.17

Sandy Chappel
Director, Sydney Region East
Planning Services

Written Submissions		
Submission Maker	Issue	Council Officer Response
Government Agency Submission 1 Civil Aviation Safety Authority (CASA)	<ul style="list-style-type: none"> Due to the proximity of the proposed building to the indicative Procedures for Air Navigation Services - Aircraft Operations and the penetration of the Obstacle Limitation Surface, CASA cannot provide an informed response without information being provided from an aeronautical study that identifies the potential risk to aviation safety. This assessment would need to include proposed tall obstacles, such as cranes or other tall objects that may be used in the construction of the proposed building. A building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport-operator company for the airport. Accordingly, CASA requests you advise Sydney Airport Corporation Ltd (airspaceprotection@syd.com.au) of this planning proposal. 	<ul style="list-style-type: none"> The Planning Proposal is not seeking any greater height than the current maximum building height that applies to the broader Bexley Town Centre, which is also zoned B4 Mixed Use. Any future Development Application (DA) for any major kind of development within the site would require referral to CASA for specific comment. CASA can determine at that time whether an aeronautical study needs to be prepared for the particular DA, based on the height that is sought under that DA. Sydney Airport Corporation Limited (SACL) have been consulted as part of the exhibition of this Planning Proposal. SACL's comments are provided later in this response to submissions.
Government Agency Submission 2 Commonwealth Department of Infrastructure & Regional Development (DIRD)	<ul style="list-style-type: none"> We note the relevant documents refer to a building of up to 19 metres AGL. While we have been unable to confirm the height above sea level (AHD), we note that the height of the relevant airspace for Sydney Airport is likely to be 51 meters AHD in that area. In the case that the buildings are below the protected airspace for Sydney Airport, approval for the construction of 	<ul style="list-style-type: none"> Noted.

	<p>these buildings would not require approval under the Airports (Protection of Airspace) Regulations.</p> <ul style="list-style-type: none"> ▪ We recommend the proponents of this development continue to advise Sydney Airport as to the planned final heights (in AHD) of the buildings as well as any associated crane activities 	<ul style="list-style-type: none"> ▪ Noted. In any case, any future Development Application (DA) for any major kind of development within the site would require referral to SACL and CASA for specific comment.
Government Agency Submission 3 Transport for NSW (TfNSW)	<ul style="list-style-type: none"> ▪ Council should give consideration to the cumulative transport impact of the subject proposal having regard to other current and future planning proposals including potential rezoning for Bexley Town Centre. ▪ The subject proposal is accompanied by a draft planning agreement that has been prepared for engagement between Council and the proponent. It is suggested that Council, as the Planning Authority, should consider the level of contribution having regard to any the infrastructure upgrades that may be required to facilitate the planned revitalization of Bexley Town Centre. ▪ It is requested that future detailed development proposals consider the following: <ul style="list-style-type: none"> • Any proposed location of future egress and ingress points for the development should not impact the bus stop, bus movements or bus routes on Stoney Creek Road; • Any future construction works/vehicles do not cause adverse impact to the existing bus stops, bus 	<ul style="list-style-type: none"> ▪ There are currently no other Planning Proposals in Bexley Town Centre or nearby the subject land. The Planning Proposal is site specific. Any future comprehensive LEP would be informed by technical studies such as traffic and transport, to determine cumulative impacts of development in centres. ▪ Only when a DA for a specific development is under assessment can Council ensure sufficient local infrastructure is required to support the development. A VPA pertaining to the subject site has previously been reported to Council. ▪ Any future Development Application (DA) for any major kind of development would need to address these matters raised by TfNSW. These are development specific and would need to be resolved through detailed design at the DA stage and referral to NSW Roads and Maritime Services (RMS).

	<p>movements and bus routes that are currently servicing Stoney Creek Road and Forest Road; and</p> <ul style="list-style-type: none"> Any proposed location of future egress and ingress points for the development on Stoney Creek Road must be reviewed and agreed by Roads and Maritime Services. <ul style="list-style-type: none"> Consider the connectivity, safety and accessibility for pedestrians and bicycle riders to existing pedestrian and bicycle networks, public transport and key sites of the Town Centre; and bicycle parking and end of trip facilities for pedestrian and bicycle riders in accordance with Council's DCP, standards and guideline documents. The TDT 2013/14 covers a range of locations for high density residential developments and the traffic study should make reference to locations where best comparable with the subject site (i.e. Rockdale). The traffic report notes that no direct reference can be made for the proposed tourist hotel and suggests that the rate for motel to be used for the assessment. TfNSW appreciates the suggested use 	<ul style="list-style-type: none"> Any future Development Application (DA) would need to address these matters raised by TfNSW. These are development specific and would need to be resolved through detailed design at the DA stage. The Planning Proposal represents an extension to an existing Town Centre. In order to consolidate activity and reduce vehicle trips, best practice planning promotes higher density development in centres more generally. The Planning Proposal is not seeking any greater height or density than the current planning controls that apply to the broader Bexley Town Centre, which is also zoned B4 Mixed Use. Only when a future DA is lodged with Council can there be a fully detailed Traffic Impact Assessment relevant to the density of that particular development proposed at that time. This comment pre-empts the type of development that may be sought for the site in the future. If the land was rezoned to B4 Mixed Use, a DA could be lodged for any use that is permitted with consent in
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	<p>of alternative trip rate, however, is of the view that the rate of 0.4 trips per room may not effectively consider the difference of functionality and operational demand between tourist hotel and motel. A sensitivity assessment using 'first principle' should be supplemented to test a conservative condition based on projected number of guests and staff.</p>	<p>that zone. Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage.</p> <p>NOTE: Council provided additional traffic modelling information as received from the proponent, and submitted this to TfNSW post-exhibition, requesting that TfNSW confirm whether the additional information responded to the comments made in their submissions. Subsequent comments received from TfNSW can be found in Attachment 3 to this Council report. TfNSW have no objection to the Planning Proposal, and stated in their additional correspondence that the matters raised in their submission can be addressed as part of any future DA(s), if the land is rezoned.</p>
Government Agency Submission 4 Sydney Airport Corporation Limited (SACL)	<ul style="list-style-type: none"> Any proposed buildings that are below 51m AHD across the site would not be an issue for Sydney Airport. Any proposed development taller than 51m AHD would be subject to assessment and a determination by The Federal Department of Infrastructure & Regional Development (DIRD). 	<ul style="list-style-type: none"> Any future Development Application for any major kind of development within the site would require referral to SACL and DIRD in any case.
Government Agency Submission 5 NSW Roads & Maritime Services (RMS)	<ul style="list-style-type: none"> The traffic report submitted with the planning proposal states that the existing intersection of Stoney Creek Road/Forest Road performs at a Level of Service (LoS) B in the AM peak and C in the PM peak. However, a separate study commissioned by Roads and Maritime for the Forest Road corridor has indicated that this 	<ul style="list-style-type: none"> Council provided additional traffic modelling information as received from the proponent, and submitted this to RMS post-exhibition, requesting that RMS confirm whether the additional information responded to the comments made in their submissions. Subsequent comments received from RMS can be found in Attachment 3 to this

	<p>intersection performs at a LoS C in the AM and F in the PM peak. It is recommended that the electronic copies of the SIDRA models be submitted for review.</p> <ul style="list-style-type: none"> ▪ Consideration should be given to the cumulative impact of this proposal and other future proposals including the Bexley Town Centre revitalisation on the performance of this intersection and associated need (if any) for mitigations measures including land components from the site. Roads and Maritime can assist in this exercise through the provision of current and future background traffic growth on Forest and Stoney Creek Roads from the Sydney strategic highway assignment model. ▪ Roads and Maritime is of the view that the land components (if required) for any potential upgrade of this intersection be identified and included in a planning agreement, prior to the gazettal of the planning proposal. ▪ The proposed indicative vehicular access on Stoney Creek Road will need to be left in/left out only through the provision of a raised central concrete median island on Stoney Creek Road with a minimum width of 900mm. This is likely to require localised road widening on Stoney Creek Road at full cost to the developer and dedication 	<p>Council report. RMS have no objection to the Planning Proposal, and stated in their additional correspondence that the matters raised in their submission can be addressed as part of any future DA(s), if the land is rezoned.</p> <ul style="list-style-type: none"> ▪ There are currently no other Planning Proposals in Bexley Town Centre or nearby the subject land. The Planning Proposal is site specific. Any future comprehensive LEP would be informed by technical studies, such as a traffic and transport study, to determine cumulative impacts of development in centres. The Traffic Impact Assessment submitted with any future DA for the site would need to include the relevant details from the Sydney Strategic Highway Assignment Model referred to by the RMS. ▪ The VPA has previously been reported to Council separately. RMS should fund any required intersection upgrades, in line with necessary upgrades over time to accommodate traffic on State roads. The development site represents just one small site that may contribute to an increase in traffic along the broader corridor over time. ▪ Noted. These are matters that would be relevant to any future DA associated with development of the site. It is unlikely that Council would require access arrangements to be included in a DCP for the site. Any DA for significant development of the site would require referral to the RMS.
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	of land from the subject site as public road (at no cost to Roads and Maritime) to facilitate these road works and associated widening. Access arrangements to be included in a development control plan for the site.	
Community Submission 1	<ul style="list-style-type: none"> ▪ Strongly object to the Planning Proposal. ▪ Our concerns relate to current traffic congestion due to overdevelopment and existing businesses. ▪ Currently there is limited carparking available for residents and the proposal will create more strain and congestion. 	<ul style="list-style-type: none"> ▪ Noted. The concerns raised in the submission, as responded to below, are not considered to be of a nature that would prevent the Planning Proposal proceeding. These are largely DA related matters that would require further detailed assessment in association with one of more particular uses of the site. ▪ The Planning Proposal represents an extension to an existing Town Centre. In order to consolidate activity and reduce vehicle trips, best practice planning promotes higher density development in centres more generally. The Planning Proposal is not seeking any greater height or density than the current planning controls that apply to the broader Bexley Town Centre, which is also zoned B4 Mixed Use. Only when a future DA is lodged with Council can there be a fully detailed Traffic Impact Assessment relevant to the density of that particular development proposed at that time. ▪ Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage.

Community Submission 2	<ul style="list-style-type: none"> ▪ Increased noise to the area resulting from the additional traffic and any proposed/construction work ▪ Buildings will result in all the natural light being blocked and the leafy outlook currently enjoyed by owners being obstructed ▪ Parking is currently extremely limited on both Kingsland Road and Abercorn Street and with the increase in residential and commercial lots, street parking will be impossible. ▪ Mixed Use development would increase demand on the existing transport infrastructure which is already past capacity, unable to cope with the existing volumes. 	<ul style="list-style-type: none"> ▪ The Planning Proposal represents an extension to an existing Town Centre, so any additional traffic noise would be consistent with the activities within and around a centre. Any future DA for a particular use would limit the hours in which construction work could be undertaken. ▪ Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that the development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents could be minimised. ▪ Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage. ▪ The Planning Proposal represents an extension to an existing Town Centre. In order to consolidate activity and reduce vehicle trips, best practice planning promotes higher density development in centres more generally. Only when a future DA is lodged with Council can there be a fully detailed Traffic Impact Assessment relevant to the density of that particular development proposed at that time. This would determine whether any additional infrastructure is required to support the development.
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	<ul style="list-style-type: none"> ▪ The development would have an adverse effect (negative impact) on the value of my unit and those in the locality. 	<ul style="list-style-type: none"> ▪ This comment does not relate to any planning merit associated with the Planning Proposal.
Community Submission 3	<ul style="list-style-type: none"> ▪ Strongly disagree with the proposal. ▪ Overshadowing and amenity impacts will result from potentially 19m high buildings. ▪ The location is not near a train station, unlike other areas that accommodate comparable developments, like Chatswood or Hurstville. ▪ Bus services are unreliable. ▪ Businesses are in decline in Bexley Town Centre and there is a high vacancy rate. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents can be minimised. ▪ The density proposed – in the form of height and floor space ratio controls - is consistent with a Town Centre that is the scale of Bexley. The Planning Proposal is not seeking any greater height or density than the current planning controls that apply to the broader Bexley Town Centre, which is also zoned B4 Mixed Use. Centres like Chatswood or Hurstville are of a far higher density than Bexley Town Centre and are Transit Oriented Developments due to their proximity to railway stations. ▪ Council has consulted Transport for NSW, who are the government agency responsible for the provision of public bus services. The submission from Transport for NSW does not identify any shortage of bus services or any proposal to reduce bus services in the locality. ▪ The Planning Proposal represents an opportunity to lead the revitalisation of Bexley Town Centre by

	<ul style="list-style-type: none"> Strongly object to the Floor Space Ratio changing from 0.5:1 to 2.5:1 due to limited open space opportunities and shadowing of site that will be created. Motels are not suitable for the location and could attract undesirable social behaviour. 	<p>providing opportunities for DAs to be lodged for new developments in a key location on the South-western edge of Bexley Town Centre.</p> <ul style="list-style-type: none"> The Planning Proposal is not seeking any greater floor space ratio (FSR) than the current floor space ratio that applies to the broader Bexley Town Centre, which is zoned B4 Mixed Use. The FSR that applies to B4 Mixed Use zoned land within Bexley Town Centre is currently 2.0:1, plus a 0.5:1 incentive where lot amalgamation can achieve a minimum area of 600m². As per Council's resolution dated 14 December 2016, Council supports a lot amalgamation of minimum area 800m², instead of 600m², for height and FSR incentives applying to land in the Planning Proposal. This will result in better management of the issues raised under this point. Furthermore, any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents can be minimised. Council cannot pre-empt the type of DA that could be lodged if the land is rezoned, nor can Council make assumptions about any such DA without undertaking a formal assessment to determine the issues that a DA may need to address. However, any future DA for significant development within the site would require detailed assessment of potential impacts (including any social impacts), to ensure that
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	<ul style="list-style-type: none"> ▪ Abercorn Street is already used as a rat run by vehicles. ▪ The Planning Proposal assumes that landowners against the proposal have no choice but to sell. In future if proposals are made to Council, they should only be made if those making the proposals already have full ownership rights over the land they wish to develop, and do not make their plans on the assumption that they will be able to control that land in future. 	<p>development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents can be minimised.</p> <ul style="list-style-type: none"> ▪ Only when a future DA is lodged with Council can there be a fully detailed Traffic Impact Assessment relevant to the density of that particular development proposed at that time, which would determine whether any additional infrastructure is required to support the development. ▪ Noted, and to be taken as feedback for any targeted consultation that Council could undertake on Planning Proposals prior to public exhibition in the future. Part of the purpose of the exhibition process is to determine whether landowners are supportive or are not supportive of a Planning Proposal. The consolidation of Bexley Town Centre represents an opportunity to enable all landowners subject to the Planning Proposal to have the opportunity to voice their support, or concerns, and potentially be included in formalising Bexley Town Centre. The site has a greater depth than the majority of Bexley Town Centre, at a gateway location that could potentially trigger the renewal of development within the broader Town Centre.
Community Submission 4	<ul style="list-style-type: none"> ▪ The proposed height of building will adversely impact the solar access the Bexley RSL currently receives and impacts on the existing solar panel systems in place. 	<ul style="list-style-type: none"> ▪ Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that development can respond to any relevant Council (and State) planning controls, and to

	<ul style="list-style-type: none"> ▪ The proposed increase to the height of building Clause is considered to contravene the objectives of Clause 4.3, specifically in relation to objective (c). It is considered the proposed height of building of 16m with the potential to increase to 19m, will impact on sky exposure and daylight to adjoining buildings, specifically, the Bexley RSL. Further assessment is required to clearly demonstrate that the heights as proposed (being a maximum allowable height off 19m in this instance) will not adversely impact on existing (present day) development on the Bexley RSL and adjoining sites. ▪ It is unclear if the proposed height will cause obstruction to the existing telecommunication devices installed on the roof of the Bexley RSL. Technical advice should be provided by the applicant which reviews the impact of future development on the existing telecommunication devices based on their current height and configuration on site. ▪ Current plans provided assume that surrounding developments within the Bexley Town Centre (including the Bexley RSL site) are developed to their maximum built form, which is misleading and does not provide any assessment on the impacts against present day development. 	<p>assess how any impacts on adjoining landowners / residents can be minimised.</p> <ul style="list-style-type: none"> ▪ As above. Until a DA for a particular use is lodged and assessed, these are assumptions that cannot be tested. ▪ As above. ▪ Council requests that any Planning Proposal is supported by an Urban Context Report that models the proposed development controls (such as height and FSR) for the site in the context of the locality, which includes modelling the current maximum applicable development standards applying to adjoining sites. It is highlighted that Bexley RSL
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	<ul style="list-style-type: none"> ▪ The proposed height of building will adversely impact the solar access the Bexley RSL currently receives and impacts on the existing solar panel systems in place. Solar Diagrams provided by the proponent lack clarity and are misleading. Detailed solar diagrams representing present day development and elevations plans should be provided. The revised plans should be publicly re-notified and provided to Bexley RSL and surrounding landowners for comment/review; ▪ Insufficient detail has been provided on the impacts of future development on the Bexley RSL site, specifically the Bexley RSL's ability to be developed in accordance with the SEPP 65 and the ADG requirements. It is requested that the applicant undertakes more detailed consideration which demonstrate the effects of the increased height on existing (present day) development and also on the ability to Bexley RSL to develop into the future unimpeded. This should be in the form of indicative building envelopes and updated shadow diagrams that detail how an ADG compliant scheme can be achieved on both the Proposal site and the Bexley RSL site. 	<p>currently has the potential to lodge a DA for a permissible use in the B1 Neighbourhood Centre zone that can achieve 13.0 metre building height and an FSR of 2:1, being the current development standards applying to the Bexley RSL site under the Rockdale LEP 2011.</p> <ul style="list-style-type: none"> ▪ Council does not require elevation plans at the Planning Proposal stage, however, these are required to support a DA. Therefore, the request to publicly renotify plans on this basis is not warranted. Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents can be minimised. ▪ Any future DA for significant development within the site would require detailed assessment of environmental issues and amenity impacts. For any development that would trigger <i>SEPP 65 - Design Quality of Residential Apartment Development</i>, the DA would need to ensure that development can respond to the provisions of the supporting <i>Apartment Design Guide</i>, and any other Council (and State) planning controls to assess how any impacts on adjoining landowners / residents can be minimised.
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	<ul style="list-style-type: none"> ▪ The proposed increased density will indirectly impact the Bexley RSL in terms of car parking and cause increased traffic congestion to the Bexley local street network. ▪ Opportunity for the Bexley RSL site to be included in the proposed rezoning should be explored in more detail to allow for cumulative impacts to be assessed. ▪ It is noted that the current Planning Proposal does show considerable planning merit in that the redevelopment has the ability to result in a number of positive social and economic benefits for both the site and the surrounding land uses. However, it requires further work to ensure that it does not result in any impacts that threaten the ongoing operations of the Bexley RSL club and its ability to be developed into the future. ▪ The proposed increased density has the potential to adversely impact the Bexley RSL in terms of car parking and cause increased traffic congestion to 	<ul style="list-style-type: none"> ▪ Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage. It cannot be assumed that Bexley RSL will be indirectly impacted. ▪ Under the development standards in the Rockdale LEP 2011 that currently apply to the Bexley RSL site, Bexley RSL already has the potential to lodge a DA for a permissible use in the B1 Neighbourhood Centre zone that can achieve 13.0 metre building height and an FSR of 2:1. Any proposal to seek further height increases at the site could be <i>considered</i> during preparation of a comprehensive LEP in the future, as part of the consultation process and lodgement of a submission by the landowner. ▪ Noted. This has been responded to in several earlier points. ▪ Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is
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	<p>the Bexley local street network. A Revised Traffic Impact Assessment is required to consider the impact of the proposed maximum development scenario in relation to the existing traffic flows along Forest Road and the measures required to ensure the Bexley RSL Club car parking is not adversely impacted.</p> <ul style="list-style-type: none"> ▪ The maximum development scenario proposed estimates only 144 – 169 car parking spaces are required to service the site for the various developments scenarios. This provisional number of spaces is considered insufficient to service a development of this size and the potential spillover effects of patrons utilizing our clients parking located within Bexley RSL, will most likely occur. It is requested that further clarity is provided on the impact of the proposed <i>maximum development</i> scenario in relation to the existing traffic flows in and along Forest Road. ▪ Existing use rights apply for future development to the existing registered Bexley RSL Club, as the site was existing when the rezoning of lands to B1 Neighbourhood Centre was carried out. It is considered that a B4 Mixed use zone would be a more appropriate zone for the Bexley RSL site as this will provide for a range of commercial and residential uses that are consistent with the Planning Proposal site to the east and would also permit the existing club within the zone, instead of relying on existing use rights. It is requested that consideration be given to the rezoning of the 	<p>being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage. It cannot be assumed that Bexley RSL will be indirectly impacted.</p> <ul style="list-style-type: none"> ▪ As above. ▪ While the existing Bexley RSL may operate under existing use rights, under the development standards in the Rockdale LEP 2011 that currently apply to the Bexley RSL site, Bexley RSL already has the potential to lodge a DA for a permissible use in the B1 Neighbourhood Centre zone that can achieve 13.0 metre building height and an FSR of 2:1. Any proposal to seek further height increases at the site could be <i>considered</i> during preparation of a comprehensive LEP in the future, as part of the consultation process and lodgement of a submission by the landowner.
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	Bexley RSL site from B1 Neighbourhood Centre to B4 Mixed Use and an increase in height to 16m to allow equitable development within this precinct.	
Community Submission 5	<ul style="list-style-type: none"> My client's site is not zoned R2 Low Density Residential We wish to acknowledge that the Council's report on the Planning Proposal identifies within the background section that our site does not form part of the Planning Proposal as it does not nominate our site. The resolution of Council proposes to amend the incentive clause, which currently applies to a height and FSR bonus for sites zoned B4 Mixed Use in Bexley Town Centre greater than 600m², is being amended by this Planning Proposal to 800m². It is our understanding that the change to the 800m² site requirement will only apply to this Planning Proposal and that there is no change being proposed to the existing B4 zone. It is our view that should the Council be of the view that the 800m² should be applied to my client's site, then we object to the inclusion of this provision. My client has operated from this premise for numerous years and has been aware of the relevant planning controls since 2011. For any change to be imposed that makes the current controls worse, due to a proponent seeking to amend the surrounding land use, is in our view unreasonable. 	<ul style="list-style-type: none"> Noted. Client's land is already zoned B4 Mixed Use zone under the Rockdale LEP 2011. Noted. The Planning Proposal does not include the subject land, as it is already zoned B4 Mixed Use under the Rockdale LEP 2011. Correct. No change is being considered as part of this Planning Proposal to the minimum amalgamation area of 600m² that currently applies to land within incentive "Area E" under Clause 4.3 and "Area F" under Clause 4.4 of the Rockdale LEP 2011. Noted. As stated above, the land is not included in the Planning Proposal.

Community Submission 6	<ul style="list-style-type: none"> ▪ The intersection of Abercorn Street and Kingsland Road South already experiences significant traffic and cars parking along this section of Kingsland Road South. ▪ We believe that if the proposed site is to become either a large residential or commercial building, the traffic and parking situation will become far too much for this street to cope with. There is often a queue of cars turning onto Forest Road during peak hour and this situation will only be made worse. 	<ul style="list-style-type: none"> ▪ The submitted traffic study has been prepared by a suitably qualified traffic engineer and was reviewed by Council's Transport Planner, RMS and TfNSW. As stated in Council's resolution dated 14 December 2016, detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses. ▪ As above. Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage.
Community Submission 7	<ul style="list-style-type: none"> ▪ Enough people and traffic in Bexley as is ▪ Federation homes that should be restored ▪ Not enough infrastructure to cope 	<ul style="list-style-type: none"> ▪ The rezoning of the site is an extension to Bexley Town Centre. Any centre is an area of activity due to the services a centre provides. The submitted traffic study has been prepared by a suitably qualified traffic engineer and was reviewed by Council's Transport Planner. As stated in Council's resolution dated 14 December 2016, detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses. ▪ There are no heritage items within the site or adjoining the site. In any case, any future DA(s) would need consider the built form and amenity of existing development in the locality. ▪ The Planning Proposal represents an extension to an existing Town Centre. In order to consolidate activity

	<ul style="list-style-type: none"> ▪ Not enough room at local schools to cope 	<p>and reduce vehicle trips, best practice planning promotes higher density development in centres more generally. Any future DA(s) lodged with Council would need to be supported by the appropriate information to determine whether any additional infrastructure is required to support the development.</p> <ul style="list-style-type: none"> ▪ Council cannot pre-empt the future development of the site, or the demographic that may reside within the site. The Greater Sydney Commission has recently released the Draft Eastern City District Plan, which includes population projections (including household structure) and dwelling projections. These Draft Plans will need to be considered by government agencies, such as the NSW Department of Education, in forward planning for infrastructure, including schools. Council was not required to consult with the NSW Department of Education in relation to this Planning Proposal.
Community Submission 8	<ul style="list-style-type: none"> ▪ Forest Road, Stoney Creek Road, Harrow Road and Bexley Road are gridlocked most times of the day, one lane most times of the day ▪ Keep the location low density, no room for high density 	<ul style="list-style-type: none"> ▪ The submitted traffic study has been prepared by a suitably qualified traffic engineer and was reviewed by Council's Transport Planner. As stated in Council's resolution dated 14 December 2016, detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses. ▪ The Planning Proposal represents an extension to an existing Town Centre. In order to consolidate activity and reduce vehicle trips, best practice planning promotes higher density development in centres more generally. The Planning Proposal is not seeking

		any greater height or density than the current planning controls that apply to the broader Bexley Town Centre, which is also zoned B4 Mixed Use.
Community Submission 9	This submission maker provided a more detailed written submission that has been responded to above, under <i>Government Agency Submission 4</i> .	N/A
Community Submission 10	<ul style="list-style-type: none"> ▪ Strongly disagree with proposal ▪ High rise buildings will decrease the value of our much loved unit ▪ Development could obstruct natural sunlight and worsen existing mould issue to one side of our unit ▪ Unwanted traffic and limited carparking could result ▪ More risk for young children travelling to and from school ▪ Increased pollution and health risks 	<ul style="list-style-type: none"> ▪ Noted. ▪ Devaluation of existing properties is not a matter of planning merit that Council must consider when assessing a Planning Proposal. ▪ Any future DA for a particular use would need to address detailed urban design requirements specific to that DA, including solar access and overshadowing. ▪ Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage. ▪ Bexley Town Centre currently accommodates for pedestrians, and any future DA would need to address localised pathways and linkages to ensure safe passage of pedestrians to the existing adjoining Bexley Town Centre. ▪ The planning merit associated with this argument is considered limited in the context of the proposed B4 Mixed Use zone that is consistent with the existing adjoining Bexley Town Centre.

	<ul style="list-style-type: none"> Increased noise to area, could have impacts on shiftworkers and in some cases cause stress, fatigue or possibly fatalities in the area when driving or walking to/from work 	<ul style="list-style-type: none"> This is a tenuous link and does not relate to planning merit associated with this Planning Proposal.
Community Submission 11	<ul style="list-style-type: none"> Oppose rezoning Will increase traffic around my unit block and decrease the amount of off street carparking It will increase traffic incidents at Abercorn Street and Kingsland Road South It will create noise during construction and decrease the income from rent Natural light into our building will be blocked 	<ul style="list-style-type: none"> Noted. The submitted traffic study has been prepared by a suitably qualified traffic engineer and was reviewed by Council's Transport Planner, RMS and TfNSW. As stated in Council's resolution dated 14 December 2016, detailed traffic and vehicular access issues would be required to support any future Development Application(s) for particular land uses. Only when a future DA is lodged with Council can there be a fully detailed Traffic Impact Assessment relevant to the density of that particular development proposed at that time, which would determine whether any additional infrastructure is required to support the development, including infrastructure to limit any potential rat runs. Any future DA for a particular use would limit the hours in which construction work could be undertaken. Reduced income from rent is not a matter of planning merit that can be considered in assessing a Planning Proposal. Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that the development can respond to any

	<ul style="list-style-type: none"> Will increase demand on local schools 	<p>relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents could be minimised.</p> <ul style="list-style-type: none"> Council cannot pre-empt the future development of the site, or the demographic that may reside within the site.
Community Submission 12	<ul style="list-style-type: none"> I say no to this proposal My unit will be devalued Increased traffic and noise Reduced off street carparking available Reduction in natural light 	<ul style="list-style-type: none"> Noted. Perceived property devaluation is not a matter of planning merit that can be considered in assessing a Planning Proposal. The Planning Proposal represents an extension to an existing Town Centre, so any additional traffic noise would be consistent with the activities within and around a centre. Any future DA for a particular use would limit the hours in which construction work could be undertaken. Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage. Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that the development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents could be minimised.

	<ul style="list-style-type: none"> Needs to remain a low density residential area 	<ul style="list-style-type: none"> The Planning Proposal is not seeking any greater height or density than the current planning controls that apply to the broader Bexley Town Centre, which is also zoned B4 Mixed Use.
Community Submission 13	<ul style="list-style-type: none"> The proposal is extremely vague, there are no details on the proposed development Increased noise to the area resulting from the additional traffic and any proposed/construction work Buildings will result in all the natural light being blocked and the leafy outlook currently enjoyed by owners being obstructed Parking is currently extremely limited on both Kingsland Road and Abercorn Street and with the increase in residential and commercial lots, street parking will be impossible. 	<ul style="list-style-type: none"> A Planning Proposal is not required to outline matters that are relevant at a DA stage. The DA assessment process involves assessment of a particular use, as well as the design and environmental impacts of a specific development proposal. The Planning Proposal represents an extension to an existing Town Centre, so any additional traffic noise would be consistent with the activities within and around a centre. Any future DA for a particular use would limit the hours in which construction work could be undertaken. Any future DA for significant development within the site would require detailed assessment of overshadowing, solar access and visual amenity, to ensure that the development can respond to any relevant Council (and State) planning controls, and to assess how any impacts on adjoining landowners / residents could be minimised. Any future DA for a particular use would determine the trip generation rates and carparking requirements for that particular use that approval is being sought from Council. A more detailed Traffic Impact Assessment would be required at that stage.

	<ul style="list-style-type: none"> ▪ Mixed Use development would have a significant increase on the existing transport infrastructure which is already past capacity, unable to cope with the existing volumes. ▪ The development would have an adverse effect (negative impact) on the value of my unit and those in the locality. 	<ul style="list-style-type: none"> ▪ The Planning Proposal represents an extension to an existing Town Centre. In order to consolidate activity and reduce vehicle trips, best practice planning promotes higher density development in centres more generally. Only if a future DA is lodged with Council can there be a fully detailed Traffic Impact Assessment relevant to the density of that particular development proposed at that time. This would determine whether any additional infrastructure is required to support the development. ▪ Perceived property devaluation is not a matter of planning merit that can be considered in assessing a Planning Proposal.
Community Submission 14	This submission maker provided a more detailed written submission that has been responded to above, under <i>Community Submission 4</i> .	N/A



Transport
Roads & Maritime
Services

Roads and Maritime Reference: SYD17/01000

13 November 2017

General Manager
Bayside Council
PO Box 21
Rockdale NSW 2216

Attention: Josh Ford

Dear Ms Wallace

**PLANNING PROPOSAL: LAND BOUNDED BY KINGSLAND ROAD SOUTH, ABERCORN STREET,
STONE CREEK ROAD & BEXLEY RSL, BEXLEY**

I refer to your correspondence of 24 October 2017 advising that the proponent of the abovementioned planning proposal has provided a response to the previous Roads and Maritime Services submission of 29 September 2017 and Bayside Council invite Roads and Maritime to provide comment.

Roads and Maritime has reviewed the applicant's response including a full review of the SIDRA models for the intersection of Forest Road/Stoney Creek Road and advises that the inputs and settings of the models are acceptable.

Roads and Maritime raises no objection to the subject planning proposal proceeding to gazettal.

The comment in previous Roads and Maritime submission relating to the vehicular access on Stoney Creek Road being physically restricted to left in/left out only shall be appropriately addressed as part of any future Development Application submitted to Council under Part 4 of the Environmental Planning and Assessment Act, 1979.

If you wish to discuss this matter further, please contact James Hall – Senior Land Use Planner on 8849-2047 or james.hall@rms.nsw.gov.au.

Yours sincerely

Greg Flynn
Senior Manager Strategic Land Use

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13



Transport
for NSW

Mr Josh Ford
Coordinator Statutory Planning
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Dear Mr Ford

**Planning Proposal for land bounded by Kingsland Road South, Abercorn Street,
Bexley RSL and Stoney Creek Road – Response to Submission**

Thank you for your email dated 24 October 2017 regarding the above.

Transport for NSW (TfNSW) has reviewed the response prepared by the proponent and the following matter should be noted:

- The response states that *"The use of 0.4 trips per unit (for motel) is more than double the rate for residential, allowing sufficient margin in the rate if residential rate is higher in Bexley compared with the RMS average (although there is no evidence to indicate this is the case)"*. TfNSW is of the view that the current assessment may reflect a conservative case of full hotel development. It should be noted however that a more comparable site for residential development (i.e. Rockdale) would give a traffic generation rate of 0.32 trips per unit according to the RMS guidelines.
- Future development applications will be able to more accurately estimate the levels of travel demand from the proposal based on proposed development.

For further information or clarification regarding this matter, please contact Billy Yung, Senior Transport Planner on 8202 3291 or Billy.Yung@transport.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mark Ozinga".

6/11/17

Mark Ozinga
Principal Manager, Land Use Planning and Development
Freight, Strategy and Planning

CD17/11980

Transport for NSW

18 Lee Street, Chippendale NSW 2008 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602



Figure 10 - Northern view of existing built form

Key for built form diagram

Existing built form height

- Planning Proposal: Land Use Zoning, Floor Space Ratio and Height of Buildings Amendment -

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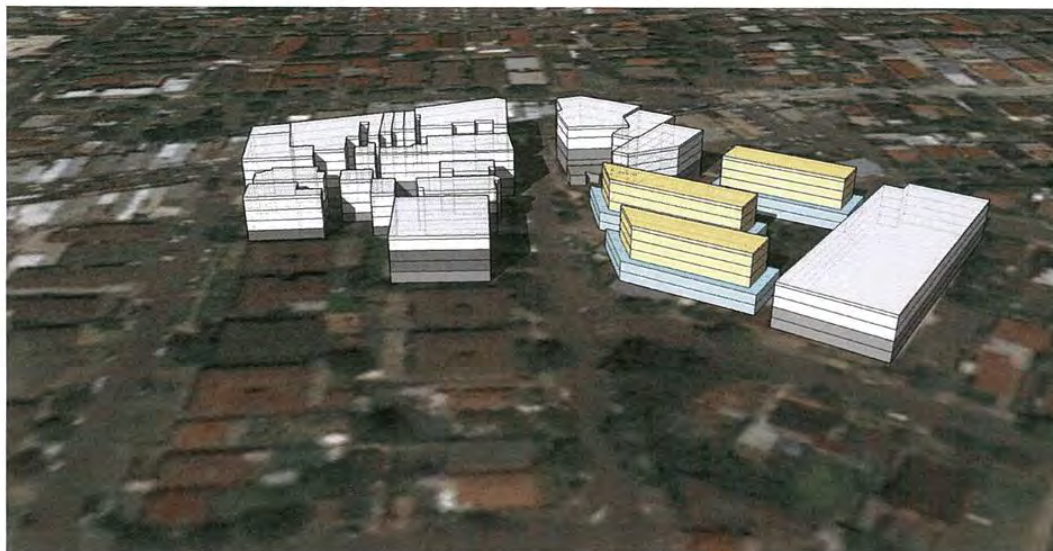


Figure 14 -Northern view of Bexley Town Centre built to existing maximum height, FSR, and preferred development outcome for subject site.

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

- Planning Proposal: Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment -

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Figure 12 -Southern view of existing built form

Key for built form diagram

Existing built form height



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

- Planning Proposal: Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment -

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Figure 11 - Eastern view of existing built form

Key for built form diagram

Existing built form height

- Planning Proposal: Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment -

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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

- Planning Proposal: Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment -

45



Figure 13 - Western view of existing built form

Key for built form diagram

Existing built form height

+ Planning Proposal: Land Use Zoning, Floor Space Ratio and Height of Buildings Amendment +

42



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

• Planning Proposal: Land Use Rezoning, Floor Space Ratio and Height of Buildings Amendment •

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Council Meeting

13/12/2017

Item No	8.7
Subject	Post-Exhibition Report : Planning Proposal for 591-597 Princes Highway, Rockdale
Report by	Clare Harley, Manager Strategic Planning
File	F14/309

Summary

In November 2014, Council resolved that the Rockdale Town Centre Planning Proposal should proceed to the Department of Planning and Environment to be finalised. As part of this process, two areas were deferred from the Planning Proposal to enable further consideration of representations made during the public exhibition. This included the subject land at 591-597 Princes Highway Rockdale. A Planning Proposal for the subject land was submitted in December 2014 which seeks to finalise the following planning controls:

- Change the Land Zoning from B2 – Local Centre to B4 – Mixed Use;
- Change the Floor Space Ratio standard from 2:1 to have no maximum Floor Space Ratio control; and
- Change the maximum Height of Building from 22m to permit development up to 47.15m for sites with an area of over 9,000sq.m.

The Planning Proposal, an amendment to the Rockdale Development Control Plan and a draft Voluntary Planning Agreement were publicly exhibited from Wednesday 28 June 2017 to Thursday 27 July 2017. This report provides Council with a summary of the submissions received during the public exhibition period.

Officer Recommendation

- 1 That, in accordance with Section 59 of the Environmental Planning & Assessment Act 1979, Council exercises its delegation from the Minister and makes the LEP amendment, as exhibited, for 591-597 Princes Highway, Rockdale.
 - 2 That the General Manager note the outcomes of the exhibition of the Voluntary Planning Agreement and execute the VPA in accordance with existing delegated authority under the relevant provisions of the Environmental Planning and Assessment Act 1979.
 - 3 That Council endorse the site specific Development Control Plan for the site in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 and place a public notice in the local newspaper with the specified date of commencement.
-

Background

In November 2014, Council resolved that the Rockdale Town Centre Planning Proposal (the RTCPP) should proceed to the Department of Planning and Environment (the DPE) to be finalised. As part of this process, two areas were deferred from the Planning Proposal to enable further consideration of representations made during the public exhibition. This included the subject site at 591-597 Princes Highway Rockdale. The RTCPP proposed to rezone this site from B2 Local Centre to B4 Mixed Use, increase the building height to 31m, and remove floor space ratio (FSR) controls in favour of built form controls.

A Planning Proposal was then submitted in December 2014 which seeks to finalise the following planning controls for the land:

- Change the Land Zoning from B2 – Local Centre to B4 – Mixed Use;
- Change the Floor Space Ratio standard from 2:1 to have no maximum FSR control; and
- Change the maximum Height of Building from 22m to permit development up to 47.15m for sites with an area of over 9,000sq.m.

The Planning Proposal was reported to Council on 15 July 2015 (see **Attachment 1**), when Council made the following resolutions:

- 1 *That the Planning Proposal be publicly exhibited for a period of 28 days in accordance with the Revised Gateway Determination for the Rockdale Town Centre Planning Proposal dated 6 May 2014 subject to:*
 - a *the planning agreement offer being formalised to the satisfaction of the General Manager so that it can be exhibited concurrently with the Planning Proposal;*
 - b *the planning agreement offer including provisions to achieve an exemplary level of environmental performance and improving the visual appeal of the canal;*
 - c *the applicant's Urban Design Report be amended in accordance with this Council Report prior to exhibition;*
 - d *the Planning Proposal being amended to ensure that Clause 6.14 – Design Excellence of the Rockdale LEP 2011 applies to the site; and*
 - e *the draft DCP amendment being publicly exhibited with the Planning Proposal subject to the further amendments as described in the report; and*
- 2 *That Council note that the particular design solution shown in the applicant's supporting information is illustrative only and that any development on the site will require development approval under Part 4 of the Act.*

With regard to the specifics of Council's resolution above, the following matters are relevant:

- 1 A draft VPA was exhibited concurrently with the Planning Proposal for a minimum of 28 days as required by the Gateway determination issued by the DPE;
- 2 The draft VPA includes a provision for the construction of a canal walkway on the northern bank of the canal for access and use by the community in perpetuity. The developer is also to provide 4 Green Star Rating construction standards;
- 3 The applicant's Urban Design Report was amended as required by the report to Council on 15 July 2015. The amendments were received in March 2016;
- 4 The Planning Proposal as exhibited (see **Attachment 2**) includes a commitment to Design Excellence where any proposed development takes advantage of the proposed height incentive; and
- 5 A proposed amendment to the Rockdale Development Control Plan (see **Attachment 3**) was also exhibited concurrently with the Planning Proposal.

Exhibition

Letters were sent out to the owners of 279 properties in the surrounding area, and the Planning Proposal, proposed amendment to the Rockdale Development Control Plan 2011 (the RDCP) and VPA were advertised in the St. George and Sutherland Shire Leader. All of the relevant documents and materials were also made available for inspection at Council's Customer Service Centre in Rockdale Library and on Council's 'Have Your Say' web page.

One letter of objection was received which, in summary, raised the following issues:

- Impact on properties along Subway Road from increased height and no FSR maximum; and
- Additional traffic and parking problems created by the development.

Attachment 4 provides a detailed summary of the letter of objection which was received. A detailed response to the submissions is provided below.

A proposed amendment to the RDCP was also publicly exhibited at the same time as the Planning Proposal and VPA. Although no submissions were received which specifically mentioned the proposed provisions within the RDCP amendment, some of the submissions refer to elements of the Planning Proposal which the RDCP seeks to manage through the provision of certain development controls. This is dealt with in detail in 'Response to Community Submission' below.

Should Council, endorse and approve the proposed amendment to the RDCP, this decision will be advertised in the St George and Sutherland Shire Leader within 28 days of the decision, as required by Part 3 Division 3 Clause 21 of the Environmental Planning and Assessment Regulation 2000.

Government Agency Submissions

In accordance with the Gateway determination, Sydney Water was notified of the Planning Proposal and VPA. No objections to the Planning Proposal were raised, but it was noted that

there may be a need to investigate the capacity of the local drinking water and waste water network when the final scope of development is known. In this regard, Sydney Water will be consulted as part of any future Development Application (DA), and the development will also be subject to a separate application for a Section 73 Compliance Certificate under the Sydney Water Act 1994.

In accordance with the Gateway determination, Transport for NSW was also notified of the Planning Proposal and VPA. No response was received.

RMS responded during the public exhibition of the Planning Proposal and VPA. While no objections were raised, RMS has stated that it may wish to comment on any future DA for the land.

Response to Submissions from Community

Impact on Properties along Subway Road from Increased Height and No Maximum FSR

For the purposes of informing a Planning Proposal for amended planning controls and development standards, the Urban Design Report provides an indicative graphic representation of a maximum developable building envelope. Any future development will be subject to a DA which will need to be constrained within this maximum development envelope. The DA will provide detailed drawings, plans and elevations which will describe the exact height and location of any proposed buildings, which in turn will also need to be in designed accordance with the requirements of the proposed RDCP for the land. This proposes a 12.0m setback from the Eastern boundary of adjacent properties on Subway Road, and a 4.5m setback from southern boundary (see Figures 1 and 2).

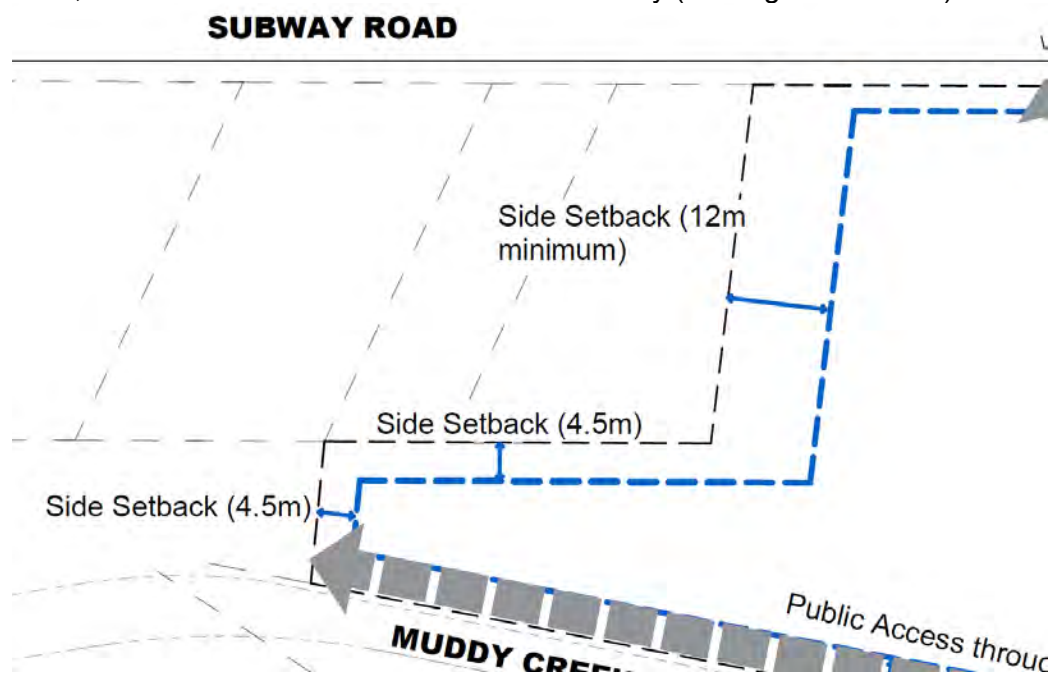


Figure 1 – Proposed setbacks (source: proposed amendment to RDCP – Attachment 4)



Figure 2 – Aerial photo showing adjacent properties on Subway Road

A DA would also be assessed against the requirements of SEPP 65 – Design Quality of Residential Flat Buildings and the DPE's Apartment Design Guide which will ensure that appropriate scale and height of buildings, and separation distances, are maintained between proposed and existing development.

As previously noted, the subject land was deferred from the Rockdale Town Centre Planning Proposal which sought to implement the planning controls in the Rockdale Town Centre Masterplan 2012. A key element of the Rockdale Town Centre Masterplan and, subsequently, the amendments to the Rockdale LEP 2011 and Rockdale DCP 2011, was the removal of FSR controls and the opportunity to obtain a height bonus for development sites that met specific area criteria. Integral to the delivery of these development opportunities was a requirement to provide a design outcome that delivered design excellence.

The proposed removal of maximum FSR controls from the subject land represents a continuation of the strategic planning controls applicable to the Rockdale Town Centre Masterplan area. It seeks to control development by encouraging design excellence on sites with a minimum site area, providing flexibility and incentive for redevelopment within desirable building envelopes. However, this flexible approach would also be controlled by the proposed amendment to the Rockdale DCP 2011 for the land which addresses setbacks, lengths of facades, open space and public domain, as well as access through the site and along its southern boundary by way of a new walkway along the canal (see Figure 3).

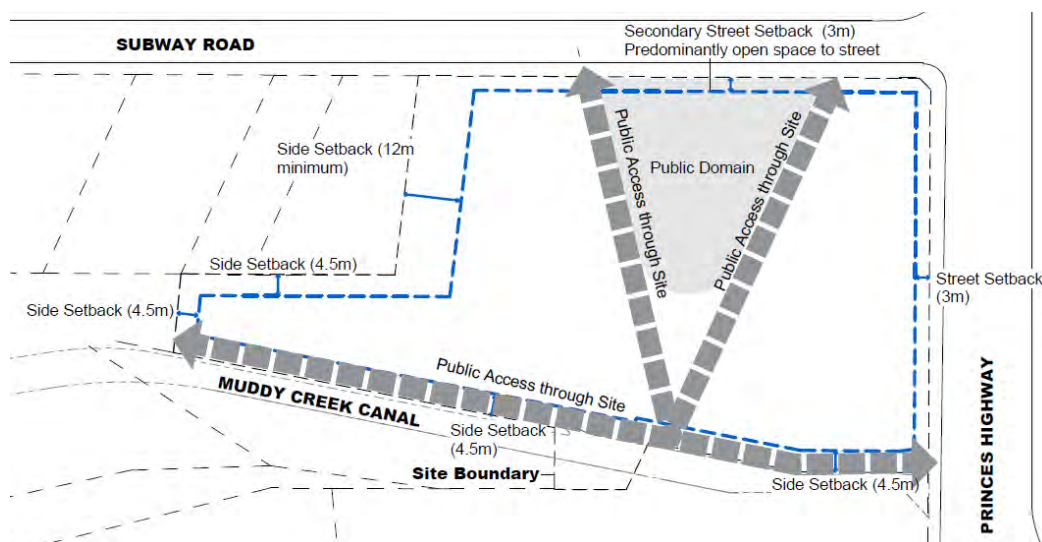


Figure 3 – Proposed RDCP controls (see **Attachment 4**)

The proponent has committed to achieving design excellence in the detailed design of any proposed buildings which will be subject to a DA.

Additional Traffic and Parking Issues Created by the Development

A Traffic and Parking Assessment was submitted in support of the Planning Proposal. For the purposes of a meaningful assessment of potential traffic and parking issues, the assessment assumed a development of approximately 486 residential units and approximately 4,000sq.m. of retail/commercial floor space, along with a five level underground basement car park with parking provision for 614 cars, 551 bicycles and 37 motorcycles. The assessment examined the following matters:

- Existing transport facilities, including public transport, traffic volumes and distribution and intersection capacity;
- Development traffic assessment, including traffic generation and distribution and intersection modelling; and
- Car parking provision, including planning policy requirements and sustainable transport initiatives.

The Traffic and Parking Assessment concluded that:

- 1 The traffic activity associated with the proposal can be adequately accommodated on the road network, and the intersections are within their operational capacity limits; and
- 2 The proposed parking provision is considered to be suitable in the context of LEP/DCP requirements and is unlikely to increase the demand for on-street parking.

Furthermore, specific traffic and vehicle numbers would be considered in the future as part of any future DA for the land if the Planning Proposal is supported by Council and finalised by the Department of Planning and Environment.

Bayside Planning Panel Recommendation

At its meeting of 28 November 2017, the Bayside Planning Panel made the following recommendation in respect of the Planning Proposal:

That the Bayside Planning Panel recommends to Council that the Minister makes the Local Environment Plan amendment, as exhibited, in accordance with Section 59 of the Environmental Planning and Assessment Act 1979 for 591-597 Princes Highway, Rockdale.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) has previously been reported to Council in relation to this site. The VPA was exhibited concurrently but separately to the Planning Proposal, for a period of 28 days. No submissions were received in relation to the VPA.

The public benefits which will be provided to the community subsequent to the execution of the VPA are:

Public Benefit	Agreed Value
Community Park	\$1,610,000
New Park (North Park)	\$804,046
Construct Central Park	\$1,133,356
Construct Canal Walkway	\$574,227
Green Star Rating	\$3,663,000
Contribution to Public Amenities	\$1,780,000
Total	\$9,564,629

The General Manager has delegated authority to execute the Voluntary Planning Agreement.

Next Steps

Subject to Council resolving to endorse the Planning Proposal as exhibited, Council officers will contact the Department of Planning and Environment to request that the Minister makes the LEP amendment in full subject to any amendments resolved by Council.

Financial Implications

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

Community Engagement

The community engagement actions in relation to this Planning Proposal were:

- Public exhibition of the Planning Proposal, VPA and proposed amendment to the RDCP for 29 days from 28 June 2017 to 27 July 2017;
- Provision of hard copies of all materials for inspection at the Rockdale Customer Service Centre;
- Advertising the Planning Proposal, VPA and the draft RDCP in the St. George & Sutherland Shire Leader, providing notification of the exhibition period and where exhibition materials could be viewed, including on Council's 'Have Your Say' web page;
- Letters sent to 279 adjoining and surrounding landowners; and
- The Planning Proposal was presented to the Bayside Planning Panel on 28 November 2017 seeking recommendations (as reported above).

Attachments

- 1 Council Report of 15 July 2015
- 2 Draft Planning Proposal as Exhibited
- 3 Proposed Amendment to RDCP 2011
- 4 Detailed Summary of Letter of Objection [↓↓↓↓↓](#)

Council Meeting

Meeting Date 15/07/2015

Public

Report Header

Item Number:	ORD11
Subject:	PLANNING PROPOSAL: 591-597 PRINCES HIGHWAY, ROCKDALE
File Number:	F14/309
Report by:	Acting Manager Urban & Environmental Strategy (David Dekel)
Contributors:	Urban Planner (Peter Naidovski)
Community Engagement:	Yes
Financial Implications:	No

Precis

In November 2014, Council approved the Rockdale Town Centre Planning Proposal to proceed to the Department of Planning and Environment to be finalised. As part of this process 2 areas were deferred from the planning proposal to enable further consideration of representations made during the public exhibition. This included the subject site at 591-597 Princes Highway Rockdale. This planning proposal will have the effect of finalising the new planning controls for this site.

The Rockdale Town Centre Planning Proposal proposed to rezone this site from B2 Local Centre to B4 Mixed Use zone, increase the building height to 31 metres and remove floor space ratio control in favour of built form controls. The current proposal seeks to increase the height limit by a further 16 metres in return for providing a high quality public open space within the development site and further improvements to the public domain external to the development site including the embellishment of a nearby park.

The proposal has strong merit as it provides high quality accessible and useable open spaces and a community focal point in the southern part of the Rockdale Town Centre and realises the intent of the Rockdale Public Domain Plan by enabling the integration of through site linkages and an enhanced pedestrian environment.

Council Resolution

NOTE:

Councillor Kalligas arrived during discussion of this item at 7.04 pm.

Councillor Saravinovski had previously declared a Significant Non-Pecuniary Interest in this item on the basis that his family owns property within the Rockdale Town Centre, and left the Chamber for discussion and voting.

Mr Ryan David, supporting the officer's recommendation, addressed the Council.

MOTION moved by Councillors Mickovski and Poulos

1 That the planning proposal be publicly exhibited for a period of 28 days in accordance with the Revised Gateway Determination for the Rockdale Town Centre Planning Proposal dated 6 May 2014

subject to:

- a. the planning agreement offer being formalised to the satisfaction of the General Manager so that it can be exhibited concurrently with the planning proposal;
- b. the planning agreement offer including provisions to achieve an exemplary level of environmental performance and improving the visual appeal of the canal;
- c. the applicant's Urban Design Report be amended in accordance with this Council Report prior to exhibition;
- d. the planning proposal being amended to ensure that Clause 6.14 - Design Excellence of the Rockdale LEP 2011 applies to the site; and
- e. the draft DCP amendment being publicly exhibited with the planning proposal subject to the further amendments as described in the report.

2 That Council note that the particular design solution shown in the applicant's supporting information is illustrative only and that any development on the site will require development approval under Part 4 of the Act.

DIVISION

DIVISION on the MOTION called for by Councillors Mickovski and Poulos

FOR THE MOTION

Councillors O'Brien, Macdonald, Bezic, P Sedrak, Awada, Kalligas, Nagi, Mickovski, Ibrahim and Poulos

AGAINST THE MOTION

Councillors Barlow, Hanna and Tsounis

The MOTION was ADOPTED 10 votes to 3.

Officer Recommendation

That:

1. Voting on this matter be by way of a Division.
2. The planning proposal be publicly exhibited for a period of 28 days in accordance with the Revised Gateway Determination for the Rockdale Town Centre Planning Proposal dated 6 May 2014 subject to:
 - a. the planning agreement offer being formalised and adopted by Council so that it can be exhibited concurrently with the planning proposal;
 - b. the applicant's Urban Design Report be amended in accordance with this Council Report prior to exhibition;
 - c. the planning proposal being amended to ensure that Clause 6.14 - Design Excellence of the Rockdale LEP 2011 applies to the site; and
 - d. the draft DCP amendment being publicly exhibited with the planning proposal subject to the further amendments as described in the report.
3. Council note that the particular design solution shown in the applicant's supporting information is illustrative only and that any development on the site will require development approval under Part 4 of the Act.

Report Background

Applicant - Bureau of Urban Architecture
Land Owner - Janside Pty Ltd

Janside Company Directors (David Welsh, Nicholas Welsh, Anthony Welsh)

Council has received a planning proposal for 591-597 Princes Highway, Rockdale ("the site") from the Bureau of Urban Architecture ("the applicant") on behalf of Janside Pty Ltd. The site is located on the southern edge of the Rockdale Town Centre and is bound by Subway Road to the north, Princes Highway to the east, Muddy Creek to the south as well as vacant land and a number of 3-4 storey walk-up flats to the west. The current use of the site is a Toyota dealership and service centre. The site has also been used for a number of other uses, including manufacturing in the past.

Since March 2014, Council officers have met with the applicant on a number of occasions to discuss the suitability of development schemes for the site. The development scheme has been refined over the course of the past 14 months and has culminated in the submission of a planning proposal on 18 December 2014. After initial consideration by Council officers, a number of deficiencies in information and justification for the bulk and scale of the proposed scheme were identified and relayed to the applicant.

This resulted in a modified planning proposal (**Attachment 1**) and development scheme (**Attachment 12**). The planning proposal is supported by a number of technical and consultant reports as well as a detailed development scheme. This assessment takes into consideration the planning proposal and the supporting documentation.

The development scheme driving the planning proposal has also been reviewed by the Design Review Panel (**Attachment 14**).

The proposal seeks the following to permit the erection of a mixed use development:

- Rezone the land from B2 Local Centre to B4 Mixed Use zone;
- Increase the building height across the site from the current 22 metres to 47.15 metres; and
- Remove the current FSR of 2:1 from the site.

It should be noted that the subject site is one of two areas that were deferred from the Rockdale Town Centre Planning Proposal. As such, the planning proposal is not required to proceed to the Department of Planning and Environment for Gateway determination as it falls under the Gateway Determination for the Rockdale Town Centre. The intent is to exhibit the planning proposal in accordance with the Gateway Determination for the Rockdale Town Centre Planning Proposal, subject to Council approval (refer to **Attachment 15**).

SITE AND CONTEXT

The site is located on the southern edges of the Rockdale Town Centre. The site is bound by Subway Road to the north, Princes Highway to the east, Muddy Creek to the south as well as vacant land and a number of 3-4 storey walk-up flats to the west. The land is irregular in shape and comprises one allotment, legally described as Lot 593 DP 1043957, with a total site area of 9,663 m².

The current use of the site is a Toyota dealership comprising a car sales yard, sales office/showroom, service centre and parking area. The car sales yard and sales office/showroom front Princes Highway, while the service centre is located in the centre of the site, with a hard stand parking area at the rear of the site. The existing buildings occupy approximately half of the site. While there is some vegetation on the site, the site is largely paved. The vegetation on the site is generally limited to the boundary of the site. Figure 1 below shows an aerial photo of the site and current surrounding context.



Figure 1 - Aerial photo of the Site

The surrounding context includes:

North: On the north side of Subway Road is a vacant lot, which is known as Keats Avenue Park as well as two single storey buildings currently used for light industrial purposes and car yard at the corner of Subway Road and Princes Highway.

East: On the eastern side of Princes Highway there a number of commercial uses, including car yards. There are also a number of higher density residential housing apartments.

South: Directly south of the site is Muddy Creek, which is a four metre wide drainage channel. Further south are commercial uses including McDonald's and a landscape supply yard. Beyond these uses (south of Rockdale Plaza Drive) are a number of medium and high density residential apartments.

West: To the west of the site there are a number of 3-4 storey walk-up flats, which continue along Subway Road. There is Roads and Maritime Services (RMS) land to the west of the suite, along its southern portion. This land comprises a disused building and is heavily vegetated.

Previous uses of the site have included metal and iron processing works, asbestos works, pressed metal works and leather lounge reproduction.

Current Planning Controls

The current planning controls for the site as per *Rockdale Local Environmental Plan 2011* ("RLEP 2011") are:

- **Zone**: B2 Local Centre zone

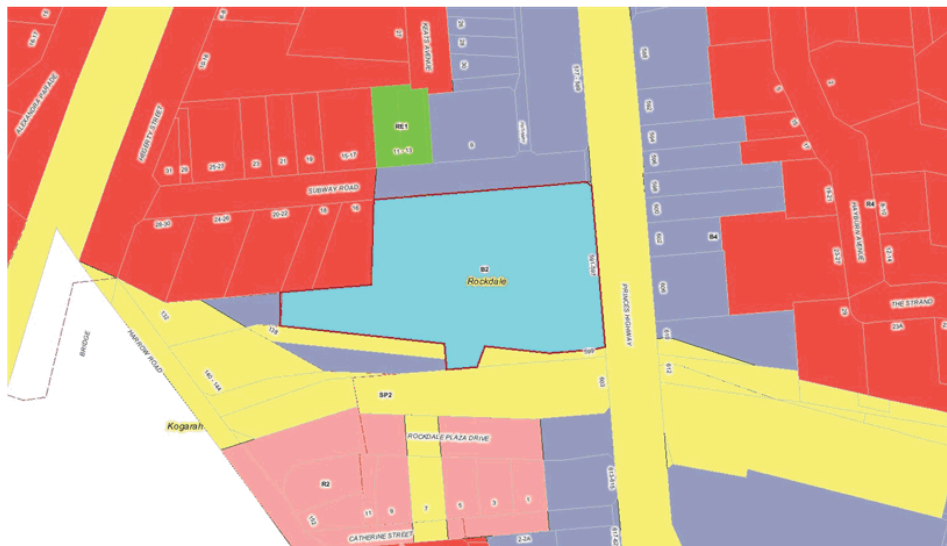


Figure 2 - Land Zoning Map extract from RLEP 2011

- Building Height: 22 metres



Figure 3 Height of Building Map extract from RLEP 2011

- Floor Space Ratio: 2:1

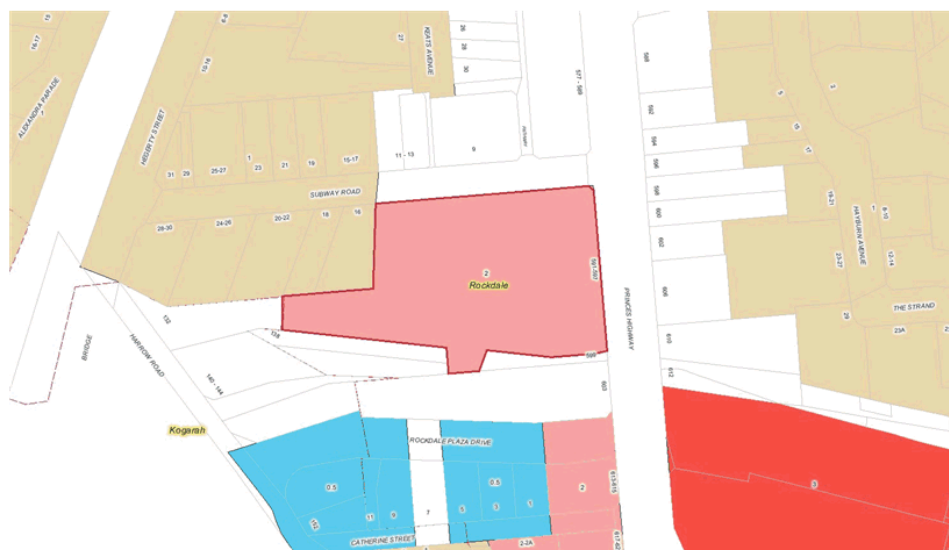


Figure 4 - Floor Space Ratio Map extract from RLEP 2011

Rockdale Town Centre Master Plan and Planning Proposal

The site is located within the Rockdale Town Centre (RTC) Master Plan study area and is within the associated RTC planning proposal. The site is located in an area that the RTC Master Plan identified as being able to support additional height and density. Under the exhibited RTC planning proposal, this was recognised with the site to enjoy a maximum height limit of 31 metres through the application of a 9 metre height incentive for sites over 2,000 square metres and the removal of the FSR controls. The site was also to be rezoned to B4 Mixed Use prior to its deferral

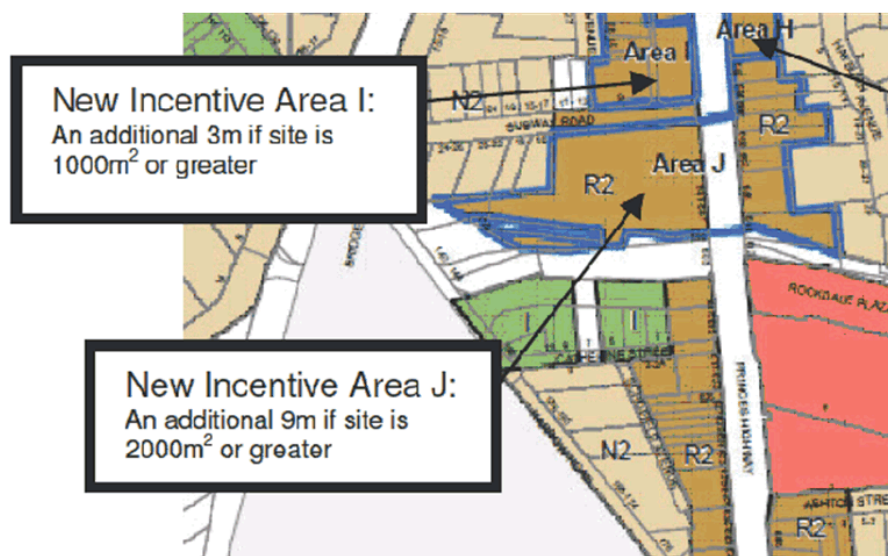


Figure 5 – RTC Exhibited Height Map (extract from exhibited RTC Planning Proposal)

During the exhibition of the RTC planning proposal, the owners of the subject site lodged a submission seeking significant height changes. The height changes proposed would have resulted in the need to re-exhibit the RTC planning proposal. To avoid this, the site was deferred from the RTC planning proposal. This would allow greater time to enable a more detailed analysis of the potential of the site while expediting the rest of the Rockdale Town Centre planning control amendments.

This proposal seeks the application of a 47.15 metre height control over the whole site, removal of the FSR and rezoning to B4 Mixed Use.

THE DEVELOPMENT SCHEME

In order to explain the potential outcome for the site and deliver greater certainty, the applicant has developed a detailed development scheme for the site. It should be noted, however, that the development scheme is illustrative in so much as a development application will be required to be submitted and assessed under Part 4 of the *Environmental Planning and Assessment Act* either subsequent to or concurrently with the planning proposal.

The development scheme proposes two 47 metre high towers and a 28 metre tower on the western portion of the site. All towers are proposed to be linked by 28 metre high 'bridging' elements containing apartments. The proposed scheme has an equivalent FSR of 5.7:1. This delivers a yield of 486 residential units (84 studio, 60 1-bed, 288 2-bed and 54 3-bed units) with a component of retail/commercial on the ground floor.

There are a number of open space components of the development. Communal open space is proposed on the roof tops of all three towers. Additional open space is proposed at ground level. While this ground level open space will be privately owned and maintained, it is proposed to be publicly accessible.

Additionally, the development scheme includes north-south through site links and an east-west link along Muddy Creek. The scheme also proposes to embellish a section of Roads and Maritime Services owned land to the west of the site. This would provide an east-west link that has been considered as part of the RTC Public Domain Plan. However, given that there has been no indication from RMS that it is willing to entertain such a proposal, it can not be considered as part of the development outcome at this point in time.

The proposed development scheme was presented to Council's Design Review Panel (DRP). The DRP raised concern with the relationship between the proposed building heights and the existing neighbouring development to the west as well as the excessive bulk of the submitted development scheme and likely privacy impacts. The minutes of the meeting can be viewed at **Appendix 14** and are matters to be considered further during the exhibition of the scheme and in the preparation of any future development application.

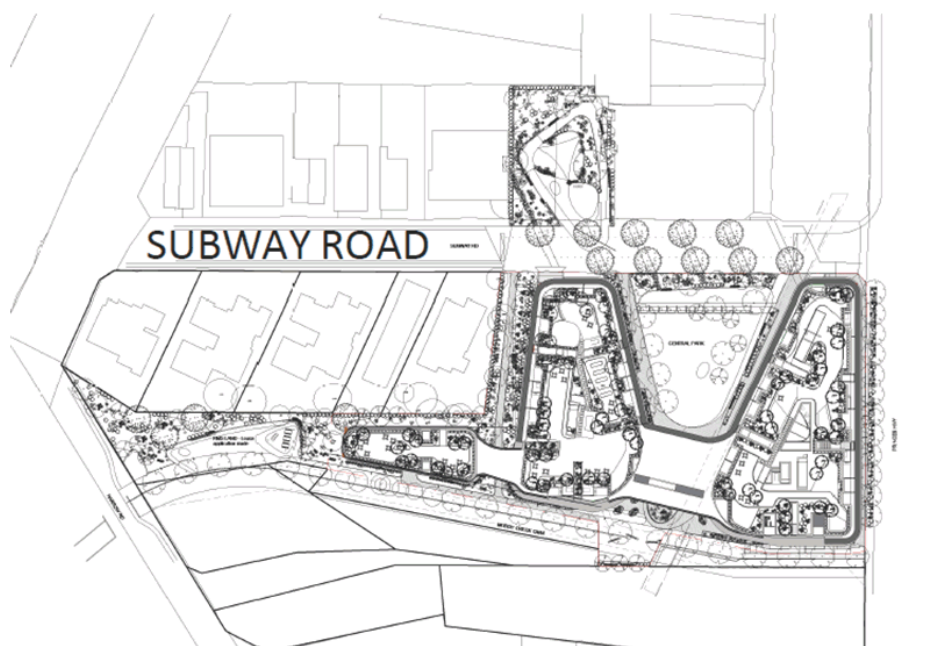


Figure 5 - Development Footprint (extract from applicants planning proposal - refer to **Attachment 13**)

THE PLANNING PROPOSAL

The planning proposal has been prepared generally in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and all relevant planning proposal guidelines published by the Department of Planning and Environment (DP&E). The planning proposal report was prepared for the Bureau of Urban Architecture by City Plan Services and is supported by the following documentation:

- Draft DCP Amendment (**Attachment 2**)
- Draft Voluntary Planning Agreement offer (**Attachment 3**)
- Urban Design Report – Atlas Urban Design and Strategy (**Attachment 4**)
- Traffic and Parking Assessment – Traffic and Parking Consultants (**Attachment 5**)
- Civil Engineering Report and Stormwater management Report – Aurecon (**Attachment 6**)
- Aircraft Restrictions Report – Aurecon (**Attachment 7**)
- Flood Advice Letter (**Attachment 8**)
- Stage 1 Environmental Site Assessment – Aurecon (**Attachment 9**)
- Preliminary Geotechnical Investigation – Aurecon (**Attachment 10**)
- Landscape Concept Report – Site Image Landscape Architects (**Attachment 11**)

- Architectural Drawings – Bureau of Urban Architecture (**Attachment 12**)
- Stage 2 Environmental Site Assessment – Environmental Investigation Services (**Attachment 13**)

The table below summarises the planning proposal's consistency with the Rockdale Town Centre Master Plan and exhibited Planning Proposal.

Current controls – RLEP 2011	Proposed changes sought by the applicant	Consistent with the RTC Master Plan & exhibited Planning Proposal
Zone: B6 Enterprise Corridor	B4 Mixed Use	Yes
Building Height 22 metres	Height incentive of 25.15 metres for this sites, which is greater than 9,000 square metres. Total height - 47.15 metres	No. Purpose of this planning proposal is to seek additional height to optimise the building potential of this key RTC gateway site. Further discussion below.
Floor Space Ratio 2:1	No FSR proposed	Yes. Note: the equivalent FSR of the proposed development scheme is 5.7:1. Further discussion below.

Table 1 - Consistency with the RTC Master Plan and exhibited Planning Proposal

Building Height

Under the current Height of Building Map, the maximum building height is 22 metres. As part of the RTC Master Plan and exhibited planning proposal, a 'height incentive' area was proposed. This comprised an incentive of nine (9) metres above the current 22 metres (ie a total 31 metre height) for sites larger than 2,000 square metres. This was designed to provide incentives to landholders to consolidate sites for future development. (see **Figure 5**).

The applicant proposes to introduce a new incentive area over their site, which will allow 25.15 metres of additional height above the current 22 metres. The proposed incentive area only covers the subject site and, in addition, only applies to sites greater than 9,000 square metres (see **Figure 6**). The 47.15 metre height limit is based on the upper limit of the Obstacle Limitations Surface (OLS) calculation and is proposed to be applied to the whole of the site. The proposed height, together with the removal of the FSR will require a design outcome that takes into consideration the current and future context of the area, particularly to the existing residential development to the west of the site.



Figure 6 - Proposed Incentive Area (Extract from applicant's planning proposal)

The Urban Design Report provides an analysis of the site and proposed scheme. The Report notes the unique position of the site as a southern 'Gateway' location for the Rockdale Town Centre and the large area of the site as a leading principle to justify the proposed development scheme. These are valid arguments and application of the proposed height to parts of the site are considered to be appropriate. The size of the site also offers an opportunity to develop a scheme that is responsive to the local context, particularly to the existing residential area to the west and should be explored further.

Floor Space Ratio

Under the current controls, a FSR of 2:1 applies to the site. The development scheme that has been prepared by the applicant proposes a building that has an equivalent FSR of 5.7:1.

As part of the exhibited RTC planning proposal, the FSR control was proposed to be removed from the site. As the site was deferred from the planning proposal, the current FSR still applies. The proposal is to remove the current FSR, which would bring the site into line with the remainder of the Rockdale Town Centre.

Design Excellence

As part of the RTC planning proposal, Clause 6.14 Design Excellence was introduced in the Rockdale LEP 2011. The design excellence clause applies to the Chapel Street precinct and development eligible for the height incentive controls of clause 4.3(2A)(a), (f), (g), (h) or (i). Given the specific application of the clause and the deferral of the subject site from the RTC planning proposal, the design excellence clause does not currently apply to the site. It is recommended that the design excellence clause applies to this site - this could be achieved by adding the site to the Design Excellence Map. As part of the planning process, the applicant has prepared detailed architectural drawings based on the proposed height. The applicant considers their proposed scheme displays design excellence and, as such, has not sought to apply the clause to the site.

While there may be detailed architectural drawings accompanying the planning proposal, there is no guarantee that the proposed scheme would be delivered, particularly if the site is sold prior to approval of future development applications. Therefore, it may be prudent of Council to apply the design excellence clause to ensure that quality design outcomes are achieved in the event the site is sold and the current scheme does not proceed. It should be noted that once the clause is applied to a site or area, Council has the discretion to apply the clause.

ADEQUACY OF THE DOCUMENTATION

Planning Proposal

The planning proposal is a well prepared document that clearly explains the complex historical factors leading up to this planning proposal as well as its rationale to amend the *RLEP 2011*. The rationale put forward is based on the various consultant reports that have accompanied the proposal. The planning proposal has been prepared in accordance with Council's requirements and the Department of Planning requirements as set out in *A Guide to Preparing Planning Proposals*.

Draft Development Control Plan (DCP)

To ensure that the amenity of future residents and the surrounding properties, strong building envelope controls in Council's DCP are required. The DCP sets controls that guide the design of any future building and help to inform the built form outcome in the absence of FSR controls. With the notification of the RTC planning proposal, the associated Section 7.5 Rockdale Town Centre amendment came into force. Section 7.5 provides a number of built form controls that will deliver a consistent built form outcome through out the town centre.

A draft DCP amendment has been submitted with the revised planning proposal. The draft DCP is proposed to sit in Section 7.5.3 Key Precincts of the DCP and provide site specific controls. This is considered an appropriate location for the draft DCP. Elements of the proposed DCP are supported and would allow for the proposed scheme to proceed. However, there are a number of issues that have been identified that require further consideration. The issues that have been identified generally relate to the integrity of Section 7.5 of the RDCP 2011, particularly since it has only recently been adopted. In addition, the DCP amendments as currently drafted appear to 'lock in' the building envelopes in the current design solution whereas the DCP should focus on the relationship between future development and the existing and proposed public domain and not artificially constrain future design solutions.

Subject to the changes described above, the draft DCP amendment will be publicly exhibited together with the planning proposal.

Voluntary Planning Agreement (VPA)

The planning proposal has been lodged with an accompanying draft VPA. The contents of the VPA have the potential to have an economic impact on the Council, particularly in relation to ongoing maintenance. In considering a VPA, Council must consider the additional (net) public benefit that is being offered as a trade-off for any additional yield (ie will the public gain an additional benefit as a result of the increased development potential?).

Council is currently undertaking a detailed assessment of the proposed scheme and Draft VPA. A separate report will be prepared for Council, detailing the outcome of the detailed assessment. It is intended that the Draft VPA will be exhibited with the planning proposal.

Urban Design Report

An Urban Design Report has been submitted with the planning proposal (refer to **Attachment 4**). The Urban Design Report provides an analysis of the site and proposed scheme. The Report considers the site in the context of the Rockdale Town Centre as a whole and puts forward key themes to justify the proposed height and development scheme.

However, there are a number of issues that will require addressing prior to exhibition. These are highlighted below:

- Layout - The layout of the document is not reader friendly. Specifically, images and diagrams appear before any analysis or explanation of what is being shown, which is confusing. To improve the readability, it is recommended that prior to exhibition, the Report be amended so that images follow the text that refers to them.
- Opportunities/Constraints diagram - An opportunities and constraints map has been provided as part of the analysis (page 22). However, the commentary around the diagram is from an extract from a Council commissioned urban design report. This does not adequately address the image or

synthesise the proceeding analysis to develop legible and robust urban design principles. While commentary can be drawn from previous reports, it is expected that some form of analysis is drawn from the analysis presented in the diagram. This should be addressed.

- Section 7 Proposal Development - This section provides a summary of the design process for the proposed development scheme. This is useful in understanding the evolution of the scheme detailed in Appendix 1 of the Report. However, this section also provides a 'comparison' of the proposed scheme (titled 'Proposal') with a scheme that is titled 'RTC Planning Proposal Exhibited Scheme' and the 'Proposal'. The intent of this is to show that the 'Proposal' represents a better outcome than a scheme that is consistent with the exhibited RTC planning proposal. This is not considered to be a true comparison as the 'RTC Planning Proposal Exhibited Scheme' shows a building that gives little regard to site constraints or proper consideration of other planning considerations such as the DCP and SEPP 65. This delivers a misleading comparison. As such, these comparisons should be removed from Section 7 of the Report prior to exhibition.

With the recommended amendments, the Urban Design Report will be suitable for exhibition.

Traffic and Transport

A Traffic and Parking Assessment was prepared for the applicant by Parking and Traffic Consultants Pty Ltd (refer to **Attachment 5**). The assessment considered the proposed zoning and building design to determine the impact the development would have on future traffic flows. Council's Transport Planner has assessed the adequacy of the report and the information contained within it. It is considered that the outcomes, as a result of the proposed development scheme, are considered to be acceptable. There are a number of aspects that will require further investigation, including pedestrian/cycle links along Muddy Creek, provision of a crossing over the princes Highway on the northern side of Rockdale Plaza Drive and application of a 'shareway' on Subway Road. However, these aspects can be considered as part of the development assessment process, once a final development scheme is submitted.

For the purposes of exhibition as part of this planning proposal, the subject report is considered to be adequate.

Contamination

A Stage 1 Environmental Site Assessment (ESA), prepared by Aurecon, was submitted with the lodgement of the planning proposal (refer to **Attachment 9**). A subsequent Stage 2 ESA, prepared by Environmental Investigation Services Pty Ltd (refer to **Attachment 13**).

The ESA details previous uses and identifies that potentially contaminating uses were located on the site. Clause 6 of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) places an obligation on Council to be satisfied that a site is either suitable or will be suitable prior to issuing an approval. The Stage 2 ESA included bore testing across the site, which resulted in the detection of a number of contaminants. Based on the information provided within both reports, the risk presented with the detection of contaminants can be managed by site remediation. The Stage 2 ESA notes a number of recommendations, which are considered to provide an outcome where the site will be suitable for residential development. Any future development will be required to adhere to the recommendations highlighted in this report.

The report is adequate for exhibition.

Engineering and Stormwater

A Civil Engineering Report and Stormwater Management Report, prepared by Aurecon, was submitted with the planning proposal (refer to **Attachment 6**). An assessment of the information noted that the preliminary concepts within the report were acceptable. However, further review of flooding impacts were required - see 'Flooding' below. The report is adequate for exhibition.

Aircraft Restrictions

An Aircraft Restrictions Report, prepared by Aurecon, has been submitted with the planning proposal (refer to **Attachment 7**). An assessment of the information confirms the maximum height of a building on a site, which has been calculated as 52.34 AHD. The site is also located in the 'less than 20' ANEF for exposures to aircraft noise. The report is considered to be adequate for exhibition.

Flooding

While the site itself is not identified as flood affected on Council's LEP Flood Map, the site is identified as being within the 1 in 100 year flood event level. There are also a number of overland flow issues that also affect the site. A Flood Advice Letter was forwarded by Council to the applicant and forms part of the planning proposal material (refer to **Attachment 8**). The Flood Letter details the impacts of flooding events on the site and the considerations that must form the design and development of the site.

The applicant has been advised to prepare a flood study report to better understand the impact of future development with regard to flooding. This can occur through a future development assessment process.

Geo-technical Investigation

A Preliminary Geotechnical Investigation, prepared by Aurecon, has been submitted with the planning proposal (refer to **Attachment 10**). The findings and recommendations are in accordance with geotechnical practice for a preliminary investigation and are acceptable for this stage of the process. The report is considered to be adequate for exhibition.

CONCLUSION

The planning proposal and associated documentation has been well prepared and is considered to be suitable for public exhibition, with some amendments to the Urban Design Report. The issues that have been highlighted in this report regarding the proposed height and bulk of proposed buildings to the west of the site will be further assessed, along with feedback received from the exhibition process. The traffic issues will be further assessed once comments are received from RMS through the exhibition process.

Community Engagement

Following consideration of this report by Council and the Department of Planning and Environment, it is anticipated to exhibit this proposal for a period of 28 days and in accordance with the Gateway Determination for the Rockdale Town Centre Planning Proposal.

Consultation will include information on Council's website, a notice in the St George Leader, and the availability of hard copy material at Council's Customer Service Centre and branch Libraries. Relevant Government agencies will also be invited to comment in line with the Gateway Determination for the Rockdale Town Centre Planning Proposal.

Rockdale City Plan

Outcome:	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.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)

Additional Comments:

Financial Implications













Additional Comments

There are no financial implications applicable to this report.

Supporting Information

Action From Resolution
File Attachments

[Action raised by Anne Suann on 16/07/2015](#)

-  Attachment 1_Planning Proposal_591-597 Princes Hwy A.pdf
-  Attachment 2_Draft DCP_591-597 Princes Hwy.pdf
-  Attachment 3_Draft VPA Summary_591-597 Princes Hwy.pdf
-  Attachment 4_Urban Design Report_591-597 Princes Hwy.pdf
-  Attachment 5_Traffic + Parking Ass_591-597 Princes Hwy.pdf
-  Attachment 6_Engineering Report + Soil + Water Management Report_591-597 Princes Hwy.pdf
-  Attachment 7_Aircraft Restrictions Report_591-597 Princes Hwy.pdf
-  Attachment 8_Flood Advice Letter_591-597 Princes Hwy.pdf
-  Attachment 9_Phase 1 ESA Report_591-597 Princes Hwy.pdf
-  Attachment 10_Preliminary Geo-Tech Report_591-597 Princes Hwy.pdf
-  Attachment 11_Landscape Concept Report_591-597 Princes Hwy.pdf
-  Attachment 12_Planning Proposal Brochure_591-597 Princes Hwy.pdf
-  Attachment 13_Stage 2 ESA Report_591-597 Princes Hwy.pdf
-  Attachment 14_DRP Minutes_591-597 Princes Highway.pdf
-  Attachment 15_RTC Gateway_591-597 Princes Hwy.pdf

Planning Proposal

Rockdale Local Environmental Plan 2011

**591-597 Princes Highway
Rockdale**



31 May 2017

Planning Proposal – 591-597 Princes Highway, Rockdale

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

26/11/2014	Version 1 (Draft)
12/12/2014	Version 2 (Draft for client review)
18/12/2014	Version 3 (Draft for submission to Council)
07/05/2014	Version 4 (Final submission to Council)
04/05/2016	Version 5 (Revised Final for submission to Council)
30/05/2017	Version 6 (Post-Gateway Determination)

Planning Proposal – 591-597 Princes Highway, Rockdale

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* and the relevant Department of Planning and Environment guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

Background

This Planning Proposal relates to land located at 591-597 Princes Highway, Rockdale, legally described as Lot 593 in DP 1043957. A summary of the history that has brought about the requirement for this Planning Proposal is discussed below:

- Council adopted the RTC Masterplan (RTCM) on 5 December 2012. The RTCM sets out the vision and strategies for the growth and revitalisation of Rockdale Town Centre (RTC), focusing on a number of key precincts where redevelopment is most likely and would have the most positive impact;
- Council's Implementation Plan, which was prepared to progress the actions of the RTCM, identified that amendments were required to Council's Planning Framework, specifically the *Rockdale LEP 2011* (the RLEP) and *Rockdale DCP 2011*;
- Council has undertaken the necessary procedures to effect an amendment to the RLEP and prepared a Planning Proposal known as the 'Rockdale LEP 2011 – RTC' (RTCPP). Council received a revised Gateway Determination from the Department of Planning and Environment on 6 May 2014 which approved the exhibition of the Planning Proposal;
- The RTCPP and associated Draft DCP were publicly exhibited from 19 May 2014 to 16 June 2014. During the notification period, CPD prepared a submission to the Planning Proposal which requested that Council considers additional height incentives for the subject site (591-597 Princes Highway, Rockdale) as well as amendments to the draft DCP controls for the site (see Appendix 1);
- Council considered the findings of the RTCPP at its meeting held on 15 October 2014. At this meeting the Council resolved the following in relation to the RTCPP:
 1. *That the report on the Planning Proposal – Rockdale Local Environmental Plan (RLEP) 2011 RTC and Rockdale Development Control Plan (RDCP) 2011 Amendment No.3 – RTC Amendment, be received and noted;*
 2. *That Council defers 591-597 Princes Highway and the Interchange Site (which include properties, 2, 4, 6, 8-14 Tramway Arcade; 6,14 Geeves Ave; 471, 475 477, 481, 483, 485, 487, 489, 491, 493, 495, 501, 507, 509 and 511 Princes Highway), under Section 58(3) of the EP&A Act, from the final plan;*
 3. *That Council adopts the revised Planning Proposal – RLEP 2011 RTC... and with the following amendment (shown in quotation marks) to Part 4 – Exceptions to Development Standards (clause 4.6)...(8)(ca) clause 4.3 (2A), 4.4(2A), (2B), (2C) or (2D), "unless it is for a demonstrable public benefit, such as the provision of pedestrian links"; and*
 4. *That Council adopts the revised RDCP 2011 Amendment No.3 – RTC, which will come into effect on the day the RLEP Amendment is notified... and with the following amendment under the heading Pedestrian Connection, "2. Applicants are encouraged to liaise with Council to deliver a pedestrian link; in return Council may consider flexibility in the application of development standards or development controls."*
- The RTCPP has since been returned to the Department of Planning and Environment for the gazettal of the LEP amendment; and

Planning Proposal – 591-597 Princes Highway, Rockdale

- This Planning Proposal seeks to amend the RLEP 2011 by introducing a new maximum Height of Building on the land. As the deferral of the site from the RTC also retains the existing zoning and FSR, amendments will also be required to these elements as part of this Planning Proposal to maintain consistency with the intended outcomes of the RTCM.

As the Planning Proposal seeks to advance a deferred element of the RTCPP, it draws heavily from the content of that Planning Proposal.

Considerable consultation has been undertaken between the land owner's consultant team and Council's planners, senior management, Design Review Panel and through Councillor briefings. This consultation, over considerable time, has helped identify all issues relevant to the appropriate development of this site in the context of the RTC. Considerable evolution and refinement of the scheme has occurred through this process to a point where it is considered that the current Planning Proposal and associated DCP and Voluntary Planning Agreement (VPA) represent an optimisation of the private use of the site for housing and commercial opportunities and a major contribution to the public facilities in the southern part of the RTC.

Planning Proposal – 591-597 Princes Highway, Rockdale

Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend *Rockdale LEP 2011* to:

- Provide flexibility and incentive for redevelopment within desirable building envelopes by:
 - amending the maximum building height control for the subject land; and
 - removing the maximum FSR control for the land;
- Encourage and facilitate efficient and logical redevelopment which is capable of delivering public benefit by permitting additional building height for large development sites;
- Create a transition in land use and density from the RTC core to the surrounding residential areas by rezoning land and increasing permissible building heights at the edge of RTC; and
- Facilitate the provision of new and augmented publicly accessible open space through the rezoning.

This Planning Proposal is accompanied by proposed amendments to the Rockdale DCP to provide a suitable built form outcome consistent with the associated Urban Context Review appended to this document (Appendix 3). It is also supported by an outline of offer for a proposed Voluntary Planning Agreement that provides major public facilities in the form of embellishment of a Council park and road assets, and a major new 'public' park at the southern end of the town centre (see Appendix 2).

Planning Proposal – 591-597 Princes Highway, Rockdale

Part 2 - Explanation of Provisions

A Part 1-Map

The *Rockdale LEP 2011* Maps are proposed to be amended as per Table 1 below.

Table 1 – Proposed Map amendments

Map Title No.	Amendment	Explanation
Land Zoning Map-004	<ul style="list-style-type: none"> Change zoning from B2-Local Centre to B4-Mixed Use; 	This would have the effect of 'un-deferring' the proposed zoning of the site under the RTCPP.
Floor Space Ratio Map-004	<ul style="list-style-type: none"> Change FSR standard from 2:1 to have no FSR control; and 	This would have the effect of 'un-deferring' the proposed FSR removal from the site under the RTCPP.
Height of Buildings Map-004	<ul style="list-style-type: none"> Change the maximum building height from 22m to permit development up to 47.15m for sites over 9,000m². 	The site was 'deferred' under the RTCPP. A study prepared by Aurecon demonstrates that the Obstacle Limitation Surface (OLS) associated with Sydney Airport is at 52.34 AHD. This represents an appropriate maximum height limit for this site as demonstrated throughout this Planning Proposal.

B Part 2 – Height of buildings clause (clause 4.3) and map

The proposed outcome will be achieved by amending exception clause 4.3(2A) – which provides incentives for larger consolidated sites, as follows:

- Create a new Area K (591-597 Princes Highway Precinct) to permit buildings to exceed the current 22m building height by an additional 25.15m, but only in the case where a development proposal occurs on a site which has an area of at least 9,000m². The height is consistent with the OLS which is at 52.34 AHD.

C Part 3 – Design Excellence clause (clause 6.14)

"Any future development on the site that takes advantage of the height incentive identified under clause 4.3(2A) as noted above (Part 2 of this Section) is to be subject to clause 6.14 Design Excellence. As such, subclause 4.3(2A) is to be amended to include a new height incentive area (Area K) so that clause 6.14 applies to any development that relies on the proposed provisions under clause 4.3(2A)."

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Part 3 – Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

The RTCM was prepared and adopted by Council, and it sets out the vision and strategies for the growth and revitalisation of the RTC, focusing on a number of key precincts. The subject site is located within the RTC, and specifically the 'green gateway precinct'.

This Planning Proposal is consistent with the provisions of the Masterplan, and is a response to a site specific analysis for the subject land (see Appendix 3). The analysis demonstrates that the subject land is capable and appropriate to accommodate development of greater height than recommended within the originally proposed RTCPP. The proposed rezoning of the site is consistent with the RTCM's future desired outcome for the green gateway precinct which *"has an opportunity to provide increased residential densities in close proximity to the centre as well as creating a gateway and entrance to the Town Centre"*.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The process of achieving the objectives as recommended in this Planning Proposal are the most appropriate means to facilitate these outcomes. An alternate option to permit 'Residential Flat Buildings' within the zone is to amend Schedule 1 (Additional Permitted Uses) of the RLEP 2011 and include a site specific use for the land; however, the rezoning is consistent with the previous recommendation of the RTC Masterplan and surrounding land pursuant to the recently adopted RTCPP, and the B4 zone includes additional uses that have been considered appropriate and desirable for the this part of the RTC and specifically this site.

In regard to the height and FSR standards, alternatives would be to lodge a Development Application with supporting '4.6 Exceptions to development standards' requesting to vary the standards. However, this is not preferred as it may be outside the flexibility of Clause 4.6 of the RLEP 2011.

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

A Plan for Growing Sydney, released in December 2014, is the NSW Governments 20 year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

The subject site under the new strategy is located within the plan's Central Subregion. Consistency with 'A Plan for Growing Sydney' is outlined below:

Direction	Response
Goal 1: A competitive economy with world-class services and transport; A Plan for a competitive economy with world-class services and transport	
Direction 1.7	- The site is located within the RTC and is within walking distance to the Rockdale train station;

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Grow Strategic Centres – providing more jobs closer to home	<ul style="list-style-type: none"> - Rockdale, and in particular the subject site, is also close to Kogarah and Hurstville, which have been identified in this plan as Strategic Centres as they are a hub for health and education facilities and also employment opportunities and retail services; - The Planning Proposal proposes a modest level of retail uses and showroom space within the development. These retail uses will provide employment opportunities within the local community.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles; A Plan for greater housing supply, choice and affordability to meet Sydney's changing needs and lifestyles	
Direction 2.1 Accelerate housing supply across Sydney Action 2.1.1 Accelerate housing supply and local housing choices	<ul style="list-style-type: none"> - The proposed development will provide an increase in the supply of housing in a high demand area of Sydney; - This housing will be located in a strategic position as it will be in close proximity to the Rockdale train station, which provides direct services to Kogarah, Hurstville and the Sydney CBD; - It will also provide a mixture of housing choices for the existing residents and the future local community.
Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs Action 2.2.2 Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres	<ul style="list-style-type: none"> - The site is located within the RTC and is within walking distance to the Rockdale train station; - Rockdale train station provides direct and relatively short services to the Strategic Centres of Kogarah and Hurstville and also the Sydney CBD. These Centres provide a range of employment and retail opportunities; - The proposal will also revitalise the southern portion of the RTC, provide a mixture of housing choice and a diversity in retail offerings for the local community.
Direction 2.3 Improve housing choice to suit different needs and lifestyles	<ul style="list-style-type: none"> - The planning proposal seeks to provide housing within the strategic location of the RTC. This location is ideal due to its high accessibility and connectivity with its neighbouring Strategic Centres and transport options; - It will therefore be able to offer a range of different housing choice options not only to meet the demand and lifestyle requirements of the existing community but also for the future residents of this area.
Goal 3: A great place to live with communities that are strong, healthy and well connected; A Plan for creating a city with strong, health and well-connected communities	
Direction 3.1 Revitalise existing suburbs	<ul style="list-style-type: none"> - It is envisaged that the proposal will facilitate and contribute to the urban renewal of the southern end of the RTC; - This part of the Town Centre has not experienced any significant urban renewal for some time.
Direction 3.3 Create healthy built environments	<ul style="list-style-type: none"> - The subject site is within walking distance to train and also bus services; - The proposed large publicly accessible park and through site links will improve the overall amenity of the area and will provide opportunities for people to recreate, walk and cycle which promotes a healthy environment, social cohesion and community connectivity; - Overall the proposal supports strong, healthy and well-connected communities.

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Bayside Council is within the Central District. The Draft Central District Plan provides a series of priorities and actions to guide development and accommodate the expected growth across the district. The table below outlines consistency with this plan:

Priorities	Comments
Chapter 3 – A Productive City	
3.2 Driving the growth of the Eastern City	<ul style="list-style-type: none"> - The proposed development is capable of supporting growth of the 'Eastern City' by providing commercial floor space and residential apartments in close proximity to the City, which can be accessed by bus and train services; - This will assist in retaining the City's international competitiveness and the economics of agglomeration that lead to greater concentration of specialist knowledge-based skills.
3.3 Enhancing the Eastern City's role as a global leader	
3.4 Planning for job targets in strategic and district centres	<ul style="list-style-type: none"> - The mixed use proposal provides both commercial space for jobs and additional residential accommodation for future employees, in close proximity to the Rockdale train Station; - The future residents will have accessibility to future employment opportunities anticipated in the Strategic and District Centres.
3.5 Growing economic activity in centres	<ul style="list-style-type: none"> - The site is within the RTC, which is identified as a 'local centre' in the District Plan; - The proposal will provide additional commercial floor space, as well as additional jobs during construction phases.
3.6 Improving 30-minute access to jobs and services	<ul style="list-style-type: none"> - The site has high access to employment given its location in close proximity to employment and services in the Sydney CBD and surrounding centres such as Rockdale, Kogarah and Hurstville; - These centres can be accessed in less than 30 minutes from the subject site, given its close proximity to a train station.
Chapter 4 – A Liveable City	
4.3 Improve housing choice	<ul style="list-style-type: none"> - The Planning Proposal seeks to provide housing in close proximity to existing amenity and public transportation services; - The Bayside LGA has a housing target of 10,150 dwellings by 2021; - This Planning Proposal will therefore assist the LGA in meeting this target whilst improving housing choice to meet the demand and lifestyle requirements of the existing and future residents of this area.
4.4 Improve housing diversity and affordability	<ul style="list-style-type: none"> - The proposed development will provide an increase in the supply of housing in a high demand area of Sydney; - Increasing the volume of housing is a government imperative as it assists to address 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.
4.6 Create great places	<ul style="list-style-type: none"> - Significant consideration has been given to the site's constraints and opportunities to ensure the proposed controls deliver a well-designed built form and provide a high quality building, with minimal adverse impacts on the surrounding environment;

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	- As outlined in the associated documentation, the proposal will include public benefits such as a public park offered through an associated VPA, through site links, and other park upgrades, thus, making for a significant public place with the town centre.
4.8 Respond to people's needs for services	- The existing public infrastructure surrounding the site is capable of supporting the proposed development.
Chapter 5 – A Sustainability City	
5.3 Protecting the District's waterways	- The proposal will provide the opportunity to enhance the presentation of the adjacent Muddy Creek.
5.6 Delivering Sydney's Green Grid	<ul style="list-style-type: none"> - The proposal provides the opportunity to provide a central public park on the site, as well as additional upgrades to an existing park and to the adjacent Muddy 'creek'; - This will enhance and increase the provision of open space within Rockdale.
5.7 Creating an efficient Central District	- The redevelopment is capable of incorporating the latest Ecologically Sustainable Development principles which could minimise carbon emissions, potable water use and waste.

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 3 below identifies how the Planning Proposal is consistent with the community outcomes.

Table 3 – Consistency with Rockdale City Community Strategic Plan

Outcome	Objective	Strategy	Consistency
2	2.2 Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods	2.2.2 Promote high quality, well designed and sustainable development and places that enhances the City	Consistent - The Planning Proposal seeks to facilitate the Masterplan vision which is to create a vibrant town centre that is central to the Council's civic and cultural activity – an appropriate vision for the Council's highest order centre.

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3	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	Consistent <ul style="list-style-type: none"> - Council's Operational Plan (Action 3.3.1.A.1) requires the development and execution of an Implementation Plan for the RTC Masterplan; - This Planning Proposal is consistent with the Masterplan findings, and provides a more detailed analysis of this particular site; accordingly, it forms part of this implementation; - Accompanying the application is a VPA offer. The offer includes significant enhancements to Council owned open space and road assets, and a major new publicly accessible park at the southern extremity of the centre to compliment other public facilities in the centre.
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B3 Is the planning proposal consistent with applicable state environmental planning policies?

Consistency with the State Environmental Planning Policies is provided in Table 4, below.

Table 4 - 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
19	Bushland in Urban Areas	Not applicable
21	Caravan Parks	Not applicable
26	Littoral Rainforests	Not applicable
30	Intensive Agriculture	Not applicable
33	Hazardous and Offensive Development	Not applicable
36	Manufactured Home Estates	Not applicable
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 <ul style="list-style-type: none"> - A Stage 1 Environmental Site Assessment has been conducted and provided at Appendix 8; - This assessment assesses the potential for contamination of the site and has provided recommendations in relation to further investigations;

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		- The assessment is sufficient to enable Council to be satisfied as to the suitability of the site for all the purposes permitted in the zone, in the terms of Clause 6 of the SEPP.
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Consistent - The planning proposal does not seek to hinder the application of this SEPP.
65	Design Quality of Residential Flat Development	Consistent - The planning proposal does not seek to hinder the application of this SEPP. Detailed compliance would be demonstrated with any future development application.
70	Affordable Housing (Revised Schemes)	- If a requirement for affordable housing is introduced in the PP, the relevant provisions will be consistent with this SEPP.
71	Coastal Protection	Not applicable
	(Affordable Rental Housing) 2009	Consistent The planning proposal does not seek to hinder the application of this SEPP.
	(Building Sustainability Index: BASIX) 2004	Consistent - The planning proposal does not seek to hinder the application of this SEPP. Compliance would be demonstrated under any subsequent application.
	(Exempt and Complying Development Codes) 2008	Consistent The planning proposal does not seek to hinder the application of this SEPP.
	(Housing for Seniors or People with a Disability) 2004	Consistent The planning proposal does not seek to hinder the application of this SEPP.
	(Infrastructure) 2007	Consistent The planning proposal does not seek to hinder the application of this SEPP.
	(Integration and Panels) 2016	Not applicable
	(Kosciuszko National park Alpine Resorts) 2007	Not applicable
	(Kurnell Peninsula) 1989	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
	(State and Regional Development) 2011	Consistent The planning proposal does not seek to hinder the application of this SEPP.
	(State Significant Precincts) 2005	Consistent The planning proposal does not seek to hinder the application of this SEPP.
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(Sydney Region Growth Centres) 2006	Not applicable
	(Three Ports) 2013	Not applicable
	(Urban Renewal) 2010	Not applicable

Planning Proposal – 591-597 Princes Highway, Rockdale

	(Western Sydney Employment Area) 2009	Not applicable
	(Western Sydney Parklands) 2009	Not applicable

See Table 5 below which reviews the consistency with the State Regional Environmental Plans, now deemed SEPPs.

Table 5 - 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
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 6 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 6 - Consistency with applicable Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Consistent <ul style="list-style-type: none"> - This Planning Proposal promotes population and employment growth in a strategic and ideal location; - This can be achieved by providing suitable planning controls which fosters employment and residential opportunities, which will support the growth of the local economy and the neighbouring Strategic Centres; - The proposed controls, including the amendment of the zoning to a different business zone are consistent with the surrounding land under the RTCPP; - The additional FSR that is obtained from this Planning Proposal is justified by the accompanying documentation.
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	Not applicable - <ul style="list-style-type: none"> - No heritage items are located on the site or in the vicinity of the proposal.

Planning Proposal – 591-597 Princes Highway, Rockdale

2.4	Recreation Vehicle Areas	Consistent - - The proposal does not allow the land to be used for a recreational vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Not applicable – - However, the proposal encourages a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services. - The proposal demonstrates appropriate built form whilst minimising the impact of residential development on the environment.
3.2	Caravan Parks and Manufactured Home Estates	Consistent – - The proposal does not seek to alter the permissibility of caravan parks in the B4 zone.
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent – - The proposal will include housing and employment opportunities for the local community which will be located within walking distance to the Rockdale train station and bus services; - Rockdale is in close proximity to the Kogarah and Hurstville Strategic Centres and also the Sydney CBD; - The Rockdale train station provides direct and relatively short train trips to these centres; - These centres offer a range of employment, retail and everyday services including hospitals and education facilities; - This site is therefore ideal for higher density development; - Due to its strategic location, the proposed development will facilitate and encourage the use of public transport and also additionally walking and cycling. As a result, this will promote social cohesion, community connectivity and healthy lifestyles.
3.5	Development near Licensed Aerodromes	Consistent - The land is in the vicinity of a 'Licensed Aerodrome' being Sydney Airport. The height proposed is compliant with the OLS contour of 52.34 AHD for the site; - The site is located in a contour of less than 20 ANEF, and a residential unit development is an 'acceptable' use within the contour; This Planning Proposal will need to be forwarded to the relevant Commonwealth bodies and the lessee of the aerodrome; - This Planning Proposal does not alter the current provisions of the RLEP

Planning Proposal – 591-597 Princes Highway, Rockdale

		relating to development near licensed aerodromes.
3.6	Shooting ranges	Not applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent <ul style="list-style-type: none"> - The land is identified as Class 5 Acid Sulfate Soils in LEP 2011; - Clause 6.1 of LEP 2011 specifies when an Acid Sulfate Soils Management Plan is required to be submitted for approval by Council as a part of any subsequent development application.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent <ul style="list-style-type: none"> - The Planning Proposal is accompanied by supporting information that ensures future development will not have any adverse impacts. - This supporting documentation has recommended certain measures which will be taken into consideration. This includes relocating existing storm water services and including on-site detention storage tanks. - Additional flood studies will be undertaken during the Development Application stage to address all concerns.
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...	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)
5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistency with Regional Plans have been discussed under Part B of this document.

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Consistent <ul style="list-style-type: none"> - No approval or referral requirements are proposed to be introduced.

Planning Proposal – 591-597 Princes Highway, Rockdale

6.2	Reserving land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Consistent - The proposed controls are not intended to deliver a single specific outcome.
7. Metropolitan Planning		
No.	Title	Consistency with Planning Proposal
7.1	Implementation of the Metropolitan Plan - A Plan for Growing Sydney	Consistent - The Planning Proposal is consistent with the new Metropolitan Plan for Sydney, as detailed in Part B1.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable

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?

No. The planning proposal concerns a site which is already significantly developed, and some distance from any natural area.

C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will facilitate growth near public transport in a well serviced Centre, accommodating population growth in an environmentally sustainable manner. The majority of environmental impacts will be investigated in further detail under any future DA for development of the site. However, as part of the detailed analysis for the site, relevant environmental considerations were investigated for a future indicative development on the site and are provided in attached appendices.

Traffic

A Traffic, Transport and Parking Assessment has been prepared by Parking and Traffic Consultants Pty Ltd and is at Appendix 4.

The report concludes that:

"The modelling of the adjacent road network under existing traffic conditions indicates the intersection at Subway Road and Princes Highway is operating well within its current capacity. It is evident however that queuing from the southern approach arm at the intersection of Lister Avenue and Princes Highway will result in a 247.6m queue that would extend south through to the intersection of Subway Road and Princes Highway during the AM Peak.

In the future project the proposed development will result in up to 118 additional vehicles entering and exiting the site during the AM Peak and 143 additional vehicles entering and exiting the site during the PM Peak. When distributed across onto the various access routes to the site, it results in:

- AM Peak - 26 vehicles turning left onto Subway Road and 6 vehicles turning left from Princes Highway; and

Planning Proposal – 591-597 Princes Highway, Rockdale

- PM Peak – 5 vehicles turning left onto Subway Road and 26 vehicles turning left from Princes Highway

The future situation traffic modelling results indicates that the intersection will continue to operate well within capacity. In this regard, the proposal is unlikely to have any notable impact on the operation of the existing site access from Princes Highway. It should be noted that the review of traffic impacts has not taken into account the loss of 65 trips that are current being generated from the existing use of the site during the AM and PM Peak periods. As such the total number of trips being distributed into the road network would be less.

The assessment of the intersections within the vicinity of the site has indicated that the traffic activity associated with the proposal can be adequately accommodated on the road network and the intersections within capacity. In this regards, the proposed development will not warrant any road improvements to the adjacent road network."

Geotechnical

Future development on the site will require excavation to accommodate the building. A Preliminary Geotechnical Report has been prepared by Aurecon at is attached at Appendix 9. The report concludes that the geotechnical investigations, the building loads can be supported on rock since reasonably strong sandstone or shale will be encountered at the proposed base level of the basement car park.

The findings are the result of discrete/specific investigation methodologies used in accordance with normal practices and standards. Subsurface conditions can change over relatively short distances and the subsurface conditions revealed at the test locations may not be representative of subsurface conditions across the site. We recommend that a geotechnical engineer be engaged during construction to confirm that subsurface conditions are consistent with design assumptions.

Subsurface conditions relevant to construction works should be assessed by contractors who can make their own interpretation of the factual data provided as borehole logs and test results, and perform any additional tests as necessary for their own purposes, and determine appropriate/most suitable techniques and equipment for the conditions.

Contamination

This Planning Proposal proposes the same zone as was included in the RTCPP and Council deemed it appropriate to proceed to gazettal with the same permissible land uses in this Planning Proposal. On this basis we consider it appropriate to proceed consistent with the approval of the RTCPP.

Notwithstanding this, Aurecon have prepared a Phase 1 Environmental Site Assessment (ESA) of the site and is attached at Appendix 8.

The report concludes that "taking into account the extent of excavation and the intended method of construction for the proposed six level basement construction, the site would be suitable for residential use following site validation (if required) for final site approvals."

We consider that this satisfies Council's obligations under Clause 6 of State Environmental Planning Policy No. 55 Remediation of Land.

Planning Proposal – 591-597 Princes Highway, Rockdale

Civil, Stormwater and Flooding

The proposed development has been planned to accommodate the engineering constraints imposed by the site by relocating existing storm water and sewer services, providing an adequate overland flow path and adding on-site detention storage tanks.

Several existing sewer and stormwater services exist on the site at present, some of which will be relocated to provide the best usage for the site. The existing sewer aqueduct will be retained with isolated underpasses constructed at the lower basement levels in accordance with Sydney Waters' requirements.

Stormwater drainage from Keats road and Subway Road will be collected into a new 1200mm pipeline and routed around the proposed building within the site boundary. The pipe will collect drainage from the trapped low point on Subway Road and roof and site drainage from the relocated on-site detention tank within the basement.

An Engineering and Storm Water Management Report prepared by Aurecon is attached at Appendix 5. The report confirms that the proposal has been designed in accordance with the current flooding data for the site that has been provided by Council.

Aircraft Restrictions

Specific to the question of an optimal building height for the site, the identified constraint in the Master Plan is the Obstacle Limitation Surface (OLS) associated with Sydney airport. Aurecon's detailed analysis determined that the relevant OLS for the subject site is 52.34 AHD. This translates to a maximum building height of 47.15m (from the low point of the site at 5.19 AHD). Further, the report also concludes that the site is located within ANEF contour of less than 20 which is considered acceptable for residential accommodation (i.e. units). Accordingly, this Planning Proposal seeks to permit buildings within a height consistent with the site specific OLS and ANEF contours that apply to it. Refer to Appendix 6 for further detail.

C3 How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have a positive economic effect by stimulating redevelopment and encouraging future retail/commercial floor space and residential development to improve the economy of the surrounding RTC.

The proposed planning controls will allow for higher density development in a strategically located area. As a result, the development will be able to substantially increase housing supply in this high demand area of Sydney. An increase in supply will facilitate in meeting the high demand for residential properties, therefore potentially improving affordability in this area of Sydney.

Enhancing the development potential of the site to its reasonable environmental capacity also enables improved economic outcomes to be achieved for the site and for the town centre generally.

As part of future development of the site it is intended to offer to upgrade the public domain in the immediate locality by way of a Voluntary Planning Agreement. The public works involved will positively contribute to the surrounding area both on an economic and social scale.

Planning Proposal – 591-597 Princes Highway, Rockdale

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

The RTC Planning Proposal as exhibited confirms that the RTC is already served by a significant bus interchange and major railway station, both of which are about 400m north of the site and accessible by direct pedestrian connections.

Proposed future development on this site with greater height potential allows for taller, thinner, buildings enabling greater public permeability and connectivity through the site than would otherwise be the case from short 'squatter' buildings that are likely cover more of the site.

Enhancement to public infrastructure in the form of publicly owned parks and privately owned, publicly accessible parks, pedestrian connections, traffic calming devices, implementation of sewerage and drainage facilities will be effected through the proposed VPA offer and future DAs for the site.

D2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with appropriate public authorities has been undertaken with the RMS and Transport NSW as part of the preparation of the RTCP. Further consultation has been undertaken with the RMS in relation to this Planning Proposal.

Formal consultation with key agencies is anticipated as part of the Planning Proposal process.

Planning Proposal – 591-597 Princes Highway, Rockdale

Part 4 – Mapping

This Planning Proposal relates to land located at 591-597 Princes Highway, Rockdale legally described as Lot 593 in DP 1043957. The site is located towards the south of the RTC in the 'green gateway precinct' (as per the RTCM). The site is bounded to the east by the Princes Highway, to the north by Subway Road (a minor local road), a drainage channel to the south and an area of 3 storey walk up apartment buildings to the west (see Figures 1 and 2).



Figure 1: The subject site in the context of the surrounding area and the RTC



Figure 2: Aerial view of the subject site

Figures 3 to 11 below illustrate the current controls, the controls as per the recently Council approved RTCP and the proposed controls. Specifically, the zoning, and development standards (height and FSR) are proposed to be modified by this planning proposal.

Planning Proposal – 591-597 Princes Highway, Rockdale

ZONING MAP AMENDMENT

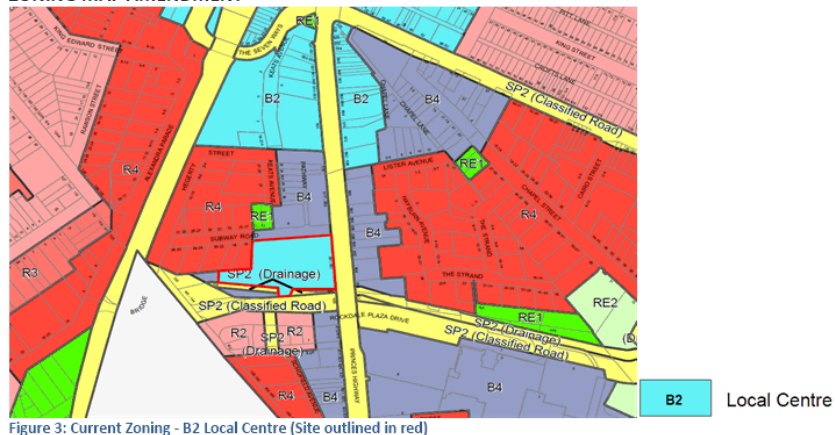


Figure 3: Current Zoning - B2 Local Centre (Site outlined in red)

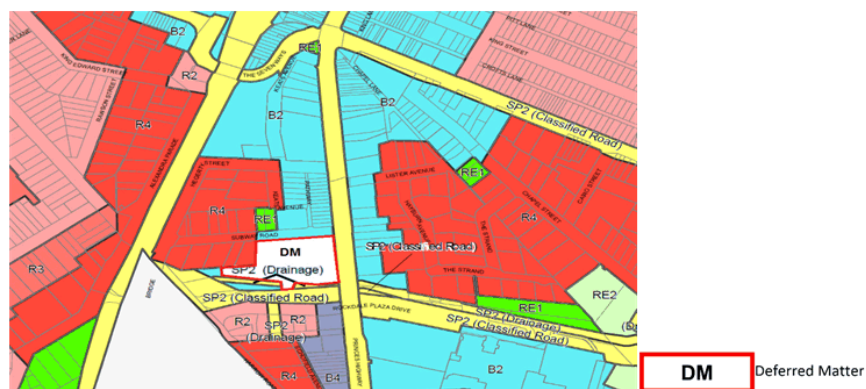


Figure 4: Zoning after RTCPP – Deferred Matter (Site outlined in red) (note: does not reflect other changes as per RTCPP for surrounding sites)

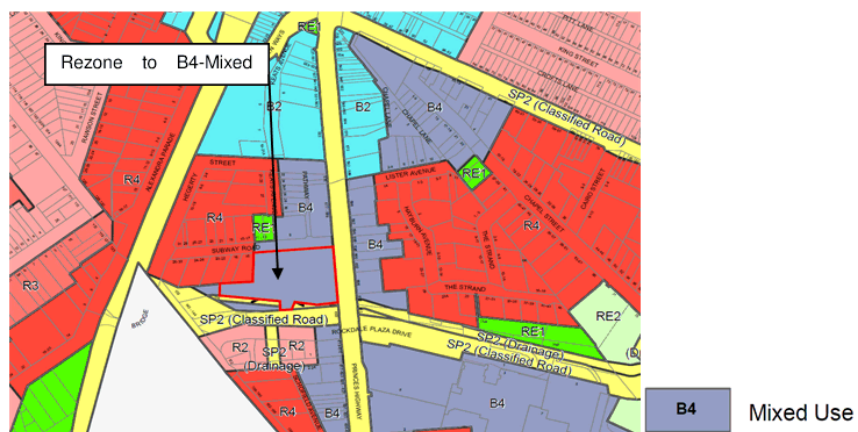
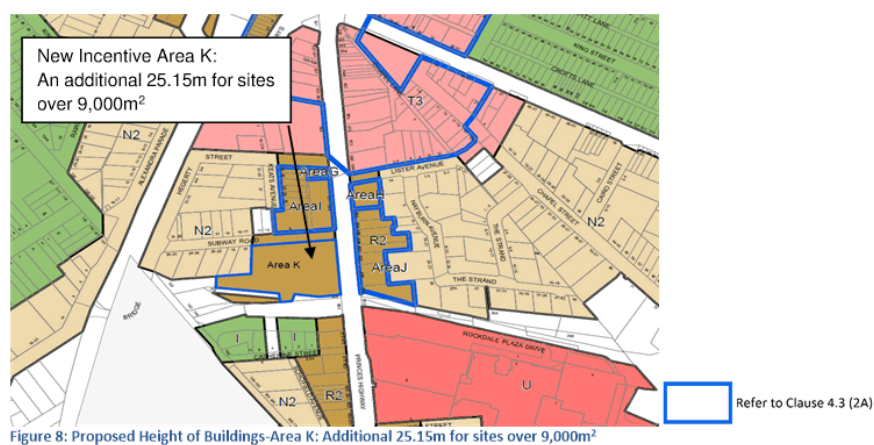
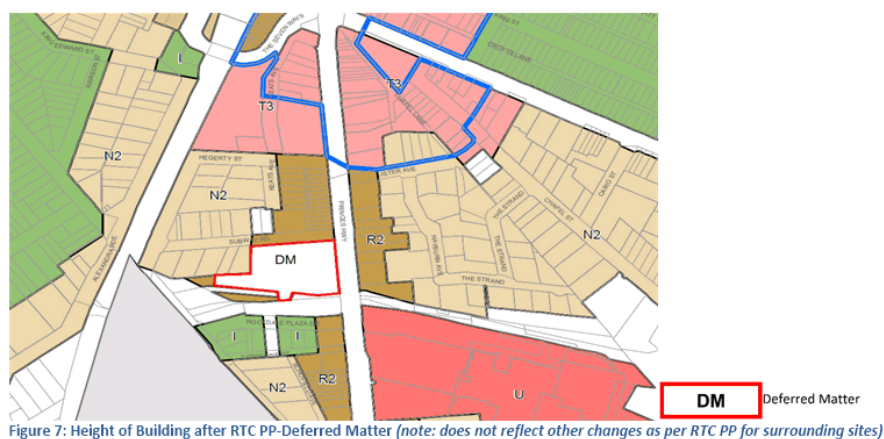
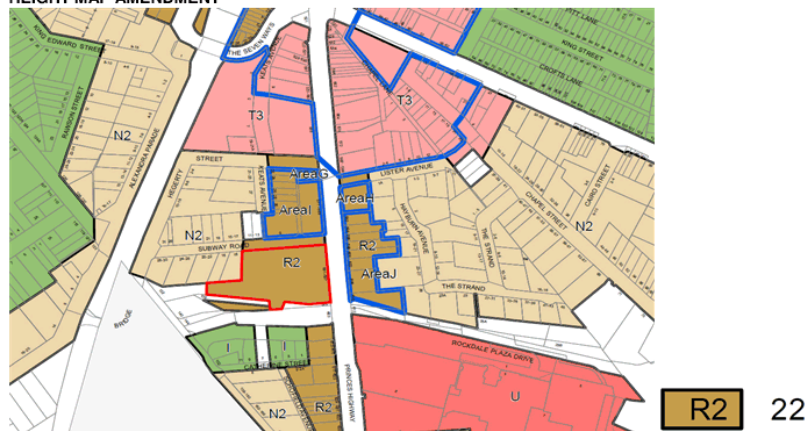


Figure 5: Proposed Zoning-B4 Mixed Use (Site outlined in red)

Planning Proposal – 591-597 Princes Highway, Rockdale

HEIGHT MAP AMENDMENT



Planning Proposal – 591-597 Princes Highway, Rockdale

FSR MAP AMENDMENT

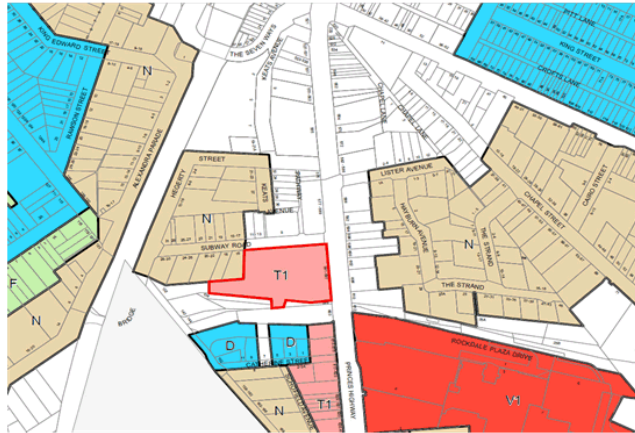


Figure 9: Current FSR-2:1 under RLEP 2011

T1 2

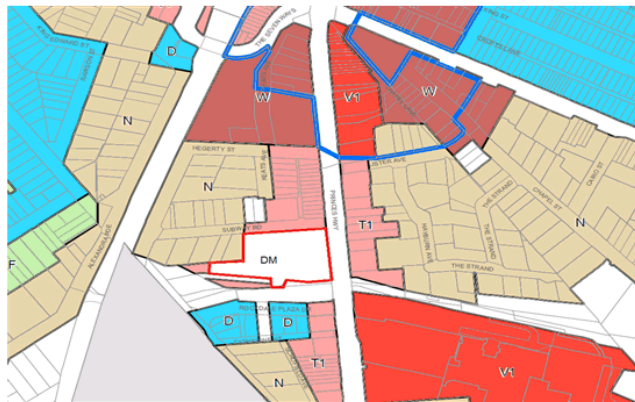


Figure 10: FSR after TRC PP - Deferred Matter

DM Deferred Matter

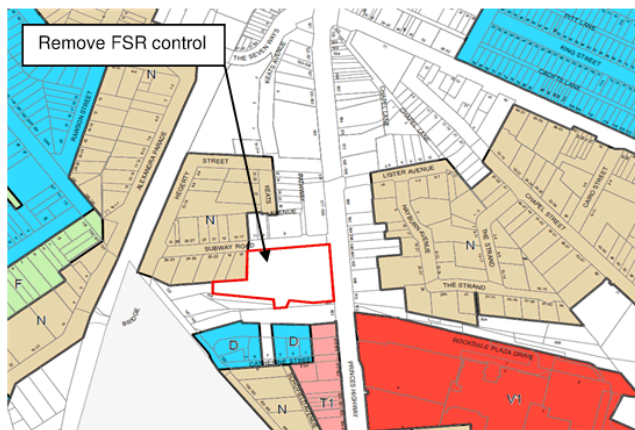


Figure 11: Proposed FSR-No FSR control

Planning Proposal – 591-597 Princes Highway, Rockdale

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 – *St George and Sutherland Leader*;
- Notification letters to relevant State Agencies and other authorities nominated by the Department;
- Notification (via letter) to land holders of properties within and adjoining the Planning Proposal area;
- Advertise and exhibit the Planning Proposal on Council's website;
- Exhibit the Planning Proposal at Council's Customer Services Centre, 444-446 Princes Highway, Rockdale; and
- Undertake any other consultation methods appropriate for the proposal.

It is anticipated that the amendments to the DCP would be exhibited at a similar time to the Planning Proposal.

Planning Proposal – 591-597 Princes Highway, Rockdale

Part 6 – Project Timeline

The table below provides a proposed timeframe for the project.

Table – Approximate Project Timeline

Task	Timing
Date of Gateway determination	Complete (this is a deferred site from the RTCPP which has received its gateway determination)
Anticipated timeframe for the completion of required technical information	Not applicable. Technical studies have already been commissioned to support the Planning Proposal.
Timeframe for government agency consultation (pre- and post-exhibition as required by Gateway determination)	Anticipated timeframe is 21 days and to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	28 days – mid-June 2017 to mid-July 2017.
Dates for public hearing (if required)	Not applicable
Timeframe for consideration of submissions	4 weeks (approximately) – July-August 2017.
Timeframe for the consideration of a PP following exhibition	4 weeks (approximately) – July-August 2017.
Consideration of Planning Proposal by Council (Council Meeting)	August 2017
Date of submission to the department to finalise the LEP	August 2017
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	September 2017
Anticipated publication date	October 2017

Planning Proposal – 591-597 Princes Highway, Rockdale

LIST OF APPENDICES

APPENDIX 1 – DRAFT DCP AMENDMENT

**APPENDIX 2 – OUTLINE VOLUNTARY PLANNING AGREEMENT
OFFER**

APPENDIX 3 – URBAN CONTEXT REPORT

APPENDIX 4 – TRAFFIC, TRANSPORT & PARKING ASSESSMENT

**APPENDIX 5 – ENGINEERING & STORMWATER MANAGEMENT
REPORT**

APPENDIX 6 – AIRCRAFT RESTRICTIONS REPORT

**APPENDIX 7 – FORMER ROCKDALE CITY COUNCIL FLOOD
ADVICE**

APPENDIX 8 – PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

APPENDIX 9 – GEOTECH REPORT

APPENDIX 10 – PHASE 2 ENVIRONMENTAL SITE ASSESSMENT

Part 7 Special Precincts

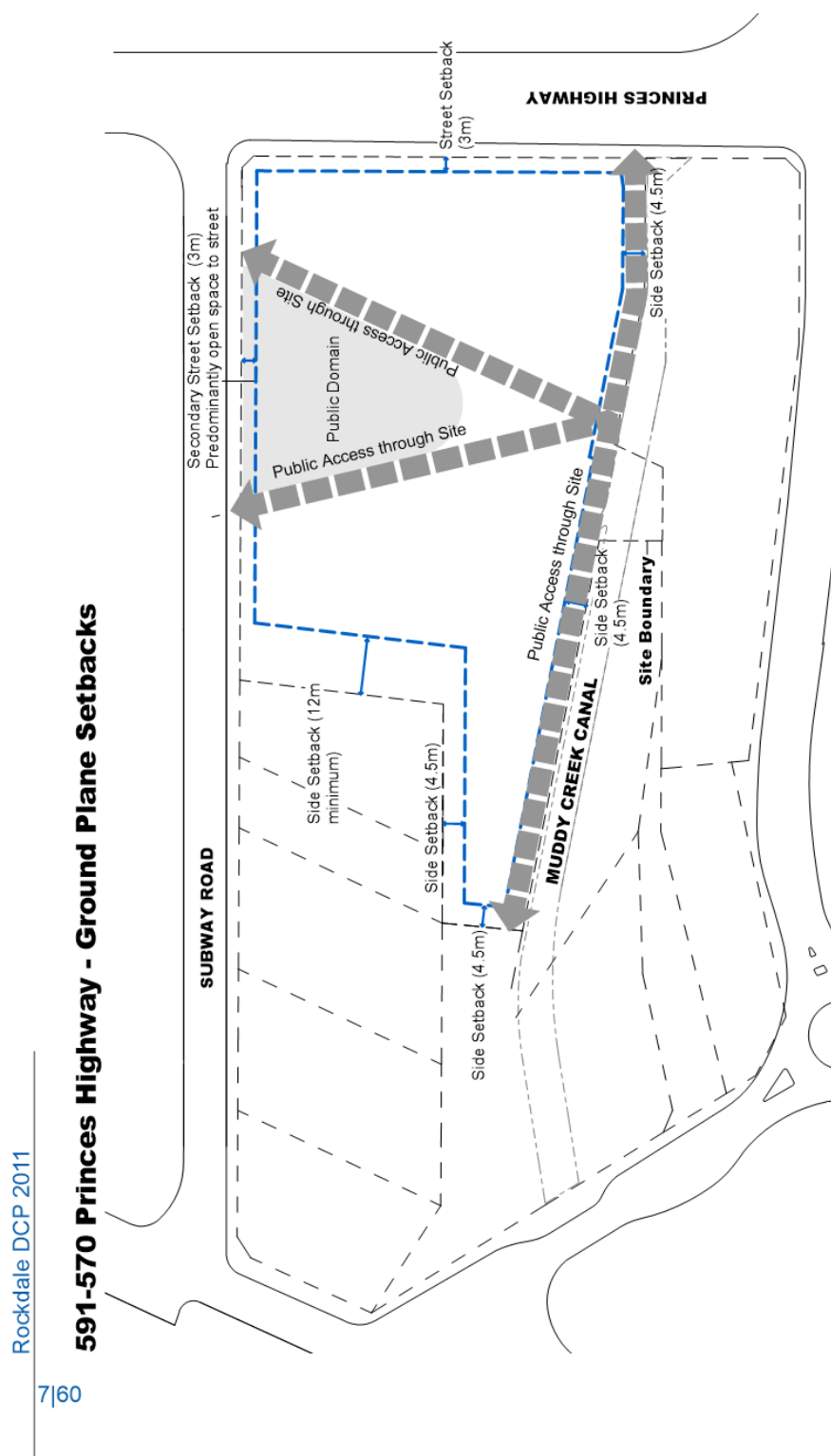
7.5 Rockdale Town Centre

This Southern Gateway Precinct is defined as 591-597 Princes Highway, Rockdale.

8. A new public domain with an area of at least 1,950m² is to be provided centrally on the site and fronting Subway Road. The public domain is to be privately owned and maintained but must be subject to an easement in favour of Council for its use by the general public;
9. Pedestrian links are to be provided through the site as generally depicted in Rockdale Town Centre Public Domain Plan 2012;
10. Ground floor uses are to address and activate the public domain as well as road frontages where possible;
11. Unless stated otherwise, building setbacks are to be in accordance with Figure 1;
12. Not limiting the requirements of Clause 7.5.2, Arterial Edge:
 - a. Setback from property boundary
 - i. A minimum 3m setback to level 3
 - ii. A minimum 6m setback above level 3
13. The length of the façade along the Arterial Edge frontage may exceed the maximum 40m if it is demonstrated that the street wall achieved is complementary to the proportion/scale of the neighbouring street wall buildings. To facilitate this:
 - a. The levels above level 3 may project up to 3m into the required setback for a maximum of 30% of the length of the building.
 - b. The building must comply with Arterial Edge-Green Gateway Style Sheet.
14. Despite Clause 7.5.2, Local Edge the following minimum setbacks to the site are required:
 - a. Setback from property boundary
 - i. A minimum 3m setback to level 3
 - ii. A minimum 6m setback above level 3
15. A continuous façade along the Muddy Creek frontage should be avoided where possible. Where the façade length exceeds 50m, a high degree of articulation is required to reduce the impact of the building. A combination of design solutions such as breaks in the building, varying heights, blades and alternative finishes and treatments can be used to achieve a suitable outcome.

Part 7 Special Precincts

7.5 Rockdale Town Centre



Written Submissions – 591-597 Princes Highway, Rockdale	
Issue	Council Response
Sole shareholder and director of the company which owns 18 Subway Road Rockdale. This is a two storey block of 8 flats which abounds the subject site;	N/A
Strongly objecting to the obscene development proposed to the rear of the property in Subway Road. This is display of pure greed and commercialism only and demonstrates complete disregard for the adjoining property owners;	N/A
The smaller unit development proposal to the western part of the development will tower over 18 Subway Road and the adjoining property at 16 Subway Road. There will be a total loss of privacy, overshadowing and is not in keeping with the existing street scape;	See pages 3-5 of report
The proposed changing of the floor space ratio for the standard 2:1 to no maximum floor space ratio control is simply staggering. How can the Council entertain such an open-ended change?	See page 5 of report
This is essentially allowing a developer to squeeze in as many units as possible. What about applying the ratio to provide open green areas?	See page 5 of report
In a similar vein, the proposed change to the maximum building height from 22m to allow up to 47.15m is also outrageous, even on a block greater than 9000sq.m;	See pages 3-5 of report
A broad statement does not apply to every situation, and each neighbouring property should be given consideration so that they are not overcrowded and lose their privacy and amenity.	See page 3 of report
The development of the property adjoining the Princes Highway has merit, and the sensible development of the eastern side of the property I can comprehend. The proposed unit tower to the western side of the property must be restricted to blend with existing development and street scape;	Noted. See pages 3-5 of report
A maximum three-storey development would be reasonable. What has been proposed shows no regard for the existing adjoining properties or street scape;	See pages 3-5 of report
The current proposal displays a total disregard for the existing property owners and residents adjoining the development. It also reflects the unbridled excess and avarice of the property developers;	N/A
My property at 18 Subway Road has a stormwater drain which discharges into the stormwater channel at the rear of the property. We currently have no easement registered to discharge our stormwater in the channel. It would be prudent to allow an easement for 18 Subway Road and indeed the neighbouring property at 16 Subway Road an easement to discharge stormwater into the channel. This would stop uncontrollable surface stormwater run-off flowing over the western edge of the 591 – 597 Princes Highway Property. The far western edge of 591 – 597 would not be affected by an easement allowing stormwater connection to the channel. This easement makes common sense and would benefit all concerned;	See page 3 of report

Subway Road has been a busy street for years and existing unit/house owners and residents already have issues with car parking arrangements. What has been proposed to facilitate the car parking arrangements in this potentially enormous development on a street that is already overcrowded? Even with carparking in the building, the street will still be overrun with visitors and guest cars which have nowhere else in the vicinity to park;	See pages 5-6 of report
I have no objection to controlled sensible development. The intense development adjoining Princes Highway will be appropriate. The ridiculous development proposed to the Western end of the property is disturbing. It will affect many adjoining property owners, however, 16 and 18 Subway Road especially.	N/A
I would propose that the rear of this property be green space development. The residential side of the development should be concentrated on the eastern aspect of the property, adjoining Princes Highway. There should be a green span buffer adjoining the properties at Number and 16 and 18 Subway Road. No 16 Subway Road is a 3 storey block of units, and No 18 Subway Road is a 2 storey block of units;	See pages 3-5 of report
I would implore the council to consider the implications of inappropriate high rise development over neighbouring properties with a total disregard for the existing residents' ongoing ability to enjoy their own properties and be afforded some privacy.	See pages 3-5 of report

Council Meeting

13/12/2017

Item No	8.8
Subject	Greater Sydney Commission Draft Eastern Sydney District Plan - Council Submission
Report by	David Dekel, Coordinator Policy & Strategy
File	F16/795

Summary

The Greater Sydney Commission (GSC) has released the draft Eastern City District Plan (ECDP) for public exhibition that covers the former Central District area, which includes Bayside Council. The ECDP is part of a suite of draft planning and transport strategies released by the NSW Government that detail their blueprint for the Greater Sydney region.

This report outlines some of the context and background to the GSC's approach to planning for Greater Sydney, with a focus on the draft ECDP and Council's response to some of the key issues. A copy of Council's draft submission is attached, for Council's consideration. Submissions are due on 15 December 2017.

Officer Recommendation

That the Council endorses the Bayside Council submission on the attached draft Eastern City District Plan.

Background

In mid-July 2017, the Greater Sydney Commission launched the NSW Government's "Directions for a Greater Sydney". It is a vision that sets out a foundation of ten key planning elements that are reflected in the Greater Sydney Region Plan, five District Plans, the Future Transport Strategy and the State Infrastructure Strategy. The ten "Directions" relate to:

- Infrastructure
- People
- Housing
- 'Great Places'
- Jobs and Skills
- Connections
- Landscape
- Efficiency
- Resilience and

- Collaboration

The “Directions” are supported by three key plans that map out the Government’s response to land use, transport and infrastructure planning, namely:

- Greater Sydney Region Plan
- Future Transport Strategy 2056
- State Infrastructure Strategy

The relationship between the vision, the corresponding plans and strategies as well as the complementary enabling plans can be seen at Figure 1.

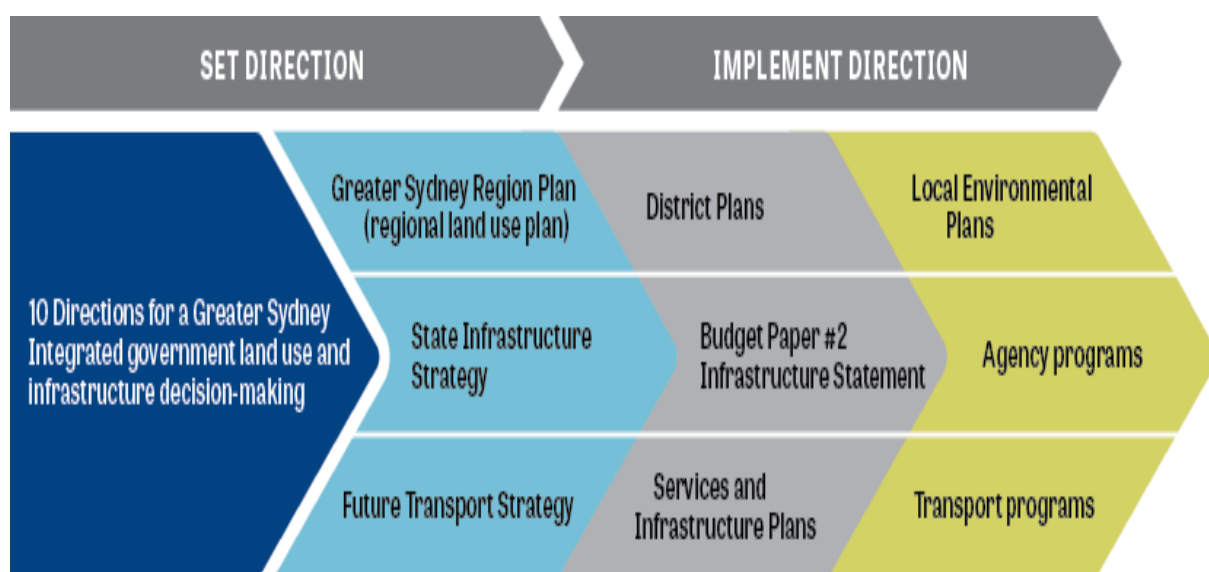


Figure 1: Context and relationship between NSW Government’s planning vision and strategies

In addition to the abovementioned planning vision and strategic blueprint, the NSW Government has also made significant amendments to the Environmental Planning and Assessment (EP&A) Act 1979, and are reviewing State Environmental Planning Policies (SEPPs), to enable some of the intended proposals and changes outlined in the abovementioned strategies.

On 22 October 2017, the NSW Government announced the release of a suite of draft planning and transport strategies for public exhibition that outline more details on the NSW Government’s blueprint for Greater Sydney to support their ten directions. The key documents currently on exhibition are:

- Greater Sydney Region Plan
- Future Transport 2056
- District Plans
 - Eastern City
 - Western City
 - Central City
 - North

- South

Greater Sydney Region Plan

The Greater Sydney Region Plan is the overarching planning blueprint for Greater Sydney that seeks to address the needs of a growing and changing population. The Plan forecasts that Sydney's population will grow to eight million people by 2056. The draft Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places.

Another key feature of the Greater Sydney Region Plan is the transformation of Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. Bayside Council is a part of the Eastern Harbour City, which can be seen at Figure 2.

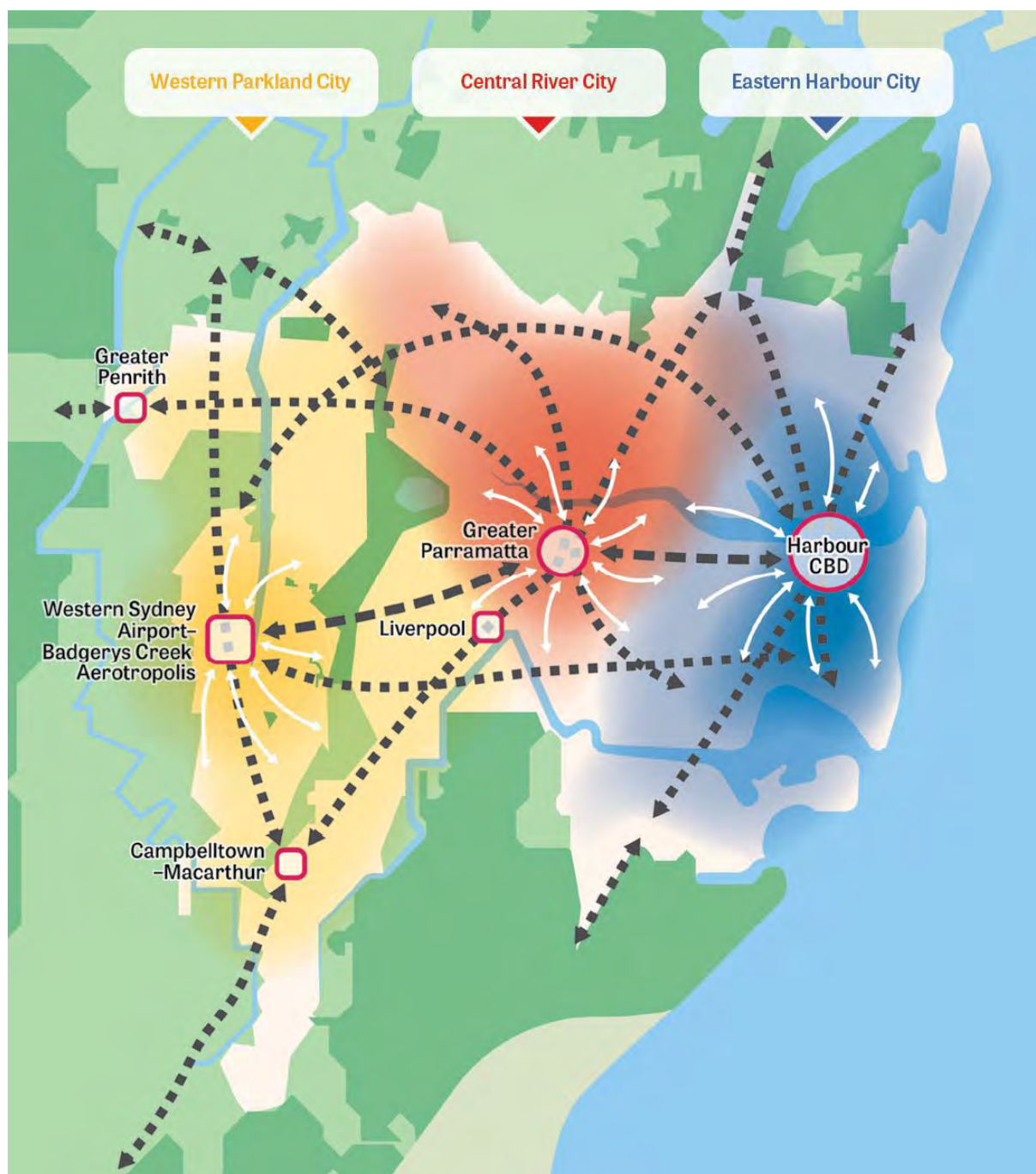


Figure 2: The Vision for Greater Sydney – a metropolis of three cities

The Greater Sydney Region Plan was developed concurrently with Future Transport 2056 through a collaborative Government agency process, to ensure that planning for the city correlated with better connections. Key themes of the Region Plan, that are elaborated on further in each of the District Plans include:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

Using these themes, the Region Plan highlights the focus areas and priorities to deliver jobs, housing, transport, a healthy environment and liveable places. A Structure Plan for the Greater Sydney Region Plan that captures all of the desired outcomes for Greater Sydney on one page can be found at **Attachment 2**.

The delivery of the Greater Sydney Region Plan is structured to be achieved through the creation of five Districts and the implementation of their associated District Plans. Bayside Council is in the Eastern City District.

Future Transport 2056

Future Transport is the NSW Government's transport plan that has been designed to respond to land use planning strategies in the Greater Sydney Region Plan; being based on a metropolis of three cities.

The vision for Greater Sydney proposes a 30-minute city which provides people with access to key services and facilities (e.g. education, jobs and services) within 30 minutes by public transport regardless of where they live. This requires a transport structure that can ensure people can reach their nearest metropolitan and strategic centres within 30 minutes.

The 30-minute city concept has been based on research that indicates that if people are required to travel more than 90 minutes a day, it impacts on quality of life and the liveability of a city.

The two components identified for a 30 minute city are:

- Connecting people in each of the three cities with jobs and essential services in their nearest Metropolitan City Centre.
- Connecting residents in each of the five districts to one of their Strategic Centres by public and active transport, giving people 30 minute access to local jobs, goods and services. Strategic Centres are major centres for transport, health and education

Future Transport 2056 also describes and plans for the road infrastructure proposed into the future.

A separate Council report has been prepared on the Future Transport 2056.

Eastern City District Plan – an Overview

The draft Eastern City District Plan (ECDP) is a revised version of the draft Central District Plan which was exhibited in late 2016 and early 2017. Bayside Council made a submission on the draft Central District Plan, which raised a number of issues centred on growth and liveability. A copy of Council's previous submission can be found at **Attachment 3**.

The ECDP is intended to reflect feedback from the initial exhibition as well as from consultation throughout the development of the draft Greater Sydney Region Plan and Eastern City District Plan.

Due to the size of the draft ECDP copies have not been attached to this report. However, the draft ECDP can be found at <https://www.greater.sydney/draft-eastern-city-district-plan>.

Some of the key themes explored by the ECDP include:

- *Vision and priorities for the Eastern City District* – what are the distinctive characteristics of this District and how will holistic planning deliver the various needs for specific areas, while addressing the broader and common needs.
- *Housing density* – concerns over increasing densities, the impact on local amenity and the delivery of necessary transport and social services infrastructure.
- *Transport planning* – potential to deliver better transport outcomes through improved transport links and capturing opportunities.
- *Housing targets* – concerns over equity of housing targets across the District with a preference for medium density over high density developments.
- Open space – delivering a viable Blue and Green Grid for the district and addressing potential open space loss.

The ECDP has been structured under the following key chapters:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability

However, many of the key issues and pressures that councils are dealing with (e.g. density, community and social infrastructure needs, employment lands, housing diversity, open space, natural environmental quality, etc.), relate to each other and are addressed or cross-referenced over more than one of these chapters.

Eastern City District Plan – Bayside Council Snapshot and Implications

Unlike the previous draft Central District Plan, the ECDP has made an effort to capture information, projections and actions that include individual council areas within the Eastern City District. This is welcomed as it now identifies Bayside Council as a contributor to the District's wellbeing and productivity future. Therefore, while the majority of the information contained in the ECDP applies to the whole Eastern City District, there are some specific issues where Bayside Council is mentioned.

A summary of these issues and implications for Bayside Council have been extracted from the draft ECDP and are outlined below under the abovementioned chapters of the ECDP

Infrastructure and Collaboration

The Bayside West priority growth area has been listed as a Collaboration Area. This incorporates the existing Priority Precincts of Arncliffe and Banksia, and also includes the Arncliffe Communities Plus project for the Land and Housing Corporation major site. A Collaboration Area has a focus of planning and delivering infrastructure, housing, jobs and great places.

Priority Precincts are also separately highlighted under this chapter which means that the identified areas of Turrella and Bardwell Park will fall under this remit as well as Arncliffe and Banksia.

Liveability

Bayside population forecast:

- 169,682 (2017) to 213,291 (2036) – 25.7% increase
- 0-4 yrs – 27% increase (25% of the overall District in this age group)
- 5-19 yrs – 45% increase (22% of the overall District's school age children)
- 20-24 yrs – 32% increase (2nd largest growth across the District)
- 65-84 yrs – 60% increase (2016 - 2036)
- 85+ yrs – 100% increase (2016 - 2036)

Bayside housing supply: 5-year housing target 2016-21 – 10,150 dwellings (22% of District)

Implications for Council – Bayside Council is carrying a heavy load for the Eastern City District in regard to housing targets and population growth. This will lead to pressure to fund and deliver social infrastructure (schools, child care, housing diversity, public domain, open space, accessible & walkable spaces), to reflect and respond to the needs of the Bayside community now and into the future. The land demands for these needs can conflict with the pressure to deliver more housing and the affordability of appropriate lands.

Productivity

Precinct	LGA	Undeveloped Land (ha)	Developed Land (ha)	Total (ha)	Total employment	GDP (\$m 2015)	GDP/sqm (developed land)
Banksmeadow	Bayside	12	213	225	5,603	719	351
Port Botany	Bayside	0	109	109	5,608	688	634
Mascot	Bayside	2	73	75	20,055	2472	3,359
Botany	Bayside	0	66	66	7,692	995	1,507
Bays Precinct	Inner West	3	68	71	964	119	174
Marrickville	Inner West	1	66	67	5,615	686	1,048
Port Botany	Randwick	0	204	204	3,955	498	244
Sth Strathfield /Enfield	Strathfield	18	157	175	4,061	490	319

Precinct	LGA	Undeveloped Land (ha)	Developed Land (ha)	Total (ha)	Total employment	GDP (\$m 2015)	GDP/sqm (developed land)
Flemington	Strathfield	0	54	54	2,280	318	595
Alexandria	Sydney	7	146	152	14,790	1846	1,338

Figure 3: Eastern City District ten largest industrial and urban service precincts

Figure 3 highlights the significant contribution that Bayside Council offers in the location of industrial/urban services jobs and supply of associated employment land. The ECDP identifies an action to protect these key lands from being further eroded by proposals for high density residential and mixed use developments.

International trade gateways – Sydney Airport and Port Botany have been formally recognised for their significance as well as the importance of neighbouring industrial zoned land immediately outside of the airport and port lands. ECDP recognises the encroachment of residential development on these important employment lands. The ECDP also describes the tensions that arise from conflicting uses around these trade Gateways, particularly in relation to freight movement, residential amenity, pressure from higher density development proposals, traffic movement and safety.

Strategic Centres – Green Square-Mascot and Eastgardens-Maroubra are identified strategic centres that require a planning focus for the delivery of additional retail and commercial space as well as transport infrastructure.

- Green Square-Mascot job projections: 59,500 est (2016) to 75,000-80,000 (2036)
- Eastgardens-Maroubra job projections 6,900 est (2016) to 8,000-9,000 (2036)

Implications for Council – Council's key employment precincts require planning protection to retain their function into the future if the Council wishes to retain jobs within Bayside Council. At the same time, a balance needs to be struck between ensuring the viability of the identified trade gateways of Port Botany/Sydney Airport and residential amenity of adjacent residential suburbs.

Sustainability

Green Grid priority projects identified in the ECDP within Bayside Council include:

- Cook River Open Space corridor
- Wolli Creek Regional Park and Bardwell Valley Parklands
- Mill Stream and Botany Wetlands Open Space Corridor
- Rockdale Wetlands Open Space Corridor

A tree canopy analysis of the District has identified the suburb of Botany has having one of the lowest level of tree canopy compared with other parts of Sydney. However, low levels of tree canopy is also evident across much of the Eastern City District and is a characteristic of

highly urbanised suburbs, especially when coupled with employment/industrial zones surrounding the trade gateways of Port Botany/Sydney Airport.

Implications for Council – Council needs to identify and act on the opportunities to leverage resources to deliver important outcomes for the areas identified for priority projects. Regarding tree canopy, a balance and position needs to be formed to prioritise uses of the limited space available where street trees can be placed, in terms of possible conflicting uses (e.g. utilities, aircraft safety).

Eastern City District Plan (ECDP) – Bayside Council Submission

While the draft ECDP has responded to some of the issues raised by Council by ensuring that the ECDP comments on the uniqueness and distinctive characteristics of Bayside Council, much of the ECDP remains generic in its descriptions and lacks specificity in its actions.

The draft Bayside Council submission to the draft ECDP acknowledges where the Greater Sydney Commission has modified their approach to include District-specific or even Council-specific issues that need to be addressed, however, for the Eastern City District there continues to be a focus on the Sydney CBD and Sydney Harbour.

As described earlier in this report, many of the key issues and pressures that councils are dealing with (e.g. density, community and social infrastructure needs, employment lands, housing diversity, open space, natural environmental quality, etc.), are addressed and cross-referenced over more than one of the ECDP chapters. Also, many of the issues and solutions are already being planned and very few actions could be considered as new initiatives to tackle complex issues (e.g. public transport solutions, open space and social infrastructure provision, etc.)

The structure of the Bayside Council submission is based on the key issues that Council will continue to have to manage into the future, which include:

- Liveability
- Centres and employment
- Infrastructure and Funding
- Public Transport
- Housing choice and affordability
- Open Space
- Sustainability

Council's submission also provides commentary on a major deficiency of the draft ECDP and the entire suite of planning and transport strategies - a lack of funding mechanism to deliver anything that hasn't already been identified by the NSW Government, or a means to release Council's ability to generate income to adequately fund infrastructure for the future.

Where it is felt that Council's initial submission to the previous draft Central District Plan, the draft submission to the ECDP contains a re-iteration of Council's concerns.

Council's draft submission is located at **Attachment 1** for Council's consideration. Submissions are due to the Greater Sydney Commission on 15 December 2017.

Council Implementation of Strategic Planning Reforms

With the finalisation of the ECDP imminent, Bayside Council will be required to update its Local Environmental Plans to give effect to the ECDP. The timeframes for these is in line with Council's commitment to updating its planning instruments as a recently amalgamated Council.

Figure 4 outlines the planning framework that now exists and the roles that different planning authorities play in delivering planning outcomes in Greater Sydney.

Planning legislation sets the planning enablers to deliver outcomes and the planning policies. The Greater Sydney Region Plan and Future Transport 2056 articulate the Vision and Objectives across Greater Sydney for land use and planning aspirations. The District Plans then guide the delivery of strategic land use, transport and infrastructure planning.

In order for Council to reflect all of these higher order plans, policies and legislative obligations, a number of studies and strategies will have to be completed to inform Council's future Local Environmental Plan. Such plans include, but are not limited to:

- Housing strategy
- Employment lands strategy
- Open space and recreation strategy
- Centres strategy
- Heritage strategy
- Transport strategy
- Environment strategy

In addition, Council will be required to prepare a Local Strategic Planning Statement (LSPS) to help guide future planning at a local level. Councillors will play an active role in setting and approving the LSPS. If Council chooses, more than one LSPS can be prepared to reflect local area character.

All of these new challenges for Council have been made possible as a result of the recent amendments to the Environmental Planning and Assessment Act that were passed by the NSW Parliament on 15 November 2017.

Council will be undertaking these initiatives in 2018 and a Councillor engagement process will commence in early 2018.

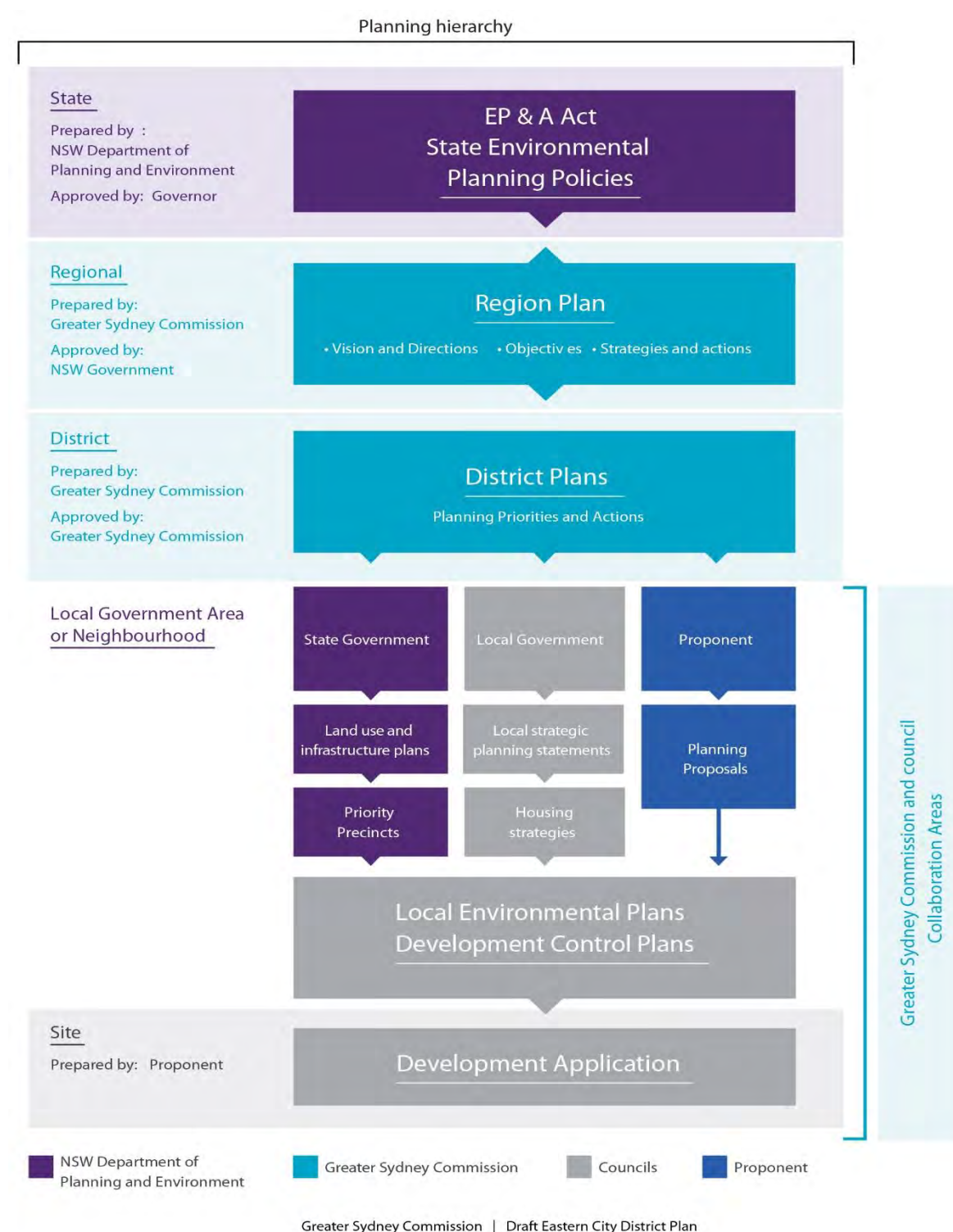


Figure 4: Role of planning authorities in Greater Sydney

Financial Implications

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

Community Engagement

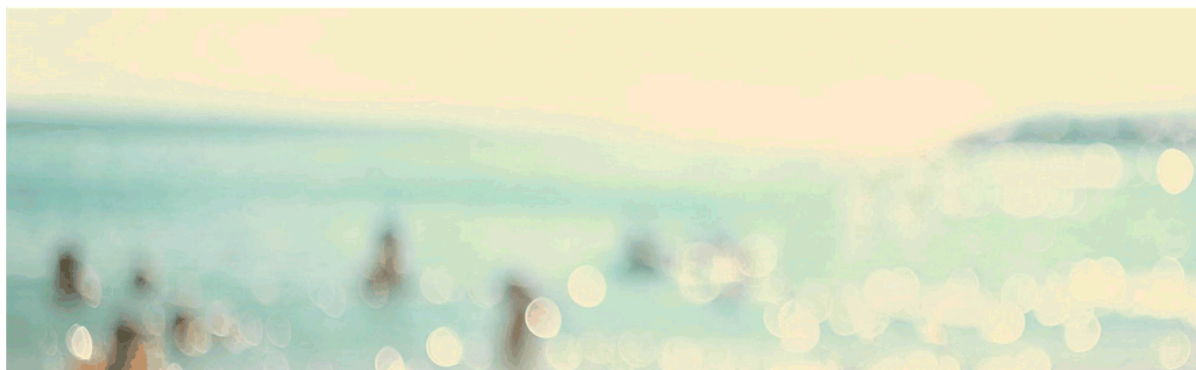
Not applicable

Attachments

- 1 Attachment 1 - Bayside Council submission to the draft Eastern City District Plan
- 2 Attachment 2 - Greater Sydney Structure Plan
- 3 Attachment 3 - Bayside Council submission (final) and signed cover letter - Draft Central District Plan [↓↓↓](#)



Submission on the
Draft Eastern City District Plan



Submission

Bayside Council welcomes the opportunity to provide constructive feedback on the *Draft Eastern City District Plan (ECDP)*.

Bayside Council continues to be a supporter of the District planning framework and was an active participant in the preparatory stages of the District Plans through the Working Groups. Council supports the approach taken by the Greater Sydney Commission (GSC) as well as the overall vision for the Eastern City District and Greater Sydney Region.

Council has reviewed the information currently on exhibition. Based on this review, Council has identified a number of key issues that were raised in Council's original submission to the draft Central District Plan and subsequent inputs to workshops that are addressed in the draft ECDP to varying degrees. These issues can be generally categorised as:

- Liveability;
- Centres and employment;
- Infrastructure and Funding;
- Public Transport
- Housing choice and affordability;
- Open Space; and
- Sustainability.

Bayside Council also supports the key issues raised by other councils in the draft Eastern City District that have surfaced in workshops with the GSC.

Liveability

One of the core principles of all the District plans is to achieve improvements to the liveability of places, centres and the overall Districts. Achievement of liveable places is proposed through a variety of actions that range from housing supply to design initiatives. However, the actions and priorities identified continue to fall short in delivering core results to achieve liveability outcomes.

Currently, Council's and the larger community's view of liveability, which was borne out of the Technical Working Groups and community consultation in the development of the draft District Plans, are places that:

- People live in that are close to:
 - Public transport;
 - High quality open space;
 - Health and education services; and
 - Community facilities, etc.
- Are easy to move around in sustainably; and
- Are in proximity to meaningful employment opportunities.

However, the key pressure on councils, which is reflected in government indicators, are meeting housing targets above all else. The ECDP continues this approach by quantifying future targets for housing but failing to be specific about setting targets for the social, open space, public transport, education, environmental, health and employment needs required to support the forecasted population growth.

Council acknowledges that certain measures, such as the Education and Child Care SEPP, may help facilitate the approval of educational and child care facilities. However, a key constraint to the creation of supporting infrastructure such as educational facilities or open space is land acquisition which remains prohibitively expensive.

Council also acknowledges the presence of some projection targets for employment in strategic centres. However, the dominance remains on housing.

The ECDP must move beyond the obligatory response to liveability (ie boosting housing supply) and focus on benchmarking activities that will lead to truly liveable places. This should include benchmarks on access to and provision of:

- Planning and land acquisition for the location of health and education services;
- Public and active transport modes – reducing the reliance on private vehicles
- Quality open space – beyond imposts on local Government to spend more on existing open space;
- Responses to protect Sydney's natural environment
- Provision of community facilities; and
- Employment opportunities.

In its submission to the draft Central District Plan, Bayside Council referred to the work undertaken by the Southern Sydney Regional Organisation of Councils (SSROC) Liveability Indicators and Mapping project and recommended that the GSC adopt this or a similar model to establish effective liveability targets and indicators.

Bayside Council reiterates its recommendation that the GSC establishes a range of quantifiable objectives, targets and indicators for the other pillars of liveability that can sustainably support future population projections, including:

- Open space provision (including quality);
- Transport infrastructure and services;
- Social infrastructure including health, education and community facilities;
- Affordable housing;
- Meaningful employment; and
- Protection of the natural environment.

Centres and employment land

The role that centres will play, as well as the future use of employment land, will help shape the future structure of the Eastern City District. Bayside Council believes that further consideration is needed to ensure that identified centres can grow and employment opportunities can be retained and supported.

Strategic and other key centres

The ECDP identifies a number of centres within the Bayside LGA, including:

- The trade gateways of Sydney Airport and Port Botany.
- The strategic centres of Green Square-Mascot and Eastgardens-Maroubra Junction.

Trade Gateways

Council welcomes the additional information in the draft ECDP that acknowledges the importance of the Sydney Airport and Port Botany precincts, and supports the measures to

protect surrounding employment lands from residential development pressures until a strategy can be put into place. However, until an employment strategy can be completed for these areas, Council seeks assistance from the GSC to ensure that the Gateway process for planning proposals does not undermine the intent of the ECDP actions, leading to further loss of employment lands.

There is also a great deal of community concern, exacerbated by the more recent announcements of new Priority Precincts, that it may be only a matter of time before pressures on Government will lead to the release of more employment lands to meet housing targets. In monitoring the progress of the ECDP, the GSC will also need to track how certain agencies are buying into the overall vision at a local level.

While the ECDP identifies both international and domestic airport precincts, little priority and associated actions are afforded to the international airport precinct that suffers, and will continue to suffer, from ongoing traffic congestion, due to a lack of sustainable and affordable public transport options. A lack of cohesive planning continues to hamper cycling/pedestrian connectivity to Sydney's south. The ECDP needs to prioritise regional cycling networks that are not disrupted by black spot zones where Government partners cannot agree on an agreed way forward (eg international airport and Marsh St). Public transport options for employees at the Port Botany also remains a barrier to removal of conflicting transport uses in the area.

The refusal of the NSW Government to waive the station access fees at the airport train stations continues to be an impediment to increased utilisation of sustainable transport as a genuine transport option to the airports.

Strategic Centres

While the ECDP identifies the strategic centres of Green Square-Mascot and Eastgardens-Maroubra Junction, the GSC's response to them is quite generic. Council's concern is that without a genuine attempt to ensure that their productivity and character is retained and enhanced, through appropriate controls and actions, any future plans for improvements to linkages will be seen as a message for high density residential development opportunities to the building sector.

The identification of strategic centres offers a unique opportunity to work with adjoining councils, Government agencies and the private sector to better plan the activities within and between the centres, as well as identify improved transport infrastructure. While this is positive, Council recommends that the GSC develop a planning model that will facilitate cross-jurisdictional discussions and lead to better planning outcomes.

Infrastructure and Funding

The ECDP identifies Bayside Council as one of the major contributors to accommodating the forecast population growth in the Eastern City District. Bayside Council has been given the task of delivering 10,150 dwelling over the next five years –over 20% of the District's housing target. With the increased population, it will place significant pressure on existing infrastructure and the need to invest in new infrastructure. While Council understands that the GSC recognises this issue, the ECDP falls well short on identifying a way forward for councils to pay for supporting infrastructure.

Population Growth and Social and Community Infrastructure

The ECDP acknowledges that, with the forecasted population growth, there will also need to be an appropriate response to people's need for community and social infrastructure.

However, there is a concern that the delivery of the necessary social and community infrastructure will continue to be reactionary. Such an outcome will only place increasing pressure on existing infrastructure.

Council is also concerned that the general response for future infrastructure to meet future needs is to retrofit and renew existing infrastructure. With the level of population growth anticipated, existing infrastructure will fall way short of the demands needed to establish or maintain liveable places.

Given the statistical analysis undertaken to reach the forecast population growth, a comprehensive framework for the planning and delivery of social and community infrastructure within the District should be developed. This should include a review of the developer contributions framework, which currently limits Council's ability to collect funds for land acquisition only to be used for a community facility.

The framework should also inform health and education service providers on the future provision of necessary services (this includes schools, hospitals, etc.) and when those services should be provided. This will allow for better planning and more importantly, better delivery of much-needed social and community infrastructure.

Financing

In its submission to the draft Eastern City District Plan, Bayside Council identified the heavy restrictions on Councils to generate funds to finance infrastructure. This still has not been addressed by the ECDP and remains one of the biggest hurdles to achieving transformative change and liveable places. Therefore, these issues are repeated below.

A number of concerns have been identified in relation to Council's key funding mechanisms, which are detailed below:

Section 94 Contributions

Typically, it has been local government which has supported and facilitated growth, including using and applying section 94 to deliver infrastructure to its communities. Section 94 contributions have traditionally been used to provide essential services to new communities. These services include:

- Social facilities: libraries, child care facilities, community centres;
- Recreational facilities: playing fields, swimming pools, tennis courts; and
- Development infrastructure: trunk roads, trunk drainage, pollution control facilities.

In addition to providing these facilities, councils are required to purchase the land on which the facilities are located at prices which are reflective of the residential properties that they service. This makes the delivery of infrastructure difficult and, at times, financially prohibitive.

The NSW Government introduced the \$20,000 cap and the essential works list for Section 94 Contributions in 2010. Instead of assisting the councils which were actively supporting population growth, by introducing the cap, the State Government has penalised these councils and the incoming community financially through the introduction of an artificial cap. Section 94 Plans, which contain acquisition of land for open space and recreation purposes, have seen considerable growth in the value of the land to be acquired well above the Consumer Price Index (CPI). The growth in metropolitan Sydney has been extraordinary, yet, despite this growth, there has been no review of the Cap, nor any proposal to index it.

As such, delivery of the necessary infrastructure under Council's Section 94 Plan is becoming increasingly difficult. As noted above, this is a wider issue than just for the Bayside

Council. However, the pressure will be on Council to deliver the infrastructure identified as part of this process.

Council reiterates its recommendation that the GSC take the lead in developing a contributions framework that would allow for the appropriate delivery of infrastructure. This would be done in close consultation with the DPE. Without a comprehensive review of the current contributions framework, Council will find it difficult to deliver the infrastructure necessary to support the population growth forecast for Bayside.

Voluntary Planning Agreements

Value sharing is a potential way to help fund the delivery of necessary infrastructure. Council is currently reviewing its VPA policy and would recommend that further consideration is given in the ECDP to the following matters:

- The term 'value sharing' needs to be firmly defined;
- While Council agrees that consideration needs to be given to the financial feasibility of development, the uncertainty regarding the actual scope of value sharing results in land speculation which often leads to additional reductions in economic feasibility of development;
- The GSC and the DPE are encouraged to work together to establish a standard rule for the scope and appropriateness of value capture/value sharing. The *"Improving Voluntary Planning Agreements"* draft circular and ministerial direction proposes reducing councils' ability to utilise value uplift in the negotiation of VPAs.
- The GSC along with the DPE should consider a clause in the LEP Standard Instrument that deals with planning proposals and value sharing; and
- Value sharing and VPAs should not be confused with development contributions. Only a proper development contributions plan (or infrastructure schedule) can be used to identify and provide infrastructure at a precinct level. In areas where there are numerous land owners, such as within an Urban Renewal Precinct, VPAs can only be negotiated with individuals or small groups of land owners. Therefore, VPAs cannot be utilised to plan and provide for infrastructure at a precinct level and should be used to augment the development contributions strategy.

Public Transport

Council supports the objective and concept of a 30-minute city, as part of a metropolis of three cities. However, the majority of community experiences in Greater Sydney and especially the Eastern City District is that their travel times have doubled over the past decade, and that without a major injection of public transport investment into new active transport infrastructure, this trend will continue.

A major concern for Bayside Council is the absence of a plan to improve public transport infrastructure and access to support increasing housing densities and populations.

Council has supported the NSW Government in its approach to urban renewal and especially its focus on Transport Oriented Development. However, it is widely acknowledged that the heavy rail network is either at, or beyond, capacity during peak periods. This is especially the case for the Illawarra and East Hills lines that are intended to support the population growth in the DPE Bayside West Precinct. It is time to identify and plan for transport solutions beyond Sydney's heavy rail network.

The central and southern areas of the Eastern City District are important economic contributors and should be a key consideration in transport planning for the district. The GSC

has acknowledged that journey times on public transport from areas in Bayside Council can be longer than 30 minutes, despite the short journey distances, and are often longer than comparable journeys in other parts of Sydney. Council recommends that the NSW Government creates more affordable access to the airport rail link by the removal of the station access charge to Sydney's domestic and international airport railway stations.

With the development of a new District Plan, it is timely and appropriate to re-think how sustainable transport solutions can be achieved within in-fill areas such as the Eastern City District. While longer term solutions are being considered, Council encourages the NSW Government to improve priority bus services in the short term to facilitate greater patronage of public transport options.

Light Rail

Council welcomes the acknowledgement in the ECDP that an opportunity exists for the District Plan to introduce an objective to achieve a rapid transit solution that links Eastern City District's central and southern areas, connecting urban growth areas in the City of Sydney and Bayside Councils that may have previously been untapped and which are currently constrained by a lack of public transport.

However, Council is concerned about the lack of urgency attached to this planning and delivery work. Strategic centres identified in the ECDP like Green Square-Mascot and Eastgardens-Maroubra urgently require the planning and delivery of a rapid transit system like light rail to support the significant populations anticipated. The existing heavy rail network and bus network cannot support future population projections.

A light rail system network should be considered that takes into account the connections from the abovementioned centres to the airport, Port Botany and the Bayside West precinct suburbs of Wolli Creek and Cook Cove.

Within the Bayside LGA there is significant redevelopment and urban renewal that will benefit from a new light rail system. The existing Wolli Creek and Mascot developments are examples of residential land use that will be developed further. In addition, the NSW Government has acknowledged that future development at Cook Cove will provide up to 5,000 dwellings.

The anticipated population growth within the Arncliffe and Banksia priority precincts will also benefit from a comprehensive light rail network that has the potential to connect other suburbs and the Botany Bay foreshore.

Council supports the City of Sydney in recommending that the GSC include the introduction of a light rail network to service Green Square, the District and Strategic Centres of Eastern City District south, and expand the planning to create a light rail network that connects Bayside West growth areas.

Housing Choice and Affordability

The ECDP champions the preparation of local housing strategies as a key driver of informing housing need, choice and supply. The preparation of such documents is supported and, as a minimum, these documents should identify where the demand is coming from and formulate an appropriate strategy to provide the necessary housing choice. It should also be stressed that choice should not be shoehorned as something that supply alone can fix. Choice should also consider the availability of housing of varying size, type and location.

To achieve such an outcome, councils require support through the development of appropriate mechanisms that would allow Council to deliver on the ECDP objective of more housing choice. As part of housing choice, the ECDP identifies five year dwelling targets for the District as well as specific council areas. For Bayside, the five year dwelling target is 10,150, which is over 20% of the Eastern City District's housing target. Based on this, Bayside can be considered a significant contributor to the delivery of homes in the Eastern City District.

With increased development occurring, infrastructure (both hard and soft) is required to support the population growth. However, the ECDP does not offer any additional state or regional infrastructure to support this growth. The concern is that Council will be left with the legacy of poor infrastructure planning and investment.

The ECDP is clear that capacity to accommodate more housing should be focused around existing and planned infrastructure. While this is positive, more can be done. For instance, the Arncliffe and Banksia Priority Precincts are located on the Illawarra line. However, the line is currently well over capacity in the morning peak. When it comes to existing infrastructure, the ECDP should be clear that additional housing capacity should be considered where existing infrastructure has the capacity to accommodate the growth, or there is an absolute commitment to new or improved infrastructure.

The ECDP prescribes a target of 5% to 10% of new floor space to be allocated for affordable rental housing. The proposal to apply the target at the rezoning stage is a sound approach. This will allow its provision to be factored into the development equation, with developers being fully aware of their responsibility in the provision of such housing.

The commitment to independently assess the need and viability of affordable housing provision is a further step in the right direction. Any assessment of financial viability implications should be completely independent and applied consistently to all developments to ensure that any financial viability studies provided by developers present a realistic case.

To this end, this policy must be formalised through its inclusion in Local Environmental Plans as a standard control. Without such a mechanism, the application of an affordable housing policy could be compromised.

Furthermore, to ensure that the policy is yielding its intended outcomes, monitoring the delivery of such housing on a yearly basis (as a minimum) is also recommended. A review of the policy should also be undertaken 24 months after its introduction to identify any potential delivery issues, with the aim of increasing the targets.

Open Space

Provision of Open Space

The ECDP recognises the benefits that availability of and access to good open space provides. With the population in Bayside set to increase substantially over the next five years and beyond, open space provision will become even more critical. The cost of providing new open space is prohibitively expensive, particularly given the property market and significant pressure to convert available land to highest yield potential (i.e. high density residential).

For example, Bayside Council identified an area within the Wolli Creek Precinct for open space. This will cost tens of millions of dollars to realise Council's vision for the open space. Bayside Council has also considered alternatives to the provision of more open space by focusing on the provision of better quality open space.

However, the Independent Pricing and Regulatory Tribunal (IPART) has advised that Council can only charge the developer contributions basic embellishment – not higher quality. This will become an increasing problem, with councils unable to consider alternatives to providing more open space where its provision is not financially possible.

As stated earlier in this submission, Council is very concerned that the action responses in the ECDP to solve the open space issue is largely left to the optimisation of existing open space. With planned road infrastructure in the Bayside Council area, existing open space is threatened. Therefore, a serious commitment for future funding of land acquisition is needed by the NSW Government to enable for the acquisition and embellishment of land for open space.

Green and Blue Grids

Council supports the creation of the Blue and Green Grids and its success is critical to the growing population of Bayside and the wider District. The ECDP has identified a number of key green connections through Bayside Council, with the primary connections being north-south along existing corridors. While this is positive, they still do not offer any new or substantially different approaches to what Council is doing to ensure connection between open spaces.

To become a true networked grid the ECDP must introduce a new approach and the mechanisms to deliver the grid. This can include the consideration of incentives for the delivery of connections or mandated minimum standards that are supported by mechanisms that councils can easily implement to achieve Green and Blue Grid connectivity.

Biodiversity and the Green and Blue Grid

Sustainability priorities listed in the Sustainable City section of the CDP include:

- Managing coastal landscapes;
- Protecting and enhancing biodiversity; and
- Avoid and minimise impacts on biodiversity.

The section lists three highly interconnected elements: healthy waterways; areas of native vegetation, biodiversity and ecological communities; and a Green Grid of parks and open space. However, this interconnectedness is not reflected in the Sustainable Cities Priorities and Actions. Section 5.5 notes that for “the Eastern City District conservation planning will focus on opportunities to protect and enhance areas of valuable native vegetation close to existing national parks”.

With this focus the majority of potential urban areas for maintaining and enhancing biodiversity and the integral role of these urban areas in biodiversity corridors will be excluded. As an example, Bayside Council has several significant ecological areas, although none of these are a national park.

Additionally, although it has been stated that the protection and enhancement of biodiversity complements the delivery of Sydney’s Green Grid, the reverse appears to be the case, with none of the objectives reflecting a consideration of biodiversity. A Plan for Growing Sydney notes that:

‘...a city wide Green Grid would promote a healthier urban environment, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve the resilience of Greater Sydney.’

Objectives for the Green Grid do not include any reference to biodiversity or their potential role for biodiversity or biodiversity corridors, despite the Plan stating that areas of biodiversity complementing the Green Grid.

Council requests that an appropriate objective be added to section 5.6 – Delivering the Green Grid, such as:

- Integrating planning and design to protect and enhance biodiversity; and
- Complementing the protection and enhancement of biodiversity.

Sustainability

Bayside Council commends the GSC on the emphasis it places on creating a sustainable future for Sydney and the inclusion of priorities and actions to guide and manage Sydney's future. However, the Plan's Sustainability Actions are of a generic or "motherhood" nature and do not reflect the characteristics of the Eastern City district. Most of the actions identified for the District are not new business and remain ill-defined. In Bayside Council, while there is acknowledgement of a number of key areas in Bayside Council there are no specific actions to focus on their future management and desired state.

It is also noted that the Planning Priority E14 does not acknowledge Botany Bay as a landmark water body (like Sydney Harbour), and consigns it to a District waterway.

Without any District Plan specific actions, areas such as wetland corridors and the Bardwell Valley/Wolli Creek natural parkland areas will remain under pressure from urban renewal and higher density developments.

Land and Water Contamination Including Groundwater

It is encouraging that the District Plan places a greater emphasis on sustainability principles. This is a welcome approach from the GSC. However, there is concern that the sustainability priorities and actions do not identify or address the impact of land and water contamination within the Eastern City District.

In the past, this District had some of Australia's most highly-intensive and polluting industries which has left a legacy of contaminated land, surface water and groundwater. In many cases the type, area and solution to contamination issues are complicated or unknown. This legacy not only has an impact on the natural environment but also impacts on the types of activities and developments that can occur within certain areas of the Eastern City District.

The current sustainability priorities and actions within the ECDP do not adequately address the impact of land and water contamination or the significant groundwater interaction and issues of the Botany Sands Aquifer located within the Eastern City District. Groundwater also interacts directly with natural environments and is a contributor to the surface water in the local area. It is, therefore, an important issue in water quality and biodiversity of wetlands and ponds including Botany Freshwater Wetlands and Sir Joseph Banks Park that adjoins Foreshore Road in Botany.

In the Bayside Council LGA, groundwater is as important as surface water or any other sustainability issue as it affects industry, local communities, current and future development as well as broad environmental quality.

Benchmarking Environmental Outcomes

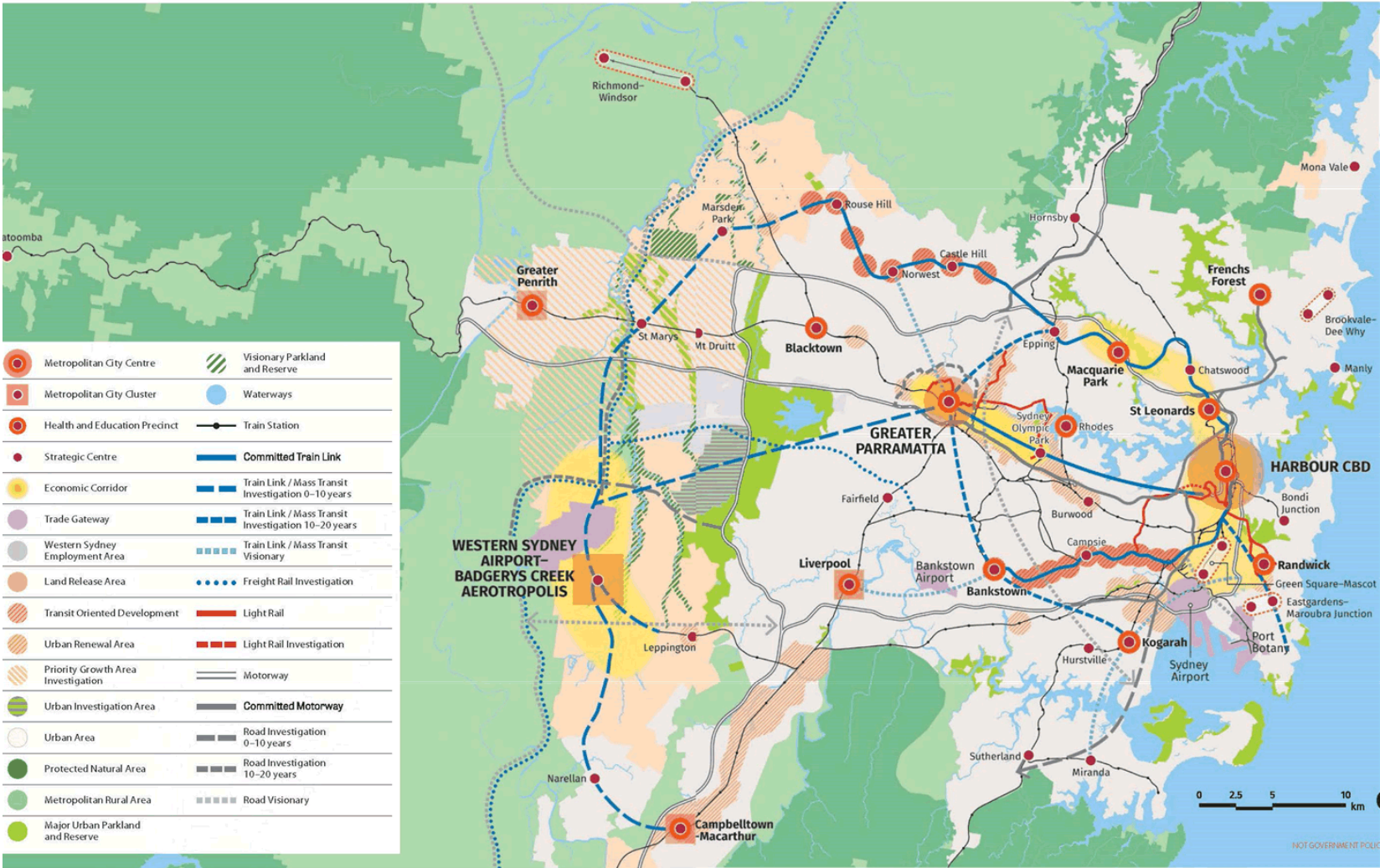
As described in earlier sections, the ECDP has an absence of targets and benchmarks to focus or quantify the effectiveness of the ECDP in delivering change. Bayside Council recommends that the CDP includes priorities, actions and key performance indicators that better address the key influences impacting on the sustainability of Sydney's future.

Net Zero Emission Precincts

While Council supports such an aspirational approach to priority growth areas, it is unclear how these targets will be planned for or delivered given that the Department of Planning and Environment generally end their association with a precinct once a structure plan is completed and released.

There is a concern that expectations around this concept will be developed and promoted but councils will be left with managing unrealistic expectations or with no mechanisms to enable reduced or zero-emission outcomes. This is particularly relevant for Bayside Council with existing and emerging growth precincts that include Cook Cove, Arncliffe, Banksia, Turrella and Bardwell Park, as well as identified strategic centres.

58: Greater Sydney Structure Plan 2056 – the three cities



Committed projects of: Western Harbour Tunnel & Beaches Link, P6 – WestConnex to President Avenue Kogarah, Parramatta Light Rail Stage 2 and Sydney
test are subject to final business case, no investment decision yet. Routes and stops for some transport corridors/projects are indicative only.
Sydney Commission | Draft Greater Sydney Region Plan 2017

Bayside Council

Serving Our Community

31 March 2017

Our Ref: F16/793
Contact: David Dekel – 9562 1660

Greater Sydney Commission
Draft District Plans
PO Box 257
PARRAMATTA NSW 2124

By Email

Dear Sir/Madam

Re: Bayside Council Submission – Draft Central District Plan

Thank you for the opportunity to respond to the Greater Sydney Commission's exhibition of the Draft District Plans. Council has reviewed the Draft Central District Plan and its implications for Bayside Council.

Council is generally supportive of the overarching strategic principles within the Central District Plan and recognises the need to proactively plan for future demands that will be placed on this part of Greater Sydney. However, there are several issues raised in Council's submission that require additional substantive responses from the GSC to reassure Council that the best interests of the Bayside Council LGA and its community are protected.

Where there is no comment, it can be assumed that Council has no substantial concerns with what is being proposed and can be taken as general support.

If you have any queries regarding this submission, please do not hesitate to contact Council's Coordinator City Places and Systems, David Dekel, on 9562 1660 or at david.dekel@bayside.nsw.gov.au.

Yours faithfully


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Bayside Council

Submission on the
Draft Central District Plan

Web www.bayside.nsw.gov.au

Bayside Council – Submission on the Draft Central District Plan

Introduction

Bayside Council welcomes the opportunity to provide constructive feedback on the Draft Central District Plan (CDP).

Bayside Council is a vocal supporter of the District planning framework and an active participant in the preparatory stages of the District Plans through the Technical Working Groups. Both the former Rockdale and Botany Bay Councils contributed significantly during this period. Each former Council's contribution was based on the respective Districts they were in – Rockdale in the South District and Botany Bay in the Central District.

Overall, Bayside Council supports the approach taken by the Greater Sydney Commission (GSC) as well as the overall vision for the Central District and greater Sydney region.

Council has reviewed the package of information currently on exhibition. Based on this review, Council has identified a number of key issues that require further consideration. These issues can be generally categorised as:

- Liveability;
- Council representation and responsibility;
- Centres and employment;
- Infrastructure;
- Public Transport
- Housing choice;
- Housing affordability;
- Open Space; and
- Cities and the Environment.

Where there is no comment, the reader can assume that Council has no substantial concerns with what is being proposed and can be taken as general support. Council's recommendations are generally located at the end of each section.

Bayside Council also supports the key issues raised by other councils in the Central District that have surfaced in workshops with the GSC.

1.1. Liveability

One of the core principles of all District plans, including the CDP, is to achieve improvements to the liveability of places, centres and the District overall. Achievement of liveable places is proposed through a variety of actions that range from housing supply to design initiatives. However, the actions and priorities identified fall well short in delivering core results to achieve liveability outcomes.

Currently, Council's and the larger community's view of liveability, which was borne out of the Technical Working Groups and community consultation in the development of the draft District Plans, are places that:

- People live in that are close to:
 - Public transport;
 - High quality open space;

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- Health and education services; and
- Community facilities, etc.
- Are easy to move around in sustainably; and
- Are in proximity to meaningful employment opportunities.

However, the key pressure on councils, which is reflected in government indicators, are meeting housing targets above all else. The CDP continues this approach by quantifying future targets for housing but failing to be specific about the social, open space, public transport, education, environmental, health and employment needs required to support the forecasted population growth.

The CDP must move beyond the obligatory response to liveability (i.e. boosting housing supply) and focus on benchmarking activities that will lead to truly liveable places. This should include benchmarks on access to and provision of:

- Health and education services;
- Public transport – extending to alternative forms of transport such as cycling;
- Quality open space;
- Responses to protect Sydney's natural environment
- Provision of community facilities; and
- Employment opportunities.

Bayside Council has been part of the Southern Sydney Regional Organisation of Councils (SSROC) Liveability Indicators and Mapping project. The intent of this project has been to benchmark and understand the current liveability performance of each area of the SSROC region against the following indicators:

- Access to open space;
- Rental affordability and mortgage stress;
- Access to centres and employment;
- Relative job accessibility;
- Access to public education;
- Access to hospitals and local health clusters; and
- Access to community facilities and cultural precincts.

It is intended that these performance indicators are to be used in assessing future infrastructure and strategic planning actions and, in particular, how urban intensification, as proposed in the District Plans, can deliver a dividend, or benefit, to local communities.

The project report provides a summary of the liveability indicator performance for the Central District, which includes the following characteristics:

- Unaffordable rental markets, particularly in the east and central areas of the Central District;
- Bayside is one of the more affordable areas for renting within the eastern part of the district. It has higher than average levels of mortgage stress, which is likely due to recent dwelling completions, such as in Mascot, with a higher recent-owner base;
- There are consistently medium-to-low levels of accessibility to all types of open space and community facilities. Areas with low levels of accessibility to open space and community facilities can be seen in the north west of the district, such as Strathfield, Burwood and Canada Bay and in Botany Bay to the south. The low

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scores are primarily driven by a lack of diversity in the types of community facilities and open space (regional and district open space) and the constraints of the harbour peninsular areas such as Drummoyne and Leichhardt.

Bayside Council recommends that the GSC establishes a range of quantifiable objectives, targets and indicators for the other pillars of liveability that can sustainably support future population projections, including:

- Open space provision (including quality);
- Transport infrastructure and services;
- Social infrastructure including health, education and community facilities;
- Affordable housing;
- Meaningful employment types; and
- Protection of the natural environment.

Overall, Council encourages the GSC to consider the high quality work in the SSROC Liveability Indicators and Mapping project that was submitted to the GSC.

1.2. Council Representation and responsibility

The former Rockdale and Botany Bay Councils actively participated in the Technical Working Groups. This participation was in separate Districts – Rockdale in the South District and Botany Bay in the Central District. Bayside Council welcomes the commitment by the GSC in its previous and continuing engagement of councils in the formation of the Central District Plan.

Bayside Council Representation

With the Central District encompassing an area that includes the Sydney CBD and most of Sydney's major landmarks and tourist attractions, the CDP places significant emphasis on the global competitiveness and attractiveness of the Sydney CBD. While this might be true of the Sydney City area, it is possibly less so for the outer parts of the District.

During the planning process, the former Rockdale and Botany Bay Councils contributed significantly to the discussions on the shape of the respective Districts. Specific issues raised included:

- The loss of employment land, including around Sydney Airport and Port Botany, as a result of increasing pressure from developers;
- The loss of significant open space as a result of the possible future F6 extension;
- The continuing impacts of development on biodiversity, wetlands and coastal areas;
- A lack of specifics on how transport, education and health infrastructure will be delivered to support the proposed increase in local populations;
- Pressures from dwelling numbers; and
- Constraints in the delivery of a diverse range of housing.

The current draft of the CDP highlights major features of the Central District and highlights key precincts. However, the necessary commentary is missing which addresses the various pressures and characteristics of the numerous components which comprise the District, and some direction that can assist Council in mapping a future for the LGA.

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For instance, Bayside Council has been set a five year housing delivery target that equates to more than 20% of the future growth of the District. With relatively little associated infrastructure and services identified for the LGA in the CDP, Bayside's role in the District will be nothing more than a series of dormitory suburbs.

The Bayside LGA is home to significant employment activities and environmentally significant areas. There is cause, therefore, to reconsider the future role the area will play in the District.

Reliance on Councils to do the 'Heavy Lifting'

The GSC is taking an approach to develop an evidence base that will lead to better planning in the future. This approach is welcomed and supported by Bayside Council. There is also a positive shift being led by the GSC towards the elevation of strategic planning and the important contribution good strategic planning will bring.

As is the case with many of the councils within the Central District, Bayside Council does not have the strategic capacity to deliver the various strategic elements of the CDP. For Bayside Council to focus on the delivery of good planning outcomes through strategic planning, significant resources or funding would be required. Unfortunately, the CDP falls short in providing any meaningful support to Council.

The CDP's priorities and actions rely on extensive further investigations being undertaken. Responsibility for the preparation of the additional investigations is split between the GSC, State Departments and Agencies and local government. However, the overwhelming responsibility seems to be placed on local government to prepare the necessary work. There is also a sense of urgency with the need to complete the additional investigations to inform the finalisation of the CDP and Council's own strategic plans.

Bayside Council is currently facing significant pressure from the development industry through the planning proposals currently being considered, with several others due to be submitted. Council's limited resources means that very little strategic planning can actually occur, while these planning proposals – a legislatively time-pressured process – are being considered.

Some actions and priorities are also dependent on the provision of State Government information prior to a study or planning proposal being drafted. Given the significant resources (staff, time and funding) required to fulfil the actions, the draft District Plan does not set out timeframes for the additional work to be undertaken by the GSC to enable councils to achieve the actions.

Furthermore, many of the actions and priorities in the CDP are accompanied by the following statement:

'How these matters are taken into account is to be demonstrated in any relevant planning proposal.'

There is a concern that such a general statement will mean an inconsistent approach to the achievement of any priorities and actions. Stronger and more definitive language across the CDP is necessary to ensure that the actions and priorities are being applied or considered in a consistent manner. It will also assist Council to address any issues with planning proposals prior to requests for Gateway Determination.

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In addition, there unfortunately remains a disconnect between the strategic vision and the policy and legislative framework to deliver the CDP. Councils do not have the mechanisms available to apply many of the priorities or actions, questioning the ability of councils to effectively implement the CDP. If councils are to be tasked with a large share of delivering on the priorities and actions of the CDP, the GSC must provide Council with the necessary tools. In this regard, Bayside Council recommends that the GSC works with the Department of Planning and Environment (DPE) to consider necessary amendments to the Standard Instrument that would assist councils in the delivery of the CDP.

Priority vs. Policy Framework

This priority is a clear example of Council (or any planning authority) being tasked with an action that cannot effectively be implemented because of the limited mechanisms available.

The only mechanisms available to Bayside Council in this regard are:

- Amendments to zoning controls: while this may allow different uses, it will not necessarily attract such uses. A reliance in planning controls alone does not and will not provide for spaces for creative industries; and
- Use of Council-owned land: while a valid way of encouraging different uses, Council has limited available land or buildings that would afford it the luxury of quarantining the space/buildings for anything other than community uses.

Beyond the above two mechanisms, Council is limited in the support it could provide to encourage, attract and keep creative or any other industries.

This is made more difficult by the consistent pressure to convert industrial land for residential purposes.



Productivity Priority 2: Support the growth of innovation and creative industries

The relevant planning authority should investigate opportunities to support the growth of innovation and creative industries. Consideration should be given to the full spectrum of activities from high-end global businesses to small start-ups.

This may be achieved through a range of mechanisms and strategies including:

- providing flexibility in appropriate zones for the co-location of creative industries in desirable locations with access to transport and ancillary uses such as retail, cafes and restaurants
- incentivising opportunities for the provision of affordable space for creative and start-up businesses.

Councils and State agencies should also consider opportunities to grow innovation and creative industries by:

- providing affordable space for creative hubs on government-owned land and/or in large-scale government-led urban renewal projects
- enhancing synergies and connectivity between health and education facilities
- supporting increased opportunities for a diversity of housing choices including price points close to work opportunities.

How these matters are taken into account is to be demonstrated in any relevant planning proposal.

1.3. Centres and employment land

The role that centres will play, as well as the future use of employment land, will help shape the future structure of the Central District. Bayside Council believes that further consideration is needed to ensure that identified centres can grow and employment opportunities can be retained and supported.

Strategic, District and Local Centres

The CDP identifies a number of centres within the Bayside LGA, including:

- The strategic centres of Sydney Airport, Green Square-Mascot and Port Botany.
- The district centre of Eastgardens-Maroubra Junction.

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The CDP only provides a synopsis of the existing activities within an identified strategic or district centre. These provide little direction about the future character of these areas. The priorities and actions also provide little direction, merely highlighting heads of consideration that would form a part of any strategic analysis or planning proposal for such a location.

Having identified these areas, Council encourages the GSC to provide clearer guidance as to the future roles of these centres as well as provide the mechanisms and strategies to allow Council to implement the CDP. While these centres are split by LGA boundaries, they are nonetheless important in delivering critical employment, housing and transport opportunities.

The identification of these centres offers a unique opportunity to work with adjoining councils to better plan the activities within and between the centres, as well as identify improved transport infrastructure. While this is positive, Council recommends that the GSC develop a framework that will facilitate cross-council discussions and lead to better planning outcomes as a priority.

Employment and Urban Services Land

The extension of employment land to include 'urban services' is considered to be an appropriate response to the changing nature of employment, particularly in the Central District. This term will be useful to inform discussions regarding the conversion of traditional industrial areas to precincts that can cater for a wider variety of employment uses. Bayside Council recommends that the GSC provides clear principles to ensure that the addition of 'urban services' does not lead to the loss of valuable land that offers more traditional industrial employment opportunities.

Bayside Council is one of many urban councils that are currently experiencing significant housing growth. In many cases, this is at the expense of existing employment land. Pressure to convert existing employment lands for residential development is already high and is growing. The encroachment of residential development into employment land is particularly concerning around Sydney Airport and Port Botany. Although the CDP acknowledges these pressures, Bayside Council does not believe the CDP appropriately addresses this issue. While the CDP proposes a precautionary approach to rezoning employment land, it does not provide Council with the necessary policy tools to take such an approach successfully.

While it is acknowledged that the nature of employment is changing, Council is left with little support to identify or foster emerging industries. Council requires a policy framework that supports the retention and/or growth of existing employment areas, including smaller employment areas that are already suffering from development pressures.

The CDP proposes to undertake further investigations that will allow for a better understanding of the current stock of employment and urban services land and the role it plays in the local, district and regional economy. This is welcomed and must be a priority for the GSC. The research should also result in the development of a policy framework that would equip Council with the tools necessary to make informed decisions that will maintain (where appropriate) and grow existing employment and urban services land.

To further exacerbate the issue, the language of the CDP Plan is too broad. Such language will allow a proponent to meet the objectives, even if the proposal is contrary to the intent of the CDP. In this regard, clearer direction and support from the GSC is needed to enable Council to implement the CDPs objectives for employment.

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Until an employment lands inventory and strategic employment strategy is completed, Council recommends that the GSC considers the introduction of a moratorium on converting key industrial/employment precincts to high density residential development across Bayside Council. Council also requests that the GSC assists with resourcing the project to help facilitate its timely completion.

1.4. Population Growth and the Provision of Infrastructure

The CDP identifies Bayside Council as one of the major contributors to accommodating the forecast population growth in the Central District. Bayside Council has been given the task of delivering 10,150 dwelling over the next five years –over 20% of the District's housing target. With the increased population, it will place significant pressure on existing infrastructure and the need to invest in new infrastructure.

Population Growth and Social and Community Infrastructure

The CDP acknowledges that, with the forecasted population growth, there will also need to be an appropriate response to people's need for community and social infrastructure. However, there is a concern that the delivery of the necessary social and community infrastructure will continue to be reactionary. Such an outcome will only place increasing pressure on existing infrastructure.

Given the statistical analysis undertaken to reach the forecast population growth, a comprehensive framework for the planning and delivery of social and community infrastructure within the District should be developed. This should include a review of the developer contributions framework, which currently limits Council's ability to collect funds for land acquisition only to be used for a community facility.

The framework should also inform health and education service providers on the future provision of necessary services (this includes schools, hospitals, etc.) and when those services should be provided. This will allow for better planning and more importantly, better delivery of much-needed social and community infrastructure.

Financing

The financing of infrastructure can be achieved through a number of mechanisms. The main ones available to Council are:

- Section 94 Contributions for local infrastructure; and
- Value Capture through Voluntary Planning Agreements.

Infrastructure Delivery – Policy vs. Outcome

Council has tried to provide a community space in Wolli Creek by seeking a community space in stratum as opposed to the traditional sterilisation of land through provision of a stand-alone facility on land fully owned by Council.

This is the way it is provided in green field areas, but it is an inefficient way to sterilise land within inner Sydney.

Council's position has been questioned by IPART as being not in accordance with the Practice Note, even though IPART agrees that Council's approach is a more efficient way to provide the infrastructure in an urban context.

It is timely that the DPE reviews the nature of infrastructure deemed "essential" - particularly in the case of urban renewal areas such as Arncliffe and Banksia.

The current Practice Note is out of touch with the complexities and intricate detail associated with infill renewal areas, and the implications of the Practice Note on achieving realistic planning outcomes that can deliver the actual community benefits.

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A number of concerns have been identified in relation to the above funding mechanisms, which are detailed below:

Section 94 Contributions

Typically, it has been local government which has supported and facilitated growth, including using and applying section 94 to deliver infrastructure to its communities. Section 94 contributions have traditionally been used to provide essential services to new communities. These services include:

- Social facilities: libraries, child care facilities, community centres;
- Recreational facilities: playing fields, swimming pools, tennis courts; and
- Development infrastructure: trunk roads, trunk drainage, pollution control facilities.

In addition to providing these facilities, councils are required to purchase the land on which the facilities are located at prices which are reflective of the residential properties that they service. This makes the delivery of infrastructure difficult and, at times, financially prohibitive.

The NSW Government introduced the \$20,000 cap and the essential works list for Section 94 Contributions in 2010. Instead of assisting the councils which were actively supporting population growth, by introducing the cap, the State Government has penalised these councils and the incoming community financially through the introduction of an artificial cap. Section 94 Plans, which contain acquisition of land for open space and recreation purposes, have seen considerable growth in the value of the land to be acquired well above the Consumer Price Index (CPI). The growth in metropolitan Sydney has been extraordinary, yet, despite this growth, there has been no review of the Cap, nor any proposal to index it.

As such, delivery of the necessary infrastructure under Council's Section 94 Plan is becoming increasingly difficult. As noted above, this is a wider issue than just for the Bayside Council. However, the pressure will be on Council to deliver the infrastructure identified as part of this process.

Council recommends that the GSC take the lead in developing a contributions framework that would allow for the appropriate delivery of infrastructure. This would be done in close consultation with the DPE. Without a comprehensive review of the current contributions framework, Council will find it difficult to deliver the infrastructure necessary to support the population growth forecast for Bayside.

Value Sharing and Voluntary Planning Agreements

The CDP identifies 'value sharing' as a potential way to help fund the delivery of necessary infrastructure. Council is currently reviewing its VPA policy and would recommend that further consideration is given in the CDP to the following matters:

- The term 'value sharing' needs to be firmly defined;
- While Council agrees that consideration needs to be given to the financial feasibility of development, the uncertainty regarding the actual scope of value sharing results in land speculation which often leads to additional reductions in economic feasibility of development;
- The GSC and the DPE are encouraged to work together to establish a standard rule for the scope and appropriateness of value capture/value sharing. The *"Improving Voluntary Planning Agreements"* draft circular and ministerial direction proposes reducing councils' ability to utilise value uplift in the negotiation of VPAs.

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- The GSC along with the DPE should consider a clause in the LEP Standard Instrument that deals with planning proposals and value sharing; and
- Value sharing and VPAs should not be confused with development contributions. Only a proper development contributions plan (or infrastructure schedule) can be used to identify and provide infrastructure at a precinct level. In areas where there are numerous land owners, such as within an Urban Renewal Precinct, VPAs can only be negotiated with individuals or small groups of land owners. Therefore, VPAs cannot be utilised to plan and provide for infrastructure at a precinct level and should be used to augment the development contributions strategy.

1.5. Public Transport

A major concern for Bayside Council is the absence of a plan to improve public transport infrastructure and access to support increasing housing densities and populations.

Council has supported the NSW Government in its approach to urban renewal and especially its focus on Transport Oriented Development. However, it is widely acknowledged that the heavy rail network is either at, or beyond, capacity during peak periods. This is especially the case for the Illawarra and East Hills lines that are intended to support the population growth in the DPE Bayside West Precinct. It is time to identify and plan for transport solutions beyond Sydney's heavy rail network.

The central and southern areas of the Central District are important economic contributors and should be a key consideration in transport planning for the district. The GSC has acknowledged that journey times on public transport from areas in Bayside Council can be longer than 30 minutes, despite the short journey distances, and are often longer than comparable journeys in other parts of Sydney. Council recommends that the NSW Government creates more affordable access to the airport rail link by the removal of the station access charge to Sydney's domestic and international airport railway stations.

With the development of a new District Plan, it is timely and appropriate to re-think how sustainable transport solutions can be achieved within in-fill areas such as the Central District. While longer term solutions are being considered, Council encourages the NSW Government to improve priority bus services in the short term to facilitate greater patronage of public transport options.

Light Rail

An opportunity exists for the District Plan to introduce an objective to achieve a rapid transit solution that links Central District's central and southern areas, connecting urban growth areas in the City of Sydney and Bayside Councils that may have previously been untapped and which are currently constrained by a lack of public transport.

Centres identified in the District Plan like Green Square-Mascot and Eastgardens-Maroubra urgently require the planning and delivery of a rapid transit system like light rail to support the significant populations anticipated. The existing heavy rail network and bus network cannot support future population projections.

Infrastructure Australia highlighted this as a priority within the Central District. However, the CDP is silent on the issue.

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A light rail system network should be considered that takes into account the connections from the abovementioned centres to the airport, Port Botany and the Bayside West precinct suburbs of Wolli Creek and Cook Cove.

Within the Bayside LGA there is significant redevelopment and urban renewal that will benefit from a new light rail system. The existing Wolli Creek and Mascot developments are examples of residential land use that will be developed further. In addition, the future development at Cook Cove will provide up to 5,000 dwellings.

The anticipated population growth within the Arncliffe and Banksia priority precincts will also benefit from a comprehensive light rail network that has the potential to connect other suburbs and the Botany Bay foreshore.

Council supports the City of Sydney in recommending that the GSC include the introduction of a light rail network to service Green Square, the District and Strategic Centres of Central District south, and expand the planning to create a light rail network that connects Bayside West growth areas.

1.6. Housing Choice

The CDP champions the preparation of local housing strategies as a key driver of informing housing need, choice and supply. The preparation of such documents is supported and, as a minimum, these documents should identify where the demand is coming from and formulate an appropriate strategy to provide the necessary housing choice. It should also be stressed that choice should not be shoehorned as something that supply alone can fix. Choice should also consider the availability of housing of varying size, type and location.

To achieve such an outcome, councils require support from the NSW Government and GSC through the development of appropriate mechanisms that would allow Council to deliver on the CDP objective of more housing choice. As part of housing choice, the CDP identifies five year dwelling targets for the District as well as specific council areas. For Bayside, the five year dwelling target is 10,150, which is over 20% of the Central District's housing target. Based on this, Bayside can be considered a significant contributor to the delivery of homes in the Central District.

With increased development occurring, infrastructure (both hard and soft) is required to support the population growth. However, the CDP does not offer any additional state or regional infrastructure to support this growth. The concern is that Council will be left with the legacy of poor infrastructure planning and investment.

The CDP is clear that capacity to accommodate more housing should be focused around existing and planned infrastructure. While this is positive, more can be done. For instance, the Arncliffe and Banksia Priority Precincts are located on the Illawarra line. However, the

Growth vs. Infrastructure

In nominating Arncliffe and Banksia for the Priority Precincts program, Council recognised the potential of the area to accommodate additional growth, with the opportunity for the provision of improved infrastructure and services.

A key aspect was the opportunity for improved access to public and active transport options. Unfortunately, neither the Bayside West Precincts Land Use and Infrastructure Strategy nor the Arncliffe and Banksia Precinct Proposal provide clear direction on the provision of much needed transport infrastructure.

Clear indication of improved transport infrastructure may not be understood until relevant Government Agencies finalise their own strategic asset analyses.

Bayside Council – Submission on the Draft Central District Plan

line is currently well over capacity in the morning peak. When it comes to existing infrastructure, the CDP should be clear that additional housing capacity should be considered where existing infrastructure has the capacity to accommodate the growth, or there is an absolute commitment to new or improved infrastructure.

1.7. Housing Affordability

The CDP prescribes a target of 5% to 10% of new floor space to be allocated for affordable rental housing. The proposal to apply the target at the rezoning stage is a sound approach. This will allow its provision to be factored into the development equation, with developers being fully aware of their responsibility in the provision of such housing.

The commitment to independently assess the need and viability of affordable housing provision is a further step in the right direction. Any assessment of financial viability implications should be completely independent and applied consistently to all developments to ensure that any financial viability studies provided by developers present a realistic case.

To this end, this policy must be formalised through its inclusion in Local Environmental Plans as a standard control. Without such a mechanism, the application of an affordable housing policy could be compromised.

Furthermore, to ensure that the policy is yielding its intended outcomes, monitoring the delivery of such housing on a yearly basis (as a minimum) is also recommended. A review of the policy should also be undertaken 24 months after its introduction to identify any potential delivery issues, with the aim of increasing the targets.

1.8. Open Space

Provision of Open Space

The CDP recognises the benefits that availability of and access to good open space provides. With the population in Bayside set to increase substantially over the next five years and beyond, open space provision will become even more critical. The cost of providing new open space is prohibitively expensive, particularly given the property market and significant pressure to convert available land to highest yield potential (i.e. high density residential).

For example, Bayside Council identified an area within the Wolli Creek Precinct for open space. This will cost tens of millions of dollars to realise Council's vision for the open space. Bayside Council has also considered alternatives to the provision of more open space by focusing on the provision of better quality open space.

However, the Independent Pricing and Regulatory Tribunal (IPART) has advised that Council can only charge the developer contributions basic embellishment – not higher quality. This will become an increasing problem, with councils unable to consider alternatives to providing more open space where its provision is not financially possible.

Green and Blue Grids

Council supports the creation of the Blue and Green Grids and its success is critical to the growing population of Bayside and the wider District. The District Plan has identified a number of key green connections through Bayside Council, with the primary connections being north-south along existing corridors. While this is positive, they do not offer any new or

Bayside Council – Submission on the Draft Central District Plan

substantially different approaches to what Council is doing to ensure connection between open spaces.

To become a true networked grid the Central District Plan must introduce a new approach and the mechanisms to deliver the grid. This can include the consideration of incentives for the delivery of connections or mandated minimum standards that are supported by mechanisms that councils can easily implement to achieve Green and Blue Grid connectivity.

Biodiversity and the Green and Blue Grid

Sustainability priorities listed in the Sustainable City section of the CDP include:

- Managing coastal landscapes;
- Protecting and enhancing biodiversity; and
- Avoid and minimise impacts on biodiversity.

The section lists three highly interconnected elements: healthy waterways; areas of native vegetation, biodiversity and ecological communities; and a Green Grid of parks and open space. However, this interconnectedness is not reflected in the Sustainable Cities Priorities and Actions. Section 5.5 notes that for “the Central District conservation planning will focus on opportunities to protect and enhance areas of valuable native vegetation close to existing national parks”.

With this focus the majority of potential urban areas for maintaining and enhancing biodiversity and the integral role of these urban areas in biodiversity corridors will be excluded. As an example, Bayside Council has several significant ecological areas, although none of these are a national park.

Additionally, although it has been stated that the protection and enhancement of biodiversity complements the delivery of Sydney’s Green Grid, the reverse appears to be the case, with none of the objectives reflecting a consideration of biodiversity. A Plan for Growing Sydney notes that:

‘...a city wide Green Grid would promote a healthier urban environment, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve the resilience of Greater Sydney.’

Objectives for the Green Grid do not include any reference to biodiversity or their potential role for biodiversity or biodiversity corridors, despite the Plan stating that areas of biodiversity complementing the Green Grid.

Council requests that an appropriate objective be added to section 5.6 – Delivering the Green Grid, such as:

- Integrating planning and design to protect and enhance biodiversity; and
- Complementing the protection and enhancement of biodiversity.

1.9. Cities and the Environment

Bayside Council commends the GSC on the emphasis it is placing on creating a sustainable future for Sydney and the inclusion of priorities and actions to guide and manage Sydney’s future.

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Bayside Council – Submission on the Draft Central District Plan

However, there are a number of areas where further direction from the Greater Sydney Commission is important in ensuring sustainability principles are appropriately incorporated into the growth of Sydney.

Land and Water Contamination Including Groundwater

It is encouraging that the District Plan places a greater emphasis on sustainability principles. This is a welcome approach from the GSC. However, there is concern that the sustainability priorities and actions do not adequately address the impact of land and water contamination within the Central District.

In the past, this District had some of Australia's most highly-intensive and polluting industries which has left a legacy of contaminated land, surface water and groundwater. In many cases the type, area and solution to contamination issues are complicated or unknown. This legacy not only has an impact on the natural environment but also impacts on the types of activities and developments that can occur within certain areas of the Central District.

The current sustainability priorities and actions within the Central District Plan do not adequately address the impact of land and water contamination or the significant groundwater interaction and issues of the Botany Sands Aquifer located within the Central District. Groundwater also interacts directly with natural environments and is a contributor to the surface water in the local area. It is, therefore, an important issue in water quality and biodiversity of wetlands and ponds including Botany Freshwater Wetlands and Sir Joseph Banks Park that adjoins Foreshore Road in Botany.

In the Bayside Council LGA, groundwater is as important as acid sulfate soils or soil types – areas that were included in the Greater Sydney Sustainability Profile and the CDP – both for its influence on biodiversity, water quality, or the ability to redevelop a site due to water inundation or contamination.

Benchmarking Environmental Outcomes

Bayside Council supports the inclusion of water quality standard requirements that have been incorporated into Sustainability Priority 1: Maintain and improve water quality and waterway health. This priority includes actions which are objective and measurable thereby allowing government and the community to monitor the success and limitations in achieving this objective.

However, many of the actions and priorities within Chapter 5 – A Sustainable City, do not identify measurable outcomes. For example, when new opportunities to examine the future use of golf courses arise, relevant planning authorities should consider how these lands could be managed to provide greater public benefits to communities in a way that responds to local needs for green space and recreation. All councils should identify and map areas with high scenic value and develop strategies, planning and development controls that protect important scenic landscapes and vistas. For example, Council's 2040 Vision for Botany Golf Course is to redevelop the land to provide more sporting fields, a greater range of open space activities, improvements to Sir Joseph Banks Reserve and a greater sense of safety and access to Botany Bay.

Bayside Council recommends that key performance indicators or targets are set. This will be important for identifying the standards those organisations responsible for implementing the District Plans (i.e. local and state government and industry) must aim to achieve. A key performance indicator or target gives strength to the priority and shifts the emphasis from 'a

Bayside Council – Submission on the Draft Central District Plan

matter that must be taken into account' to 'a matter that must be taken into account subject to minimum standards.'

The provision of key performance indicators setting the minimum targets to be achieved will help to set a standard across Greater Sydney. The key performance indicators can also be aligned with the Greater Sydney Dashboard.

Many of the actions also do not adequately address the key impacts on the natural environment of the Central District, including:

- Loss of natural areas to development including large infrastructure projects;
- Water quality contamination from historic land use practices;
- Inappropriate water quality and flow entering creeks and waterways;
- Erosion and sedimentation of waterways, estuaries and beaches; and
- Over-production of waste.

Bayside Council recommends that the CDP includes priorities, actions and key performance indicators that better address the key influences impacting on the sustainability of Sydney's future.

Managing Coastal Landscapes

Considering the current economic, social and environmental value of the coastal environment of the Central District, the ongoing pressure it faces in relation to potential overuse and overdevelopment, emerging coastal hazards and the work of the State Government currently underway through the Coastal SEPP to value the coastal environment, it seems incongruous that this document does not identify any actions for this key priority.

Bayside Council recommends that the CDP includes priorities, actions and key performance indicators for managing coastal landscapes. For example, actions could include the identification of current and future coastal erosion, and the designation of appropriate development setbacks from coastal zones.

Bayside Council's Natural Environment

Throughout the document there are examples of key environmental attributes of the Central District. However, the environmental values of the Bayside Council LGA are not included. For example there is very limited reference to Rockdale Wetlands Corridor, which covers over 120 hectares, Lady Robinsons Beach, Botany Freshwater Wetlands, Penrhyn Estuary or the Botany Sands Aquifer.

These areas provide habitat to threatened plant and animals, habitat for migratory birds and contain numerous endangered ecological communities, including wetlands listed in the National Directory of Important Wetlands. To ensure this document is an accurate reflection of the Central District, the key environmental attributes of Bayside Council, many of which are regionally and nationally significant, should be incorporated into this document.

Sydney Harbour Foreshore and Waterways

It is appreciated that this document recognises the importance of appropriate access to Sydney Harbour foreshore and waterways. However, inappropriate access through sensitive areas, access to over-used areas, lack of access to key waterways and access to areas not appropriate for recreational use are current issues for many of the foreshore and waterways areas throughout the Central District. In addition, access issues have also been identified as

Bayside Council – Submission on the Draft Central District Plan

a key priority within the Georges River Coastal Zone Management Plan (which encompasses the coastal area of Bayside Council).

Therefore, Sustainability Priority 3 needs to be expanded to incorporate all key waterways of the Central District.

Planning for a Resilient Sydney

Bayside Council supports the identification of the urban heat island effect as a priority when planning for a future resilient city. Heat as an extreme event is recognised as a significant cause of death in Australia. This is exacerbated within urban areas which experience the urban heat island effect.

However, overland flooding is also a significant issue within the Central District due to the continued loss of permeable areas (Cooks River catchment is over 75% impervious), aging infrastructure and increased development. The impacts of overland flooding will increase into the future with changing climatic conditions. Councils are already struggling to deal with this issue in highly-urbanised areas and this will be exacerbated in the future.

The perceived inclusion of flooding within Sustainability Priority 12 – assist local communities develop a coordinated understanding of natural hazards, does not adequately address the impacts of flooding.

Council Meeting

13/12/2017

Item No	8.9
Subject	Greater Sydney Commission Greater Sydney Region Plan - Council Submission
Report by	David Dekel, Coordinator Policy & Strategy
File	F16/793

Summary

The Greater Sydney Commission (GSC) has released the draft Greater Sydney Region Plan for public exhibition that outlines the NSW Government's vision and planning framework for Greater Sydney. The Region Plan is part of a suite of draft planning and transport strategies released by the NSW Government that detail their overarching blueprint for the Greater Sydney region.

This report outlines some of the context and background to the GSC's approach to planning for Greater Sydney, and Council's response to some of the key issues. A copy of Council's draft submission is attached, for Council's consideration. Submissions are due on 15 December 2017

Officer Recommendation

That the Council endorses the Bayside Council submission on the attached Greater Sydney Region Plan.

Background

In mid-July 2017, the Greater Sydney Commission launched the NSW Government's "Directions for a Greater Sydney". It is a vision that sets out a foundation of ten key planning elements that are reflected in the Greater Sydney Region Plan, five District Plans, the Future Transport Strategy and the State Infrastructure Strategy. The ten "Directions" relate to:

- Infrastructure
- People
- Housing
- 'Great Places'
- Jobs and Skills
- Connections
- Landscape
- Efficiency
- Resilience and

- Collaboration

The “Directions” are supported by three key plans that map out the Government’s response to land use, transport and infrastructure planning, namely:

- Greater Sydney Region Plan
- Future Transport Strategy 2056
- State Infrastructure Strategy

The relationship between the vision, the corresponding plans and strategies as well as the complementary enabling plans can be seen at Figure 1.

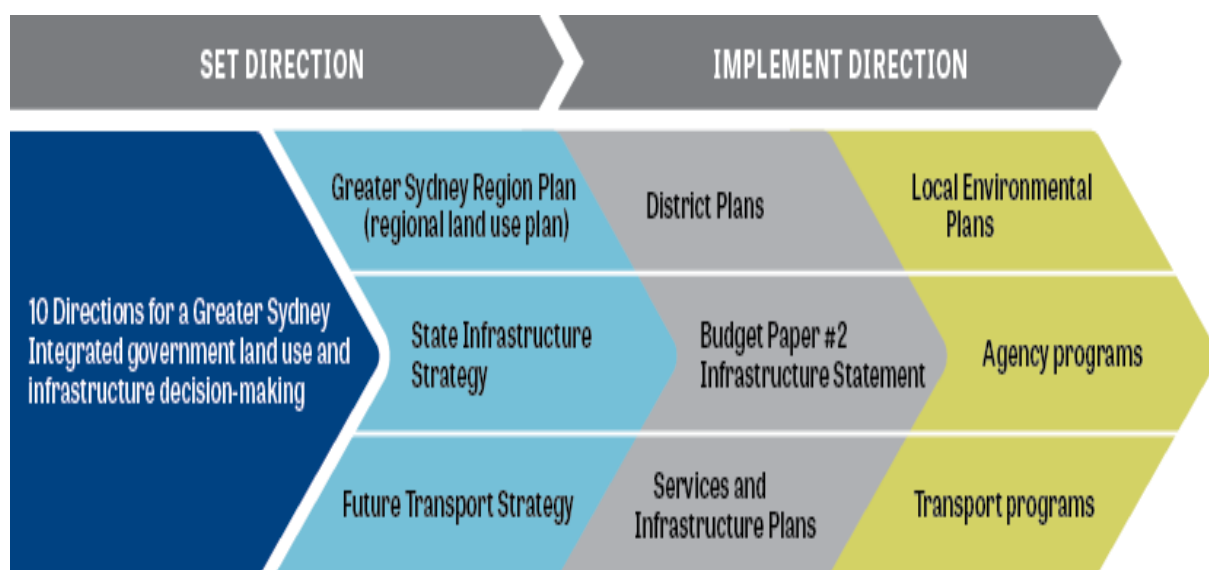


Figure 1: Context and relationship between NSW Government's planning vision and strategies

In addition to the above, the NSW Government has also made significant amendments to the *Environmental Planning and Assessment (EP&A) Act 1979*, and are reviewing State Environmental Planning Policies (SEPPs), to enable some of the intended proposals and changes outlined in the abovementioned strategies. A diagram outlining the interrelationship between all of these planning changes can be seen at Figure 3.

On 22 October 2017, the NSW Government announced the release of a suite of draft planning and transport strategies for public exhibition that outline more details on the NSW Government’s blueprint for Greater Sydney to support their ten directions. The key documents currently on exhibition are:

- Greater Sydney Region Plan
- Future Transport 2056 (and supporting plans)
- District Plans
 - Eastern City
 - Western City
 - Central City
 - North

- South

Greater Sydney Region Plan

The Greater Sydney Region Plan is the overarching planning blueprint for Greater Sydney that seeks to address the needs of a growing and changing population. The Plan forecasts that Sydney's population will grow to eight million people by 2056. The draft Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places.

Another key feature of the Greater Sydney Region Plan is the transformation of Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. Bayside Council is a part of the Eastern Harbour City, which can be seen at Figure 2.

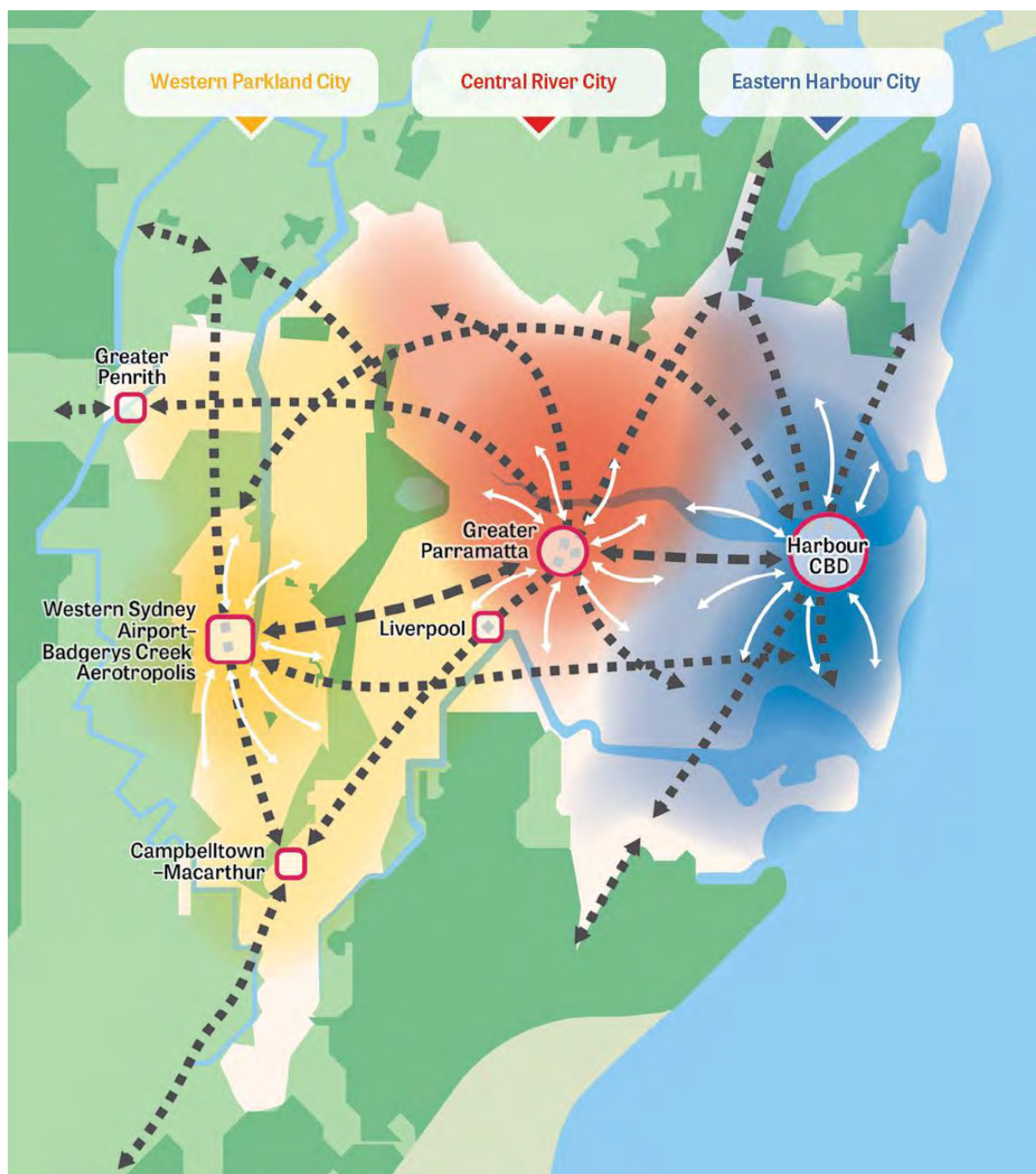


Figure 2: The Vision for Greater Sydney – a metropolis of three cities

The Greater Sydney Region Plan was developed concurrently with Future Transport 2056 through a collaborative Government agency process, to ensure that planning for the city correlated with better connections. Key themes of the Region Plan, that are elaborated on further in each of the District Plans include:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

Using these themes, the Region Plan highlights the focus areas and priorities to deliver jobs, housing, transport, a healthy environment and liveable places. A Structure Plan for the Greater Sydney Region Plan that captures all of the desired outcomes for Greater Sydney on one page can be found at **Attachment 2**.

The delivery of the Greater Sydney Region Plan is structured to be delivered by the creation of five Districts and the implementation of their corresponding District Plans. Bayside Council is in the Eastern City District.

Separate Council submissions have been prepared on the draft Future Transport Strategy 2056 and draft Eastern City District Plan, and have been tabled as separate Council reports.

Due to the size of the draft Greater Sydney Region Plan a copy has not been attached to this report. However, the draft Region Plan can be found at <https://www.greater.sydney/draft-greater-sydney-region-plan>.

As outlined in the Plan, the draft Greater Sydney Region Plan:

- is the first plan developed concurrently with the metropolitan transport plan, Future Transport 2056, and the State Infrastructure Strategy, to try and address better connections for people across Greater Sydney
- creates a metropolis of three cities, rebalancing growth and opportunities for people across Greater Sydney
- uses the airport as a catalyst to generate jobs in the Western City
- addresses housing affordability and choice aligned with local infrastructure
- plans and prioritises infrastructure to support a growing Greater Sydney through growth infrastructure compacts
- protects and enhances the city's unique landscape by recognising its environmental diversity
- plans for great local places by protecting heritage and biodiversity, while enhancing the Green Grid and tree canopy cover
- uses quality design to create great places, walkable communities and shared spaces
- aspires to create a 30-minute city to provide better access to jobs, schools, and health care within 30 minutes of people's homes

In the context of all the planning reforms and release of planning and transport strategies, Figure 3 outlines the planning framework that now exists and the roles that different planning authorities play in delivering planning outcomes in Greater Sydney. From this, it is clear that Greater Sydney Region Plan is a pivotal document for Council and, through the Eastern City District Plan, Council's future planning direction will be influenced by it.

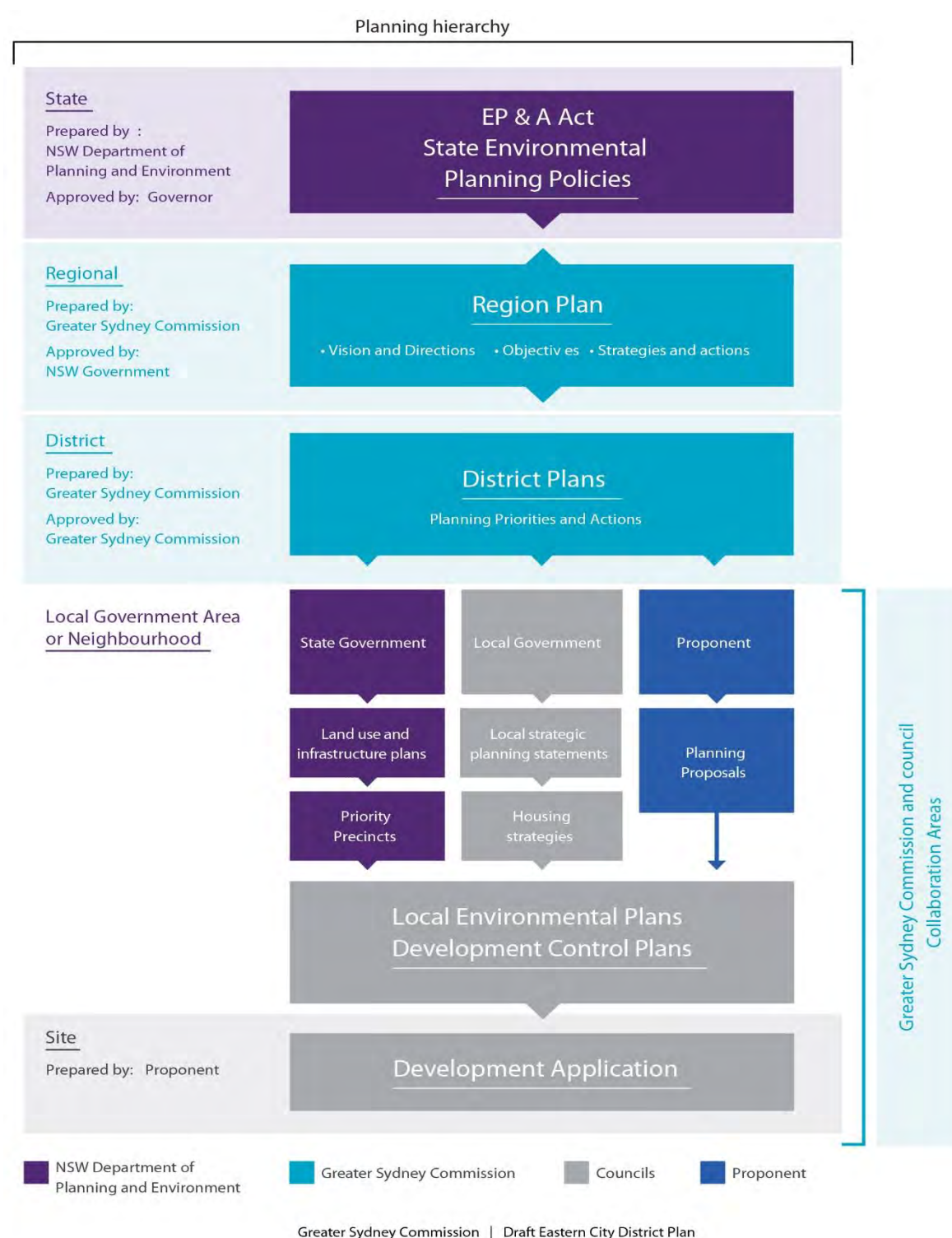


Figure 3: Role of planning authorities in Greater Sydney

Bayside Council Submission

The Greater Sydney Region Plan is a Sydney-wide snapshot and strategy that does not drill down on district or site specific issues except for iconic characteristics or future major deliverables across Greater Sydney. Therefore, issues related to or affecting Bayside

Council will only appear in relation to strategic centres, infrastructure commitments or matters that affect all Councils.

More details that are relevant to Bayside Council are contained in the Eastern City District Plan and Council is making a separate submission on this under a separate Council report.

The Greater Sydney Region Plan is an ambitious and welcomed strategy that attempts to capture all of the constraints and challenges facing Greater Sydney and mapping it together as a single blueprint to improve Sydney's liveability. Council's submission commends the Greater Sydney Commission in its effort to synthesise all of the issues and breaking them down into a number of cohesive outcomes.

From a planning perspective the three-cities model for Greater Sydney is supported as is the aspiration to establish a 30-minute city. With the size, spatial differences and projected growth anticipated for Sydney, segmenting the Greater Sydney region is a logical and workable model that can also take away the sole focus on a single CBD as the centre for everything, often at the expense of other parts of Sydney.

Many of the issues raised in the Region Plan are an accurate reflection of the issues that Councils have to address on a daily basis as well as when planning to create better places.

Council's submission commends the draft Region Plan in its desired direction to achieving places that are more liveable, accessible, walkable, and nearer to transport, services, open space, social infrastructure and centres. If this approach can be achieved through tangible, funded actions and an appropriate level of Government commitment, the growth anticipated for Sydney can be better managed than it currently is.

Key Issues

At a high level the draft Region Plan relates quite strongly to its partner document, Future Transport 2056, in terms of the future networks and infrastructure commitments. The Greater Sydney Structure Map located in the Region Plan (Attachment 2), is reflected in the priorities of Future Transport 2056 and its delivery plan, Greater Sydney Services and Infrastructure Plan.

However, some of the details and priority commitments are less complementary. The only infrastructure commitments scheduled for the next decade are for projects that have already commenced and were planned for well before the Greater Sydney Region Plan was being drafted. This questions the true strategic merit of the proposed infrastructure funding commitments, especially when no other commitments have been made in the next decade.

Other points of difference relate to how the Region Plan proposes to create great, liveable places that are focused on active transport and walkable, accessible neighbourhoods and centres, and Future Transport 2056's proposed approach to improved connectivity that include removing barriers to achieve traffic flow (e.g. removing car spaces, limiting walkability in some places). For any town centres that contain major roadways, land use conflicts will arise to achieve outcomes in two seemingly complementary Greater Sydney plans.

The key concern about the Greater Sydney Region Plan and the entire suite of strategic land use and transport plans that were released, is the lack of specific actions and commitments to actually address and resolve the numerous issues facing Sydney. While it is acceptable that the Region Plan is a blueprint that sets the vision, direction and desired outcomes, it is not acceptable that the enabling delivery plans, the five District Plans, contain no specific actions to deliver the objectives set in the Region Plan.

For example, it is difficult to understand how a 30-minute city can be achieved when the only major infrastructure committed to in the next decade is for major roadway construction. People's general experience with public transport accessibility in Sydney is reflected with the considerable increases in traffic congestion across Sydney (i.e. continued or increased reliance on private vehicles). The Region Plan remains focused on the existing heavy rail network to support large population increases on rail lines already at, or beyond capacity.

Another example is the urgent need to provide social infrastructure such as more and better quality open space, education and health facilities in areas of growing density. The key constraint to deliver this is land affordability due to prior policy decisions that has led to great pressures for high density developments. However, the action response to address open space, for instance, is to improve existing open space. There is no response or action to transform income generation and funding capacity.

The lack of specificity in actions and commitments to address the excellent summary of issues and challenges make it difficult to determine if real change and response will, in fact, occur to achieve a more sustainable and liveable Sydney into the future.

Council's draft submission on the Draft Greater Sydney Region Plan is located at **Attachment 1**, for Council's consideration. It is a brief submission compared with Council's submission on the Eastern City District Plan, which has more direct relevance to Bayside Council.

Financial Implications

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

Community Engagement

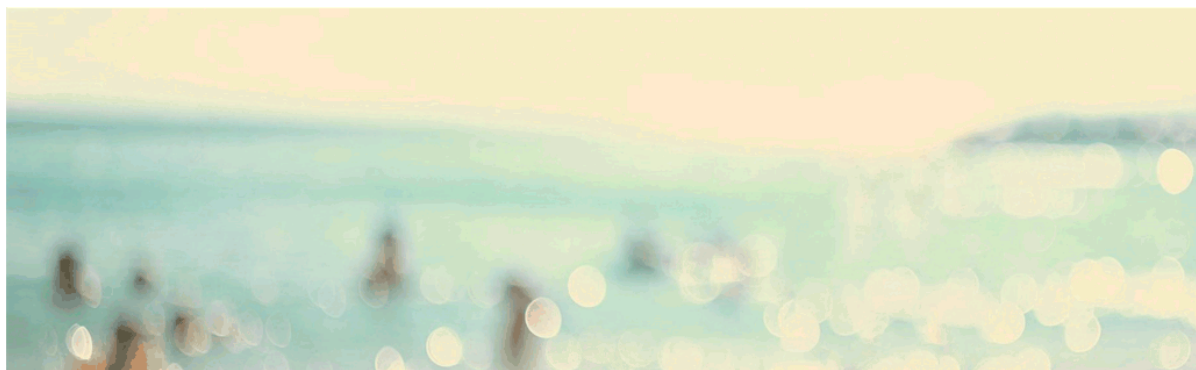
Not applicable.

Attachments

- 1 Attachment 1 - Council submission - Greater Sydney Region Plan
- 2 Attachment 2 - Greater Sydney Structure Plan [↓↓](#)



Submission on the
Draft Greater Sydney Region Plan



Submission

Bayside Council welcomes the opportunity to provide feedback on the *Draft Greater Sydney Region Plan*.

Bayside Council is a supporter of the Region and District planning framework drafted by the Greater Sydney Commission and, through working groups, was an active participant in the preparatory stages of the Eastern City District Plan and Region Plan. Council supports the approach taken by Transport for NSW (TfNSW) and the Greater Sydney Commission (GSC), as well as the overall vision for the Greater Sydney Region and Eastern City District.

To this end Council has also made a submission on the Eastern City District Plan and Future Transport 2056, and the comments in this submission should be read in concert with them, particularly in relation to the Eastern City District Plan. These additional submissions are a reflection of Council's views on how each of these strategic documents relate to each other when delivered on the ground.

The comments outlined below are of a general nature and reflect the high level nature of the Region Plan. More specific comments relating to issues and the themes in this and other associated strategic plans are left to the Eastern City District Plan and Future Transport 2056 submissions.

General

Council welcomes and supports the intent and aspiration of the Greater Sydney Region Plan as an ambitious strategy. Its attempt to capture all of the constraints and challenges facing Greater Sydney and map it together as a single blueprint to improve Sydney's liveability is commended.

From a planning perspective the three-cities model for Greater Sydney is supported as is the aspiration to establish a 30-minute city. With the size, spatial differences and projected growth anticipated for Sydney, segmenting the Greater Sydney region from a planning perspective is a logical and workable model that can also take away the historic focus on a single CBD as the centre for everything, often at the expense of other parts of Sydney.

Many of the issues raised in the Region Plan are an accurate reflection of the issues that Councils have to address on a daily basis as well as when planning to create better places.

Council also commends the draft Region Plan on the emphasis upon creating places that are more liveable, accessible, walkable, and nearer to transport, jobs, services, open space, social infrastructure and centres. If this approach can be achieved through funded actions and an appropriate level of Government commitment, the growth anticipated for Sydney can be better managed than it currently is.

From Ideas to Actions – Council Issues

At a high level the draft Region Plan relates well to its partner document, *Future Transport 2056*, in terms of the future networks and infrastructure commitments. The Greater Sydney Structure Map located in the Region Plan, is reflected in the priorities of Future Transport 2056 and its delivery plan, Greater Sydney Services and Infrastructure Plan.

However, some of the details and priority commitments are less complementary. The only infrastructure commitments scheduled for the next decade are for projects that have already

commenced and were planned for well before the Greater Sydney Region Plan was being drafted. This questions the true strategic merit of the proposed infrastructure funding commitments, especially when no other commitments have been made in the next decade.

With the anticipated significant population growth and corresponding housing targets, particularly in the Eastern Harbour City, new active and public transport solutions are needed urgently so that they can be implemented in preparation for the growth over the next decade. There are no commitments established for these other than investigations in the next 10-20 years. With existing public transport (eg rail network – Illawarra and East Hills lines) already at, or beyond capacity and without additional state government investment in public transport the future of these new high density precincts will be compromised.

Other points of difference relate to how the Region Plan proposes to create great, liveable places that are focused on active transport and walkable, accessible neighbourhoods and centres, while Future Transport 2056's proposed approach to improved connectivity include removing barriers to achieve traffic flow (eg removing car spaces, limiting walkability in some places, not providing rail commuter parking but forcing councils to maintain long term parking spaces in centres). For any town centres that contain major roadways, landuse conflicts will arise to achieve outcomes in two seemingly complementary Greater Sydney plans.

The key concern about the Greater Sydney Region Plan and the entire suite of strategic landuse and transport plans that were released, is the lack of specific actions and commitments to actually address and resolve the numerous issues facing Sydney. While it is acceptable that the Region Plan is a blueprint that sets the vision, direction and desired outcomes, it is not acceptable that the enabling delivery plans, the five District Plans, contain no specific actions to deliver the objectives set in the Region Plan.

For example, it is difficult to understand how a 30-minute city can be achieved when the only major infrastructure committed to in the next decade is for major roadway construction. People's general experience with public transport accessibility in Sydney is reflected with the considerable increases in traffic congestion across Sydney (ie continued or increased reliance on private vehicles). The Region Plan remains focused on the existing heavy rail network to support large population increases on rail lines already at, or beyond capacity.

Another example is the urgent need to provide social/community infrastructure such as more and better quality open space, education and health facilities in areas of growing density. The key constraint to deliver this is land affordability due to prior policy decisions that has led to great pressures for high density developments. However, the action response to address open space, for instance, largely revolves around improving existing open space. There is no response or action to transform the income generation and funding capacity framework of local Councils.

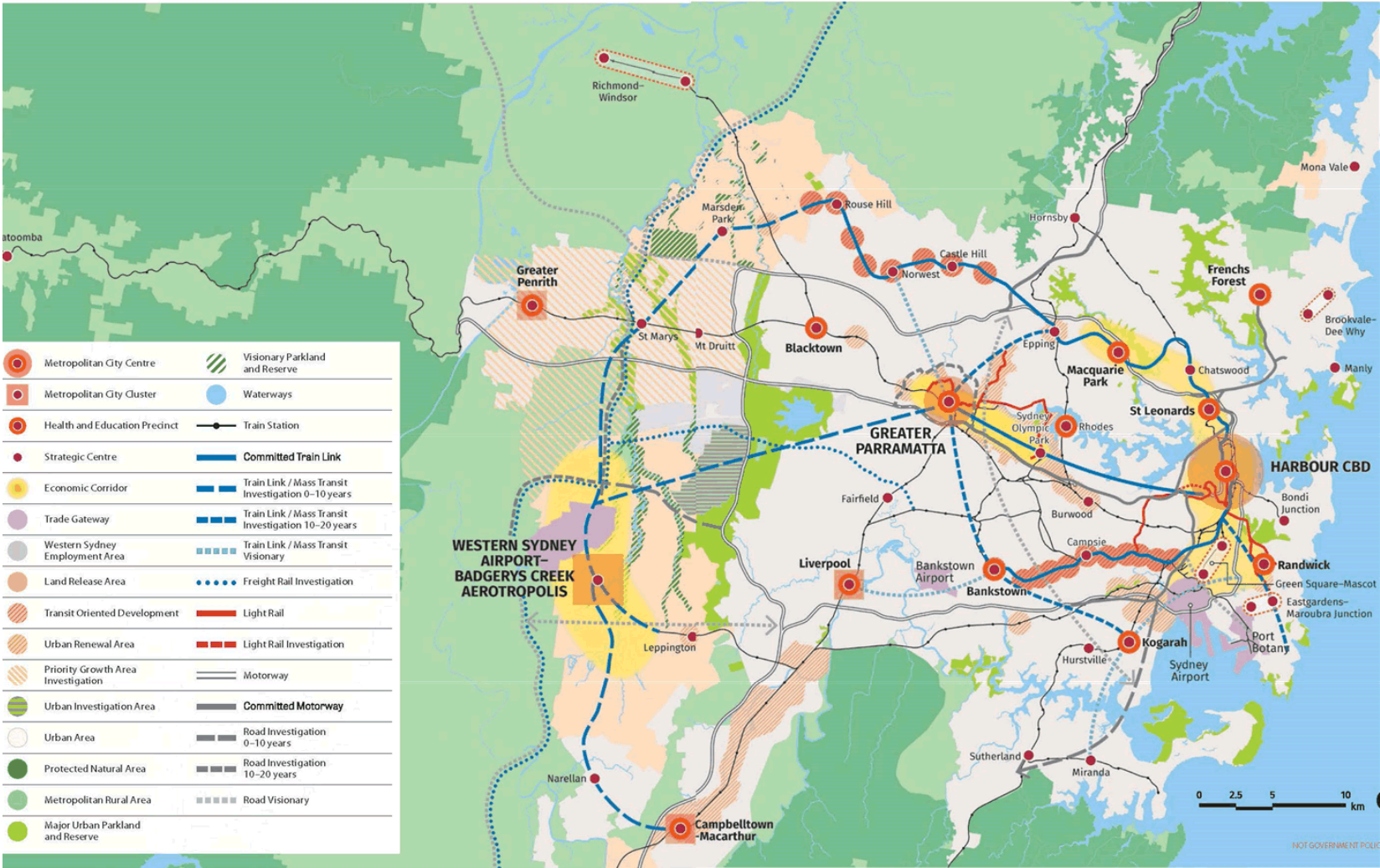
Resourcing the priorities to genuinely address the major gaps to achieve liveable places remains a major stumbling block that the strategic planning framework currently does not address. All tiers of Government will continue to play "catch up" in the provision of supporting infrastructure and services unless the approach to funding and implementation in a timely manner can be addressed.

The lack of specificity in actions and commitments to address the excellent summary of issues and challenges make it difficult to determine if real change and response will, in fact, occur to achieve a more sustainable and liveable Sydney into the future.

Conclusion

Bayside Council remains optimistic that the vision and directions that have been set out by the Greater Sydney Commission in the Greater Sydney Region Plan can be achieved. Council also remains committed to working with the Greater Sydney Commission, its partners and other stakeholders to identify, prioritise and commit to solutions to address the current and future challenges. However, greater clarity and commitment to actions beyond the obvious, existing infrastructure plans is needed to make this happen.

58: Greater Sydney Structure Plan 2056 – the three cities



Committed projects of: Western Harbour Tunnel & Beaches Link, P6 - WestConnex to President Avenue Kogarah, Parramatta Light Rail Stage 2 and Sydney
Test are subject to final business case, no investment decision yet. Routes and stops for some transport corridors/projects are indicative only.
Sydney Commission | Draft Greater Sydney Region Plan 2017

Council Meeting

13/12/2017

Item No	8.10
Subject	Future Transport Strategy 2056 - Council Submission
Report by	David Dekel, Coordinator Policy & Strategy
File	F09/836

Summary

Transport for NSW (TfNSW) has released the draft Future Transport 2056 strategy for public exhibition that addresses transport issues across NSW. Future Transport 2056 is part of a suite of draft planning and transport strategies released by the NSW Government in late October that details their blueprint for the Greater Sydney region.

This report outlines some of the context and background to the NSW Government's approach to planning for Greater Sydney, with a focus on the draft Future Transport 2056 and Council's response to some of the key issues. A copy of Council's draft submission is attached, for Council's consideration.

Officer Recommendation

That the Council endorses the attached Bayside Council submission on Future Transport 2056.

Background

In mid-July 2017, the Greater Sydney Commission launched the NSW Government's "Directions for a Greater Sydney". It is a vision that sets out a foundation of ten key planning elements that are reflected in the Greater Sydney Region Plan, five District Plans, the Future Transport Strategy and the State Infrastructure Strategy. The ten "Directions" relate to:

- Infrastructure
- People
- Housing
- 'Great Places'
- Jobs and Skills
- Connections
- Landscape
- Efficiency
- Resilience and

- Collaboration

The “Directions” are supported by three key plans that map out the Government’s response to land use, transport and infrastructure planning, namely:

- Greater Sydney Region Plan
- Future Transport 2056
- State Infrastructure Strategy

The relationship between the vision, the corresponding plans and strategies as well as the complementary enabling plans can be seen at Figure 1.

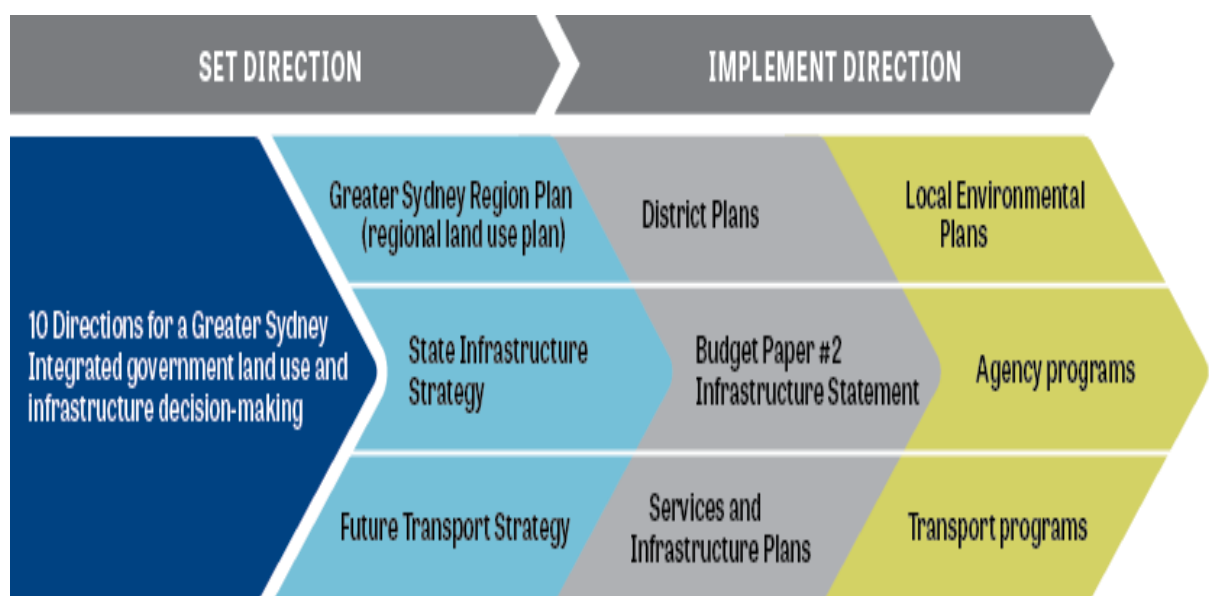


Figure 1: Context and relationship between NSW Government’s planning vision and strategies

On 22 October 2017, the NSW Government announced the release of a suite of draft planning and transport strategies for public exhibition that outline more details on the NSW Government’s blueprint for Greater Sydney to support their ten directions. The key documents currently on exhibition are:

- Greater Sydney Region Plan
- Future Transport 2056
- District Plans
 - Eastern City
 - Western City
 - Central City
 - North
 - South

In addition to this report, separate submissions have been prepared for Council’s consideration on the Greater Sydney Region Plan and Eastern City District Plan. They have prepared and are tabled as separate Council reports.

Greater Sydney Region Plan

The Greater Sydney Region Plan is the overarching planning blueprint for Greater Sydney that seeks to address the needs of a growing and changing population. The Plan forecasts that Sydney's population will grow to eight million people by 2056. The draft Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places.

Another key feature of the Greater Sydney Region Plan is the transformation of Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. Bayside Council is a part of the Eastern Harbour City, which can be seen at Figure 2.

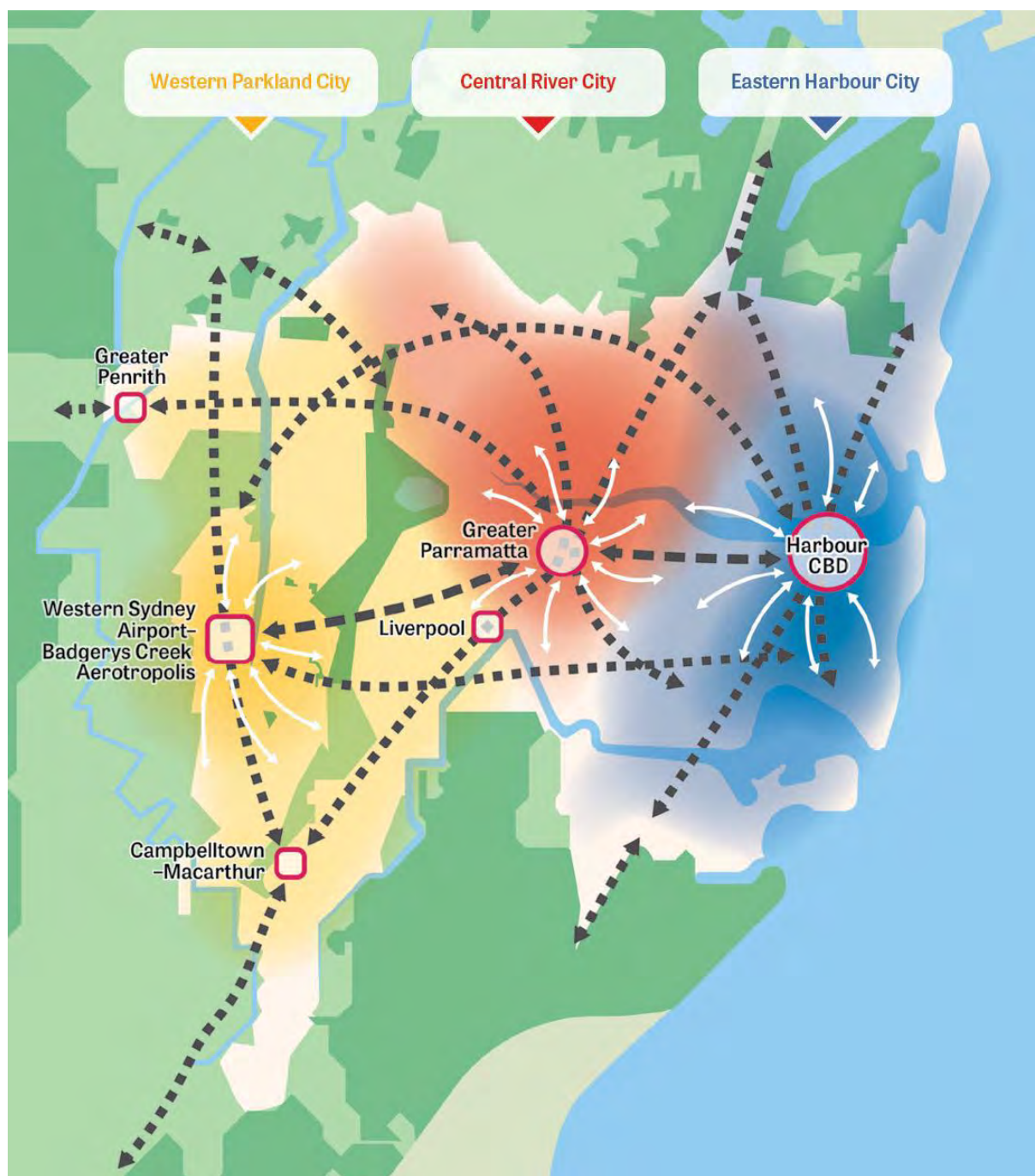


Figure 2: The Vision for Greater Sydney – a metropolis of three cities

The Greater Sydney Region Plan was developed concurrently with Future Transport 2056 through a collaborative Government agency process, to ensure that planning for the city correlated with better connections. Key themes of the Region Plan, that are elaborated on further in each of the District Plans include:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

Using these themes, the Region Plan highlights the focus areas and priorities to deliver jobs, housing, transport, a healthy environment and liveable places. A Structure Plan for the Greater Sydney Region Plan that captures all of the desired outcomes for Greater Sydney on one page can be found at **Attachment 2**. The proposed Structure Plan 2056 is very schematic and that level of detail is reflected in the proposed future network in Future Transport 2056.

The delivery of the Greater Sydney Region Plan is structured to be achieved through the creation of five Districts and the implementation of their associated District Plans. Bayside Council is in the Eastern City District.

Future Transport 2056 – an Overview

Future Transport 2056 is the NSW Government's transport plan that has been designed to respond to land use planning strategies in the Greater Sydney Region Plan; being based on a metropolis of three cities. It is made up of the Future Transport Strategy 2056 as well as Service and Infrastructure Plans for Greater Sydney and Regional NSW. Figure 3 highlights the suite of these documents.

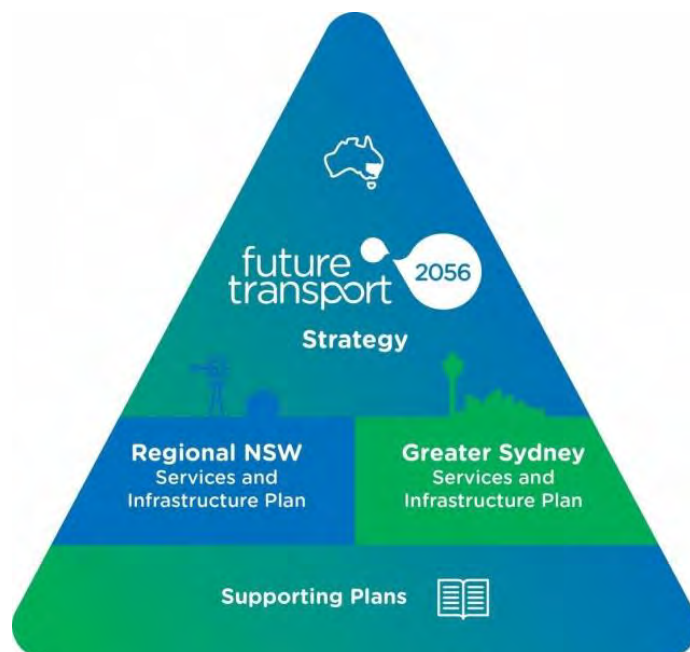


Figure 3: Interrelationship of Future Transport 2056 plans

The vision for Greater Sydney proposes a 30-minute city which provides people with access to key services and facilities (e.g. education, jobs and services) within 30 minutes by public transport regardless of where they live. This requires a transport structure that can ensure people can reach their nearest metropolitan and strategic centres within 30 minutes.

The 30-minute city concept has been based on research that indicates that if people are required to travel more than 90 minutes a day, it impacts on quality of life and the liveability of a city.

The two components identified for a 30 minute city are:

- Connecting people in each of the three cities with jobs and essential services in their nearest Metropolitan City Centre.

- Connecting residents in each of the five districts to one of their Strategic Centres by public and active transport, giving people 30 minute access to local jobs, goods and services. Strategic Centres are major centres for transport, health and education.

Future Transport 2056 also analyses and addresses a range of transport related issues.

Due to the size of the draft Future Transport Strategy 2056 and its companion delivery plan, draft Greater Sydney Services and Infrastructure Plan, copies have not been attached to this report. However, the draft documents can be found at:

<https://future.transport.nsw.gov.au/react-feedback/future-transport-strategy-2056>

Features of Future Transport 2056

The Strategy's vision is built on six outcomes:

- A Customer Focus;
- Successful Places;
- A Growing Economy;
- Safety and Performance;
- Accessible Services;
- Financial and Environmental Sustainability.

To meet these outcomes for the Greater Sydney Region, the Strategy proposes broad approaches such as:

- Support for major urban motorway infrastructure projects (e.g. WestConnex, F6 Extension);
- Sydney Metro and light rail projects (currently under construction or being planning)
- Better integration of digital technology
- Establishment of more liveable communities with high levels of connectivity to multiple centres as part of the three-city metropolis. The transport/land use focus will be to foster a 30-minute city;
- Use of the Safe Systems Approach for road safety; targeting a near trauma free transport network by improving roads, speeds, vehicles and people (behaviour);
- Customer choice; ensuring market-driven access to transport, whether private, public or share vehicles (including potential for autonomous share vehicles and demand responsive transport systems);
- Enhanced physical accessibility for all bus stops and railway stations;
- Support for more environmentally sustainable travel by moving people from private vehicles to more sustainable transport modes and encouraging increased uptake of electric vehicles.

While these and other issues are explored and discussed in considerable detail, Future Transport 2056 provides little to no direction as to what specific actions the Government will commit to beyond investigating options.

Future Transport Network

The Future Transport Strategy 2056 and its companion delivery plan, Greater Sydney Services and Infrastructure Plan, outline the future network plans across Greater Sydney based on the following model:

- 0-10 years: projects already committed (see **Attachment 3**);
- 0-10 years: projects for further investigation (see **Attachment 4**)
- 10-20 years: ideas/projects for further investigation (see **Attachment 5**)
- 20+ years: ideas/projects for further investigation (see **Attachment 6**)

Future Transport 2056 – Relevance to Bayside Council

From the information outlined on the future network maps (see Attachments 3-6), in addition to other similar maps in the suite of Future Transport 2056 strategy documents, a summary of current and future initiatives that have either direct relevance to Bayside Council, or apply to all Councils, is outlined below.

0-10 Years Committed Project Delivery

- WestConnex Motorway;
- F6 Motorway Extension Stage 1 – WestConnex to President Ave, Kogarah (subject to final business case);
- Bus priority infrastructure program;
- Improvements to Sydney's active transport network;
- Safer Roads Program
- Sydney's road-based "pinch point program";
- Sydney Airport road upgrades;
- Bus replacement program;
- Improvements to bus stops, railway stations and ferry wharves.

0-10 Years Project Investigations

- General capacity and reliability upgrades for Sydney's rail and bus network;
- F6 Motorway Extension Stage 2 –Kogarah to Loftus;

- Rollout of electric vehicle charging points;
- General enhancements to Sydney's active transport network.
- Smart Motorways/Smart Roads Programs;
- Duplication of Port Botany freight line
- Improvements to Foreshore Road

10-20+ Years Project/Ideas Investigations

- Light rail extension to Maroubra Junction;
- Mass transit link to the southeast (CBD to Botany/Maroubra);
- Mass transit link from Kogarah to Parramatta
- Possible mass transit link connecting Miranda to Kogarah and inner south
- Turn Up and Go (public transport) services on trunk corridors in metropolitan areas – including city-to-city and centre-to-centre corridors;
- Flexible or on-demand services – to support trunk services.
- Completion of active transport networks to and within centres;
- Increased availability of autonomous vehicles particularly in the form of shared vehicles and taxi-type services;
- Demand responsive bus services;
- Creation of more integrated, personalised travel solutions through the application of technology;
- Drones for parcel delivery.

For proposed actions identified beyond ten years, no details are provided in Future Strategy 2056 regarding the funding commitment to investigate or plan for any of the initiatives.

Future Transport 2056 – Bayside Council Submission

While Council generally commends the approach taken to integrate future transport planning aspirations with the Greater Sydney Region Plan, the general flavour and summary of Council's draft submission on Future Transport 2056 is of concern at a lost opportunity.

There is a distinct lack of any detail beyond the infrastructure projects already underway that were planned for and developed prior to the development of the Future Transport 2056 Strategy.

Although many of the aspirations focus on achieving a sustainable and liveable city, through sustainable transport and connectivity, the lack of detail and commitment doesn't provide Council with much confidence that the ongoing community concerns about provision of

appropriate transport solutions to meet the growing population demands will be adequately addressed.

The main issues raised in Council's draft submission include:

- Lack of detail and planning beyond existing commitments
- Transport and priority growth areas
- Acceleration of new active transport initiatives (e.g. light rail, mass transit)
- Balancing the transport and movement needs of Port Botany/Sydney Airport trade gateways with nearby established residential areas
- F6 extension and protection of open space values
- Cycling network opportunities

A copy of Council's draft submission can be found at **Attachment 1**, for Council's consideration.

Financial Implications

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

Community Engagement

Not applicable

Attachments

- 1 Attachment 1 - Bayside Council submission on Future Transport 2056
- 2 Attachment 2 - Greater Sydney Structure Plan
- 3 Attachment 3 - Future Transport 2056 – committed network initiatives (0-10 years)
- 4 Attachment 4 - Future Transport 2056 – Initiatives for Investigation (0-10 years)
- 5 Attachment 5 - Future Transport 2056 – Initiatives for Investigation (10-20 years)
- 6 Attachment 6 - Future Transport 2056 – Visionary Initiatives (20+ years) [↓↓↓↓↓↓](#)



Submission on

**Future Transport 2056:
Draft Future Transport Strategy 2056 and
Greater Sydney Draft Services &
Infrastructure Plan**



Introduction

Bayside Council welcomes the opportunity to provide constructive feedback on the Draft Future Transport 2056 strategy (FT56) and the supporting plan, Greater Sydney Draft Services and Infrastructure Plan.

Bayside Council is a supporter of the Region and District planning framework and, through working groups, was an active participant in the preparatory stages of the Eastern City District Plan and Region Plan. Council supports the approach taken by Transport for NSW (TfNSW) and the Greater Sydney Commission (GSC), as well as the overall vision for the Greater Sydney Region and Eastern City District.

To this end Council has also made a submission on the Greater Sydney Region Plan and Eastern City District Plan, and the comments in this submission are a reflection of Council's views on how each of these strategic documents relate to each other when delivered on the ground.

Council has reviewed the information currently on exhibition. Based on this review, Council's comments will focus on the information pertaining to Greater Sydney, the Eastern City District and Bayside Council area. They have been categorised under a General heading as well as the following Future Transport 2056 chapters:

- General
- A Vision for Transport;
- Future Mobility;
- Future of Services; and
- The Future Network.

General

Council commends the NSW Government for preparing a Draft Future Transport Strategy and associated delivery plans, and its efforts to envisage an aspirational future for transport in the Greater Sydney Region. Council also acknowledges TfNSW's collaborative work with the GSC to recognise the need to ensure an integrated approach is taken to transport, land use, infrastructure and community development as the most critical step in achieving a more liveable, sustainable city. This message is clear in both Future Transport 2056 and the Greater Sydney Region Plan.

However, on reviewing the proposed priorities and actions, Council is disappointed that despite the strong messages about active and sustainable transport needs, the focus for priority actions over the next decade are for urban motorways which will further encourage private vehicle dependency.

With a Region and District Plan that are articulating significant population growth projections and housing targets in the next five years many places will be experiencing unprecedented pressures from high density living without the transport options to support them. More urgent action is required to alleviate these existing and foreseeable pressures. Otherwise, Sydney will continue to suffer from playing "catch up" with supporting infrastructure to meet community needs.

Council supports the need to improve public and active transport and is keen to assist in developing a modern, efficient network for areas within Bayside Council, the Eastern City District and the immediate areas bordering Bayside Council in the South District.

In reviewing both FT56 and its corresponding Services and Infrastructure Plan, Council has found very little difference in the two documents. In fact apart from a little more elaboration in the Services and Infrastructure Plan of the same information that is contained in FT56, the documents are almost identical.

This is a missed opportunity to clearly articulate to stakeholders and the broader community how the NSW Government's vision and objectives for transport will specifically translate into actions at a District and local level, beyond what is already known to the community.

Council is also concerned with the general lack of specificity about many of the issues raised in FT56 and delivery plan. The development of a Future Transport strategy is a great opportunity for the NSW Government to convey its genuine commitment to a sustainable transport future for Greater Sydney. However, in their current forms the FT56 and Services and Infrastructure Plans read largely like a discussion paper outlining issues that the community have provided feedback on followed by some possible options and aspirational outcomes for future investigations.

There is little in the way of committed action beyond the infrastructure commitments that have been promoted for some time prior to the development of the draft FT56.

Council recommends that a re-prioritisation of priorities be undertaken to include more commitments beyond investigations over the next 20+ years, leading to active and sustainable transport outcomes.

A Vision for Transport

Council supports the vision for future transport as well as the six outcomes to guide investment, policy & reform, and service provision. However, a great deal more is needed in the rest of FT56 to ensure this approach is realised.

In order for places to become successful and liveable, appropriate transport infrastructure needs to be in place as population growth occurs. Historically, this has not been the case. Using Bayside Council as an example, Priority Growth Areas in Bayside West (Arncliffe, Banksia, Cook Cove, Turrella and Bardwell Park) are being planned for the injection of thousands more people under the umbrella of Transit Oriented Development. However, the only mass transit option for the future populations of these areas (ie heavy rail), is already beyond capacity in peak periods. The overwhelming community feedback to the Department of Planning and Environment as well as Council is that the existing transport networks are not a viable option for the existing population. Nevertheless further significant housing growth is being planned.

The Vision for Transport needs to be better reflected in the objectives, priorities and shorter term commitments (ie beyond generic investigation statements).

Future Mobility

Council welcomes the transformation to a "Mobility as a Service" concept and highlighting the key role that technology is playing in the transport realm. However, beyond the initiatives that are already underway with regards to the integration of technology with transport

deliverables, nothing in FT56 is being proposed beyond ill-defined research and investigations.

Council recommends that more specific targets and priorities be set so that Greater Sydney doesn't experience needless delays to the introduction of technology driven transport solutions that are already in use globally.

Future of Services

Council welcomes the consideration of existing and emerging services as part of the future transport equation. With the emergence and growth of initiatives such as car share and bicycle share, the future of transport services for people has diversified.

However, with these innovations and an ever-evolving service delivery model, there are numerous strategic planning and logistical issues that Councils are already facing without any consistent guidance or leadership at a state or agency level.

For example, the emergence of car share opportunities bring great opportunities to reduce dependence on individual privately owned vehicles. However, with it comes a number of strategic planning issues that, to date have been managed by local Councils in a somewhat adhoc manner.

The issue of traffic congestion is a District and Sydney Region-wide issue that can be analysed and responded to with the leadership of a state or regionally based policy direction, leading to potential planning changes. However, FT56 does not go into any details that might prioritise or commit investigations into high priority actions such as this.

Similarly, the bicycle share model has proliferated across major cities in Australia in a short space of time, with local Councils bearing the brunt of managing its impacts. The bike share model is an excellent example of new innovation for service delivery of sustainable transport. However, the issues particularly around smart phone, application-driven, dock-less bike sharing services, has become one of a problem of inappropriate disposal (ie dumping), that Councils are left to manage. If the concerns continue to grow, a great sustainable transport service option may lose its appeal to Councils and the community, simply due to a lack of an integrated policy response.

A unified approach is recommended as a priority, led by TfNSW, so that a consistent policy and management response might be developed to ensure a sustainable future for such services. At present, the FT56 offers no specific actions around this.

The Future Network

The key objective of achieving a 30-minute city is strongly supported by Council. It is a sound aspiration that brings together all of the elements of integrated services, liveability and sustainability that can make places great. However, most people's experiences in Sydney and particularly inner Sydney is that their travel times have increased significantly in the past decade. Therefore, Council would welcome more details of how, specifically, the FT56 will arrest the trending increase in travel times, while ensuring a 30-minute city is realised.

Council welcomes the increased focus and commentary on the importance of active and sustainable transport solutions. This is a positive difference from the Long Term Transport Master Plan. However, it is also acknowledged that nearly all of the sustainable and active

transport options are scheduled for the medium to long term (ie 10-20+ years), and are only focused on investigations. In the meantime the only certain commitments for infrastructure investment is for the construction already underway prior to the development of FT56.

With an emphasis on population growth and meeting significant housing targets, a lack of genuine prioritisation of public and other active transport solutions will only add to the pattern of congestion and unliveable places.

While FT56 is part of a suite of plans which include land use initiatives there is only limited evidence that the initiatives identified in the Future Network are in direct response to specific land use initiatives identified in the Greater Sydney Region Plan or the complementary District Plans. This relationship may exist and if it does it should be made more apparent in both documents.

Another relational aspect of FT56 to the Greater Sydney Region Plan that seems unclear is the how the vision, objectives and priorities for the improvement of strategic and local centres is reflected or responded to from a future transport standpoint.

For instance, how will a local centre like Rockdale Town Centre, with a transport interchange, realise any revitalisation while the NSW Government resists calls to provide commuter parking, but mandates parking controls on Bayside Council that limits its ability to implement a Master Plan to make a successful place?

Transport and Growth

A major concern for Bayside Council is the absence of a plan to improve public transport infrastructure and access to support increasing housing densities and populations.

Council has supported the NSW Government in its approach to urban renewal and especially its focus on Transport Oriented Development. However, it is widely acknowledged that the heavy rail network is either at, or beyond, capacity during peak periods. This is especially the case for the Illawarra and East Hills lines that are intended to support the population growth in the Bayside West Priority Growth Area. It is time to identify and plan for transport solutions beyond Sydney's heavy rail network.

The central and southern areas of the Eastern City District are important economic contributors and should be a key consideration in transport planning for the district. Journey times on public transport from areas in Bayside Council can be longer than 30 minutes, despite the short journey distances, and are often longer than comparable journeys in other parts of Sydney. It is timely and appropriate to re-think how sustainable transport solutions can be achieved within in-fill areas such as the Eastern City District. While longer term solutions are being considered, Council encourages the NSW Government to improve priority bus services in the short term to facilitate greater patronage of public transport options.

Council also urges the NSW Government to waive the station access fees at the airport train stations as this fee continues to be an impediment for more people to utilise sustainable transport as a genuine transport option to the airports.

Light Rail

Council welcomes the objective to achieve a rapid transit solution that links Eastern City District's central and southern areas, connecting urban growth areas in the City of Sydney and Bayside Councils that may have previously been untapped and which are currently constrained by a lack of public transport.

However, Council is concerned about the lack of urgency attached to this planning and delivery work. Strategic centres identified in the Greater Sydney Region Plan like Green Square-Mascot and Eastgardens-Maroubra urgently require the planning and delivery of a rapid transit system like light rail to support the significant populations anticipated. The existing heavy rail network and bus network cannot support future population projections.

A light rail system network should be considered that takes into account the connections from the abovementioned centres to the airport, Port Botany and the Bayside West precinct suburbs of Wolli Creek and Cook Cove.

Within the Bayside LGA there is significant redevelopment and urban renewal that will benefit from a new light rail system. The existing Wolli Creek and Mascot developments are examples of residential land use that will be developed further. In addition, the NSW Government has acknowledged that future development at Cook Cove will provide up to 5,000 dwellings.

The anticipated population growth within the Arncliffe and Banksia priority precincts will also benefit from a comprehensive light rail network that has the potential to connect other suburbs and the Botany Bay foreshore, including Brighton Le Sands.

Council would like to see an expansion of the light rail and a rapid transit solution for these areas prioritised beyond investigation in the medium to long term.

Train Links/Mass Transit – Investigations and Visionary

The FT56 and Greater Sydney Region Plan both refer to some medium to long term proposals for a possible mass transit or rail link between Kogarah and Parramatta as well as from Miranda to an undefined location, but through Bayside Council. Council cannot form an informed opinion about these as their timeframes are significantly long and likely to change or be abandoned.

However, their inclusion in the FT56, without any details, is likely to prompt property speculations and development pressures on Bayside Council. Centres such as Kogarah are already under considerable development pressure. However, Council cannot reasonably respond to these pressures while an ill-defined investigation may or may not affect future development outcomes.

Council urges the TfNSW to work with Council so that its planners can be equipped to manage the range of community and developer inquiries and expectations now, and into the future.

Trade and International Gateways

Council welcomes the recognition of the importance of the Sydney Airport and Port Botany trade precincts, and supports the measures to protect movement in and around these precincts. However, the environs immediately surrounding these gateways also have established residential areas that have a right to move around safely and uninhibited.

In planning for updated planning controls to improve freight movement around these precincts, Council urges TfNSW to work with Council towards local solutions that meet all stakeholder needs.

Parking, Centres & Liveable Places

In order for Council to respond to the Greater Sydney Region Plan and Eastern City District Plan, certain objectives need to be met, particularly with regard to its strategic and local

centres. Bayside Council is also characterised by a number of its centres that have major roads dissecting them.

Council and the community have identified desired outcomes for some of these centres. However, some conflicts arise between the objectives of the Greater Sydney Region Plan and FT56, where the former seeks accessible, vibrant centres and the latter prioritises traffic movement.

Car parking continues to be one of the most sensitive and common planning issues facing Council. Council urges TfNSW to work with the GSC and local Councils to identify appropriate car parking solutions through a policy framework while planning for sustainable and liveable centres.

Cycling

With the level of knowledge and planning that has gone into cycling networks at a local and regional level, particularly in the Eastern City District, Council is surprised and disappointed that little attention has been focused on the delivery of enhanced cycling networks, beyond what is already underway.

Council recommends that the FT56 goes beyond investigations and plans and funds the implementation of priority infrastructure for key cycleway network priorities that are identified in the Inner Sydney Bike Plan, Sydney's Cycling Future, Cooks River Regional Bike Plan and Botany Bay Regional Bike Plan.

F6, Green/Blue Grid and Open Space

Council acknowledges that planning for a future F6 extension is required now that the Government is now committed to its delivery. However, a key objective and priority in the GSC Eastern City District Plan is to protect and enhance the Rockdale Wetlands Corridor within Bayside Council, including the valuable open space and recreational areas that are contained within the corridor.

The open space within this road reservation is a major contributor to the overall quantum of open space for the region. Its identification as a key location to enhance the Eastern City District's Green Grid corridor adds a level of importance to its future retention and enhancement.

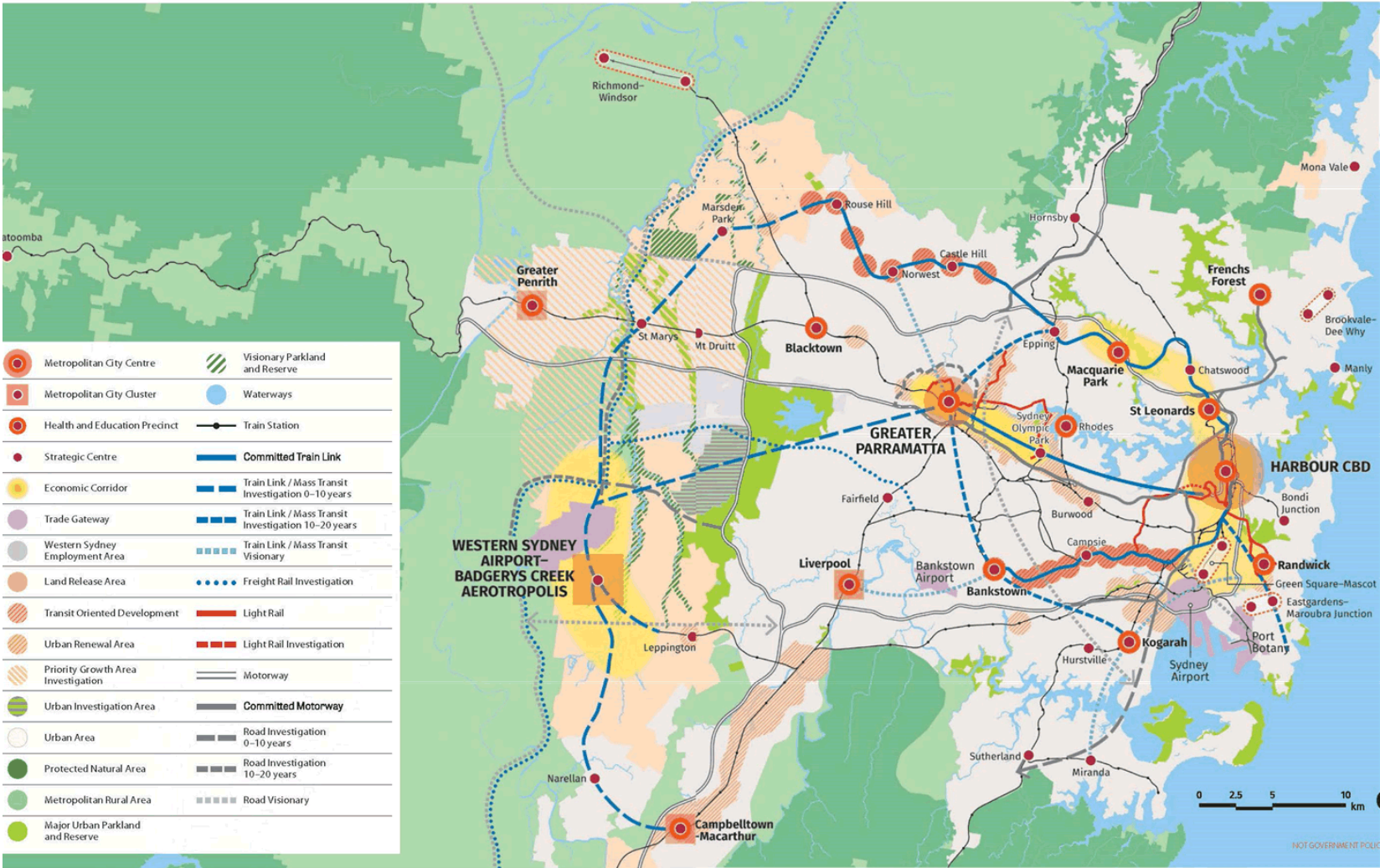
The future location and design of Stage 1 and 2 of the F6 project greatly affect this corridor and potentially threaten the significant open space and environmental amenity of this area.

In addition, the introduction of a long term "visionary" transit link from Miranda to the inner south also affects the same corridor, based on the Greater Sydney Structure Plan.

To date, planning and investigations around the staged F6 extension have been fairly guarded with very controlled release of information and liaison with Council.

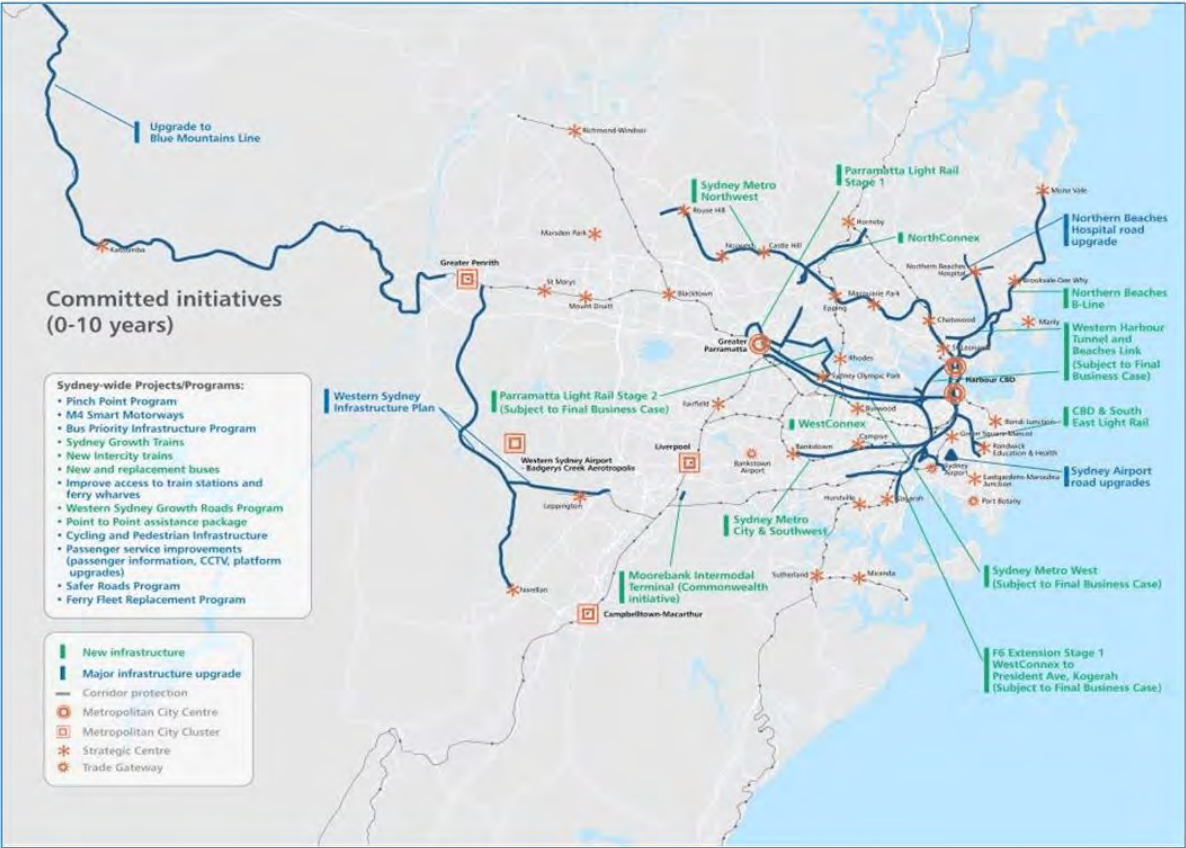
Council strongly recommends that a more transparent and open line of communication be opened with key stakeholders for F6 and future transport planning so that a more considered approach can be achieved for the areas affected.

58: Greater Sydney Structure Plan 2056 – the three cities



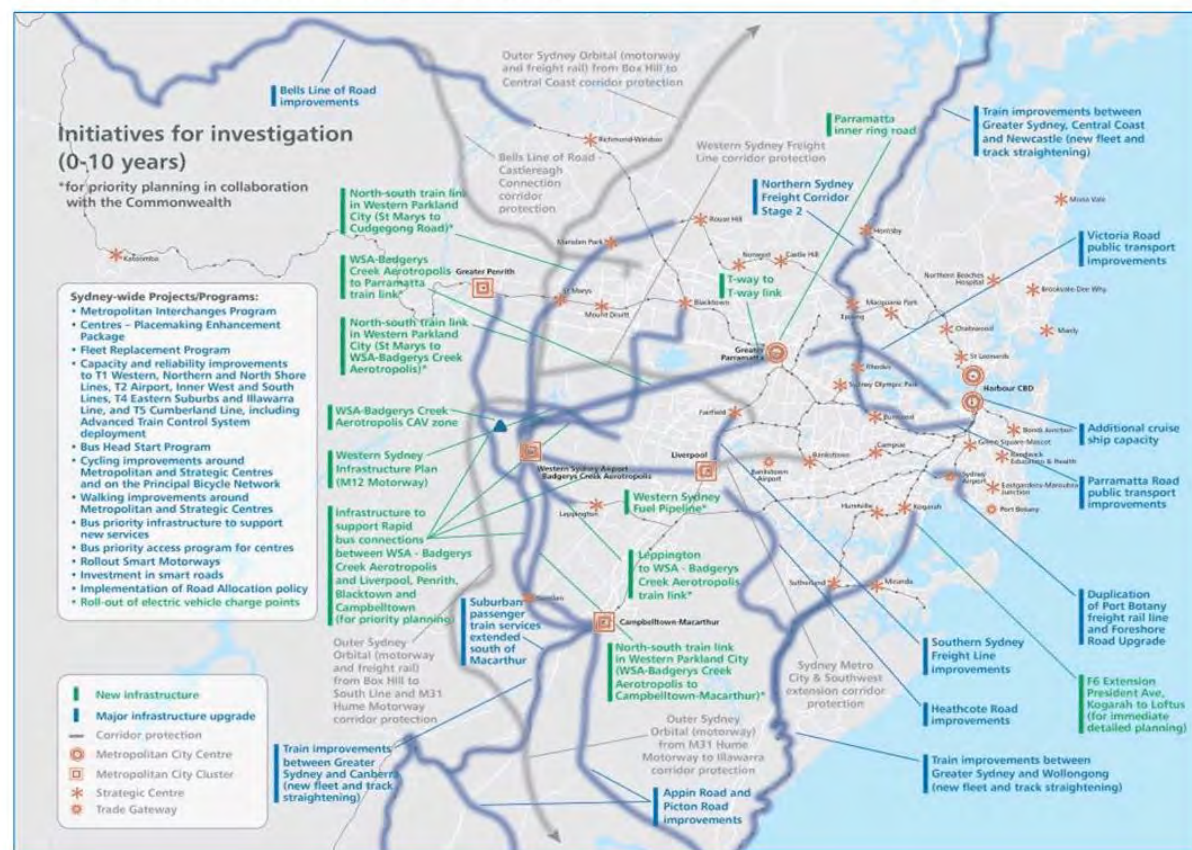
Committed projects of: Western Harbour Tunnel & Beaches Link, P6 - WestConnex to President Avenue Kogarah, Parramatta Light Rail Stage 2 and Sydney West are subject to final business case, no investment decision yet. Routes and stops for some transport corridors/projects are indicative only.
Sydney Commission | Draft Greater Sydney Region Plan 2017

Future Transport 2056 – committed network initiatives (0-10 years)

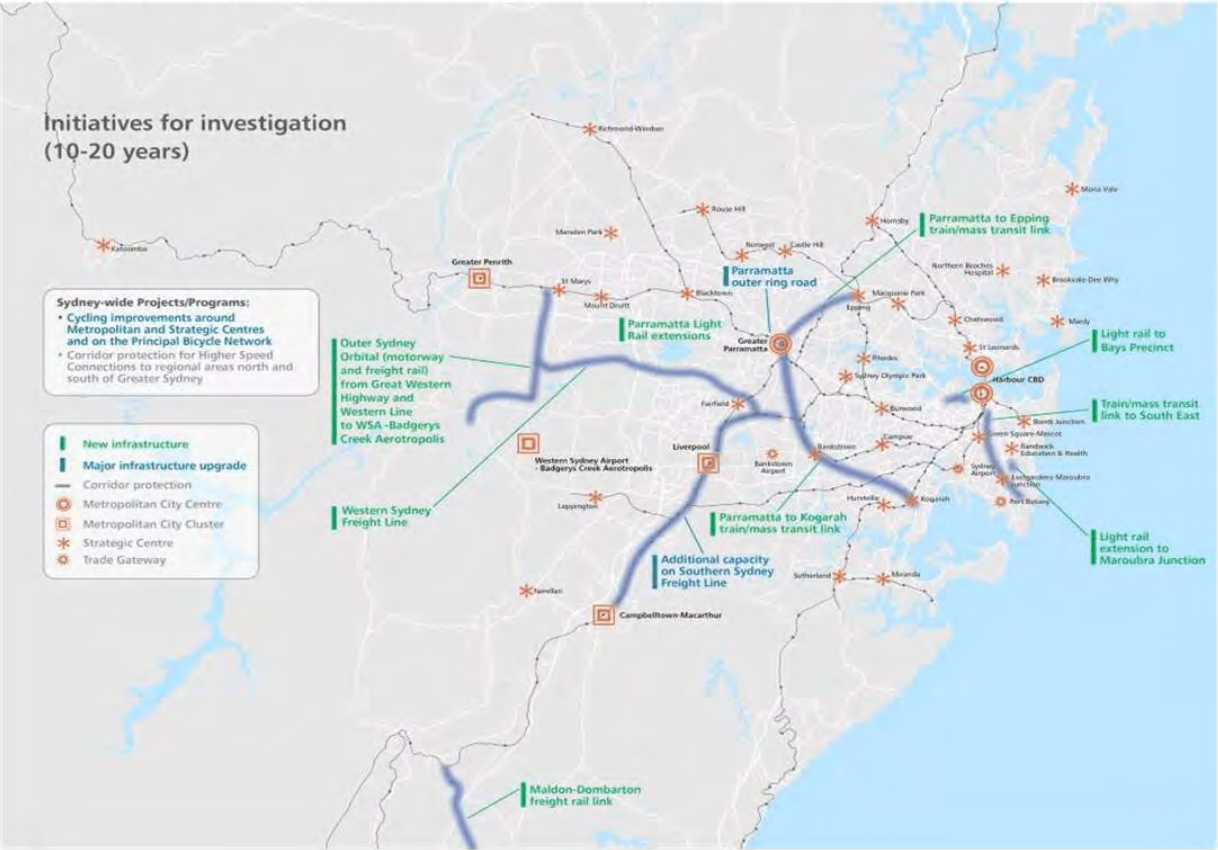


Attachment 4

Future Transport 2056 – Initiatives for Investigation (0-10 years)



Future Transport 2056 – Initiatives for Investigation (10-20 years)



Attachment 6

Future Transport 2056 – Visionary Initiatives (20+ years)



Council Meeting

13/12/2017

Item No	8.11
Subject	Pine Park Masterplan Implementation
Report by	Jodie Bell, Executive Assistant Major Projects Group
File	SF16/1264

Summary

The Major Projects component of the Stronger Communities Fund has allocated funding to projects that will deliver large scaled new or improved infrastructure or services to the community. The Stronger Communities Fund Assessment Panel recommended three projects, one of which was Pine Park Masterplan - Ramsgate Beach. Approval by resolution for this project was made at the Council meeting held on 12th April 2017.

A Lead Consultant and consultancy team has been appointed by Council at the Council meeting held on 11th October 2017 to refine the Masterplan, develop the design and scoping and prepare construction tender documentation to ensure the project is delivered by 30th June 2019 in line with Stronger Communities Fund requirements.

Officer Recommendation

- 1 That Council endorses the refined Masterplan as attached to this report.
 - 2 That Council resolves to proceed with the detailed design and documentation of option 1 as a Stage 1 implementation of the Masterplan based on the existing allocated Stronger Communities Grant funding of \$4M.
 - 3 That as part of the 2018/ 2019 financial year budgeting process, Council further investigates funding sources to implement additional Masterplan components.
-

Background

A Masterplan for Pine Park at Ramsgate Beach was undertaken by Council in December 2013. The Masterplan was reviewed following the allocation of funding to this project and a draft-scoping plan to deliver the project developed.

The refined Masterplan (attached to this report) and project implementation scope incorporates consideration of the following:

- Removal of car parking in Caruthers Drive prime foreshore location, returning it to pedestrians and cyclists;
- Consideration of a widened shared promenade for pedestrians and cyclists, contiguous with the removal or re-allocation of the separated cycleway that currently dissects the northern half of the Park;
- Construction of a new, larger car park off Grand Parade between Ramsgate Road and Alice Street with a one way in/out internal driveway system;

- Provision of suitable access and short term stopping for deliveries, loading, drop off/pick up, community buses and Council maintenance and emergency access opposite Ramsgate Road and Alice Street;
- Improved park circulation routes and reduction of user conflict and access issues between pedestrians (all abilities), parkland and park amenities users, cyclists and vehicles;
- Improved beach access and connection, interpret parks' heritage values through signage, improved park furniture, lighting, signage and landscaping, protecting views and enhancing shade;
- A functional and attractive main entry node and forecourt opposite Ramsgate Road and secondary nodes opposite Alice Street and at Sandringham Street/Caruthers Drive; and
- Improved infrastructure, safety, open space quality, user amenity and public satisfaction.

With the awarding of the tender for design consultancy services by Council in October; the lead consultant - Spackman, Mossop and Michaels, have been undertaking a thorough site and park user analysis leading to further development and refinement of the Masterplan as well as the project scope and deliverables. Key management principles of the Cook Park Plan of Management and the Conservation Management Plan have been considered and incorporated.

To put Pine Park into context, Pine Park is part of Cook Park – an 8.5km linear parkland between the Georges River in the south and the Cooks River in the north and on the western shores of Botany Bay. The Park is regionally significant as both a recreation destination and as a link to adjoining suburbs through its pathways, cycle ways and coastline and has important historical meaning in the development of the local area.

The park has a strong community function supporting groups such as Nippers and other community groups and events at the Ramsgate Life Saving Club, charity or community fun runs, education campaigns such as life-saving, New Year's Eve events, swimming and water craft activities, fishing, picnicking and gatherings including large groups of families and friends and importantly, the park's function for community health and well-being through its pathways used for walking and running and cycle ways used by leisure cyclists and children as well as commuter/faster speed cyclists. The cycle route is identified by the Roads & Maritime Authority as a regional linkage as well as in the Plan of Management and Council cycleway plans.

Pine Park forms the central section of the Botany Bay historic trail from La Perouse to Kurnell and has significant community, cultural, environmental and heritage values being part of the historic Botany Bay foreshore.

The following park design and management issues came to the fore through investigations and site visits and the community engagement process (refer to the Pine Park community engagement attachment for full detail on the community engagement):

- Caruthers Drive should be retained for pedestrians and cyclists and public parking and vehicle access removed. Some of this parking should ideally be accommodated in new carparks although it is not well utilised for most months of the year;
- The exposed, hot, glary environment of the southern promenade along Caruthers Drive due to the expanse of hard surfacing, cars and concrete barriers and the unattractiveness of the area with worn and aged infrastructure and visually confusing materials and signage. The current change in surface materials can be confusing as to how the paths and spaces are to be used;

- Surfaces and infrastructure (kerbs, bollards fences) pose safety hazards and are unfriendly for those less abled, prams, mobility scooters and the like;
- Speeding cyclists pose a collision hazard to pedestrians and to slower leisure cyclists and families;
- Pedestrians utilising the separated cycleway and the ensuing frustrations by both users that often eventuates, particularly on busy weekend mornings;
- Large groups and crowds like Nippers require spaces along the promenade to allow circulation and access by other park users;
- Loss of beach sand, particularly in the Ramsgate Baths area, sand migration onto the promenade and concerns about seawall undermining;
- Hazards around the small carpark adjacent the RLSC. This area is congested at many times of the week with many competing and conflicting uses operating within a small space. Sightlines for pedestrians and cyclists are poor as cyclists swing around corners near the RLSC and carpark. Pedestrians need to be on alert for cyclists, cars, small buses and trucks using the carpark whilst trying to access the 2 pedestrian crossings at the intersection, use the share paths and access the beachfront;
- Car park entrances and exits need to be carefully sighted especially at the intersection with Ramsgate Road but also at Alice Road and Malua Street;
- The secondary entry opposite Alice Street needs improved resolution and demarcation of pavements and pathways, removal of hazards and better entry off the Grand Parade. A community bus bay or parking is needed adjacent the amenities;
- More disabled parking is required;
- The heavily used Ramsgate Beach park arrival node requires better organisation to be more functional, attractive, cater for different user groups and remove the hazards associated with vehicles and cyclists;
- Access is evident and required near the RLSC for loading, deliveries, community buses/groups and the like;
- Lighting is required for areas currently unlit and future new pathways;
- Littering and rubbish despite the visual presence of bins, aged infrastructure such as picnic settings and shelters, poor location of external shower, unattractive bare block retaining walls in the northern section and change in levels making it difficult for some, especially young children and the aged or disabled, to access the beach and foreshore promenade;
- The high value the community places on shade on weekends during hot weather congregating in and scrambling for available natural shade;
- The general hot, windy and exposed nature of the promenade which could be improved by bringing landscaping closer to the foreshore and minimising paving; and
- Illegal/informal parking on nature strips during peak times, and at times within the park, as well as campervans utilising the carparks.

Following site analysis and incorporating community feedback, the refined Masterplan is inclusive of the following main elements and features:

- a Removal of car parking and public vehicle access from Caruthers Drive whilst retaining access for maintenance and emergency vehicles.
- b A widened, contiguous foreshore promenade from Ramsgate Baths to Sandringham Street for pedestrians and leisure/family cyclists with break out/gathering spaces in the northern section and parkland in the southern section.
- c New off street car parking adjacent to the Grand Parade operating through an internal driveway and one way in/out system to improve circulation along the Grand Parade by minimising parking access impediments.
- d A new commuter cycleway adjoining the Grand Parade for cyclists wishing to travel faster through the park and into surrounding suburbs.

- e Creation of the Ramsgate beach plaza area adjacent the RLSC that includes removal of the small carpark but retention of driveway / service access for loading, maintenance, deliveries and drop off/collection by community buses and the like which will be a share, slow speed zone using surfacing, bollards and effective signage to create clear signals for usage pathways. The plaza area also incorporates more subtle level changes down to the beach with paving in high circulation areas and grassed terraces for informal seating and gatherings and an accessible ramp to the promenade.
- f New link footpaths through the Stone Pine forest and to link the carpark to the Ramsgate Beach plaza area.
- g Retention and improvement of picnic lawns and picnic facilities by removing the existing brick cycleway that dissects these areas.
- h New beach access stairs and landing areas / lookouts, combined with partial removal of the balustrade, to improve connection of shore to park.
- i Retention of trees that currently provide important shade and buffering against winds and sand in the northern part of the park, as well as new landscaping and trees, and a bio-swale to absorb car park runoff.
- j New park furniture and lighting.

Financial Implications

- Not applicable ☐
- Included in existing approved budget ☒ \$4M for stage 1 implementation.
- Additional funds required ☐

\$4M has been allocated to the Pine Park Masterplan Implementation from the Major Projects section of the Stronger Communities grant funding. \$500,000 of this is available in 2017/2018 financial year for professional fees, project management fees, surveys and approvals. \$3.5M of this is available for construction in the 2018/2019 financial year, which will encompass Stage 1 / Option 1 works as per the Masterplan Report.

At the Briefing Session on 29th November, there was a request for the General Manager to consider the allocation of additional funds to enable additional Masterplan components to be implemented.

The Masterplan Report describes two other cost options (as outlined and illustrated in the Masterplan implementation options as attached to this report).

Masterplan funding options	Cost exclusive of GST
Option 1 (base option)	\$3,496,981
Option 2 (full promenade and Northern car park)	\$ 8,612,721
Option 3 (full Masterplan)	\$13,753,233

Although there currently is \$20.4M in the strategic priorities fund, there are competing priorities for this fund and Councillors will be setting these priorities as part of the budget planning process. At this stage no funding for Pine Park Masterplan has been included in the Strategic Priorities fund listing.

The table below has dissected the major components of the Masterplan and costed each component. It is to be noted that all costings are preliminary and require detailed analysis and refinement during the design development phase.

There are a number of possible funding sources possibly available to implement additional Masterplan elements, as detailed below. However, these sources and the availability of budget within the funding source have not been confirmed and a thorough analysis will be required as part of the 2018/2019 City Projects budget process.

Masterplan components	Cost exclusive of GST	Potential alternate funding source
Northern car park	\$1,985,687	Included in base option.
Southern car park	\$2,295,910	
Southern loop path	\$333,841	OEI Grant funding
Plaza works - terraces	\$1,508,191	Green space Grant application SRV where renewal
Removal of RLSC car park	\$452,413	Roads to recovery
Northern cycleway	\$306,688	RMS Grant funding Roads to recovery
Alice Street to Malua Street cycleway (southern cycleway)	\$432,738	RMS Grant funding Roads to recovery
Promenade north and south	\$4,740,702	SRV where renewal
Park furniture - allowance for southern park area only	\$248,777	SRV where renewal Green space / Crown Grant application
Park furniture - allowance for northern park area only	\$611,990	SRV where renewal Green space / Crown Grant application
Balustrade replacement - northern + southern waterfront	\$595,380	SRV where renewal
Southern car park drainage	\$511,224	Storm water levy
Northern car park drainage	\$505,833	Storm water levy
Southern car park lighting	\$215,606	
Kerb and gutter along The Grand Parade (north)	\$44,266	Roads to recovery
Kerb and gutter along The Grand Parade (south)	\$41,446	Roads to recovery
Beach access stairs and ramp	\$401,675	SRV where renewal Disability grant Green space /Crown grant application
Link path from northern car park to RLSC	\$97,487	Included in base option Green space grant application
Lighting - allowance for northern promenade	\$136,661	
Lighting - allowance for southern promenade	\$135,865	
Lighting - allowance for Plaza including feature lighting	\$341,653	

^ includes all contingencies and professional fees (12%)

Refined Masterplan

The refined masterplan and cost plan were presented in the General Manager's briefing session to Councillors on 29th November and 6th December 2017. The refined masterplan was prepared after an analysis of the existing park and its context, important supporting documents such as the 2010 Cook Park Plan of Management and the 2014 Conservation Management Plan, community feedback and the 2013 draft masterplan document.

Attachments

- 1 Pine Park Community Engagement
- 2 Pine Park refined Masterplan
- 3 Pine Park Implementation options [!\[\]\(633dd45d48d71eb51a85c6dd83ee51e9_img.jpg\) !\[\]\(bdddf9191a284aa0945448444083c5b0_img.jpg\) !\[\]\(944943bcf87a12c5b9337bf7ed1ef546_img.jpg\)](#)

Community Engagement

The project was exhibited to the community from 6th to 19th November 2017 and community feedback has been considered and incorporated into the refinement of the Masterplan.

The following community engagement activities were undertaken :

- “Have Your Say” on Council’s website including survey
- Pop up information stall in Pine Park conducted on Saturday 12th November, including dissemination of surveys and an information postcard
- Meetings with Ramsgate Life Saving Club and Omeros restaurant
- Poster boards throughout the park and at Ramsgate Town Centre
- Posters at Rockdale and Eastgardens library/customer service centre and Sans Souci library
- Letterbox drop to local residents and property owners
- Facebook and Twitter posts
- Uploading to the Councillor portal
- Briefing session to Councillors and the General Manager

The **pop-up information stall**, held on Sunday 12th November from 9am to 1.30pm, was very successful with a lot of positive and constructive comments. The stall was manned by 5 people from the engaged consultancy and Council who were in constant discussion with passer-bys for the entire period that the stall was manned. Approximately 150 postcards were handed out to the public on the day encouraging community feedback through Council’s website and 6 surveys were completed on the day and approximately 100 people would have been interviewed. The majority of people talked to were locals from adjacent suburbs however there were a good number from neighbouring suburbs cycling through the park and some from further afield.

Key feedback

- Approximately 20% of participants: An important issue for most of the community was the need to rebuild the beach and combat erosion. People felt this was a more urgent issue than upgrading the park and that Council funds should prioritise this. Some felt the baths were currently unsafe because of this issue.
- Approximately 20% of participants: It was important to people that there was no decrease in parking spots.
- Approximately 20% of participants: Many people felt the bike path and pedestrian path should be kept separate for safety purposes, however the bike path should be a family bike path and not for professional cyclists. Some people felt the path was wide enough as it is, and having two paths worked well. Many were concerned about speeding cyclists in a family area, conflicts and that safety was paramount, needing clear boundaries between cyclists and pedestrians. If shared separators should be provided.
- Approximately 10% of participants: People were in favour of preserving green space and protecting trees for shade. Many enjoyed the Pine forest. More shady spots requested at the northern end.
- Approximately 10% of participants: People said it was important that garbage bins were located close to picnic areas. People were very concerned about the cleanliness of the park and beach - litter, BBQ coals and food scraps/grease are dumped and groups are not abiding by signage. A number of people also wanted maintenance stepped up on Mondays, rangers regularly monitoring the area and more CCTV cameras to maintain cleanliness and enforce parking controls.
- Approximately 5% of participants: People were generally supportive of the proposed public plaza area opposite Ramsgate Road suggesting that it should have seating, shaded areas and children’s play equipment. Some people said the current car park set-up is dangerous.
- Approximately 5% of participants: Some people wanted greater maintenance of existing amenities and the provision of more amenities near the southern end of the park. Extend

the carparking and park improvements to the southern end of the park as it was underutilised and to take some of the burden off the northern section.

- Approximately 5% of participants: A number of people felt the new carparks should be metered to prevent people using the carpark all day / overnight and to raise revenue for maintaining the park. They also felt they should be closed after hours or other parking restrictions to prevent anti-social behaviour and campervans and semi-trailers using them at night. Dangerous traffic conditions on Grand Parade should be improved with design of new carparks, suggestion for concrete median strips also. People were also concerned about illegal parking on nature strips and the like.

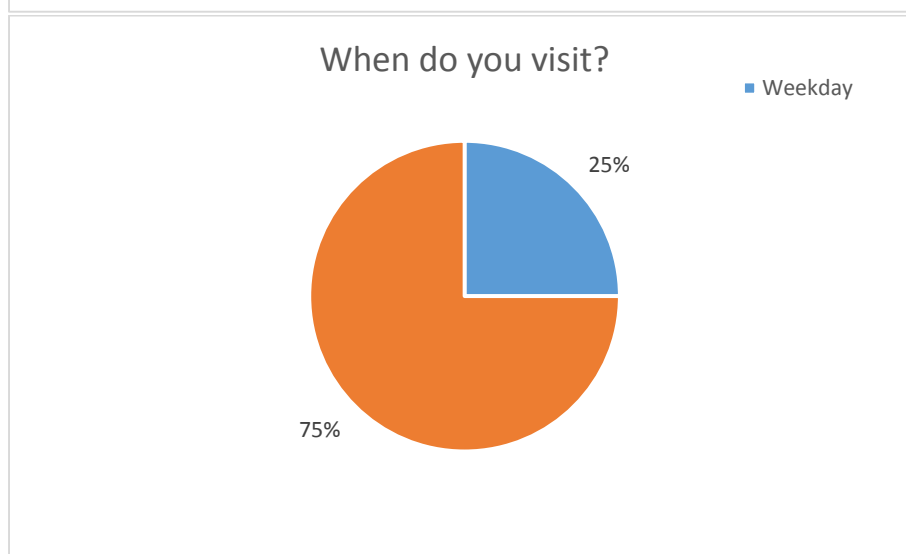
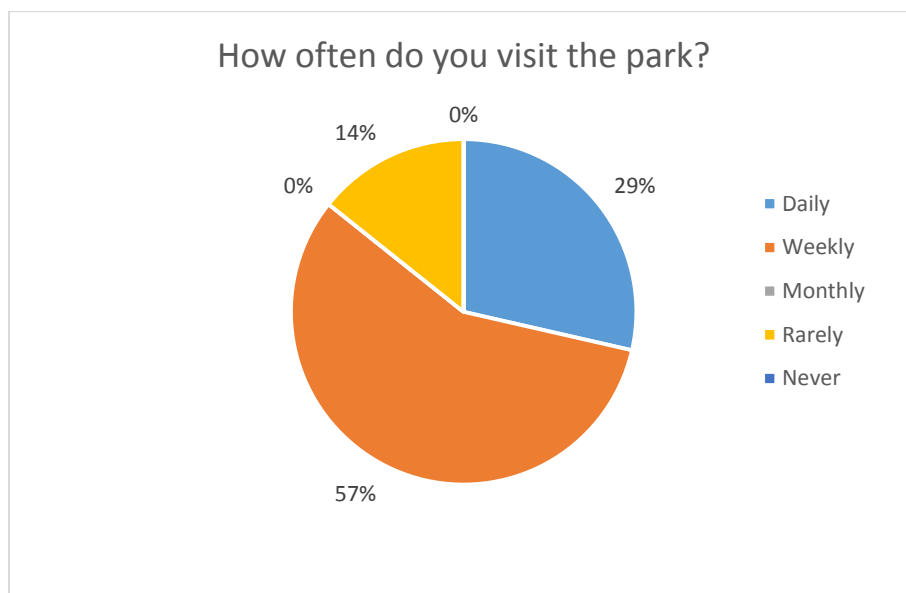
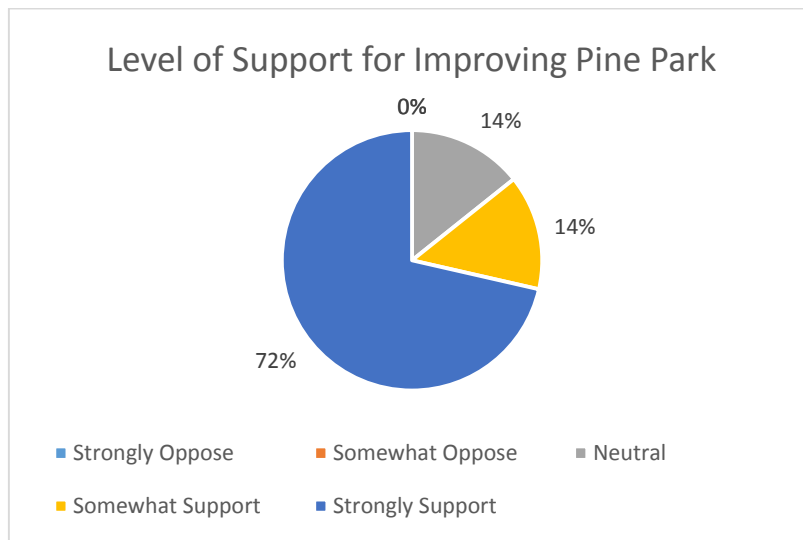
Other ideas:

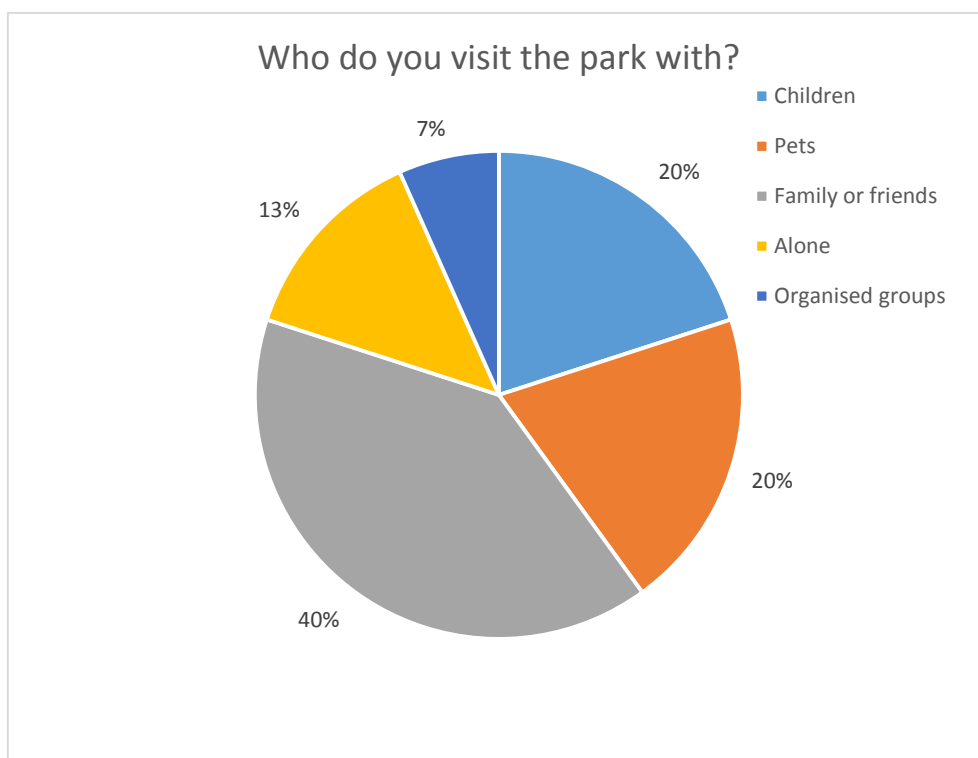
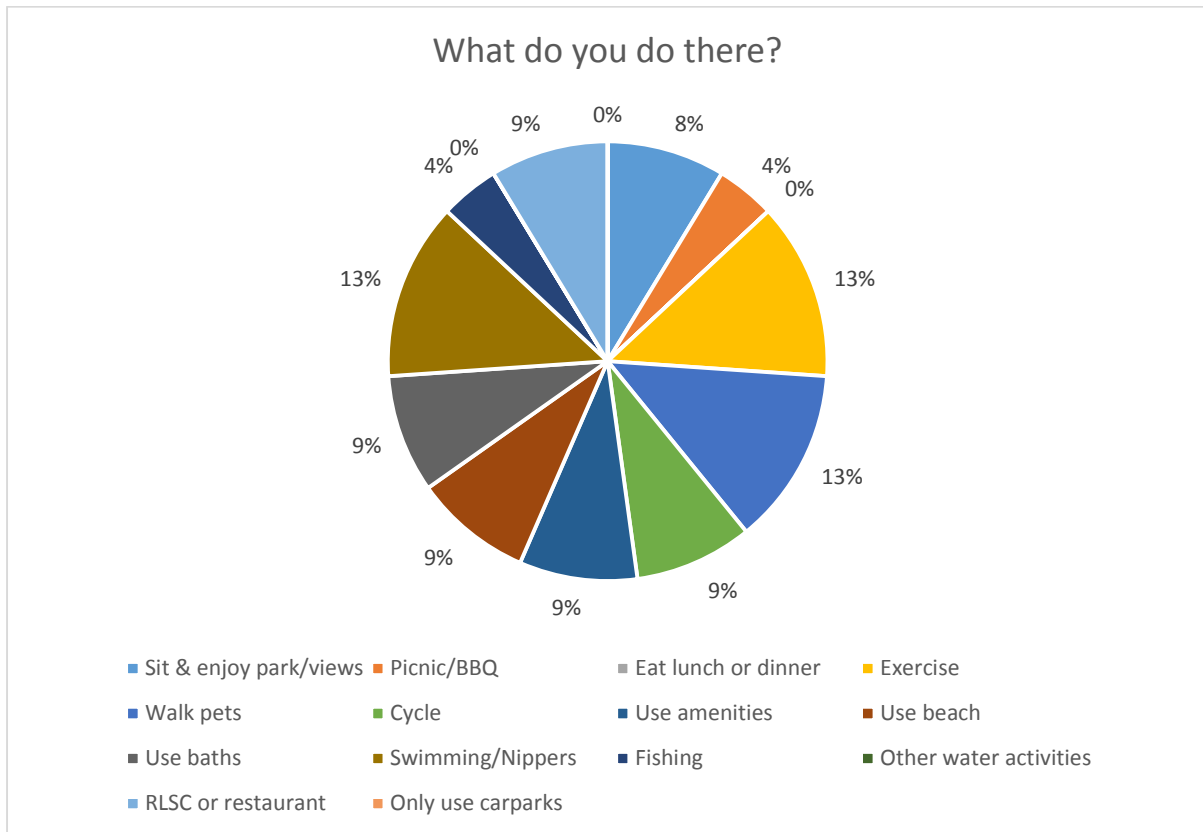
- A few people suggested part of the park could be utilised as a fenced dog park and that bags for dog waste should be provided.
- It was suggested that the new paths and equipment use sustainable materials that would survive the coastal environment and storm damage.
- People who lived nearby and walked to the park suggested more pedestrian crossings over The Grand Parade.
- A number of people raised the issue of accessibility and said the park and beach should be wheelchair friendly. A member of the Surf Life Saving Club suggested special bus parking was needed for disability groups who used the Club regularly during the week.
- Some people believed that a number of smaller car parks, as opposed to a single large one, would have a lesser impact on Grand Parade traffic. They also believed the car park entrance should be away from Ramsgate Road.
- Some felt the Pine Forest was a space that could be utilised for more BBQs and seating, although one person believed they should be a good distance from private residences.
- Some people asked for more water taps throughout the park.
- Suggestions for appropriate vegetation that protects from erosion.
- Some people wanted all the seawall balustrades and fences to be replaced.
- A number of people suggested a small café/ice cream shop at the Pine forest/southern end of the park would help activate that part of the park.
- Some people suggested that fitness stations should be spread along the park and not isolated in one area.
- Stormwater flooding on the Grand Parade and Ramsgate Road was a concern for a few people exacerbated by rubbish build up at stormwater inlets and by sand at the outlets. They felt the existing carpark stormwater runoff exacerbated this and an effective stormwater plan was needed as part of the upgrade.
- One cyclist mentioned that cycleway potholes and lack of linkages was an issue.
- Nippers crowds will affect circulation for cyclists on a promenade share path, clear boundaries are required
- There were a few requests for more signage regarding litter, dumping and cyclist speeds.
- There were some comments about providing a few segregated carparks rather than 1 or 2 large ones.
- One person was concerned about sand blowing over the cycleway if located on the beachfront, sand blowing onto the promenade was already a concern.
- Several were concerned about campervans and semi-trailers using the carparks and that they should be discouraged with kerbs, barriers etc and that cars with kayaks etc knock over timber bollards and hang into the park.

The Have Your Say on Council's website was less productive with 1 survey response and 11 written responses. Another 2 responses came in via email.

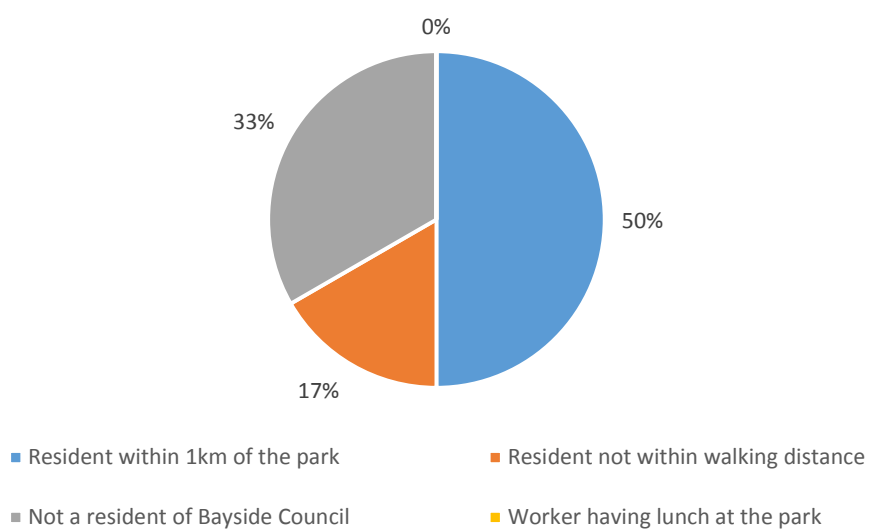
Surveys (7 total)

- *1 online*
- *6 completed at the park information stall*
- *2 respondents were locals, 3 did not state and 2 were from nearby suburbs (1 external to LGA)*

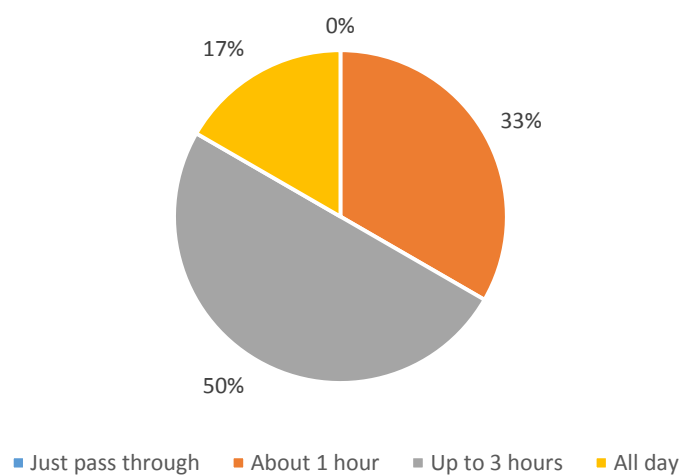




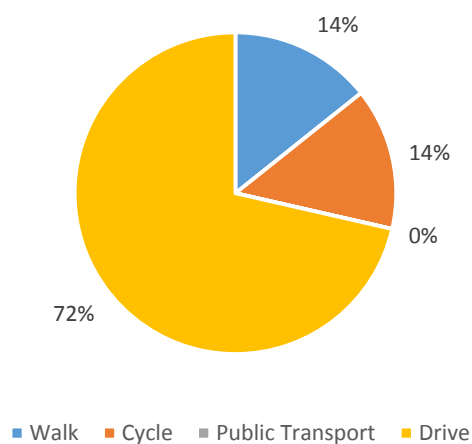
Which best describes you?

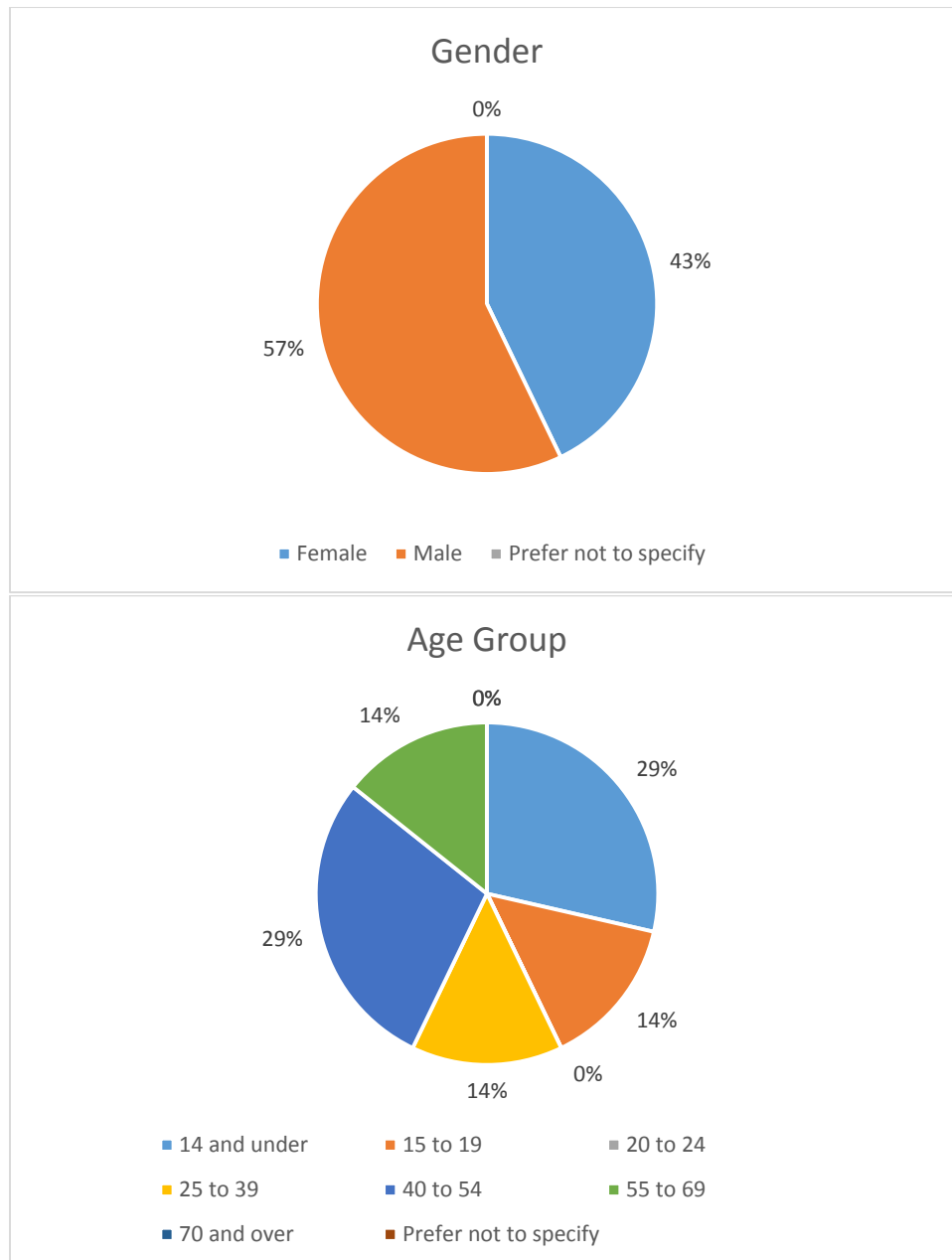


How long do you typically stay in the park?



How do you normally get to the park?





Comments :

- Provide distance markings along the promenade for walkers/joggers
- More ranger presence regarding litter and BBQ's
- Parking should be next to the Grand Parade, no loss of parking, timed parking say 3 hours
- Design to be inclusive of people with disabilities
- The park should be more engaging for the community
- Concerned about loss of sand at the beach
- Prefer pedestrians and cyclist to be separated
- A café/kiosk and more toilets/showers
- A fenced dog park

Online/email responses

- **138 website visits**
- **13 written responses**

- ***Over 90% of respondents were locals***

- The park is drab but is a beautiful area, upgrade is needed.
- Increase natural shade and preservation of the natural environment, provide shaded seating areas.
- Improvements should be environmentally friendly.
- Promenade surfaces need to be of consistent quality and even.
- Due to loss of beach provide other netted baths.
- Garbage and litter issues, increase anti-litter messaging/prosecution.
- More amenities in the Pine forest area might help with littering eg. picnic tables and bins.
- Retain parking numbers
- Separate pedestrians from speeding cyclists. Concerns for pedestrian safety, pedestrians' feel safer when cyclists and pedestrian uses are split, especially in peak times. The share pathway at Sandringham has seen accidents. The park is very crowded during Nippers and a share path would be dangerous.
- A widened promenade needs to ensure a clear separation between cyclists and pedestrians. The existing separate cycleway was built as a safety measure. The walkway is used by running clubs, charity marathons, dog walkers, families with prams and fishermen. These plus cyclists are not compatible in a shared walkway.
- Ramsgate Baths beach has gone, please bring it back. Swimmers can't leave their belongings here. More nets.
- There needs to be effective management of new car parks with closure after hours. There are already anti-social activities here, residents do not want more. It has been exacerbated with Ramsgate shops upgrade.
- Install kerb and gutter and concrete median strip in Grand Parade to reduce dangerous driving and improve traffic flow.
- Safe adventure playground
- Dog off leash area
- Basketball court
- Support removal of Carruthers Drive parking area, it is dangerous in summer with children and cars.
- Leave things as they are, cannot see benefits, will cause inconvenience and cost money.
- Keep picnic areas away from residences and reduce impacts to Sandringham Street. Relocate the park parking in Sandringham Street away from residents.
- The proposed car park reduces green space where families picnic, seems against State Government plans to increase parklands.
- Retain existing trees which are wind breaks, prevent sand being blown onto the street and houses and provide shade and nesting areas for native birds.
- Sand washing up onto promenade makes walking difficult and cycling will be impossible if moved here.

Feedback from Omeros restaurant owner and Ramsgate LSC

- Provision for loading, delivery, drop off/collection, community buses/groups, disability
- General storage concerns for RLSC
- Improve forecourt area, maintain greenspace
- Loss of sand at Ramsgate Baths and Nippers use of adjacent beach which is not netted
- Parking and drop off for customers, some customers have restricted abilities/are aged. Difficulty at times for unloading/deliveries due to congestion in car park. Customer complaints about parking.
- Parking is unrestricted. Some anti-social behaviour, campers.
- Night closure of car parks, staff who work past 11pm
- Picnics, parties, groups etc close to restaurant entry/windows, congestion
- Complaints about the public amenities
- Beach erosion and impacts of wave action on seawall stability/undermining

- Litter bins





Figure 27: Refined Masterplan

REFINED MASTERPLAN



6.1 OVERVIEW

The refined Masterplan is focussed on below key design areas:

- 1. Foreshore promenade
- 2. Ramgate Beach Plaza
- 3. Off-street parking
- 4. Picnic areas

Each of these are described on the following pages.

LEGEND

- 1. Ramsgate Beach Plaza
- 2. Family/ picnic areas
- 3. Foreshore promenade (widened)
- 4. Off-street parking (costing option 1 or 3 in Section 7)
- 5. Foreshore promenade and parklets
- 6. Off-street parking (costing option 2 or 3 in Section 7)
- 7. New loop path

6.2 WATERFRONT PROMENADE

6.2.1 PROMENADE - SOUTH OF CARRUTHERS DRIVE

The promenade in the southern section of the park has the following design elements:

- A minimum 3m wide shared path along the foreshore
- A minimum 4m wide path at the back along the edge of Pine Park for maintenance access
- Geometric shaped islands disrupting the existing 14m wide road with various treatments such as landscaped mounds, rain gardens and sand pits.

- Concrete feature seating – contemporary geometric shapes along the edge of the path at key junction points
- New beach access stairs and landing/ lookout – facilitates connection to the beach as well as resting, gathering and people watching
- New tree planting – along the promenade to provide shade and create visual interest

LEGEND (SECTIONS)

1. Balustrade – potential partial removal where height to sand is <1m
2. Shared waterfront path min 3m wide
3. Parklets with new planting
4. Maintenance and emergency vehicle route min 4 wide
5. Stone Pine Grove
6. New beach access stairs and landing/ lookout

LEGEND (PLAN)

New beach access stairs and landing/ lookout

1. Park platforms at node
2. Shared waterfront path min 3m wide
3. Parklets
4. 4m wide maintenance and emergency vehicle route
5. Path to The Grand Parade and bus stop
6. Tie-in to existing separated path

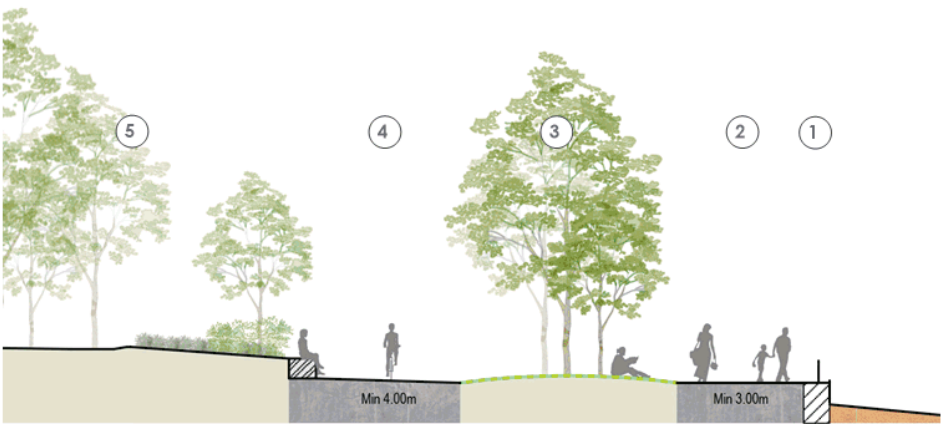


Figure 28: Section A – typical landscaped mound (Scale 1:200)

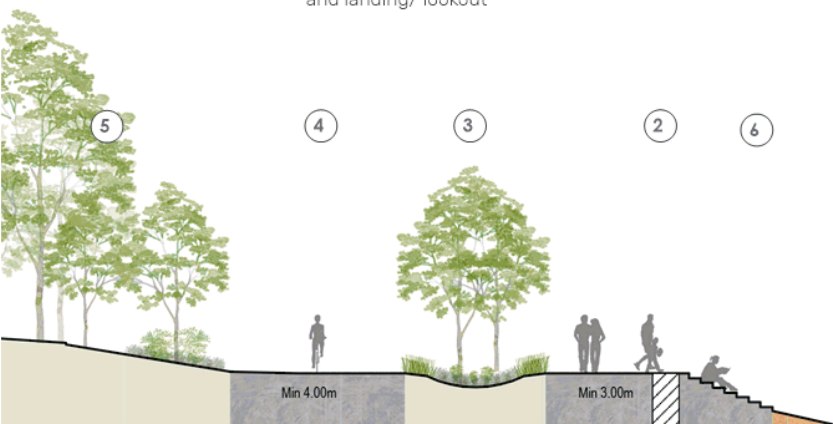


Figure 29: Section B – typical rain garden (Scale 1:200)

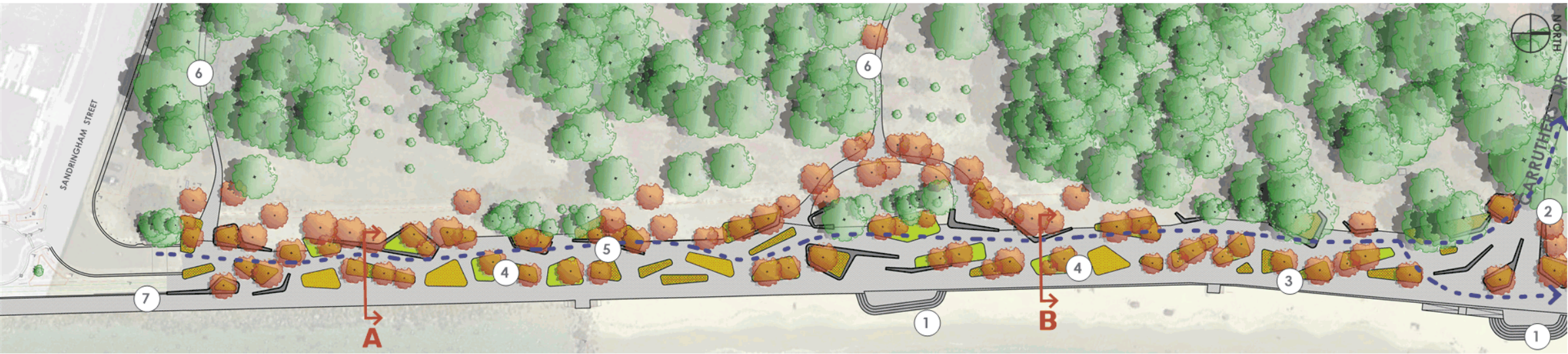


Figure 30: Plan of waterfront promenade – south (Scale 1:1000)

6.2.2 PROMENADE - NORTH OF CARRUTHERS DRIVE

The promenade in the northern section of the park incorporates the following design elements:

- 4.5m shared path - to be used by pedestrians and recreational cyclists. The shared space is adjacent to the edge of the sea wall optimising the visual connection to the water. It also increases the park area providing more opportunities for picnicking and recreation.
- Concrete feature seating - contemporary geometric shapes spaced evenly along the foreshore. They are set back from the promenade and encourage social interaction and viewing of the water.

- Break out spaces - are strategically positioned close for viewing of beach activities such as Sunday morning nippers.
- New beach access stairs and landing/ lookout - facilitates connection to the beach as well as resting, gathering and people watching
- New tree planting - along the promenade to provide shade and create visual interest

LEGEND

- | | |
|-----------------------------------|---|
| 1. Shared promenade | 5. Existing cycle path removed |
| 2. Concrete seats | 6. New beach access stairs and landing/ lookout |
| 3. Break-out space/ meeting place | 7. Park platforms at node |
| 4. New tree planting | 8. Balustrade. Partial removal subject to safe drop heights |

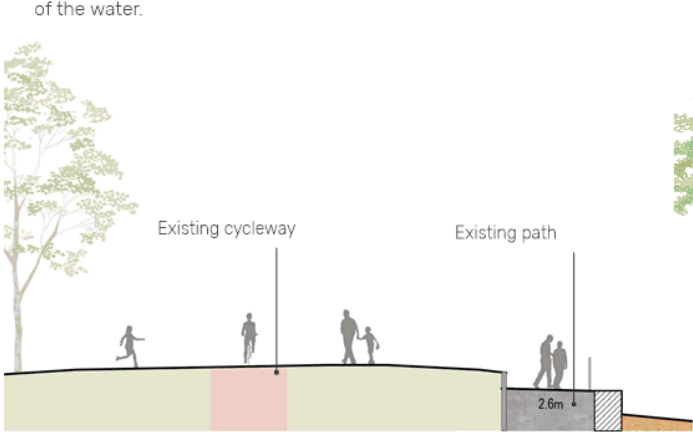


Figure 31: Section C - Existing - if northern promenade is retained (Scale 1:200) Section A (Scale 1:200)

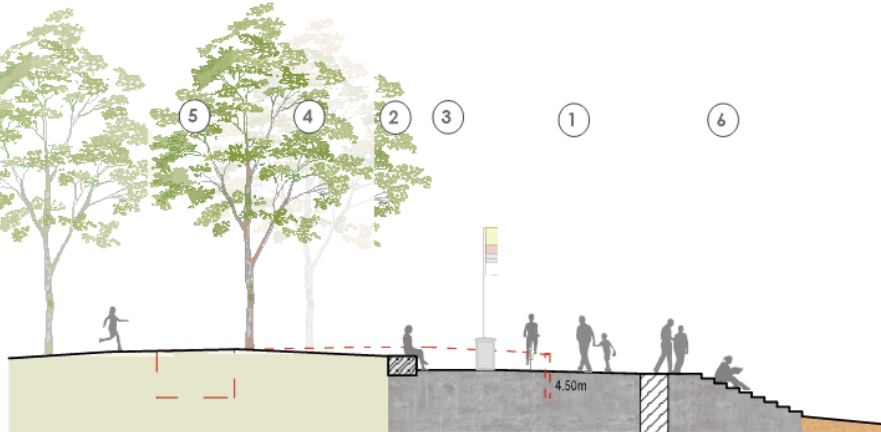


Figure 32: Section D - proposed (Scale 1:200)



Figure 33: Section E - proposed (Scale 1:200)



Figure 34: Plan of waterfront promenade - north (Scale 1:1000)

6.3 RAMSGATE BEACH PLAZA

The plaza incorporates the following design elements:

- Use of flat floating platforms at 3 different levels to fit to existing topography (Figure 37)
- Use of platform as seating (Figure 37)
- Geometry based on neuron morphology (Figure 41)
- Very gentle slopes between platforms.
- Cut outs within platforms for vegetation.
- In situ concrete benches to reinforce geometry and directions.
- Broken edging of shared paths to slowdown cyclists.
- Facilitate access to restaurant.
- Clear open space to allow surf club gathering.
- Disabled access from any platform from/to promenade.
- New tree planting to provide shade.
- New lawn areas for informal recreational use.
- Informal drop-off zone close to buildings (club & restaurant).

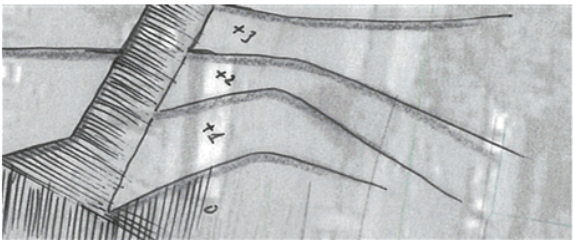


Figure 37: Three platforms

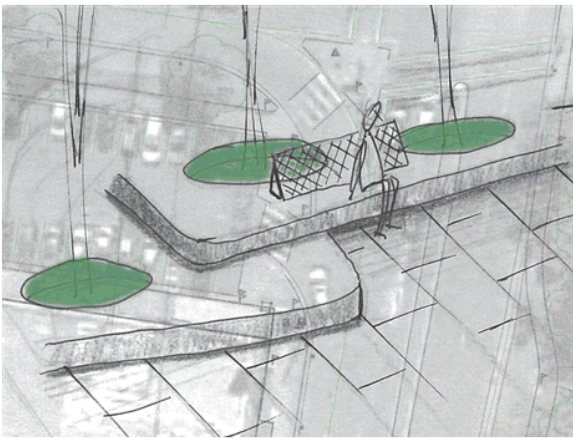


Figure 38: Use of platform seating



Figure 39: Plan of Ramsgate Beach Plaza (Scale 1:500)

LEGEND

- | | |
|--|--|
| 1. Omeros restaurant | 7. Accessible ramp |
| 2. Existing public toilets and services | 8. Existing promenade retained |
| 3. RLSC | 9. Shared path |
| 4. Drop-off area/ service access (shared zone) | 10. Picnic areas |
| 5. Plaza | 11. Separated and lit path to car park |
| 6. Terraces | 12. STA bus stop |

6.4 PROPOSED PARKING LAYOUT

6.4.1 NORTHERN CARPARK

- The existing 40 space carpark will be retained and expanded to the south. The existing northern entrance will be retained with a one-way system travelling south, exiting at Carruthers Drive.
- The carpark has been configured to retain a majority of existing trees. These trees will be supplemented with new trees to help integrate the carpark into the existing park setting.
- Parking is predominately 90° with areas of parallel parking and drop-off bays where existing trees constrain available space.
- There is provision for three disabled parking spaces.
- The carpark is graded towards the park to a turfed drainage swale.
- Bollards will be located along the park side edge of the carpark to cars entering the park.

6.4.2 SOUTHERN CARPARK

- The carpark will be a one-way system travelling south, entering off The Grand Parade, south of Carruthers Drive and exiting at Malua Street.
- A number of existing trees will be removed to maximise the number of car spaces. The existing Stone Pine forest provides an attractive backdrop. New tree planting along The Grand Parade will lessen the visual impact of the carpark.
- Parking is all 90°.
- There is provision for six disabled parking spaces.
- A path system through Pine Park will cross the carpark to link with the existing bus stop.
- The carpark is graded towards the park to a turfed drainage swale.
- Bollards will be located along the park side edge of the carpark to cars entering the park.

6.4.3 TOTAL NUMBER OF CARPARKS

Existing:
373 legal and trial spaces

- North: 123
- South: 105
- Trial area: 145

Preferred design:
360 spaces

- North: 121
- South: 239
- Costing Option 1 temporary shortfall: 2 (excludes loss of Carruthers Drive parking)

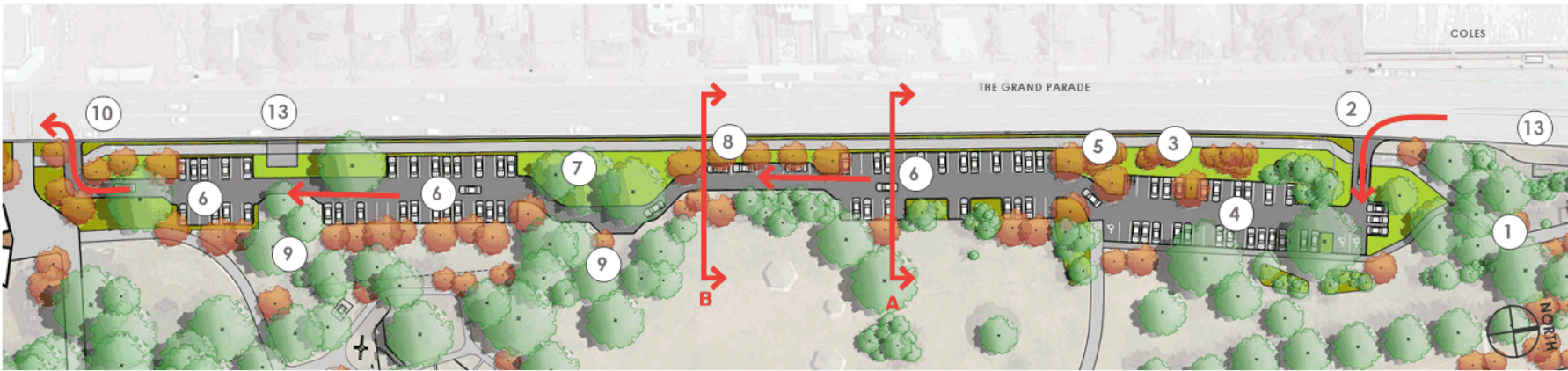


Figure 45: Plan of carpark in northern section (Scale 1:1000)



Figure 46: Plan of carpark in southern section (Scale 1:1000)

LEGEND

- | | |
|--|---|
| 1. Accessible path to RLSC/ Omeros | 8. Parallel parking spaces |
| 2. Existing car park entrance/ exit reconfigured | 9. Drop-off bay |
| 3. Cycle path | 10. Existing Carruthers Drive exit reconfigured |
| 4. Existing car park retained | 11. New car park access to/ from The Grand Parade |
| 5. Existing car park entrance/ exit removed | 12. Alice Street amenities |
| 6. New 90° parking spaces | 13. STA bus stop |
| 7. New tree planting along The Grand Parade (Norfolk Island Pines) | 14. New loop path |

7.1 COSTING

Three options have been considered for costing which are outlined below.

7.1.1 OPTION 1

Inclusions:

- Northern car parks including bollards and turfed swale
- Link path to RLSC
- Removal of RLSC car park
- Provision of drop-off/ delivery area near RLSC
- Southern promenade and parklets (may be reduced from what is shown in masterplan)
- Removal of parking in the east-west section of Carruthers Drive and reduction in paved/ road area
- Concrete seating (less than shown in masterplan)
- Tree planting (less than shown in masterplan and small stock sizes)
- Minor planting around RLSC (less than shown in masterplan and small stock sizes)
- Reduced planting areas around RLSC (less than shown in masterplan and small stock sizes)
- Beach access stairs (one only)
- Three bike racks

Exclusions:

- Lighting
- Power upgrades
- Irrigation
- Balustrades
- Commuter cycle way
- Changes to northern promenade and existing separated cycleway
- Picnic furniture
- Plaza works including terraced platforms at RLSC
- Park/ picnic furniture
- Exercise equipment
- Signage other than car park signage
- Southern loop path
- Southern car park

Cost estimate based on masterplan concept: \$3,496,981

7.1.2 OPTION 2

Inclusions:

- Northern car parks including bollards and turfed swale
- Link path to RLSC
- Removal of RLSC car park
- Provision of drop-off/ delivery area near RLSC
- Southern promenade and parklets (may be reduced from what is shown in masterplan)
- Removal of parking in the east-west section of Carruthers Drive and reduction in paved/ road area
- Northern shared promenade
- Commuter cycle way from Ramsgate Road to Alice Street and native grasses along The Grand Parade
- Concrete seating (less than shown in masterplan)
- Lighting along the promenade, in car park and drop-off section of plaza
- Picnic furniture
- Tree planting and groundcover planting, new turf
- Beach access stairs and ramps
- Three bike racks

Exclusions:

- Irrigation
- Balustrades
- Plaza works including terraced platforms at RLSC
- Exercise equipment
- Interpretive signage
- Bubblers
- Southern loop path
- Southern car park

Cost estimate based on masterplan concept: \$8,612,721



Figure 53: Option 1 key inclusions

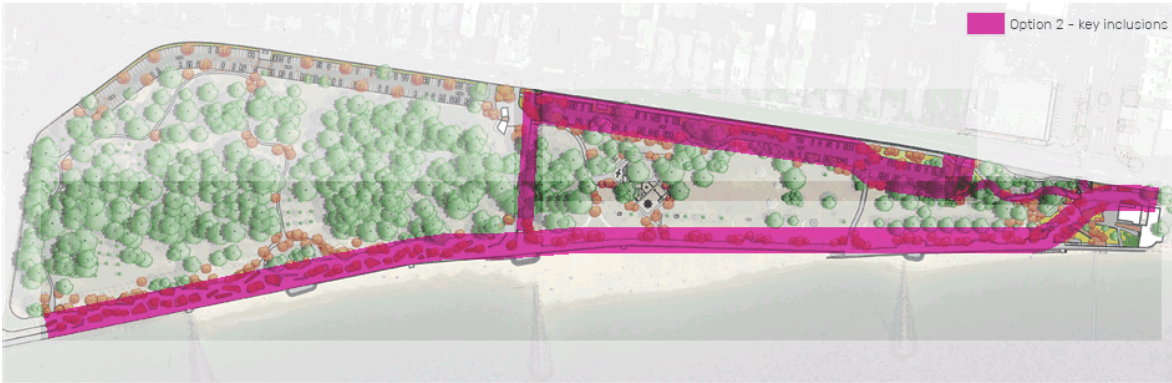


Figure 54: Option 2 key inclusions

COST PLANS

7.1.3 OPTION 3

This is a costing for the entire Masterplan:

Inclusions:

- All works as shown in the masterplan
- Southern commuter cycle path from Alice Street to Mahlua Street

Exclusions:

- Irrigation
- Bubblers

Cost estimate based on masterplan concept: \$13,753,233

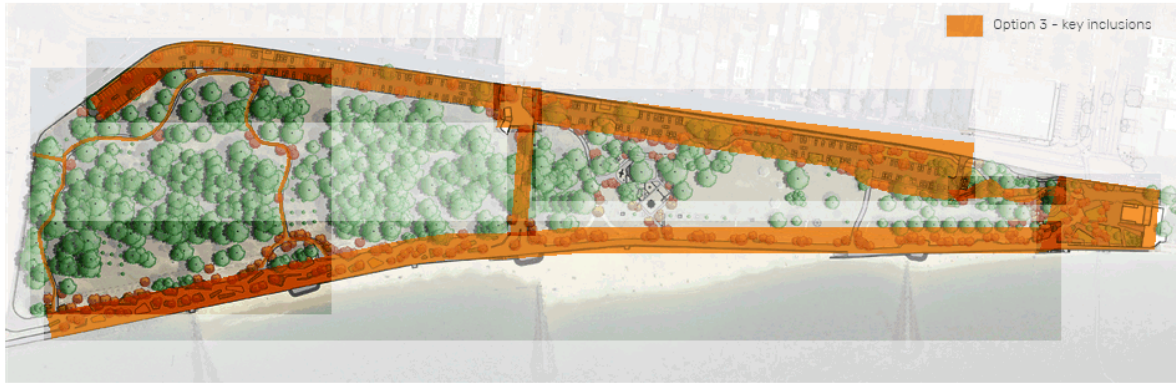


Figure 55: Option 3 - key inclusions

Council Meeting

13/12/2017

Item No	8.12
Subject	Request to Grant Leases to St Vincent de Paul for 2 Laycock Street, Bexley North
Report by	Benjamin Heraud, Coordinator Property
File	F08/381P02

Summary

2 Laycock Street, Bexley North is a Council owned site. The subject property is leased to St Vincent de Paul who provide accommodation for aged residents who are in greatest pecuniary need.

This report deals with the renewal of the lease agreement for the abovementioned site for a term of 5 years.

Officer Recommendation

- 1 That Council endorses a lease to St Vincent de Paul over 2 Laycock Street, Bexley North for a term of 5 years.
 - 2 That the Mayor and General Manager be authorised to sign, and seal where required, all documents required to complete this matter.
-

Background

In 1975 St Vincent de Paul Society (the 'Society') negotiated a 20 year lease on Council land whereby they built eleven one bedroom units, based on a peppercorn rental of \$52 per annum excl GST. The agreement expired on 31 December 2016 and remains in hold over pending the outcome of the renewal.

The property provides hostel accommodation for aged residents who are unable to afford private rent. Occupants of the units are charged approximately 30% of the aged pension and the average rent received (per resident) is \$142.80 per week. This rental includes the provision of water and electricity. In addition the Society supplies all fridges, washing machines and dryers.

The current agreement is a 'Net Agreement' in that the Society are responsible for all operating costs and maintenance.

Occupancy Renewal Policy

The proposed lease was assessed against the Community Facilities – Occupancy Renewal Policy and Table 1 summarises the outcome of the assessment.

Table 1 - Community Facilities - Occupancy Renewal Policy Assessment

Theme	Score – 2 Laycock Street
Strategy	No alternative use strategy applies
Condition	5/20 – Threshold not met
Financial	20/30 – Threshold met
Service	30/40 – Threshold met
Use	50/70 – Threshold met

The proposed occupancy meets three out of the four thresholds. In terms of Condition, the policy assesses against two criteria, being:

- 1 Has the site deteriorated? and
- 2 Will the condition improve as a result of future occupancy?

The Society over their tenure have maintained the premises as such the condition has not deteriorated (10 points). The Society propose no capital works with the renewed agreement and on this basis the condition is not likely to improve. Further, given the short term of tenure contemplated (5 years) it would not be feasible for the Society to invest capital above what is required to maintain the premises.

In consideration of the above, Council can progress a renewed tenure over the site.

Valuation and the Rental Assistance Subsidy Policy (RASP)

Council engaged Southern Alliance Valuation Services for 2 Laycock Street, Bexley North who determined (by way of valuation) the market rent at \$217,000 per annum, excl GST. In accordance with Councils' RASP Policy, the Society qualify for a 91% subsidy. This equates to a \$197,470 per annum subsidy, provided by Council in recognition of the values and services St Vincent de Paul are offering to the community at this location.

On this basis the commencement rent would be \$19,530 per annum. The passing rent (existing) for this site is a peppercorn rent of \$52 per annum. St Vincent de Paul have agreed to the new subsidised rent upon commencement of the new lease.

Table 2 below provides an analysis of the relevant values for the new lease over 2 Laycock Street.

Table 2 – Key Analysis of Values

	2 Laycock Street
Market Rent (SAVS Valuation)	\$217,000 per annum
Calculated RASP Subsidy	(91%) \$197,470 per annum
Calculated Commencement	\$19,530 per annum

Rent	
Existing Passing Rent	\$52 per annum
Increase in Rent Yielded (%)	37,578%

Financial Implications

Not applicable

☐

Included in existing approved budget

☒

<<Enter comment if required or delete>>

Additional funds required

☐

<<Enter comment if required or delete>>

Community Engagement

Nil

Attachments

Nil

Council Meeting

13/12/2017

Item No	8.13
Subject	Arncliffe Park - Synthetic Playing Field and Flood Mitigation
Report by	Zoran Sarin, Coordinator Asset Strategy
File	SC16/4

Summary

In October 2015 Council prioritised installation of a full sized synthetic field at Arncliffe Park

As Arncliffe Park is a floodway and is anticipated to be inundated with flowing floodwaters up to 0.5m in depth during a 1 in 100 year rainfall event, special consideration needs to be given to the design of the synthetic field to ensure that it is free from inundation. This requires either the diversion of the flood waters around or below, or a combination of both, to ensure flood water are not impeded and the synthetic field is not at risk of damage.

Various location specific investigations such as geotechnical reports, topographical surveys and flood studies have been carried out in order for the project to progress to the next stage being preparation of a Design and Construct Tender.

Officer Recommendation

- 1 That Council approve the preparation of a Design and Construct Tender to progress the Arncliffe Park (combined synthetic playing field and flood mitigation) Project.
 - 2 That Council approve the utilisation of funding sources as outlined within this report to deliver the Project.
-

Background

Bayside Council is responsible for local planning and land management in the Bonnie Doon channel catchment including the management of the floodplain.

Bonnie Doon catchment has been the subject of a number of flood investigations over time, with flood studies undertaken in 1996, 2001 & 2017. The 1996 flood study informed the ***“Wolli Creek, Bardwell Creek, Bonnie Doon Channel, Eve Street/Cahill Park Catchments Floodplain Management Plan, 1998, by Webb McKeown & Associates”*** which was subsequently adopted by Council. Various potential flood risk mitigation options were identified and assessed during this process, one of which was to investigate construction of a retarding basin in Arncliffe Park.

In October 2015 Council issued a consultancy services brief for “Analysis and Design of Flood Modification Measures in the Bonnie Doon Channel Catchment”. WMA Water were engaged as the lead consultant to explore various potential flood mitigation options. The main options at the outset were upgrading the stormwater drainage along Wollongong Road in Arncliffe between Athelstone Avenue and Allen Street, and investigating the potential

benefits of constructing a detention basin in Arncliffe Park to temporarily store flood water for the benefit of downstream properties.

Council separately resolved to provide a synthetic playing field within Arncliffe Park.

Synthetic fields are not designed nor suited to inundation arising from overland flow due to mainstream flooding. Where overland flow occurs on a synthetic field, it results in either the need to full replace the synthetic grass, infill and shock pad or, in some situations the underlying pavement also needs to be replaced. In other words, the entire capital outlay, some \$2 million on average, is at risk of complete failure. There are a number of examples within Sydney where this has occurred.

WMA Water were tasked to examine combining a synthetic turf field with various types of flood detention options to determine if both Council objectives can be met at Arncliffe Park.

The investigation has included flood modelling and impact assessment, property damages assessment and economic analysis. A preliminary geotechnical assessment was also undertaken to determine the soil classification at Arncliffe Park and used to inform excavation and disposal earthworks rates.

Flood Mitigation Options

WMA Water investigated a number of flood mitigation options although the main options at the outset were upgrading the stormwater drainage along Wollongong Road in Arncliffe between Athelstane Avenue and Allen Street, and investigating the potential benefits of constructing a detention basin in Arncliffe Park to temporarily store flood water for the benefit of downstream properties.

1 Wollongong Road option

This option essentially intercepts stormwater south of Wollongong Road which would otherwise continue to fall to the north side of Wollongong Road and towards the natural gully which passes through Arncliffe Park. As such this option provides benefits to existing flood affected properties within the gully from Dowling Street at the top of the catchment down to Allen Street. This option provides very little benefit downstream of the railway.

2 Arncliffe Park Detention Basin

This option investigates the provision of approximately 13,500m² of basin storage within Arncliffe Park to attenuate the effect of flooding during varying storm events. While this option does not provide benefits upstream of Arncliffe Park, it does have significant benefits around Kelsey Street (up to 260mm reduction) in Bonar and Bidjigal Road (up to 200mm) as well as providing benefits downstream of the railway in Arncliffe Street.

Given the potential flood mitigation benefits of the Arncliffe Park Detention Basin as well as the need to protect the synthetic playing field from overland flow that affects Arncliffe Park, it is recommended that Council pursue the maximum capacity of detention storage possible, subject to costs associated with excavation of the soil which has been classified as General Solid Waste (Non-putrescible).

Other Issues

Arncliffe Park is currently utilised in summer for junior cricket. The provision of a synthetic playing field would require an alternative location for this activity both during construction and post construction. At this stage the most likely alternative location is Scarborough Park. However Council would undertake consultation with the various stakeholders before a final decision was made.

Approvals

The flood mitigation component is permitted without consent under the *State Infrastructure Planning Policy (Infrastructure) 2007*. The synthetic field, as it is above ground, requires a Development Application as Arncliffe Park is a local heritage item. An existing Conservation Management Plan exists for the Park and will inform the assessment.

Typically a project of this size and cost would trigger the NSW Government's Capital Expenditure Guidelines which apply to all capital projects for infrastructure facilities that are expected to cost in excess of 10% of Council's annual ordinary rate revenue or \$1 million, whichever is greater. However, the Guidelines do not apply to capital expenditure associated with stormwater drainage. Clarification was sought from the Office of Local Government seeking to confirm this project would be exempt on the basis that the cost associated with the detention basin would be exempt, being a stormwater structure. While the OLG concurred with the definition, they cannot provide legal advice in that respect and advised Council to seek its own legal advice to support this position. Council will continue to pursue clarification of this issue to ensure we remain compliant with the Guidelines.

Estimated Costs

The estimated cost of the combined detention basin/synthetic field is between \$7.7 million and \$11.1 million.

The cost of a synthetic field alone is anticipated at \$2 million. This would increase in relation to this project as it is necessary to construct the field so that it does not affect the flow of flood waters through the site nor is the field affected by those very flood waters. This would increase the cost of the synthetic field to \$4 million.

The reason for the variation in price is predominately related to soil conditions on site and the varying costs associated with disposal of excavation earthworks. The following are typical earthworks rates:

- General Solid Waste (GSW): \$585/m³
- Excavated Natural Material: \$90/m³
- Reuse on-site: \$25/m³

The variation in cost is significant and due to the substantial volumes required for the detention facility (approximately 13,500m³), this causes the large variation in price. To minimise this variation Council would require the Design and Construct Contract to ensure that significantly more soil testing was undertaken and require a design which re-uses as much of the excavated material as possible and requires the earthworks contractor to sort or treat the material prior to disposal to minimise the quantity disposed as General Solid Waste.

Funding Sources

Council's resolution of October 2015 endorsed funding from the Strategic Priority Reserve and to seek contributions from grants and other sources as appropriate. The following are potential sources of funding:

Strategic Priority Reserve - \$4.0 million

Precinct Support Scheme - \$4.5 million

Council has submitted a funding application to the Department of Planning and Environment (DPE) under the Precinct Support Scheme. It appears that the Department has accepted the proposal and is awaiting the formal declaration from the Minister for approval. This is expected imminently.

Stormwater Levy - \$4.3 million

There are \$4.3 million in funds available and a number of projects currently being developed in consideration of those funds. As such this amount is subject to prioritisation.

URA S94 Plan - \$7.4 million

The URA S94 Plan contains a significant drainage/stormwater works schedule to support the Wolli Creek and Bonar Street high density precincts. The detention basin is currently not a works schedule item and this would require an amendment to the Plan to facilitate any use of funds already held for drainage/stormwater. Access to these funds is complicated as Council is currently working with IPART and the DPE seeking approval to levy greater than the \$20,000 per dwelling cap imposed on S94 contributions levied. Similar to the stormwater levy, these funds would be subject to prioritisation as other projects are proposed to access these funds.

Rockdale S94 Plan 2010 - \$29 million

The Rockdale S94 Plan contains a significant amount of funds which are held as "Old Plan Carried Forward".

As per the stormwater levy and the URA S94 Plan, Council needs to consider the prioritisation of the works or land acquisitions in determining how to best allocate these funds.

Office of Environment & Heritage (OEH)

Typically the OEH will fund measures adopted through a Floodplain Risk Management Plan on a 2:1 funding basis. However this is dependent on the benefit cost ratio of the proposal. Council has sought a number of grants from OEH for works and has been unsuccessful. Based on previous experience it is considered of low probability that we would be successful for this project, however Council will continue to pursue this as an option.

In summary, funding for the combined detention/synthetic field project can be sourced subject to Council agreement and prioritisation. Some funds would require amendment and re-exhibition of existing S94 and/or S94A Plans to include this facility in their work schedules.

Financial Implications

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

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

13/12/2017

Item No	8.14
Subject	Minor Parks Improvements
Report by	Hayla Doris, Manager Recreation and Community Services
File	SF16/1264

Summary

This report addresses the minor parks improvements raised in the adopted Notice of Motion submitted by Councillor McDougall at the Council Meeting of 8 November 2017.

Officer Recommendation

- 1 Localised community consultation be undertaken of users, visitors and local residents in the vicinity of the Lance Stoddert Reserve to gauge support for a fenced dog off-leash area to inform a recommendation to the February 2018 meeting of Council.
 - 2 Scoping of resident communication plan, costings, construction program and management regime be undertaken for Lance Stoddert Reserve and a firm budget for the works be brought to the February meeting of Council with options for a mechanism to fund unbudgeted works in the 2017/18 budget.
 - 3 Given the extensive consultation undertaken in the development of the Cooks Park Plan of Management and Masterplan and the support for the proposed off-leash area for the Cooks Park foreshore undertaken by Council in 2014, there is no need to repeat the consultation for this area.
 - 4 Further investigation into the optimum location for dogs off-leash be undertaken in conjunction with the recommendations of the Cooks Park Plan of Management and Master plan with proposed community notification plan, scoping of costs and management regime to be brought to the February 2018 meeting of Council with options to fund unbudgeted works in the 2017/18 budget.
-

Background

A notice of motion was submitted by Councillor Ed McDougall to the November meeting of Council requesting that Council provide a report to the December meeting with a scope of works, costings and any options for the establishment of an off-leash dog walking area at Lance Stoddert Reserve, Kyeemagh and Lady Robinsons beach north of Solander Street Monterey and a location near the C-side Pavilion at the northern end of the beach.

Lance Stoddert Reserve

The Reserve currently comprises a children's playground and the Bay Community Garden and is well utilised by the local community. It is possible to physically install a fenced off-leash dog area in the Reserve, provided the requirement under the Companion Animals Act to maintain a 10 metre distance between a children's playground and dog activity is met.

Indicative costs obtained from the construction of the Civic Avenue Kogarah facility indicate that construction costs in the order of \$60,000 would be required to install the necessary fencing, regulatory signage, seating and waste disposal facilities.

There has been no community consultation undertaken in relation to an off-leash dog park in this location and the operational cost of compliance enforcement has not been scoped.

Lady Robinsons Beach and C Side Pavilion

Lady Robinsons Beach is located in Cook Park and is the subject of the Cook Park Plan of Management and Master plan, which is a requirement for Council's management and operation of Crown Land owned by the State of NSW. The land is prescribed as being set aside for the benefit of the people of NSW. An Independent Environmental Assessment conducted by Australian Museum Business Services (AMS), prepared in 2014 also prescribes environmental factors that need to be considered when making decisions about the use of the land.

The Cook Park Plan of Management and Master plan, developed through comprehensive community consultation in 2010, anticipates an area where a review of options for off leash dog access to the water would be appropriate, north of the Kyeemagh netted baths and west of the St George Sailing Club. From a governance perspective, off-leash activity in these areas would be supported by an already adopted master plan, which has been endorsed by the community.

A proposal previously put to Council in August 2014 for the trial of an off-leash dog park between Solander Street and Banks Street Monterey was lost, 8 votes to 6.

If Council was to consider an off-leash park in the areas identified in the Plan of Management, there are many examples of coastal councils where a timed access on the beach for dogs (usually 4pm – 10am) have been successfully implemented.

There are no examples of fenced beaches that extend into the water and restrict access to other areas of the beach that Council officers can locate. Issues such as unpredictable tides, ownership of the land beyond the high water mark being out of Council's management and control (RMS owned) and conflict between other users (boats, watercraft, swimmers) would require extensive consultation, landowner approvals and management solutions likely to render this an impractical and much longer term solution.

Financial Implications

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

Community Engagement

The community engagement actions in relation to the Off Leash dog area are as follows:

- Localised community consultation would be undertaken of users, visitors and local residents in the vicinity of the Lance Stoddert Reserve to gauge support for a fenced

dog off-leash area to inform a recommendation to the February 2018 meeting of Council.

- Extensive consultation in the development of the Cooks Park Plan of Management and Masterplan and the support for the proposed off-leash area for the Cooks Park foreshore were undertaken by Council in 2014, there is no need to engage in further consultation for Lady Robinson Beach and C Side Pavilion.
-

Attachments

- 1 Australian Museum Business Services Consultants
- 2 Cook Park Management Plan [↓↓](#)



Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

Prepared by Australian Museum Consulting
for Rockdale City Council

Final Report

July 2014

AM Consulting Reference: 1300307

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Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

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Recipient:	Alexandra Vandine, Rockdale City Council
Authors:	Dr Terry O'Dwyer and Belinda Pellow
Approved by:	Glenn Muir

Executive Summary

Australian Museum Consulting (AM Consulting) was engaged by Rockdale City Council to perform an assessment of the potential impacts of a proposed new off-leash dog area on Lady Robinsons Beach at Monterey within the City of Rockdale. The objectives of this study were to (1) identify which flora, fauna and vegetation communities could be potentially impacted and/or are vulnerable to the proposed off-leash activity, (2) identify the levels of impact the proposed off-leash dog activity would cause to flora, fauna and vegetation communities, (3) investigate the merits of placing seasonal or time restrictions on access to the site and (4) provide recommendations on how to mitigate any potential impacts of the proposed off-leash dog activity on flora, fauna and vegetation communities.

Background information for this assessment was sourced from database searches, the scientific literature, aerial photography, previous surveys of the area, data collected by community groups and field surveys. The desktop review and field surveys identified 114 fauna species that occur, or have the potential to occur, within the locality and are listed as threatened under the *Threatened Species Conservation* (TSC) Act, are listed as threatened or migratory under the *Environment Protection and Biodiversity Conservation* (EPBC) Act, or are listed as threatened under the *Fisheries Management* (FM) Act. The list includes 79 species of birds, 16 species of mammals, six species of reptile, four species frog, seven species of fish and 2 species of insect. However, most of these species have not previously been recorded in the study area.

A field survey of the proposed off-leash area found that the site is located in an area of Lady Robinsons Beach that is relatively narrow and has a limited intertidal zone. The site contained little vegetation and few features that would provide suitable habitat for threatened flora or fauna. The site was obviously subject to disturbance from human recreational activity (walkers, joggers, fishers etc.) and nearby boat traffic. Dog prints were also observed.

The proposed off-leash site is relatively small (approximately 0.5 ha) and represents about 2% of the length of the beach. However, it is possible that some of the threatened or migratory species that are known from the locality could use the area for foraging or roosting on occasion. Therefore, assessments of significance were performed for 11 species that are listed as threatened on the TSC Act and 27 species that are listed as migratory on the EPBC Act.

The assessments found that potential impacts from the proposed action are unlikely to be significant and unlikely to be sufficient to place any local populations at risk of extinction. Based on records of occurrence and habitat requirements, the proposed site is not considered to represent important foraging or breeding habitat for any of these species. The site is already subject to a relatively high level of human disturbance and it is considered unnecessary to place time or seasonal restrictions on access. It should be noted that the conclusions are based partly on off-leash dogs being restricted to designated areas, as off-leash animals could have a higher level of impact on threatened or listed migratory species if given access to some other parts of the beach. A number of recommendations are made to avoid, minimise or mitigate potential impacts:

- Council rangers to enforce appropriate use of the off-leash areas (in particular, confining off-leash dogs to designated areas) including the collection of faeces. The number of visits by rangers and the number fines or warnings that are issued should be monitored by Council to assess the long-term currency of this area as an off-leash dog area. (High priority).

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

- Erection of signage reminding dog-owners of their responsibilities to stay within specified boundaries and to remove dog droppings, and to provide information on the importance of the area for native wildlife. (High priority).
- Off-leash access to the Monterey site should be re-assessed to consider cumulative impacts if Council decides to permit access to the previously-assessed sites at Kyeemagh and/or Sans Souci. (High priority).

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1 Introduction

1.1 Background

Australian Museum Consulting (AM Consulting) was engaged by Rockdale City Council (RCC) to conduct a flora and fauna assessment of a proposed off-leash dog area within the City of Rockdale. There are currently five off-leash dog areas of varying size in the LGA, located in parks in Kingsgrove, Bardwell Valley, Kogarah, and Sans Souci (Figure 1.1). These off-leash dog areas are designated areas either fenced or unfenced where dogs can be exercised off-leash. Under RCC's Exercising of Dogs Policy 2013, any dog using the area must be registered and identifiable, dogs must be on a lead outside the declared off-leash area and the dog owner or handler must be present at all times and have effective control of their dog(s). In addition, persons responsible for their dogs are required to remove the dog's faeces and associated litter and debris.

The proposed action being assessed in this report would involve the establishment of a new coastal off-leash dog area on Lady Robinsons Beach at Monterey (Figure 1.2).

1.2 Aims

The aims of this study are to examine the potential impacts of the proposed action on flora and fauna. Specifically, the objectives are to:

1. identify the flora, fauna and vegetation communities that could potentially be impacted and/or are vulnerable to the proposed off-leash activity;
2. identify the levels of impact the proposed off-leash dog activity would cause to flora, fauna and vegetation communities;
3. investigate the merits of placing seasonal or time restrictions (between 4 pm and 10 am) on access to the site; and
4. provide recommendations where relevant on how to mitigate the impact of the proposed off-leash dog activity on flora, fauna and vegetation communities.

The significance of potential impacts on listed migratory species and threatened species, populations and ecological communities listed by the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and/or the NSW *Threatened Species Conservation Act 1995* (TSC Act) was considered through application of the "significant impact guidelines" provided by the Australian Government and the "7 Part Test" pursuant to Section 5A of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) respectively.



Figure 1.1 Locations of current off-leash sites within the City of Rockdale (from Exercising of Dogs Policy RCC 2013).

1.3 Site Description and Potential Impacts

The proposed coastal off-leash dog area is located on Lady Robinsons Beach at Monterey (Plate 1.1, Figure 1.2). The site is located adjacent to a car park along a busy road, The Grand Parade. The site is approximately 170 m long.

The main potential impacts on flora and fauna that would arise from locating an off-leash dog area in this location are related to disturbance to other animals that might use the area due to the presence of off-leash dogs and an increased human presence in the area. Other potential impacts include the addition of pollutants (nutrients and pathogens) to the bay as a result of dog faeces being left on the beach.

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

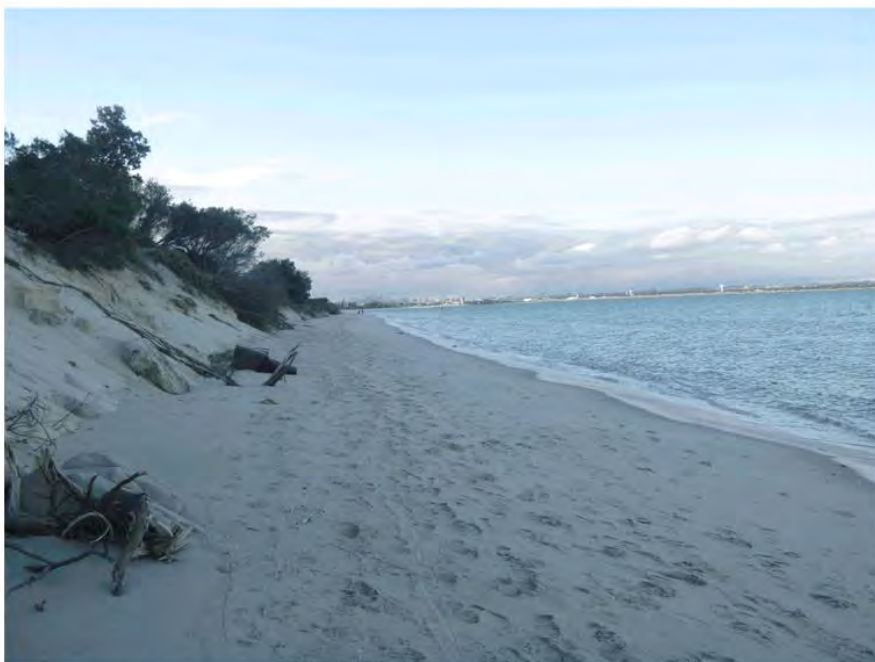


Plate 1.1 The proposed off-leash area at Monterey showing width of inter-tidal zone and evidence of erosion of the shoreline.



Figure 1.2 Location of proposed off-leash dog area at Monterey.

2 Methods

2.1 Desktop Review

A desktop review of existing information regarding the flora and fauna of the proposed off-leash area and the surrounding locality was performed. Information sources included:

- A search of the NSW Office of Environment and Heritage (OEH) *Atlas of NSW Wildlife* database, for records of threatened flora and fauna listed on the TSC Act. The search area was bounded by a radius of 5 km from the proposed site.
- A search of the Commonwealth Department of the Environment (DoE) *Protected Matters* database, for matters of national environmental significance listed on the EPBC Act. The search area included a radius of 5 km of the proposed off-leash area (Department of the Environment 2014).
- A search of the NSW Department of Primary Industries, Fisheries and Aquaculture database for threatened species listed under the *Fisheries Management Act 1994* (FM Act).
- Data obtained from the Australasian Waders Study Group, who perform weekly shorebird surveys of Botany Bay. Threatened or migratory species recorded from 2006 to 2013 were included.
- Sydney Metropolitan Catchment Management Authority vegetation maps (DECCW 2009).
- Opinion from Debbie Andrew (OEH) on the potential importance of the site for shorebirds in the area.

2.2 Field Survey

A field survey was undertaken on 30 May 2014 and included an assessment of the vegetation and fauna habitat at the site and a bird survey. The vegetation survey involved traversing the entire site to record the native plant species present, presence of any threatened plant species, weed species including noxious weeds and information on the condition of the vegetation. The habitat assessment involved traversing the entire site to examine the features of the area, the types of fauna habitat present and likely the potential of the site to provide important habitat for threatened fauna. During the bird survey any birds observed on the beach or observed or heard calling from the vegetation adjacent to the site were recorded. The survey included observations of the areas of beach to the north and south of the proposed off-leash area. Any other vertebrates observed using the area during the survey were recorded.

Species lists of flora and fauna were compiled for the location. The condition of the site was assessed on the basis of the type and amount of disturbance in an area e.g. erosion, rubbish accumulation, tracking and the percentage cover of weed species.

3 Results

3.1 Desktop Review

Vegetation mapping of the area surrounding the proposed off-leash area has been undertaken by SMCMA (DECCW 2009) (the site itself contains no vegetation mapped by the SMCMA). No Endangered Ecological Communities (EECs) were mapped in the immediate surrounding area. The SMCMA mapping indicates that the vegetation on the foreshore above the proposed off-leash area is comprised of "Coastal Fore-dune Wattle Scrub" and "Urban Exotic/Native".

The desktop study identified 20 plant species that have been recorded in the locality that are listed as threatened on the TSC Act and/or EPBC Act. These species are listed in Appendix A together with an assessment of their likely occurrence within the study area.

The desktop study identified a total of 114 animal species that are listed as threatened on the TSC Act, are listed as threatened or migratory on the EPBC Act, or are listed as threatened on the FM Act, and have been recorded in the locality or assessed as having potential habitat in the locality. The list includes 79 species of bird, 16 species of mammal, six species of reptile, four species of frog, seven species of fish and two species of invertebrate (both of which are dragonflies). These species are listed in Appendix A along with an initial assessment of the potential for impact on each species as a result of the proposed action.

3.2 Field Survey

3.2.1 Site description

The proposed off-leash site consists of an approximately 170 m length of beach along Lady Robinsons Beach at Monterey. Currently, the beach and inter-tidal zone are relatively narrow at this location (approximately 10 m to 15 m at low tide) and thus offers little in the form of wader habitat in comparison to other sections of Lady Robinsons Beach (e.g. Dolls Point at Sans Souci), where more extensive inter-tidal zones occur. Due to recent erosion there is a steep bank separating the proposed site from the car park and foreshore areas to the west (Plate 1.1). The site is subject to a high level of disturbance due to the presence of fishers, bathers, and beach-walkers.

3.2.2 Flora

The only native plants recorded within the proposed off-leash area were *Leptospermum laevigatum* shrubs along the eroded bank on the western edge of the site. Weeds such as *Asparagus aethiopicus* also occurred on the eroded bank. Vegetation outside of the proposed off-leash area (above the bank to the west along the Grand Parade) includes some native species, including *Banksia integrifolia* trees, but this area is separated from the proposed off-leash area by the eroded bank.

3.2.3 Fauna

Due to the narrow inter-tidal zone, the proposed off-leash area consists of only marginal foraging or roosting habitat for shorebirds and provides little or no suitable habitat for other vertebrates (or threatened species of invertebrate that may occur elsewhere in the locality). No birds were observed on the beach during the survey, either within the proposed off-leash dog area or in the immediate vicinity. Three bird species were recorded in the vegetation to the west above the proposed off-leash area (Table 3.1). None of the species recorded is listed as threatened. During the survey, dog footprints were observed in the sand, indicating that dogs already use this section of beach.

Table 3.1 Fauna or fauna signs recorded during site visit.

Common Name	Scientific Name
New Holland Honeyeater	<i>Phylidonyris novaehollandiae</i> .
Little Wattlebird	<i>Anthochaera chrysoptera</i>
Spotted Dove*	<i>Streptopelia chinensis</i>
Domestic Dog*^	<i>Canis domesticus</i>

* = introduced species, ^ = footprints observed

4 Impact Assessment

Based on likelihood of occurrence and provided that dogs and humans are restricted to designated off-leash areas, no impacts on threatened flora or EECs are anticipated at this site as a result of the proposed action.

In relation to threatened fauna, although the proposed site provides only marginal foraging and roosting habitat for shorebirds, the proposed action has some potential to have an impact on a number of shorebird species that are listed as threatened on the TSC Act (Appendix A). Seven Part Tests were performed for these species (Appendix B). A number of species that are listed as migratory on the EPBC Act could also be potentially impacted by the proposed action. The impact on these species was assessed under the relevant EPBC criteria (Appendix C). There is also a NSW Wildlife Atlas record from 1980 for an Australian Fur Seal within the proposed off-leash site and there was a seal sighted in Botany Bay in May 2014 (RCC personal communication). However, the occurrence of Australian Fur Seals in the area is rare and the record from 1980 at the location of the proposed off-leash area could be a result of inaccuracies in the database. The site is not considered to be important habitat for this species. Therefore no assessment of significance was performed for this species.

The assessments under TSC Act and EPBC Act criteria concluded that there would be no significant impact on any threatened or migratory species as a result of the proposed action on the basis that the amount of habitat that would be 'modified' as a result of the proposed action is only small (less than 0.5 ha) in comparison to the amount of potential habitat in the surrounding area, the potential habitat is only marginal foraging and roosting habitat for shorebirds, and no known nesting habitat for any species would be impacted. There is important shorebird habitat in other sections along Lady Robinsons Beach and these assessments assume that off-leash dogs will remain in the designated off-leash area. This assessment also assumes that the two previous coastal off-leash sites assessed by AM Consulting (at Kyeemagh and at Sans Souci) remain closed to off-leash dogs.

5 Conclusions and Recommendations

The establishment of the off-leash dog area at Monterey is not expected to result in any significant impacts on threatened species, populations, or ecological communities, or listed migratory species. The section of shoreline for the proposed off-leash area is not considered to be important shorebird habitat due to the shortness of the beach, the narrow inter-tidal zone, and current human presence. Thus if off-leash dog access is permitted at this location, it is not deemed necessary to impose seasonal or time-restricted access to the site for the purpose of minimising impacts on flora and fauna.

While the area is currently affected by disturbance from human and dog activity, the introduction of off-leash dogs could nevertheless result in an increase in the intensity and duration of disturbance to shorebirds that may utilise this area on occasion. Actions that are recommended to minimise impacts and the potential for future impacts are discussed below.

The assessments of significance for threatened and migratory species were performed under the assumption that off-leash dogs would remain within the specified off-leash area. However, during previous surveys for proposed off-leash areas at Kyeemagh and Sans Souci (AMBS 2013) it was noted that off-leash dogs currently occur outside of designated areas. Therefore high priority should be given to recommendations that are aimed at ensuring dogs remain within the specific off-leash area (i.e. monitoring and education). It was also noted during previous surveys that dog faeces is not always removed from off-leash areas.

This assessment was also performed under the assumption that the two sites previously assessed by AM Consulting (AMBS 2013) remain dog-free. That is, cumulative impacts from having three off-leash sites on Lady Robinsons Beach were not considered. If RCC decides to approve future access to the Kyeemagh and Sans Souci sites then access to the Monterey site should be re-assessed.

It is recommended that:

- Council officers regularly visit the proposed off-leash areas and adjacent habitat and issue fines or warnings to dog owners who allow dogs off their leash outside of designated areas. There is important wader habitat along other sections of Lady Robinsons Beach where off-leash dogs could have a much greater level of impact on threatened or migratory species (high priority);
- Council monitor the frequency with which rangers visit off-leash areas and the number of fines or warnings that are issued. If there is a high level of disregard for restricting off-leash dogs to designated areas or for removing faeces, then consideration should be given to suspending access to the off-leash area (high priority);
- Signage be erected at the new off-leash area to remind dog-owners of their obligations and to educate them in regards to the sensitivity of nearby areas for native wildlife. Signage could include information about many of the waders recorded in the locality being long-distance migrants that travel remarkable distances to and from breeding grounds. Making local beach and park users aware of the importance of these areas in the life-histories of these species may encourage dog-owners to comply with off-leash dog restrictions (high priority);
- The requirement to remove faeces is enforced (low priority).

6 Bibliography

- Australian Museum Business Services (2013) Assessment of Impacts of Three Proposed Off-leash Dog Areas on Coastal Environments in Rockdale. Report prepared by Australian Museum Business Services for Rockdale City Council.
- AWSG (2013) Australian Wader Study Group Observations between 2006 and 2013.
- Department of Environment Climate Change and Water (2009) The native vegetation of the Sydney Metropolitan Catchment Management Authority Area. NSW Department of Environment and Climate Change and Water, Hurstville.
- Department of the Environment (2014) EPBC Protected Matters Search Tool.
<http://www.environment.gov.au/epbc/pmst/index.html> June 2014
- Department of the Environment, Water, Heritage and the Arts (2009) Significant Impact Guidelines 1.1: Matters of National Environmental Significance. Department of the Environment, Water, Heritage and the Arts, Canberra.
- Office of Environment and Heritage (2013a) Threatened Species Priority Actions.
<http://www.environment.nsw.gov.au/threatenedSpeciesApp/PasSearch.aspx> 24 April 2013
- Office of Environment and Heritage (2013b) Threatened Species Profiles.
<http://www.environment.nsw.gov.au/threatenedspecies/> April 2013
- Office of Environment and Heritage (2014) Atlas of NSW Wildlife.
<http://www.environment.nsw.gov.au/AtlasApp/default.aspx> June 2014
- Pizzey, G. & Knight, K. (2007) The Field Guide to the Birds of Australia. (ed. P. Menkhorst). HarperCollins Publishers, Sydney.
- Plant NET (2013) <http://plantnet.rbgsyd.nsw.gov.au/> 24 March 2013

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Appendix A: Subject Species

Flora

Family Name	Scientific Name	Common Name	Habitat Requirements	Likelihood of Occurrence	Targeted Surveys Conducted	Observed during surveys	AoS* required	NSW Status	Comm Status
Asteraceae	<i>Senecio spathulatus</i>	Coast Groundsel	Specialised coastal species occurring mostly on frontal dunes and forming low, broad clumps (Plant NET 2013)	Nil	No	No	No	E1,P	
Convolvulaceae	<i>Wilsonia backhousei</i>	Narrow-leafed Wilsonia	Coastal saltmarshes; chiefly in the Sydney district, also common at Jervis Bay (PlantNET 2013)	Nil	No	No	No	V,P	
Dilleniaceae	<i>Hibbertia puberula</i>		Sandy soils, often associated with sandstone mainly from coastal areas (PlantNET 2013)	Nil	No	No	No	E1,P	
Elaeocarpaceae	<i>Tetradlea juncea</i>	Black-eyed Susan	Sandy, occasionally swampy heath and in dry sclerophyll forest; chiefly in coastal districts from Bulahdelah to Lake Macquarie, also recorded from Port Jackson to Botany Bay from which it is possibly extinct (PlantNET 2013)	Nil	No	No	No	V,P	V

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Family Name	Scientific Name	Common Name	Habitat Requirements	Likelihood of Occurrence	Targeted Surveys Conducted	Observed during surveys	AoS+ required	NSW Status	Comm Status
Ericaceae	<i>Leucopogon exolasius</i>	Woronora Beard-heath	Woodland on sandstone, restricted to the Woronora and Grose Rivers and Stokes Creek, Royal NP (PlantNET 2013)	Nil	No	No	No	V,P	V
Euphorbiaceae	<i>Chamaesyce psammogeton</i>	Sand Spurge	Uncommon on sand dunes near the sea (PlantNET 2013)	Nil	No	No	No	E1,P	
Fabaceae (Mimosoideae)	<i>Acacia bynoeana</i>	Bynoe's Wattle	Grows in heath and dry sclerophyll forest, in sandy soils (PlantNET 2013)	Nil	No	No	No	E1,P	V
Fabaceae (Mimosoideae)	<i>Acacia prominens</i>	Gosford Wattle, Hurstville and Kogarah Local Government Areas	Grows mainly in wet sclerophyll forest and margins of rainforest, usually in moist, protected areas in loamy and layey soils (PlantNET 2013)	Nil	No	No	No	E2	
Fabaceae (Mimosoideae)	<i>Acacia pubescens</i>	Downy Wattle	Usually grows in sclerophyll forest and woodland in clay soils. Often in roadside and railside bushland remnants (PlantNET 2013)	Nil	No	No	No	V,P	V

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Family Name	Scientific Name	Common Name	Habitat Requirements	Likelihood of Occurrence	Targeted Surveys Conducted	Observed during surveys	AoS+ required	NSW Status	Comm Status
Fabaceae (Mimosoideae)	<i>Acacia terminalis</i> subsp. <i>terminalis</i>	Sunshine Wattle	Scrub and open eucalypt woodland or forest, usually in sandy soil on creek banks, hillslopes or in shallow soil in rock crevices and sandstone platforms on cliffs (PlantNET 2013)	Nil	No	No	No	E1,P	E
Juncaginaceae	<i>Maundia triglochinoides</i>		Swamps or shallow freshwater on heavy clay, north from southern Sydney (PlantNET 2013)	Nil	Yes	No	No	V,P	
Lamiaceae	<i>Prostanthera densa</i>	Villous Mint-bush	Sclerophyll forest and shrubland, on coastal headlands and near-coastal ranges, on sandstone (PlantNET 2013)	Nil	No	No	No	V,P	V
Myrtaceae	<i>Callistemon linearifolius</i>	Netted Bottle Brush	Dry sclerophyll forest on the coast and adjacent ranges (PlantNET 2013)	Nil	No	No	No	V,P,3	
Myrtaceae	<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	Grassy or sclerophyll woodland on shallow relatively infertile soils on shales and slates, Hiangala to Glen Innes (PlantNET 2013)	Nil	No	No	No	V,P	V
Myrtaceae	<i>Melaleuca deanei</i>	Deane's Paperbark	Wet heath on sandstone (PlantNET 2013)	Nil	No	No	No	V,P	V

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Family Name	Scientific Name	Common Name	Habitat Requirements	Likelihood of Occurrence	Targeted Surveys Conducted	Observed during surveys	AoS+ required	NSW Status	Comm Status
Myrtaceae	<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	Subtropical and littoral rainforest on sandy soils or stabilised dunes near the sea (PlantNET 2013)	Nil	No	No	No	E1,P	V
Orchidaceae	<i>Caladenia tessellata</i>	Thick Lip Spider Orchid	Clay loam or sandy soils (PlantNET 2013)	Nil	No	No	No	E1,P,2	V
Orchidaceae	<i>Pterostylis</i> sp. Botany Bay	Botany Bay Bearded Orchid	Moist level sites on skeletal sandy soils derived from sandstone. Associated vegetation is coastal heath dominated by <i>Melaleuca nodosa</i> and <i>Baeckea imbricata</i> (OEH 2013)	Nil	No	No	No	E1,P,2	E
Orchidaceae	<i>Thelymitra atronitida</i>	Black-hooded Sun Orchid	Known only from Cape Solander in Botany Bay National Park in southern Sydney on shallow black peaty soil in coastal heath on sandstone, and Bago State Forest south of Tumut in open forest with a heathy understorey on well-drained or clay-loam soils (OEH 2013).	Nil	No	No	No	E4A,P,2	
Proteaceae	<i>Persoonia hirsuta</i>	Hairy Geebung	Sandy soils in dry sclerophyll open forest, woodland and heath on sandstone (OEH 2013).	Nil	No	No	No	E1,P,3	E

* Assessment of Significance

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Fauna

Group	Common Name	Scientific Name	Conservation Status			Previously recorded or predicted to occur in the Locality					Survey Records from the Study Area	Potential habitat in the Project area	Likely to be impacted by the Project?
			TSC Act	EPBC Act	FM Act	OEH Atlas	EPBC Report	AWSG	AM survey 2014	DPI Listings			
BIRDS	Common Sandpiper	<i>Actitis hypoleucos</i>		M		✓	✓	✓				Yes	Potentially
	Regent Honeyeater	<i>Anthochaera phrygia</i>	E4A	E, M		✓	✓					No	Unlikely to occur
	Fork-tailed Swift	<i>Apus pacificus</i>		M		✓	✓					Yes	Negligible
	Great Egret	<i>Ardea alba</i>		M			✓					Marginal	Negligible
	Cattle Egret	<i>Ardea ibis</i>		M		✓	✓					No	Unlikely to occur
	Wedge-tailed Shearwater	<i>Ardenna pacificus</i>		M		✓						No	Unlikely to occur
	Short-tailed Shearwater	<i>Ardenna tenuirostris</i>		M		✓						No	Unlikely to occur
	Ruddy Turnstone	<i>Arenaria interpres</i>		M		✓	✓	✓				Yes	Potentially
	Australasian Bittern	<i>Botaurus poeciloptilus</i>	E1	E		✓	✓					Marginal	Unlikely to occur
	Sharp-tailed Sandpiper	<i>Calidris acuminata</i>		M		✓	✓	✓				Yes	Potentially
	Sanderling	<i>Calidris alba</i>	V	M		✓	✓	✓				Yes	Potentially
	Baird's Sandpiper	<i>Calidris bairdii</i>		M		✓						Yes	Potentially
	Red Knot	<i>Calidris canutus</i>		M		✓	✓	✓				Yes	Potentially
	Curlew Sandpiper	<i>Calidris ferruginea</i>	E1	M		✓	✓	✓				Yes	Potentially
	Pectoral Sandpiper	<i>Calidris melanotos</i>		M		✓						Yes	Potentially
	Red-necked Stint	<i>Calidris ruficollis</i>		M		✓	✓	✓				Yes	Potentially
	Great Knot	<i>Calidris tenuirostris</i>	V	M		✓	✓	✓				Yes	Potentially
	Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>	V			✓						No	Unlikely to occur
	Glossy Black-Cockatoo	<i>Calyptorhynchus lathami</i>	V			✓						No	Unlikely to occur
	Streaked Shearwater	<i>Calonectris antipodensis</i>		M			✓					No	Unlikely to occur

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Group	Common Name	Scientific Name	Conservation Status			Previously recorded or predicted to occur in the Locality					Survey Records from the Study Area	Potential habitat in the Project area	Likely to be impacted by the Project?
			TSC Act	EPBC Act	FM Act	OEI Atlas	EPBC Report	AWSG	AM survey 2014	DPI Listings			
	Double-banded Plover	<i>Charadrius bicinctus</i>		M			✓	✓				Yes	Potentially
	Greater Sand Plover	<i>Charadrius leschenaulti</i>	V	M		✓	✓					Yes	Potentially
	Lesser Sand Plover	<i>Charadrius mongolus</i>	V	M		✓	✓	✓				Yes	Potentially
	Oriental Plover	<i>Charadrius veredus</i>		M		✓	✓					Yes	Unlikely to occur
	White-winged Black Tern	<i>Chlidonias leucopterus</i>		M		✓						Yes	Potentially
	Eastern Bristlebird	<i>Dasyornis brachypterus</i>	E1	E		✓	✓					No	Unlikely to occur
	Wandering Albatross	<i>Diomedea exulans</i>	E1	E		✓						No	Unlikely to occur
	Antipodean Albatross	<i>Diomedea exulans antipodensis</i>	V	V, M			✓					No	Unlikely to occur
	Gibson's Albatross	<i>Diomedea exulans gibsoni</i>	V	V, M			✓					No	Unlikely to occur
	Eastern Reef Egret	<i>Egretta sacra</i>		M		✓						Marginal	Negligible
	White-fronted Chat	<i>Epthianura albifrons</i>	V			✓	✓					Marginal	Unlikely to occur
	Beach Stone-curlew	<i>Esacus magnirostris</i>	E4A			✓						Yes	Potentially
	White-bellied Storm-petrel	<i>Fregetta grallaria</i>	V	V			✓					No	Unlikely to occur
	Latham's Snipe	<i>Gallinago hardwickii</i>		M		✓	✓					No	Unlikely to occur
	Sooty Oystercatcher	<i>Haematopus fuliginosus</i>	V			✓		✓				Marginal	Negligible
	Pied Oystercatcher	<i>Haematopus longirostris</i>	E1			✓		✓				Yes	Potentially
	White-bellied Sea-Eagle	<i>Haliaeetus leucogaster</i>		M		✓	✓	✓				Yes	Negligible
	Grey-tailed Tattler	<i>Heteroscelus brevipes</i> (<i>Tringa brevipes</i>)		M		✓	✓	✓				Yes	Potentially
	White-throated Needletail	<i>Hirundapus caudacatus</i>		M		✓	✓					Yes	Negligible

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Group	Common Name	Scientific Name	Conservation Status			Previously recorded or predicted to occur in the Locality					Survey Records from the Study Area	Potential habitat in the Project area	Likely to be impacted by the Project?
			TSC Act	EPBC Act	FM Act	OEI Atlas	EPBC Report	AWSG	AM survey 2014	DPI Listings			
	Caspian Tern	<i>Hydroprogne caspia</i>		M		✓		✓				Yes	Potentially
	Swift Parrot	<i>Lathamus discolor</i>	E1	E			✓					Marginal	Unlikely to occur
	Broad-billed Sandpiper	<i>Limicola falcinellus</i>	V	M		✓	✓					Yes	Potentially
	Bar-tailed Godwit	<i>Limosa lapponica</i>		M		✓	✓	✓				Yes	Potentially
	Black-tailed Godwit	<i>Limosa limosa</i>	V	M		✓	✓					Yes	Potentially
	Major Mitchell's Cockatoo	<i>Lophocroa leadbeateri</i>	V			✓						No	Negligible
	Southern Giant Petrel	<i>Macronectes giganteus</i>	E1	E, M		✓	✓					No	Unlikely to occur
	Northern Giant Petrel	<i>Macronectes halli</i>	V	V, M			✓					No	Unlikely to occur
	Rainbow Bee-eater	<i>Merops ornatus</i>		M			✓					No	Unlikely to occur
	Black-faced Monarch	<i>Monarcha melanopsis</i>		M			✓					No	Unlikely to occur
	Spectacled Monarch	<i>Monarcha trivirgatus</i>		M			✓					No	Unlikely to occur
	Satin Flycatcher	<i>Myiagra cyanoleuca</i>		M			✓					NO	Unlikely to occur
	Orange-bellied Parrot	<i>Neophema chrysogaster</i>	E4A	CE, M			✓					No	Unlikely to occur
	Powerful Owl	<i>Ninox strenua</i>	V			✓						Marginal	Negligible
	Eastern Curlew	<i>Numenius madagascariensis</i>		M		✓	✓	✓				Yes	Potentially
	Little Curlew	<i>Numenius minutus</i>		M		✓	✓					Marginal	Negligible
	Whimbrel	<i>Numenius phaeopus</i>		M		✓	✓	✓				Yes	Potentially
	Wilson's Storm-petrel	<i>Oceanitis oceanicus</i>		M		✓						No	Unlikely to occur
	Sooty Tern	<i>Onychoprion fuscatus</i>	V			✓						Marginal	Negligible
	Eastern Osprey	<i>Pandion cristatus</i>	V			✓		✓				Yes	Negligible

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Group	Common Name	Scientific Name	Conservation Status			Previously recorded or predicted to occur in the Locality					Survey Records from the Study Area	Potential habitat in the Project area	Likely to be impacted by the Project?
			TSC Act	EPBC Act	FM Act	OEH Atlas	EPBC Report	AWSG	AM survey 2014	DPI Listings			
	Pacific Golden Plover	<i>Pluvialis fulva</i>		M		✓	✓	✓				Yes	Potentially
	Grey Plover	<i>Pluvialis benghalensis</i>		M		✓	✓	✓				Yes	Potentially
	Kermadec Petrel	<i>Pterodroma neglecta neglecta</i>	V	V			✓					No	Unlikely to occur
	Gould's petrel	<i>Pterodroma leucoptera leucoptera</i>	E1			✓						No	Unlikely to occur
	Superb Fruit-dove	<i>Ptilinopus superbus</i>	V			✓						Marginal	Unlikely to occur
	Flesh-footed Shearwater	<i>Puffinus (Ardenna) carneipes</i>	V	M		✓	✓					No	Unlikely to occur
	Rufous Fantail	<i>Rhipidura rufifrons</i>		M								No	Unlikely to occur
	Australian Painted Snipe	<i>Rostratula australis</i>	E1	V, M		✓	✓					Marginal	Unlikely to occur
	Common Tern	<i>Sterna hirundo</i>		M		✓		✓				Yes	Potentially
	Little Tern	<i>Sternula albifrons</i>	E1	M		✓	✓	✓				Yes	Potentially
	Australian Fairy Tern	<i>Sternula nereis nereis</i>		V			✓					Yes	Unlikely to occur
	Buller's Albatross	<i>Thalassarche bulleri</i>		V, M			✓					No	Unlikely to occur
	Shy Albatross	<i>Thalassarche cauta cauta</i>	V	V, M		✓	✓					No	Unlikely to occur
	Salvin's Albatross	<i>Thalassarche cauta salvini</i>	V	V, M			✓					No	Unlikely to occur
	White-capped Albatross	<i>Thalassarche cauta stearnsi</i>	V	V, M			✓					No	Unlikely to occur
	Campbell Albatross	<i>Thalassarche melanophrys impavida</i>		V		✓	✓					No	Unlikely to occur
	Wandering Tattler	<i>Tringa incana</i>		M		✓						Marginal	Unlikely to occur
	Marsh Sandpiper	<i>Tringa stagnatilis</i>		M		✓						Yes	Potentially

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Group	Common Name	Scientific Name	Conservation Status			Previously recorded or predicted to occur in the Locality					Survey Records from the Study Area	Potential habitat in the Project area	Likely to be impacted by the Project?
			TSC Act	EPBC Act	FM Act	OEH Atlas	EPBC Report	AWSG	AM survey 2014	DPI Listings			
	Masked Owl	<i>Tyto novaehollandiae</i>	V			✓						Marginal	Negligible
FISH	Terek Sandpiper	<i>Xenus cinereus</i>	V	M		✓	✓	✓				Yes	Potentially
	Black Rockcod	<i>Epinephelus daemeli</i>		V	V		✓			✓		No	Negligible
	Australian Grayling	<i>Prototroctes maraena</i>		V			✓					No	Negligible
	Grey Nurse Shark	<i>Carcharius taurus</i>		CE	CE		✓			✓		No	Negligible
	Great White Shark	<i>Charcharodon carcharius</i>		V, M	V		✓			✓		No	Negligible
	Porbeagle	<i>Lamna nasus</i>		M			✓					No	Negligible
	Green Sawfish	<i>Pristis zijsron</i>		V	PE		✓			✓		No	Negligible
	Whale Shark	<i>Rhincodon typus</i>		V, M			✓					No	Negligible
FROGS	Wallum Froglet	<i>Crinia tinnula</i>	V			✓						No	Unlikely to occur
	Giant Burrowing Frog	<i>Heleioporus australiacus</i>	V	V			✓					No	Unlikely to occur
	Green and Golden Bell Frog	<i>Litoria aurea</i>	E1	V		✓	✓					No	Unlikely to occur
	Growing Grass Frog	<i>Litoria raniformis</i>	E1	V			✓					No	Unlikely to occur
MAMMALS	Australian Fur Seal	<i>Arctocephalus pusillus doriferus</i>	V			✓					✓	Marginal	Negligible
	Bryde's Whale	<i>Balaenoptera edeni</i>		M			✓					No	Negligible
	Pygmy Right Whale	<i>Caperea marginata</i>		M			✓					No	Negligible
	Large-eared Pied Bat	<i>Chalinolobus dwyeri</i>	V	V			✓					Yes	Negligible
	Spotted-tail Quoll	<i>Dasyurus maculatus maculatus</i>	V	E			✓					No	Negligible
	Dugong	<i>Dugong dugon</i>	E1	M		✓	✓					No	Negligible
	Southern Right Whale	<i>Eubalaena australis</i>	E1	E, M		✓	✓					No	Negligible

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

Group	Common Name	Scientific Name	Conservation Status			Previously recorded or predicted to occur in the Locality					Survey Records from the Study Area	Potential habitat in the Project area	Likely to be impacted by the Project?
			TSC Act	EPBC Act	FM Act	OEH Atlas	EPBC Report	AWSG	AM survey 2014	DPI Listings			
	Southern Brown Bandicoot	<i>Isodon obesulus obesulus</i>	E1	E			✓					Marginal	Negligible
	Dusky Dolphin	<i>Lagenorhynchus obscurus</i>		M			✓					No	Negligible
	Humpback Whale	<i>Megaptera novaeangliae</i>	V	V, M		✓	✓					No	Negligible
	Eastern Bentwing-bat	<i>Miniopterus schreibersii oceanensis</i>	V			✓						Marginal	Negligible
	Southern Myotis	<i>Myotis macropus</i>	V			✓						Yes	Negligible
	Koala	<i>Phascolarctos cinereus</i>	V	V		✓	✓					No	Unlikely to occur
	Long-nosed Potoroo	<i>Potorous tridactylus tridactylus</i>	E2	V			✓					No	Unlikely to occur
	New Holland Mouse	<i>Pseudomys novaehollandiae</i>		V			✓					No	Unlikely to occur
	Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	V	V		✓	✓					Marginal	Negligible
	Greater Broad-nosed Bat	<i>Scoteanax rueppellii</i>	V			✓						Marginal	Negligible
REPTILES	Loggerhead Turtle	<i>Caretta caretta</i>	E	E, M			✓					No	Unlikely to occur
	Green Turtle	<i>Chelonia mydas</i>	V	V, M		✓	✓					No	Unlikely to occur
	Leatherback Turtle	<i>Dermochelys coriacea</i>	E	E, M			✓					No	Unlikely to occur
	Hawksbill Turtle	<i>Eretmochelys imbricata</i>		V, M			✓					No	Unlikely to occur
	Broad-headed Snake	<i>Hoplocephalus bungaroides</i>	E	V			✓					No	Unlikely to occur
	Flatback Turtle	<i>Natator depressus</i>		V, M			✓					No	Unlikely to occur
INSECTS	Sydney Hawk Dragonfly	<i>Austrocordulia leonardi</i>			E					✓		No	Unlikely to occur
	Adam's emerald Dragonfly	<i>Archaeophya adamsi</i>			E					✓		No	Unlikely to occur

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

Appendix B: 7-Part Tests

Curlew Sandpiper, Sanderling, Great Knot, Greater Sand Plover, Lesser Sand Plover, Broad-billed Sandpiper, Black-tailed Godwit, Terek Sandpiper

The Curlew Sandpiper is listed as endangered by the TSC Act and the other seven species are listed as vulnerable by the TSC Act. All eight species are listed as migratory on the EPBC Act. Because these species have similar life histories, foraging habits and habitat requirements – that is, they all breed in the northern hemisphere, and migrate to Australia, where they occur in similar shoreline habitats (Pizzey & Knight 2007; OEH 2013b) – the potential impacts on them as a result of the proposed action are considered to be similar and the significance of the potential impacts on these species have been assessed together.

Curlew Sandpiper (*Calidris ferruginea*)

The Curlew Sandpiper breeds in Siberia and migrates to Australia for the non-breeding period, arriving in Australia annually between August and November, and departing annually between March and mid-April. It occurs along the entire coast of NSW. It generally occupies littoral and estuarine habitats, and in NSW is mainly found in intertidal mudflats of sheltered coasts. It also occurs in non-tidal swamps, lakes and lagoons on the coast and sometimes the inland. It forages in or at the edge of shallow water (Pizzey & Knight 2007). This species has been recorded numerous times in the locality and as recently as 2007 near Dolls Point (OEH 2014) and in 2009 at Shell Point (AWSG 2013). It was recorded less than 500 m from the proposed off-leash area in 1992 (OEH 2014).

Sanderling (*Calidris alba*)

Sanderlings are regular summer migrants from Siberia and other Arctic breeding grounds. They occur along the NSW coast where they are often found on low beaches of firm sand, near reefs and inlets, along tidal mudflats and bare open coastal lagoons; individuals are rarely recorded in near-coastal wetlands. They feed on insects, larvae and other small invertebrates in the sand. They roost on bare sand, behind clumps of beach-cast kelp or in coastal dunes (Pizzey & Knight 2007). This species has been recorded in the locality as recently as 2012 (AWSG 2013). It has not been recorded along Lady Robinsons Beach (OEH 2014).

Great Knot (*Calidris tenuirostris*)

The Great Knot breeds in north-eastern Siberia and is a regular summer migrant to coastal Australia. In NSW, the species has been recorded at scattered sites along the coast and inland at Tullakool, Armidale, Gilgandra and Griffith. Great Knots occur on intertidal mudflats or sandflats within sheltered, coastal inlets, bays, harbours, estuaries and lagoons. They migrate to Australia from late August to early September. Most birds return north in March and April, however some individuals may stay over winter in Australia (Pizzey & Knight 2007). This species has been recorded on numerous occasions in the locality, the most recent being in 2012 at Penrhyn Estuary. It has also been recorded at the mouth of Cooks River, but not since 1983 (OEH 2014).

Greater Sand-plover (*Charadrius leschenaultia*)

The Greater Sand-plover breeds in central Asia, moving further south to Australia for winter. The species is apparently rare on the east coast of Australia. It has been recorded between the northern rivers and the Illawarra, with most records coming from the Clarence and Richmond estuaries. It is almost entirely restricted to coastal areas in NSW, occurring mainly on sheltered beaches or estuaries with large intertidal mudflats or sandbanks. This species roosts during high tide on sandy beaches and rocky shores (Pizzey & Knight 2007). Greater Sand -plovers have been recorded in the locality on numerous occasions, the most recent being at Towra Point in 2002 (OEH 2014).

Lesser Sand-plover (*Charadrius mongolus*)

The Lesser Sand-plover breeds in central and north eastern Asia, migrating to Australia for winter. The species is common in northern NSW but is rarely recorded south of the Shoalhaven estuary. They are found on the beaches of sheltered bays, harbours and estuaries with large intertidal sandflats or mudflats and occasionally on sandy beaches, coral reefs and rock platforms. Highly gregarious, they are frequently seen in flocks exceeding 100 individuals (Pizzey & Knight 2007). This species has been recorded in the locality as recently as 2012 (AWSG 2013) but not along Lady Robinsons Beach (OEH 2014).

Broad-billed Sandpiper (*Limicola falcinellus*)

Broad-billed Sandpipers occur on tidal mudflats, reefs, and freshwater wetlands. They breed in Arctic Eurasia and are a scarce summer migrant to coastal Australia (Pizzey & Knight 2007). The species has been recorded in the locality, but not since 2000 and not along Lady Robinsons Beach (OEH 2014).

Black-tailed Godwit (*Limosa limosa*)

The Black-tailed Godwit occurs on tidal mudflats, estuaries, and sandspits. They breed from Mongolia to north-eastern Siberia and are a regular summer migrant to Australia (Pizzey & Knight 2007). This species has been recorded in the locality numerous times, the most recent being in 2006 in Towra Point Nature Reserve. There are no records of occurrence along Lady Robinsons Beach (OEH 2014).

Terek Sandpiper (*Xenus cinereus*)

This species breeds from Finland to north-eastern Siberia and is a rare migrant to the eastern and southern Australian coasts. The two main sites for the species in NSW are the Richmond River estuary and the Hunter River estuary. This species inhabits coastal mudflats, lagoons, creeks and estuaries and it favours mudbanks and sandbanks located near mangroves. It may also be observed on rocky pools and reefs (Pizzey & Knight 2007). This species is frequently recorded in the locality, the most recent record being in 2012 in Penrhyn Estuary but there are no records for Lady Robinsons Beach.

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

The main potential adverse effect on these species as a result of the proposed action is disturbance while foraging along the shoreline within or in the vicinity of the proposed off-leash site due to the presence of humans and dogs. While disturbance already exists in the study area due to human presence, the potential disturbance from off-leash dogs is likely to be greater than from human presence alone, due to the higher mobility of dogs and their propensity to chase birds, causing the birds to take flight. This could have a detrimental effect on the health of individuals returning from their annual migration, when the bird's energy levels are low. However, while there are records of these species from the locality, no individuals of any of these species have previously been recorded in the study area. It is possible that individuals of the species would forage along the shoreline from time to time. However, the potential off-leash area represents a very small (approximately 2%) part of this foraging habitat along Lady Robinsons Beach, and is already subject to high levels of human disturbance from both terrestrial (walkers, joggers, sunbathers) and aquatic (swimmers, windsurfers, boats etc.) activities.

Moreover, the section of shoreline and intertidal where the off-leash area is proposed to be located is narrower than many other sections of the beach. The area of exposed sandflats is limited in the proposed off-leash area.

Other potential impacts include adverse effects on water quality due to faeces being left on the beach. However, dog owners will be required to remove faeces and provided that these requirements are observed by dog owners, these impacts should be minimal. Moreover, the amount of additional faeces entering the water as a result of un-collected deposits is likely to be only small in comparison to the amount that enters the bay from other sources in stormwater. For example, run-off from both the Cooks and Georges Rivers enters the bay after passing through many kilometres of urbanised areas. Therefore, the proposed action is unlikely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

Not applicable to endangered species.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction

Not applicable to endangered species.

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

No habitat will be removed as a result of the proposed action. However, habitat will be 'modified' to the extent that disturbance within the habitat could potentially increase. The proposed off-leash areas would potentially result in the 'modification' of less than 200 m of shoreline at Monterey, which represents approximately 2% of the shoreline along Lady Robinsons Beach.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

No area of habitat would become fragmented or isolated from other areas of habitat for these highly mobile species.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality

None of these species have been recorded within the proposed off-leash areas. Moreover, there is better quality habitat for these species in the locality (e.g. Towra Point Nature Reserve and the shoreline north-east of the St George Sailing Club) and the amount of habitat to be 'modified' is only small in comparison the amount of habitat in the locality. All of these species are northern hemisphere breeders so no breeding habitat would be impacted. Therefore the habitat to be 'modified' is not considered to be important for the long-term survival of these species in the locality.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

No critical habitat has been declared for these species.

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

Recovery plans have not been prepared for any of these species. However, suggested actions to aid in the recovery of these species include, controlling dogs on beaches and in estuaries, raising visitor awareness of the presence of threatened shorebird species, providing information on how visitors' actions will affect the species' survival, conduct searches for the species in suitable habitat in proposed development areas, managing estuaries and the surrounding landscape to maintain the natural hydrological regimes, protect coastal areas from pollution, protecting and maintaining known or potential habitat, implementing protection zones around recent records, protect foraging and roosting areas from disturbance or inappropriate development, and surveying potential habitat to locate any new populations (OEH 2013a).

While allowing dogs off-leash in potential habitat for these species appears inconsistent with the first of these suggested actions, it is important to note that one of the objectives of the proposed action is to control off-leash dog activity and confine it to parts of the beach (in this case, relatively small parts, where none of these species has been previously recorded). Moreover, these areas are already subject to disturbance due to a high volume of human traffic, including dogs. AM Consulting recommends that Council erect signage to inform the public of the importance of restricting off-leash activities to designated areas due to the presence of threatened species in the locality, which is consistent with the suggested action of raising visitor awareness.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The action proposed does not constitute a key threatening process.

Conclusion

Considering that none of these species have been recorded in the study site, that the potential habitat for these species that would be 'modified' as a result of the proposed action is only marginal and relatively small in comparison to available habitat in the surrounding area, and that no breeding habitat would be impacted by the proposed action, it is considered that the proposed action would not have a significant impact on any of these species.

Little Tern

The Little Tern is listed as endangered by the TSC Act and as migratory by the EPBC Act. Little Terns Migrate from eastern Asia and arrive in NSW from September to November. They occur mainly north of Sydney, with smaller numbers found south to Victoria (Pizzey & Knight 2007). The species breeds in spring and summer along the entire east coast from Tasmania to northern Queensland. Little terns are almost exclusively coastal, preferring sheltered environments; however they may occur several kilometres from the sea in harbours, inlets and rivers. They nest in small, scattered colonies in low dunes or on sandy beaches just above high tide mark near estuary mouths or adjacent to coastal lakes and islands (OEH 2013b). This species is commonly recorded in the locality and Towra Spit Island (approximately 1.5 km across the bay) is an important breeding site for this species. The most recent nearby record is from 2013 in Penrhyn Estuary (AWSG 2013).

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

Potential adverse effects on this species as a result of the proposed action include disturbance while roosting or breeding due to the increased presence of humans and dogs and trampling and predation of eggs and chicks by dogs. However, while there are records of this species for the locality, no recent records of this species were found at the proposed off-leash site, where there is already a regular human presence. No known breeding habitat exists in the proposed off-leash area.

There is also potential for this species to be impacted by deterioration in water quality as a result of un-collected faeces entering the bay. However, the amount of additional faeces entering the water as a result of un-collected deposits at the proposed off-leash site is likely to be only small in comparison to the amount that enters the bay from other sources in stormwater. Run-off from both the Cooks and Georges Rivers enter the bay after passing through many kilometres of urban areas.

Given that the species has not been recorded in the proposed off-leash site, that the proposed site represents only a small amount of marginal potential roosting habitat relative to the amount of habitat in the surrounding area, and that no breeding occurs in or in close proximity to the proposed site, it is considered that the action proposed is not likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

Not applicable to an endangered species.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction

Not applicable to an endangered species.

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

No habitat will be removed as a result of the proposed action. However, habitat will be 'modified' to the extent that disturbance within potential roosting habitat could increase. Therefore, the proposed off-leash area would result in the 'modification' of potential roosting habitat along less than 200 m of shoreline at Monterey, which represents approximately 2% of the shoreline along Lady Robinsons Beach.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

No area of habitat would become fragmented or isolated from other areas of habitat for this highly mobile species.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality

Little Terns occur and breed in the locality but have not been recorded within the proposed off-leash area. In addition, the amount of potential roosting habitat to be 'modified' is only marginal and small in comparison to the amount of potential roosting habitat in the locality. Therefore the habitat to be 'modified' is not considered to be important for the long-term survival of these species in the locality.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

No critical habitat has been declared for this species.

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

A Recovery Plan was prepared for this species in 2003 and Botany Bay is listed as a priority site for management of the species. Disturbance by domestic dogs is included in the plan as a threat to breeding success of Little Terns. However, this threat primarily relates to disturbance at breeding sites and the plan recommends that dogs be excluded from active nesting sites. No active breeding sites occur in or in close proximity to the proposed off-leash site, which is already subject to a large amount of human disturbance.

Pollution of waterways and the subsequent effect on food sources is also listed as a threat to Little Terns. There is potential for a small increase in pollution due to dog faeces being left on the beach and entering waterways. The amount of additional nutrients or pathogens entering the bay as a result of dog faeces is not expected to be significant, particularly if the requirement to remove faeces is observed by dog-owners. While allowing access to off-leash dogs to potential habitat for this species could be considered to be inconsistent with the Recovery Plan, no access will be permitted to breeding sites and only a small amount of potential roosting habitat will be impacted.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The action proposed does not constitute a key threatening process.

Conclusion

Given that the proposed off-leash area is expected to impact only a small amount of already disturbed potential roosting habitat for this species and that no active breeding sites will be impacted, the proposed action is not expected to have a significant impact on this species.

Beach Stone-curlew

The Beach Stone-curlew is listed by the TSC Act as critically endangered in NSW. This species occurs along the north and eastern coast of Australia from Exmouth WA to Nambucca Heads NSW (Pizzey & Knight 2007) with occasional vagrants to south-eastern NSW and Victoria. In NSW, the species occurs regularly to about the Manning River, and the small population of north-eastern NSW is at the

limit of the normal range of the species in Australia. They forage in the intertidal zone of beaches and estuaries, on islands, flats, banks and spits of sand, mud, gravel or rock, and among mangroves. Beach Stone-curlews breed above the littoral zone, at the backs of beaches, or on sandbanks and islands, among low vegetation of grass, scattered shrubs or low trees; also among open mangroves (Office of Environment and Heritage 2013b). This species has been recorded as recently as 2010 in Towra Point Nature Reserve, but has not been recorded in the study area or along the shoreline of Lady Robinsons Beach.

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

Potential adverse effects on this species as a result of the proposed action include disturbance while roosting or foraging on the beach due to the increased presence of humans and dogs. However, there are only two records for this species for the locality (2004 and 2010), both in Towra Point Nature Reserve. This species prefers undisturbed beaches (Pizzey & Knight 2007) and the proposed off-leash area is already subject to a substantial level of human disturbance from fishers, bathers and beach-walkers. There is also potential for this species to be impacted by deterioration in water quality as a result of un-collected faeces entering the bay. However, the amount of additional faeces entering the water as a result of un-collected deposits is likely to be only small in comparison to the amount that enters the bay from other sources in stormwater. For example, run-off from the Cooks and Georges Rivers enter the bay after passing through many kilometres of urban areas. The species is unlikely to use the proposed off-leash area and thus this area does not represent important habitat for this species. It is considered that the action proposed is not likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

Not applicable to an endangered species.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or**
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction**

Not applicable to an endangered species.

(d) in relation to the habitat of a threatened species, population or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and**

No habitat will be removed as a result of the proposed action. However, habitat will be 'modified' to the extent that disturbance within that habitats could potentially increase. Therefore, the proposed off-leash areas would result in the 'modification' of potential roosting and foraging habitat along less than 200 m of shoreline, which represents approximately 2% of the shoreline along Lady Robinsons Beach.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

No area of habitat would become fragmented or isolated from other areas of habitat for this highly mobile species.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality

This species has been recorded in the locality but has not been recorded within the proposed off-leash areas or along the shoreline of Lady Robinsons Beach. In addition, the amount of potential habitat to be 'modified' is only marginal and small in comparison to the amount of potential habitat in the locality. Therefore the habitat to be 'modified' is not considered to be important for the long-term survival of these species in the locality.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

No critical habitat has been declared for this species.

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

A recovery plan has not been prepared for this species; however, OEH lists a number of priority actions for the recovery of the species. Of relevance to the proposed off-leash areas is the recommendation to increase awareness of beach users on the impact of dogs, vehicles, and human disturbance on Beach Stone-curlews (Office of Environment and Heritage 2013a). AM Consulting recommends that signage be erected at the proposed site to inform dog owners of the importance of adhering to requirements to remove faeces and keep dogs within designated off-leash areas.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The action proposed does not constitute a key threatening process.

Conclusion

Given that the species is unlikely to use the proposed off-leash area and that the proposed action is expected to impact only a small amount of already disturbed potential habitat for this species, the proposed action is not expected to have a significant impact on this species.

Pied Oystercatcher

The Pied Oystercatcher is listed as Endangered in NSW on the TSC Act. Pied Oystercatchers occur around the entire Australian coastline. In NSW the species is thinly scattered along the coast, with fewer than 200 breeding pairs estimated to occur in the State. They favour intertidal flats of inlets and bays, and open beaches and sandbanks where they forage on exposed sand, mud and rock at low tide, for molluscs, worms, crabs and small fish. This species nests mostly on coastal or estuarine beaches although occasionally they use saltmarsh or grassy areas (Office of Environment and Heritage 2013b). Pied Oystercatchers are frequently recorded in the locality and a pair was recorded in AM Consulting

surveys in March 2013 (AM Consulting 2013) on the north-eastern side of the St George Sailing Club.

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

Potential adverse effects on this species as a result of the proposed action include disturbance to foraging and nesting sites on the beach due to the increased presence of humans and dogs and the potential for dogs to trample or eat eggs or chicks. While this species was recently recorded at the southern end of Lady Robinsons Beach, the habitat where the species was recorded differs from that in the proposed off-leash area. In particular, the beach in the proposed off-leash area is relatively narrow and has a short intertidal zone and thus only a small amount of exposed sandflats occur at low tide in comparison to the section of beach where the species was recently recorded. The proposed off-leash area represents only marginal foraging habitat for this species in an area that is already subject to disturbance, and no breeding habitat exists for this species in the proposed off-leash site.

There is also potential for this species to be impacted by deterioration in water quality as a result of un-collected faeces entering the bay. However, the amount of additional faeces entering the water as a result of un-collected deposits is likely to be only small in comparison to the amount that enters the bay from other sources in stormwater. For example, run-off enters the bay from the Cooks and Georges Rivers after passing through many kilometres of urban areas. It is considered, therefore, that the action proposed is not likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

Not applicable to an endangered species.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction

Not applicable to an endangered species.

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

No habitat will be removed as a result of the proposed action. However, habitat will be 'modified' to the extent that disturbance within those habitats could potentially increase. Therefore, the proposed off-leash areas would result in the 'modification' of potential roosting and foraging habitat along less than 200 m of shoreline at Monterey, which represents approximately 2% of the shoreline along Lady Robinsons Beach.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

No area of habitat would become fragmented or isolated from other areas of habitat for this highly mobile species.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality

This species has not been recorded in the proposed off-leash area but it has been recorded numerous times along Lady Robinsons Beach. The proposed off-leash site represents only marginal habitat due to the shortness of the intertidal zone and is only small in comparison to the amount of potential habitat available in the locality. Moreover, the area is already subject to a high level of human disturbance. Therefore the habitat to be 'modified' is not considered to be important for the long-term survival of these species in the locality.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).

No critical habitat for this species has been declared by the Minister or in the Rockdale City Council Environment Plan or Biodiversity Strategy.

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

No Recovery Plan for this species has been prepared. Of the Priority Actions for the recovery of this species that are listed by OEH (OEH 2013a), avoidance of disturbance to nest sites from lake and estuary openings during the breeding season is the most relevant. The proposed action is not inconsistent with this or any of the other priority actions.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The action proposed does not constitute a key threatening process.

Conclusion

Given that habitat at the proposed off-leash site is only marginal for this species and represents only a small amount of potential habitat for this species relative to the amount of potential habitat in the locality, and that the area is already subject to a high level of human disturbance, the proposed action is not expected to have a significant impact on this species.

Appendix C: EPBC Act Significant Impact Criteria

Migratory Species

The EPBC-listed migratory species below have been recorded in the locality or are predicted to occur in the locality. The initial assessment of these species determined that the proposed action has the potential to have some potential impacts on these species. Thus an assessment of those impacts was made under EPBC migratory species significance criteria.

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

Common Name	Scientific Name	Ecology and habitat requirements
Common Sandpiper	<i>Actitis hypoleucos</i>	This species occurs in shallow, pebbly, muddy or sandy edges of mudflats or rocky or sandy beaches. It breeds in the northern hemisphere and is a widespread but uncommon visitor to Australia in summer. There are numerous records for this species occurring in the locality as recently as 2011 but there are no records of occurrence along Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Ruddy Turnstone	<i>Arenaria interpres</i>	This species inhabits mudflats, and pebbly, shelly and sandy shores with stranded seaweed. It breeds in the high Arctic but is a regular summer migrant to coastal Australia. This species has been recorded in the locality as recently as 2011 and was recorded less than 500 m from the proposed off-leash site in 1992. (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Sharp-tailed Sandpiper	<i>Calidris acuminata</i>	Sharp-tailed Sandpipers inhabit tidal mudflats, saltmarshes and mangroves. This species breeds in Arctic Siberia and is a widespread summer migrant to coastal and inland Australia. There are numerous records of this species occurring in the locality and as recently as 2013. It was recorded at the northern end of Lady Robinsons Beach in 1991. (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Sanderling	<i>Calidris alba</i>	Sanderlings are regular summer migrants from Siberia and other Arctic breeding grounds. They occur along the NSW coast where they are often found on low beaches of firm sand, near reefs and inlets, along tidal mudflats and bare open coastal lagoons; individuals are rarely recorded in near-coastal wetlands. They feed on insects, larvae and other small invertebrates in the sand. They roost on bare sand, behind clumps of beach-cast kelp or in coastal dunes. Breeding occurs in the Northern Hemisphere. This species has been recorded in the locality as recently as 2012. It has not been recorded along Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Baird's Sandpiper	<i>Calidris bairdii</i>	This species occurs on tidal mudflats, beaches with seaweed and edges of shallow wetlands. They breed in Siberia, Arctic North America and Greenland. There are sightings of this species in most Australian states. There is a single record from 1980 for the locality (Pizzey & Knight 2007; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Red Knot	<i>Calidris canutus</i>	Red Knots occur on tidal mudflats, sandflats, beaches and saltmarshes. This species breeds around the Arctic circle and is a regular, widespread summer migrant to coastal Australia. This species has been recorded on numerous occasions in the locality and as recently as 2012. It has been recorded at the northern and southern ends of Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Curlew Sandpiper	<i>Calidris ferruginea</i>	The Curlew Sandpiper breeds in Siberia and migrates to Australia for the non-breeding period, arriving between August and November, and departing between March and mid-April. It occurs along the entire coast of NSW. It generally occupies littoral and estuarine habitats, and in New South Wales is mainly found in intertidal mudflats of sheltered coasts. It also occurs in non-tidal swamps, lakes and lagoons on the coast and sometimes the inland. It forages in or at the edge of shallow water. This species has been recorded numerous times in the locality and as recently as 2009. It has been recorded a number of times on Lady Robinsons Beach including a record from 1992 approximately 500 m from the proposed off-leash site (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Pectoral Sandpiper	<i>Calidris melanotos</i>	The Pectoral Sandpiper inhabits shallow freshwaters often with low grass. It also occurs in swamp margins and flooded pastures and only occasionally in tidal areas. The species breeds in Siberia and the American Arctic and is a regular but uncommon summer migrant to Australia. This species has been recorded in the locality but not since 1990. It has not been recorded in the study area or along Lady Robinsons Beach (Pizzey & Knight 2007; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Red-necked Stint	<i>Calidris ruficollis</i>	Red-necked Stints breed in Arctic Siberia and northern Alaska. They are an abundant summer migrant to coastal and inland Australia. They occur on tidal mudflats, saltmarshes and sandy or shelly beaches. This species is regularly recorded in the locality, the most recent record being in 2013 in Penrhyn Estuary. It has been recorded in the mouth of Cooks River and on Lady Robinsons Beach approximately 500 m north of the proposed off-leash site in 1992 (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

Common Name	Scientific Name	Ecology and habitat requirements
Great Knot	<i>Calidris tenuirostris</i>	The Great Knot breeds in north-eastern Siberia and is a regular summer migrant to coastal Australia. In NSW, the species has been recorded at scattered sites along the coast and inland at Tullakool, Armidale, Gilgandra and Griffith. Great Knots occur on intertidal mudflats or sandflats within sheltered, coastal inlets, bays, harbours, estuaries and lagoons. They migrate to Australia from late August to early September. Most birds return north in March and April, however some individuals may stay over winter in Australia. This species has been recorded on numerous occasions in the locality and as recently as 2012. It has not been recorded in the proposed off-leash area, but has been recorded at the northern and southern ends of Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Double-banded Plover	<i>Charadrius bicinctus</i>	The Double-banded Plover breeds in New Zealand and winters in Australia. It inhabits wide beaches and mudflats and freshwater wetlands. It is most common in south east Australia and Tasmania. There is a recent record for this species occurring in the locality, but there are no records from the proposed off-leash area or Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013).
Greater Sand-plover	<i>Charadrius leschenaulti</i>	The Greater Sand-plover breeds in central Asia, moving further south to Australia for winter. The species is apparently rare on the east coast. It has been recorded between the northern rivers and the Illawarra, with most records coming from the Clarence and Richmond estuaries. It is almost entirely restricted to coastal areas in NSW, occurring mainly on sheltered beaches or estuaries with large intertidal mudflats or sandbanks. This species roosts during high tide on sandy beaches and rocky shores. Greater Sand-plovers have been recorded in the locality on numerous occasions, including in the mouth of the Cooks River, but not since 2003 (Pizzey & Knight 2007; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Lesser Sand-plover	<i>Charadrius mongolus</i>	The Lesser Sand-plover breeds in central and north eastern Asia, migrating to Australia for winter. The species is common in northern NSW but is rarely recorded south of the Shoalhaven estuary. They are found on the beaches of sheltered bays, harbours and estuaries with large intertidal sandflats or mudflats and occasionally on sandy beaches, coral reefs and rock platforms. Highly gregarious, frequently seen in flocks exceeding 100 individuals. This species has been recorded in the locality as recently as 2012, but not in the study area or along Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
White-winged Black Tern	<i>Chlidonias leucopterus</i>	This species occurs in large wetlands, estuaries, and coastal waters. It breeds in Eurasia and migrates to Australia from September to May. This species has been recorded in the locality but not in the study area (Pizzey & Knight 2007; Office of Environment and Heritage 2013b).
Caspian Tern	<i>Hydroprogne caspia</i>	This species occurs in coastal and offshore water and on beaches, mudflats and estuaries. They breed on sandspits and islands from September to December in the south and in any month in the north. They have not been recorded in the study area, but have been recorded in the locality as recently as 2013 (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Broad-billed Sandpiper	<i>Limicola falcinellus</i>	Broad-billed Sandpipers occur on tidal mudflats, reefs, and freshwater wetlands. They breed in Arctic Eurasia and are a scarce summer migrant to coastal Australia. The species has been recorded in the locality, but not since 2000 and not in the study area (Pizzey & Knight 2007; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Bar-tailed Godwit	<i>Limosa lapponica</i>	The Bar-tailed Godwit occurs in the coastal areas of all Australian states. It is widespread in the Torres Strait and along the east and south-east coasts of Queensland, NSW and Victoria, including the offshore islands. They inhabit estuarine mudflats, beaches and mangroves. The Bar-tailed Godwit breeds in the north of Scandinavia, Russia and north-west Alaska and is a non-breeding migrant to Australia, arriving in August. This species been recorded on Lady Robinsons Beach in 1992 approximately 500 m north of the proposed off-leash area. It is frequently recorded in the locality and was recorded as recently as 2013 (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Black-tailed Godwit	<i>Limosa limosa</i>	The Black-tailed Godwit occurs on tidal mudflats, estuaries, and sandspits. They breed from Mongolia to north-eastern Siberia and are a regular summer migrant to Australia. This species has been recorded in the locality numerous times, the most recent in 2006 in Towra Point Nature Reserve. There are no records of occurrence in the study area or along Lady Robinsons Beach (Pizzey & Knight 2007; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).

Assessment of Impacts of a Proposed Off-leash Dog Area on Coastal Environments at Monterey, in the City of Rockdale

Common Name	Scientific Name	Ecology and habitat requirements
Eastern Curlew	<i>Numenius madagascariensis</i>	The Eastern Curlew inhabits estuaries, tidal mudflats, sandspits, mangroves, and occasionally brackish lakes. This species breeds in north-east Asia and is a common summer migrant to the coasts of Australia from August to May. This species has frequently been recorded in the locality, the most recent record being in 2013. They have not been recorded in the study area, but there is a record from 2007 along the shoreline near the Georges River Sailing Club (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Whimbrel	<i>Numenius phaeopus</i>	The Whimbrel inhabits estuaries, mangroves, tidal flats, exposed reefs, sports grounds and lawns. This species breeds in north-eastern Siberia and is a regular summer migrant to coastal Australia. This species has been frequently recorded in the locality and was recorded in 2013 in Towra Point Nature Reserve. Whimbrels have not been recorded in the study area or along Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Pacific Golden Plover	<i>Pluvialis fulva</i>	This species occurs in estuaries, mudflats, rocky reefs, and ocean shores where there is stranded seaweed. They breed in north-eastern Siberia and western Alaska and are a regular, common visitor to coastal Australia. Pacific Golden Plovers are frequently recorded in the locality with the most recent record being 2013. However, the species has not been recorded in the study area or on Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Grey Plover	<i>Pluvialis benghalensis</i>	Grey Plovers occur on mudflats, saltmarshes, tidal reefs and estuaries. They breed around the Arctic and are a regular summer migrant to coastal Australia. There are several records for this species for the locality and as recently as 2013. However, there are no records for this species in the study area or along Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Common Tern	<i>Sterna hirundo</i>	Common Terns occur in offshore waters, and on beaches, bays, estuaries and sandflats. They breed across the northern hemisphere and are a regular summer migrant to coastal Australia. This species is frequently recorded in the locality, with the most recent record being from 2013. There are no records for the study area or Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Little Tern	<i>Sternula albifrons</i>	Migrating from eastern Asia, the Little Tern arrives in NSW from September to November. It occurs mainly north of Sydney, with smaller numbers found south to Victoria. It breeds in spring and summer along the entire east coast from Tasmania to northern Queensland. Little Terns are almost exclusively coastal, preferring sheltered environments; however, they may occur several kilometres from the sea in harbours, inlets and rivers. They nest in small, scattered colonies in low dunes or on sandy beaches just above high tide mark near estuary mouths or adjacent to coastal lakes and islands. This species is commonly recorded in the locality with the most recent record being from 2013. A little Tern was recorded in 2003 on the beach at Kyeemagh and there is a record from 1995 for Sandringham Bay at the southern end of Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Grey-tailed Tattler	<i>Tringa brevipes</i>	This species inhabits estuaries, tidal mudflats, mangroves and river margins. Breeding in Siberia, they are a regular summer migrant to coastal Australia. This species is frequently recorded in the locality with the most recent record being from 2013. There are no records from the study area or along Lady Robinsons Beach (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Marsh Sandpiper	<i>Tringa stagnatilis</i>	Marsh Sandpipers occur in estuaries, tidal mudflats and wetlands. They breed from Austria to northern Mongolia and are a regular summer migrant to mostly coastal Australia. There is only one record for this species (from 1983) for the locality in the mouth of the Cooks River (Pizzey & Knight 2007; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).
Terek Sandpiper	<i>Xenus cinereus</i>	This species breeds from Finland to north-eastern Siberia and is a rare migrant to the eastern and southern Australian coasts. The two main sites for the species in NSW are the Richmond River estuary and the Hunter River estuary. This species inhabits coastal mudflats, lagoons, creeks and estuaries and it favours mudbanks and sandbanks located near mangroves. It may also be observed on rocky pools and reefs. This species is frequently recorded in the locality, the most recent record being in 2012 in Towra Point Nature Reserve. There is a record for the mouth of Cooks River, but from 1981 (Pizzey & Knight 2007; AWSG 2013; Office of Environment and Heritage 2013b; Office of Environment and Heritage 2014).

According to the *Significant Impact Guidelines 1.1. - Matters of National Environmental Significance* (Department of the Environment 2009), an action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:

- substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species
- result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species, or
- seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

An area of 'important habitat' for a migratory species is:

- habitat utilised by a migratory species occasionally or periodically within a region that supports an ecologically significant proportion of the population of the species, and/or
- habitat that is of critical importance to the species at particular life-cycle stages, and/or
- habitat utilised by a migratory species which is at the limit of the species range, and/or
- habitat within an area where the species is declining.

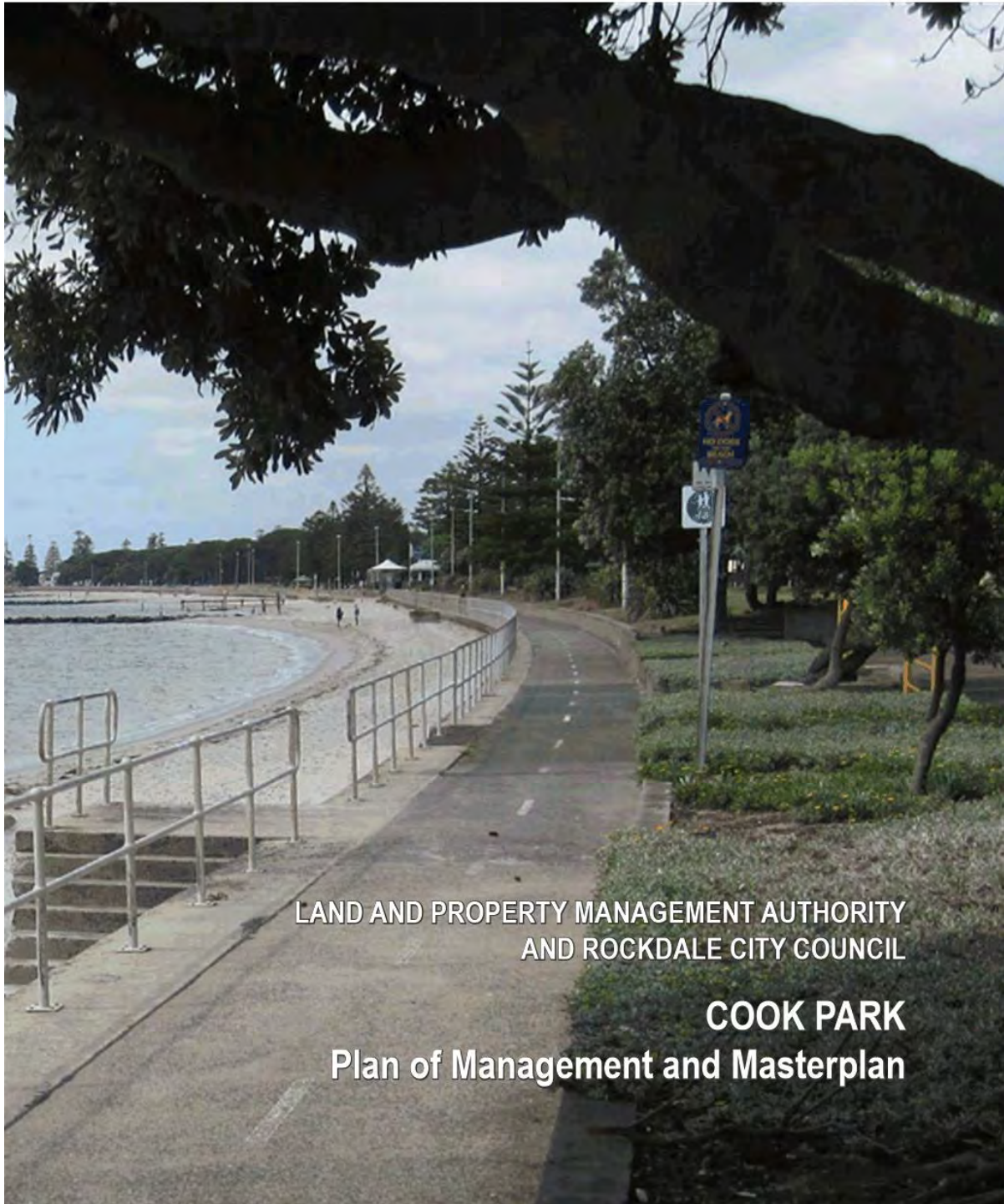
It is considered that the proposed off-leash area does not represent 'important habitat' for any of these species nor does the area 'support an ecologically significant proportion' of a population of any of the species listed. No habitat for these species would be removed and less than 200 m of shoreline at Monterey would be 'modified' through increased disturbance as a result of the proposed action. This area represents only a relatively small area (approximately 2%) in comparison to the remaining potential habitat for these species in the locality and the proposed area is already subject to a high level of human disturbance from fishers, bathers and beach-walkers. Thus the 'modification' of this potential habitat is unlikely to have a significant impact on any listed migratory species.



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LAND AND PROPERTY MANAGEMENT AUTHORITY
AND ROCKDALE CITY COUNCIL

COOK PARK Plan of Management and Masterplan

Cover; Cook Park foreshore looking south

COOK PARK PLAN OF MANAGEMENT AND MASTERPLAN



Land and Property Management Authority
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Parramatta NSW 2150

with

Rockdale City Council
2 Bryant St
Rockdale NSW 2216

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27.01.10	C	For Review	Crosbie Lorimer
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FOREWORD

The collection of reserves known as Cook Park consists primarily of Crown land owned or controlled by the State of NSW (2 reserves and 2 dedications) and 'set aside for the benefit of the people of NSW' (Section 10, Crown Lands Act 1989). A number of parcels of land in the south of the Park are owned by Rockdale City Council and all are classified as 'Community Land' under the Local Government Act 1993. Plans showing the land division of the Park can be found under Site Description on page 10.

The Park also contains a number of premises (mainly in the form of food outlets) with leasehold tenants. The majority of these leaseholds are managed by Rockdale City Council but three are managed directly by the Land and Property Management Authority (LPMA). Details of these leases can be found in Appendix 1.

This Plan of Management is a directive of the Director General of the LPMA (under Section 112 of the Crown Lands Act, 1989) in collaboration with Rockdale City Council.

The Plan has been prepared under the Crown Lands Act (1989) for areas of Crown Reserve and Crown Dedication and the Local Government Act (NSW) 1993 for Community Land.

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1. INTRODUCTION

THE NEED FOR A PLAN OF MANAGEMENT

Cook Park stretches for six suburbs along the northern and western edges of Botany Bay. Along its length the Park plays an important and extensive recreational and environmental role. The Park's recreational functions include swimming, boating, children's play, cycling, walking and picnicking to name a few. The Park also forms the central section of the proposed Botany Bay Trail linking La Perouse and Botany Bay.

The Park's environmental function lies not only with its terrestrial and aquatic habitat, but also in its connections to other open spaces along the Cooks and Georges rivers and to the nearby Rockdale Wetlands.

A Plan of Management for the Park was prepared in 1998 under the Crown Lands Act (1989) to identify and address the many issues that arise from and affect the reserve. This Plan also defined objectives, recommended strategies and suggested methods of implementation.

In 2002 a review of the Plan was undertaken in the form of community consultation sessions identifying new issues that had arisen. This review also assessed the ability of the existing Plan to deal with these new issues or to assess whether a change to the Plan was required.

In the 12 years since this first plan was prepared there have been many changes in and around the Park that require the previous Plan to be substantially updated in order for it remain a valid and useful document. These include:

- Future anticipated population increases (7,000 extra dwellings in Rockdale by 2031).
- The creation of the Metropolitan Trails link, with Cook Park being a key link between the Cooks and Georges rivers.
- The future reconstruction of the northern section of the Park where desalination infrastructure has recently been installed.
- Ongoing proposals for boating facilities including a marina and boat launching ramp.
- Ongoing concerns over the extent, distribution and scale of car parking required to service the Park.
- Likelihood of significant increase in number of park users

This Plan identifies and addresses these new issues in conjunction with those still unresolved from the previous 1998 Plan and its 2002 review.

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LEGISLATION AND PLANNING CONTEXT

The site and its use is governed by a number of statutory and planning instruments and policies including:

- The Crown Lands Act (1989) - the principal Act governing the management of the Park.
- Local Government Act (1993) as amended in 1998 - applying to 'Community Land' in the southern areas of the Park.
- The Environmental, Planning and Assessment Act, NSW (1979)
- NSW Metropolitan Strategy (2009).
- Food and Beverages outlets on Crown Reserve Policy Version 3 (2004).
- Retail Lease Act (1994).

The Park falls within Wards 3 and 5 of the Rockdale Local Government Area and is zoned 6(a) Existing Open Space under the Local Environmental Plan (2000).

The Park is governed by the Cook Park Trust as established under section 92 of the Crown Lands Act (1989). Rockdale City Council (RCC) is the manager of the affairs of the Trust and in that role is responsible for maintenance and upgrading works. All works must be undertaken within the guidelines of Section 11 of the Crown Lands Act (1989). These guidelines outline the principles of Crown Land Management and include the adherence to environmental principles, preservation of natural resources and encouragement of public use and multiple use.

In order to meet the specific statutory requirements of Section 36 of the Local Government Act (1993) for the Council owned Community Land, this Plan of Management identifies:

- The Category of the land.
- Objectives and Performance Targets of the Plan.
- The means by which Council proposes to achieve the Plan's objectives and performance targets.
- The manner in which Council proposes to assess the Plan's performance.
- Nature and use.
- Lease details.

The details relating specifically to Community Land can be found in the chapter on Council Owned Community Lands later in this document.

The nature and use of Community Land as stated in this Plan may not change without the preparation of a new adopted Plan of Management.

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This Plan sets out the details of all existing leases on Crown Land and Community Land in Appendix 1. The description of the lease on Community Land in this document expressly authorises the lease as required by the Local Government Act (NSW) 1993.

SITE DESCRIPTION

The Park is an 8.5 km long foreshore public open space bounded on the east by Botany Bay, on the north by the Cooks River, on the south by the Georges River and on the west by a number of major roads, the longest being General Holmes Drive and The Grand Parade (refer Figure 01).

The study area begins at the Endeavour Bridge in the north and passes through the suburbs of Kyeemagh, Brighton Le Sands, Monterey, Ramsgate Beach, Sans Souci, Dolls Point, and Sandringham to the St George Sailing Club in the south. The foreshore boundary of the study area extends only to the beach above the mean high water mark although reference is made to constructed elements which extend into the water beyond this mark. Below the high water mark is the jurisdiction of NSW Maritime and beyond the scope of this Plan.


The Park is an important environmental and passive recreational resource for the local and broader regional population. Features of the Park include opportunities for land and water based recreation, an important recreational and commuter cycle link, access to the beach and connections to sailing and other boating facilities. Environmental values include proximity to coastal and marine habitat and the Rockdale Wetlands.

The entire length of the Park affords panoramic views of Botany Bay south to the Kurnell Peninsula with the northern section in Kyeemagh offering views to Kingsford Smith Airport and aircraft movements.

As can be seen in the following plans, Crown and Community Land do not form a continuous strip from Kyeemagh at the mouth of the Cooks River to Sandringham at the mouth of the Georges River. As there is still a physical connection by way of a cycle path or public road in the gaps, the study area is considered to be continuous.

CROWN RESERVE DETAILS

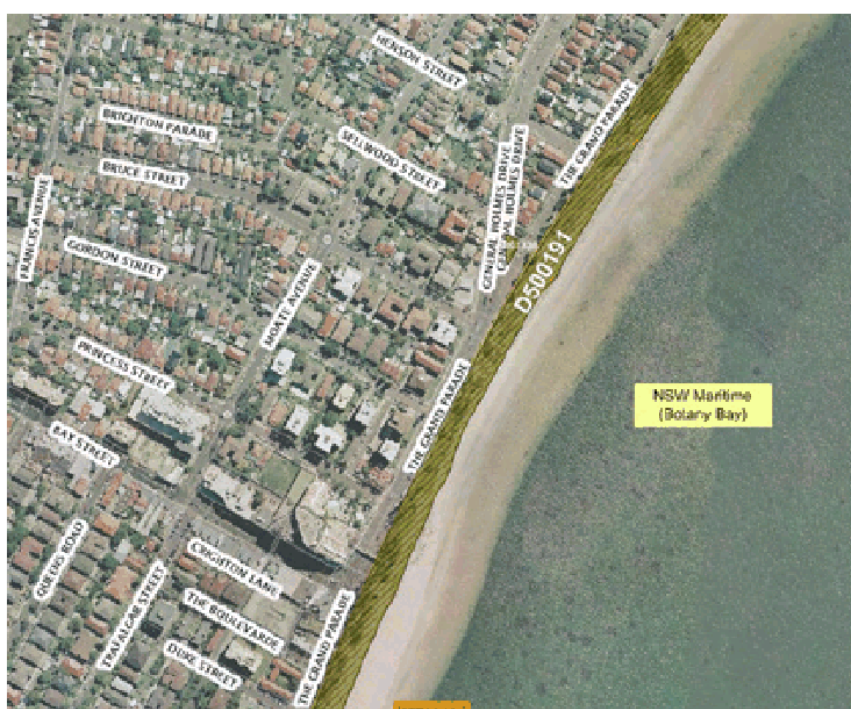
In the following pages a series of aerial photographs illustrate the extent of Crown Reserve Lands (with DP Nos.) that categorise the majority of Cook Park. The extent of Community Lands is also illustrated.

 Land and Property
Management Authority Land and Property
Management Authority
T'neen Leen

NSW Maritime
(Botany Bay)

Cook Park - Crown Reserve Details

- R67308 not'd 4-Feb-1938 for Public Recreation.
- R1034509 not'd 11-Dec-2009 for Public Recreation.
- D500950 dedicated 03-Oct-1958 for Public Recreation.
- P500191 proclaimed 30-Mar-1886 for Recreation.
- D500962 dedicated 5-Sep-1911 for Public Recreation.



Cook Park - Crown Reserve Details

- R67038 not'd 4-Feb-1938 for Public Recreation.
- R1024509 not'd 11-Dec-2009 for Public Recreation.
- D500050 dedicated 03-Oct-1958 for Public Recreation.
- P500101 proclaimed 30-Mar-1986 for Recreation.
- D500062 dedicated 5-Sep-1951 for Public Recreation.



CROWN RESERVE DETAILS



CROWN RESERVE DETAILS



CROWN RESERVE DETAILS



COOK PARK AERIAL 9

Cook Park - Crown Reserve Details

- R67338 not'd 4-Feb-1938 for Public Recreation.
- R1024509 not'd 11-Dec-2009 for Public Recreation.
- D500050 dedicated 03-Oct-1958 for Public Recreation.
- P500191 proclaimed 30-Mar-1886 for Recreation.
- D500062 dedicated 5-Sep-1931 for Public Recreation



Land and Property
Management Authority
Crown Lands



COOK PARK AERIAL 10

Cook Park - Crown Reserve Details

- R67338 not'd 4-Feb-1938 for Public Recreation.
- R1024509 not'd 11-Dec-2009 for Public Recreation.
- D500050 dedicated 03-Oct-1958 for Public Recreation.
- P500191 proclaimed 30-Mar-1886 for Recreation.
- D500062 dedicated 5-Sep-1931 for Public Recreation



Land and Property
Management Authority
Crown Lands

COMMUNITY LAND DETAILS

**COOK PARK****AERIAL****11****Cook Park –
Community Land
Details**

- Lot 2 DP73318
- Lot 3 DP73318
- Lot 77 DP2237
- Lot 76 DP2237
- Lot 75 DP2237
- Lot 74 DP2237
- Lot 73 DP2237
- Lot 72 DP2237
- Lot 71 DP2237
- Lot 70 DP2237
- Lot 69 DP2237
- Lot 68 DP2237
- Lot 67 DP2237
- Lot 66 DP2237

**COOK PARK****AERIAL****12****Cook Park –
Community Land
Details**

- Lot 27 DP15280
- Lot 2 DP418083
- Lot 16 DP270045



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METHODOLOGY AND FORMAT

The following summary sets out the methodology adopted in achieving the objectives of the Plan and the format chosen for its presentation. The approach to the project has involved four principal stages as outlined below.

Document review

A key component of this Plan has been the review and evaluation of previous reports and studies in conjunction with current planning policies. As several of the reports and some of the planning instruments had not been written or gazetted on adoption of the previous Plan, review was critical in considering the Park and its issues in the current context.

Fieldwork

Numerous site visits were undertaken by foot, bicycle and car at different times of the day and week throughout the study period to understand how the Park is used, where user issues arise and improvements that might be made.

Consultation

Consultation has been undertaken in three tiers and two stages. In the first stage organisational stakeholders (forming a Reference Group) and community stakeholders were consulted separately in a workshop format to ascertain issues that may have arisen since the writing of the original Plan and its 2002 review. Organisational stakeholders consisted primarily of government bodies such as the RTA and Sydney Water and private organisations that may be affected by the Plan such as Sydney Airport Corporation Limited. Community stakeholders consisted of groups who hired or booked any part of the Park for private use, leaseholders, and organisations or groups/individuals who were considered regular users but whose use did not require registration or payment.

In the second consultation stage, the key elements of the Plan were presented at Community Information Sessions in the form of ten panels for review and comment prior to exhibition. These panels were displayed between 11.00 and 2.00pm on Saturday 28th November, 2009 at the Ramsgate Lifesaving Club and between 6.00pm and 9.00pm at the Novotel Hotel on Thursday 3rd December, 2009. At both these Information Sessions, members of the project team from CLOUSTON Associates and Elton Consulting were on hand to discuss the issues and strategies with the attendees. Attendees were also invited to fill out feedback forms and provide any extra input on the issues and strategies they felt had not been covered.

To advertise this second round of consultation, 4,800 flyers were dropped in letter boxes, advertisements were taken out in the St George Leader and the consultation events were advertised on the Rockdale City Council (RCC) and LPMA websites. Flyers were also dropped in cafes, shops and kiosks in the Park and in the immediate proximity to the Park.

Following the events, the ten panels used for display were uploaded to the RCC and LPMA websites for further public comment and feedback.

Preparation of the plan

Over a period of several months the plan was drafted by the team, reviewed by LMPA and Council before being placed on public exhibition.

ABBREVIATIONS USED IN THIS PLAN

Local Environmental Plan (Rockdale)	LEP - 2000
Crown Lands Act	CLA - 1989
Local Government Act	LGA - 1993 (amended 1998)
Land and Property Management Authority	LPMA
Rockdale City Council	RCC

LOCAL CONTEXT



Key facts about Cook Park

- The Park is located within the Darug Aboriginal tribal area.
- The Park is 8.5 km long and consists of both Crown Land and Community Land.
- The Park is named after Samuel Cook, who ensured that the land along the western shore of Botany Bay was acquired for public use in 1883.
- The majority of Cook Park was dedicated on the 30th March 1886 with the remainder declared public reserve on 25th September 1931.
- The Park is of regional significance due to its location, size, regional cycle and walking connections and frontage to Botany Bay.
- There are significant environmental and recreational links with Rockdale Wetlands, Cooks River and Georges River.

Park use

Major uses and activities within the Park include:

- Cycling and walking on shared and dedicated cycle and pedestrian paths from the Cooks River to the Georges River.
- Historical large scale events such as circuses north of Bestic Street.
- Kiosks and restaurants.
- Boating, swimming, windsurfing / kite boarding.
- Picnicking and barbecuing.
- Children's play.
- Existing permitted commercial leases and licenses under the Crown Lands Act and Local Government Act include restaurants, kiosks, clubs and community organisations (see adjacent plan).

Environment and Heritage

- Ecologically significant sand dunes and dune vegetation along the foreshore north of Brighton.
- Culturally significant plantings such as pines in Pine Park, Coral Trees and Norfolk Island Pines at Dolls Point and Norfolk Island Pines along The Grand Parade.
- Swathes of open grassland with scattered trees providing recreation facilities and habitat for birds.
- Key heritage sites and features including cannons at Brighton and Sandringham.



cook park plan of management • rockdale
CONTEXT PLAN

Figure 01

May 2010

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2. ISSUES

Cook Park is an extensive area of open space in a multi-cultural local government area with access to a variety of facilities and natural features, including the beach. It caters to local users of all ages, including visitors from further afield who enjoy the Park's unique character and features and transitory users who pass through the Park on its system of pathways and cycleways. With such a broad user base and variety of possible activities, issues and conflicts inevitably arise.

The following section summarises issues raised to date which have been ascertained from field evaluation, reference group input, community feedback and liaison with managing group interests. The issues have been outlined in the following table format:

Topic Headings

Topic headings were established as a framework for discussion of specific issues relating to the study area. These are as follows:

- Enjoying the Park and Bay.
- Getting To and Around the Park.
- Protecting the Park's Environment, Heritage and Character.
- Looking after the Park and its Buildings.

Topics

Each of these topic headings has subtopics that relate to that issue such as 'Swimming' in 'Enjoying the Park and Bay'.

Issue

The issues as ascertained by the process / discussions indicated above. Comments and suggestions raised by stakeholders are included as stated, without commentary or priority.

Locality

Many of the Issues raised relate to a specific geographic or site within the Park. Where this is the case, the area or locality has been identified.

ISSUES

ENJOYING THE PARK AND BAY		
TOPIC	ISSUE	LOCALITY
General		
Picnicking	<ul style="list-style-type: none"> • Interest expressed in 'tourist attraction' in the Park. Large Ferris wheel among the suggestions • Barbecues broken, or in need of renovation and replacement • Not enough bins in high use areas and many are in poor condition • No disposal facilities for ash from private barbecues • Not enough shade in parts of the Park • More and better furnished playgrounds are needed throughout the Park • Concerns about child safety in playgrounds close to roads • Littering signage is clear in Peter Depena Reserve but needs to be more extensive 	<ul style="list-style-type: none"> • Kyeemagh • Peter Depena Reserve • Throughout park • Peter Depena Reserve • North of Bestic St. • Throughout park • Banks St. Monterey • Throughout park
Swimming	<ul style="list-style-type: none"> • Baths considered in poor condition and in need of repair • Quality and number of toilets and showers inadequate • Sedimentation in some baths is a problem causing an unsatisfactory swimming experience • Conflicts exist between wind surfers, jet skiers and swimmers • Wharf is popular for diving but dangerous because of changing sand levels • No distinct areas for swimming, jet ski landing or wind surfing / Kite boarding along the beach 	<ul style="list-style-type: none"> • Sandringham, Brighton • Vicinity of baths • Ramsgate, Kyeemagh • Between Brighton Le Sands and Kyeemagh • Dolls Point • All along beach
Fishing	<ul style="list-style-type: none"> • Not enough facilities for fishermen such as cleaning, gutting tables or wharfs from which to fish 	
Boating	<ul style="list-style-type: none"> • No facilities for launching of rescue vessels for beach swimmers and windsurfers / kite boarders • Mixed opinion about improved boating facilities. General opposition to large marinas and boating facilities near main swimming areas • Concerns about boat traffic and jet ski conflict with swimmers • No facilities for boats to shelter if caught in storms 	
Windsurfing and Kite Boarding	<ul style="list-style-type: none"> • No facility for storage for windsurfing and kite boarding equipment. • Narrow access to beach with high posts causes windsurfers and kite boarders to short cut through dunes and over rocks • Height of dune protection fencing posts at beach damages beach sports equipment 	<ul style="list-style-type: none"> • Length of park • Ramsgate • Ramsgate, Kyeemagh

ISSUES

GETTING TO AND AROUND THE PARK		
TOPIC	ISSUE	LOCALITY
Public Transport	<ul style="list-style-type: none"> Use of a shuttle bus service suggested to move people to central points and help reduce traffic congestion Positioning of bus stops in locations more appropriate to park use and potential for bus slip lanes for safety proposed Public transport to park from neighbouring suburbs considered inadequate 	<ul style="list-style-type: none"> Brighton Le Sands, Ramsgate, Kyeemagh Kyeemagh, Monterey
Cars and Parking	<ul style="list-style-type: none"> Car parking not considered to be responsive to function of individual areas Access to Cook Park for vehicles heading north is difficult Extra car parks within the Park were mostly opposed however parking problems in Brighton were acknowledged Closed off car parks in need of review Street based car park is noted by some as a venue for anti-social behaviour at night Vehicle access to the Park immediately south of Endeavour Bridge dangerous due to sudden change in vehicle speed Ninety degree road entries to Park noted as being dangerous for cars Lack of signage where pedestrian / cycle paths enter car parks creates major safety concerns Significant amount of redundant asphalt in some car parks The outstanding DA for the car park south of Le Sands Restaurant remains unresolved 	<ul style="list-style-type: none"> Monterey Throughout park Throughout park Pine Park Vanston Parade, Dolls Point Kyeemagh Monterey All car parks Monterey
Cycling	<ul style="list-style-type: none"> Many consider that the path system will be inadequate for growing local and wider community use There is significant community support for separate pedestrian and cycle paths where possible Current cycle speed control devices cause problems for pedestrians No defined cycle / pedestrian priority path in car parks Sand on path is a cycle hazard Steep ramps at various locations are a cycle hazard Blind corner along the foreshore path between Riverside Drive and Lena Street at Sandringham is a safety issue S-bends in cycle paths create shortcuts across grass and thereby potential conflict with park users Access to the Park by bicycle on the local roads is considered dangerous 	<ul style="list-style-type: none"> Throughout park Ramsgate Beach, Monterey, Brighton Le Sands Ramsgate Beach Throughout park Sandringham, Monterey Brighton Le Sands North Brighton, Ramsgate Beach Sandringham North Brighton

ISSUES

GETTING TO AND AROUND THE PARK		
TOPIC	ISSUE	LOCALITY
<i>Walking</i>	<ul style="list-style-type: none"> Pedestrian crossing of The Grand Parade presents safety issues due to speed and amount of vehicular traffic 	<ul style="list-style-type: none"> All along The Grand Parade
	<ul style="list-style-type: none"> Larger pedestrian groups have problems in narrow areas of the path 	<ul style="list-style-type: none"> South of Peter Depena and at Brighton
	<ul style="list-style-type: none"> Access paths to the beach are considered too narrow and dune protection fence posts too high 	<ul style="list-style-type: none"> Ramsgate Beach, Kyeemagh
	<ul style="list-style-type: none"> There are insufficient pedestrian crossings on The Grand Parade 	<ul style="list-style-type: none"> Ramsgate Beach, Monterey, north Brighton
	<ul style="list-style-type: none"> Pedestrian / cycle conflicts at pinch points such as Ramsgate Life Saving Club and the roadside footpath at Le Sands 	<ul style="list-style-type: none"> Ramsgate Beach, Brighton
	<ul style="list-style-type: none"> The bridge across the canal in Peter Depena Reserve considered too narrow for shared use by pedestrians and cyclists 	<ul style="list-style-type: none"> South of Peter Depena Reserve
	<ul style="list-style-type: none"> Pedestrians have been regularly knocked over on The Grand Parade 	<ul style="list-style-type: none"> South of Bay Street
	<ul style="list-style-type: none"> An interpretive board walk on the foreshore between President Avenue and the existing boardwalk considered appropriate 	<ul style="list-style-type: none"> North of Teralba Road
	<ul style="list-style-type: none"> Many dog walkers believe that off leash opportunities exist for dogs to enter the water without inconvenience to other users at the northern and southern ends of the Park 	<ul style="list-style-type: none"> West of St George Sailing Club
		<ul style="list-style-type: none"> North of Kyeemagh Baths netted area

ISSUES

CONSERVING THE PARK'S ENVIRONMENT, HERITAGE AND CHARACTER		
TOPIC	ISSUE	LOCALITY
Aboriginal and non-Aboriginal Heritage	<ul style="list-style-type: none"> Interpretation of the Park's heritage is under represented in the Park. Many considered this should be addressed across all aspects of Aboriginal and non-Aboriginal heritage Heritage features in the Park such as the cannons at Brighton and Sandringham are highly valued Pine Park has a known history but this is not reflected in signage or other interpretation. Previous proposal for peace park in this location was not widely supported 	<ul style="list-style-type: none"> Throughout Park Brighton, Sandringham Dolls Point
Natural Heritage and Environment	<ul style="list-style-type: none"> A heritage trail, an interactive self-guided audio tour and educational signage were options proposed. Interpretation of natural heritage and environment of the Park has been neglected. Examples of possibilities cited include ongoing consideration and interpretation of sand dunes, and their vegetation Dunes are blown out in southern areas where weeding has been undertaken but no consequent re-planting with native species has been undertaken 	<ul style="list-style-type: none"> Peter Depena Reserve Kyeemagh Sandringham
Character	<ul style="list-style-type: none"> The Parks character as a green space is highly valued and there is a strong desire for this to be retained. There is little definition at the key entrances to the Park and no definite sense of entry Some views to the Bay from seats at the top of the dunes are being obscured by vegetation growth Many in the community have registered strong opposition to extra car parks, buildings or commercial premises in the Park Foreshore areas are poorly integrated with their surroundings and appear to have inappropriate and left over infrastructure such as kerbs and metal barriers, especially around closed car parks 	<ul style="list-style-type: none"> Throughout Park Pine Park, Brighton, Kyeemagh Throughout Park Dolls Point and Sandringham

ISSUES

LOOKING AFTER THE PARK AND BUILDINGS		
TOPIC	ISSUE	LOCALITY
Leases and Licensed Premises	<ul style="list-style-type: none"> Community opposition to further commercial activity in new buildings Desire to define and verify all public access requirements and rights in relation to leased premises Several leased properties in need of repair or upgrade Le Beach Hut is generally considered in need of renovation / reconstruction - an architectural competition suggested by stakeholders 	<ul style="list-style-type: none"> Throughout park All leased premises Throughout park Peter Depena Reserve
Toilets	<ul style="list-style-type: none"> Toilet buildings were considered to be dark and unsafe with personal security issues Toilets were considered not open early enough in the mornings Toilet buildings were generally considered in need of replacement 	<ul style="list-style-type: none"> Throughout park Throughout park Throughout park
Lighting	<ul style="list-style-type: none"> Lights throughout park are inconsistent in design and light provided Lighting bulb replacement is considered to take too long creating safety concerns at night 	<ul style="list-style-type: none"> Throughout park Car parks specifically
Park and Street Furniture	<ul style="list-style-type: none"> Community would like to see more unity throughout park with elements such as lighting and furniture 	<ul style="list-style-type: none"> Throughout park
Waste	<ul style="list-style-type: none"> There are no recycling bins in the Park There is no facility for disposal of ash from barbecues Litter is a major problem on weekends and many considered there was a need for policing of this issue and education of community Litter collection is considered inadequate particularly after busy periods and major events 	<ul style="list-style-type: none"> Throughout park Peter Depena, Kyeemagh Throughout park Throughout park
Facilities and Infrastructure	<ul style="list-style-type: none"> Much of the existing infrastructure, fixtures and fittings in park are ageing and in need of replacement 	<ul style="list-style-type: none"> Throughout park

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3. BASIS FOR MANAGEMENT

VALUES AND SIGNIFICANCE

The requirements of Section 11 of the Crown Lands Act (1989) outlines management principles for Crown Land and the Local Government Act (NSW) 1993 specifically addressing the needs for Plans of Management to identify the value and significance of the subject site for a range of criteria.

Set out below are the assessments of values and significance which are based on an overview of the key issues and objectives described in the previous sections.

Heritage value

Regional and State Significance:

The area has significance based on evidence of pre-European Aboriginal use.

National Significance

The arrival of Captain Cook in Botany Bay is nationally significant for all Australians.

Regional and Local Significance

Historical significance of Lady Robinsons Beach, Brighton le Sands and the Cook Park area in general as a major seaside resort destination from the turn of the century.

Social value

Regional and Local Significance

Recreational and wellbeing values to a wider urban residential catchment.

Visual quality

Regional and Local Significance

Extensive regional views across the Bay to Kurnell and north to the CBD.

Natural value

State, Regional and Local Significance

Significant habitat on the foreshores play a major ecological role in the health of the Bay.

Recreational value

Regional and Local Significance

Extensive recreational opportunities for visitors from across the city are a drawcard for visitors to Botany Bay.

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4. MANAGEMENT PRINCIPLES

The issues and opportunities identified by the community, stakeholders and consultants have been used to develop key principles that will underpin management strategies for Cook Park. These principles address the objectives of Crown Land management (Section 11, Crown Lands Act, 1989) and represent an important reference point when strategies may need to be revised.

Enjoying the Park and Bay

- Maximise shade and shelter in exposed areas of the Park.
- Ensure paths are capable of safely servicing the number and variety of users.
- Provide swimming facilities that are safe and enjoyable to use.
- Minimise conflicts between different water based recreation types to ensure safety and enjoyment for all users.
- Ensure safety craft have adequate launch facilities to provide for the security of beach users.
- Encourage shared use of existing buildings for community purposes.

Getting to and Around the Park

- Minimise impact of vehicles throughout the Park by optimising car parking and management of traffic movement.
- Provide safe and convenient non-vehicular connections to surrounding areas of open space and adjacent community.
- Encourage and promote sustainable and collective public transport to the Park.
- Ensure user conflicts are minimised through appropriate design of park elements, features and facilities.
- Ensure that visitors can easily navigate their way around the Park.

Conserving the Environment, Heritage and Character of the Park

- Ensure that any changes to or development in the Park do not negatively impact on the natural environment of both land and water.
- Protect, maintain and enhance regenerating native vegetation and areas of remnant vegetation.
- Provide opportunities for interpretation of the Park's natural and cultural heritage.
- Conserve and promote appreciation of Aboriginal heritage sites and values in the Park.
- Establish an identity for the Park that recognises its varied character along its length.

Looking After the Park and its Buildings

- Ensure leased premises or licensed premises are for purposes that promote or are related to the use and enjoyment of the Park.
- Seek opportunities within the Park to assist in recouping maintenance costs that are appropriate to the Park's principle function and purposes.
- Manage waste in the Park by a balanced combination of facilities management and education.

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5. STRATEGIES

INTRODUCTION

The Strategies that follow have been formulated firstly to deal with existing issues raised by the community, professional stakeholders, reference groups and consultants and secondly to deal with likely future developments in the Park and its immediate surrounds. These changes include increase in population and the changing nature of public use of open space.

The Strategies have been tested against the Management Principles to ensure that they are both sustainable and appropriate to the Park as a unified public open space.

FORMAT

The Strategies for the Park have been arranged in a table format for ease of reference and application. They are arranged in columns from Strategy through to Responsibility. The columns are as outlined briefly below:

Strategies:

These define the principle actions to be passed under the Plan. Some strategies may fall under a number of topics but have been addressed only once to avoid repetition.

Typical locations:

Locations where Issues have been specifically but not exclusively noted. The same issues may occur in other parts of the Park and the strategies should be evaluated for appropriateness of application in these areas.

Priority

Relative order in which the strategies should be implemented. This is further clarified on the following page.

Planning, Construction, Management

These columns have been included for ease of use to identify at a glance the type of action required to implement the strategy.

In some cases a strategy will have more than one component for example Planning and Construction often occur together as much of the construction noted will have a design or planning component before works can be undertaken. Construction may also be as simple as road marking and does not necessarily involve assembly or installation.

Roles and Responsibilities

Against each strategy parties are nominated for action, review, evaluation or implementation. The party with the primary role is nominated in **bold** font. Other involved parties are nominated in normal font. Abbreviations are shown overleaf.

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ROLES AND RESPONSIBILITIES PARTICIPANTS

COMM	The Local Community
DECCW	Department of Environment, Climate Change and Water
LP	Local police (Kogarah, Rockdale)
LPMA	Land and Property Management Authority
RCC	Rockdale City Council
SW	Sydney Water
STA	State Transit Authority of NSW
NM	NSW Maritime
RTA	Roads and Traffic Authority
CMA	Catchment Management Authority

PRIORITIES

Against each strategy in the table a column is provided indicating the Priority of Implementation. This priority is based on both urgency of implementation and opportunity. While some strategies may have high priority, the opportunity to implement them may be dependant on another strategy being implemented.

High	Requires action as soon as possible .
High / Medium	Implementation / Evaluation is important but not the top priority.
Medium	Requires action in the medium term.
Medium to Low	To be undertaken as opportunity and funds become available.
Low	Not urgent but should be undertaken when constraints are removed.

In general the order of priority of implementation for strategies should focus on safety issues as the first priority followed by removal of user conflicts, enhancement of natural heritage values and then amenity.

TIMEFRAME

This Plan of Management has been prepared with a 15 year 'lifespan' in mind. The priorities above are based on this general timeframe.

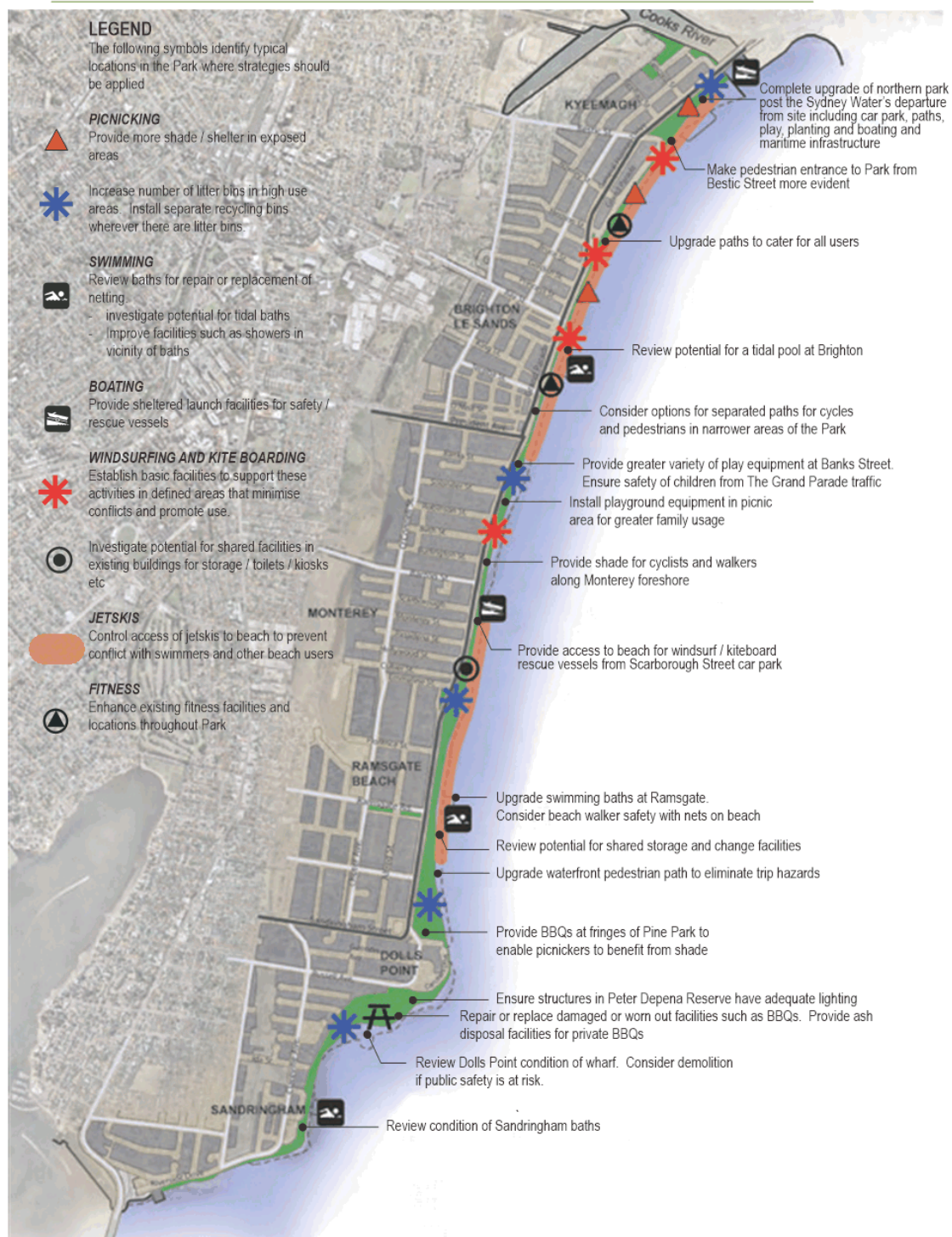
STRATEGIES

ENJOYING THE PARK AND BAY		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Overarching Principle <i>The creation of a more integrated and better serviced precinct for the enjoyment and recreation of all users.</i>						
General						
Undertake a design Masterplan for the Park as a whole with priority areas identified for more detailed design		H / M	●			RCC
Review potential for a tourist attractor in the northern section of the Park	Kyeemagh	M / L	●			RCC
Picnicking						
Repair or replace damaged or worn out barbecues	Peter Depena Reserve	H / M		●	●	RCC
Provide barbecues in areas in large open space currently not catered for	Pine Park, North of Bestic Street	M	●	●		RCC
Increase bin numbers in high use areas	Peter Depena Reserve, Ramsgate (Dolls Point) baths, Brighton Le sands, North of Bestic Street	H		●	●	RCC
Extend anti litter campaign to reduce littering	High use areas such as Brighton Le Sands	H	●			RCC
Provide recycling bins wherever there are normally waste bins	Throughout park			●		RCC
Provide barbecue ash disposal facilities	Peter Depena Reserve Wherever barbecues are located	H / M		●		RCC
Review distinct areas of beach for swimming, jetski landing, kite boarding and windsurfing to avoid conflict	All along beach	M / H	●			RCC / NM
Extend planting to provide more shade	North of Pine Park	M		●		

STRATEGIES

ENJOYING THE PARK AND BAY		PRIORITY	PLANNING	CONSTRUCTION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Swimming						
Review safety status of Dolls Point Wharf. If hazardous to public safety consider permanent closure or demolition	Dolls Point	H		●		RCC / NM
Upgrade baths, replace or re-hang nets	Brighton Baths, Ramsgate (Dolls Point) Baths, Sandringham Baths	M		●		RCC / NM
Re-structure bathing net design to prevent trip hazards on beach	Kyeemagh, Brighton Le Sands, Ramsgate, Sandringham	M / H		●		RCC / NM
Addresses need for freshwater showers near baths within water conservation restrictions	Kyeemagh Baths, Brighton Baths, Ramsgate (Dolls Point) Baths, Sandringham Baths	H / M	●	●		RCC
Review potential for constructed tidal baths in highest use areas or areas with highest sedimentation	Brighton Baths, Ramsgate (Dolls Point) Baths	M	●			RCC / NM
Designate swimmer only zones outside baths for safety and to prevent conflict with other users	Kyeemagh, Brighton Le Sands, Ramsgate, Monterey	M	●			RCC
Fishing						
Provide fish cleaning and gutting facilities in key locations	Kyeemagh groyne	M / L	●	●		RCC / LPMA
Boating						
Provide improved access to the water for rescue craft	Kyeemagh at mouth of Cooks River, Monterey from car park	M	●			LPMA / RCC / NM
Review feasibility of maritime infrastructure and short term mooring facilities for boats caught in storms	The mouth of the Cooks River	M	●			LPMA / NM
Windsurfing and Kiteboarding						
Provide storage facilities by modifying existing kiosks and toilet blocks.	Kyeemagh, Monterey, Ramsgate	M	●	●		RCC
Upgrade showers and toilets	Entire park	H / M	●	●		RCC / SW
Reduce heights of dune protection fence posts to prevent damage to wind surfing and kite boarding equipment. Increase widths of existing access points to beach to 3 metres	Kyeemagh, Monterey, Ramsgate	H			●	LPMA / RCC

STRATEGIES



Land and Property
Management Authority



cook park plan of management

ENJOYING THE PARK AND BAY

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MAY 2010

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STRATEGIES

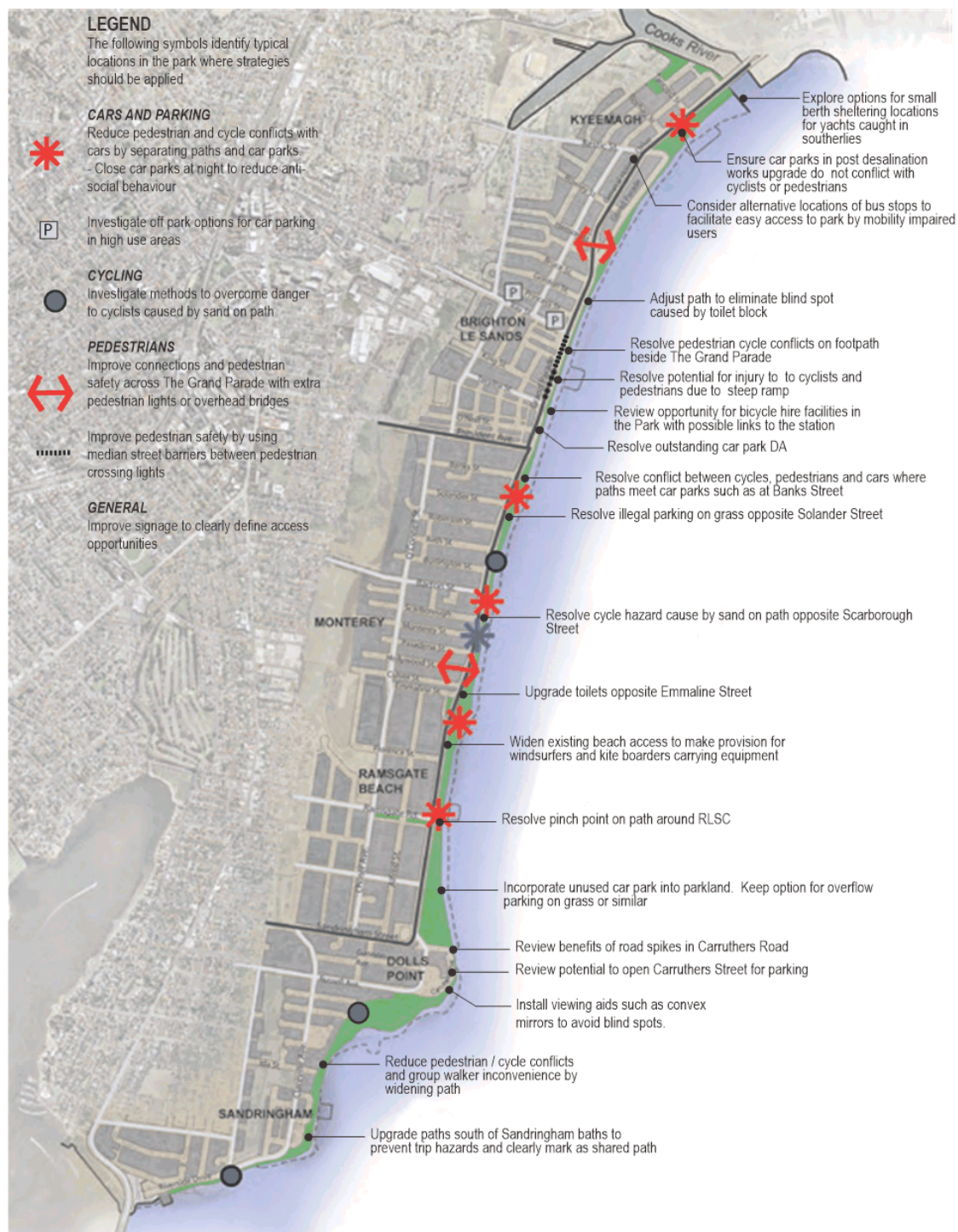
GETTING TO AND AROUND THE PARK		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Overarching Principle <i>Improvement of access and circulation in the Park with minimum conflict, maximum utility and minimum hard surface footprint.</i>						
Public Transport						
Review locations of bus stops to ensure ease of access for all users of the Park at key locations			●			STA / RCC
Cars and Parking						
Undertake a comprehensive carpark review throughout the Park to rationalise, simplify and better focus parking for park users.		H	●			LMPA / RTA / RCC
Resolve the outstanding DA for previously proposed car parking area south of Le Sands		H	●			RCC/LMPA
Re-align entry roads to car parks to eliminate 90 degree access from The Grand Parade and thereby avoid traffic hazards	All car parks	M / H	●	●		RCC/RTA
Establish cyclist / pedestrian priority points at path entries to car parks or car park access roads	All car parks	H	●	●		RCC
Review phasing of traffic lights to reduce danger to pedestrians (see RTA letter Appendix 5)	The Grand Parade, General Holmes Drive		●			RTA / RCC
Remove vehicle access to park immediately south of Endeavour bridge and retain entry created during desalination works	South of Endeavour Bridge			●		RCC / SW
Review all car park layouts to remove surplus road surface areas into parkland wherever practical (consider need for major event overflow parking)	All car parks		●	●		RCC
Review layout of car parks to discourage anti-social behaviour during the day	All car parks	H	●			RCC / COMM / LP
Review closure of all car parks at night to reduce anti social behaviour	All car parks especially in southern parts of the Park	H	●			RCC/ COMM /LP
Review options for upgrading existing car park in town centre to service Park and restaurants	Brighton Le Sands	M / H	●			RCC

STRATEGIES

GETTING TO AND AROUND THE PARK		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Cycling						
Undertake comprehensive review and prepare cycle and footpath upgrade for the full extent of the Park	Entire length of the Park	H	●			RCC
Separate pedestrian and cycle paths at conflict points	Ramsgate, Monterey	H / M	●	●		RCC
Widen narrow paths to minimise conflict	Adjacent to car park south of Georges River Sailing Club at Sandringham	H		●		RCC
Upgrade cycle path under Endeavour Bridge	Kyeemagh	M		●		RCC
Urgently address all cycle paths entering car parks to remove cycle hazard	All car parks	H		●		RCC
Improve visibility at blind spots along path through review of planted treatment	Along the foreshore path between Riverside Drive and Lena Street at Sandringham; at the toilet block near the intersection of The Grand Parade and General Holmes Drive	H / M			●	RCC
Resolve hazards of sand on paths and ensure all access paths to beach are stabilised	Sandringham, Monterey	H		●	●	RCC
Provide more bike racks in park focal points	Near playgrounds, Brighton Le Sands, near Ramsgate Baths, near Sandringham baths, all playgrounds	M / L		●		
Re-align paths to remove S-bends to avoid short-cutting and conflicts	Smooth at the toilet block near the intersection of The Grand Parade and General Holmes Drive	M		●		
Review potential for bike hire facilities to improve park use	Rockdale Railway Station, Brighton Le Sands kiosk	L	●			RCC / SRA
Establish on-road cycle network connecting with park and key local nodes such as the railway		M / L	●	●		RCC / RTA
Create pedestrian/cycle priority lanes through car parks where paths connect with the car park		M	●	●		RCC
Rationalise park to place cycle path on road in northern part of the Park (Bestic Street)	Grand Parade between Bestic Street and General Holmes Drive	H		●		RCC
Redesign path to allow cycles to rejoin footpath in park travelling south	Near intersection of The Grand Parade and General Holmes Drive	M / H	●	●		RCC

GETTING TO AND AROUND THE PARK		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Walking						
Increase width of access paths to the beach. Lower dune protection fence posts to prevent damage to water based sports equipment. Review potential of switchback access rather than direct access for all points	All beach access through dunes	H / M		●	●	LPMA / RCC
Install access paths made of chain linked wooden slat to beach with possible switchbacks in key locations to reduce sand deposition on paths	Sandringham, Monterey	H / M	●	●		LPMA / RCC
Install median fencing for pedestrian safety	Brighton Le Sands between Bay Street and next pedestrian lights south	H / M		●		RTA / RCC
Enhance connections to the Botany Bay Walk	Sandringham near the St George Sailing Club	M	●	●		LPMA / RCC
Continue consultation with RTA to seek new pedestrian traffic lights to ensure ease of access along the entire length of The Grand Parade	The vicinity of Bruce Street, Kyeemagh; Solander Street Monterey; Emmaline Street, Ramsgate Beach	M	●	●		RTA / RCC
Install signage to indicate shared status of car parks for vehicles, pedestrians and bicycles wherever paths are directed into car parks	Car parks in Monterey	M		●		RCC
Redesign paths to beachfront to reduce steepness	North and south of Brighton boardwalk	M / L	●	●		RCC
Review pedestrian / cycle pinchpoints on streetfront and boardwalk with a view to minimising danger and conflict	Around Le Sands restaurant building	H	●	●		RCC / RTA
Ensure consistency of all paths entering car parks with clear safety features such as signage, bollards etc	All car parks in line with paths	H / M	●	●		RCC
Replace cycle barriers with more pram friendly options	North of Ramsgate Baths	H / M		●		RCC
Review all paths to ensure universal access is optimised (AS 1428)		MH	●			RCC
Explore opportunities for additional interpretive boardwalks on foreshore	North of President Avenue to north of Teralba Road	M	●			RCC
Review opportunity for dog off leash entry to water in appropriate locations where few other beach users	West of St George Sailing Club and north of Kyeemagh netted baths	M	●			RCC/LMPA

STRATEGIES



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GETTING TO AND AROUND THE PARK

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STRATEGIES

CONSERVING THE PARK'S ENVIRONMENT, HERITAGE AND CHARACTER		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Overarching Principle <i>Significant improvement in the representation of the Park's heritage, increased public awareness and restoration of the natural environment and greater integration and improvement of the general aesthetic qualities of the Park.</i>						
Aboriginal and non-Aboriginal heritage Install or improve heritage interpretation in high use areas. Review options for signage, interactive displays and self-guided audio tours Protect and interpret existing heritage features	Peter Depena Reserve, Pine Park, Ramsgate Beach, Monterey opposite Emmaline Street, Brighton Le Sands, Kyeemagh north of Bestic Street Cannons at Sandringham and Brighton Le Sands, interpret change of Cooks River for original airport construction	M	●	●	●	RCC RCC
Natural Heritage and Environment Continue ongoing dune conservation. Ensure planting at top of bank does not obscure views of bay Interpret natural systems in current and historical context Provide more shade through tree planting for amenity and habitat Continue tree succession planting Review likely impacts of climate change in low lying areas of Park Review planting alternatives to netting and corrugated fencing for dune control and sand incursion Review condition of stormwater outlets and evaluate installation of gross pollutant traps Explore options for consolidating sand on south side of groynes Undertake dune restoration planting to secure vulnerable areas.	Beachfront from Kyeemagh to Brighton Le Sands Dune formation and vegetation at Kyeemagh, the storm water canal west of Peter Depena Reserve South of Bestic Street Pine Park Sandringham foreshore, Dolls Point foreshore Sandringham foreshore and park beach interface between Brighton Le Sands and Kyeemagh Throughout park All groynes Sandringham south of Georges Rive Sailing Club	M H / M H / M H / M M / L H H	● ● ●	● ● ● ●	● ● ●	LPMA / RCC / CWA RCC RCC RCC LPMA / RCC LPMA / RCC / CWA SW / NM / RCC / DECCW LPMA / RCC / NM LPMA / RCC

CONSERVING THE PARK'S ENVIRONMENT, HERITAGE AND CHARACTER		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Prepare upgraded interpretive material for area around cannon	Brighton Le Sands, Sandringham	M / H	●	●		RCC
Consider construction of interpretive coastal boardwalk	Brighton Le Sands north of President Avenue, Kyeemagh	M / L	●	●		RCC / LPVA
Continue critical dune restoration	Kyeemagh, Brighton, Monterey, Sandringham	H		●		RCC
Ensure replanting of appropriate native dune species is undertaken after weeding of dunes to prevent dune erosion and sand movement into the Park	All dunes	H		●		RCC
Character						
Maintain and improve view corridors to water from lateral streets	Bestic Street, Kyeemagh; Bay Street, Brighton Le Sands; President Avenue, Monterey; Barton Avenue, Monterey; Ida Street, Dolls Point; Clareville Avenue Sandringham	H			●	RCC
Retain open parkland character of Monterey	President Avenue to Florence Street	H / M			●	RCC
Create distinct park frontage using street tree planting. Ensure tree species will allow for views to park and beach under canopy on maturity	Florence Street, Ramsgate Road to Florence Street, Dolls Point; Bestic Street, Kyeemagh to Cooks River	M		●		RCC / RTA
Establish green corridor links to environmental resources such as the Rockdale Wetlands and local parks and greenspace	Along President Avenue, Barton Street, Culver Street, Ramsgate Road, Sandringham Street, Sanon Avenue, Ida Street	M	●			RCC / LPVA / DECCW
Review status of building blocking important sightline to the bay with a view to demolition and replacement in a more appropriate location	Bruce Street Brighton Le Sands	M	●	●		RCC
Pursue replacement planting strategy for Norfolk Island Palms pine trees	Brighton Le Sands	M	●			RCC
Ensure view from President Avenue to the bay is clear	Brighton Le Sands	H / M		●		RCC
Provide more structured spaces to park with new tree planting	Peter Depena Reserve	M	●	●		RCC
Implement restored parkland as per agreement with Sydney Water / Water Delivery Alliance	Kyeemagh	H		●		SW / RCC
Upgrade landscape quality at entrances to park	Bestic Street Kyeemagh, Sandringham Street Dolls Point	H / M	●	●		RCC / LPVA
Upgrade foreshore area and entry to baths. Remove decommissioned pipe	Ramsgate Beach	H / M	●	●		RCC

STRATEGIES



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 CONSERVING THE PARK'S ENVIRONMENT,
 HERITAGE AND CHARACTER

NS 1075 Figure 04
 MAY 2010

STRATEGIES

LOOKING AFTER THE PARK AND BUILDINGS		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Overarching Principle <i>Rationalisation of buildings and improvement of infrastructure and services to maximise public amenity, safety and satisfaction and facilitate income generation for Park maintenance and improvement</i>						
Leased and licensed premises						
Ensure ongoing commercial activities adhere to the Crown Lands Act, the Local Government Act, and all other relevant statutes. Undertake community consultation for any proposed commercial activity requiring construction of a new building	Throughout park	H	●		●	RCC / LPMA / COMM
Define and verify all public access requirements and rights in relation to leased premises	All leased and licensed premises	M			●	RCC
Evaluate all leased premises for structural integrity and instruct lessees to undertake the appropriate action for repair or renovation	All leased and licensed premises	H			●	RCC
Assess potential for temporary licenses for events such as markets or fairs including for example temporary kiosks and stalls. Priority should be given to those that would increase the public profile of the Park and have the least long term impact. Licenses should also comply with Section 112 of the Crown Lands Act (1989)	Kyeemagh north of Bestic Street, Peter Depena Reserve	L	●			RCC
Rationalise three buildings into one containing RLSC, toilets and storage	Existing RLSC	M	●	●		RCC
Test existing and future leases against Council Open Space Policy	All leases	M	●			RCC
Toilets						
Ensure toilets are opened early enough in the morning to all enable use by joggers and walkers prior to work	Throughout park	H			●	RCC
Evaluate all toilet buildings for immediate repair, replacement or integration with storage or leased premises		H	●			RCC
Initiate program for medium term replacement of toilets buildings. Re-construct with a footprint no larger than the existing building with a multiple use e.g. including community storage facilities. New toilets are to be designed to ensure safety and security of users		M	●			RCC
Clean toilets daily, and more frequently in peak times. Ensure facilities are in good repair and adequately supplied with necessary materials		H			●	RCC

STRATEGIES

LOOKING AFTER THE PARK AND BUILDINGS		PRIORITY	PLANNING	CONSTRUCTION / INSTALLATION	MANAGEMENT	RESPONSIBILITY
STRATEGY	TYPICAL LOCATIONS					
Consolidate and rationalise shelters and toilets to contemporary design standards. Ensure heritage values are recognised	Peter Depena Reserve	M	●	●		RCC
Lighting						
Undertake lighting audit to establish clear guidelines for required light		M/L			●	RCC
Check lights regularly and ensure expired bulbs are replaced promptly		H			●	
Park and Street Furniture		H/M			●	RCC
Rationalise street furniture for consistency through the Park. Ensure seats are located at frequent intervals along paths		M		●		RCC
Waste						RCC
Install recycling bins in the Park - some can replace existing bins	Wherever other bins are located	H			●	RCC
Install facilities for disposal of ash from barbecues in picnic areas	Peter Depena Reserve, North of Pine Park	H/M		●	●	RCC
Ensure litter is collected and bins emptied frequently on weekends, after busy periods and after major events such as New Years Eve	Throughout park	H		●	●	RCC
Extend anti-litter education campaign, especially through ranger presence at time of high use	Brighton, Ramsgate Beach	H/M	●			RCC
Review alternatives to beach rubbish stockpile	South of Le Sands Restaurant	H	●			RCC
Facilities and Infrastructure						
Audit and evaluate condition of all facilities and infrastructure with a view to replacement		M	●			RCC
Establish design guidelines for Cook Park for all future works to ensure unity within the Park and legibility		M	●			RCC
Establish a program and funding scheme for replacement of infrastructure within the design guidelines		M	●			RCC
Vandalism and Graffiti						
Undertake measures to improve passive surveillance around frequently targeted facilities and protect with graffiti resistant paint. Respond quickly to remove graffiti	Throughout park	H			●	RCC

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6. DETAILED STRATEGIC PLANS

The following plans show the entire length of park in a greater level of detail and summarise all of the strategies in the previous section.



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DETAIL STRATEGIC PLANS - SANDRINGHAM

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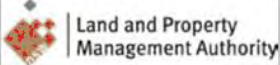
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NS 1075 Figure 06

DETAIL STRATEGIC PLANS - BRIGHTON LE SANDS

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DETAIL STRATEGIC PLANS - MONTEREY

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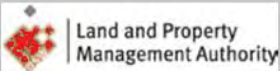




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DETAIL STRATEGIC PLANS - SANDRINGHAM

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7. IMPLEMENTATION

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TARGETS AND PERFORMANCE INDICATORS

In establishing a programme of implementation, LMPA and Council requires a means to demonstrate that the program for the strategies outlined has been achieved. These are identified as performance indicators. For detailed performance targets and indicators for Council owned Community Land as required under the Local Government Act NSW (1993) refer to the following chapter on Council Owned Community Lands.

Success in the implementation of some strategies can be more easily measured in quantitative ways than others, but all must be measured by some means if performance is to be evaluated and strategies refined over time.

In particular, the following are considered practical and useful survey methods that may cover a number of targets and performance measures

Exit and user surveys:

- A questionnaire carried out at 5 year intervals accompanied by a survey of user numbers in parts of the Park; qualitative and quantitative in nature. This survey/questionnaire will cover such diverse matters as measures of changes in park usage, visitor experience and perceptions, etc.

Specific Web surveys:

- Surveys on Council's website; these can be designed as questionnaires requesting for example input on the implementation of particular programs and feedback on review in management strategies.

Log of letters:

- Review of letters, emails etc. received each year (positive and negative) on various subjects in the Park indicating changes in praise and criticism of the Park's management according to performance. Some care must be exercised in specific interpretation and this method should be used to measure general trends and common topics rather than letter by letter.

Photographic survey:

- Taken at key and consistent locations every 5 years to establish degrees of change, either positive or negative. This should be compared with aerial photographs reviewed every 5 years.

Enjoying The Park And Bay

Enjoyment of the Park can be to some extent measured by the number of visitors to the Park and the extent to which the Park is cared for and appreciated. This is also a measure of how much the local people and visitors believe that it is genuinely a shared public resource. Due to its size, the variety of experiences within the Park and also its foreshore location, simple usage may not be an adequate measure. Length of stay and satisfaction level should also be measured.

General Target:

To ensure that there is equity in public access within the Park.

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General Performance Indicator:

Measure by a park user survey indicating numbers in the Park, measured every 2 years and questionnaire that establishes peoples perceptions of restrictions on publicly accessible land.

Target:

Increased local use of the site.

Performance Indicator:

Measure Park use by user number survey every two years.

Target:

Increased satisfaction with the Park usage

Performance Indicator:

As measured by exit survey and local resident survey establishing origin of visitor length of stay and satisfaction level etc.

Getting To and Around The Park

The shared pedestrian and cycle path system has seen an increase in regular use of the Park, improving appreciation, casual surveillance and security but also creating potential conflicts between different types of users. Ease and safety of access to the Park from across the Grand Parade is also in need of improvement. The test for increased use must be to increase the carrying capacity of the path system but minimise conflicts.

Pedestrian or Cycle Access

Performance Target: Increased daily destination use of path system.

Performance Indicator: As measured by user survey every 2 - 5 years at consistent locations at start and end of day and at weekends. Consider seasonal influences.

Performance Target: Reduced conflict, accidents

Performance indicator: As measured by user surveys every 2 years particularly users of the path system and log of police record accidents. A preliminary survey should be undertaken to establish a base line of conflicts or incidents in the previous 12 months.

Performance Target: Increased diversity in use type, ease of accessibility and increased numbers.

Performance Indicator: Measured by a Park user and local resident survey addressing a range of issues, but in particular, issues such as impacts of street parking, sport uses, unstructured recreational facilities, etc.

Performance Target: Improve accessibility for cyclists. Improved amenity and comfort for pedestrians and cyclists.

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Performance Indicator: Conduct bi-annual counts of cyclists at access points to the study area. Monitor requests from cyclists for improved or additional facilities. Review safety and accident reports.

Parking Targets:

Rationalisation of parking in the Park. Review overflow parking rather than permanent parking in some areas. Reduction of anti-social behaviour in the Parking areas.

Performance Indicators: Parking numbers count and carpark occupancy rates at key locations over a period of years. Review complaints received or interview nearby residents.

Target:

Improve safety along foreshore roads at carpark entry and exits.

Performance Indicators:

Review safety and accident reports to monitor reduction in accidents.

Protecting The Park's Environment, Heritage And Character

Performance Indicator: Measured by a quantitative exit survey every 5 years establishing visitor experience, that identifies (without prompting) satisfaction with and support for beach restoration works, increased acknowledgment/appreciation of historical/cultural features of the Park, and awareness of improvements in the Park's visual character.

Environment

Target:

Establish clear conservation and management priorities for the Park.

Performance Indicator:

Park and resource allocation priorities established and adopted.

Target:

Continuation of dune restoration work in accordance with generic targets and contemporary management techniques.

Performance Indicator:

Collect data. Monitor generic targets. Photograph dunes from a series of locations at 6 monthly intervals to determine success of stabilisation.

Heritage

This aspect of the experience of open space is often under-emphasised but has the capacity to significantly increase the appreciation of the history and evolving cultural landscape of the Park for the local resident and visitor alike. Interpretive design and sign information, are two examples of interpretation that would aid in increasing awareness of the Park's heritage.

Target: Increased appreciation of the site and its cultural and historical significance to the area.

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Performance Indicator:

Measured by a quantitative exit survey every 2 years establishing visitor experience, that identifies increased acknowledgment and /or appreciation of historical, cultural and natural features of the Park .

Character

Many of the cues to visual appreciation of the landscape are subtle and difficult for most people to express in words.

Target:

Increased appreciation of the site and its aesthetic qualities.

Performance Indicator:

Measured by exit survey as above and photographic survey at ten year intervals of key views and features to ensure consistent visibility and landscape quality.

Looking After the Park and it's Buildings

Measuring the effectiveness of the administrative processes and maintenance program is essential to ongoing review and amendment of the management structures and implementation programme.

Target:

Ongoing program of upgrading or replacement of buildings and structures.

Performance Indicators:

Public satisfaction with toilets and facilities and reduced complaints as measured by exit surveys of Park users.

Target:

Improved services such as litter collection, toilet maintenance etc.

Performance Indicator:

Measured by exit surveys to determine public satisfaction.

Target: Cost reduction and minor increase in revenue required for maintenance and management.

Performance Indicator:

Measured by Council's annual accounts.

Target:

A smooth running and well integrated management structure. Consistent progress on achieving strategic outcomes on the ground.

Performance Indicator:

Measured by monitoring such factors as changes in degree of unanimity of decisions amongst the management body (minutes), success with achieving funding for initiatives etc.

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POTENTIAL FUNDING SOURCES

Listed below are some of the relevant available grants indicated in the State Parliament's web site guide to Community Grants. Other grants shown on this website could be applied for as a joint venture with community groups and local businesses.

Dept. of Planning	Metropolitan Greenspace Programme
Dept. Environment, Climate Change and Water	Environmental Restoration and Rehabilitation grants
Arts NSW	The Arts Funding Program: * Sustainable arts and cultural organisations, services and infrastructure * Increased access to arts and cultural activities * A creative and diverse arts sector.
NSW Heritage	Local government heritage management program Aboriginal heritage projects
Clubs NSW	Community Development Support Expenditure

The Council must also consider terms that ensure that legitimate costs of upgrading of the Park are recouped wherever possible by equitable rental. Public hiring fees should also be set at a realistic and equitable level.

Potential for metered car parking should also be examined but consideration should be given to local rate payers being exempted.

REVIEWING THE PLAN

If this Plan is to remain relevant in the coming years it will be essential that some degree of consistent review be carried out in a logical order.

The Plan has been set up in such a manner that the separate elements can be readily reviewed and updated on differing time spans.

In line with the targets and performance indicators set out in a previous section it is recommended that the Plan be reviewed in the following sequences and time spans, starting from the most frequent review requirement.

EVERY YEAR

- Review progress of programme prepared after this Plan

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EVERY TWO YEARS

- Review progress on all strategies
- Review Management and Administration structures
- Review priorities

EVERY FIVE YEARS

- Major Review of all Strategies
- Review of all Objectives
- Review and update Resource and Issues
- Review/update Statutory Controls (DCPs)
- Review Targets and Performance Indicators

EVERY TEN YEARS

- Review of Strategies and Objectives
- Review and update all background Issues
- Review and update The Values and Significance if external circumstances require or community values change markedly

8. COUNCIL OWNED COMMUNITY LANDS

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STATUTORY REQUIREMENTS

Cook Park comprises Crown land dedicated for public recreation, of which Rockdale City Council is the Reserve Trust Manager, and incorporates a number of parcels of community land owned and managed by Rockdale City Council.

The parcels of community land contained within the Crown land are as follows:

- Peter Depena Reserve which includes the leased site occupied by the restaurant and kiosk premises known as Le Beach Hut (Land title : Lot 2 in DP733218, Lot 3 in DP 733218, Lot 66 in DP 2237, Lot 67 in DP 2237, Lot 68 in DP 2237, Lot 69 in DP 2237, Lot 70 in DP 2237, Lot 71 in DP 2237, Lot 72 in DP 2237, Lot 73 in DP 2237, Lot 74 in DP 2237, Lot 75 in DP 2237, Lot 76 in DP 2237 and Lot 77 in DP 2237)
- a section of public footpath in the vicinity of Sandringham Bay (Land title: Lot 27 in DP 15280, Lot 2 in DP 418083 and Lot 16 in DP 270045)

In order for this Plan of Management to meet the specific requirements of the Local Government Act (NSW) 1993 the following information for two of the three parcels of Council owned community land is set out in this chapter:

- category of land
- nature and use of the land
- objectives and performance targets
- means of achievement
- methods of assessment
- Lease details

CATEGORY OF LAND

The category of all parcels of the Council owned community land is 'Park'.

NATURE AND USE

The following describes the nature and use of the Council owned community land within Cook Park. Nature and use of community land within Peter Depena Reserve is described for the whole of this parcel as well as specifically for the leased area currently occupied by the Le Beach Hut premises. This section provides information which expressly authorises the lease as required by the Local Government Act (NSW) 1993 on Council owned community land.

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1. Peter Depena Reserve, Dolls Point

- Open space and recreation incorporating a food and beverage outlet on a leased property

2. Section of public footpath in the vicinity of Vanston Pde, Sandringham

- Open space and recreation, public access route

No changes in use for Council owned community land are expected. Any proposed changes in nature and use for the community land parcels identified in this Plan will require a revised Plan of Management for that parcel of community land.

LEASE DETAILS

The leased site occupied by the restaurant and kiosk premises known as Le Beach Hut is located within the community land portion of Peter Depena Reserve. The leased area comprises the Le Beach Hut brick building, a concrete delivery area and a 1.5 m curtilage surrounding the building.

All available lease details are set out below:

Lease

Le Beach Hut

Lease expiry - August 2010

Permissible uses - Refreshment Room Kiosk and Restaurant

Hours of operation - normal business hours of operation

Seat numbers - 298 persons

Area or size - No 179 and 1.5m curtilage. Refer Appendix 1 for Plan

Car Park numbers - N/A

This Plan of Management expressly authorises the current lease for the restaurant and kiosk premises known as Le Beach Hut as described above.

OBJECTIVES, PERFORMANCE TARGETS, MEANS OF ACHIEVEMENT AND METHODS OF ASSESSMENT

The objectives, performance targets, means of achievement and methods of assessment for the parcels of community land are set out in the following table. Details for the Le Beach Hut leased site are addressed separately.

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COMMUNITY LANDS			METHOD OF ASSESSMENT
OBJECTIVE	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT	
Peter Depena Reserve Ensure that there is equity in public access within the Park and that single interests do not obtain or retain monopolies on tenure or enjoyment.	Increased access and use of the area for the primary use of passive recreation and leisure.	Define or verify all public access requirements and rights.	Measured by a Park user survey every two years. Assess perceptions of what is open to the public.
	Increased understanding and awareness by the community of their access rights.	Ensure the public are aware of their access rights through means such as signage, Council fliers and information pamphlets containing access and link maps.	Review of letters received each year on public access to the Park.
	Absence of any physical barriers or obstructions to public access.	Maintain clear access through or around leased premises. For example no siting of structures such as fencing or bins.	Site inspections by Council officers to monitor clear access ways. Independent evaluation of public access provisions. Regular site inspections to ensure legible path connections through community land linking to Peter Depena Reserve.
Ensure that use of the community land relates to the use and enjoyment of open space.	Increased use and enjoyment for a range of recreation and leisure activities for a wide spectrum of visitors.	Ensure all facilities provided are available for use to the public.	Measured by a park user survey every two years. Assess why people visit the Park and what facilities they utilise.
	Preserve primary function of open space for passive recreation and leisure.	Make the public aware of all permissible uses through signage. Retain existing nature or purpose of the community lands and leases.	Lease review and facilities compliance inspections as per lease terms.

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COMMUNITY LANDS			
TOPIC	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT	METHOD OF ASSESSMENT
Peter Depena Reserve continued Ensure the community lands are consistent in open space character with the whole of Peter Depena Reserve and with the Open Space Policy of Rockdale City Council.	Land ownerships are not physically evident on the ground.	Ensure that design elements (such as signage, lighting, paving, furniture etc) used on the community lands are consistent with those used in Peter Depena and the whole of Cook Park. Ensure the maintenance programme followed is compatible with that of the whole reserve. Maintain and manage in the same manner as Peter Depena Reserve.	Measured by a Park user survey every two years. Assess peoples perceptions of what is community land. Visual survey by Council Landscape Architect. Independent evaluation of methods against programme.
Le Beach Hut Ensure leased premises are for a purpose that promotes or is related to the use and enjoyment of open space for recreation and leisure.	Increased use of Peter Depena Reserve due to range of services provided by leased premises and integration with Park activities and opportunities.	Provide public information signage such as information boards showing range of services provided and hours of opening. Liaison between Council and the lessee to examine opportunities for joint initiatives to promote the Park and facilities. Provision of food and beverage facilities to meet a range of park user needs.	Measured by a park user survey every two years. Assess peoples awareness of range of facilities provided. Review of letters received on use of the Reserve and request for facilities. Site inspections to evaluate lessee compliance with lease terms. Evaluation of operations to ensure conformity with DoP Circular No 14 (Restaurants in Open Spaces) and DECCW Policy Position.

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COMMUNITY LANDS		PERFORMANCE TARGET	MEANS OF ACHIEVEMENT	METHOD OF ASSESSMENT
TOPIC				
Le Beach Hut continued		Increased use and enjoyment of the area by a wide spectrum of local and regional visitors.	Maintain clear access through or around leased premises. For example no siting of structures such as fencing or bins.	Measured by a Park user survey every two years. Assess peoples enjoyment of the open space facilities.
The leased premises do not substantially diminish public use of or access to open space.			Continue to operate only permissible uses of kiosk and restaurant.	Inspections by the Council Manager to review the condition and maintenance of the premises.
			Provide information boards showing pedestrian routes, opening hours and permissible uses.	Monitor numbers of complaints received pertaining to the leased premises. Annual inspections to evaluate premises to ensure curtilage, height, bulk and signage restrictions are being adhered to.
			Operate trading hours that provide a range of opportunities for food and beverages without having any adverse impacts on both the surrounding open space users and the adjoining land uses.	Ad hoc inspections to confirm compliance with permissible trading hours.
			Remove or repair any defects which might cause injury to persons using or passing through the adjoining Reserve. Ensure no increase in height or bulk of existing building or signage to ensure no overshadowing of the Park.	
			Keep signs directly related to promotion of Le Beach Hut to a minimum and confine product advertising to the interior of the building except where approval has been given for portable signs during the hours of operation.	

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COMMUNITY LANDS		PERFORMANCE TARGET	MEANS OF ACHIEVEMENT	METHOD OF ASSESSMENT
Le Beach Hut continued Ensure leased premises do not adversely affect the natural environment, any items or areas of heritage significance of the existing amenity of the area.	Increased appreciation of the site and its historical, visual, and natural values whilst maintaining the existing amenity of the area.		Properly maintain the building and curtilage. Keep the premises free from accumulation of rubbish or waste material. Provision of additional litter collection services as required to ensure amenity of open space.	Review log of letters and accident reports for any complaints or incidents related to the upkeep or maintenance of the building. Inspections of premises to ensure compliance with health regulations.
			Monitor premises to ensure that no adverse impacts to the natural environment or existing amenity are caused by the premises operations. Ensure that the use of the premises does not cause nuisance or annoyance to adjoining owners or occupiers or to users of the adjoining reserve.	Monitoring by Council officers such as the Environment Officer of impacts caused by premises operations. Liaison between police and Council to monitor number and nature of incidents related to operations in the leased premises. Inspections at any time by Council officers to review the hours or noise volume affecting adjoining occupiers.

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COMMUNITY LANDS			
TOPIC	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT	METHOD OF ASSESSMENT
Le Beach Hut Ensure leased premises do not adversely affect the visual quality of the area.	Improved appreciation and quality of the visual environment.	Ensure that no display or advertising signs are affixed on or to the premises without prior approval of the Council. Ensure any renovations required to keep the premises at an appropriate standard maintain or reduce the scale, bulk, height and floor space of the existing premises. Renovations must be in sympathy with open space context.	Test any application for renovation of premises on community lands against design guidelines or Development Control Plan. Photographic survey every year to identify improvements or detractors to the visual environment. Independent evaluation to ascertain lessee conformance to the Development Control Plan.
Walkway Ensure co-ordinated pedestrian access and links exist along the foreshore.	Maintain and increase daily destination of the path system.	Ensure pathways are maintained and permit access for disabled and prams. Publication of access and link maps updated annually.	Park user survey. Independent evaluation of public access provisions.
Ensure the community lands are consistent in open space character with the adjoining areas of open space.	Land ownerships are not physically evident on the ground.	Ensure that design elements (such as signage, lighting, paving, furniture etc) installed on community land are co-ordinated with those installed along the whole of the open space system. Ensure maintenance programme followed is consistent with the treatment of the rest of the Park.	Measured by a park user survey every two years. Independent evaluation to ensure co-ordination of design elements

BIBLIOGRAPHY

CLOUSTON associates

- CLOUSTON Associates, 1998, Cook Park Plan of Management
- Conacher Travers, April 2006, Rockdale Biodiversity Survey
- Conacher Travers, April 2007, Rockdale Biodiversity Strategy
- Department of Lands, Soil Conservation Service, June 2008, Cook Park Rockdale SMCMA Work Areas, Maintenance Plan
- Department of Lands, Soil Conservation Service, July 2008, Sydney Metropolitan CMA, Stage 2 Dune Restoration Project
- Geeves, P and Jervis, J 1996, Rockdale: It's Beginning and Development
- Food and Beverage Outlets on Crown Reserve Policy Version 3, 2004
- Jamieson Foley, July 2007, Road Safety Audit, Cook Park Cycleway
- NSW Crown Lands Act, 1989.
- NSW Local Government Act 1993
- Retail Leases Act, 1994
- Rockdale Council, 2009, Rockdale City Plan, Community Strategic Plan 2009 - 2018
- Rockdale Council, 2003, Rockdale Environment Plan, 2003 - 2006
- Rockdale City Council, October 2009, Draft Open Space and Recreation Strategy
- Rockdale City Council, 2005, Destinations Rockdale
- R.W. Rathbone, 2002, The Sans Souci Peninsula : A history of the suburbs of Dolls Point, Monterey, Ramsgate, Sans Souci and Sandringham.
- Southern Sydney Regional Organisation of Councils, 2009, Botany Bay Trail Masterplan
- Spackman & Mossop, April 2002, Cook Park Summary Consultation Report
- Sydney Water, 12/08/09 Water Delivery Alliance Section BB - Botany Bay, Kyeemagh Compound, Cook Park Restoration Site Plan (Issue 2)

APPENDICES

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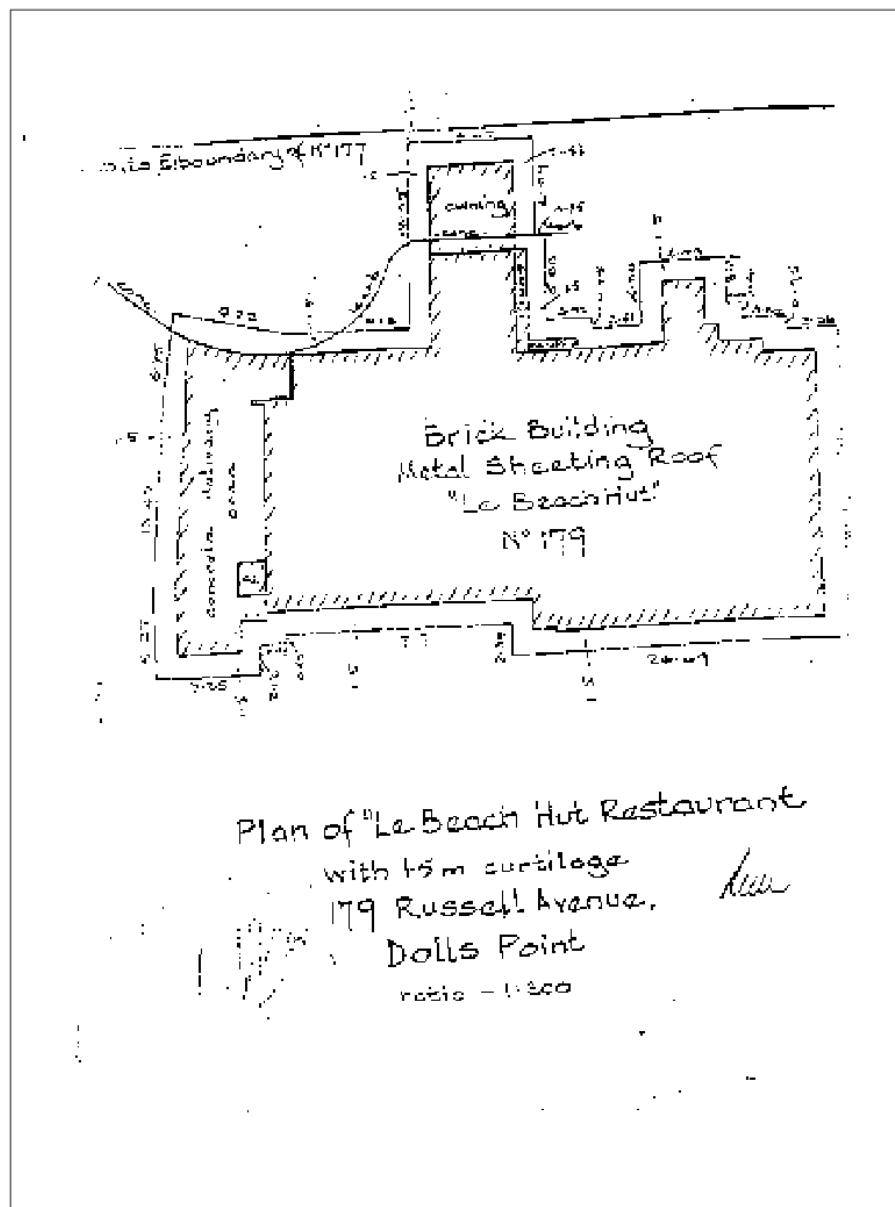
APPENDIX 1 - LEASES AND PLANS OF COUNCIL LEASED PREMISES

Tenant	Lessor	Lease Expiry	Option	L a y o u t Plan	Notes
Cyprus Hellene	RCC	30/06/2019	No	Yes	
Le Sands Restaurant	RCC	30/08/2028		Yes	
Le Sands Outdoor Dining	RCC	No lease	N/A	Yes	Council formalising Licence
Le Sands Kiosk		30/06/2019	No	Yes	To be executed to expire 30/08/28
Greek Orthodox Archdiocese	RCC	No lease	N/A	Yes	To be executed to expire 30/08/28
Brighton Athletics Club	RCC	23/02/03	No	Yes	Month by month - hold over
Royal Coastal Patrol	RCC	No lease	N/A	Yes	To be executed to expire 30/08/28
Omeros on the Beach	RCC	7/03/2016	No	Yes	
Le Beach Hut	RCC	31/08/2010	1 Year	Yes	
Georges River 16 Foot Sailing Club Co Op Ltd	NSW Maritime	Perpetual	No	No	Perpetual Lease
St George Sailing Club	LPMA	Unknown	Unknown	No	
Optus - Kyeemagh	LPMA	30/06/2027	No	No	Equipment Shelter Only
Ramsgate SLSC	No lease	N/A	No	No	Council to engage in lease process

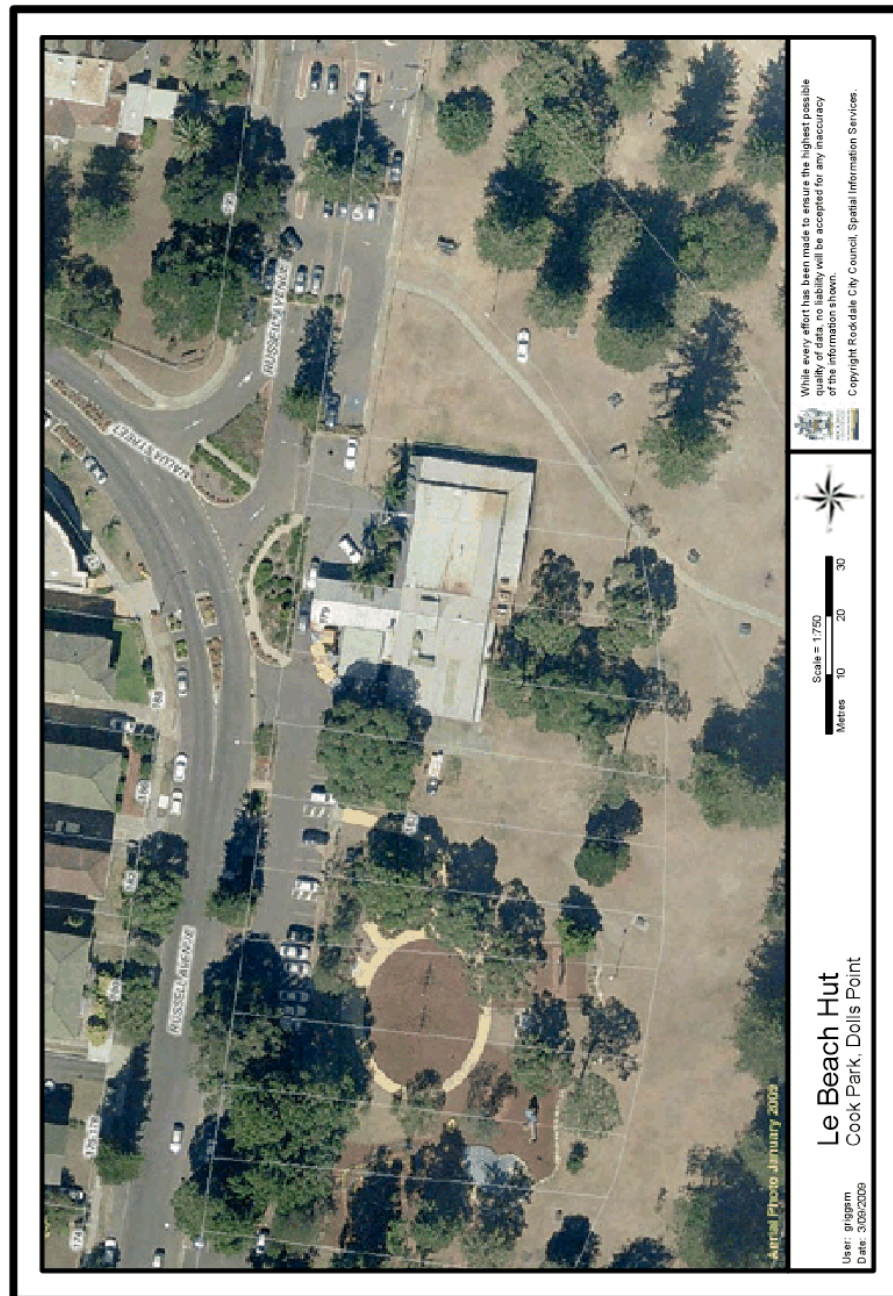
APPENDICES

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APPENDIX 1 - LEASES AND PLANS OF LEASED PREMISES



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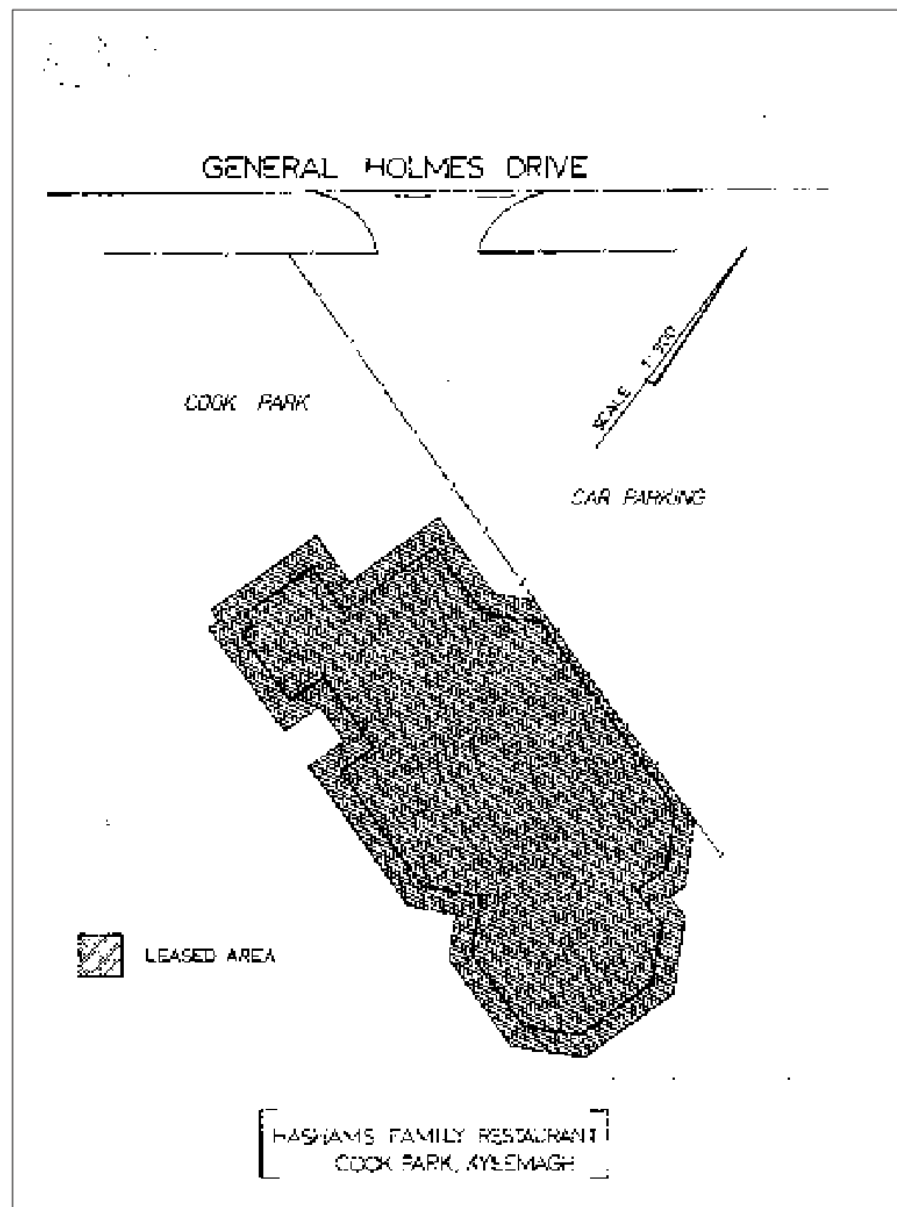


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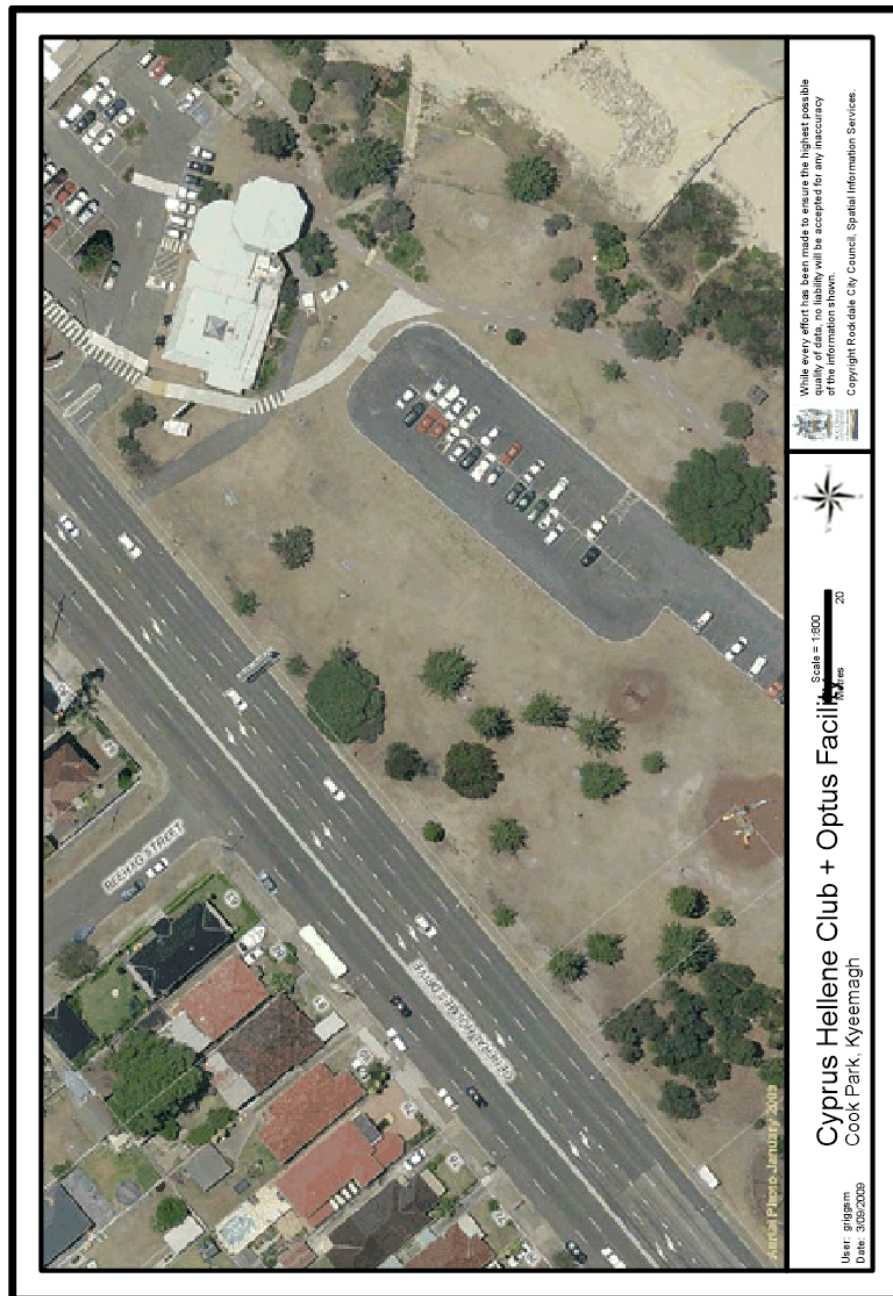
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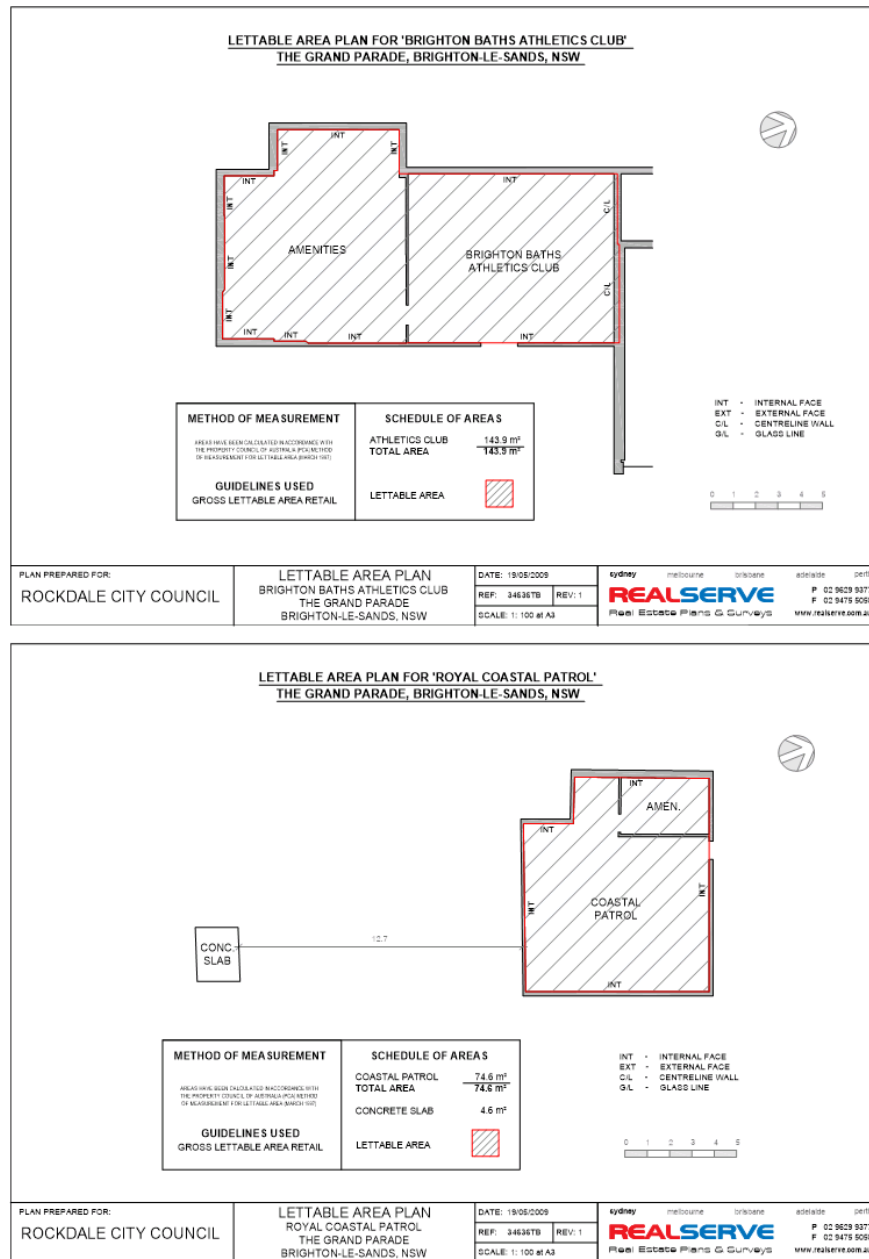


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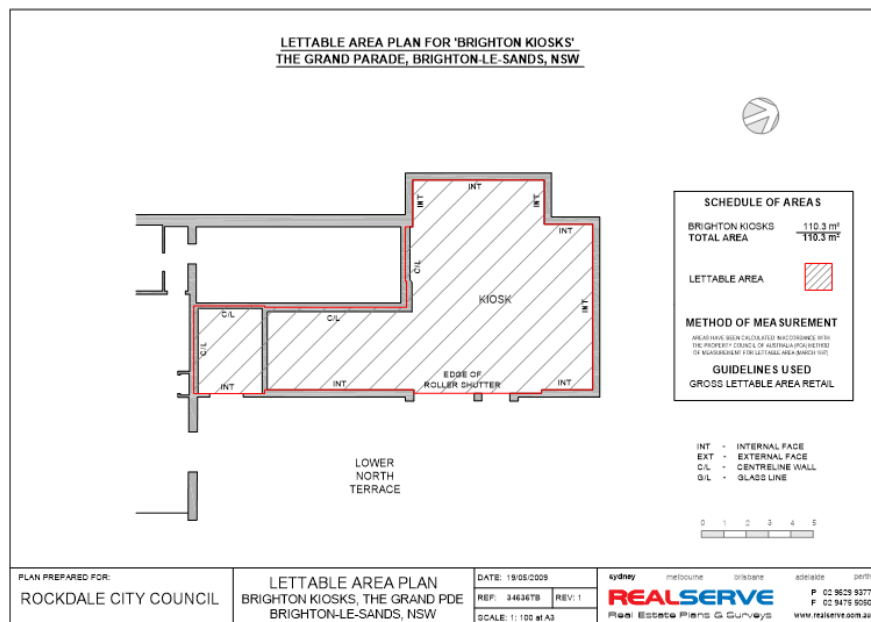
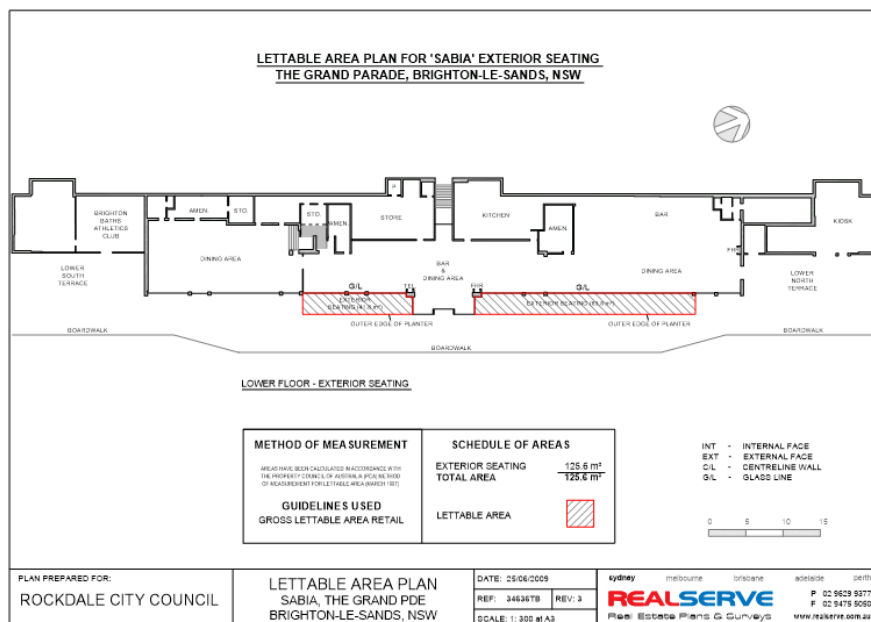
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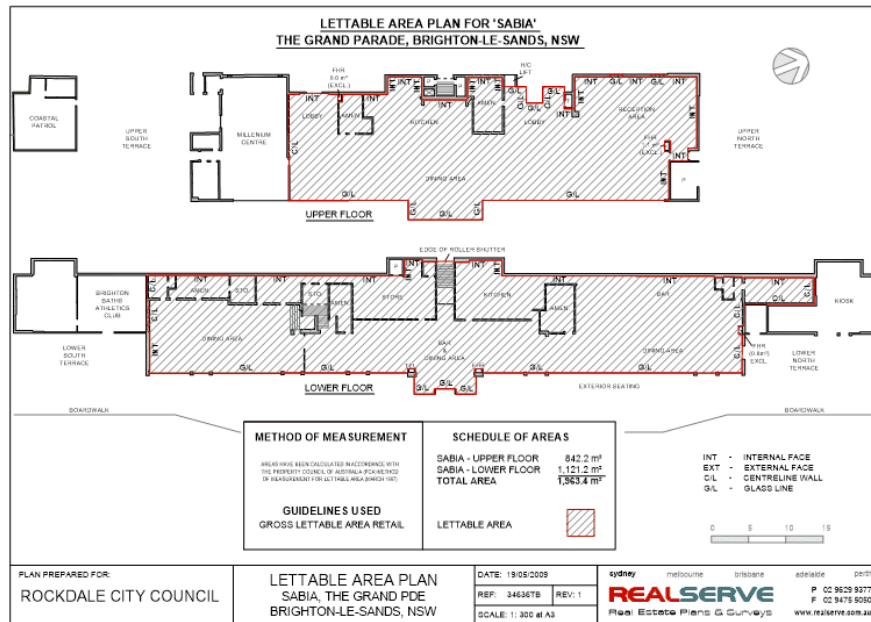
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APPENDIX 2 - COMPARATIVE ISSUES TABLES

Update of Issues and Strategies

With changes to aspects of the government planning strategies, growing population, change in public recreation habits and more physical changes such as installation of a regional cycleway, new issues have arisen which require new strategies to manage them.

To establish a basis of comparison and to ascertain which previously existing issues remain unresolved, issues from previous consultation processes have been outlined with an overview of current issues in a tabular format overleaf.

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES 2009
URBAN CONTEXT, LANDUSE AND OWNERSHIP			
Land Use			
Local concern over impact on park visitor numbers should it develop attraction at a regional level scale	Establish site uses in line with community expectations	Proposal for Rollerblade course in Pine Park Proposal for café or amphitheatre at end of Bay Street (if existing community building removed) was not generally supported	Conflicts exist between wind surfers, jet skiers and swimmers. 3 buoys installed at Ramsgate to help alleviate the problem (S) Concerns about boat traffic and scale of possible future marina (S) Paths considered inadequate for cyclists, joggers and walkers (S) Concerns about child safety in playgrounds close to roads (S)
Leases and Licences			
Community opposition to further commercial activity	Construct no new buildings for purposes of leased food or beverage outlet unless replacing existing Liaison between Council and the Lessee to examine opportunities for joint initiatives to promote the Park and facilities	Re-iteration of desire for no further commercial facilities in park Demolition and replacement of ageing Le Beach Hut	Several leased properties in need of repair or renovation Stakeholders have suggested that leasing should be consistent with Council open space policy Le Beach Hut in serious need of renovation / reconstruction - an architectural competition suggested by stakeholders
Infrastructure			
Community would like to see more unity throughout park within elements such as lighting	Define and verify all public access requirements and rights in relation to leased premises	Potential development of marina raised but not universally supported	New infrastructure installed as a result of the desalination works. Negotiations in progress on final design facilities Much existing infrastructure, fixtures and fittings in park aging and in need of replacement

(S) identifies issues raised by stakeholders during consultation

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES 2009
ACCESS, CIRCULATION AND PARKING			
Public Transport			
Need for numerous and safe water access points for both swimmers and a range of water craft	Improve pedestrian access to beach from foreshore paths particularly in the central section of the Park		Use of a shuttle bus service suggested to move people to central points and help reduce traffic congestion (S) Positioning of bus stops in locations more appropriate to park use and potential for bus slip lanes for safety proposed (S)
Vehicle Access and Movement			
Traffic hazards such as cars making left and right turns into car parks on The Grand Parade. Traffic congestion on The Grand Parade is a major issue affecting residents and visitors to the Park particularly on weekends and during peak hour traffic	Improve safety of entries and exits to car parks Improve safety of entries and exits to car parks	Directional signage removed as part of M5 upgrade needs to be reinstated Support for reinstatement of loop road on southern side of Endeavour Bridge Access to Cook Park for vehicles heading north is difficult Safety concerns over removal of slip lane south at Hasham's Restaurant	Pedestrian crossing of The Grand Parade presents safety issues due to speed and amount of vehicular traffic (S) Vehicle access to the Park immediately south of Endeavour Bridge dangerous due to sudden change in vehicle speed Greater potential conflicts in car parks with increase of cycle traffic through the Park
Parking			
Conflict in car park areas between cars, pedestrians and cyclists Car parks are seen as reducing visual amenity Recognition that inadequate parking will cause loss of amenity through parking on grass etc Concern that parking south of Brighton Baths will become an increasing management problem	Examine widening of shared paths at key conflict points Parking should be minimised to reduce visual and environmental impact on the Park Investigate demand for car parking along foreshore (including peak use) Undertake a traffic and parking management study	Anti-social behaviour in car parks is still a major concern Car parking on southern edge of Pine Park too space consuming. Suggestion to remove and consolidate with existing parking to the north Suggestions for closing all car parks at night	Heavy traffic along The Grand Parade causes safety problems for cars attempting to access car park areas (S) Questions were asked on the change over the last 15 years in the numbers of cars now using car parks and what other Councils are doing to resolve any new issues (S) Car parking not considered to be responsive to function of individual areas (S) Car parks considered venues for anti-social behaviour (S) Possibility of pay car parking with week/week end rates to control use (S) Current size, number and configuration of car parks still an issue for review

(S) identifies issues raised by stakeholders during consultation

ISSUE FROM 1998 PLAN OF MANAGEMENT ACCESS, CIRCULATION AND PARKING	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES 2009
<p><i>Pedestrian and Cycle</i></p> <p>Wider paths preferred over separate pathways due to potential loss of green space</p> <p>Need to improve opportunities for pedestrians crossing road</p>	<p>Combine pedestrian and cycle access where possible incorporating safety requirements</p> <p>Review traffic light phasing along The Grand Parade to assist pedestrian crossing</p>	<p>Pedestrian safety concerns between Bestic Street and Endeavour Bridge – few signalled crossing points</p> <p>Concerns over lack of continuity of cycleway near Ramsgate Baths</p> <p>Shortage of paths on The Grand Parade</p>	<p>Pedestrian and cycle access to park an increasingly important growth issue</p> <p>Possible pedestrian/cycleway conflict at Le Sands Restaurant and other locations (S)</p> <p>Bottleneck currently occurs on path way at Georges River Sailing Club. Auditing required to identify all bottleneck areas (S)</p> <p>Separate recreational and commuter shareways required in some areas but space frequently limited (S)</p> <p>A variety of path materials (eg softfall) would alleviate impact and injury to joggers (S)</p> <p>Cyclist speeds a danger to slower moving pedestrians on shareways (S)</p> <p>Pathway system currently too narrow in some locations to cater for pedestrians, recreational cyclists and commuter cyclists</p> <p>Need expressed for RTA to upgrade pedestrian crossing areas to include more:</p> <ul style="list-style-type: none"> • pedestrian overpasses • longer phasing on crossings • more crossings (S)

(S) identifies issues raised by stakeholders during consultation

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES 2009
CULTURAL AND NATURAL HERITAGE			
Aboriginal Heritage			
Aboriginal heritage acknowledged as an extremely important aspect of Cook Park's cultural heritage	In consultation with original traditional custodians establish where there are aboriginal sites or relics in the Park to protect and interpret, where possible	Aboriginal rock carvings located near Captain Cook Bridge – possible other sites or artefacts located within Cook Park – should be protected	General appreciation of Aboriginal heritage by community acknowledged. Interpretation and representation still not adequately expressed or evident. Connections to other Aboriginal sites in around the Bay absent. Lack of comprehensive heritage interpretation strategy
Non -Aboriginal Heritage			
Need for a more comprehensive approach to European heritage conservation and interpretation	Carry out co-ordinated oral history based on interviews with long term local residents. Incorporate appropriate elements into the public interpretation programme	Need for increased interpretation of layered European heritage e.g. 'humpies' along Cook Park during depression years	Interpretation of European heritage still considered inadequate - plaques in paving suggested to represent timeline or individual historical events (S)
Need to protect European heritage items e.g. canon from vandalism.	Monitor conditions and impact on historic elements and establish a programme for conservation		Review and research history of area. Ron Rathbone has written about the local history of the area (S)
Natural Heritage			
Concern that natural character of foreshores prior to European settlement are lost or in poor condition	Establish tree planting strategy for the entire park. Ensure that planting acknowledges different landscape characters within park.		History Walk suggested that may include viewing of migratory visiting terns from Russia (S)
Concern that natural character of foreshores are lost or in poor condition	Conserve natural landform and dune vegetation		Educational/Environmental/interpretive signage proposed to cover information shortfall (S) Potential for Park as educational resource for schools, colleges and universities undervalued.

(S) identifies issues raised by stakeholders during consultation

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES 2009
SITE CHARACTER AND VISUAL QUALITY			
Landscape Character			
Need for street trees to improve visual amenity	Publicly exhibit large scale tree planting to general public. Involve all relevant parties when planning and executing tree planting strategies		More shade needed - trees preferred due to character (S)
Need for planning controls which deal specifically with preserving scenic/ cultural heritage	Include protection of visual quality of heritage value or character in the Development Control Plan		Ramsgate noted with a particular need for shade trees (S) Lack of definition in varying character of park (see suggested precincts in the 1998 Plan)
Views and Vistas			
Residents and proprietors keen to retain existing views	Establish principal views to and through site and ensure no new structures or planting obscures these views	Recognised need for management of tree plantings along the bay balancing views with tree style and character	Shade structures not always popular if views of water are obstructed. Critical view corridors are along streets running perpendicular to the Park and from wider areas of the Park where visitors are likely to spend more time
Engineered solutions such as retaining fences along beach seen as a major visual impact issue	Formulate a DCP for the Park which includes addressing visual quality to protect visual integrity of the foreshore		
Design Character			
Placement of amenities, facilities, fixtures and fittings thought of as not well considered and not consistent in design	Include visual impact of all built environment elements in a Cook Park DCP		Entries to park indistinct - no definite sense of arrival
Visual impact of some built environment such as car parks seen as visually unappealing	Establish a program and brief for built elements in the Park maintaining a theme and palette for materials		Fixtures and fittings in park are still inconsistent and placement has no overall cohesion
Need to provide visual cues, landmarks	Establish visual character zones to create distinctive and easily identified areas		Need for clear design language that also addresses changing context
(S) identifies issues raised by stakeholders during consultation			Style of all garbage bins should be consistent throughout the site, conveniently located with clear signage indicating waste type (S)

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES
RECREATION, LEISURE AND TOURISM			
Land Based			
Need to address local residents use and appreciation whilst balancing needs of visitors	Prepare a program for the Park as a recreation and tourist destination including promotion of Cook Park to the local community Utilise existing liaison structure to co-ordinate and manage special events within the Park	Positive response from Peter Depena Reserve – residents feel this is a good model for future works Need to recognise overall change in recreation trends across Park and manage opportunities accordingly	Playgrounds need to be safe and isolated from traffic The Park is used more frequently by more people - planning needs to consider current use and likely increased use (S)
Large numbers of people in high use areas such as carnival location create problems such as litter and increased wear and tear on facilities	Improve pedestrian access to beach from foreshore paths particularly in the central section of the Park		
Water Based			
Need to prevent use of baths for sailing and motor boating	Ensure users are aware of appropriate forms of recreation permissible within the Park		Community desire to improve look of swimming baths (S)
Need for numerous and safe water access points for both swimmers and a range of water craft			Netted baths becoming shallower through deposition (S) Suggestion for a marine studies centre put forward (S)
Boating / Water Access			
			Potential for water commuting around bay with connections to park (S) Boat ramp proposed by NSW Maritime in northern area of the Park. Stakeholders generally consider boating facilities in the north should be avoided. Boating considered acceptable but only in the south and with small scale facilities (S)

(S) identifies issues raised by stakeholders during consultation

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES
ENVIRONMENT			
<i>Erosion and Foreshore Processes</i>			
Natural landform, dunes and vegetation has been progressively altered over the years Beach amenity severely degraded as a result of sand erosion	Establish ongoing program of dune stabilisation Develop a program to address problems of erosion and siltation	Need to strengthen and improve restoration of natural works in the northern areas of the Park	Dunes to be reconstructed by the Water Delivery Alliance north of Bestic Street - condition of remainder of Lady Robinsons Beach still shows evidence of erosion or siltation
<i>Native Flora and Fauna</i>			
Potential for loss of habitat in vicinity of Park due to future transport infrastructure elements	Establish continuity of vegetation and access to adjacent green space areas		Need to be working with Coast Care Group New planting in northern Park area (Kyeemagh) particularly should be varied and striking Existing planting has survived winds and salt spray. Future planting should take into account these considerations
<i>Hydrology</i>			
Need to maintain, enhance and extend significant environmental elements Fishermen concerned about degradation of marine environment including litter and decline of water quality	Establish major link to Rockdale Wetlands and recreation corridor via Scott Park Implement water quality improvement program including installing gross pollutant traps at key locations	Issues regarding rubbish dumping in the stormwater canal in the southern section of the Park	Need for audit of effectiveness of gross pollutant traps at storm water outlets

(S) identifies issues raised by stakeholders during consultation

ISSUE FROM 1998 PLAN OF MANAGEMENT	STRATEGY RECOMMENDED	NEW ISSUES - 2002 REVIEW	NEW OR UNRESOLVED ISSUES
MANAGEMENT AND PLANNING			
Open Space and Traffic			
Traffic planning affecting current use is a major issue	Establish conduit for consultation between all stakeholders and government agencies	Perceived need for Council to develop an overall Open Space policy to achieve consistent management across all Council owned and managed open space	Traffic strategy needs to be in place
Bay Street precinct as a focus for activity and is seen as logical hub for new development	Ensure comprehensive consultation with all sections of the community as part of major planning proposals within the Park	Some areas have sand deposits building up on paths and footpaths	Boating strategy needs to be in place Pine Park is deteriorating and in particular need of attention (S)
Amenities and Services			
Need to address existing management and maintenance issues which affect recreational amenity	Establish a strategic and coordinated approach to the management of the Park	Questions over management of garbage bins and frequency of being emptied	No recycle bins available on site and garbage bins not close to where people picnic (S) Garbage bins not emptied frequently enough (S) Maintenance after large functions is considered inadequate - litter continues to be a problem (S) Consider sustainable practice by the placement of water bubblers that enable refilling of water bottles to help reduce plastic bottle waste (S)

(S) identifies issues raised by stakeholders during consultation

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APPENDICES

APPENDIX 3 - COMMUNITY INFORMATION SESSION ATTENDANCE LISTS

The following lists are the attendees to the two Community Information Sessions held on the Saturday 28th November, 2009 at the Ramsgate Life Saving Club and Thursday 3rd December, 2009 at the Novotel Hotel, Brighton Le Sands. Contact details have been removed to maintain the attendees privacy.


COMMUNITY INFORMATION SESSION 01 ATTENDANCE LIST

COOK PARK PLAN OF MANAGEMENT
RAMSGATE LIFE SAVING CLUB

78/14/09

NS1075

NAME	ORGANISATION	SIGN
JAN FORD		<i>Jan Ford</i>
Jan Ford	Private	<i>Jan Ford</i>
Glad Better		<i>Glad Better</i>
No Barbut	Resident	<i>No Barbut</i>
L. Goudie	PRIVATE	<i>L. Goudie</i>
PETER PHILLIPS	RESIDENT	<i>P. Phillips</i>
JAMES MCDONNELL	COUNCILLOR	<i>J. McDonnell</i>
PETER CASHE	Resident	<i>P. Cash</i>
MARK WILLIAMS	RAMSGATE LIFE S.C.	<i>M. Williams</i>
CHAS VENTIS		<i>C. Ventis</i>
John Flowers	COUNCILLOR	<i>J. Flowers</i>
M. AMMAR	CITIZEN	<i>M. Ammar</i>
Jan Taylor	Costume group	<i>Jan Taylor</i>
Loukas Lontichis	Local History Club	<i>L. Lontichis</i>
Arran Gordon		<i>Arran Gordon</i>
ROD GRAY		<i>R. Gray</i>
P. Thomas	Private	<i>P. Thomas</i>
Robert Illaro	Resident	<i>R. Illaro</i>
Frank Sator	MP	<i>F. Sator</i>
TINA BADALATI	PRIVATE	<i>T. Badalati</i>
STEVE SEA GILL	LOCAL BUSINESS	<i>S. Sea Gill</i>
ROSE SMITH	LOCAL RESIDENT	<i>R. Smith</i>

**COMMUNITY INFORMATION SESSION 03 ATTENDANCE LIST**

COOK PARK PLAN OF MANAGEMENT

NS1075

RAMSGATE LIFE SAVING CLUB

2877-1037

1

	NAME	ORGANISATION	SIGN
	ALBERT LOVERIDGE	George River 10 ft Building Club	A. J. Loveridge
	Alex. Peppas		Peppas
	J. M. CALLUM		John M. Callum
	A. DAVID		A. David
Mayor	S. Moselwane	Rockdale Council	S. Moselwane
	John Omeros	Omeros on the Beach	John Omeros
MP	SHANE O'BRIEN	RCE	Shane O'Brien
	ANNE O'NEILL		Anne O'Neill
	ALEX. ARNOLD		Alex. Arnold
	Carol O'Connor		Carol O'Connor
	CHARLES HAMILTON	ACCOUNTANT	Charles Hamilton
	Noel Melvin	Concerned Citizens Assn Rockdale 3rd Ward	Noel Melvin
	RON WOOD	CONCERNED CITIZEN	Ron Wood
	CATHERINE VUONG		Catherine Vuong
	A. E. CLARKE	Wymah RSL	A. E. Clarke
	John Smith	Rockdale Council	John Smith
	Adèle Hancock	RESIDENT	Adèle Hancock
	NOEL LEWIS	" "	Noel Lewis
	NICK SERBROOK	"	Nick Serbrook
	Bill Assen	RESIDENT	Bill Assen
	W. S. ARNOLD	" concerned citizen	W. S. Arnold


COMMUNITY INFORMATION SESSION 01 ATTENDANCE LIST

COOK PARK PLAY OF MANAGEMENT
 RAMSGATE LIFE SAVING CLUB
 28/11/09
 NS:075

NAME	ORGANISATION	SIGN
D. Vary-Cook	Dilore Vary-Cook	
E. Collaro	RESIDENT	E. Collaro
SUE CASHMAN	RESIDENT	Sue Cashman
Robert Bailey	Resident RASC	Robert Bailey
BILL BAILEY	Resident RASC	Bill Bailey
DIANE LUKAS	Resident	Diane Lukas
ALAN KOURARELOS	PRESIDENT	Alan Kourarelos
JANIS "		
TOM TOGHER	RESIDENT	Tom Togher

COMMUNITY INFORMATION SESSION 01 ATTENDANCE LIST

COOK PARK PLAY OF MANAGEMENT
 RAMSGATE LIFE SAVING CLUB
 28/11/09

NAME	ORGANISATION	SIGN
E. Smith	Resident	E. Smith


COMMUNITY INFORMATION SESSION 02 ATTENDANCE LIST

PROJECT: COOK PARK PLAN OF MANAGEMENT

NS1375

DATE: NOVOTEL HOTEL

TIME: 5:00 PM

NAME	ORGANISATION	SIGN
MR KELLY	--	R. Kelly
JOHN DOYLE		John Doyle
A. CONNOR		A. Connor
Brian O'Sullivan	Brian O'Sullivan	Brian O'Sullivan
K. MOLONG		K. Molong
B. Greenwell		B. Greenwell
MR. H. L. L. L.	MR. H. L. L. L.	MR. H. L. L. L.
ASMITA	ASMITA	ASMITA
Aileen Moore		Aileen Moore
Diana McElhinney	Diana McElhinney	Diana McElhinney
AUDREY TROUS		AUDREY TROUS
M. O'Connell	resident	M. O'Connell
Chris McElhinney	resident	Chris McElhinney
S. SPANN	Resident	S. SPANN
F. P. P.		F. P. P.
E. Collins	RESIDENT	E. Collins
G. O'Donnell	Resident	G. O'Donnell


COMMUNITY INFORMATION SESSION 02 ATTENDANCE LIST

PLACE: COOK PARK PLAN OF MANAGEMENT DATE: 03/12/19 NS1075
 FROM: NOVOTEL HOTEL

NAME	ORGANISATION	SIGN
M. Armstrong	Concerned Citizens	M. Armstrong
F. Down	resident	F. Down
B. Woods	Concerned citizens	B. Woods
G. Lesa de Lean	RCC	G. Lesa de Lean
Helen Giles		Helen Giles
Alan Russell		Alan Russell
Pat McCarthy	Concerned Citizen	Pat McCarthy
Sally Thompson		Sally Thompson
Rose Bridge	Citizen	Rose Bridge
Bree O'Donnell	Citizen	Bree O'Donnell
John MacNamee	Citizen	John MacNamee

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APPENDICES

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APPENDIX 4 - NORTH COOK PARK LANDSCAPE CONCEPT PLAN

In conjunction with the Cook Park Plan of Management, a Landscape Concept Plan was prepared for the area of the Park north of Bestic Street, Kyeemagh. Almost half of this area is the site of infrastructure works relating to the future desalination plant and as such has been closed to the public for the duration of these works.

The approved Development Application for the infrastructure works requires Sydney Water or their agents, the Water Delivery Alliance to, as a minimum, return the Park to its previous condition which includes planting, dune restoration and path re-establishment.

The Landscape Concept Plan overleaf has been prepared to act as a design guideline for first stage landscape works in the Park and act as a further guideline for landscape works incorporating a variety of terrestrial and maritime recreational activities and services.

APPENDIX 4 - NORTH COOK PARK LANDSCAPE CONCEPT PLAN



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APPENDICES

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APPENDIX 5 - LETTER FROM RTA

During the preparation of this plan of Management consultation continued with the RTA to explore opportunities for improved and safer access to the Park along General Holmes Drive and The Grand Parade.

The attached letter from the RTA indicates their intention to pursue the opportunities discussed.

CLOUSTON associates



Quotation of 386 94 7
 11/12/2016 18:44:25:35

Closton Associates
 27th Cleveland Road
 100164-44
 11/12/2016 18:44:25:35

11/12/2016 18:44:25:35

Cook Park Plan of Management and Masterplan

Refer to the Cook Park Draft Plan of Management and Masterplan and a consultation and relation period.

Further to the Roads and Traffic Authority's (RTA) email request to the definition period dated 14/7 February 2016, it would like to offer further input for your consideration and inclusion into the final masterplan report as detailed below:

- The Grand Parade is a major traffic thoroughfare carrying heavy traffic volumes during the week-day peak periods and on weekends. It is also a major freight corridor. A significant challenge is to balance the needs of heavy traffic and pedestrian activity in this popular pedestrian and cycling area.
- The RTA is planning the provision of additional pedestrian facilities across The Grand Parade with the existing traffic signals at both Rungby Road and Baxter Street to improve pedestrian access across The Grand Parade to access Council sites.
- ◆ In the event the RTA were to implement any input into the potential for future pedestrian crossings across Cook Park from west of The Grand Parade, this would include any potential need for no longer terms needed to provide additional and/or pedestrian-activated traffic signals to assist pedestrian attraction and/or crossing and to ensure pedestrian safety in the Cook Park precinct.
- ◆ The RTA will monitor and adjust where possible the timing of the traffic lights on the existing network in an effort to enhance opportunities for pedestrians crossing The Grand Parade during the peak traffic periods.

Roads and Traffic Authority

11/12/2016 18:44:25:35

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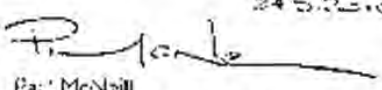
- The RTA would support examination of cycling facilities along the Cook Park foreshore in an effort to eliminate conflict between cyclists and pedestrians. Additionally the RTA would encourage examination of the cycling facilities along the Cook Park foreshore and its interaction with the existing and/or future car parking facilities. It is suggested that careful consideration be given to separating cycling facilities along this route with car parking facilities and pedestrians where possible.
- The issue of access to Cook Park near Endeavour Bridge as illustrated in the draft report is currently being addressed with the retention of the designation point temporary access to Cook Park (via the existing deceleration lane) replacing this access point from The Grand Parade.

It should be noted that Rockdale Council have detailed concept plans for those proposed works.

Finally the RTA would like to emphasise that separate approval would be required from the RTA for any proposal for changes to access to the existing and/or future car parks from The Grand Parade into Cook Park as noted in the draft report. A potential treatment may be the consideration of deceleration lanes into the car parking area accessed from The Grand Parade.

If you have any further queries regarding this matter please contact Mr Dean Russell directly on 8849 2533

Yours faithfully

24.5.2018

Paul McNall
Road Network Manager South
Roads and Traffic Authority

APPENDICES

CLOUSTON associates

APPENDIX 6 - SUMMARY OF SUBMISSIONS FOLLOWING PUBLIC EXHIBITION

In this section the issues raised in all of the submissions received during and following the public exhibition of the Plan have been summarised in the table format.

The table identifies the general topic, the nature of the issue raised, the numbers of times mentioned and the numbers of responses in support or disagreement with the proposal.

The 'Response' column identifies whether the issue was addressed in the final Plan or is a matter that the Plan cannot cover or which can be addressed in later design and planning stages.

Cook Park Plan of Management Public Exhibition Summary				
Date: 12.10.2010				
COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response
ENJOYING THE PARK AND THE BAY				
GENERAL				
Prohibit the construction or addition of more shops/commercial activities from serving the park.	3	2	1	Plan addresses this
Provide more open space areas for activities (sporting/ball games/kite flying etc, particularly between Ramsgate Rd & Alice St).	2	2	0	Where Masterplan Development Permits
Provide fenced enclosures around playgrounds.	0			Design Issue
Reduce the height of fences and widen access points to beaches/foreshore by 3 metres.	2	2	0	Addressed in plan
PICNICKING				
Make picnic shelters wheelchair (universally) accessible.	1	1	0	Plan Addresses Access
Provide more modern playground equipment and shade structures in Cook Park.	1	1	0	Plan addresses this
Provide new BBQ facilities and designated picnic areas in Cook Park.	1	1	0	Plan addresses this
Remove the paved tar area between Alice Street and Sandringham Streets and replace with grassed parkland and put in picnic shelter sheds.	1	1	0	Plan addresses this
SWIMMING				
Old technology swimming enclosure to be dismantled and replaced with ocean bath construction, and walkway around bathing facility at existing site in front of Le Sands Pavilion. (Similar at Ramsgate Beach).	1	1	0	For review in design development phase
Concrete construction ocean baths type swimming enclosure at Ramsgate Beach. Support beach front amenity/improvements in Cook Park Ramsgate Beach. Doyles restaurant Watsons Bay type development in Cook Park and Peta Depena Reserve.	1	1	0	No change required
Provide a new rock pool at Dolls Point.	1	1	0	No change
FISHING				
Resolve walkway obstruction resulting from 'fishing activities' on Carruthers Drive, Dolls Point.	1	1	0	Design Development
Provide fish cleaning stations and dedicated fishing structures.	2	1	1	Problem of maintenance
Encourage fishing activities, particularly from Lady Robinson's beach.	2	2	0	Opportunity exists
BOATING				
Introduce designated areas for jetski activities away from swimmers and beach-goers (particularly when launching and landing).	1	1	0	Management issue addressed by plan
Develop a large scale marina (and pier) at Brighton-Le-Sands.	4	0	4	Not generally supported
Provide more boat launching ramps.	4	4	0	Plan addresses
Provide short-term mooring facilities for boats inside the mouth of the Cook River.	1	0	1	Plan addresses
WINDSURFING AND KITE BOARDING				
Designate Ramsgate Beach as the formal location for windsurfing and other water based activities in Cook Park.	1	1	0	Plan addresses event
Provide multi-purpose facilities capable of hosting National/State/International windsurfing events.	1	1	0	Management issue with LPMA/council
Provide storage facilities by modifying existing toilet facilities and toilet blocks.	1	1	0	Plan addresses
Modify the metal fence along the eastern/beach side of the footpath at Ramsgate beach to enable better access	1	1	0	Plan addresses
Provide windsurf/kiteboard access from the Scarborough Street car park.	1	1	0	Access available

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Date: 12.10.2010 Cook Park Plan of Management Public Exhibition Summary

COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response
GETTING TO AND FROM THE PARK				
GENERAL COMMENTS				
Re-instate (or rather complete) previous 12 year old strategy to "undertake a comprehensive traffic and parking management study for Brighton-Le-Sands to 'identify demand for car parking' and 'alternative locations for car parks away from Cook Park'."	2	2	0	Council and LPMA to review plan addresses principle
PUBLIC TRANSPORT				
Provide bays for the bus to stop between President Avenue and Ramsgate Road and correspond these with pedestrian crossings.	1	1	0	Part of transport plan no change
Provide shuttle buses from Council property (e.g. from the Rockdale commuter car park, the Bryant St Council car park and the Police Boys Club near West Botany Street) to reduce vehicles needing to park at Brighton and along the Cook Park area.	1	1	0	Council to review
CARS AND PARKING				
Provide additional traffic lights to slow traffic .	2	1	1	RTA consulted and reviewing
Improve safety exiting the wharf at Dolls Point.				
Improve traffic problems caused by parking near Bay Street	1	1	0	Outside Park
Introduce paid 'ticket' parking system (pay and display) but exempt local residents.	3	3	0	For council/LPMA
Install median strip from Ramsgate Rd to Alice St. & Alice St to Sandringham St.	1	1	0	RTA to consider, not in park
Install 3 "No Stopping" signs at Sandringham Street (near Council gate).	1	1	0	Council action as part of Sandringham St. Review
Install "No Parking or stopping in front of this gate at anytime" signage on gates at Sandringham St; Sandringham Council and Carruthers Drive.	1	1	0	Council action as part of Sandringham St. Review
Install "No through road" sign at the Sandringham Street Gate.	1	1	0	Council action as part of Sandringham St. Review
Anti-social behaviour still prevalent in Vanston Parade/Lena Street area. Complete design review of area recommended.	2	2	0	Part of design plan suggested in the plan
Install bollards near Council gate at Sandringham Street to stop cars from driving over the footpath into Sandringham Street.	1	1	0	Part of design plan suggested in the plan
Install bollards near to prevent cars gaining access to Carruthers Drive from Sandringham Street (over the footpath).	1	1	0	
Prevent dangerous and/or illegal parking in the grass area.	1	1	0	Part of design plan suggested in the plan
Do not provide additional car parks in Cook Park.	1	1	0	Addressed in plan
Construct car park at southern end of existing boardwalk at Brighton-Le-Sands to President Avenue.	1	1	0	Part of car park review
Prohibit cars from parking in green spaces.	1	1	0	Part of car park review
Re-view the design/layout for the large car park south towards Ramsgate.	1	1	0	Part of car park review
Consider 'deceleration' lanes into the car parking areas accessed from The Grand Parade.	1	1	0	RTA/council reviewing
Install mirrors to assist blind spots.	1	1	0	Detail Design
Open Carruthers Street for parking.	1	1	0	Part of car parking review

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Cook Park Plan of Management Public Exhibition Summary				
Date: 12.10.2010				
COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response
GETTING TO AND FROM THE PARK (continued...)				
Review benefits of road spikes in Caruthers Road.	1	1	0	Part of car parking review
Make Vanston parade (and Lena) a one-way thoroughfare, but make an exit for residents on Sandringham Estate and Lena Street.	2	2	0	Plan identifies need for wholesale review of this area
Install a barrier (removable bollard/gate) at Vanston Parade and Lena Street car park entrances to prohibit access at night time.	5	5	0	Plan identifies need for wholesale review of this area
CYCLING				
Provide cyclist pinch points between St George Sailing Club to Georges River Sailing Club .	1	1	0	Plan addresses need for cycle path review
Cycle paths through carparks to be separated.	2	2	0	Plan promotes this
Resolve cyclist/pedestrian access across Canal Bridge.	1	1	0	Part of wider review
Allow for two types of cyclists: the "recreational" cyclist and the "commuter".	1	1	0	Part of wider review
Speed humps a challenge/obstacle to mountain bikes. Resolve.	1	1	0	Part of wider review
Signage needed to warn cyclists of "sand" both at Monterey and Sandringham.	1	1	0	Part of wider review
Provide bells/horns to cyclists as part of a protection campaign.	1	1	0	Management issue as part of review
Provide a dedicated cycleway along Vanston Parade.	2	2	0	Plan addresses this
Widen or duplicate the bridge over the creek near Peter Depena to accommodate cycleway.	2	2	0	Part of cycle path review
WALKING				
Provide pedestrian pinch points between St George Sailing Club to Georges River Sailing Club.	1	1	0	Part of cycle review
Separate pedestrian paths throughout carparks.	2	2	0	Part of cycle review
Increase number of pedestrian crossings at Ramsgate Road & Barton Street .	3	1	2	RTA reviewing crossings
Improve both pedestrian and wheelchair access across Grand Parade.	4	4	0	RTA reviewing crossings
Improve universal access routes to the Beach.	1	1	0	Plan addresses this
Provide a wheelchair (universally) accessible boardwalk to the waters edge.	1	1	0	Longer term option
Separate pedestrian paths from cycleways.	7	7	0	Part of cycle review
Separate fishing activities from paths (introduce fishing designated areas).	2	2	0	Part of cycle review
Provide Pedestrian bridges/overpasses/tunnels	2	2	0	Tunnels problematic
Provide pedestrian crossings between Bestic and Bay Streets: and between Presidents Avenue and Ramsgate Road (at Banks Street).	1	1	0	Supported in traffic/pedestrian review

Cook Park Plan of Management Public Exhibition Summary				
Date: 12.10.2010				
COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response
CONSERVING THE NATURAL ENVIRONMENT, HERITAGE AND CHARACTER				
ABORIGINAL AND NON-ABORIGINAL HERITAGE				
Prohibit demolition of "Le Beach Hut" due to its 1950's local heritage value.	1	1	0	Subject to heritage review
Provide signage (in different languages) to indicate places of significance (flora/fauna/indigenous/historical) throughout Cook Park itself	3	3	0	Detail in signage development
Provide interpretive signage highlighting what's across the bay in terms of social, economic, cultural, environmental values e.g. Botany Bay National Park at North and South Head, Towra Point Nature Reserve and aquatic reserves at Towra Point and Cape (i.e. particularly from the viewing deck at the eastern end of Peter Depena Reserve where there are existing binoculars but no signage)	2	2	0	Plan supports this already
Oppose war memorial in Pine Park. Replace with aquatic facilities and restaurants and associated supervised parking.	1	1	0	Subject to council/LPMA consultation
NATURAL HERITAGE & ENVIRONMENT				
Install tree protection measures around Fig tree at Sandringham Baths	1	1	0	Detail design
Provide "migratory bird" signage at Scotts Park.	1	1	0	Detail design
Conservation of "wetlands" to retain existing (migratory) birdlife.	3	3	0	Plan supports this
Wetland or dune revegetation should use only native plant species.	2	2	0	Plan supports this
Revegetation heights to not obscure resident views to the bay	1	1	0	Supported if no impact on dunes
Concentrate dune conservation/revegetation on the foreshore south of Brighton (as opposed to north of Brighton where dune system is relatively narrow).	1	1	0	
Continue dune conservation to the beachfront at Teralba Road and Bank Street.	1	1	0	
Treat algae in ponds particularly at Scarborough Park wetlands.	1	1	0	Management issue
Provide barriers to prevent vehicle access to wetlands.	1	1	0	Design resolution
Replace all dead/dying trees/vegetation in the area with native vegetation.	1	1	0	Part of revegetation
Address Indian Myna Bird infestation.	1	1	0	Management strategy
Retain the 50's and 60's heritage style of the area.	2	2	0	Plan supports all heritage conservation
CHARACTER				
Apply a 'retro' colour scheme to any new structures in Cook Park (e.g. diamonds and angles) to match the heritage style of the area.	1	1	0	Design resolution issue

Cook Park Plan of Management Public Exhibition Summary				
Date: 12.10.2010				
COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response
LOOKING AFTER THE PARK AND BUILDINGS				
GENERAL				
Increase the number of skilled Park Rangers , and patrols in the Cook Park area during high use times.	4	4		Plan supports/addresses this
Councillors need to take more responsibility for issues.	1	1		Not in scope of this plan
Councillors need to hear/acknowledge public complaints.	1	1		Not in scope of this plan
Revenue from leased and licensed premises should be re-directed to funding strategies that deliver benefits to broader users of Cook Park.	1	1		Plan supports this
Private BBQ's should be restricted to gas only.	1	1		Management issue
LEASED AND LICENSED PREMISES				
TOILETS				
Construct new/additional toilet facilities throughout Cook Park.	3	3		Plan addresses this
Ensure all toilet blocks are accessible by wheelchair.	1	1		Plan supports universal access
Ensure all toilet blocks are accessible without the need for a key.	1	1		Plan supports universal access
Upgrade Toilet block at Sandringham Baths to ensure adequate floor treatment installed can withstand sand and constant moisture.	3	3		Detail design and Management
Upgrade Toilet Block facing South onto Riverside Drive.	1	1		Part of next design phase
Improve the quality and regularity of cleaning to Toilet Blocks.	2	2		Management issue
Provide more dressing sheds/shower blocks (similar to the ones that were removed for the Le Sands extension).	1	1		Park of park's building review
Provide disabled toilet at Brighton.	1	1		Plan supports disability access
Provide additional shower blocks at Brighton.	1	1		Part of next phase
Remove the unsightly 'Heritage' toilet block at the corner of Lena and Vanston Parade (entrance to Lena Street)	1	1		Part of next phase
LIGHTING				
	</			

Cook Park Plan of Management Public Exhibition Summary				
COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response
LOOKING AFTER THE PARK AND BUILDINGS (continued...)				
PARK AND STREET FURNITURE				
Re-fitting of all existing taps with push-button controls to conserve water.	1	1		Pan supports water conservation
Wooden gazebos and seating areas along the foreshore should all be attractive but essentially uniform in appearance and design.	1	1		Plan addresses design language
WASTE				
Provide (more) large rubbish bins (or facilities for litter) in the centre section of the park and the far northern end of the promenade for weekend rubbish overflow.	6	4	2	Plan addresses litter management
Incorporate signage in a number of languages around the park and beach to enforce penalties for the improper disposal of waste (particularly at Ramsgate Baths).	3	3	0	Part of signage/ordinance strategy
Impose heavy fines for discarded waste, particularly along beach & picnic areas and at Peter Depena Reserve and Russell Ave & Malua Rd opposite Primrose House.	5	5	0	Part of signage/ordinance strategy
Resolve disposal of waste retrieved by the surf rake/sand cleaner.	1	1	0	To be reviewed by council
Macdonalds/KFC/Pizza Hut to sponsor cleanup for free advertising on vehicles.	1	1	0	LMPA/council to consider
Resolve "nappies" in Georges River carpark on Sundays.	1	1	0	Management issue
Provide cleaners for the Sandringham Baths (Vanstone Parade) section where surf rake cannot access.	1	1	0	Management issue
Remove the rubbish that is collected in nets throughout the wetland area.	1	1	0	Management issue
Resolve smell from Rockdale Waste and Management Depot.	1	1	0	Management issue
FACILITIES & INFRASTRUCTURE				
Repair tear in the shark nets at Ramsgate Baths.	1	1		Management issue
Retain existing (and well used) showers at Sandringham Baths.	2	2		Pain supports retention
Provide designated dog friendly/off-leash areas and signposts indicating times of use for the beach area West of the Bado-Berong Creek .	3	3		Plan addresses this issue
Remove stormwater outlet next to Ramsgate Baths.	2	2		Water quality review
Amend steep ramp/footpath at Ramsgate Beach.	1	1		Plan addresses access
Provide shark warning signage.	1	1		Management issue
Construct a new community facility and restaurant complex at Ramsgate Beach to include the extension of the carpark.	1	1		Plan does not support significant new facilities
Provide more Kiosks across the park.	1	1		Review as part of leases/licenses
Review stormwater outlets and install GTS.	1	1		Water quality review
Prohibit use of the boardwalk at Brighton-Le-Sands from outdoor dining.	1	1		Plan supports clear public access zones
VANDALISM & GRAFFITI				
COMMENTS	# TIMES MENTIONED	AGREE	DISAGREE	Response

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Council Meeting

13/12/2017

Item No	8.15
Subject	New Road Naming in the area of Banksmeadow
Report by	Diana Polonska, Senior Systems Specialist Luis Melim, Manager Development Assessment
File	SF16/1264

Summary

Council has received a request for a new road name in the Banksmeadow locality. The road was dedicated to Council as a public road and is formed within Deposit Plan 1227534, on the corner of Denison Street and Cornish Circle. The Botany Historical Trust Committee (BHT) at its meeting held on 6th of November 2017 selected the name Jullian Close for the new road. If Council supports the proposed road name an application of the proposed name will be submitted to the NSW Geographical Names Board (GNB) for adoption.

Officer Recommendation

That Council adopt the street name "Jullian Close" for the new road located within with DP 1227534.

Background

The naming of the road is applied following the requirements of [NSW Address policies and guidelines](#), endorsed by the GNB NSW. Bayside Community History team has researched a list suggesting new road names in the area of Banksmeadow. The list was submitted to the GNB for preapproval and the preapproved list was provided to the BHT Executive Committee for consideration.

At its meeting held on 6th of November 2017 BHT Executive Committee selected the name Jullian for the new road. As per the standards for road naming, the road should have a road type attached to the name, and the most suitable road type is "Close", described in the NSW Addressing User Manual (AUM) as "Short, enclosed roadway".

Below are the details about Private Frederick Augustus Jullian as researched by the Community History team;

Jullian - Private Frederick Augustus Jullian (4285), a labourer from Ocean St Botany, earned the Belgian Croix de Guerre in late 1918 for his conspicuous service and marked gallantry as a linesman. 'His excellent work in repairing and maintaining the telephone lines in the face of intense enemy machine gun fire and shelling, and under extremely adverse conditions, regardless of personal danger, has been of utmost value to the battalion. The remarkable courage and devotion to duty shown by this man under all circumstances stamp him as a soldier of the highest standard.' <https://s3-ap-southeast-2.amazonaws.com/awm-media/collection/RCDIG1067920/document/5485581.PDF>

Following Council's approval the new road name application will be submitted for adoption and gazettal through the medium of the NSW Online Road Naming System, which streamlines the road naming process in NSW.

Financial Implications

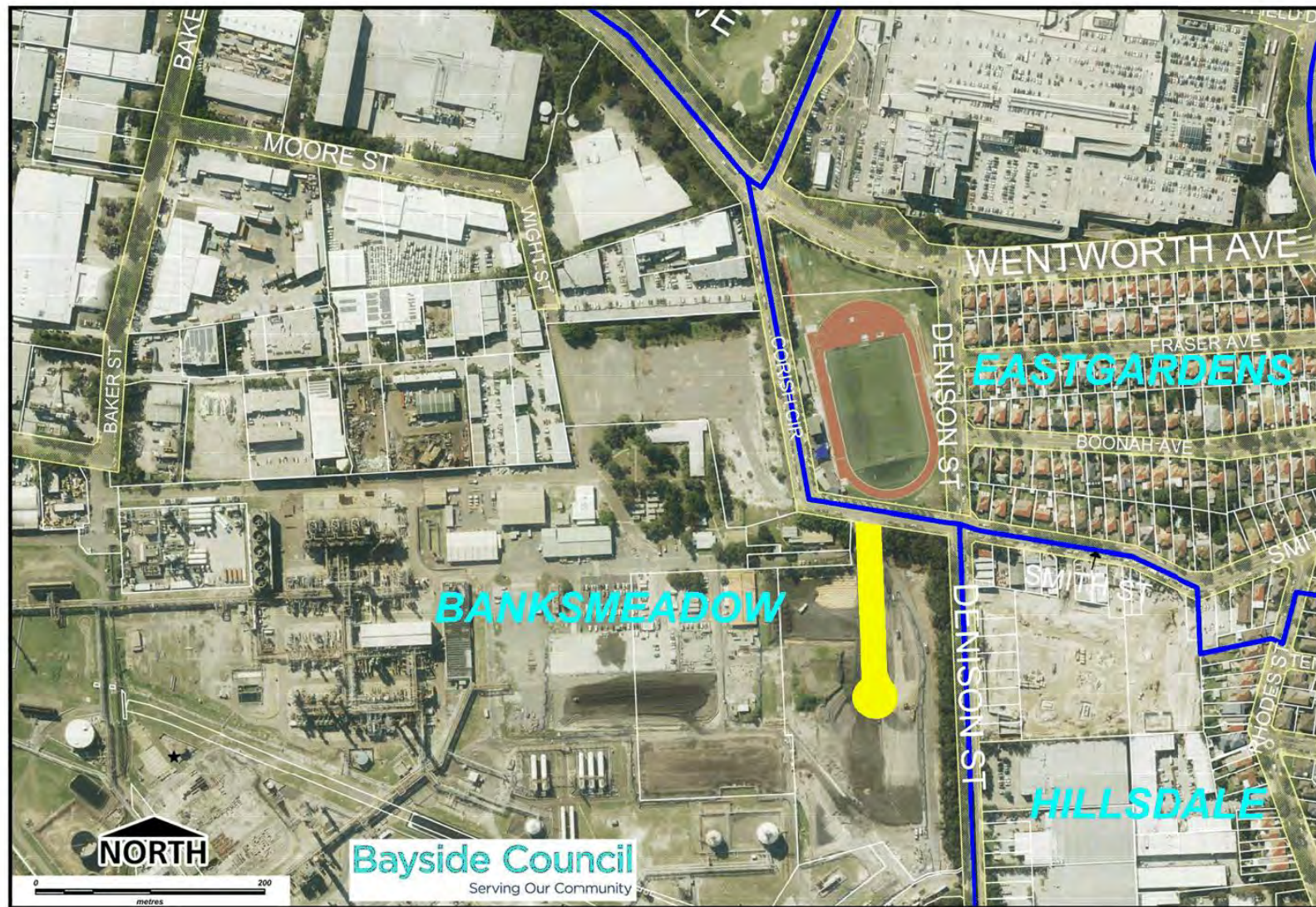
Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

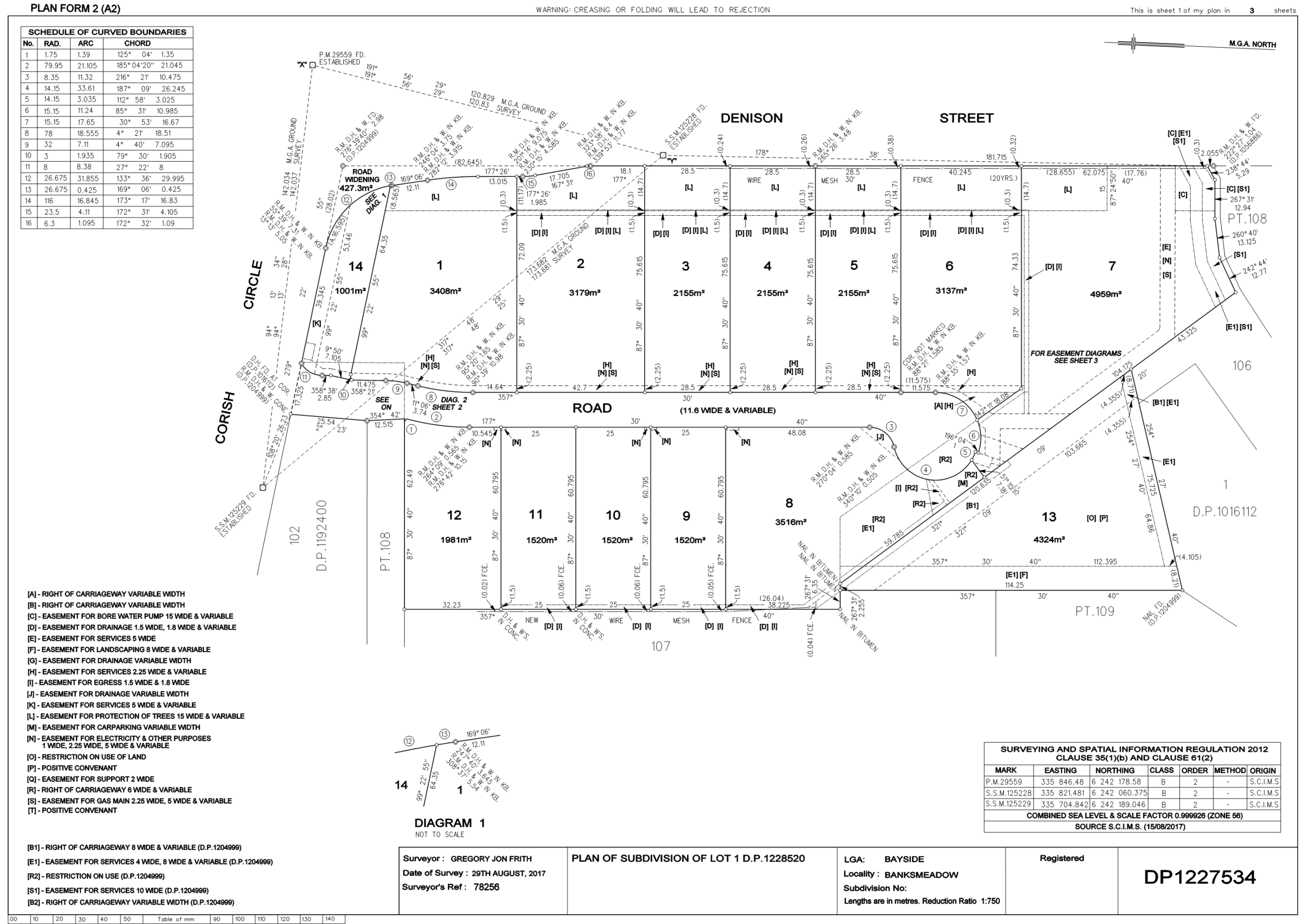
Community Engagement

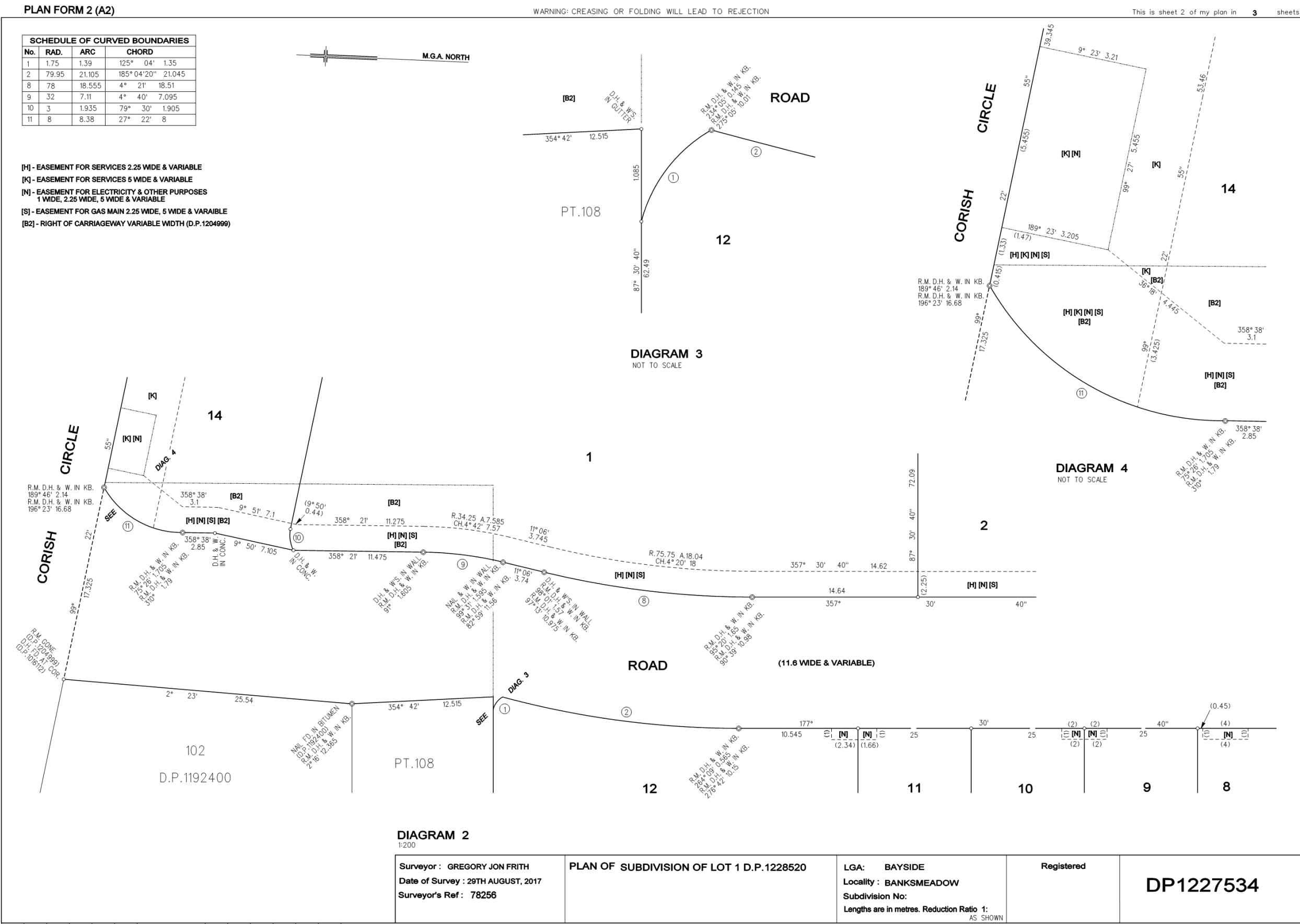
Not applicable

Attachments

- 1 Location Map of the New Road with Suggested Name
- 2 Registered DP 1227534 Showing the New Road
- 3 NSW Online Road Naming System Fact Sheet [↓↓↓](#)










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Fact Sheet

ISSN 2201-8514

June 2015

New South Wales Online Road Naming System

The NSW Online Road Naming System was developed by Land and Property Information (LPI) in collaboration with the Local Government Address Working Group to streamline the road naming process. The system is designed for use by road naming authorities in New South Wales (NSW), particularly local government.

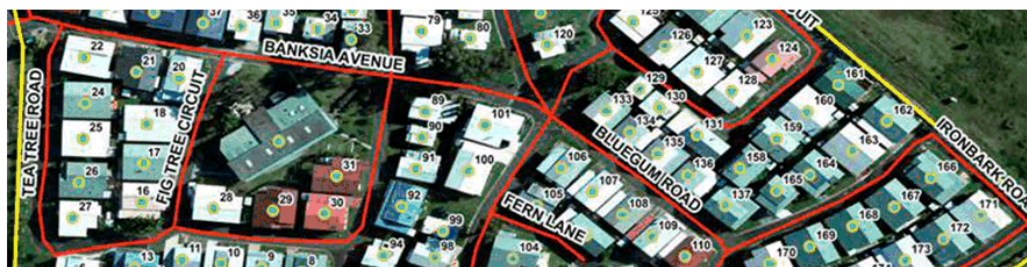
The system is an efficient mechanism for proposing road names in NSW. It supports the application of road naming processes in a collaborative environment accessed by local government, LPI and the Geographical Names Board (GNB). The system replaces a time consuming manual process where naming authorities would apply for a road name using postal services.

The first stage of the NSW Online Road Naming System was released to local government in August 2013 which supported the proposal and adoption of road names. Enhancements to the system include the automation of the road name gazettal process. The primary objective is to continuously improve the efficiency and precision of road naming while supporting the requirements of the [NSW Addressing User Manual](#). LPI and GNB are committed to improving the system to support the requirements of the [NSW Address Policy](#).

Benefits of the NSW Online Road Naming System

The NSW Online Road Naming System was developed as part of the Comprehensive Property Addressing System (CPAS) Program. The system is aligned with the requirements of [NSW Address Policy](#) and [NSW Addressing User Manual](#). The main benefits of the system include:

- More efficient processes methods between the GNB and naming authorities by using a shared environment to record and track all activities relating to the road naming process.
- Eliminating the need for road naming authorities to manually notify the 12 prescribed authorities (in accordance with the *Roads Regulation 2008*) of proposed road names as the system performs this process automatically.
- Time and costs savings by enabling road naming authorities to propose and gazette road names online.
- Automation and cost recovery of gazette notices for new road names.
- Improved data quality: currently six per cent of NSW addresses, 91 address localities and 1,613 road names are duplicated within the same address locality. The online system will allow users to conduct road searches when proposing road names. The user will be able to identify roads in close vicinity to the intended name proposal. This will reduce the incidence of similar sounding, duplicate and ambiguous names.



Addressing information in a retirement village

Stakeholder consultation

Stakeholder communication has been and continues to be conducted on a number of levels. Consultation with the Local Government Address Working Group (LGAWG) and the NSW Address Working Group (NAWG) as well as participation in user acceptance testing by a number of local councils and the LGAWG has ensured the provision of a system which delivers to the benefits outlined above.

More information

For more information about the NSW Online Road Naming System visit the LPI website www.lpi.nsw.gov.au.



Disclaimer

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

June 2015 LPI (B) P15/10/025

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Council Meeting

13/12/2017

Item No	8.16
Subject	Proposed Licence to 3 Bridges Community and the Arncliffe Men's Shed - 100 Bestic Street Kyeemagh
Report by	Benjamin Heraud, Coordinator Property Susan Cannon, Property Administrator
File	F08/379P06

Summary

Council owns the property situated at 100 Bestic Street Kyeemagh and contained within this site is a vacant premises, known as the Muddy Creek Community Centre.

This report proposes to grant a licence to 3 Bridges Community who seek to relocate the Arncliffe Men's Shed who are being displaced from their existing privately owned site.

Officer Recommendation

- 1 That after duly considering the submission received, Council endorse the grant of a 5 year licence to 3 Bridges Community for the purposes accommodating and operating the Arncliffe Men's Shed.
- 2 That the Mayor and General Manager be authorised to sign, and seal where required, any documentation to finalise the licence to 3 Bridges Community.
- 3 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (e) of the Local Government Act 1993, the attachment contains information that would, if disclosed, prejudice the maintenance of law. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

Background

Council owns the property situated at 100 Bestic Street, Kyeemagh and this site comprises of building improvements and publically accessible open space (foreshore pedestrian link and Lance Studdard Reserve). The building improvements were under licence to the former Brighton Le Sands Amateur Fishermen's Association until 2012 when a financial controller, appointed by the mortgagee, ceased business operations.

One of the buildings within the site is a smaller building at the rear of the site that was traditionally occupied by the TS Sirius Naval Cadets. This use ceased when the building was fire damaged and the Naval Cadets moved to alternate defence premises.

The fire damaged building was reinstated and refurbished (by Council's insurer). Post the reinstatement, Council ran an expressions of interest to seek a community occupancy of the former Naval Cadet building, now known as the Muddy Creek Community Centre.

Separately, Council allows (by way of a temporary permit) the Muddy Creek Boating and Fishing Association (MCBAFA) to occupy the boating facilities within the site. MCBAFA was newly formed post the closure of Club and are a separate entity to the Brighton Le Sands Amateur Fishermen's Association.

Expressions of Interest

The expressions of interest campaign was conducted in 2015 and this yielded 3 submissions. The following notes the respondents and the corresponding ranking achieved.

- 3 Bridges Community (Arncliffe Men's Shed) – Ranked 1
- Bay City Care – Ranked 2
- Muddy Creek Boating and Fishing Association – Ranked 3

Post the expressions of interest, Council engaged with the respondents to encourage a proposal for collateral use of the premises, however despite these efforts a viable option did not materialise. To this end, Council seek to progress a licence over the premises with 3 Bridges Community to relocate the Arncliffe Men's Shed who are being displaced from privately leased premises.

3 Bridges/Arncliffe Men's Shed Proposed Licence Terms

The Arncliffe Men's Shed opened in 2012. The services they provide include:

- Offering support for children at risk of dis-engaging by re-igniting their interest in education
- Promoting men's health and wellbeing of all ages and backgrounds by providing a place for them to come and work together on community projects, socialise, make new friends, swap stories, make and repair furniture, toys or just read the paper over a cuppa.
- Work in partnership with Bayside Council on building bird and possum boxes and bee hotels to help preserve native wildlife in the area.

Table 1 below outlines the proposed terms for the licence to 3 Bridges Community.

Table 1 – Proposed Licence Terms

Term	Condition
Term	5 Year Licence
Commencement Date	1 January 2018
Expiry Date	31 December 2022
Commencement Rent	\$3,146 Per Annum (assessed in accordance with Council's Rental Subsidy and Assessment Policy)

Annual Rent Review	3% Per Annum
Outgoings	100% Payable by the Licensee
Permitted Use	Men's Shed, Offices, Social Programs, Seniors and School Group uses.

Local Government Act 1993

The Muddy Creek Community Centre is situated on Community classified as defined in the Local Government Act 1993 (the 'Act').

Prior to granting a licence over Community Land, Council must first advertise for a period of 28 days its intention to issue a licence as required by s47(A) of the Act. To this end, Council placed notices in the Southern Courier on 19 September 2017 and The St George & Sutherland Shire Leader on 20 September 2017, concluding on 19 October 2017.

During the submission period Council received two submissions, one objection and one email of support.

Email of Support

The email of support commending Council for providing an opportunity for a great community hub.

Objection

The objection lodged cited two issues (a copy of the submission is tabled within the Confidential Attachment), the issues and Council's response being:

Objectors Issues tabled	Council Position
Co-habitation of two Men's Shed Operations within the park.	<ul style="list-style-type: none"> The 2015 EOI response from the objector did not outline that they would operate a Men's Shed from the Muddy Creek Community Centre. Council are advised that the MCBAFA Men's Shed is for the purposes of Boating Building and Repair which is a different use to that of the Arncliffe Men's Shed. MCBAFA Men's Shed operate from a separate section of the site. Initial consultation with the Australian Men's Shed Association on (10 Nov 17) noted no impediment for the two Men's

Objectors Issues tabled	Council Position
	<p>shed to operate at the site.</p> <ul style="list-style-type: none"> The objection in this regard has no bearing on the proposed licence.
Requests to use areas within the main former Club Building	<ul style="list-style-type: none"> The main premises are not in a suitable state for the requested use. Any consideration to grant occupancy of the main premises (if Council chose to do so) would be post a competitive process such as an EOI or similar. An objection on the premise that a group seek to use a separate area of the site has no bearing on a proposed licence of a separate building.

After duly considering the objection received, it is proposed that Council progress to grant a licence to 3 Bridges Community over the Muddy Creek Community Centre.

Financial Implications

Not applicable ☐

Included in existing approved budget ☒

Additional funds required ☐

The financial implication emanating from this report centre on the receipt of rent funds of \$3,146 per annum. This rental was assessed in accordance with Council's Rental Subsidy and Assessment Policy.

Community Engagement

No further community engagement is required.

Attachments

Submission (confidential)

Council Meeting

13/12/2017

Item No	8.17
Subject	Animal Management Tender
Report by	Roland Sinn, Senior Procurement Officer
File	F17/387

Summary

Bayside Council jointly tendered with Georges River Council for the provision of Animal Management Services across both Council Local Government Areas (LGAs). The services in Request for Tender F17/387: Provision of Animal Management Services (RfT F17/387) included the impounding of companion animals and retrieval of dead animals.

St George Animal Rescue Pty Ltd was the only entity that submitted a tender in response to RfT F17/387. The tenderer is the former contractor for Rockdale, Kogarah and Hurstville City Councils for specified animal management services including impounding of companion animals and retrieval of dead animals. The tenderer was also engaged by Botany Bay City Council on a casual basis for provision of the same services.

The tender submission includes a retainer in addition to the rates for impounding companion animals and retrieval of dead animals. The tenderer meets the technical skills and experience in delivering the services, however analysis of the proposal, including the retainer, does not support a value for money outcome against historical data and research of current animal ownership across the Bayside Council LGA.

The recommended course of action is to decline to accept the tender and allow Council to directly negotiate with St George Animal Rescue Pty Ltd to achieve a better value for money outcome in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the Bayside Council Procurement Policy.

Officer Recommendation

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

With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
 - 2 That Council resolves to decline to accept the tender submission received from St George Animal Rescue Pty Ltd in response to RfT F17/387 in accordance with Reg 178 (3) of the Local Government (General) Regulation 2005.
 - 3 That Council resolves to decline to invite fresh tenders for the following reasons:
 - a St George Animal Rescue Pty Ltd was the only entity who tendered a submission in response to RfT F17/387.
-

- b The single tender submitted in response to RfT F17/387 demonstrates a lack of competition in the market for the provision of Animal Management Services. If Council were to invite fresh tenders it is likely that St George Animal Rescue will be the only entity to respond to the invitation.
 - 4 That Council resolves to enter into negotiations with St George Animal Rescue Pty Ltd in accordance with Reg 178 (3) (e) of the Local Government (General) Regulation 2005 to achieve a better value for money outcome.
-

Background

Bayside and Georges River Councils developed a joint Request for Tender for provision of Animal Management Services (RfT F17/387). RfT F17/387 was developed from a previous joint RfT document developed between Rockdale, Kogarah and Hurstville City Councils. This previous joint RfT established separate contracts between each of the three councils and St George Animal Rescue for provision of Animal Management Services.

The contract for former Rockdale City Council commenced in 2012 and included a retainer paid by Rockdale City Council to the contractor. The value of the retainer was based on the Rockdale City Council LGA and the estimated number of companion animals within the LGA. The retainer was paid to the contractor in addition to rates for impounding and retrieving animals. The contract expired on 30 June 2017 and no further optional extensions are available. St George Animal Rescue is currently providing the services specified in the expired contract at the retainer and at rates specified in the expired contract.

For the former City of Botany Bay Council, animal management services were undertaken predominately by Council's Regulations Team. St George Animal Rescue were engaged by the Council to perform specialist tasks (including animal capture and retrieval) on as needed basis.

RfT F17/387 sought to establish separate contracts for Bayside Council and Georges River Council with a contractor for provision of Animal Management Services. The term of the each proposed contract is three years and includes two optional extensions of 12 months each.

RfT F17/387 was advertised in the metropolitan and local press. It was published on the Tenderlink Bayside Council web portal on 6 June 2017 and closed on 28 June 2017 at 3pm.

Representatives from Bayside and Georges River Councils evaluated the St George Animal Rescue tender submission. The tender submission included a significant increase in the retainer and increases to the rates for impounding companion animals and retrieving dead animals. A reason for the increase in the proposed retainer is that the tender submission covers Animal Management Services in the Bayside Council LGA which includes the former Botany Bay City Council LGA in addition to the former Rockdale City Council LGA, however the tender submission did not demonstrate sufficient evidence to support a retainer significantly higher than the retainer in the expired contract.

The tenderer meets the technical skills and experience in delivering the specified services, however analysis of the proposal, including the cost of the proposed retainer, does not support a value for money outcome when viewed against historical data from the previous contract and estimations of current animal ownership across the Bayside LGA.

The proposed retainer and rates tendered by St George Animal Rescue compared with the retainer and rates in the expired contract is detailed in the confidential attachment.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	Additional funds will be required as the current budget does not take into consideration the increase in the annual retainer and the rates in the submission tendered by St George Animal Rescue. The amount of the additional funds will be dependent on the outcome of the negotiation between Bayside Council and St George Animal Rescue. An estimate is provided in the confidential attachment.

Community Engagement

Not applicable

Attachments

St George Animal Rescue - Current contract vs tendered rates and retainer (confidential)

Council Meeting

13/12/2017

Item No	8.18
Subject	Tender for the Depena Reserve Amenities
Report by	Louise Farrell, Senior Project Architect
File	F17/1150

Officer Recommendation

- 1 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the tender from 2020 Projects Pty Ltd for the Contract F17/1150 being for the partial demolition and construction of the public amenities at Depena Reserve for the amount of \$1,019,757.27 exclusive of GST.
- 2 That the first attachment to this report be withheld from the press and public as it is confidential for the following reason:

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

Background

Council's Special Rate Variation Program (SRV) includes a number of upgrades and replacements of public amenities and community buildings across the City.

The program includes the refurbishment and extension of the Depena Reserve Amenities, Dolls Point.

There are currently three amenities buildings in Depena Reserve, all three are in poor condition and beyond their servicable life. One building adjacent to the beach was closed due to safety concerns as the building has concrete cancer. The mosaic building has been partially closed due to vandalism earlier this year. The Depena West Building is also beyond its serviceable life.

After assessing the buildings it is recommended to consolidate the three amenities buildings into one and demolish the other two.

The existing building to be retained, refurbished and extended is the building located in the centre of Depena Reserve that has four mosaic art works, these walls will be retained and incorporated into the new building. The building will also be extended to provide the same number of current facilities within one building.

The Tender Process

Council invited open tenders for the partial demolition and construction of the Depena Reserve Amenities, Dolls Point on Tuesday 31 October 2017. The tender period stipulated in the documents was a 3 week tender period. The tender closed at 12noon on Tuesday 21 November 2017.

Tenders Received

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

- 2020 Projects Pty Ltd;
- Australian Construction Experts (ACE);
- Cooper Commercial Constructions;
- Cumnock Constructions Sustainability Pty Ltd;
- Forefront Commercial Interiors Pty Ltd;
- Kellyville Building Pty Ltd;
- Momentum Built Pty Ltd.

Directors of the Companies that Provided Tender Submissions

Company Name	Directors
2020 Projects Pty Ltd	Joe Touma
Australian Construction Experts Pty Ltd	Aiman Yousif
Cooper Commercial Constructions	Dale Poland
Cumnock Constructions Sustainability Ptd Ltd	Peter Coe, Judith North Coe
Forefront Commercial Interioors Pty Ltd	Daniel Casamento, Daniel Hurley
Kellyville Building Pty Ltd	B Bruton, M Bruton
Momentum Built Pty Ltd	Paul Boyd

Late Tenders

No late tenders were received.

Assessment Methodology

The tender submission assessment and scoring is outlined in the confidential supporting document to this report.

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

The tender submitted by 2020 Projects was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints. The program achieves the completion in readiness for the peak season.

Proposed Program

The preliminary program submitted with 2020 Projects tender has the following project milestones:

Milestone	Date
Contract award	15 December 2017
Construction Commencement	5 February 2018
Project complete	18 July 2018

The program does not include a wet weather allowance.

Financial Assessment of 2020 Projects

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of 2020 Projects in relation to the partial demolition and construction services for Depena Reserve Amenities, Dolls Point.

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

Tender Recommendation

References were checked for 2020 Projects and it was found that 2020 Projects is a reputable building contractor that delivers high quality work. The referees indicated that they would definitely re-employ 2020 Projects if the opportunity would arise.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from 2020 Projects for an amount of \$1,019,757.27 (exclusive of GST).

2020 Projects has in place insurances of \$20 Million Contract Works and Public Liability and they also have the statutory workers compensation policy in place. 2020 Projects have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track record and name in the industry.

Financial Implications

Not applicable



Included in existing approved budget	<input checked="" type="checkbox"/>
Additional funds required	<input checked="" type="checkbox"/>

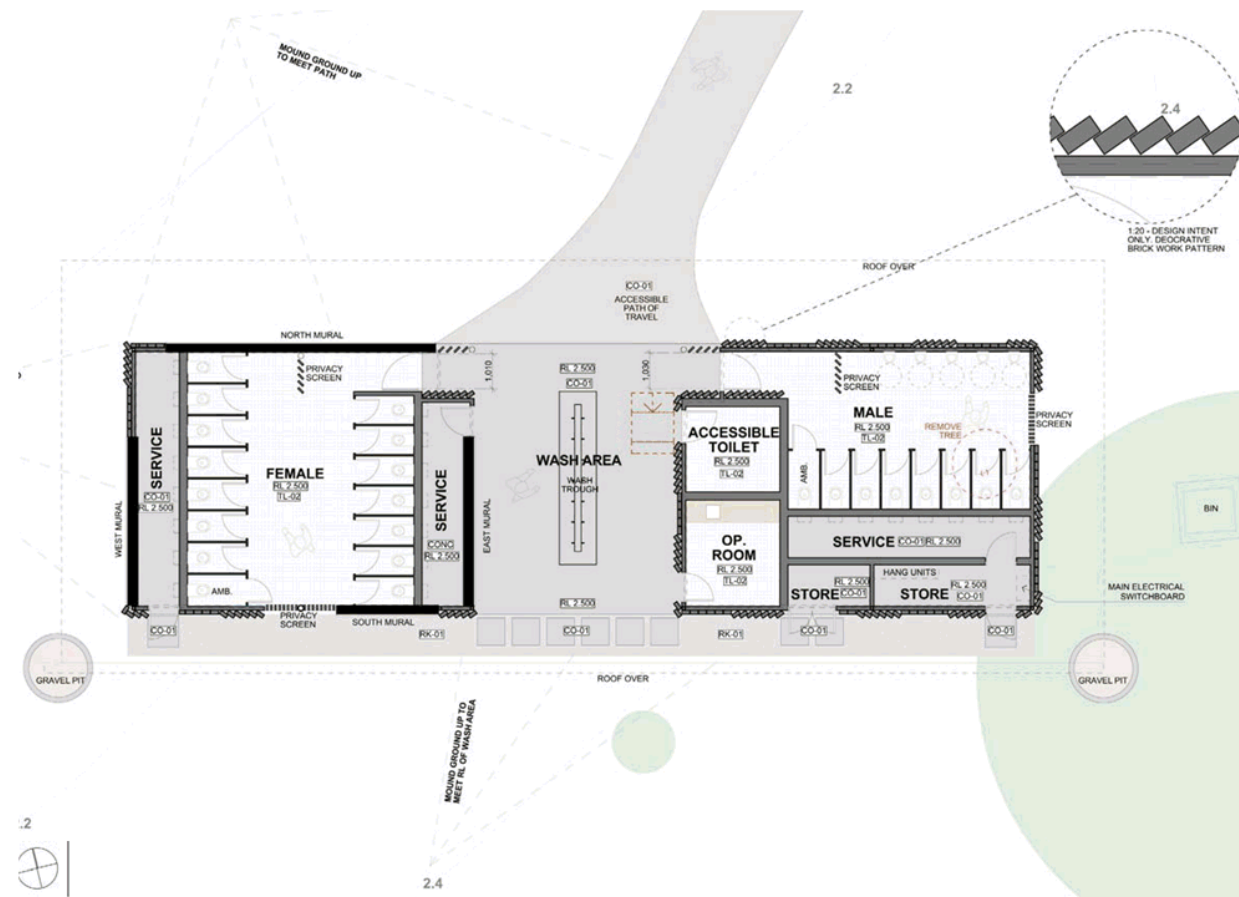
Community Engagement

Consultation was undertaken with the community on the upgrade of the Depena Reserve Amenities. Consultation boards were installed at the park and the project was advertised on the Have Your Say website for a three week period, inviting residents to comment on the project.

There were 30 visitors to the Depena Reserve 'Have Your Say' page. Two visitors participated anonymously in the survey. The first comment queried the demolition of the toilet block and expressed concerns that the remaining facilities will be too far from the Sanoni Avenue beach end. The other participant was pleased that the amenities are being upgraded but had deep concerns regarding the cleaners currently engaged to clean and maintain public amenities along the foreshore.

Attachments

- 1 Depena Reserve Confidential Information (confidential)
- 2 Depena Consultation Board



FLOOR PLAN



ARTIST IMPRESSION



NORTH ELEVATION

DEPENNA RESERVE AMENITIES, DOLLS POINT - New Amenities Building

What are we doing?

Council is refurbishing and extending the Public Amenities at Depenna Reserve. The project aims to provide safe facilities for the community and will include:

- 14 female toilets and 1 ambulant toilet
- 7 male toilets, 1 ambulant toilet and 5 urinals
- 1 accessible toilet with baby change
- Store room
- Operational lunch room
- External hand wash

When are we doing it?

Construction is anticipated to commence in Autumn 2018. Access to this area will be restricted with temporary fencing. For your safety please stay clear of construction zones.

For Further Information

Please contact Bayside Council on:

Phone: 02 9562 1532

Email: majorprojects@bayside.nsw.gov.au

Web: www.bayside.nsw.gov.au

In person: Bayside Council Customer Service Centres:

Mascot: 141 Coward Street, Mascot

Rockdale: 444-446 Princes Highway, Rockdale



Council Meeting

13/12/2017

Item No	8.19
Subject	Tender - Kyeemagh Reserve Amenities
Report by	Louise Farrell, Senior Project Architect
File	F17/1151

Summary

Bayside Council is constructing new public amenities at Kyeemagh Reserve, Kyeemagh. This report recommends the appointment of a contractor to construct these facilities.

Officer Recommendation

- 1 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the tender from Specbuilt Constructions Pty Ltd for the Contract F17/1150 being for the partial demolition and construction of the public amenities at Kyeemagh Reserve Amenities for the amount of \$430,307.72 exclusive of GST.
- 2 That the second attachment to this report be withheld from the press and public as it is confidential for the following reason:

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

Background

Council's Special Rate Variation Program (SRV) includes a number of upgrades and replacements of public amenities and community buildings across the City.

The program includes the demolition of existing amenities and construction of new public amenities at the Kyeemagh Reserve Boat Ramp, Kyeemagh. The existing building is in poor condition and beyond its serviceable life.

The Tender Process

Council invited open tenders for the demolition and construction of the Kyeemagh Reserve Amenities, Kyeemagh on Tuesday 31 October 2017. The tender period stipulated in the documents was a 3-week tender period. The tender closed at 12noon on Tuesday 21 November 2017.

Tenders received

Eight (8) tender submissions were received, as follows (in alphabetical order):

Directors of the Companies that Provided Tender Submissions

Company Name	Directors
2020 Projects Pty Ltd	Joe Touma
ACE Australian Construction Experts Pty Ltd	Aimen Yousif, Henrette Yousif
Camporeale Holdings Pty Ltd	Michael Camporeale
Cooper Commercial Constructions	Dale Poland
Cumnock Constructions Sustainability Pty Ltd	Peter Coe, Judith North Coe
Forefront Commercial Interiors Pty Ltd	Daniel Casamento, Daniel Hurley
Momentum Built Pty Ltd	Paul Boyd
Specbuilt Constructions Pty Ltd	Alexander Vidakowic

Late Tenders

No late tenders were received.

Assessment Methodology

The tender submission assessment and scoring is outlined in the confidential supporting document to this report.

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

The tender submitted by Specbuilt Constructions Pty Ltd was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints. The program achieves the completion in readiness for the peak season.

Proposed Program

The preliminary program submitted by Specbuilt Constructions has the following project milestones:

Milestone	Date
Contract award	15 December 2017
Construction Commencement	5 February 2018
Project complete	1 May 2018

The program does not include a wet weather allowance.

Financial Assessment of Specbuilt Constructions Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Specbuilt Constructions in relation to the Kyeemagh Reserve Amenities.

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

Tender Recommendation

References were checked for Specbuilt Constructions and it was found that Specbuilt Constructions is a reputable building contractor that delivers high quality work. The referees indicated that they would definitely re-employ Specbuilt Constructions if the opportunity would arise. The referees stated that Specbuilt Constructions had a very good understanding of Council expectations; they managed their program well and delivered high quality projects.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Specbuilt Constructions for an amount of \$430,307.72 (exclusive of GST).

Specbuilt Constructions has in place insurances of \$20 Million Contract Works and Public Liability and they also have the statutory workers compensation policy in place. Specbuilt Constructions have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track record and name in the industry.

Financial Implications

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

Community Engagement

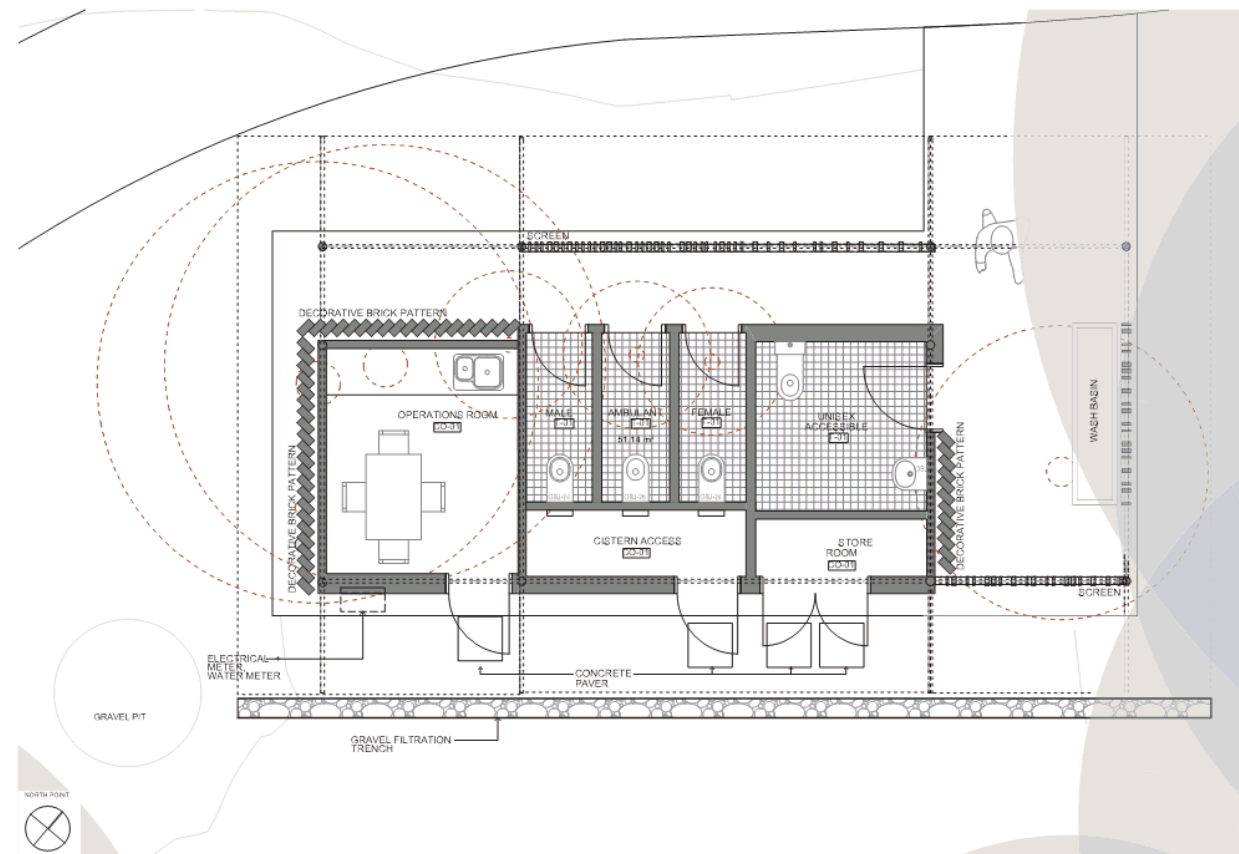
Consultation was undertaken with the community on the upgrade of the Kyeemagh Reserve Amenities. Consultation boards were installed at the park and the project was advertised on the Have Your Say website for a three-week period, inviting residents to comment on the project.

There were 22 visitors to the Kyeemagh Reserve Amenities 'Have Your Say' page. Three visitors participated in the survey, all were local residents. The issues raised included a

request to ensure that there are separate male and female toilets as opposed to unisex amenities as well as concerns regarding sufficient lighting and CCTV cameras in the area due to high levels of vandalism and late night activity. There were multiple requests for Council to address 'water theft' (boat and jet ski owners hooking up their hoses to amenity taps to flush their engines and fill containers) as well as a serious sewer smell problem emanating from the Sydney Water building. Other concerns and requests raised by the survey participants included the installation of at least two water bubblers, redoing the road markings on the boat ramp, erection of a new 'No Entry sign after 11pm' sign, inclusion of a urinal or child size toilet in the accessible toilet, fencing for the nearby playground as well as including an outdoor seating area (the participant was under the impression that the operational lunch room was to be a public lunch room and suggested an outdoor area would be a better option for people to enjoy the views).

Attachments

- [↓](#) 1 Kyeemagh Consultation Board
- 2 Kyeemagh Confidential Supporting Documentation (confidential) [↓](#)



FLOOR PLAN



ARTIST IMPRESSION



NORTH WEST ELEVATION

KYEEMAGH BOAT RAMP AMENITIES, KYEEMAGH - New Amenities Building

What are we doing?

Council is building new Public Amenities at Kyeemagh boat ramp reserve. The project aims to provide safe facilities for the community and will include:

- 2 unisex toilets and 1 ambulant toilet
- 1 accessible toilet with baby change
- Operational lunch room
- Store room
- External hand wash

When are we doing it?

Construction is anticipated to commence in Autumn 2018. Access to this area will be restricted with temporary fencing. For your safety please stay clear of construction zones.

For Further Information

Please contact Bayside Council on:

Phone: 02 9562 1532

Email: majorprojects@bayside.nsw.gov.au

Web: www.bayside.nsw.gov.au

In person: Bayside Council Customer Service Centres:

Mascot: 141 Coward Street, Mascot

Rockdale: 444-446 Princes Highway, Rockdale



Council Meeting

13/12/2017

Item No	8.20
Subject	Tender for the Design and Construction of a Synthetic Playing Field at Ador Ave Reserve, Field No. 1, Rockdale.
Report by	Karin Hartog, Major Projects Unit Director
File	F17/559

Summary

On 12 July 2017 the administrator considered and adopted an administrator's minute and agreed for Bayside Council to manage the project and federal grant funding obtained by the St George Football Association for the construction and installation of a football synthetic playing surface, drainage and pavement at Ador Field No. 1 in Rockdale, NSW. This report recommends the appointment of a contractor to carry out the works as per the funding agreement.

Officer Recommendation

- 1 That any tenure and usage associated with the new synthetic playing field at Ador Reserve is in accordance with the purpose as outlined in the funding agreement and that this process is led by Bayside Council's Sports and Recreation Committee and approved by the Council;
- 2 That as part of this process priority is given to local clubs and community use;
- 3 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the tender from Turf One for the Contract F17/559 being for the design and construction of a synthetic playing field at Ador Ave Reserve, at Ador Field No. 1, Rockdale for the amount of \$2,137,975.00 exclusive of GST.
- 4 That the first attachment to this report be withheld from the press and public as it is confidential for the following reason:

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

Background

Following the request from the St George Football Association (SGFA) for Bayside Council to replace the SGFA as the proponent and project manager for the construction and delivery of Synthetic Playing Field at Ador Avenue and resolution by the Administrator, Bayside Council entered into the funding agreement with the Federal Government. This funding agreement is attached to this report. The agreement does not include or mention the Association.

The Agreement States, "The purpose for which the completed project is to be used as per the agreement is: To provide functional fields for soccer players in the St George district and provide access to the local community to stay active on a year round basis by offering non traditional forms of the game including futsal and summer football".

The funding allocated as per the funding agreement is specifically for the construction of a Synthetic Playing field at Ador Reserve, lot 1 DP 721666, corner of Ador Avenue and West Botany Street in Rockdale, NSW 2216.

The activity completion date as per the funding agreement is 30 September 2018, which means that the construction of the field is required to be finalised by this date.

Rockdale Council (now Bayside Council) has previously commissioned independent specialist advice to identify appropriate locations for synthetic sports fields within the locality. The Ador Avenue Reserve area is one of the suitable locations for a synthetic sporting field.

There are three reserve areas surrounding an existing community facility currently occupied by Police Citizens Youth Club (PCYC) that deliver a number of sport and recreational activities for young people. The fields are used by a number of clubs and there is no "home team" at the facilities. The association uses this facility as an overflow for games at the weekend and may at times use it for their summer program and training.

Under the Community Development Grants (CDG) programme, the Australian Government – Department of Infrastructure and Regional Development has recently approved funding up to \$2 million (GST exclusive) for the Construction of Synthetic Playing Field at Ador Ave. This will cover the construction of the synthetic football field, including project management and ancillary works including footings for lighting, access and security upgrades and seating. The fencing included as part of the project includes a 1.2m fence that prevents cars from driving on the playing surface and fencing to prevent balls from entering West Botany Street. This fencing does not prevent public access.

There are drainage works associated with this project that Council has included in the design and construction tender. These works resolve an existing flooding issue and also alleviate the impact of the flood levels associated with raising the field. These works have been included in the tender as a separable portion, so that the cost are able to be identified separately from the Federal Government funded works. The drainage works are being funded from the Council Stormwater levy.

The Tender Process

Council invited open tenders for the design and construction of a synthetic playing field at Ador Ave Reserve, at Ador Field No. 1, Rockdale on Tuesday 24 October 2017. The tender period stipulated in the documents a 3 week tender period. The tender closed at 12.00 pm on Tuesday 14 November 2017.

Tenders Received

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

- BCL Group;
- KK Civil;
- Tuff Turf; and
- Turf One.

Directors of the Companies that Provided Tender Submissions

Company	Company Directors
BCL Group	Greg Dingwall; Louie Hancock
KK Civil	Koda Kassira
Turf One	Lyndon George Joslyn
Tuff Turf	Fraser Gehrig Tanya Hall

Late Tenders

No late tenders were received.

Assessment Methodology

The tender submission assessment and scoring is outlined in the confidential supporting document to this report.

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

The tender submitted by Turf One was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints. The program achieves the completion in readiness for the peak season.

Proposed Program

The preliminary program submitted with Turf One tender completes the project by the required date as per the funding agreement.

Financial Assessment of Turf One

Turf One has successfully carried out a similar size synthetic sporting field project for council, the financial assessment has been undertaken previously. No issues have been identified as part of this project.

Tender Recommendation

References were checked for Turf One previously and it was found that Turf One is a reputable contractor that delivers high quality work. The referees indicated that they would definitely re-employ Turf One if the opportunity would arise. Turf one is currently completing the Bicentennial Park Synthetic Sporting field for Council. This project has been without any issues and is being completed on time and on budget.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Turf One for an amount of \$2,137,975.00 (exclusive of GST).

Turf One has in place insurances of \$5 Million Contract Works and Public Liability and they also have the statutory workers compensation policy in place. Turf One have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track-record and name in the industry.

Financial Implications

The budget is outlined in the confidential supporting document to this report.

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

Community Engagement

No community consultation has been undertaken. The St George Football Association has been consulted and they have endorsed the designs.

Attachments

- 1 Supporting confidential attachment (confidential)
- 2 Funding agreement between Bayside Council and the Federal Government



Australian Government

Department of Infrastructure and Regional Development

DEED OF AGREEMENT

FUNDING AGREEMENT IN RELATION TO THE CONSTRUCTION OF
SYNTHETIC PLAYING FIELD AT ADOR AVENUE (CDG718)

The Commonwealth of Australia as represented by the Department of
Infrastructure and Regional Development
ABN 86 267 354 017

Bayside Council
ABN 80 690 785 443

Australian Government Department of Infrastructure and Regional Development

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Australian Government Department of Infrastructure and Regional Development

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FUNDING AGREEMENT (LONG FORM)

FUNDING AGREEMENT IN RELATION TO THE CONSTRUCTION OF SYNTHETIC PLAYING FIELD AT ADOR AVENUE (CDG718)

Parties

This Funding Agreement is made between and binds the following parties:

1. **The Commonwealth of Australia** as represented by the Department of Infrastructure and Regional Development
ABN 86 267 354 017, 111 Alinga Street, Canberra, Australian Capital Territory
(Commonwealth)
2. **Bayside Council**
ABN 80 690 785 443, 444-446 Princess Highway, Rockdale, New South Wales
(Recipient)

Context

- A. The Commonwealth is undertaking the Community Development Grants programme, which was to support needed infrastructure that promotes stable, secure and viable local and regional economies.
- B. The Recipient submitted an application to obtain funding under the Programme to conduct the Activity. The Activity will contribute to the completion of the Project, and will help achieve the objectives of the Programme.
- C. The Commonwealth has agreed to provide Funding to the Recipient to support the carrying out of the Activity.
- D. The Recipient agrees to accept the Funding for the purposes, and subject to the terms and conditions, set out in this Agreement.
- E. The Recipient agrees that it is a precondition of entitlement to the Funding that the Recipient must:
 - a. provide to the Commonwealth with satisfactory evidence that the Recipient is registered with a Commonwealth, State or Territory Regulatory Body or satisfactory evidence of the Recipient's correct statutory authority name;
 - b. correctly use the Recipient's name on all documentation provided to the Commonwealth;
 - c. have an Australian Business Number (ABN);
 - d. immediately notify the Commonwealth if the Recipient ceases to hold an ABN;
 - e. correctly quote the Recipient's ABN on all documentation provided to the Commonwealth;
 - f. supply proof of the Recipient's GST status, if requested by the Commonwealth; and
 - g. immediately notify the Commonwealth of changes to the Recipient's GST status.

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Operative provisions

In consideration of the mutual promises contained in this Agreement, the parties to this Funding Agreement agree as follows:

1. Interpretation

1.1. Definitions

1.1.1. In this Agreement, unless the context indicates otherwise:

ABN	means (Australian Business Number) as set out in section 41 of the <i>A New Tax System (Australian Business Number) Act 1999 (Cth)</i> .
Activity	means the Activity described in Item A and includes the provision to the Commonwealth of the Activity Material;
Activity Completion date	means the date that the Activity must be completed by as set out in item A.5 of the Schedule.
Activity Material	means any Material: <ol style="list-style-type: none"> created by the Recipient for the purpose of this Agreement; provided or required to be provided to the Commonwealth under the Agreement; or derived at any time from the Material referred to in paragraphs a or b, and includes <ol style="list-style-type: none"> any Existing Material incorporated in the Material referred to in paragraphs b or c; and any Reports;
Activity Objectives	means the objectives of the Activity described in Item A.6 of the Schedule;
Activity Period	means the period specified in Item A during which the Activity must be completed;
Agreement	means this document and includes any Schedules and Annexures;
Annexure	means any annexure to Schedule 1;

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Approved Auditor	means a person who is: <ol style="list-style-type: none"> registered as a company auditor under the <i>Corporations Act 2001</i> (Cth) or an appropriately qualified member of the Institute of Chartered Accountants in Australia or of CPA Australia; not a principal, member, shareholder, officer, agent, subcontractor, employee or related entity of the Recipient or of a related body corporate (the terms 'related entity' and 'related body corporate' have the same meaning as in section 9 of the <i>Corporations Act 2001</i> (Cth)); and not the Recipient's Qualified Accountant;
Asset	means any item of property, purchased, leased, hired, financed, created or otherwise brought into existence either wholly or in part with use of the Funding, which has a value of over \$5,000 exclusive of GST, but excludes any Intellectual Property Rights and Real Property (including any property once it becomes part of the structure of Real Property).
Auditor-General	means the office established under the <i>Auditor-General Act 1997</i> (Cth) and includes any other entity that may, from time to time, perform the functions of that office;
Australian Accounting Standards	refers to the standards of that name maintained by the Australian Accounting Standards Board created by section 226 of the <i>Australian Securities and Investments Commission Act 2001</i> (Cth);
Australian Auditing Standards	refers to the standards made by the Auditing and Assurance Standards Board created by section 227A of the <i>Australian Securities and Investments Commission Act 2001</i> (Cth);
Australian Privacy Principle	has the same meaning as it has in the <i>Privacy Act 1988</i> (Cth).
Budget	means the budget set out in Annexure B of the Schedule;
Business Day (in a place)	means a weekday other than a public holiday in the place specified or, if no place is specified, in the State or Territory specified in Item M of the Schedule;
Capital Works	means any part of the Activity that comprises construction and building activities and includes the Capital Works listed at item E.2.2 of the Schedule.

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Commence Construction	means to begin a continuous programme of on-site construction for the Activity's Capital Works. For the purposes of this definition, only significant and continuous site preparation work such as major clearing or excavation or placement or assembly, or installation of facilities or equipment at the site constitute a programme of on-site construction.
Commonwealth	where the context permits, includes officers, delegates, employees and agents and successors of the Department of Infrastructure and Regional Development;
Commonwealth Material	means any Material: <ul style="list-style-type: none"> a. provided by the Commonwealth to the Recipient for the purposes of this Agreement; or b. derived at any time from the Material referred to in paragraph a;
Completion Date	means the day after the Recipient has done all that it is required to do under clauses 2 and 6 of this Agreement to the satisfaction of the Commonwealth;
Constitution	means (depending on the context): <ul style="list-style-type: none"> a. a company's constitution, which (where relevant) includes rules and any amendments that are part of the company's constitution, or b. in relation to any other kind of body: <ul style="list-style-type: none"> i. the body's charter, rules or memorandum, or ii. any instrument or Law constituting or defining the constitution of the body or governing the activities of the body or its members.
Cost Estimate	means the estimate for the Project which is the sum of the Funding and Other Contributions specified in Annexure B to the Schedule.
Cost Item	means an item of expenditure specified in the Budget at Annexure B to the Schedule.
Confidential Information	means: <ul style="list-style-type: none"> a. the information described in Item N; and b. information that the parties agree in writing after the Date of this Agreement is confidential information for the purposes of this Agreement;

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Date of this Agreement	means the date written on the execution page of this Agreement, or if no date or more than one date is written there, then the date on which the Agreement is signed by the last party to do so;
Depreciated	means the amount representing the reduction in value of an Asset calculated in accordance with Australian Accounting Standards;
Director	means any of the following: <ol style="list-style-type: none"> a person appointed to the position of a director or alternate director and acting in that capacity for a body corporate within the meaning of the <i>Corporations Act 2001</i> (Cth) regardless of the name given to their position; a member of the governing committee of an Aboriginal and Torres Strait Islander corporation under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (Cth); a member of the committee of an organisation incorporated pursuant to State or Territory laws relating to the incorporation of associations; or a member of the board, committee or group of persons (however described) that is responsible for managing or overseeing the affairs of the body corporate;
Dispose	means to sell, licence, lease or sublease, or otherwise transfer or give up ownership or the right to occupy or use, or to enter into an agreement to do any of the preceding acts and 'Disposal' means the method of so disposing;
Existing Material	means all Material in existence prior to the Date of this Agreement: <ol style="list-style-type: none"> incorporated in; supplied with, or as part of; or required to be supplied with, or as part of, the Activity Material;
Financial Year	means each period from 1 July to the following 30 June occurring during the Term, or any part of such a period occurring at the beginning or end of the Term;

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- Funding** means:
- a. the amount or amounts (in cash or kind) payable by the Commonwealth under this Agreement as specified in Item A.7 and Annexure A of this Agreement, and
 - b. any interest earned on the Funding once paid by the Commonwealth to the Recipient;
- GST** has the meaning that it has in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;
- Information Officer** means any of the information officers appointed under the *Australian Information Commissioner Act 2010 (Cth)* when performing privacy functions as defined in that Act;
- Intellectual Property** includes:
- a. all copyright (including rights in relation to phonograms and broadcasts);
 - b. all rights in relation to inventions, plant varieties, trademarks (including service marks), designs, circuit layouts; and
 - c. all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields;
- but does not include:
- d. Moral Rights;
 - e. the non-proprietary rights of performers; or
 - f. rights in relation to confidential information;

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Law	includes: <ol style="list-style-type: none"> Acts of the Commonwealth and the State(s) and Territory(s) in which the Activity will be undertaken, and any other relevant State or Territory; ordinances, regulations, by-laws, orders and proclamations or other instruments of legal effect made under those Acts referred to in paragraph (a); directions by any person exercising statutory powers regarding the Recipient or the Activity, including the Real Property; and all the requirements, standard, approvals, licences, registrations or permits of any government (including local government) department, authority, agency or regulatory body that apply to the Activity, including the Real Property;
Material	means anything in relation to which Intellectual Property rights arise;
Milestone	means a milestone or stage of completion of the Activity as set out in Annexure A of this Agreement;
Moral Rights	includes the following rights of an author of copyright Material: <ol style="list-style-type: none"> the right of attribution of authorship; the right of integrity of authorship; and the right not to have authorship falsely attributed;
Open Access Licence	means a licence to the public on broad open access terms that allows any member of the public to perform a wide range of acts in respect of the material subject to certain restrictions. An Open Access Licence includes any Australian Government open access licence and any Creative Commons Attribution licence (see http://creativecommons.org.au/learn-more/licences);
Operational	means that the completed Project is operating in a way that enables it to achieve its Purpose;
Operational Period	means the period during which the Recipient must keep the completed Project Operational;

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Other Contributions	means financial or in-kind resources (with in-kind resources valued at cost other than the Funding, which are specified in Item C and Annexure B of the Schedule and are to be used by the Recipient to perform the Activity;
Personnel	means: <ol style="list-style-type: none"> in relation to the Recipient - any natural person who is an officer, employee, agent, or professional advisor of the Recipient or its subcontractors; and in relation to the Commonwealth - any natural person, other than a person referred to in paragraph a, who is an officer, employee, agent or professional advisor of the Commonwealth;
Privacy Act	refers to the <i>Privacy Act 1988</i> (Cth);
Programme	means the Community Development Grants programme under which the Commonwealth is able to provide Funding to the Recipient.
Programme Guidelines	refers to the guidelines for the Programme, if any, as described in Item A of the Schedule;
Programme Objectives	means the objectives of the Programme, as set out in the Programme Guidelines or otherwise in Item A of the Schedule;
Project	has the meaning given in Item A.2 of the Schedule and includes the Activity;
Project Completion Date	means the date specified in item A.2 of the Schedule, which is the date by which the Recipient must complete the Project;
Purpose	means the purpose of the Project as set out at item A.3 of the Schedule;
Qualified Accountant	means a person who is a member of the Institute of Chartered Accountants in Australia or of CPA Australia;
Recipient	includes, where the context permits, the officers, employees, agents, volunteers and subcontractors, and successors of the Recipient;
Records	includes documents, information and data stored by any means and all copies and extracts of the same;

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Report	means Activity Material that is provided to the Commonwealth for reporting purposes as stipulated in Item D of the Schedule;
Real Property	means: <ol style="list-style-type: none"> any land, buildings or fixtures including the Capital Works (both during and after completion) and the Works Locations; and any interest in the property specified in paragraph (a); that are purchased, leased, upgraded or otherwise created or brought into existence wholly or in part with the use of the Funding and includes the property listed at item E.2.1 of the Schedule.
Schedule	means the schedule to this Agreement and may include Annexures and incorporate other documents by reference;
Specified Personnel	means the Recipient's Personnel specified in Item I as Personnel required to undertake all or any part of the Activity;
Term	refers to the period described in clause 1.4.1 of this Agreement;
Third Party Interest	means any legal or equitable right, interest, power or remedy in favour of any person other than the Commonwealth or the Recipient in connection with the Agreement, including any right of possession, receivership, control or power of sale, and any mortgage, charge, security or other interest;
Undepreciated	in relation to the value of an Asset, means the value of the Asset which has not been Depreciated; and
Works Location	means a location where the Capital Works are to be undertaken including any premises in, or land on, which those Capital Works are to be undertaken and includes a Works Location listed in item E.2.3 of the Schedule.

1.2. **Interpretation**

1.2.1. In this Agreement, unless the contrary intention appears:

- words importing a gender include any other gender;
- words in the singular include the plural and words in the plural include the singular;
- clause headings are for convenient reference only and have no effect in limiting or extending the language of provisions to which they refer;

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- d. words importing a person include a partnership and a body whether corporate or otherwise;
- e. a reference to dollars is a reference to Australian dollars;
- f. a reference to any legislation or legislative provision includes any statutory modification, substitution or re-enactment of that legislation or legislative provision;
- g. if any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- h. the use of the word "includes" or "including" in relation to a right or obligation of a party, does not limit or restrict the scope of that right or obligation;
- i. a reference to a clause is a reference to a clause in this Agreement;
- j. a reference to an Item is a reference to an Item in the Schedule;
- k. the Schedule and any attachments form part of the Agreement;
- l. if any conflict arises between the terms and conditions contained in the clauses of this Agreement and any part of the Schedule (and attachments if any), the terms and conditions of the clauses prevail; and
- m. if any conflict arises between any part of the Schedule and any part of an attachment, the Schedule prevails.

1.3. Guidance on construction of Agreement

- 1.3.1. This Agreement records the entire agreement between the parties in relation to its subject matter.
- 1.3.2. As far as possible all provisions of this Agreement will be construed so as not to be void or otherwise unenforceable.
- 1.3.3. If any clause in this Agreement is void or otherwise unenforceable then that clause will be severed to the extent it is void and unenforceable and the rest of the Agreement remains in force.
- 1.3.4. A provision of this Agreement will not be construed to the disadvantage of a party solely on the basis that it proposed or prepared that provision.
- 1.3.5. This Agreement may be executed in counterparts. All executed counterparts constitute one document.

1.4. Duration of Term

- 1.4.1. The Term of this Agreement commences on the Date of the Agreement and, unless terminated earlier, it expires on the Completion Date.

2. Activity, Project and Operational Period

2.1. Conduct of Activity

- 2.1.1. The Recipient agrees to carry out the Activity:

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- a. to achieve the Activity Objectives;
 - b. to assist the Programme to meet the Programme Objectives;
 - c. to meet the Milestones;
 - d. within the Activity Period;
 - e. in an efficient, effective, economical and ethical manner;
 - f. in accordance with this Agreement; and
 - g. diligently and to a high standard.
- 2.1.2. Where the Commonwealth is satisfied that the Recipient does not have the capacity to adequately:
 - a. manage the Funding; or
 - b. undertake the Activity in accordance with this Agreement,
the Commonwealth may by written notice immediately:
 - c. suspend, reduce or cease the release of Funding to the Recipient;
and/or
 - d. require the Recipient to refund some or all of the Funding to the Commonwealth; or
 - e. terminate the Agreement in accordance with the provisions of clause 17.
- 2.2. **Liaison and monitoring**
- 2.2.1. The Recipient agrees to:
 - a. liaise with and provide information to the Commonwealth as reasonably notified by the Commonwealth; and
 - b. comply with all of the Commonwealth's reasonable requests, directions or monitoring requirements.
- 2.2.2. In relation to conducting a review and final evaluation of the Programme, the Recipient agrees to:
 - a. provide all reasonable assistance required by the Commonwealth;
 - b. respond to all of the Commonwealth's reasonable requests; and
 - c. provide any information the Commonwealth reasonably requires.
- 2.2.3. Each of the parties may nominate, from time to time, a person who has authority to receive and sign notices and written communications for each of them under this Agreement and accept any request or direction in relation to the Activity.
- 2.3. **Subcontractors**
- 2.3.1. The Recipient is fully responsible for the performance of the Recipient's obligations under this Agreement, even though the Recipient may have subcontracted any of them.

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- 2.3.2. Unless the Commonwealth agrees otherwise, the Recipient must have a written contract with each of the Recipient's subcontractors (subcontract) and ensure that each subcontract is consistent with, and allows the Recipient to give effect to, the Recipient's obligations under this Agreement. If requested by the Commonwealth, the Recipient must notify the Commonwealth of any subcontractors appointed to carry out any of the Recipient's obligations under this Agreement. The Recipient must notify the Commonwealth no later than 20 Business Days after the request from the Commonwealth.
- 2.3.3. The Recipient is responsible for ensuring the suitability of a subcontractor for the work proposed to be carried out and for ensuring that such work meets the requirements of this Agreement. The Commonwealth may direct the Recipient to terminate a subcontracting arrangement by notifying the Recipient in writing.
- 2.3.4. Upon receipt of a written notice from the Commonwealth directing the Recipient to terminate a subcontracting arrangement, the Recipient must, as soon as practicable (or as the Commonwealth may direct in the notice), cease using that subcontractor to perform any of the Recipient's obligations unless the Commonwealth directs that the subcontractor be replaced immediately, in which case the Recipient must comply with the direction.
- 2.3.5. If the Commonwealth directs the Recipient to terminate a subcontracting arrangement, the Recipient remains liable under this Agreement for the past acts or omissions of the Recipient's subcontractors as if they were current subcontractors.
- 2.3.6. The Recipient must, in any subcontract placed with a subcontractor, reserve a right of termination to take account of:
- a. The Commonwealth's right to direct the Recipient to terminate that subcontract under subclause 2.3; and
 - b. The Commonwealth's right of termination under clause 17,
- and the Recipient must make use of that right in the event of a termination by the Commonwealth.
- 2.3.7. The Recipient must, in any subcontract placed with a subcontractor, include a requirement for insurance that is consistent with the requirement for insurance under clause 21.5.
- 2.3.8. The Recipient must not enter into a subcontract under this Agreement with a subcontractor named by the Director of the Workplace Gender Equality Agency as an employer currently not complying with the Workplace Gender Equality Act 2012 (Cth).
- 2.3.9. For the purpose of this Agreement, 'subcontractor' includes any other member of the Recipient's consortium who is involved in the performance of the Activity.

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2.4. **Reserved**2.5. **Responsibility of the Recipient**

2.5.1. The Recipient is fully responsible for the performance of the Activity and for ensuring compliance with the requirements of this Agreement, and will not be relieved of that responsibility because of any:

- a. involvement by the Commonwealth in the performance of the Activity;
- b. subcontracting of the Activity;
- c. acceptance by the Commonwealth of Specified Personnel; or
- d. payment of any amount of Funding to the Recipient.

2.6. **Reports**

2.6.1. The Recipient agrees to provide to the Commonwealth written Reports in the manner specified in Item D of the Schedule.

2.7. **Project**

2.7.1. The Recipient must complete the Project by the Project Completion Date.

2.8. **Operational Period**

2.8.1. The Recipient must keep the completed Project Operational during the Operational Period specified in Item A.4 of the Schedule.

2A. Capital Works2A.1. **Performance**

2A.1.1 The Recipient must perform the Capital Works:

- a. in accordance with the designs and plans submitted by the Recipient to the Commonwealth;
- b. in a good and workmanlike manner by qualified tradespeople; and
- c. with a minimum of delay.

2A.2. **Applicable Laws**

2A.2.1 The Recipient warrants and agrees that the Capital Works (whether undertaken before, on or after the Date of this Agreement) have been (if applicable) and will be carried out in accordance with all applicable Laws including, but not limited to, all necessary planning and regulatory approvals.

2A.2.2 The Recipient agrees to ensure that:

- a. the Works Locations comply at all times with all applicable Laws regarding their use as a site for the Capital Works; and
- b. the completed Capital Works comply with all Laws relating to their ongoing use throughout the Operational Period.

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2A.3. Commence Construction

- a. The Recipient must Commence Construction required for the Activity within six months of the Date of this Agreement;
- b. The Recipient must notify the Commonwealth that the Recipient has Commenced Construction for the Activity, within five (5) Business Days of Commencing Construction; and
- c. If the Recipient fails to Commence Construction required for the Activity within six months of the Date of this Agreement, the Commonwealth may give the Recipient notice requiring the Recipient to repay the Commonwealth all or part of the Funding that the Commonwealth has previously paid to the Recipient within the period specified in the notice.

2A.4. Completion

2A.4.1 The Recipient must:

- a. plan, control, manage, co-ordinate and carry out the Capital Works in a manner that enables completion of all activities comprising the Capital Works by the Project Completion Date;
- b. in addition to the Recipient's reporting obligations under item D of Schedule 1, the Recipient must provide the Commonwealth with written evidence satisfactory to the Commonwealth of the completion of the Capital Works, no later than 10 Business Days after the end of the Project Completion Date; and
- c. consult the Commonwealth in advance about any proposed change to, the scope or timing of the Capital Works which is likely to delay the completion of the Capital Works, detailing the extent, or likely extent, of the change and the reasons for it.

3. Funding

3.1. Payment of Funding

- 3.1.1. Subject to sufficient funds being available, and compliance by the Recipient with this Agreement, the Commonwealth agrees to provide the Recipient with the Funding at the times and in the manner specified in Annexure A.
- 3.1.2. The Commonwealth is not responsible for the provision of additional money to meet any expenditure in excess of the Funding.

3.2. Commonwealth's right to suspend payment or reduce the amount of Funding

- 3.2.1. Without limiting the Commonwealth's rights, the Commonwealth may suspend any payment in whole or in part until the Recipient has performed its obligations under this Agreement.
- 3.2.2. Reserved.
- 3.2.3. The Commonwealth may reduce the amount of Funding payable under this Agreement where the Recipient:

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- a. owes money to the Commonwealth, or
 - b. has money that the Recipient should have, but has not yet, acquitted under any arrangement with the Commonwealth (whether contractual, statutory or otherwise).
- 3.2.4. Notwithstanding such suspension of any payments or reduction in the amount of the Funding, the Recipient agrees to continue to perform any obligations under this Agreement.
- 4. Taxes, duties and government charges**
- 4.1.1. Except as provided by clause 4, the Recipient agrees to pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this Agreement.
- 4.1.2. Unless otherwise indicated, any Funding and all other consideration for any supply made under this Agreement is exclusive of any GST imposed on the supply.
- 4.1.3. If one party (the supplier) makes a taxable supply to the other party (the taxable supply recipient) under this Agreement, on receipt of a tax invoice from the supplier, the taxable supply recipient will pay without setoff an additional amount to the supplier equal to the GST imposed on the supply in question.
- 4.1.4. No party may claim or retain from the other party any amount in relation to a supply made under this Agreement for which the first party can obtain an input tax credit or decreasing adjustment.
- 5. Debt and Interest**
- 5.1.1. In this clause 5, '**Interest**' means interest calculated at an interest rate equal to the general interest charge rate for a day pursuant to section 8AAD of the *Taxation Administration Act 1953* (Cth), on a daily compounding basis.
- 5.1.2. The Recipient agrees, upon request of the Commonwealth, to pay any amount owed or payable to the Commonwealth or which the Commonwealth is entitled to recover from the Recipient under this Agreement, including if demanded by the Commonwealth any Interest, as a debt due by the Recipient without further proof of the debt by the Commonwealth being necessary. Such payment is without prejudice to any other rights available to the Commonwealth under the Agreement, under statute, at law or in equity.
- 5.1.3. If the Commonwealth notifies the Recipient that an amount is to be refunded or otherwise paid to the Commonwealth and the amount is not refunded or paid within 20 Business Days, or as otherwise notified by the Commonwealth, the Recipient agrees to pay Interest, unless the Commonwealth notifies the Recipient otherwise, on the amount outstanding after the expiry of the date it was due, until the amount is paid in full.
- 5.1.4. In respect to any obligation the Recipient may have under this Agreement to pay the Commonwealth any Interest, the Recipient agrees that the Interest represents a reasonable pre-estimate of the loss incurred by the Commonwealth.

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6. Management of Funding

- 6.1.1. The Recipient agrees to spend the Funding only for the Activity in accordance with this Agreement.

6.2. Budget

- 6.2.1. The Recipient agrees to only spend the Funding for the Activity and in accordance with the Budget.
- 6.2.2. Subject to clauses 6.2.3 and 6.2.4, the Recipient may spend the Funding on any separate category of expenditure item within the Budget.
- 6.2.3. The Recipient agrees to obtain prior written approval from the Commonwealth for any transfer of Funding between categories of expenditure items within the Budget which exceed a percentage of the total Budget as specified in Item B of the Schedule.
- 6.2.4. The total amount of transfers in any Financial Year must also not exceed the percentage of the Budget specified in Item B of the Schedule.

6.3. Account and financial records

- 6.3.1. The Recipient agrees to ensure that the Funding is held in an account in the Recipient's name and which the Recipient solely controls, with an authorised deposit-taking institution authorised under the *Banking Act 1959* (Cth) to carry on banking business in Australia and that is an account that complies with any other requirements specified in Item A.7 in the Schedule.
- 6.3.2. Reserved
- 6.3.3. The Recipient must, in relation to the account referred to in clause 6.3.1:
- a. notify the Commonwealth, prior to the receipt of any Funding, of details sufficient to identify the account;
 - b. on notification from the Commonwealth, provide the Commonwealth and the authorised deposit-taking institution with a written authority for the Commonwealth to obtain any details relating to any use of the account;
 - c. if the account changes, notify the Commonwealth within 10 Business Days of the change occurring and provide the Commonwealth with details of the new account; and
 - d. reserved.
- 6.3.4. The Recipient agrees to:
- a. keep financial accounts and records relating to the Funding and the Project and Activity that identify
 - i. all receipts and payments related to the Project and Activity; and
 - ii. all interest earned on the Funding.
 - b. unless otherwise notified by the Commonwealth, prepare financial statements for the Project and Activity in accordance with Australian Accounting Standards including:

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- i. Reserved; and
 - ii. a register of the Assets and a register of Real Property created, acquired, written-off or Disposed of during the Financial Year to date compared with the Budget; and
 - c. arrange for the audit of those accounts and records in accordance with Australian Auditing Standards.
- 6.4. **Use as security**
- 6.4.1. Except with the prior written approval of the Commonwealth, the Recipient agrees not to use any of the following as any form of security for the purpose of obtaining or complying with any form of loan, credit, payment or other interest, or for the preparation of, or in the course of, any litigation:
 - a. the Funding;
 - b. this Agreement or any of the Commonwealth's obligations under the Agreement; or
 - c. any Assets or Intellectual Property Rights in the Activity Material.
- 6.5. **Refunds of unexpended and misspent Funds**
- 6.5.1. If at any time during the term of this Agreement (including on the Completion Date):
 - a. there remains an amount of Funding that has not been spent or legally committed for expenditure in accordance with the Agreement and the period in which that Funding was expected to be spent or legally committed has passed; or
 - b. an amount of Funding has been spent in contravention of the Agreement,

the Commonwealth may (at its discretion and in addition to any other rights it may have) by notice in writing to the Recipient:

 - c. require the Recipient to refund this amount to the Commonwealth within 20 Business Days (or other such period specified in the notice); or
 - d. reduce any further payments of Funding to the Recipient (if applicable) by an amount up to this amount.
- 6.5.2. If clause 6.5.1.a applies, the Commonwealth may by notice in writing require the Recipient to otherwise deal with this amount in accordance with any conditions that the Commonwealth considers appropriate, including conditions relating to the ongoing use and expenditure by the Recipient of that amount for particular goals or objectives associated with the Activity
- 6.5.3. The Recipient must immediately notify the Commonwealth in writing if any of the events in clauses 6.5.1.a or 6.5.1.b occurs.
- 6.5.4. If the completed Project ceases to be Operational during the Operational Period, the Commonwealth may give the Recipient notice requiring the Recipient to repay all or part of the Funding to the Commonwealth within the period specified in the notice and the Recipient must comply with that notice.

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- 6.5.5. On completion of the Project, if the cost of the completed Project is less than the Cost Estimate, the Commonwealth may give the Recipient notice requiring the Recipient to return any unexpended Funding to the Commonwealth within the period specified in the notice and the Recipient must comply with that notice.
- 6.5.6. This clause survives termination or expiry of the Agreement.
- 7. Other Contributions and Cost Savings**
- 7.1. Other Contributions**
- 7.1.1. The Recipient must, within six (6) months of the date of the Agreement provide to the Commonwealth satisfactory written evidence that confirms the Other Contributions identified in Item C and detailed in Annexure B of the Schedule, including the amounts to be provided, the due dates for each of these amounts and the terms and conditions of the provision of the Other Contributions.
- 7.1.2. If, for any reason, the Recipient is not able to obtain the Other Contributions (including any part thereof) as required under this Agreement, then the Commonwealth may:
- a. suspend payment of the Funding or an instalment of the Funding until the Other Contributions are obtained (as the case may be);
 - b. reduce the total Funding payable under this Agreement by an amount that, in the Commonwealth's opinion, represents an equivalent proportion of the overall reduction in the total value of the Other Contributions (as the case may be) resulting from the failure; or
 - c. terminate this Agreement in accordance with clause 17.2.
- 7.1.3. The Recipient must notify the Commonwealth in writing as soon as possible after it becomes aware of any likely or actual failure (for any reason) to obtain the Other Contributions (including any part thereof) as required under this Agreement.
- 7.1.4. The Recipient agrees to notify the Commonwealth within 10 Business Days of entering into any arrangement under which the Recipient is entitled to receive any additional monetary or in-kind contributions in respect of the Project and Activity that are not identified as Other Contributions in Item C and Annexure B of the Schedule. Any such additional contribution that the Recipient becomes entitled to receive after the Date of this Agreement constitutes Other Contributions for the purposes of the Agreement (and Schedule 1 is deemed to be varied accordingly) on the date on which the Recipient notifies the Commonwealth of that contribution under this clause 7.1.4.
- 7.1.5. If the Recipient is provided with or obtains (and/or was required to provide or obtain) any Other Contributions and the cost of the completed Project is less than the Cost Estimate, the Commonwealth may give the Recipient notice requiring the Recipient to return to the Commonwealth, within the period specified in the notice, an amount equal to the Commonwealth's Proportion of the Cost Savings. In this subclause 7.1.5, 'the Commonwealth's Proportion of the Cost Savings' means $\text{savings} \times \% \text{ where:}$

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- a. savings = (the Cost Estimate – the actual cost of the Project - any Funds previously repaid to the Commonwealth under this Agreement); and
 - b. % = (the Funding ÷ (the maximum Funding + the maximum Other Contributions excluding any in-kind Other Contributions).
- 7.1.6. If the Recipient receives a notice given by the Commonwealth under subclause 18, the Recipient must comply with the notice within the period specified within the notice.
- 7.2. **Cost Savings**
- 7.2.1. Subject to compliance with this Agreement, the Recipient must:
 - a. continually identify any costs saving or efficiency measures in carrying out the Activity; and
 - b. in consultation with the Commonwealth:
 - i. implement those costs saving or efficiency measures;
 - ii. ensure that any reductions in expenditure for the Activity that result from those costs saving or efficiency measures are accounted for and allocated equitably in proportion to the relative total values of the Funding, the Recipient Contributions and the Other Contributions (as applicable) as committed to the Activity.

8. **Statutory Approvals**

- 8.1 The Recipient must obtain all necessary statutory approvals in relation to the Project, including those specified in item K of the Schedule, and the Recipient must give the Commonwealth, within six (6) months after the Date of this Agreement, satisfactory written evidence that these statutory approvals have been obtained.
- 8.1A The Recipient must also provide satisfactory written evidence that the statutory approvals obtained under subclause 8.1 are sufficient for the Recipient to Commence Construction within six months after the Date of this Agreement.
- 8.2 If the Recipient does not comply with the requirement in subclause 8.1, the Commonwealth may at the Commonwealth's sole discretion:
 - a. suspend payment of the Funding until the evidence of the statutory approvals referred to in subclause 8.1 has been received; or
 - b. terminate this Agreement in accordance with clause 17.2.

9. **Assets**

- 9.1. **Acquisition of Asset**
- 9.1.1. The Recipient agrees not to use the Funding to acquire or create any Asset, apart from those detailed in the Item E, without obtaining the Commonwealth's prior written approval. Approval may be given subject to any conditions the Commonwealth may impose.

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- 9.1.2. Unless it is specified in Item E that the Commonwealth or a third party owns the Asset or the Commonwealth provides written consent to a third party owning the Asset, then the Recipient must ensure that it owns any Asset acquired with the Funding.
- 9.2. **Terms applicable to Asset**
- 9.2.1. If the Commonwealth owns the Asset clauses 9.4 and 9.6.2 do not apply.
- 9.2.2. If the Asset is owned by a third party then the Recipient agrees to ensure that the terms of the lease, hire or finance arrangement are consistent with clause 9.3, and clauses 9.4, 9.5 and 9.6 do not apply.
- 9.3. **Recipient's responsibilities for Asset**
- 9.3.1. Throughout the Term, the Recipient agrees to:
- a. use any Asset in accordance with this Agreement and for the purposes of the Activity;
 - b. not encumber or Dispose of any Asset, or deal with or use any Asset other than in accordance with this clause 9 without the Commonwealth's prior written approval;
 - c. hold all Assets securely and safeguard them against theft, loss, damage, or unauthorised use;
 - d. maintain all Assets in good working order;
 - e. maintain all appropriate insurances for all Assets to their full replacement cost noting the Commonwealth's interest, if any, in the Asset under the Agreement;
 - f. if required by law, maintain registration and licensing of all Assets;
 - g. be fully responsible for, and bear all risks relating to, the use or Disposal of all Assets; and
 - h. if specified in Item E, maintain an Assets register in the form and containing the details as described in Item E and as and when requested by the Commonwealth, provide copies of the Assets register to the Commonwealth.
- 9.4. **Sale or Disposal of Asset during Term**
- 9.4.1. If the Recipient Disposes of an Asset during the Term of this Agreement, the greater of the following proportions must, unless the Commonwealth otherwise directs, be accounted for as Funding and used for the Activity:
- a. the proportion of the sale proceeds from the Asset; or
 - b. the proportion of the Undepreciated value of the Asset,
- that is equivalent to the proportion of the cost of the Asset that was funded from the Funding.

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9.5. **Loss, damage, etc of Asset**

- 9.5.1. If any of the Assets are lost, damaged or destroyed, the Recipient agrees to promptly reinstate the Assets including from the proceeds of the insurance, and this clause 9 continues to apply to the reinstated Assets. The proportion of any surplus from the proceeds of the insurance, which reflects the proportion of the cost of the Asset that was funded from the Funding, must be notified to the Commonwealth and accounted for as Funding and used for the Activity.

9.6. **Dealing with Asset**

- 9.6.1. On expiry of the Activity Period or earlier termination of the Agreement, the Commonwealth may require the Recipient to deal with an Asset as the Commonwealth may, at the sole discretion of the Commonwealth, notify the Recipient.
- 9.6.2. Subject to clause 9.6.1, if on expiry of the Activity Period or the earlier termination of this Agreement, an Asset has not been fully Depreciated, the Commonwealth may, by written notice, require the Recipient to:
- a. pay to the Commonwealth within 20 Business Days of the expiry of the Activity Period or earlier termination of the Agreement, an amount equal to the proportion of the Undepreciated value of the Asset that is equivalent to the proportion of the cost of the Asset that was funded from the Funding;
 - b. sell the Asset for the best price reasonably obtainable and pay to the Commonwealth within 20 Business Days of the sale the proportion of the proceeds of the sale that is equivalent to the proportion of the cost of the Asset (less an amount equal to the reasonable Disposal costs incurred by the Recipient) that was funded from the Funding; or
 - c. continue to use the Asset for the purposes, and in accordance with any conditions, notified by the Commonwealth.

10. **Real Property**

10.1. **Approval**

- 10.1.1. The Recipient must obtain the Commonwealth's prior written approval to spend the Funding on any Real Property that is not specifically identified in the Budget. The Commonwealth may grant that approval subject to conditions.

10.2. **Outgoings**

- 10.2.1. The Recipient must pay all rents, rates, taxes, levies and other outgoings of any nature in relation to the Real Property. The Funding must not be used to pay rent.

10.3. **Recipient's Responsibilities for Real Property**

- 10.3.1. Throughout the Term of this Agreement, including the Operational Period, the Recipient agrees to:
- a. hold the Real Property securely and safeguard it against theft, loss, damage, or unauthorised use;

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- b. maintain the Real Property in good condition;
- c. maintain all appropriate insurances for the Real Property to its full replacement cost and use that insurance to rectify any damage to or destruction to the Real Property and this clause 10.3.1 continues to apply to the Real Property once rectified. The Recipient must notify the Commonwealth of any surplus from the proceeds of this insurance and the Recipient must use and account for that surplus as Funding under this Agreement;
- d. if required by any Law, maintain registration and licensing of the Real Property;
- e. be fully responsible for, and bear all risks relating to, the use or Disposal of all Real Property;
- f. if specified in item E.2 of the Schedule, maintain a Real Property register in the form and containing the details as described in that item of the Schedule; and
- g. as and when requested by the Commonwealth, provide copies of the Real Property register to the Commonwealth.

10.4. **Recipient's Use of Real Property**

10.4.1. The Recipient agrees to ensure that:

- a. the Real Property is used for, and is fit to be used for, the Purpose specified in item A.3 of the Schedule throughout the Operational Period; and
- b. the use of the Real Property for the Purpose specified in item A.3 of the Schedule throughout the Operational Period, does not infringe any conditions of the Recipient's ownership or occupation of the Real Property.

10.4.2. Throughout the Operational Period, the Recipient must use the Real Property for the Purpose specified in item A.3 of the Schedule.

10.4.3. If the Commonwealth requests, the Recipient must take all action necessary to grant the Commonwealth a security, including in the form of a charge or mortgage, over the Real Property and on terms acceptable to the Commonwealth.

10.5. **Third Party Interests**

10.5.1. If a third party has proprietary or other rights or interests in relation to any Real Property, the Recipient agrees to:

- a. enter into legally binding written agreements under which all such third parties agree to:
 - i. the use of the Works Locations to undertake the Capital Works throughout the Activity Period;

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- ii. the use of the Works Locations, and completed Capital Works for the Purpose specified in item A.3 of the Schedule throughout the Operational Period; and
- iii. the use of any other Real Property for the Activity throughout the Activity Period and for the Purpose specified in item A.3 of the Schedule throughout the Operational Period;
- b. not do anything that would give any such third party a right to rescind its agreement to one or more of the uses specified in paragraph (a); and
- c. within 10 Business Days of a request from the Commonwealth, provide evidence to the Commonwealth that the Recipient has complied with the requirements of this subclause 10.5.

10.6. **Dealing with Real Property**

10.6.1. If:

- a. the Agreement is terminated under clause 17.2 and some or all of the Funding has been provided to the Recipient for expenditure on Real Property;
- b. the Recipient fails to Commence Construction for the Activity within six months of the Date of this Agreement;
- c. the Recipient Disposes of any Real Property during the Term of this Agreement; or
- d. the Recipient fails to or ceases to use any Real Property for the Purpose specified in item A.3 of the Schedule at any time during the Operational Period

then:

- e. the Recipient must notify the Commonwealth at least 20 Business Days prior to the event in paragraph (b), (c) or (d) occurring; and
- f. the Commonwealth may give the Recipient a notice requiring the Recipient to repay the Commonwealth some or all of the Funding provided under this Agreement and the Recipient must repay the amount specified in any such notice within the period specified in that notice.

10.6.2. If the Recipient fails to pay the Commonwealth an amount as required by a notice given under subclause 10.6.1:

- a. the Recipient must pay the Commonwealth the Interest on the unpaid amount from the date it was due, for the period it remains unpaid; and
- b. that amount, and Interest owed under this subclause 10.6.2, will be recoverable by the Commonwealth as a debt due to the Commonwealth by the Recipient.

10.6.3. The provisions relating to this clause 10 shall survive the termination or expiration of this Agreement.

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- 11. Records**
-
- 11.1. Keeping Records**
- 11.1.1. The Recipient must create and maintain full and accurate accounts and records of the conduct of the Project and Activity including, without limitation, all:
- a. progress against the Milestones;
 - b. receipt and use of Funding;
 - c. Other Contributions (if any); and
 - d. creation, acquisition and Disposal of Assets or Real Property.
- 11.2. Retention of Records**
- 11.2.1. The Recipient agrees to create and maintain records and accounts under clause 11.1.1 and retain them for a period of no less than seven (7) years after the end of the Term.
-
- 12. Intellectual Property**
-
- 12.1. Use of Commonwealth Material**
- 12.1.1. The Commonwealth grants a royalty-free, non-exclusive licence for the Recipient to use, reproduce and adapt the Commonwealth Material for the purposes of this Agreement.
- 12.1.2. The Recipient agrees to use the Commonwealth Material strictly in accordance with any conditions or restrictions the Commonwealth may notify to the Recipient.
- 12.2. Rights in Activity Material**
- 12.2.1. Subject to this clause 12, Intellectual Property in Activity Material vests or will vest in the Recipient.
- 12.2.2. Clause 12.2.1 does not affect the ownership of Intellectual Property in any Commonwealth Material incorporated into the Activity Material.
- 12.2.3. The Recipient grants to (or will procure for) the Commonwealth a permanent, irrevocable, royalty-free, worldwide, non-exclusive licence (including a right of sublicense) to use, reproduce, exploit, communicate, adapt and distribute the Activity Material for any purpose.
- 12.2.4. The Recipient agrees that the licence granted in clause 12.2.3 includes a right for the Commonwealth to licence the Activity Material to the public under an Open Access Licence.
- 12.2.5. The Recipient agrees, on request by the Commonwealth, to create, sign, execute or otherwise deal with any document necessary or desirable to give effect to this clause 12.
- 12.2.6. The Recipient warrants that:
- a. it is entitled; or
 - b. it will be entitled at the relevant time,

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to deal with the Intellectual Property in the Activity Material in the manner provided for in this clause 12.

12.3. Moral Rights

12.3.1. In this clause 12.3:

- Permitted Acts** means any of the following classes or types of acts or omissions:
- a. using, reproducing, adapting or exploiting all or any part of the Activity Material, with or without attribution or authorship;
 - b. supplementing the Activity Material with any other Material;
 - c. using the Activity Material in a different context to that originally envisaged; and
 - d. releasing the Activity Material to the public under an Open Access Licence;
- but does not include false attribution of authorship.

12.3.2. Where the Recipient is a natural person and the author of the Activity Material he or she:

- a. consents to the performance of the Permitted Acts by the Commonwealth or any person claiming under or through the Commonwealth (whether occurring before or after the consent is given); and
- b. acknowledges that their attention has been drawn to the Commonwealth's general policies and practices regarding Moral Rights.

12.3.3. Where clause 12.3.1 does not apply, the Recipient agrees:

- a. to obtain from each author a written consent which extends directly or indirectly to the performance of the Permitted Acts by the Commonwealth or any person claiming under or through the Commonwealth (whether occurring before or after the consent is given) and, upon request, will provide the executed original of any such consent to the Commonwealth; and
- b. to ensure that each author's attention is drawn to the Commonwealth's general policies and practices regarding Moral Rights.

12.3.4. This clause 12.3 does not apply to any Commonwealth Material incorporated in the Activity Material.

13. Confidential Information

13.1. Confidential Information not to be disclosed

13.1.1. Subject to clause 13.2.1, a party must not, without the prior written consent of the other party, disclose any Confidential Information of the other party to a third party.

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13.2. **Written Undertakings**

13.2.1. The Recipient must, on request by the Commonwealth at any time, arrange for:

- a. its Personnel; or
- b. any person with a Third Party Interest,

to give a written undertaking in a form acceptable to the Commonwealth relating to the use and non-disclosure of the Commonwealth's Confidential Information.

13.3. **Exceptions to Obligations**

13.3.1. The obligations on the parties under this clause 13.3 will not be taken to have been breached to the extent that Confidential Information:

- a. is disclosed by a party to its Personnel solely in order to comply with obligations, or to exercise rights, under this Agreement;
- b. is disclosed to a party's internal management Personnel, solely to enable effective management or auditing of Agreement-related activities;
- c. is disclosed by the Commonwealth to the responsible Minister;
- d. is disclosed by the Commonwealth, in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia;
- e. is shared by the Commonwealth (including other agencies), where this serves the Commonwealth of Australia's legitimate interests;
- f. is authorised or required by law to be disclosed; or
- g. is in the public domain otherwise than due to a breach of this clause 13.3.

13.3.2. Where a party discloses Confidential Information to another person pursuant to clauses 13.3.1.a - 13.3.1.e, the disclosing party must notify the receiving person that the information is confidential.

13.3.3. In the circumstances referred to in clauses 13.3.1.a, 13.3.1.b and 13.3.1.e, the disclosing party agrees not to provide the information unless the receiving person agrees to keep the information confidential (subject to the exceptions in this clause 13.3).

13.3.4. The Recipient agrees to secure all of the Commonwealth's Confidential Information against loss and unauthorised access, use, modification or disclosure.

13.4. **Period of Confidentiality**

13.4.1. The obligations under this clause 13.4 will continue, notwithstanding the expiry or termination of this Agreement:

- a. in relation to an item of information described in Item N – for the period set out in respect of that item; and
- b. in relation to any item of information agreed after the Date of this Agreement to be Confidential Information – for the period agreed by the

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parties in writing in respect of that item, and if no such period is agreed by the parties, in perpetuity.

13.5. No reduction in Privacy Obligations

- 13.5.1. This clause 13 does not detract from any of the Recipient's obligations under the Privacy Act or under clause 21.2.

14. Acknowledgement and publicity

14.1. Acknowledgement of support

- 14.1.1. Unless otherwise notified by the Commonwealth, the Recipient agrees, in all publications, promotional and advertising materials, public announcements and activities by the Recipient or on the Recipient's behalf in relation to the Activity, or any products, processes or inventions developed as a result of it, to acknowledge the financial and other support the Recipient has received from the Australian Government, in the manner set out in Item H of the Schedule, or as otherwise approved by the Commonwealth prior to its use.

- 14.1.2. Where the Recipient has been provided with Funding to produce any publication, a copy of the publication must, on request, be provided to the Commonwealth.

14.2. Right to publicise Funding

- 14.2.1. The Commonwealth reserves the right to publicise and report on the awarding of Funding to the Recipient. The Commonwealth may do (but is not limited to doing) this by including the Recipient's name, the amount of the Funding given to the Recipient, the date the Agreement commences and its term, and the title, location, purpose and a brief description of the Activity in media releases, general announcements about the Funding, annual reports or through any other means as determined by the Commonwealth.

14.3. No restriction on advocacy activities

- 14.3.1. The Commonwealth confirms that, subject to clause 14.3.2:

- a. no right or obligation arising under this Agreement should be interpreted as limiting the Recipient's ability to enter into public debate or criticism of the Commonwealth of Australia or its agencies, employees, servants or agents;
- b. the Commonwealth does not require the Recipient to obtain advance approval of any involvement by the Recipient in public debate or advocacy activities.

- 14.3.2. Nothing in this clause 14.3 limits or derogates from the Recipient's obligations under clauses 13 and 21.2.

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15. Liability

15.1. Proportionate liability regime

- 15.1.1. To the extent permitted by law, the operation of any legislative proportionate liability regime is excluded in relation to any claim against the Recipient under or in connection with this Agreement.

15.2. Indemnity

- 15.2.1. The Recipient indemnifies the Commonwealth from and against any:

- a. cost or liability incurred by the Commonwealth;
- b. loss of or damage to property of the Commonwealth; or
- c. loss or expense incurred by the Commonwealth in dealing with any claim against it, including legal costs and expenses on a solicitor/own client basis and the cost of time spent, resources used, or disbursements paid by the Commonwealth,

arising from:

- d. any breach by the Recipient of the Agreement;
- e. any act or omission involving fault by the Recipient in connection with this Agreement;
- f. the use of Assets or Real Property; or
- g. the use by the Commonwealth of the Activity Material, including any claims by third parties about the ownership or right to use the Intellectual Property in the Activity Material.

- 15.2.2. The Recipient's liability to indemnify the Commonwealth under clause 15.2.1 will be reduced proportionally to the extent that any act or omission involving fault on the part of the Commonwealth or its Personnel contributed to the relevant cost, liability, loss, damage or expense.

- 15.2.3. The right of the Commonwealth to be indemnified under this clause 15.2 is in addition to, and not exclusive of, any other right, power or remedy provided by law, but the Commonwealth is not entitled to be compensated in excess of the amount of the relevant cost, liability, loss, damage or expense.

15.3. Meaning of 'fault'

- 15.3.1. In this clause 15, 'fault' means any negligent or unlawful act or omission or wilful misconduct.

16. Dispute resolution

16.1. Procedure for dispute resolution

- 16.1.1. The parties agree that a dispute arising under this Agreement will be dealt with as follows, and that, subject to clause 16.4, neither party will commence legal proceedings in relation to that dispute until this procedure is completed:

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- a. the party claiming that there is a dispute will give the other party a notice setting out the nature of the dispute;
- b. within five (5) Business Days (or such other period as agreed by the parties in writing) each party will nominate a representative not having any prior involvement in the dispute;
- c. the representatives will try to settle the dispute by direct negotiation between them;
- d. failing settlement within a further 10 Business Days or such other period as agreed by the parties in writing (or failure of one or both parties to nominate a representative within the period set out in clause 16.1.1.b), the parties may agree to refer the dispute to an independent third person with power:
 - i. to intervene and direct some form of resolution, in which case the parties will be bound by that resolution; or
 - ii. to mediate and recommend some form of non-binding resolution;
- e. the parties will co-operate fully with any process instigated under clause 16.1.1.d in order to achieve a speedy resolution; and
- f. if the parties have been unable to agree to refer the dispute to an independent third person, or they have agreed and a resolution is not reached within a further 20 Business Days (or such other period as the parties) may agree in writing), either party may commence legal proceedings.

16.2. Costs

- 16.2.1. Each party will bear its own costs of complying with this clause 16 Dispute resolution, and the parties will bear equally the cost of any third person engaged under clause 16.1.1.d.

16.3. Continued performance

- 16.3.1. Despite the existence of a dispute, the Recipient will (unless requested in writing by the Commonwealth not to do so) continue to perform the Recipient's obligations under this Agreement.

16.4. Application of clause

- 16.4.1. This clause 16 does not apply to:
 - a. legal proceedings by either party for urgent interlocutory relief; or
 - b. action by the Commonwealth under or purportedly under clauses 3, 6, 17 and 21.2.

17. Termination or reduction in scope of Agreement**17.1. Termination for convenience**

- 17.1.1. The Commonwealth may by notice, at any time and in its absolute discretion, terminate this Agreement or reduce the scope of the Agreement immediately.

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- 17.1.2. The Recipient agrees, on receipt of a notice of termination or reduction, to:
- a. stop or reduce the performance of the Recipient's obligations as specified in the notice;
 - b. take all available steps to minimise loss resulting from that termination or reduction;
 - c. continue performing any part of the Activity not affected by the notice; and
 - d. immediately return to the Commonwealth any Funding in accordance with clause 17.1.5, or deal with any such Funding as directed by the Commonwealth.
- 17.1.3. In the event of termination under clause 17.1.1, the Commonwealth will be liable only:
- a. to pay Funding due and owing to the Recipient under the payment provisions of the Agreement before the date of the notice of termination; and
 - b. to reimburse any expenses the Recipient unavoidably incurs that relate directly and entirely to the Activity and not covered by clause 17.1.3.a.
- 17.1.4. The Commonwealth will not be liable to pay amounts under 17.1.3.a and 17.1.3.b which would, added to any payments already paid to the Recipient under this Agreement, together exceed the Funding set out in Item A.7 of the Schedule and Annexure A.
- 17.1.5. The Commonwealth will be entitled to recover from the Recipient any part of the Funding which:
- a. is not legally committed for expenditure by the Recipient in accordance with the Agreement and due and payable by the Recipient by the date that the notice of termination is received; or
 - b. has not, in the Commonwealth's opinion, been spent by the Recipient in accordance with the Agreement.
- 17.1.6. In the event of a reduction in the scope of the Agreement under clause 17.1.1, the Commonwealth's liability to pay any part of the Funding will, unless there is agreement in writing to the contrary, reduce in accordance with the reduction in the Activity.
- 17.1.7. The Commonwealth's liability to pay any compensation under or in relation to this clause 17.1 is subject to:
- a. the Recipient's compliance with this clause 17.1; and
 - b. the Recipient's substantiation of any amount claimed under clause 17.1.3.b.
- 17.1.8. The Recipient will not be entitled to compensation for loss of prospective profits or loss of any benefits that would have been conferred on the Recipient.

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17.2. Termination for fault

17.2.1. If the Recipient does not comply with any of its obligations under this Agreement, then the Commonwealth:

- a. *if it considers that the non-compliance is not capable of remedy* - may by notice terminate this Agreement immediately;
- b. *if it considers that the non-compliance is capable of remedy* - may, by notice require that the non-compliance be remedied within the time specified in the notice, and if not remedied within that time, may terminate the Agreement immediately by giving a second notice.

17.2.2. The Commonwealth may also by notice terminate this Agreement immediately if:

- a. the Recipient comes under one of the forms of external administration referred to in Chapter 5 of the *Corporations Act 2001* (Cth) or equivalent provisions in legislation of the States and Territories pertaining to incorporated associations or Chapter 11 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or has an order made against it for the purpose of placing it under external administration;
- b. the Recipient is unable to pay all its debts as and when they become due and payable or it fails to comply with a statutory demand within the meaning of sections 459E and 459F of the *Corporations Act 2001* (Cth);
- c. proceedings are initiated with a view to obtaining an order for winding up the Recipient, or any shareholder, member or director convenes a meeting for the purpose of considering or passing of any resolution for winding up the Recipient;
- d. in relation to this Agreement, the Recipient breaches any law of the Commonwealth of Australia, or of a State or Territory;
- e. the Recipient becomes bankrupt or enters into a scheme of arrangement with creditors;
- f. another clause of this Agreement allows for termination under this clause 17.2; or
- g. the Commonwealth is satisfied that any statement made in the Recipient's application for Funding is incorrect, incomplete, false or misleading in a way which would have affected the original decision to approve the Funding.

17.2.3. Where the Commonwealth terminates this Agreement under clause 17.2 the Commonwealth:

- a. will be liable only to pay Funding due and owing to the Recipient under the payment provisions of the Agreement before the date of the notice of termination; and
- b. will be entitled to recover from the Recipient any part of the Funding which:

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- i. is not legally committed for expenditure by the Recipient in accordance with the Agreement and payable by the Recipient by the date that the notice of termination is received; or
- ii. has not, in the Commonwealth's opinion, been spent by the Recipient in accordance with the Agreement.

17.3. **Preservation of other rights**

- 17.3.1. Clause 17.2 does not limit or exclude any of the Commonwealth's other rights under this Agreement.

18. Notices18.1. **Format, addressing and delivery**

- 18.1.1. A notice under this Agreement is only effective if it is in writing, and addressed as follows:
- a. *if given by the Recipient to the Commonwealth* - addressed to the Commonwealth at the address specified in Item L of the Schedule, or other address as notified by the Commonwealth; or
 - b. *if given by the Commonwealth to the Recipient* - given by the Commonwealth and addressed as specified in Item L of the Schedule, or other address as notified by the Recipient.
- 18.1.2. Any such notice must be delivered to the other party by hand, prepaid post or transmitted electronically (via email or facsimile) and be signed by the sending party. For the avoidance of doubt, an electronic signature on an email will be taken to be a signed notice for the purpose of this clause 18.

18.2. **When received**

- 18.2.1. Subject to clause 18.2.2, a notice is deemed to be received:
- a. *if delivered by hand* - upon delivery to the relevant address;
 - b. *if sent by prepaid post* - upon delivery to the relevant address; or
 - c. *if transmitted electronically* - upon receipt by the sender of either an electronic receipt notification (generated by the system transmitting the notice) or an acknowledgement from the other party that it has received the notice (whichever is earlier).
- 18.2.2. If a notice is received:
- a. after 5.00 pm on any Business Day; or
 - b. on a day that is not a Business Day,
- it is deemed to be received at 9:00am on the next Business Day for the purposes of this clause 18.

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19. **Reserved**
20. **Work Health and Safety**
-
- 20.1. **Use of Commonwealth's premises**
- 20.1.1. The Recipient agrees, when using the Commonwealth's premises or facilities, to comply with all reasonable directions and procedures relating to work health and safety and security in effect at those premises or in regard to those facilities, as notified by the Commonwealth or as might reasonably be inferred from the use to which the premises or facilities are being put.
- 20.2. **Assistance to the Commonwealth**
- 20.2.1. Without limiting clause 2.2 of this Agreement, the Recipient agrees to, on request, give all reasonable assistance to the Commonwealth, by way of provision of information and documents, to assist the Commonwealth and its officers (as defined in the *Work Health and Safety Act 2011* (WHS Act)) to comply with the duties imposed on them under the WHS Act.
- 20.2.2. The Recipient acknowledges that the Commonwealth may direct the Recipient to take specified measures in connection with the Recipient's work under this Agreement or otherwise in connection with the Activity that the Commonwealth considers reasonably necessary to deal with an event or circumstance that has, or is likely to have, an adverse effect on the health or safety of persons. The Recipient must comply with the direction. The Recipient agrees that it is not entitled to an adjustment to the Funding merely because of compliance with the direction.
- 20.3. **Reserved**
21. **General Provisions**
-
- 21.1. **Reserved**
- 21.2. **Obligations of Recipient in relation to privacy**
- 21.2.1. The Recipient agrees, in conducting the Activity:
- a. not to do any act or engage in any practice which, if done or engaged in by the Commonwealth, would be a breach of an Australian Privacy Principle; and
 - b. to comply with any directions, guidelines, determinations or recommendations of the Commonwealth, to the extent that they are consistent with the Australian Privacy Principles.
- 21.2.2. The Recipient agrees to notify the Commonwealth immediately if it becomes aware of a breach or possible breach of any of its obligations under this clause 21.2.
- 21.2.3. The provisions of this clause 21.2 survive the termination or expiration of this Agreement.

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21.3. Audit and Access**21.3.1. The Recipient agrees:**

- a. to give the Commonwealth, or any persons authorised in writing by the Commonwealth, access to premises where obligations under this Agreement are being carried out; and
- b. to permit those persons to inspect and take copies of any Material relevant to this Agreement.

21.3.2. The rights referred to in clause 21.3.1. are subject to:

- a. the Commonwealth providing reasonable prior notice; and
- b. the reasonable security procedures in place at the premises.

21.3.3. The Auditor-General and Information Officer (and their delegates) are persons authorised for the purposes of clause 21.3.1.**21.3.4. This clause 21.3 does not detract from the statutory powers of the Auditor-General or Information Officer.****21.4. Access to Documents****21.4.1. In this clause 21.4, 'document' and 'Commonwealth contract' have the same meaning as in the *Freedom of Information Act 1982* (Cth). This clause 21.4 only applies if this Agreement is a 'Commonwealth contract', as defined in the *Freedom of Information Act 1982* (Cth).****21.4.2. Where the Commonwealth has received a request for access to a document created by, or in the possession of, the Recipient or any subcontractor that relates to the performance of this Funding Agreement (and not to the entry into the Funding Agreement), the Commonwealth may at any time by written notice require the Recipient to provide the document to the Commonwealth and the Recipient must, at no additional cost to the Commonwealth, promptly comply with the notice.****21.4.3. The Recipient must include in any subcontract relating to the performance of this Agreement provisions that will enable the Recipient to comply with its obligations under this clause 21.4.****21.5. Insurance****21.5.1. The Recipient agrees:**

- a. to effect and maintain the insurance specified in Item F and
- b. on request, to provide proof of insurance acceptable to the Commonwealth.

21.5.2. This clause 21.5 continues in operation for so long as any obligations remain in connection with this Agreement.

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21.6. Extension of provisions to subcontractors and Personnel

21.6.1. In this clause 21.6:

Requirement means an obligation, condition, restriction or prohibition binding on the Recipient under this Agreement.

21.6.2. The Recipient agrees to ensure that:

- a. its subcontractors and Personnel comply with all relevant Requirements; and
- b. any contract entered into in connection with this Agreement imposes all relevant Requirements on the other party.

21.6.3. The Recipient agrees to exercise any rights it may have against any of its subcontractors, Personnel or third parties in connection with a Requirement in accordance with any direction by the Commonwealth.

21.7. Conflict of interest

21.7.1. In this clause 21.7:

Conflict means any matter, circumstance, interest or activity involving or affecting the Recipient, its Personnel or subcontractors which may or may appear to impair the ability of the Recipient to perform the Activity diligently and independently.

21.7.2. The Recipient warrants that, to the best of its knowledge after making diligent inquiry, at the Date of this Agreement no Conflict exists or is likely to arise in the performance of the Recipient's obligations under the Agreement.

21.7.3. If during the Term a Conflict arises, the Recipient agrees to:

- a. notify the Commonwealth immediately;
- b. make full disclosure of all relevant information relating to the Conflict; and
- c. take any steps the Commonwealth reasonably requires to resolve or otherwise deal with that Conflict.

21.8. Relationship of parties

21.8.1. The Recipient is not by virtue of this Agreement an officer, employee, partner or agent of the Commonwealth, nor does the Recipient have any power or authority to bind or represent the Commonwealth.

21.8.2. The Recipient agrees:

- a. not to misrepresent its relationship with the Commonwealth; and
- b. not to engage in any misleading or deceptive conduct in relation to the Activity.

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21.9. **Waiver**

21.9.1. A failure or delay by a party to exercise any right or remedy it holds under this Agreement or at law does not operate as a waiver of that right.

21.9.2. A single or partial exercise by a party of any right or remedy it holds under this Agreement or at law does not prevent the party from exercising the right again or to the extent it has not fully exercised the right.

21.10. **Variation of Agreement**

21.10.1. No variation of this Agreement is binding unless it is agreed in writing and signed by both parties.

21.11. **Assignment**

21.11.1. The Recipient cannot assign its obligations, and agrees not to assign its rights, under this Agreement without the Commonwealth's prior written approval.

21.11.2. The Recipient agrees not to enter into negotiations with any other person for the purposes of entering into an arrangement that will require novation of this Agreement without first consulting the Commonwealth.

21.12. **Survival**

21.12.1. Unless the contrary intention appears, the expiry or earlier termination of this Agreement will not affect the continued operation of any provision relating to:

- a. Intellectual Property;
- b. confidentiality;
- c. security;
- d. privacy;
- e. dealing with copies;
- f. books and records;
- g. audit and access;
- h. an indemnity;
- i. acknowledgement and publicity;
- j. rights or obligations following termination or expiry of the Agreement; or
- k. any other provision which expressly or by implication from its nature is intended to continue.

21.13. **Compliance with Legislation and Policies**

21.13.1. In this clause 21.13:

Legislation means a provision of a statute or subordinate legislation of the Commonwealth of Australia, or of a State, Territory or local authority.

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- 21.13.2. The Recipient agrees to comply with any Legislation applicable to its performance of this Agreement.
- 21.13.3. The Recipient agrees, in carrying out its obligations under this Agreement, to comply with any of the Commonwealth's policies as notified, referred or made available by the Commonwealth to the Recipient (including by reference to an internet site), including those listed in Item J.
- 21.14. **Applicable law and jurisdiction**
- 21.14.1. This Agreement is to be construed in accordance with, and any matter related to it is to be governed by, the law of the Australian Capital Territory specified in Item M.
- 21.14.2. The parties submit to the jurisdiction of the courts of the Australian Capital Territory.

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Executed as a deed

Executed by the parties as evidence of their agreement.

SIGNED for and on behalf of the
COMMONWEALTH OF)
AUSTRALIA, as represented by and)
acting through the **Department of**)
Infrastructure and Regional)
Development: ABN 86 267 354 017

Name of signatory_____
Signature_____
Position_____
Insert Date

In the presence of:

Name of witness_____
Signature of witness

Executed on behalf of **BAYSIDE**)
COUNCIL, ABN 80 690 785 443 by)
Meredith Wallace who by signing)
warrants they are authorised to bind)
the **Bayside Council**

Signature

21.11.17

Insert Date

In the presence of:

Heather Johnson

Name of witness

Signature of witness

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SCHEDULE 1 PARTICULARS

A. Programme, Project, Purpose, Activity and Funding and Payment (Recital A, clauses 1.1.1 and 2.1.1)

A.1. Programme

The Commonwealth is undertaking the Community Development Grants programme, which was to support needed infrastructure that promotes stable, secure and viable local and regional economies.

A.2. Project

The project to be undertaken by the Recipient is the Construction of Synthetic Playing Field at Ador Avenue, Lot 1 DP 721666, Corner Ador Avenue and West Botany Street, Rockdale, New South Wales, 2216. The Project will include the Activity that the Programme will fund, defined in more detail in item A.5 of the Schedule.

The Project Completion Date is **30 September 2018**.

A.3. Purpose

The Purpose for which the completed Project is required to be used is:

To provide functional fields for soccer players in the St George district and provide access to the local community to stay active on a year round basis by offering non-traditional forms of the game including futsal and summer football.

A.4. Operational Period

The Operational Period commences on the date the Commonwealth accepts the Project Completion Report, to the Commonwealth's satisfaction. The duration of the Operational Period is dependent on the amount of Funding provided by the Commonwealth under this Agreement. The thresholds are set out in the table below:

Amount of Funding	Duration of Operational Period
Over \$1,000,000	Five (5) years

During the Operational Period, the Recipient must, if requested by the Commonwealth to do so, promptly provide evidence satisfactory to the Commonwealth that the Project is Operational.

A.5. Activity

The Activity to be undertaken by the Recipient is the Construction of Synthetic Playing Field at Ador Avenue including:

- design for the Construction of the Synthetic Playing Field at Ador Avenue;
- design for lighting and footing for lighting;
- construction of at least one synthetic playing field of at least 7,580 square metres; and
- installation of at least 396 linear metres of fencing around the field.

The Activity Period commences on the Date of this Agreement and ends on the Activity Completion Date which is **30 September 2018**.

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A.6. Reserved

A.7. Funding and Payment

(clauses 1.1.1, 3.1, 6)

The total Funding for the Activity is **\$2,000,000** GST exclusive. The Funding will be paid as follows:

1. The first payment of Funding specified in the table at Annexure A will not be made until:
 - a) this Agreement has been executed by all Parties and all Milestones specified in the table at Annexure A that relate to the first payment have been achieved to the Commonwealth's satisfaction; and
 - b) all Reports identified in item D of the Schedule as being due on or before the due date for the first payment have been received and accepted by the Commonwealth; and
2. The second and each subsequent payment specified in the table at Annexure A will not be made until:
 - a) all Milestones specified in the table at Annexure A that relate to the relevant payment have been achieved to the Commonwealth's satisfaction;
 - b) all Reports identified in item D of this Schedule as being due on or before the due date for the relevant payment have been received and accepted by the Commonwealth; and
 - c) the Recipient has provided the Commonwealth with evidence that all previously paid Funds have been expended or committed.

Invoicing

The Commonwealth must receive a properly rendered invoice or, if required a tax invoice which meets the requirements of the Australian Taxation Office for the amount of the payment and;

The Recipient must provide the Commonwealth with evidence that all previous paid Funding has been expended or committed.

B. Budget

(clause 6.2)

The Budget for the Activity, identifying the Funding and Other Contributions, is at Annexure B.

The percentage of the Budget (Total Cost) below which Funding may be transferred between Cost items without the Commonwealth's approval is 20%.

The percentage of the Budget (Total Cost) which must not be exceeded in total transfers between expenditure items per Financial Year is 20%.

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C. Other Contributions
(clause 7)

C.1. Other Contributions

Other Contributions are specified at the table titled "Other Contributions" in Annexure B. Any financial or in-kind assistance that the Recipient has received from the Commonwealth of Australia or a State, Territory or local government and which the Recipient intends to, or is required to, use to perform the Activity must be identified in Other Contributions.

D. Reporting
(clauses 1.1.1, 2.6)

D.1. Progress Reports, Activity Completion Report and Project Completion Report

D.1.1 The Recipient must give the Commonwealth the Progress Reports, the Activity Completion Report and Project Completion Report by the times specified in the Table of Milestones, Reports and Payments relating to the Activity at Annexure A.

D.1.2 Each Progress Report must contain:

- a. details of progress and performance against the Activity, and the Project (to the extent that it is directly related to the relevant part of the Activity which is being covered by that Progress Report) and evidence of completion of the Milestones listed in Annexure A of the Schedule that are due for completion (including but not limited to photographs to demonstrate completion of Milestones) during the period between the Recipient's previous Progress Report and the due date of this Progress Report (or in the case of the first Progress Report, the period between the Date of this Agreement and the due date of the first Progress Report);
- b. details of mitigating circumstances and remedial action undertaken in the event a Milestone is not met or completed in the manner and/or by the time specified;
- c. copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Project;
- d. evidence that the Recipient has obtained and/or utilised in-kind Other Contributions specified in the table at Annexure B;
- e. a statement of receipts (which separately identifies any interest earned on the Funding) and expenditure to date in respect of the Funding; and
- f. a statement of receipts and expenditure to date in respect of Other Contributions (excluding in-kind).

D.1.3 The Activity Completion Report must contain:

- a. evidence that the Activity and the Milestones have been completed;
- b. an analysis of the planning, implementation and overall process the Recipient followed to deliver the Activity;
- c. any recommendations on improved practice, relevant to the Recipient's and the Commonwealth's practices, that may assist in the delivery of future projects;

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- d. a copy of the current Assets register described in item E.1.2 of this Schedule and a copy of the Real Property register described in item E.2.4 of this Schedule;
 - e. evidence that the Recipient has obtained in-kind Other Contributions for the Activity specified in the table at Annexure B;
 - f. an up to date Audited Financial Report in respect of the Activity; and
 - g. copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Activity, not already included in the Progress Report/s.
 - h. a copy of the Assets register described in item E.1 of this Schedule and a copy of the Real Property register described in item E.2 of this Schedule.
- D.1.4 The Project Completion Report must contain:
- a. evidence that the Project has been completed;
 - b. an analysis of the planning, implementation and overall process the Recipient followed to deliver the Project;
 - c. any recommendations on improved practice, relevant to the Recipient's and the Commonwealth's practices, that may assist in the delivery of future projects;
 - d. a copy of the Assets register described in item E.1 of this Schedule and a copy of the Real Property register described in item E.2 of this Schedule.
 - e. evidence that the Recipient obtained in-kind contributions specified in the table at Annexure B;
 - f. an Audited Financial Report; and
 - g. copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Project, not already included in the Progress Report/s.
- In addition, the Project Completion Report must also:
- h. describe the Recipient's activities during the Term;
 - i. discuss in detail the conduct, benefits and outcomes of the Activity as a whole and the Activity's results and findings;
 - j. Reserved; and
 - k. Reserved.
- The Recipient must also include in the Project Completion Report a discussion of any other matters relating to the performance of the Project and Activity, which the Commonwealth notifies the Recipient is required to be included in the Project Completion Report. Any such requirement will be notified to the Recipient at least 20 Business Days before the Project Completion Report is due.
- D.1.5. Unless otherwise agreed by the Commonwealth in writing, all Reports must be:
- a. supplied in hard copy or electronic form;
 - b. supplied in a format that is acceptable to the Commonwealth; and

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- c. signed by the Recipient's Chief Executive Officer, Chief Financial Officer or other person authorised by the Recipient to execute documents and legally bind the Recipient by their execution.

D.2. Audit and certification

- D.2.1. The Activity Completion Report and Project Completion Report must be accompanied by a copy of a letter to the Recipient from the Approved Auditor, or a report from the Approved Auditor, that includes:
- a. separate audited statements of receipts and expenditure in respect of the Funding and Other Contributions (excluding in-kind), which must:
 - i. comply with all relevant Australian Accounting Standards
 - ii. separately identify any interest earned on the Funding
 - iii. include a definitive statement made by an Approved Auditor as to whether:
 - 1. the statements of receipts and expenditure are fair and true
 - 2. Funding and Other Contributions (excluding in-kind) were held and expended in accordance with this Agreement
 - b. a certificate, signed by the Recipient's Chief Executive Officer, Chief Financial Officer or a person authorised by the Recipient to execute documents and legally bind the Recipient by their execution, that:
 - i. all Funding and Other Contributions (excluding in-kind) received was expended for the purpose of the Activity and Project and expended and held in a manner in accordance with this Agreement
 - ii. salaries and allowances paid to persons involved in the Activity are in accordance with any applicable award or agreement in force under any relevant Law on industrial or workplace relations.

D.3. Other Reports

Throughout the Term, the Commonwealth may require the Recipient to provide ad-hoc Reports concerning:

- a. any significant developments concerning the Activity;
- b. any significant delays or difficulties encountered in performing the Activity in accordance with the Agreement; and
- c. the outcomes and outputs of the project as listed in the application.

The Recipient must provide any such ad-hoc Reports within the timeframe notified by the Commonwealth.

E. Assets and Real Property
(clauses 1.1.1 and 9)

E.1. Assets

- E.1.1. For the purposes of Clause 9, the Recipient may create, acquire or upgrade the following Assets: None Specified.

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- E.1.2. The Recipient must for the Term of this Agreement maintain an Asset Register in the following form and containing the following information:
- Asset description;
 - acquisition, upgrade or creation price or total lease cost;
 - date of acquisition, creation, upgrade or lease;
 - if leased, type and term of lease;
 - location of Asset;
 - date of Disposal;
 - disposal method; and
 - if the Asset was partly created, acquired or upgraded using the Funding, the proportion of that creation, acquisition or upgrade that was paid for with the Funding.
- E.1.3. The Recipient must use the Assets created, acquired, or upgraded under this Agreement for the Purpose set out in item A.3 of the Schedule for the duration of the Operational Period.
- E.2. Real Property**
- E.2.1. The Real Property includes the Construction of Synthetic Playing Field at Ador Avenue.
- E.2.2. The Capital Works includes construction of the Real Property at the Works Location.
- E.2.3. The Works Locations includes Lot 1 DP 721666, Corner Ador Avenue and West Botany Street, Rockdale, New South Wales, 2216.
- E.2.4. The Recipient must for the Term of this Agreement maintain a Real Property Register in the following form and containing the following information:
- Real Property description;
 - acquisition, upgrade or creation price or total lease cost;
 - date of acquisition, creation, upgrade or lease;
 - if leased, type and term of lease;
 - location of Real Property;
 - date of Disposal;
 - disposal method; and
 - if the Real Property was partly created, acquired or upgraded using the Funding, the proportion of that creation, acquisition or upgrade that was paid for with the Funding.
- E.2.5. The Recipient must use the Real Property created, acquired, or upgraded under this Agreement for the Purpose set out in item A.3 of the Schedule for the duration of the Operational Period.
- F. Insurance**
- (clause 21.5)**
- The Recipient must maintain:

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- a. workers compensation insurance as required by law where the Recipient carries out activities under this Agreement;
- b. public liability insurance to the value of at least \$10 million for each and every claim, or occurrence giving rise to a claim, in respect to activities undertaken under this Agreement, where occurrence means either a single occurrence or a series of occurrences if these are linked or occur in connection with one another from one original cause, as the case may be; and
- c. insurance against any loss or damage to an Asset or Real Property for its full replacement cost including where relevant the costs of demolition and removal of debris and the cost of architects, engineers and other consultants.

G. Reserved**H. Acknowledgement and publicity
(clause 14)**

- H.1.1 If the Recipient erects or maintains any signage in relation to the Project, the signage must be approved by the Commonwealth prior to use and contain an acknowledgement of the Funding as required under Clause 14 of this Agreement. Any signage must remain in place during the Operational Period for the Project as specified in Item A.4. Signage for the Activity may be paid from the Budget if approved by Us. Signage for any other part of the Project must be at the Recipient's own cost.
- H.1.2 If a Federal, State or Local Government election is announced, the Recipient must cover any sign that is displayed within 100 metres of a polling place with an opaque (impenetrable to sight), durable and water repellent material from a period not less than 48 hours before the commencement of polling at that polling place until the polls close.
- H.1.3 The Recipient must include the Commonwealth logo in all signage, publications and promotional activities related to the Activity.
- H.1.4 The Recipient must not use the Commonwealth's logo without the Commonwealth's approval. If the Commonwealth provides approval for the Recipient's use of the Commonwealth's logo, the Recipient must use it in accordance with the Commonwealth's Print Style Guidelines (as advised by the Commonwealth).
- H.1.5 All the Recipient's publicity, announcements and media releases relating to the Activity must be cleared through the Commonwealth's contact officer specified at item L of the Schedule with at least 10 Business Days' notice, before release.
- H.1.6 The Commonwealth reserves the right to publicise and report on the provision of Funding to the Recipient, including progress on completing the Activity and the Project. The Commonwealth may do this by including the information specified in clause 14.2 in media releases, general announcements about the Funding and in annual reports and in electronic media.

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- H.1.7 The Recipient must conduct an official opening of the completed Activity and Project unless otherwise agreed by the Commonwealth.
- H.1.8 The Recipient must provide to the Commonwealth with at least 3 options for dates for the official opening, or any other milestone events that the Recipient chooses to conduct (e.g. stage completion), for the Activity and the Project. These dates must be provided at least 56 days prior to the first proposed date for each event to be conducted.
- H.1.9 The date of official openings or other official public function for the completed Activity and Project must be agreed by the Commonwealth.
- H.1.10 The Recipient must invite the Commonwealth's representative to officiate at any official opening or other official public function relating to the Activity or the Project.
- H.1.11 The Commonwealth Minister's prior agreement must be sought, to invite any other Commonwealth or State elected official or other officials to attending either function. This invitation must be provided to the Commonwealth no later than 56 days before the date of the official opening or other official public function relating to the Activity or the Project.
- H.1.12 The Recipient must coordinate requests for the Commonwealth's agreement to the date of official openings and requests for Commonwealth representation at official openings or other official functions relating to the Activity or the Project through the Commonwealth's contact officer specified at item L of the Schedule.

I. Reserved**J. Compliance with laws and policies
(clause 21.13)**

The Recipient must comply with the following laws and policies in carrying out the Activity:

- *Crimes Act 1914*;
- *Criminal Code of Conduct 1995*;
- *Disability Discrimination Act 1992*;
- *Workplace Gender Equality Act 2012*;
- *Building and Construction Industry (Improving Productivity) Act 2016*;
- *Racial Discrimination Act 1984*;
- *Sex Discrimination Act 1984*;
- *Work Health and Safety Act 2011*.

For the purposes of clause 21.13, the following policies are identified:

Community Development Grants Programme – Grant Programme Guidelines

**K. Statutory Approvals
(clause 2A.2)**

For the purposes of subclause clause 2A.2, the Recipient must obtain statutory approvals for the Project.

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L. Notices

(clause 18.1)

The Commonwealth's details for notices are as follows:

Name: General Manager
Regional Programmes Branch

Address: Department of Infrastructure and Regional Development
GPO Box 594
CANBERRA ACT 2601

Email: CDG@infrastructure.gov.au

The Recipient's details for notices are as follows:

Name: Meredith Wallace

Position: General Manager

Address: Bayside Council
PO Box 21
ROCKDALE NSW 2216

Telephone: 02 9562 1790

E-mail: meredith.wallace@bayside.nsw.gov.au

M. Applicable Law

(clause 21.14)

The Laws of the Australian Capital Territory apply to this Agreement.

N. Confidential Information

(clause 13)

Commonwealth's Confidential Information

Agreement Provisions/Schedules/Attachments

None Specified

Agreement related material

None Specified

Recipient's Confidential Information

Agreement Provisions/Schedules/Attachments

None Specified

Agreement related material

None Specified

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ANNEXURE A

Table of Milestones, Reports and Funding payments relating to the Activity

Report	Milestone(s) / Information covered by the Report	Milestone Completion Date	Payment amount (GST Exclusive)	Due Date for Report	Due Date for Funding Payment
Progress Report 1	Evidence acceptable to the Commonwealth that the following have been achieved: <ul style="list-style-type: none"> final designs have been confirmed; and final costs have been confirmed. 	31 January 2018	\$150,000	28 February 2018	14 March 2018
Progress Report 2	Evidence acceptable to the Commonwealth that the following have been achieved: <ul style="list-style-type: none"> an Event Invitation has been submitted to the Department as required at Item H of the Schedule; and 40 per cent of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar. 	31 May 2018	\$740,000	30 June 2018	14 July 2018
Project Completion Report	Evidence acceptable to the Commonwealth that the following have been achieved: <ul style="list-style-type: none"> the Activity, at Item A.5 of the Schedule, is complete; the Project, at Item A.2 of the Schedule, is complete; all approvals required to enable public access and use of the facility have been met; and the Project is fully Operational. 	30 September 2018	\$1,110,000	2 January 2019	16 January 2019

Australian Government Department of Infrastructure and Regional Development

ANNEXURE B

BUDGET FOR THE EXPENDITURE OF CDG FUNDING

Cost item	Description	Amount (GST exclusive)
Design	Construction of Synthetic Playing Field at Ador Avenue	\$150,000
Construction	Construction of Synthetic Playing Field at Ador Avenue	\$1,850,000
Funding (A)		\$2,000,000

OTHER CONTRIBUTIONS (FINANCIAL)

Name of Contributor	Cost Item	Description of item	Amount (GST exclusive)
Not applicable			\$0
Other Contributions (Financial) (B)			\$0

TOTAL COST ESTIMATE (A + B) (GST exclusive):

\$2,000,000

OTHER CONTRIBUTIONS (IN-KIND)

Name of Contributor	Description of Other Contribution (In-kind)
Not applicable	

Council Meeting

13/12/2017

Item No	8.21
Subject	Tender for the Supply of Hardware Products
Report by	Frank Tambosis, Procurement Specialist
File	F17/1375

Summary

Council has previously participated in a Southern Sydney Regional Organisation of Councils (SSROC) tender for the supply of hardware products. The contract term has been completed and fresh tenders called by SSROC. The new tender process has proposed the creation of a new panel of three suppliers. The panel of best value providers has been formed, but must be endorsed by Council prior to implementation and usage by Council.

Officer Recommendation

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

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

- 2 That Council awards Standing Offer Agreements to the following tenderers for the supply of Hardware products:
 - a Winc Australia Pty Ltd (formerly Staples Australia Pty Ltd)
 - b The L&H Group Pty Ltd
 - c J. Blackwood & Son Pty Ltd
-

Background

The Southern Region Organisation of Councils (SSROC) developed a Request For Tender (RFT) document for the provision of hardware products. The tender is to replace the existing contractual arrangements which have now lapsed. All SSROC Councils have participated in the Tender process with a view to engaging the successful tenderers.

The contract term is for three years subject to satisfactory performance, which will be determined by member Councils and SSROC, with an option to extend for up to a further two years (one+one years).

To give an understanding of the tender, hardware products include:

- Drymix Concrete Rapid Set 20kg

- Hoses and Hose accessories
- Claw and sledge hammers, pliers and hand tools
- Linemarking paint
- Galvinised steel pipe
- Saws and Screwdrivers
- Secateurs
- PVC Tape Cable Ties

Procurement Process

Tenders for the SSROC T2017-06 Supply and Delivery of Hardware and Associated Products were advertised in the Sydney Morning Herald and Daily Telegraph, and both the SSROC and Tenders Net website on Tuesday 4 July 2017. Tenders closed at 10.00am on Tuesday 25 July 2017.

There were a total of six tenders received. A Tender Panel comprising of both SSROC and Council Officers assessed the tenders using standard assessment criteria for assessing tenders. The attached SSROC report details the evaluation of each tender against the selection criteria. In particular, Table 2 in the SSROC report provides the final scoring.

The decision was made to continue with a panel of suppliers from which Councils can purchase hardware products. Three were selected to make up the panel, as this was considered a good number that would not only give flexibility to Councils, but provide meaningful levels of spend to each panel member to make their inclusion worthwhile.

The three tenderers selected offered the best overall value to Councils:

- Winc Australia Pty Ltd (formerly Staples Australia Pty Ltd)
- The L&H Group Pty Ltd
- J. Blackwoods & Son Pty Ltd

Features of the selected tenderers are:

- Online ordering
- 24-48 Hour turnaround for orders with less for urgent orders
- Price competitive
- Large firms with a good reputation
- Proven track record of service delivery
- Proven track record of solving issues quickly

Implementation

Bayside Council will sign the Preferred Supplier Management Agreements (PSMAs) upon Council approval. Once the PSMAs are signed by both Council and the tenderer, the contract will then be in effect and in use.

Financial Implications

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

Community Engagement

Not Applicable.

Attachments

SSROC tender recommendation report - Hardware (confidential)

Council Meeting

13/12/2017

Item No	8.22
Subject	Tender for Consultancy Services for Arncliffe Street, Willis Street & Guess Avenue Road and Drainage Design & One Way Circuit, Wolli Creek
Report by	Zoran Sarin, Coordinator Asset Strategy
File	SF17/1752

Summary

Wolli Creek and the Bonar Street precinct are making a transition from a degraded industrial area to a contemporary, high quality commercial and residential area. With new mixed use developments on Arncliffe Street, Brodie Spark Drive and the streets adjacent to the station, renewal of the public domain has substantially commenced.

The works entailed by this tender address numerous works schedule items nominated in the Rockdale Contributions Plan 2016 – Urban Renewal Area. One of the aims of this process will be to undertake the detailed design as many of the works are interrelated and as such a holistic design is considered necessary. The outcomes of the design may inform a review of the likely cost of the works in total and possibly inform changes to the S94 Plan, or inform Council of the need to utilise other funding sources to deliver the works.

Council is seeking the services of a road and drainage design consultancy to assist in the preparation of a detailed design for Arncliffe Street, Willis Street and a proposed One-Way Circuit which encompasses Guess Avenue, Mount Olympus Boulevard and Magdalene Terrace, Wolli Creek. The work will include design of pavement alignment and longitudinal section, pavement design specifications, streetscaping, street lighting, determination of potential service relocations and particularly flood mitigation and storm water drainage design.

Officer Recommendation

- 1 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from AT&L for Contract SF17/1752 being for consultancy services to provide detailed road and drainage design and documentation for Arncliffe Street, Willis Street and a proposed One-Way Circuit which encompasses Guess Avenue, Mount Olympus Boulevard and Magdalene Terrace, Wolli Creek for the amount of:
 - \$182,916.25 (inclusive of GST) for Arncliffe & Willis Street;
 - \$162,236.25 (inclusive of GST) for One-Way Circuit; and
 - A provision for \$40,000 (exclusive of GST) for additional geotechnical services and flood model runs, subject to requirements
 - 2 That the confidential supporting document attached to this report be withheld from the press and public as it is confidential for the following reason:
-

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

Background

The works entailed by this tender address numerous works schedule items nominated in the Rockdale Contributions Plan 2016 – Urban Renewal Area. Some items of infrastructure are able to be delivered by developments and are done so through Works In Kind Agreements. Other works however are either too complex, too expensive or dependent on timing of adjoining developments and as such are required to be undertaken by Council. These works fall into that category.

The following are specific works schedule items nominated within the Rockdale Contributions Plan 2016 – Urban Renewal Area which will be designed as part of this process:

Road, traffic, parking and streetscape

- WB 1.1.1 - Wolli Creek Streetscape design and embellishment
 - (Arncliffe Street embellishment)
 - (Guess Avenue embellishment)
 - (Willis Street embellishment)
- WC 2.5.1 - Arncliffe St/Guess Ave/Mt Olympus Bvde - One Way Circuit
- WC 4.3.1 - Arncliffe St between Magdalene Terrace and SWSOOS
- WC 4.3.3 - Arncliffe Street South from Guess Ave to SWSOOS
- WC 4.3.4 - Arncliffe Street South from SWSOOS to Allen Street

Flood mitigation and stormwater management

- WC 2.1.2 - Wolli Creek Precinct 2 – enhanced stormwater drainage
- WC 4.1.2 - Wolli Creek Precinct 4 – enhanced stormwater drainage

The following outcomes are expected from the road and drainage design services:

Arncliffe Street Road and Drainage Design

Council is seeking to address the section of Arncliffe Street between Brodie Spark Drive and Allen Street. The Wolli Creek and Bonar Street Precinct Public Domain Plan (4 May 2011) designates Arncliffe Street as a Main Street and provides details of the street design principles and general character expected of the road. This includes a standard range of street furniture, lighting, paving and surface treatments.

Willis Street Road and Drainage Design

Willis Street is a local Mixed Use Street and no-through road which intersects with Arncliffe Street. The majority of properties which front Willis Street are currently being developed and it is anticipated that a complete redesign and rebuild of the street will be required within the short term. This includes the completed two corner properties which also have frontage to Arncliffe Street and for which road widening has been allowed.

Guess Avenue

Council, through the Traffic Committee, has endorsed a clockwise one-way circuit which encompasses Guess Avenue, Mount Olympus Boulevard and Magdalene Terrace, Wolli Creek. This proposal therefore amends the Road Section (Figure 3.9) in the Wolli Creek and Bonar Street Public Domain Plan, which was envisaged for Gertrude Street. The objectives of this vision however should be considered as part of the road design for the one-way circuit.

While Council did not initially envision full reconstruction of this section of Guess Avenue, it is possible that reconstruction may be necessary in order to cater for drainage and overland flow. The road and drainage design will therefore guide Council whether or not reconstruction is required

One-Way Circuit

Council, through the Traffic Committee, has endorsed a clockwise one-way circuit which encompasses Guess Avenue, Mount Olympus Boulevard and Magdalene Terrace, Wolli Creek. This proposal therefore amends the road design of Arncliffe Street between Brodie Spark Drive and Guess Avenue, including realignment of the existing roundabout at the intersection of Brodie Spark Drive and Arncliffe Street.

Cycleway Network

Safe and convenient pedestrian and cycle connections are essential to creating a usable public domain network. The proposed network is generally detailed within the Wolli Creek and Bonar Street Precinct Public Domain Plan (4 May 2011).

Council is currently pursuing provision of Wolli Creek Cycle Route No. 6. This cycle route runs from Guess Avenue (west of the Rail Corridor) under the Guess Avenue underpass, along Mount Olympus Boulevard and connecting to Magdalene Terrace. The proposed design needs to be integrated into the One-Way Circuit design and consideration needs to be given to further augmentation of this system on the One-Way section of Arncliffe Street, and also Guess Avenue. Consideration also needs to be given to the on-road cycleway on the two-way portion of Arncliffe Street (south-west of Guess Avenue) and how they all integrate

Services

The design will also need to consider the need to relocate services. The contractor will be expected to consult with service providers to determine their requirements in this regard and incorporate their comments into the design. It will be the responsibility of the lead Consultant

to engage appropriate (approved) designers to design for services and prepare the necessary service relocation designs to inform the Final Design

Street Lighting

The Wolli Creek and Bonar Street Precinct Public Domain Plan (4 May 2011) indicates the lighting required for the urban release area. All street lighting is to be designed to be Ausgrid Compliant and conform to Australian Standard AS/NZS1158.3.1 for Category P lighting.

Storm Water Drainage Design

The existing stormwater network in the vicinity of Arncliffe Street is inadequate to deal with overland flows which occur within the area. This will require consideration and design of a stormwater network to manage nuisance flows which regularly affect this area.

Gertrude Street extension (Arncliffe Street to Princes Highway)

It is proposed by Council to extend Gertrude Street at both ends so that Gertrude Street ultimately connects to Marsh Street at the eastern end and Arncliffe Street at its western end. The proposed reservation corridor is detailed within the Rockdale Local Environmental Plan 2011. An indicative design for the section of Gertrude Street between Arncliffe Street and the Bonnie Doon channel is required, noting that the Wolli Creek and Bonar Street Precinct Public Domain Plan (4 May 2011) designates Gertrude Street as a District Link and provides details of the street design principles and general character expected of the road.

The Tender Process

Council invited open tenders for the consultancy services for road and drainage design for Arncliffe Street, Willis Street and a proposed One-Way Circuit which encompasses Guess Avenue, Mount Olympus Boulevard and Magdalene Terrace, Wolli Creek on Monday 23rd of October 2017. The tender period stipulated in the documents was a 4-week tender period with tender submissions closing at 10:00 am on Tuesday 21st November 2017.

Tenders Received

The tenders received are as follows:

- AT&L
- Cardno (NSW/ACT) Pty Ltd (Cardno)
- Jem Design (Australia) Pty Ltd (JEM)
- Kellogg Brown & Root Pty Ltd (KBR)

Directors of the Companies that provided tender submissions

Company	Company Directors
AT&L	Anthony McLandsborough
Cardno	Peter Anthony Barker Brett Phillips David Pitronaci Martin Christopher Wells Geoffrey Peter Hadwen
JEM	Paul Murray
KBR	Wayne Nolan Greg Conlon Robert Hawketts Adam Scott

Late Tenders

No late tenders were received

Assessment Methodology

The tender submission assessment and scoring is outlined in the confidential supporting document, which is included as Attachment 1 to this report.

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

The tender submitted by AT&L is comprehensive and demonstrated an understanding of the project, included a detailed methodology as well as a detailed program taking into consideration the complex project requirements. In summary, they demonstrated:

- A good understanding of the project;
- Good design experience and project management;
- Good sub-consultant management; and
- Good history of working with Council's and State Government Agencies.

AT&L has successfully delivered Civil engineering design and documentation for:

- Newmarket Green, Randwick
- Carter Street Precinct, Homebush
- Carrington Road, Marrickville
- Australian Technology Park, Redfern

AT&L propose an experienced team to deliver the consultancy services required:

- AT&L - Coordination of all sub-consultants, civil and drainage engineering, landscape architecture and services coordination;
- Site Image – Landscape Architectural
- PSM - Geotechnical;
- Ason Group – Traffic Consultant
- SureSearch – Utilities Services Location
- Connect Infrastructure – Electrical Consultant
- WMA Water – Flood Consultant
- LTS – Surveyor

Tender Recommendation

References were checked for AT&L and it was found that AT&L is a reputable and experienced consultant that delivers high quality work. Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from AT&L for an amount of:

- \$182,916.25 (inclusive of GST) for Arncliffe & Willis Street;
- \$162,236.25 (inclusive of GST) for One-Way Circuit; and
- A provision for \$40,000 (exclusive of GST) for additional geotechnical services and flood model runs, subject to requirements

Opus International Consultants Pty Limited has in place insurances of \$20 Million Public and Products Liability and \$10 Million Professional Indemnity. They are ISO 9001, ISO 14001 and AS 4801 accredited.

Proposed Program

The preliminary program submitted with AT&L's tender has the following project milestones:

Milestone	Date
Contract award	December 2017
Commencement of consultancy	December 2017

Milestone	Date
50% design and documentation	May 2018
Final design and documentation	June 2018

Financial Implications

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

Community Engagement

No community engagement is required for this project.

Attachments

Attachment to report BP171363 (Title Confidential supporting document) - Confidential (confidential)

Council Meeting

13/12/2017

Item No 8.23
Subject **SSROC Tender for Provision of Bush Regeneration Services**
Report by Roland Sinn, Senior Procurement Officer
File F17/1375

Summary

Southern Sydney Regional Organisation of Councils (SSROC) went to market in September 2017 to establish a panel contract for provision of Bush Regeneration Services. The tender recommendation report proposes the creation of a panel of eight suppliers. The panel of best value providers has been formed, but must be endorsed by Council prior to implementation and usage by Council.

Officer Recommendation

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

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

- 2 That Council awards Standing Offer Agreements to the following tenderers for the provision of Bush Regeneration Services:
 - a Bushland Management Solutions Pty Ltd
 - b Dragonfly Environmental Pty Ltd
 - c National Trust of Australia (NSW)
 - d Southern Habitat (NSW) Pty Ltd
 - e Sydney Bush Regeneration Company Pty Ltd
 - f Symbiota Ecology Pty Ltd t/a Apunga Ecological Management
 - g Toolijooa Pty Ltd t/a Toolijooa Environmental Restoration
 - h Total Earth Care Pty Ltd ATF Irrawong Trust
-

Background

The Southern Region Organisation of Councils (SSROC) developed a Request For Tender (RFT) document to establish a panel contract for the provision of Bush Regeneration Services. This is a new requirement and the following SSROC member council are participants to the contract:

- Bayside Council (formerly Botany Bay Council and Rockdale Council);
- Georges River Council (formerly Hurstville Council and Kogarah Council);
- Randwick Council;
- Waverley Council; and
- Woollahra Municipal Council.

Recommended tenderers have demonstrated their capacity and experience managing the regeneration of a diverse set of bush requirements including general, endangered ecological community works, cope/cliff works, species specific works, landscaping associated works.

The contract term is for three years subject to satisfactory performance, which will be determined by member Councils and SSROC, with two optional extension periods of 12 months each.

Implementation

Bayside Council will sign the Preferred Supplier Management Agreements (PSMAs) upon Council approval. Once the PSMAs are signed by both Council and the tenderer, the contract will then be in effect and in use.

Financial Implications

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

Community Engagement

Not Applicable

Attachments

SSROC T2017-07 Bush Regeneration Tender Recommendation (confidential)

Council Meeting

13/12/2017

Item No	8.24
Subject	Schedule of Council Meeting Dates and Venues 2018
Report by	Warren Park, Coordinator Governance
File	F11/563

Summary

To adopt the 2018 schedule of Council Meetings dates and venues.

Officer Recommendation

That Council adopts the schedule of meeting dates for Ordinary Council Meetings in 2018 as outlined in this report and that the meetings be held in the Rockdale Town Hall.

Background

In accordance with the Code of Meeting Practice, Ordinary Meetings of Council are scheduled to be held on the second Wednesday of each month, commencing at 7.00pm, with a minimum of 10 meetings to be held each year, each time in a different month. The proposed dates for the 2018 Schedule of Council Meetings for Bayside Council are included below. No public holidays fall on a proposed meeting night.

The Code of Meeting Practice also provides for meetings to be held in either the Rockdale or Botany Town Hall, (Council Chamber) as determined by Council and indicated in the Notices of Meeting.

The logistics of holding a meeting to accommodate 15 Councillors with relevant staff in attendance, accommodation for the public and the live streaming of meetings raises a number of issues that need to be addressed in the long term. However in the interim, only the Rockdale Town Hall Council Chamber is adequate to accommodate the number of officials, members of the public and the provision of live streaming for the meeting with minimal or no set-up arrangements.

In accordance with the Council's Code of Meeting Practice, the Ordinary Council Meeting dates will be:

- Wednesday 14 February 2018
- Wednesday 14 March 2018
- Wednesday 11 April 2018
- Wednesday 9 May 2018
- Wednesday 13 June 2018
- Wednesday 11 July 2018

- Wednesday 8 August 2018
- Wednesday 12 September 2018
- Wednesday 10 October 2018
- Wednesday 14 November 2018
- Wednesday 12 December 2018

It is also proposed that Ordinary Council Meetings be held in the Rockdale Town Hall Council Chamber.

The dates of Ordinary Council Meetings will be published in the Council Column in local papers as well as being notified on Council's website.

It is noted that the new Council wishes to have dinner after the Council Meeting and arrangements are in place for this to occur.

Financial Implications

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

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

13/12/2017

Item No	8.25
Subject	Statutory Financial Report - October 2017
Report by	Violeta Stojkovski, Treasury Accountant
File	F09/605

Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report and the Statutory Financial Reports are presented as follows:

- Investment Performance Against Benchmark
- Statement of Bank Balances
- Schedule of Investments

As at 31 October 2017, Bayside Council had \$354.5m in cash and investments with an adjusted portfolio yield of 2.77%.

- Income from operating activities \$18.6m from rates and s.94 contributions.
 - Expenses from operating activities \$20.7m include payments for waste and infrastructure work.
-

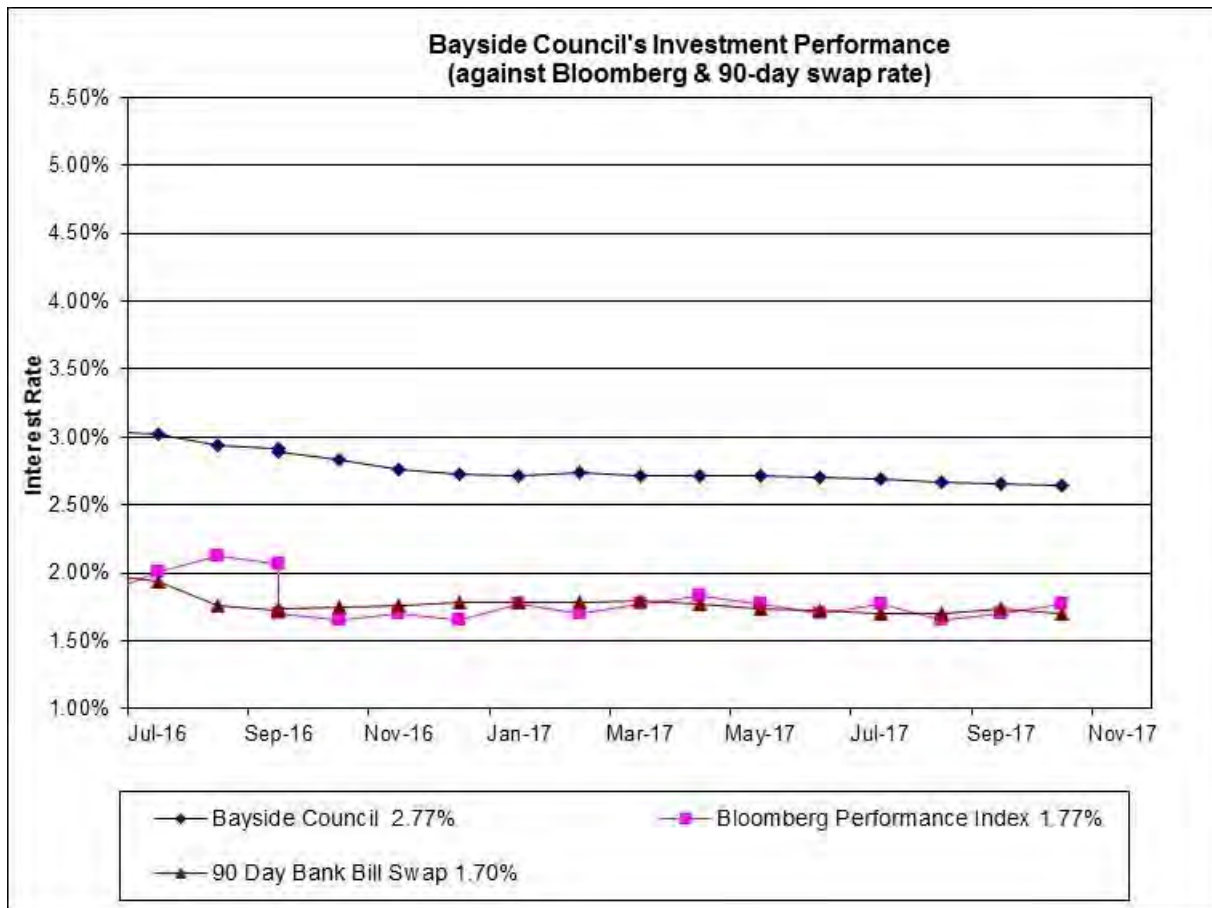
Officer Recommendation

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

Background

Investment Performance

The following table shows the performance of Council's investments since July 2016. The Bloomberg (former USB) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance. For the current period, Council outperformed the market by 100 basis points. As demonstrated by the graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for the month of October.

STATEMENT OF BANK BALANCES AS AT 31 October 2017		
	GENERAL FUND	
Cash at Bank (Overdraft) as per Bank Statement as at: 30/09/2017		\$16,608,084
Add: Income from Operating Activities for the Period		
- Rates and other receipts*	\$2,403,912	
- Sundry Debtors	\$1,125,891	
- DA Fees & FCDs	\$359,300	
- Interest	\$257,218	
- GST & FBT Refunds	\$2,441,088	
- Parking and Other Infringements	\$361,822	
- Grants	\$236,708	
- Other Deposits (cash, cheques & eftpos)	\$9,018,460	
- S.94 Contributions	\$2,420,068	
Total Income from Operating Activities for the Period	\$18,624,467	
Less: Expenses from Operating Activities for the Period		
Accounts Paid for Period (includes urgent cheques & refunds)	-\$16,389,484	
Direct Payroll	-\$3,990,363	
Presented Cheques	-\$253,449	
Dishonoured Cheques	\$0	
Miscellaneous Expenses	\$0	
Bank Charges (including Agency Fees)	-\$26,350	
Total Expenses from Operating Activities for the Period	-\$20,659,646	
Total Net Movement from Operating Activities:		-\$2,035,179
Investment Activities for the Period		
- Investments redeemed	\$11,000,000	
- Transfer from Short-Term Money Market	\$18,860,000	
- Transfer to Short-Term Money Market	-\$24,510,000	
- New Investments	-\$10,000,000	
Net Investment Flows for the Period	-\$4,650,000	
Funding Activities for the Period		
Loan Repayments	-\$33,901	
Net Funding Flows for the Period	-\$33,901	
Total Net Movement from Investment & Funding Activities:		-\$4,683,901
Cash at Bank (Overdraft) as per Bank Statement as at: 31/10/2017		\$9,889,004
Limit of overdraft arranged at Bank for: Bayside West \$350,000 & Bayside East \$540,000		
* other receipts include Australia Post & Bank Tape		

Schedule of Investments

Bayside Council currently holds \$354.5m in investments and cash at call as detailed in the table below. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 31/10/2017								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Bayside West Term Deposits								
Bank of Western Australia	A1	\$1,180,715	27/04/2017	23/01/2018	271	0.47%	2.60%	\$1,180,715
Bank of Western Australia	A1	\$2,000,000	20/10/2017	18/07/2018	271	0.79%	2.50%	\$2,000,000
Bank of Western Australia	A1	\$2,098,415	29/08/2017	30/05/2018	274	0.83%	2.45%	\$2,098,415
Bank of Western Australia	A1	\$5,096,782	20/09/2017	20/06/2018	273	2.02%	2.55%	\$5,096,782
Bank of Western Australia	A1	\$5,052,747	22/05/2017	21/02/2018	275	2.00%	2.55%	\$5,052,747
Bank of Western Australia	A1	\$1,168,619	28/05/2017	27/02/2018	277	0.46%	2.55%	\$1,168,619
Bank of Western Australia	A1	\$1,215,894	04/10/2017	03/07/2018	272	0.48%	2.50%	\$1,215,894
Bank of Western Australia	A1	\$1,121,427	28/09/2017	27/06/2018	272	0.44%	2.55%	\$1,121,427
Bank of Western Australia	A1	\$1,096,514	10/10/2017	10/04/2018	182	0.43%	2.45%	\$1,096,514
Bank of Western Australia	A1	\$1,254,540	18/05/2017	22/11/2017	188	0.50%	2.55%	\$1,254,540
Bank of Western Australia	A1	\$1,065,437	06/06/2017	06/03/2018	273	0.42%	2.45%	\$1,065,437
Bank of Western Australia	A1	\$1,083,228	04/05/2017	13/02/2018	285	0.42%	2.60%	\$1,083,228
Bank of Western Australia	A1	\$1,332,203	19/10/2017	17/07/2018	271	0.53%	2.50%	\$1,332,203
Bank of Western Australia	A1	\$1,120,077	23/05/2017	05/12/2017	196	0.44%	2.55%	\$1,120,077
Bank of Western Australia	A1	\$2,276,170	16/05/2017	16/11/2017	184	0.90%	2.55%	\$2,276,170
Bank of Western Australia	A1	\$1,141,340	03/05/2017	07/02/2018	280	0.45%	2.60%	\$1,141,340
Bank of Western Australia	A1	\$1,320,441	25/05/2017	10/01/2018	230	0.52%	2.55%	\$1,320,441
Bank of Western Australia	A1	\$1,314,449	15/02/2017	15/11/2017	273	0.52%	2.60%	\$1,314,449
Bank of Western Australia	A1	\$1,181,418	12/07/2017	12/01/2018	184	0.47%	2.50%	\$1,181,418
Bank of Western Australia	A1	\$1,176,968	24/05/2017	12/12/2017	202	0.47%	2.55%	\$1,176,968
Bank of Western Australia	A1	\$1,171,710	02/05/2017	30/01/2018	273	0.46%	2.60%	\$1,171,710
Bank of Western Australia	A1	\$2,056,555	12/09/2017	13/03/2018	182	0.81%	2.45%	\$2,056,555
Bank of Western Australia	A1	\$1,287,947	14/09/2017	14/03/2018	181	0.51%	2.45%	\$1,287,947
Bank of Western Australia	A1	\$1,277,969	09/05/2017	15/02/2018	282	0.51%	2.60%	\$1,277,969
Bank of Western Australia	A1	\$2,000,000	11/08/2017	08/05/2018	270	0.79%	2.45%	\$2,000,000
Bank of Western Australia	A1	\$2,000,000	02/06/2017	14/12/2017	195	0.79%	2.50%	\$2,000,000
						17.45%		
Illawarra Mutual Building Society	A2	\$1,249,194	8/06/2017	07/12/2017	182	0.49%	2.65%	\$1,249,194
Illawarra Mutual Building Society	A2	\$1,183,890	25/10/2017	24/04/2018	181	0.47%	2.45%	\$1,183,890
Illawarra Mutual Building Society	A2	\$1,542,893	20/06/2017	16/01/2018	210	0.61%	2.65%	\$1,542,893
Illawarra Mutual Building Society	A2	\$2,025,929	31/08/2017	31/08/2018	365	0.80%	2.50%	\$2,025,929
Illawarra Mutual Building Society	A2	\$1,387,199	21/06/2017	17/01/2018	210	0.55%	2.65%	\$1,387,199
Illawarra Mutual Building Society	A2	\$1,393,945	5/10/2017	05/04/2018	182	0.55%	2.45%	\$1,393,945
Illawarra Mutual Building Society	A2	\$1,112,792	18/07/2017	18/04/2018	274	0.44%	2.60%	\$1,112,792
Illawarra Mutual Building Society	A2	\$1,184,044	16/08/2017	16/05/2018	273	0.47%	2.55%	\$1,184,044
Illawarra Mutual Building Society	A2	\$1,353,463	5/09/2017	05/06/2018	273	0.54%	2.45%	\$1,353,463
Illawarra Mutual Building Society	A2	\$1,733,500	14/08/2017	11/12/2017	180	0.69%	2.65%	\$1,733,500
Illawarra Mutual Building Society	A2	\$1,285,116	20/07/2017	19/04/2018	273	0.51%	2.60%	\$1,285,116
Illawarra Mutual Building Society	A2	\$2,000,000	1/09/2017	03/09/2018	367	0.79%	2.50%	\$2,000,000
Illawarra Mutual Building Society	A2	\$3,000,000	2/06/2017	30/11/2017	181	1.19%	2.65%	\$3,000,000
Illawarra Mutual Building Society	A2	\$1,247,307	29/09/2017	28/03/2018	183	0.49%	2.45%	\$1,247,307
						8.58%		
Newcastle Permanent Build Society	A2	\$1,254,127	16/06/2017	17/01/2018	215	0.50%	2.50%	\$1,254,127
Newcastle Permanent Build Society	A2	\$1,284,209	17/10/2017	10/05/2018	205	0.51%	2.10%	\$1,284,209
Newcastle Permanent Build Society	A2	\$1,172,795	28/08/2017	27/03/2018	272	0.46%	2.50%	\$1,172,795
Newcastle Permanent Build Society	A2	\$1,333,157	31/05/2017	02/11/2017	155	0.53%	2.60%	\$1,333,157
Newcastle Permanent Build Society	A2	\$1,217,919	06/09/2017	07/03/2018	182	0.48%	2.10%	\$1,217,919
Newcastle Permanent Build Society	A2	\$1,103,084	14/02/2017	14/11/2017	273	0.44%	2.60%	\$1,103,084
Newcastle Permanent Build Society	A2	\$1,235,337	31/10/2017	15/03/2018	135	0.49%	2.10%	\$1,235,337
Newcastle Permanent Build Society	A2	\$1,293,554	07/06/2017	13/12/2017	189	0.51%	2.50%	\$1,293,554
Newcastle Permanent Build Society	A2	\$1,181,322	09/08/2017	07/11/2017	90	0.47%	2.10%	\$1,181,322
						4.39%		
ME Bank	A2	\$1,000,000	10/03/2017	07/12/2017	272	0.40%	2.60%	\$1,000,000
ME Bank	A2	\$2,000,000	21/08/2017	22/05/2018	274	0.79%	2.60%	\$2,000,000
ME Bank	A2	\$2,000,000	01/09/2017	04/09/2018	368	0.79%	2.60%	\$2,000,000
ME Bank	A2	\$1,000,000	09/02/2017	09/11/2017	273	0.40%	2.70%	\$1,000,000
ME Bank	A2	\$2,000,000	02/03/2017	29/11/2017	272	0.79%	2.60%	\$2,000,000
ME Bank	A2	\$2,000,000	24/03/2017	19/12/2017	270	0.79%	2.60%	\$2,000,000
ME Bank	A2	\$3,000,000	08/09/2017	08/03/2018	181	1.19%	2.50%	\$3,000,000
ME Bank	A2	\$2,000,000	09/03/2017	06/12/2017	272	0.79%	2.60%	\$2,000,000
ME Bank	A2	\$1,000,000	07/02/2017	08/11/2017	274	0.40%	2.70%	\$1,000,000
ME Bank	A2	\$1,000,000	08/04/2017	11/01/2018	280	0.40%	2.65%	\$1,000,000
ME Bank	A2	\$1,000,000	22/02/2017	23/08/2017	182	0.40%	2.67%	\$1,000,000
						7.13%		
Westpac	AA-	\$1,000,000	04/05/2017	04/11/2017	184	0.40%	2.69%	\$1,000,000
Westpac	AA-	\$3,000,000	01/08/2017	01/08/2018	365	1.19%	2.57%	\$3,000,000
Westpac	AA-	\$3,000,000	01/08/2017	01/05/2018	273	1.19%	2.41%	\$3,000,000
Westpac	AA-	\$3,000,000	08/09/2017	08/06/2018	273	1.19%	2.46%	\$3,000,000
						3.96%		

Schedule of Investments cont'd								
AMP Bank	A1	\$3,000,000	14/03/2017	12/12/2017	273	1.19%	2.75%	\$3,000,000
AMP Bank	A1	\$2,000,000	15/08/2017	15/05/2018	273	0.79%	2.60%	\$2,000,000
						1.98%		
National Australia Bank	A1	\$2,000,000	11/07/2017	11/01/2018	184	0.79%	2.40%	\$2,000,000
National Australia Bank	A1	\$1,000,000	10/08/2017	12/02/2018	186	0.40%	2.40%	\$1,000,000
National Australia Bank	A1	\$1,000,000	29/08/2017	28/02/2018	183	0.40%	2.48%	\$1,000,000
National Australia Bank	A1	\$1,000,000	22/08/2017	21/02/2018	183	0.40%	2.45%	\$1,000,000
National Australia Bank	A1	\$1,000,000	15/08/2017	15/05/2018	273	0.40%	2.45%	\$1,000,000
National Australia Bank	A1	\$2,000,000	05/09/2017	07/03/2018	183	0.79%	2.50%	\$2,000,000
National Australia Bank	A1	\$2,000,000	30/08/2017	28/02/2018	182	0.79%	2.48%	\$2,000,000
National Australia Bank	A1	\$3,000,000	02/03/2017	28/11/2017	271	1.19%	2.50%	\$3,000,000
National Australia Bank	A1	\$2,000,000	17/08/2017	17/08/2018	365	0.79%	2.50%	\$2,000,000
National Australia Bank	A1	\$2,000,000	23/05/2017	23/11/2017	184	0.79%	2.42%	\$2,000,000
National Australia Bank	A1	\$1,000,000	15/08/2017	14/12/2017	182	0.40%	2.43%	\$1,000,000
National Australia Bank	A1	\$2,000,000	08/08/2017	08/02/2018	184	0.79%	2.40%	\$2,000,000
National Australia Bank	A1	\$2,000,000	21/08/2017	21/03/2018	273	0.79%	2.43%	\$2,000,000
National Australia Bank	A1	\$1,000,000	13/09/2017	13/03/2018	181	0.40%	2.50%	\$1,000,000
National Australia Bank	A1	\$3,000,000	30/05/2017	01/03/2018	275	1.19%	2.41%	\$3,000,000
National Australia Bank	A1	\$5,000,000	19/09/2017	19/06/2018	273	1.98%	2.54%	\$5,000,000
National Australia Bank	A1	\$5,000,000	20/08/2017	20/03/2018	273	1.98%	2.48%	\$5,000,000
National Australia Bank	A1	\$2,000,000	01/09/2017	03/09/2018	367	0.79%	2.55%	\$2,000,000
National Australia Bank	A1	\$2,000,000	24/08/2017	22/02/2018	182	0.79%	2.48%	\$2,000,000
National Australia Bank	A1	\$2,000,000	25/08/2017	28/08/2018	368	0.79%	2.52%	\$2,000,000
						16.63%		
ING Direct	A2	\$2,000,000	15/09/2017	25/09/2019	740	0.79%	2.75%	\$2,000,000
ING Direct	A2	\$4,000,000	31/08/2017	04/09/2019	734	1.58%	2.75%	\$4,000,000
ING Direct	A2	\$1,000,000	01/08/2017	05/12/2017	187	0.40%	2.70%	\$1,000,000
ING Direct	A2	\$1,000,000	14/09/2017	18/12/2018	460	0.40%	2.70%	\$1,000,000
ING Direct	A2	\$3,000,000	13/09/2017	18/09/2019	735	1.19%	2.75%	\$3,000,000
ING Direct	A2	\$3,000,000	12/09/2017	12/09/2019	730	1.19%	2.75%	\$3,000,000
ING Direct	A2	\$1,000,000	08/08/2017	08/08/2018	365	0.40%	2.67%	\$1,000,000
ING Direct	A2	\$3,000,000	15/09/2017	18/12/2018	459	1.19%	2.70%	\$3,000,000
ING Direct	A2	\$2,000,000	21/07/2017	24/07/2018	368	0.79%	2.70%	\$2,000,000
						7.92%		
Bayside West Direct Investments (Floating Rate & Fixed Rate Term Deposits - TDs)								
CBA- ME Bank FRN	BBB	\$3,000,000	09/08/2018	18/07/2019	1073	1.19%	3.15%	\$3,024,021
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2018	30/08/2019	1095	0.79%	3.28%	\$2,021,320
CBA- Bank of QLD FRN	A-	\$2,000,000	23/02/2016	06/11/2019	1352	0.79%	2.76%	\$2,011,928
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	28/02/2018	18/08/2020	1635	0.79%	2.79%	\$2,025,144
CBA- Rabobank FRN	A+	\$2,000,000	04/03/2018	04/03/2021	1826	0.79%	3.24%	\$2,064,108
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	1.19%	2.81%	\$3,052,512
CBA- Greater Bank FRN	BBB-	\$3,000,000	07/06/2018	07/06/2019	1095	1.19%	3.34%	\$3,022,680
CBA- Greater Bank Floating TD	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.58%	3.17%	\$4,038,440
CBA- Greater Bank FRN	BBB-	\$1,000,000	04/08/2017	29/05/2020	1029	0.40%	3.12%	\$1,006,340
CBA- Credit Union Australia FRN	BBB+	\$2,000,000	01/04/2018	01/04/2019	1095	0.79%	3.31%	\$2,020,820
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	1.09%	3.02%	\$2,787,553
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.79%	2.82%	\$2,035,292
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2018	17/09/2019	1134	0.79%	2.66%	\$2,015,518
CBA-Suncorp FRN	A+	\$2,000,000	12/10/2018	12/10/2018	730	0.79%	2.48%	\$2,010,070
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2018	21/02/2020	1187	0.79%	2.79%	\$2,025,070
CBA- ME Bank FRN	BBB+	\$3,000,000	08/04/2017	08/04/2020	1096	1.19%	2.95%	\$3,010,209
CBA- Greater Bank FRN	BBB-	\$2,000,000	29/05/2017	29/05/2020	1096	0.79%	3.11%	\$2,012,680
CBA- AMP FRN	A	\$2,000,000	08/10/2017	08/10/2020	1096	0.79%	2.46%	\$2,006,550
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.57%	2.99%	\$1,451,056
ANZ Bank Fixed Rate TD	A1+	\$1,189,982	01/09/2017	01/03/2018	181	0.47%	2.30%	\$1,189,982
ANZ Bank Fixed Rate TD	A1+	\$1,177,904	21/09/2017	21/03/2018	181	0.47%	2.30%	\$1,177,904
ANZ Bank Fixed Rate TD	A1+	\$5,074,480	03/10/2017	08/04/2018	185	2.01%	2.25%	\$5,074,480
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	05/07/2017	31/01/2018	210	0.79%	2.53%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	21/08/2017	18/12/2017	180	0.79%	2.50%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	21/09/2017	20/03/2018	180	0.79%	2.48%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	15/08/2017	14/05/2018	272	0.79%	2.51%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	13/07/2017	08/02/2018	210	1.98%	2.46%	\$5,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	20/10/2017	18/04/2018	180	0.79%	2.42%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	20/10/2017	18/06/2018	241	0.79%	2.50%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	20/10/2017	16/08/2018	300	0.79%	2.55%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	13/10/2017	13/04/2018	182	1.98%	2.43%	\$5,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	08/08/2017	08/03/2018	212	0.79%	2.44%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	30/10/2017	30/04/2018	182	0.79%	2.40%	\$2,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$2,000,000	19/06/2017	16/03/2018	270	0.79%	2.50%	\$2,000,000
						31.94%		
FTD= Floating Rate Deposit								
FRN= Floating Rate Note								
Unlisted Community Bank Shares								
Bendigo Bank	A2	\$5,000				0.01%		
Total Investments		\$252,493,684				100.00%		
CASH ACCOUNT (at call)		\$32,232,397						
Total Investments and Cash for Bayside West		\$284,726,081						

	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Bayside East Term Deposits								
National Australia Bank	A1	\$4,000,000	31/10/2016	02/11/2017	367	8.94%	2.75%	\$4,000,000
National Australia Bank	A1	\$2,000,000	26/07/2016	23/01/2018	546	4.47%	2.75%	\$2,000,000
National Australia Bank	A1	\$2,000,000	29/07/2016	30/01/2018	550	4.47%	2.73%	\$2,000,000
National Australia Bank	A1	\$2,000,000	02/08/2016	06/02/2018	553	4.47%	2.75%	\$2,000,000
National Australia Bank	A1	\$2,000,000	11/08/2016	13/02/2018	551	4.47%	2.60%	\$2,000,000
						26.82%		
ME Bank	A2	\$2,000,000	06/09/2016	06/03/2018	546	4.47%	2.65%	\$2,000,000
ME Bank	A2	\$4,000,000	08/09/2016	13/03/2018	551	8.94%	2.65%	\$4,000,000
ME Bank	A2	\$2,000,000	13/09/2016	20/03/2018	553	4.47%	2.65%	\$2,000,000
						17.88%		
Rural Bank	A2	\$4,000,000	10/11/2016	09/11/2017	364	8.94%	2.75%	\$4,000,000
						8.94%		
Bendigo Bank	A2	\$3,000,000	31/08/2016	20/02/2018	538	6.70%	2.70%	\$3,000,000
Bendigo Bank	A2	\$3,000,000	31/08/2016	27/02/2018	545	6.70%	2.70%	\$3,000,000
						13.41%		
Bayside East Direct Investments (Floating & Fixed Term Deposits - TDs)								
Bank of China FRN	A	\$1,000,000	09/04/2015	09/04/2018	1096	2.23%	2.95%	\$1,004,680
Bank of QLD FRN	A	\$1,000,000	29/10/2015	29/04/2019	1278	2.23%	2.84%	\$1,007,336
AMP FRN	A	\$750,000	11/12/2015	11/06/2019	1278	1.68%	2.82%	\$759,720
Bank of QLD FRN	A	\$2,000,000	05/02/2016	05/02/2018	731	4.47%	2.69%	\$2,002,703
NAB FRN	AA	\$2,000,000	25/02/2016	25/02/2019	1096	4.47%	2.69%	\$2,026,583
Westpac FRN	AA	\$1,000,000	11/03/2016	10/05/2019	1155	2.23%	2.69%	\$1,016,230
Newcastle PBS FRN	BBB+	\$2,000,000	22/03/2016	22/03/2019	1095	4.47%	3.32%	\$2,018,586
Suncorp FRN	A	\$2,000,000	12/04/2016	12/04/2021	1826	4.47%	3.07%	\$2,041,421
Bank of QLD FRN	A	\$1,000,000	18/05/2016	18/05/2021	1826	2.23%	3.22%	\$1,023,900
CBA FRN	AA	\$2,000,000	12/07/2016	12/07/2021	1826	4.47%	2.91%	\$2,041,330
						32.96%		
Total Investments		\$44,750,000				100.00%		
CASH (at call & 31 day notice account)		\$24,985,988						
Total Investments and Cash for Bayside East		\$69,735,988						
TOTAL INVESTMENTS FOR BAYSIDE COUNCIL		\$354,462,069						

Investment and Cash Flows for Bayside Council:							
	Sep-17			Oct-17			
	Bayside West	Bayside East	Total	Bayside West	Bayside East	Total	Total Net Movement
Total Investments	\$242,320,097	\$55,750,000	\$298,070,097	\$252,493,684	\$44,750,000	\$297,243,684	-\$826,414
Operating Account	\$299,442	\$16,308,643	\$16,608,085	\$489,154	\$9,399,851	\$9,889,005	-\$6,719,080
Cash/Short Term Money Market	\$25,900,175	\$5,338,472	\$31,238,647	\$31,743,243	\$5,343,298	\$37,086,541	\$5,847,894
AMP 31 Day Notice Account	\$0	\$10,224,770	\$10,224,770	\$0	\$10,242,839	\$10,242,839	\$18,069
TOTAL Investments and Cash:	\$268,519,714	\$87,621,885	\$356,141,599	\$284,726,081	\$69,735,988	\$354,462,069	-\$1,679,531
NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.							

Financial Implications

Not applicable ☒

Included in existing approved budget ☐ <<Enter comment if required or delete>>

Additional funds required ☐ <<Enter comment if required or delete>>

Community Engagement

Not required

Attachments

Nil

Council Meeting

13/12/2017

Item No	9.1
Subject	Minutes of the Bayside Traffic Committee Meeting - 6 December 2017
Report by	Pat Hill, Administrative Support Officer - City Infrastructure
File	SF16/1264

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 6 December 2017 be received and the recommendations therein be adopted.

Present

Councillor Ed McDougall – Convenor
Senior Constable Alexander Weissel, Botany Bay Police,
Mark Carruthers, representing Roads and Maritime Services,
George Perivolarellis, representing State Members for Rockdale and Heffron,
Les Crompton, representing State Member for Kogarah.

Also present

Jeremy Morgan, Manager City Infrastructure, Bayside Council,
Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council,
Lyn Moore, NSW Pedestrian Council,
Peter Whitney, State Transit Authority - west
Joe Scarpignato, St George Cabs,
Peter Hannett, St George Bicycle User Group,
Glen McKeachie, Coordinator Regulations, Bayside Council,
David Carroll, Senior Parking Patrol Officer, Bayside Council,
Michael Lee, Traffic Engineer, Bayside Council,
Hamoon Bahari, Student Engineer, Bayside Council,
Pat Hill, Traffic Committee Administration Officer, Bayside Council,
Greg Hastie, Impact Group (Item BTC17.182),
Steve Wellmen, Parking & Traffic Consultants (Item BTC17.182).

The Convenor opened the meeting in the Rockdale Library - 2nd Floor Meeting Room 3.2, 444-446 Princes Highway, Rockdale at 10.00 am.

1 Apologies

The following apologies were received:

Traffic Sergeant Frank Gaal, St George Local Area Command,

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

BTC17.173 Minutes of the Bayside Traffic Committee Meeting - 1 November 2017

Committee Recommendation

- 1 That the Minutes of the Bayside Traffic Committee meeting held on 1 November 2017 be confirmed as a true record of proceedings.
- 2 That it be noted that the Committee recommendations included in the Minutes of the Bayside Traffic Committee meeting held on 01 November 2017 were adopted by the Council at its meeting held on 8 November, 2017 except for the following:

BTC17.153 Chamberlain Road west of Bexley Road, Bexley – proposed parking restriction.

That the report be deferred for further consultation and an on-site meeting be held with interested Councillors.

BTC17.165 Somerville Street, Arncliffe, south of Forest Road, detailed drawings for traffic calming scheme.

That the matter be deferred for further consultation and there be an on-site meeting for Councillors and interested parties.

BTC17.166 Waratah Road, Botany – Proposed Works Zone.

That this item be deferred to the next meeting of the Traffic Committee on 6 December 2017 for further investigation.

4 Reports

BTC17.174 Clarkes Road at Margate Street Intersection, Ramsgate Proposed 'Rumble bar filled island'

Committee Recommendation

That approval be given to the installation of a rumble bar filled island in Clarkes Road at Margate Street, Ramsgate.

BTC17.175 16 and 18 Linden Street, Mascot - proposed 'Motor Bikes Parking Only' restriction between driveways

Committee Recommendation

That approval be given to the installation of 'Motorbikes Parking Only' restriction

between driveways of Nos. 16 and 18 Linden Street, Mascot.

BTC17.176 Walz Street east of Hesten Lane, Rockdale - Proposed Loading Zone

Committee Recommendation

That approval be given to install a Loading Zone with parking restrictions on the southern kerbline of Walz Street, east of Hesten Lane and to rearrange 1/4P parking restrictions as follows:

- 1 From 0m to 4.5m – retain existing ‘No Stopping’ restriction
- 2 From 4.5m to 16.5m – replace the existing 12m of ‘1/4P’ parking restriction with 12m ‘Loading Zone, 8 am – 6 pm’ restriction.
- 3 From 16.5m eastward, retain existing ‘1/4P, 8 am – 6.00 pm Mon – Fri and 8.30am- 12.30 pm Sat’ and ‘No Stopping’ restrictions.

BTC17.177 General Business Session - Additional Item

Committee Recommendation

That this report be received and noted.

BTC17.178 Waratah Road, Botany, at 1356 Botany Street - proposed Works zone

Committee Recommendation

- 1 That approval be given to the installation of 22m of ‘Works Zone, 7.00 am - 6.00 pm, Mon – Fri and 8.00 am – 4.00 pm, Sat’ restriction in Waratah Road for No.1356 Botany Road, Botany, for a duration of up to 30 weeks, as the Works Zone in Botany Road has been removed and the 1 hour parking restored.
- 2 That developers/builders be requested to comply with Council’s relevant conditions associated with the Works Zone and to have a traffic control plan to manage the work site and surrounding areas including Waratah Road, Hanna Street, Fremlin Street and Botany Road.

BTC17.179 Wolli Creek Road - Detailed design drawings for proposed traffic calming scheme

Committee Recommendation

- 1 That 10m statutory ‘No Stopping’ restrictions be installed along Wolli Creek Road on either side of its intersection with Fairview Street.
- 2 That 10m statutory ‘No Stopping’ restrictions be installed along Wolli Creek Road on both sides south of its intersection with Lorraine Avenue.
- 3 That 10m statutory ‘No Stopping’ restrictions be installed along Wolli Creek Road on either side of its intersection with Oswald Street.

- 4 That 10m statutory 'No Stopping' restrictions be installed along Wolli Creek Road south of its intersection with Atkinson Street.
- 5 That approval be given to the installation of centre lanes lines and parking lane lines with RRPMS along the entire length of Wolli Creek Road and Kimpton Street.
- 6 That approval be given to the installation of TB lines between existing traffic islands in Wolli Creek Road at its intersection with Gardiner Avenue to improve safety for right turning traffic.
- 7 That approval be given to the installation of speed humps on approach to the pedestrian refuge on Wolli Creek Road north of Gardiner Avenue to improve traffic and pedestrian safety.
- 8 That approval be given to the installation of speed humps on approach to the pedestrian refuge in Gardiner Avenue east of Wolli Creek Road to improve traffic and pedestrian safety.
- 9 That approval be given to the installation of an upgraded pedestrian refuge in Wollongong Road east of Wolli Creek Road to improve pedestrian safety and provide effective traffic delineation.
- 10 That approval be given to the installation of additional street light on approach to the pedestrian refuge on Wolli Creek Road north of Gardiner Avenue.

**BTC17.180 Florence Street Car Park east of The Grand Parade,
Ramsgate - proposed modification to the car park**

Committee Recommendation

That approval be given to the installation of traffic regulation in 'Florence Street Car Park' east of The Grand Parade, Ramsgate, as follows:

- 1 the separation of a shared bicycle/pedestrian path from the vehicular traffic.
- 2 the introduction of the one way street, anti-clockwise direction, to manage the traffic flow in the car park.
- 3 The installation of associated regulatory traffic signs and road pavements in the car park to accommodate the separation of the shared bicycle/pedestrian path from the moving vehicular traffic, and the proposed one way street.

**BTC17.181 Scarborough Street Car Park east of The Grand Parade,
Monterey - proposed change to the one way street**

Committee Recommendation

- 1 That approval be given to the introduction of the one way street, anti-clockwise direction, to manage the traffic flow in the car park.
- 2 That the proposed arrangements affecting the Grand Parade, including closing the gap in the median island and modifications to the entry and exist points be

forwarded to Roads and Maritime Services for consideration as it involves work on a State Road.

BTC17.182 Malua Street, and Russell Avenue, Dolls Point - proposed children's crossing and 'No Parking' restriction

Committee Recommendation

- 1 That approval be given to the installation of a school children's crossing and associated regulatory traffic signs and road marking in Malua Street north of Russell Avenue.
- 2 That approval be given to the installation of 'No Parking, 8am-9:30am and 2:30pm-4pm, School Days' and 'Kiss and Ride Area' restriction along the northern kerb line of Russell Avenue east of Malua Street, Dolls Point for seven (7) cars.
- 3 That the school be requested to manage the display of school children's crossing flags during the periods of usage by school children at the Children's Crossing and removal of flags at conclusion of its usage.
- 4 That the Roads and Maritime Services, Speed Management Section, be requested to consider provision of a 40km/h school zones in Gannon Street, Malua Street and Russell Avenue.

BTC17.183 Benjamin Street rear of Bexley North Public School-north of Canonbury Grove - Proposed "No Stopping" yellow line marking

Committee Recommendation

That the proposed "No Stopping" yellow line marking be approved along the eastern kerb line of Benjamin Street north of Canonbury Grove, Bexley North.

BTC17.184 Edward Street, west of Caroline Street, Kingsgrove - proposed marked footcrossing

Committee Recommendation

- 1 That consultation be carried out regarding a proposal to implement a marked footcrossing in Edward Street west of Caroline Street, Kingsgrove with affected residents in Edward Street and Caroline Street; the school management and P&C Associations of the three schools in Caroline Street.
- 2 That results of consultation be presented to the Bayside Traffic Committee for further consideration.

BTC17.185 45 McBurney Road, Botany, south of Wentworth Avenue - Proposed Works Zone

Committee Recommendation

That approval be given to the installation of 6m of 'Works Zone, 7am- 3pm, Mon – Fri

and 8am- 1pm, Sat' restriction in McBurney Avenue for Nos.45 McBurney Avenue, Botany, for a duration of 16 weeks, subject to relevant conditions.

BTC17.186 Keats Avenue at the rear of Nos. 533- 537 Princes Highway, Rockdale - Proposed 'Works Zone'

Committee Recommendation

That approval be given to the installation of 30m of 'Works Zone, 7am- 6:30pm, Mon – Fri and 8:30am- 3:30pm, Sat' restriction in Keats Avenue for Nos. 533- 537 Princes Highway, Rockdale, for a duration of 26 weeks, subject to relevant conditions.

BTC17.187 Cook Street, Turrella - Proposed signposting of 'No Stopping' restrictions along the retaining wall

Committee Recommendation

- 1 That approval be given for the signposting of 109m 'No Stopping' restrictions along southern side of Cook Street along the retaining wall, east of Victoria Street, Turrella.
- 2 That effected residents be notified of Council's decision prior to the installation of the 'No Stopping' restriction and the item be implemented subject to no objections being received from the residents.

BTC17.188 No. 9 Florence Avenue, Eastlakes, opposite Eastlakes Public School - proposed 'No Parking'

Committee Recommendation

- 1 That approval be given to the installation of 14m 'No Parking' across the driveway of No. 9 Florence Avenue, opposite Eastlakes Public School.
- 2 That the school Principal and Windgap Association be requested to advise the parents of the school children and visitors not to park across the driveway of No. 9 Florence Avenue Eastlakes.

BTC17.189 Swinbourne Street, Botany, east of Wilson Street - Proposed gap in the landscaped median island

Committee Recommendation

- 1 That this proposal not be supported by the Committee.
- 2 That further options be investigated to enhance pedestrian safety in the area.

BTC17.190 Dalley Avenue in front of Pagewood Senior Citizens Club - proposed 'No Stopping, 8:00am-9:30am and 2:30pm-3:30pm, School Days'

Committee Recommendation

That approval be given to the installation of 6m of 'No Stopping, 8am-9:30am, and

2:30pm-4pm, School Days, along the eastern kerb line of Dalley Avenue, in front of Pagewood Senior Citizens Club.

BTC17.191 Wollongong Road between Forest Road and Hamilton Street Arncliffe - proposed traffic calming scheme

Committee Recommendation

- 1 That endorsement in principle be given to the concept plan of a lateral deflection island in Wollongong Road at Hamilton Street to reduce the speed of traffic in Wollongong Road.
- 2 That detailed plan of the proposed island be presented to the Traffic Committee for further consideration.

BTC17.192 27 Church Avenue, and 22 John Street, Mascot Proposed Works Zones

Committee Recommendation

- 1 That approval be given to the installation of 20 m of 'Works Zone, 7am- 3pm, Mon – Fri and 8am- 1pm, Sat' restriction in Church Avenue for 27 Church Avenue, Mascot, for a duration of 52 weeks, subject to relevant conditions.
- 2 That the application for the works zone in John Street, Mascot, not be supported as it will affect current kerb side parking on the opposite site of the construction site due to road narrowness.

5 General Business

There were no additional items raised.

The Convenor closed the meeting at 11.30 am.

Council Meeting

13/12/2017

Item No	10.1
Subject	Notice of Motion - Atlas Park, Church Avenue, Mascot
Submitted by	Michael Nagi, Councillor
File	SF16/1264

Summary

This Motion was submitted by Councillor Michael Nagi.

Motion

That a design, costings and a proposed timetable to implement a shade structure and safety fencing at Atlas Park, Mascot be provided to the February 2018 meeting of Council.

Background

Supporting Statement by Councillors

Atlas Park was dedicated to Council approximately 18 months ago. Located in a high density area, it is very well used by the local community. Unfortunately the amenity of the playground is impacted by the lack of a shade structure and safety fence. I believe that this valuable space will be even more popular if we can implement these improvements.

In the past no budget has been allocated for these works. The report to Council should include details about how we can fund this initiative as soon as possible.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

13/12/2017

Item No	10.2
Subject	Notice of Motion - Development of a Concept Plan for the Upgrade of Banksmeadow Shops
Submitted by	Christina Curry, Councillor
File	SC17/128

Summary

This Motion was submitted by Councillor Curry.

Motion

That Council develops a concept plan for the upgrade of Banksmeadow shops that takes into consideration the traffic and pedestrian needs at the shops and either side of the shopping area.

Background

Supporting Statement by Councillors

Banksmeadow has had a large increase in population over the last three years and will continue to grow as nearby developments are completed. This situation has created traffic and pedestrian issues that need to be considered – specifically the approach along Botany Road from both the West and East, the intersection of Pemberton and Botany Roads, and the pedestrian movement to Sir Joseph Banks Park. The shopping area also requires an upgrade of new paving, bench seating and plant boxes.

Could you please confirm budget allocation and funding source in relation to this motion.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

13/12/2017

Item No	10.3
Subject	Notice of Motion - Botany Bay Foreshore Erosion
Submitted by	Ed McDougall, Councillor
File	SF16/1264

Summary

This Motion was submitted by Councillor McDougall.

Motion

- 1 That Council recognises the significant ongoing problem of erosion and sand movements along the shores of Botany Bay that has led to a jetty sitting on sand south of Peter Depena Reserve and the destruction of another beach at Carruthers Drive, Dolls Point among many other issues.
 - 2 That Council notes that a long-term solution to these issues needs to be found.
 - 3 That the General Manager seeks funding under the Coastal and Estuary Grants Program, which may involve having Lady Robinsons Beach assessed as a Coastal Erosion 'hot spot' under New South Wales Government guidelines, to help deal with these issues.
-

Background

Supporting Statement by Councillors

This Motion aims to facilitate the application for state funding to address foreshore erosion issues.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

13/12/2017

Item No	10.4
Subject	Notice of Motion - F6 Coordinated Engagement
Submitted by	Ed McDougall, Councillor
File	SF16/1264

Summary

This Motion was submitted by Councillor McDougall.

Motion

That Council supports a coordinated approach by community groups, affected parties and Council, in engaging with Roads and Maritime Services regarding the F6 proposal in order to present a united front.

Background

Supporting Statement by Councillors

It is understood that project officers associated with the F6 proposal are currently approaching a number of local groups and residents separately.

Bayside Council should seek to coordinate any negotiations or engagement with Roads and Maritime Services. In this regard, Council should contact Brighton Le Sands Public School, the associated Parents and Citizens Association, Dolls Point Football Club and Rockdale Illinden Football Club as well as engaging with other relevant groups to establish a single point of contact with Roads and Maritime Services.

Comment by General Manager

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

13/12/2017

Subject **Closed Council Meeting**

Summary

This report recommends that the Council Meeting be closed to the press and public in order to consider the items below.

Council's Code of Meeting Practice allows 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.

Officer Recommendation

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

12.1 CONFIDENTIAL - Arncliffe Lease Matter

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

12.2 CONFIDENTIAL - Wolli Creek

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

- 2 That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.