

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 13 June 2018 at 7:00 pm.**

AGENDA

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**
- 2 OPENING PRAYER**
- 3 APOLOGIES**
- 4 DISCLOSURES OF INTEREST**
- 5 MINUTES OF PREVIOUS MEETINGS**
 - 5.1 Minutes of the Council Meeting - 9 May 20183
- 6 MAYORAL MINUTES**
 - 6.1 Mayoral Minute - F6 Extension Stage 1 13
 - 6.2 Mayoral Minute - Save our Koalas - Support for Wollondilly Shire Council..... 14
- 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.
- 8 REPORTS**
 - 8.1 Major Events Calendar 2018/2019..... 15
 - 8.2 Councillor Fees 2018/2019 19
 - 8.3 SSROC Governance Arrangements45
 - 8.4 Bayside Advisory Committees76
 - 8.5 Australian Noise Exposure Forecast (ANEF) 2039 - Submission to Sydney Airport Corporation Ltd. (SACL)78
 - 8.6 Local Environmental Plan Review Funding Submission.....81
 - 8.7 State Environmental Planning Policy (Exempt and Complying Development Codes)Amendment (Low Rise Medium Density Housing) 2017 - Deferment of Commencement85
 - 8.8 Astrolabe Park - Representations to Bayside Council for Future Upgrades and Use.....87
 - 8.9 Planning Proposal - 119 Barton Street, Monterey92

8.10	Planning Proposal - Post-Exhibition Report: 75-81 Railway Street, Rockdale	104
8.11	Voluntary Planning Agreement, 75-81 Railway Street, Rockdale	115
8.12	Botany Bay Developer Contributions Plan	218
8.13	Consideration of Community Feedback and Adoption of the Community Strategic Plan 2018 - 2030 - Bayside 2030	304
8.14	Bayside Council Community Grants Program 2017/2018	330
8.15	Stronger Communities Fund Community Grant Program - Round One and Two Progress Reports	334
8.16	Conference Attendance Report - Waste Conference 2018	344
8.17	Conference Attendance Report - Australian Mayoral Aviation Conference 2018	350
8.18	Conference Attendance Report - FitNSW Conference: Placemakers and Cityshapers.....	353
9	MINUTES OF COMMITTEES	
9.1	Minutes of the Planning Committee Meeting - 28 March 2018	355
9.2	Minutes of the Botany Historical Trust Meeting - 7 May 2018	358
9.3	Minutes of the Sport & Recreation Committee Meeting - 14 May 2018	364
9.4	Minutes of the Community Services & Library Committee Meeting - 14 May 2018.....	369
9.5	Minutes of the Finance & Asset Management Committee Meeting - 16 May 2018.....	372
9.6	Minutes of the Planning Committee Meeting - 21 May 2018	375
9.7	Minutes of the Brighton Le Sands Working Party Meeting - 4 June 2018.....	378
9.8	Minutes of the Bayside Traffic Committee Meeting - 6 June 2018.....	381
10	NOTICES OF MOTION	
10.1	Notice of Motion - Taste of Mascot 2018.....	390
11	QUESTIONS WITH NOTICE	
12	CALL FOR RESCISSION MOTIONS	

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

Meredith Wallace
General Manager

Council Meeting

13/06/2018

Item No	5.1
Subject	Minutes of the Council Meeting - 9 May 2018
Report by	Anne Suann, Governance Officer
File	SF17/2773

Officer Recommendation

That the Minutes of the Council meeting held on 9 May 2018 be confirmed as a true record of proceedings.

Present

Mayor, Councillor Bill Saravinovski
Deputy Mayor, Councillor Joe Awada
Councillor Liz Barlow
Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor Petros Kalligas (arrived at 7.16 pm)
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Vicki Poulos
Councillor Paul Sedrak

Also present

Meredith Wallace, General Manager
Tracy Moroney, Acting Director City Presentation
Debra Dawson, Director City Life
Fausto Sut, Acting Director City Performance
Michael McCabe, Director City Futures
Bruce Cooke, Acting Manager Governance & Risk
Matthew Walker, Manager Finance
Vincenzo Carrabs, Head of Communications & Events
Ian Vong, IT Support Officer
Anne Suann, Governance Officer
Gina Nobrega, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.09 pm.

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

1 Acknowledgement of Traditional Owners

The Mayor affirmed that Bayside Council respects the traditional custodians of the land, 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

Father Athanasios Giatsios from St Catherine Greek Orthodox Church in Mascot opened the meeting in prayer.

3 Apologies

RESOLUTION

Minute 2018/086

Resolved on the motion of Councillors Barlow and Awada

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

- Councillor Nagi
- Councillor Macdonald
- Councillor Rapisardi
- Councillor Tsounis
- Councillor Bezic

Presentation of Cheque to Bay City Church for the Bay City Care Domestic Violence Program

Krystyna Hulewicz & Cameron Elder from The Angry Gnome Café presented a cheque in the amount of \$1,762 to Pastor Andrew Harper from Bay City Church and Mona Luxton, Bay City Care Domestic Violence Service, Centre Manager / Counsellor. The cheque represented donations raised by the Angry Gnome Café during their charity day held on Friday, 16 March 2018, towards the Bay City Care Domestic Violence Program.

Councillor Kalligas arrived at the conclusion of this presentation at 7.16 pm.

Certificate of Appreciation – Rachel Younan, Miss Lebanon Australia 2017

The Mayor, Councillor Saravinovski, presented a Certificate of Appreciation to Rachel Younan, Miss Lebanon Australia 2017, in recognition of her outstanding contribution to the local community through fund raising efforts for a number of charities including Wiping Tears, Dial Before you Dig and the Lebanese Breast Cancer Foundation.

Certificate of Recognition – Dr Yiotoula Sotiropoulos

Councillor Poulos presented a Certificate of Recognition to Dr Yiotoula Sotiropoulos in recognition of her contribution and service to the Bexley Community as the local doctor for the past 30 years.

4 Disclosures of Interest

There were no disclosures of interest.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 11 April 2018

RESOLUTION

Minute 2018/087

Resolved on the motion of Councillors Barlow and McDougall

That the Minutes of the Council meeting held on 11 April 2018 be confirmed as a true record of proceedings.

6 Mayoral Minutes

6.1 Mayoral Minute - Prosecution of Bill Posters

RESOLUTION

Minute 2018/088

Resolved on the motion of Councillors Morrissey and Ibrahim

- 1 That Council supports a motion to the National Local Government Conference seeking a change in legislation regarding the prosecution of bill posters. The changes sought will assist councils to better protect the environment and further enable councils to prosecute the commercial entities who orchestrate the use of this advertising via placement of bill posters in local government areas across Sydney. Currently, limitations to prosecute and issue fines is restricted to councils' ability to catch the person in the act of placing the bill posters on state and local asset infrastructure.
- 2 That Council formally writes to the Minister for the Environment, Local Government and Heritage, the Attorney General and local State Members seeking their support to amend current legislation regarding the prosecution of bill posters.

7 Public Forum

There were no Public Forum presentations.

8 Reports

8.1 Operational Plan 2017/18 - Progress Report 31 December 2017

RESOLUTION

Minute 2018/089

Resolved on the motion of Councillors Saravinovski and Awada

That the attached Operational Plan 2017/18 Progress Report as at 31 December 2017 be received.

8.2 Presentation of the Audited financial reports for the former City of Botany Bay Council for period ended 9 September 2016

RESOLUTION

Minute 2018/090

Resolved on the motion of Councillors Awada and Barlow

That Council receives and notes the presentation of the Audited financial reports for the former City of Botany Bay Council for period ended 9 September 2016.

8.3 Statutory Financial Report March 2018

RESOLUTION

Minute 2018/091

Resolved on the motion of Councillors Barlow and McDougall

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

8.4 Recycling Material Supply Agreement

RESOLUTION

Minute 2018/092

Resolved on the motion of Councillors McDougall and Ibrahim

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

With reference to Section 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.

- 2 That Council, pursuant to s 55(3)(i) of the Local Government Act 1993 (NSW), enters into an agreement with Visy Paper Pty Ltd (trading as Visy Recycling) ("Visy") for the provision of Recycling Service without the calling for tenders, as it considers that a satisfactory result will not be achieved by inviting tenders because of the extenuating circumstances as follows:
 - a China's 'National Sword' Policy has placed restrictions on waste imports into China, impacting the entire domestic recycling processes within Australia.
 - b Market conditions are such that there is an unavailability of competitive or reliable tenders which would result due to the limited alternative Material Recovery Facility (MRF) operators available with capacity and viable cost.
 - c The amalgamation of the two previous Councils and subsequent timing has placed Bayside Council in a position where resolving previous arrangements has proved and continues to prove to be slightly problematic due to these current market conditions.
 - d Council is attempting to regularise all contract arrangements of the two former Councils.
 - e Council is satisfied that it has no practical alternative than to proceed with Visy in the circumstances, and any delay will result in additional costs to the Council.
- 3 That the 2+3 year Supply Agreement proposed between Visy and Council be accepted and executed.
- 4 That the General Manager be given delegated authority to sign the Supply Agreement and any associated documentation on behalf of Bayside Council in accordance with information contained in this report.

8.5 Sydney Eastern City Planning Panel - Additional Fees for briefings and site inspections

RESOLUTION

Minute 2018/093

Resolved on the motion of Councillors Barlow and McDougall

That Councillors appointed as council representatives on the Sydney Eastern City Planning Panel receive an additional allowance of \$100 per hour, minimum one hour up to a maximum of \$600, for attending site visits and briefings of the Panel.

8.6 Bayside Floodplain Risk Management Committee - Terms of Reference

RESOLUTION

Minute 2018/094

Resolved on the motion of Councillors McDougall and Awada

That Council adopts the attached Terms of Reference for the Bayside Floodplain Risk Management Committee.

8.7 Classify Lot 14 in DP 1227534 (car park Lot) as Operational land

RESOLUTION

Minute 2018/095

Resolved on the motion of Councillors Morrissey and Curry

That Council resolves to classify lot 14 in Deposited Plan 1227534 as operational land in accordance with Section 31 of the Local Government Act 1993.

8.8 Pemberton Street, Botany Road: Update to Signalisation and Streetscape Improvements

RESOLUTION

Minute 2018/096

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council supports the undertaking of a future traffic study for the Pemberton Street / Botany Road / Wilson Street precinct when population increases achieve the level required to meet the RMS traffic warrants, and that ongoing six monthly traffic reviews are undertaken.
- 2 That Council supports the introduction of a pedestrian crossing of Botany Road, Banksmeadow at Lenthell Lane.
- 3 That Council supports the relocation of the bus stop, near the intersection of Pemberton Street and Botany Road (southern side) to 30m to the east of its current location, subject to the outcomes of community engagement.

- 4 That a report be prepared on the progress of investigations for traffic lights in the precinct.
- 5 That Council writes to local Members to seek funding.

8.9 Botany Foreshore Erosion

RESOLUTION

Minute 2018/097

Resolved on the motion of Councillors McDougall and Poulos

- 1 That Council notes the advice of the NSW Office of Environment and Heritage (OEH) that Lady Robinsons Beach will not be identified as a Coastal Erosion Hot Spot.
- 2 That Council notes and supports Beach Nourishment Works at Ramsgate subject to the approval of a grant under the 2017/18 Coastal Management Program.
- 3 That Council notes and supports the submission of a grant application to the OEH for the detailed planning and design of works to address the ongoing beach erosion issues along Lady Robinsons Beach.
- 4 That Council writes to local State and Federal Members for support for funding.

8.10 Fire & Rescue NSW Inspection Report - 39 Kent Road Mascot

RESOLUTION

Minute 2018/098

Resolved on the motion of Councillors Saravinovski and Sedrak

- 1 That Report Reference number BFS 17/3098 (2336) dated 7 March 2018 forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
- 2 That Council follows up compliance with the Notice of Proposed Order (Fire Safety Order) requiring the rectification of fire safety breaches at 39 Kent Road Mascot, in conjunction with the building owner, strata manager and Fire & Rescue NSW.
- 3 That Council notifies Fire & Rescue NSW of Council's actions in relation to this matter.

8.11 Fire and Rescue Inspection Report - 586 Princes Highway Rockdale**RESOLUTION**

Minute 2018/099

Resolved on the motion of Councillors Barlow and Awada

- 1 That report Reference number BFS 17/3050 (2292) dated 21 March 2018, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
- 2 That Council proceeds with compliance action, including but not limited to the issue of a Notice of Proposed Order (Fire Safety Order), requiring the rectification of fire safety breaches at 586 Princes Highway Rockdale, in conjunction with the building owner, strata managers, builder, private certifier and Fire & Rescue NSW.
- 3 That Council notifies Fire & Rescue NSW of Council's actions in relation to this matter.
- 4 That progress on this matter be reported to the June Council Meeting.

8.12 Disclosure of Interest Returns - Designated Persons**RESOLUTION**

Minute 2018/100

Resolved on the motion of Councillors Barlow and Awada

That the information be received and noted.

8.13 Response to Question - Dockless Bike Share

The response to the Question With Notice was tabled.

9 Minutes of Committees**9.1 Minutes of the Community Relations Committee Meeting - 18 April 2018****RESOLUTION**

Minute 2018/101

Resolved on the motion of Councillors McDougall and Ibrahim

That the Minutes of the Community Relations Committee meeting held on 18 April 2018 be received and the recommendations therein be adopted.

9.2 Minutes of the Public Works & Maintenance Committee Meeting – 18 April 2018

RESOLUTION

Minute 2018/102

Resolved on the motion of Councillors McDougall and Poulos

That the Minutes of the Public Works & Maintenance Committee meeting held on 18 April 2018 be received and the recommendations therein be adopted with the exception of Item 5.2.

9.4 Item 5.2 Minutes of the Public Works & Maintenance Committee Meeting 18 April 2018 - Re-opening of Chuter Avenue Exit Ramsgate Beach Town Centre

RESOLUTIONw

Minute 2018/103

Resolved on the motion of Councillors McDougall and Poulos

- 1 That the Public Works & Maintenance Committee receives and notes the report.
- 2 That the Committee recommends clearer signage highlighting entry points and mix of retail offers at the western end of the centre.
- 3 That the reopening of the western end of Chuter Avenue be reassessed six months after installation of signage.
- 4 That a GM Briefing Session be held on Ramsgate Beach Town Centre.

9.3 Minutes of the Bayside Traffic Committee Meeting - 2 May 2018

RESOLUTION

Minute 2018/104

Resolved on the motion of Councillors McDougall and Curry

That the Minutes of the Bayside Traffic Committee meeting held on 2 May 2018 be received and the recommendations therein be adopted.

10 Notices of Motion

There were no Notices of Motion.

11 Questions With Notice

11.1 Mascot Senior Citizens Centre Works

The following Question With Notice was provided by email from Councillor Dorothy Rapisardi:

Can Council provide an update on the long-awaited works to the Mascot Senior Citizens' Centre particularly in relation to the patching and repainting of the walls in the hall, the installation of the long-promised computer hubs and the approval for the provision of internet services to the building?

Council Barlow requested that the update be extended to all Senior Citizen Centres.

11.2 81 Alfred Street, Ramsgate Beach – Traffic Issue

The following Question With Notice was raised by Councillor McDougall:

Following a meeting of residents arranged by Councillor Macdonald at 81 Alfred Street, Ramsgate Beach, can Council investigate the need for speed humps or other traffic calming devices on the northbound side (and potentially in the surrounds) of the u-turn area near 81 Alfred Street, Ramsgate Beach due to problems with speeding and dangerous drivers.

11.3 2018 Bayside Seniors Garden Party - Sunday, 6 May 2018

Councillor Curry congratulated Council staff, in particular the Events team, on the well organised 2018 Bayside Seniors Garden Party which was held on Sunday, 6 May 2018, in St Joseph Banks Park, Botany. More than 840 seniors attended the event.

12 Call For Rescission Motions

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 8.23 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager

Council Meeting

13/06/2018

Item No	6.1
Subject	Mayoral Minute - F6 Extension Stage 1
File	SF17/2773

Motion

- 1 That there be a longer timeframe to respond to yesterday's Project Overview for the F6 Extension Stage 1.
 - 2 That a connection to Sydney Airport for those coming from the south be included in this project.
 - 3 That Stage 1 is to include Section B works, that is a tunnel from President Ave to Taren Point.
-

Mayoral Minute

Yesterday the NSW Government released its project overview for the F6 Extension Stage 1; New M5 Motorway at Arncliffe to President Ave at Kogarah.

The Member for Rockdale and I have both expressed our deep concern over the proposed route and the lack of a much needed connection to Sydney Airport . While Council supports the undergrounding of the new road, we have never agreed to a design that delivers traffic chaos on President Ave and sees the deletion of sports fields at Bicentennial East, the loss of precious open space, the loss of the extremely popular skate park on West Botany St and disastrous environmental impacts on our wetlands.

It is unreasonable for the RMS to expect Council to respond to this proposal by the end of next month. Given our cycle of Council meetings this means that effectively we have only three weeks to assess the evidence regarding claimed benefits, review the community impacts and assemble a thorough submission.

I would therefore ask Councillors to support my Minute and call on the Government to extend the timeframe for submissions. Further I would ask Councillors to support my suggestion to write to the Premier, calling on her to reconsider the route to create a connection to the airport. Most importantly, in my view F6 stage 1 works should include Section B, an underground tunnel from President Ave to Taren Point which will have a genuinely positive impact for the residents of Bayside.

Attachments

Nil

Council Meeting

13/06/2018

Item No	6.2
Subject	Mayoral Minute - Save our Koalas - Support for Wollondilly Shire Council
File	F13/185

Motion

- 1 That Council supports Wollondilly Shire Council's petition to the NSW Legislative Assembly regarding the rezoning of land for the long term conservation of koalas in South Western Sydney by distributing their petition through Council's libraries and customer service centres.
 - 2 That Council formally writes to the Minister for Planning to add Council's support for the protection of the wildlife corridor in South Western Sydney and requests that an appropriate land use zone for the protection of habitat is used in the land that forms part of the Allen's Creek primary koala habitat and corridors.
-

Mayoral Minute

I have received representations from the Mayor of Wollondilly Shire Council, Councillor Judith Hannan regarding the re-zoning of land in South Western Sydney, including Macarthur and Wilton Priority Growth Areas. This rezoning would endanger the long term viability of the resident koala population through the removal of critical habitat and movement corridors. It is noted that a petition is being circulated by Wollondilly Shire Council for presentation to the NSW Legislative Assembly.

The petition asks that no further rezoning of land in the Wilton and Macarthur Priority Growth Areas takes place until a comprehensive South Western Sydney Koala Conservation Strategy is finalised and approved.

The Sydney metropolitan area is fortunate to have thriving natural bushlands throughout the suburban areas and it is the responsibility of each Council to support and protect the bushlands within their boundaries that are not under the administration of the NSW National Parks and Wildlife Service.

Bayside residents are active in the care and preservation of our local bushlands, protecting local habitats for wildlife and ensuring the health and vitality of these lands for future generations. Support for this petition is an important aspect of Council's wider responsibility to the natural environment in the Sydney metropolitan area.

Fellow Councillors, I ask that you support the Motion by distributing the Wollondilly Shire petition throughout Bayside Council's libraries and customer service centres and that we formally write to the Minister for Planning to add Council's support for the protection of the wildlife corridor in South Western Sydney including appropriate land use zoning to protect primary koala habitat and corridors.

Council Meeting

13/06/2018

Item No 8.1
Subject **Major Events Calendar 2018/2019**
Report by Kylie Gale, Coordinator Events
File SF17/2273

Summary

This report lists the proposed 2018/ 2019 Events Calendar for review and endorsement by Council. Funding, based on previous years is included in the draft 2018/19 budget currently on public exhibition. As the report notes, additional funding may be required and an allocation at the future quarterly review will be sought if the current allocation is insufficient to cover emerging costs, particularly in relation to risk and safety.

The Community Relations Committee is also investigating a new cultural festival to celebrate Ramadan. Those investigations will include a proposed budget for Council's consideration.

Officer Recommendation

That the proposed major events outlined in the report be approved by Council.

Background

The calendar includes only major events, it does not include adhoc events, official opening ceremonies, citizenship ceremonies, smaller events and activities such as library programs, community capacity building programs, community safety programs and environmental programs.

It is expected the below costs will increase based on implementation of the Crowded places strategy and necessary target hardening infrastructure, personnel and training. This was unable to be assessed at the time of producing this report.

Proposed 2018/2019 Events Calendar

Event Name	Event Date	Venue	Financial Implications	Number of Participants Expected
Multicultural Spring Fair 2018	March 2019	East Lakes Reserve	\$45,000	5,000
A Taste of Mascot 2018	Sunday 21 October 2018	Mascot Memorial Park	\$140,000	5,000
Garden Competition	Thursday 1 November 2018	Sir Stamford Plaza Hotel, Mascot	\$35,000	150

Event Name	Event Date	Venue	Financial Implications	Number of Participants Expected
Housebound Christmas Luncheon	Tuesday 27 November 2018	Alf Kay (East Lakes) Community Centre	\$9,000	100
Christmas installation	Nov - Jan	Rockdale Town Hall King St, Rockdale Ramsgate beach shopping precinct Mascot Memorial Park Brighton Beach	\$25,000	Not measured
Botany Historic Trust AGM and Christmas Function	Thursday 29 November 2018	Boonie Doon Golf Club, Pagewood	\$10,000	150
Carols in the Park	Saturday 1 December 2018	Mascot Memorial Park	\$45,000	1,500
Business & Community Christmas Function	Tuesday 4 December 2018	The Lakes Golf Club, East lakes	\$15,000	150
Mayoral Christmas Dinner	Thursday 6 December 2018	The Grand Roxy, Brighton	\$35,000	250
Carols by the Sea 2018	Saturday 8 December 2018	Lady Robinson's Beach, Brighton	\$45,000	4,000
Seniors Christmas Party	Thursday 13 December 2018	Rockdale Town Hall, Rockdale	\$30,000	240
Ramsgate Christmas Activation	Saturday 15 December, 2018	Ramsgate Beach Shopping Centre	\$10,000	500
NYE Family Fireworks 2018	Monday 31 December 2018	Cook Park, Kyeemagh - Ramsgate	\$300,000	90,000

Event Name	Event Date	Venue	Financial Implications	Number of Participants Expected
Australia Day 2019	Saturday 26 January 2019	Depeena Reserve, Dolls Point	\$50,000	600
Lunar New Year 2019	Saturday 9 February 2019	Dacey Gardens, Daceyville	\$45,000	1,000
StART 2019	Saturday 13 April 2019	Cook Park, Kyeemagh	\$30,000	400
ANZAC March & Service 2019	Sunday 21 April 2019	Mascot Memorial Park	\$10,000	200
ANZAC Dawn Service & Breakfast 2019	Thursday 25 April 2019	Booralee Park, Botany	\$100,000	1000
Seniors Garden Party 2019	Sunday 5 May 2019	Sir Joseph Banks Park, Botany	\$170,000	800
Volunteers Morning Tea	TBC - Pending release of dates for volunteers week.	TBC	\$12,000	100
IFTAR Dinner	Thursday 23 May 2019	Rockdale Town Hall, Rockdale	\$15,000	150
Business Awards, to be held in conjunction with the BEC Annual Dinner and judged by an external body	October 2018 - TBC	TBC	\$37,200	150
Event Expenditure of Listed Events				\$1,213,200
Total Event Budget of Listed Events				\$1,156,000
Total Shortfall of Listed Events				\$57,200

Financial Implications

Not applicable ☐

Included in existing approved budget ☐

Additional funds required	<input checked="" type="checkbox"/>	\$57,200
---------------------------	-------------------------------------	----------

Community Engagement

Not Applicable

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.2
Subject	Councillor Fees 2018/2019
Report by	Bruce Cooke, Acting Manager Governance & Risk
File	SF15/665

Summary

This report proposes Councillor fees for the 2018/2019 financial year.

The Local Government Act 1993 makes provision for the payment of fees to the mayor and other councillors. Payment is to be made in accordance with determinations of the Local Government Remuneration Tribunal, which sets the maximum and minimum amount of fees to be paid to mayors and councillors of councils annually.

The Tribunal has recently handed down its determination for 2018/2019 being a 2.5% increase over the fees set last year.

Officer Recommendation

- 1 That the annual fee for Councillors for 2018/2019 be set at the maximum as determined by the Local Government Remuneration Tribunal.
 - 2 That the additional annual fee for the Mayor for 2018/2019 set at the maximum as determined by the Local Government Remuneration Tribunal.
-

Background

The Local Government Act 1993 allows a council to fix an annual fee for councillors and the mayor. The fee paid to the mayor is in addition to the fee paid to the mayor as a councillor. Should a council determine to set a fee, then it must fix the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal. Where a council does not fix the annual fee, it must pay the appropriate minimum fee determined by the Remuneration Tribunal to the councillors and the mayor.

A council may pay the deputy mayor a fee determined by the Council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

The Local Government Remuneration Tribunal, pursuant to Section 241 of the Local Government Act 1993, has recently determined the maximum and minimum amount of fees to be paid to councillors and mayors during the period 1 July 2018 to 30 June 2019. The Tribunal's review had regard to the NSW Government's Wages Policy and considered that a 2.5% increase was warranted.

With the 2017 review of criteria for Councils following mergers, the Tribunal developed a number of new categories or renamed existing categories as follows.

The current criteria or the allocation of Councils to criteria has not changed since 2017. The categories are:

Metropolitan

Principal CBD

Major CBD

Metropolitan Large

Metropolitan Medium

Metropolitan Small

Non-Metropolitan

Regional City

Regional Strategic Area

Regional Rural

Rural

Bayside Council has been allocated to the Metropolitan Medium category.

The Tribunal has determined that the annual fees to be paid for the period 1 July 2018 to 30 June 2019 for a Metropolitan Medium council are as follows:

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
Tribunal limits		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Metropolitan Medium	13,480	25,160	28,640	66,860

* Note: Pursuant to section 249(2), the fee paid to the Mayor, is paid in addition to the fee paid to the mayor as a councillor.

It has been the tradition of Bayside Council (and the former Councils) to adopt the maximum fees set by the Tribunal and this approach is the recommendation in this report.

Based on these previous decisions, the maximum annual fees set by the Tribunal for the Councillors and Mayor of Bayside for 2018/2019 would be as follows:

Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
Current	Proposed	Current	Proposed
24,550	25,160	65,230	66,860

* Note: Pursuant to section 249(2), the fee paid to the Mayor, is paid in addition to the fee paid to the mayor as a councillor.

Financial Implications

The draft Operational Budget 2018/2019 includes an increased amount for the proposed Councillor / Mayoral fees.

Community Engagement

The issues raised in this report concern matters that do not require community consultation.

Attachments

Local Government Remuneration Tribunal Determination 2018 [↓](#)

Local Government Remuneration Tribunal

Annual Report and Determination

*Annual report and determination under sections 239
and 241 of the Local Government Act 1993*

**17 April
2018**

[NSW Remuneration Tribunals website](http://www.nswremunerationtribunals.com.au)

Local Government Remuneration Tribunal

Contents

Contents	1
Executive Summary	2
Section 1 Introduction	3
Section 2 2017 Determination	4
Section 3 2018 Review	5
Categorisation	6
Categorisation model	6
Allocation of councils into categories	6
Fees	11
Findings	12
Quantum of Fees	12
Other matters	12
Conclusion	13
Section 4 Determinations	15
Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2018	15
Table 1: General Purpose Councils - Metropolitan	15
Table 2: General Purpose Councils – Non-Metropolitan	16
Table 3: County Councils	17
Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors	18
Table 4: Fees for General Purpose and County Councils	18
Appendices	19
Appendix 1 Criteria that apply to categories	19

Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

The Tribunal has reviewed the criteria that apply to the categories of councils and the allocation of councils into those categories. The Tribunal found that there was no strong case to change the criteria or the allocation of councils into categories at this time. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2017.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Local Government Remuneration Tribunal

Section 1 Introduction

1. Section 239 of the *Local Government Act 1994* (the LG Act) provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.
5. The Tribunal's determinations take effect from 1 July in each year.

Local Government Remuneration Tribunal**Section 2 2017 Determination**

6. The Tribunal undertook a significant review of the categories and the allocation of councils into each of those categories. The review was prompted by the amalgamation of councils resulting in the creation of 20 new councils and an overall reduction in the number of councils in NSW from 152 to 128.
7. In reviewing the categories the Tribunal examined a range of statistical and demographic data and considered the views of councils and Local Government NSW (the LGNSW). Having regard to that information, the Tribunal determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.
8. The Tribunal's 2017 Determination was made on 12 April 2017 and determined the categories of general purpose councils as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

9. The criteria for the categories were also determined and are now contained in Appendix 1. The Tribunal's determination also provided for each of the 128 Councils to be allocated into one of the above categories.
10. The 2017 Determination provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Local Government Remuneration Tribunal**Section 3 2018 Review**

11. The Tribunal wrote to all mayors in November 2017 advising of the commencement of the 2018 Annual Review. In doing so the Tribunal noted that at the time of making the 2017 determination a number of further merger proposals were on hold as a consequence of legal action taken by councils covered by these proposals. On 27 July 2017 the Premier, the Hon Gladys Berejiklian MP, issued a media release which advised that due to the protracted nature of those legal challenges and the impact on ratepayers, that the following mergers would not proceed:
- Burwood, City of Canada Bay and Strathfield Municipal councils
 - Hornsby Shire and Ku-ring-gai councils
 - Hunter's Hill, Lane Cove and City of Ryde councils
 - Mosman Municipal , North Sydney and Willoughby councils
 - Randwick City, Waverley and Woollahra Municipal councils.
12. While the Tribunal is only required to review the categorisation every three years, given the changed circumstances, if requested, the Tribunal stated it would review the allocation of the above metropolitan councils into the existing categories.
13. In this respect, any requests for a review would need to be supported by evidence which would indicate that the council is more appropriately allocated into another category based on the criteria.
14. The Tribunal also stated that it does not intend to alter the groups or the criteria which apply unless there is a very strong case to do so.
15. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the Chief Executive for meeting with the Tribunal.
16. In response to this review the Tribunal received 13 submissions from individual councils and a submission from LGNSW. Those submissions addressed the categorisation model and criteria, the allocation of councils into those categories, and/or the fees. A summary of the matters raised and the Tribunal's consideration of those matters is outlined below.

Local Government Remuneration Tribunal

Categorisation

Categorisation model

17. The majority of submissions supported the categorisation model, suggested additional categories or made no comment. Concerns were largely based on the criteria and in particular the emphasis on population to determine appropriate categorisation.
18. One submission also requested that consideration be given to making the criteria for Principal CBD and Major CBD more general in nature.
19. Apart from requests for new categories, no case has been put to the Tribunal to adjust or change the categorisation model. The Tribunal is required to review the categories every three years. As the current model was introduced in 2017 the Tribunal will next consider the model and the allocation of councils into that model in 2020.
20. The Tribunal has reviewed the criteria which apply to the categories of Principal CBD and Major CBD. The criteria for Principal CBD and Major CBD are specific to the characteristics of councils within those categories. This is different to the other categories which have indicative population thresholds and general criteria which describe common features of councils in these groups.

Allocation of councils into categories

21. The criteria applicable to the categories are outlined in Appendix 1. The categories differentiate councils on the basis of their geographic location with councils grouped as either metropolitan or non-metropolitan. With the exception of Principal CBD and Major CBD, population is the predominant criterion to determine categorisation. Other common features of councils within those categories are also broadly described. These criteria have relevance when population alone does not adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be sufficient enough to warrant the categorisation of a council into a group with a higher indicative population range.
22. In respect of the request to reconsider the criteria for Principal CBD and Major CBD, the Tribunal notes that the current criteria are specific to the councils of Sydney City and Parramatta City respectively. Prior to the making of the 2017 determination Sydney City Council was a standalone category. Parramatta City Council was grouped with Newcastle

Local Government Remuneration Tribunal

City Council and Wollongong City Council. The Tribunal's 2017 review determined that Parramatta City Council would also be a standalone category within the group of metropolitan councils. Newcastle and Wollongong were placed in a separate category, Regional City.

23. The allocation of Sydney City Council and Parramatta City Council into unique categories reflects their status within the metropolitan area. These precincts have been identified by the NSW Government in its metropolitan planning policies¹ as "Metropolitan City Centres" and are the only local government precincts to be given this status. The Tribunal considers that Parramatta City Council is the only council which currently meets the criteria of Major CBD.
24. The Tribunal received ten requests for re-categorisation. Each of those requests was considered having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and also the relativities within the categories. At the time of making the determination the Tribunal only had available to it population data as of 2016. The Australian Bureau of Statistics (ABS) has advised that more up to date population data will not be published until 24 April 2018 which is too late for consideration as part of this review. The Tribunal found that the current categorisation was appropriate, but noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term. A summary of the Tribunal's findings for each of the applications is outlined in the following paragraphs.

Penrith

25. Penrith sought to be re-categorised to a new category (possibly Metropolitan Large – Growth Centre) to reflect expected population growth and development. The council submitted that the new category could have fees equivalent to Regional City. The submission also drew the Tribunal's attention to the regional servicing role of Penrith to Greater Western Sydney, the Blue Mountains and the Central West of NSW.

¹ Greater Sydney Commission's (GSC) Greater Sydney Regional Plan – *A metropolis of three cities – connecting people* – March 2018 (GSR Plan); Transport for NSW's *Future Transport Strategy 2056, March 2018*; NSW Government's *The NSW State Infrastructure Strategy 2018-2038, 18 March 2018*.

Local Government Remuneration Tribunal

26. The Tribunal examined Penrith's submission in the context of other councils in the Metropolitan Large category. Penrith currently has the smallest population in this group of councils and the degree of population growth is comparable to other fringe metropolitan councils. While the council area is host to a range of regional facilities these are similar to those available in other council areas within this group. On the basis of the information available the Tribunal does not find there is a case to create a new category to accommodate Penrith.

Inner West

27. Inner West has sought to be re-categorised from Metropolitan Medium to Metropolitan Large. The council has a population of 190,500 (2016) which is substantially below the population of other Metropolitan Large councils. In considering this request the Tribunal has reviewed the additional factors which guide categorisation to both Metropolitan Large and Metropolitan Medium, as outlined in Appendix 1 of this determination. The Tribunal notes that while significant residential development is proposed for this council that development is influenced by a number of urban renewal and infrastructure projects which have either not commenced or are in their early stages. The Tribunal finds the council does not demonstrate a sufficient number of additional criteria to warrant re-categorisation as Metropolitan Large at this time. However, with expected population growth it is likely the council may be more comparable with other Metropolitan Large councils in the short to medium term.

Randwick

28. Randwick has sought to be re-categorised from Metropolitan Medium to Metropolitan Large principally on the basis of its regional servicing and facilities. The Tribunal notes that the council's population of 146,250 (2016) is squarely within the indicative range for this category of (100,000 to 200,000). In reviewing this request the Tribunal has also considered the degree of regional servicing and sphere of economic influence. Having regard to those factors the Tribunal does not find that the council can display additional criteria to a degree comparable to other councils in Metropolitan Large or that re-categorisation into this group is appropriate.

Canada Bay

Local Government Remuneration Tribunal

29. Canada Bay has sought to be re-categorised from Metropolitan Small to Metropolitan Medium. Canada Bay has a population 90,850 (2016) which is the largest of the councils in Metropolitan Small but still well below the indicative range of Metropolitan Medium councils. The council has put a case forward based on its growing regional influence with a large influx of workers, shoppers and visitors each day.
30. The Tribunal has compared the profile of Canada Bay to other councils in Metropolitan Medium and finds that the scale of its operations and degree of regional servicing are not sufficient to warrant re-categorisation. The Tribunal notes however, that similar to Inner West, expected population growth it is likely to make the council more comparable to those in Metropolitan Medium in the medium term.

Willoughby and North Sydney

31. Both Willoughby and North Sydney have sought to be re-categorised from Metropolitan Small to Metropolitan Medium. Under the new categorisation model these councils were allocated into a category with lower fees than those previously available under the former categorisation. The Tribunal finds that while some existing councillors may be receiving lower fees as a result of the revised categorisation, this is not a factor in the categorisation of councils into categories.
32. The categories have been developed to group councils with as many like characteristics as possible. The Tribunal has considered the characteristics of Willoughby and North Sydney in the context of those that apply to both Metropolitan Small and Metropolitan Medium.
33. Willoughby has a population of 77,950 (2016) and North Sydney 72,150 (2016). Willoughby has sought to be re-categorised having regard to additional criteria including its scale of operations and businesses and the regional significance of its centres. North Sydney has sought consideration of its regional services and facilities and high percentage of non-resident visitors and workers.
34. Both councils have sought recognition of the significant number and percentage of non-resident workers, however the available data from the ABS would suggest that many other metropolitan councils across all categories host a significant number of non-resident workers.
35. The Tribunal notes that the current population of both councils is within the indicative population range for Metropolitan Small councils and well below that of Metropolitan Medium. Having regard to the addition criteria that apply to Metropolitan Small and

Local Government Remuneration Tribunal

Metropolitan Medium, the Tribunal finds that the characteristics of Willoughby and North Sydney are more appropriately aligned with those of other Metropolitan Small councils and finds no case for them to be re-categorised at this time.

Port Macquarie

36. Port Macquarie has sought to be re-categorised from Regional Rural to Regional Strategic Area. Alternatively, it is requested that consideration be given to the creation of a new category for similar councils in the Regional Rural group.
37. Port Macquarie has a population of 79,650 (2016) which is significantly below the indicative population range of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion into this group.
38. The Tribunal notes that there is a large population range of those councils included in the Regional Rural category. These councils are grouped together to reflect their like features such as having a major township which provides regional servicing to smaller rural communities and rural councils. The Tribunal does not propose to further differentiate this group at this time.

Maitland

39. Maitland has sought to be re-categorised from Regional Rural to Regional Strategic Area or that a new category be created between Regional Rural and Regional Strategic Area.
40. Maitland has a population of 78,200 (2016) which is significantly below the indicative population range of Regional Strategic Area councils. The Tribunal finds that Maitland has not demonstrated the additional criteria to warrant inclusion into this group. As outlined above the Tribunal does not propose to further differentiate this group at this time.

Hilltops

41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.
42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree

Local Government Remuneration Tribunal

of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time.

Leeton

43. Leeton has sought reconsideration of the criteria for eligibility to the categorisation of Regional Rural to take into account councils with populations of less than 20,000. Leeton has a population of 11,750 (2016).
44. Leeton has not sufficiently demonstrated that it meets the additional criteria for re-categorisation to Regional Rural level. The Tribunal does not propose to further differentiate this group at this time.

Fees

45. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also reiterated its view that the current arrangement for setting fees is inappropriate and does not provide proper compensation for the significant workload and the range of responsibilities of mayors and councillors. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland and salaries for Members of Parliament. It was also suggested that when determining fees the Tribunal consider other matters, including the new induction and other professional development training requirements and the implementation of the NSW Local Government Capability Framework. The LGNSW submission also sought consideration of the non-payment of superannuation.
46. A number of submissions also sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for the heavy or "full-time" workload and time commitment required to carry out mayoral and councillor duties.
47. One submission also raised the matter of fees for deputy mayors, submitting that an additional fee of \$200.00 per month be payable when the role of deputy mayor exists in a council.

Local Government Remuneration Tribunal

Findings

Quantum of Fees

48. The Tribunal has considered the submissions received and notes the comparisons drawn between the fees paid to councillors and mayors in NSW with those in other states, members of Parliament in NSW, and members of boards and committees. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
49. The Tribunal also notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
50. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
51. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

Other matters

52. The Tribunal notes that the NSW Independent Local Government Review Panel made a number of recommendations in 2013 which addressed the role and remuneration of mayors and deputy mayors. The Tribunal understands that those recommendations have not yet been implemented or were supported by the Government in part only.
53. Should the Government's policies change with respect to remuneration the Tribunal would be willing to participate in any further review or consideration of this matter.
54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section

Local Government Remuneration Tribunal

251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: *Councillor Handbook, Oct 2017, Office of Local Government p.69*).

55. Councils have raised the matter of separate fees for deputy mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the LG Act to empower the Tribunal to determine a separate fee or fee increase for deputy mayors. The method for determining separate fees, if any, for a deputy mayor is provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

Conclusion

56. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

Local Government Remuneration Tribunal

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 17 April 2018

Local Government Remuneration Tribunal

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2018

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Balranald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

Local Government Remuneration Tribunal**Table 3: County Councils**

Water (4)	Other (6)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2018 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,970	39,540	164,980	217,080
	Major CBD	17,980	33,310	38,200	107,620
	Metropolitan Large	17,980	29,670	38,200	86,440
	Metropolitan Medium	13,480	25,160	28,640	66,860
	Metropolitan Small	8,970	19,790	19,100	43,150
General Purpose Councils – Non-metropolitan	Regional City	17,980	31,260	38,200	97,370
	Regional Strategic Area	17,980	29,670	38,200	86,440
	Regional Rural	8,970	19,790	19,100	43,170
	Rural	8,970	11,860	9,540	25,880
County Councils	Water	1,780	9,890	3,820	16,250
	Other	1,780	5,910	3,820	10,790

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 17 April 2018

Local Government Remuneration Tribunal

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Local Government Remuneration Tribunal

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Local Government Remuneration Tribunal

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Local Government Remuneration Tribunal**Rural**

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Council Meeting

13/06/2018

Item No	8.3
Subject	SSROC Governance Arrangements
Report by	Bruce Cooke, Acting Manager Governance & Risk
File	F18/291

Summary

This report responds to a request to consider proposed future governance and corporate entity arrangements for the Southern Sydney Regional Organisation of Councils (SSROC).

Officer Recommendation

- 1 That Bayside Council supports in principle the concept that Southern Sydney Regional Organisation of Councils becomes a Council of Mayors supported by various committees and a secretariat.
 - 2 Notes that this does not exclude Bayside Council entering into other cooperative arrangements to respond to emerging issues and trends within the local government sector.
-

Background

The President, Southern Sydney Regional Organisation of Councils (SSROC) has written to Mayors, Delegates and General Managers regarding the establishment of a 'Council of Mayors and other matters.

The letter states:

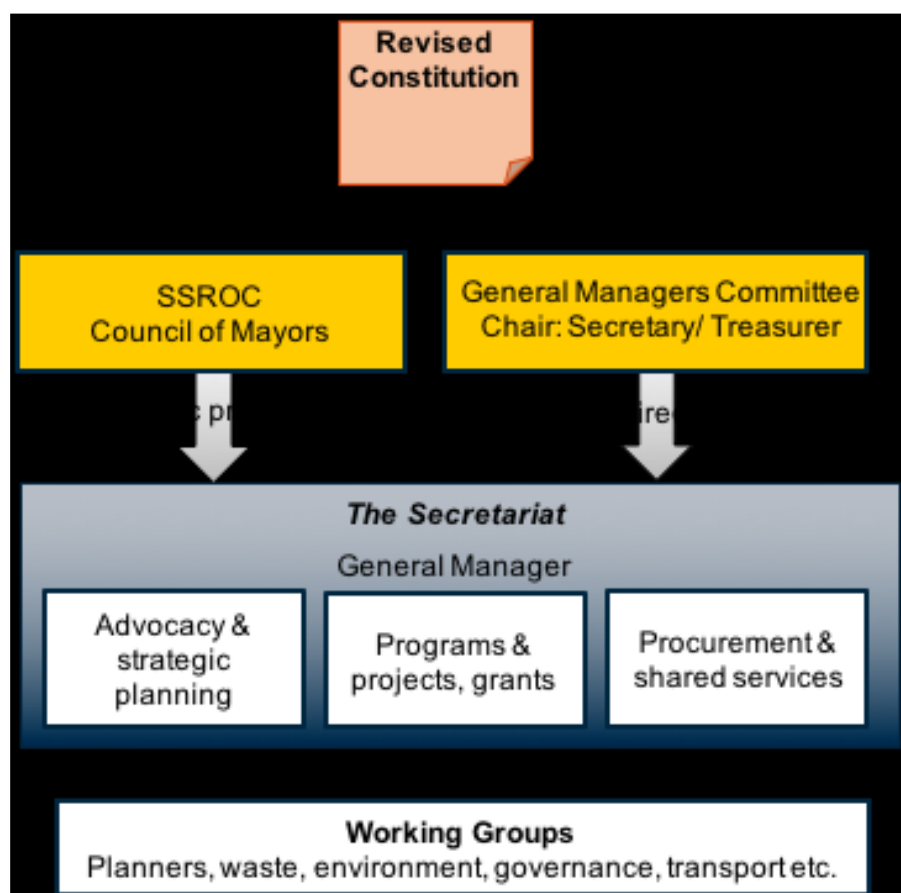
At SSROC's Meeting on 15 February 2018, it was agreed that I write to the Mayors and Delegates of all member councils seeking their council's input into the consideration of changes to SSROC's governance and structure by establishing a Council of Mayors.

Delegates, administrators and General Managers agreed to establish a Council of Mayors at a workshop in March 2017. It was understood that any final consideration and implementation could only be made once all councils were back in place and had appointed Delegates to SSROC. The attached briefing paper and one-page summary, detail the conclusions of the workshop and puts forward options for establishment of a Council of Mayors.

The briefing paper is also influenced by the need for SSROC to change its corporate status, as NSW Fair Trading has advised that the organisation's income and/or total assets had exceeded the financial threshold of \$2M therefore, it is too large to function as an Incorporated Association regulated under the Associations Act.

I ask that you take the briefing paper and summary to your councils for discussion and provide the SSROC Secretariat with a summary of your council's deliberations and conclusions as soon as practicable.

The proposed model is represented graphically in the figure below. The existing 'Regional Organisation of Councils' would be replaced with a Council of Mayors, supported by a new General Managers Committee.



The Council of Mayors proposal intends “to establish a powerful strategic voice for southern Sydney. It would be intended to have sufficient influence to merit regular meetings with the Premier to address key objectives of the metropolitan plan, regional issues and policy development.” The General Managers Committee would have oversight of the operations and finances of the Secretariat.

The proposal is further described in the attached briefing paper and overview. It does not propose any change to the basic SSROC objectives.

In terms of advocacy, this proposal would appear to have merit, albeit potentially requiring a greater time commitment of the Mayor. This report’s recommendation supports the Council of Mayors proposal in principle.

With regard to the corporate entity status of SSROC Council has no firm view on the matter at this stage. However, it is desirable that Council remains abreast of potential developments in the area of partnerships and cooperation within the local government sector.

Financial Implications

Not applicable



Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

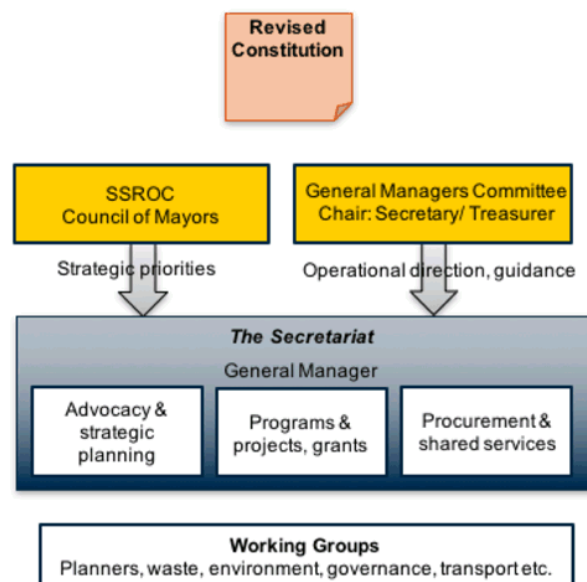
Community Engagement

Not applicable

Attachments

- 1 SSROC Council of Mayors overview
- 2 SSROC briefing paper [↓↓](#)

Overview of the proposed SSROC Council of Mayors



Proposal

Under a revised **Constitution** establish a **Council of Mayors**, whereby all ROC Delegates are Mayors, and one of whom is elected **President**.

Each Mayor may nominate an Alternative Delegate, preferably the **Deputy Mayor**.

The **Executive**, comprising the President, 2 other elected Mayors, the Secretary and the Treasurer (General Manager/s) makes out-of-session decisions and directions when necessary.

The **General Managers** Committee provides day-to-day operational direction to the **Secretariat**.

Councillors of all member Councils may participate in issue-based Working Groups such as the drafting of **regional policies** and **advocacy** for southern Sydney.

This proposal is for consideration at the next ordinary meeting of SSROC Delegates. It originated with the Sturgess Report of February 2014, which proposed a similar model to re-frame the ROC to increase its effectiveness as an advocacy body, by establishing a platform for the region's Mayors to collectively promote the interests of southern Sydney.

The South-East Queensland Council of Mayors is an example (seqmayors.qld.gov.au).

SSROC Transition Options



SSROC Council of Mayors and Incorporation

December 2017

Southern Sydney Regional Organisation of Councils Incorporated
(SSROC)

ABN 54 485 603 535

SSROC Transition Options

Contents

1	Introduction.....	3
2	Purpose	3
3	Proposed Model	3
3.1	Council of Mayors.....	4
3.2	General Managers Committee	5
3.3	Committees	6
3.4	Secretariat.....	6
4	Membership Fees.....	7
5	Operational Scale	7
	Appendix 1 SSROC Incorporated Status	8
	Incorporation Issues	8
	Company Limited by Guarantee	8
	Non-Profit Status.....	9
	Structural Implications	10
	Directors.....	10
	Prescription	10
	Possible Business Models	11
	WSROC	11
	Hunter Councils.....	11
	Recommended Approach	11
	Work Stream 1: Roles and Responsibilities.....	11
	Work Stream 2: Communications.....	12
	Work Stream 3: Drafting the Constitution	12
	Work Stream 4: Process	12
	Work Stream 5: Additional advice needed.....	13
	Attachment 1 SSROC Constitution	14

SSROC Transition Options

1 Introduction

Establishing a Council of Mayors, supported by a Committee of General Managers, was chosen as the model for the ROC in future at a joint meeting of Delegates and General Managers in March 2017.

Council mergers at that time prevented further progress on the establishment. Now that the mergers have been proclaimed and the new councils duly elected, SSROC can proceed with this change.

The Southern Sydney Regional Organisation of Councils Inc (SSROC) is a collaboration of 11 councils in southern Sydney:

- Bayside Council
- Burwood
- City of Canada Bay
- Canterbury Bankstown Council
- Georges River Council
- Inner West Council
- Randwick City
- Sutherland Shire
- City of Sydney
- Woollahra
- Waverley

A Council of Mayors would greatly strengthen SSROC's advocacy function by ensuring that all Mayors actively participate in the development of policy positions. A Council of Mayors representing over 1.7 million people, or a third of the population of Sydney, could be a formidable influence in decision-making about and application of policies to the area.

2 Purpose

The purpose of this document is to put forward options for the establishment of the Council of Mayors.

This document is for the use of General Managers, Delegates and other relevant stakeholders considering the future of SSROC.

3 Proposed Model

The proposed model is represented graphically at figure 1. The existing ROC would be replaced with a Council of Mayors, supported by a new General Managers Committee.

SSROC Transition Options

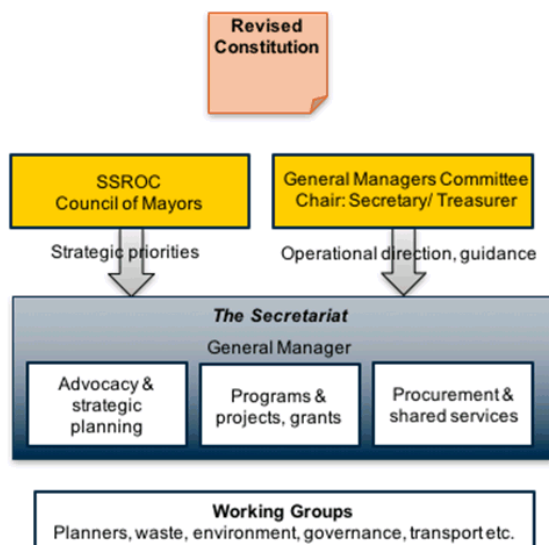


Figure 1 Council of Mayors

3.1 Council of Mayors

Converting the ROC into a Council of Mayors, is intended to establish a powerful strategic voice for southern Sydney. It would be intended to have sufficient influence to merit regular meetings with the Premier to address key objectives of the metropolitan plan, regional issues and policy development.

The state government's reform of the local government sector has aimed to develop within councils the strategic capacity required for an effective two-way partnership, enabling them to make much earlier contributions to the development of state policies.

When delegates, administrators and General Managers considered future options for SSROC at a facilitated workshop in March 2017, concerns were raised about the time that mayors would need to commit time to the Council of Mayors. For the Council of Mayors to be really effective, a time commitment would be necessary. It should be noted that, as delegates to SSROC, councillors already have a commitment to the region and to date no conflicts of duty have been identified as a result. The objectives of the Council of Mayors would be consistent with those of the ROC, and so the Constitution need not necessarily change (see box 1).

SSROC Transition Options

Box 1 SSROC Constitution, section 2.

2. Objectives

- i. To consider and assess the needs, disadvantages and opportunities of member Councils and of the Southern Sydney Region; to make representations, submissions and promotions relative to meet such needs, disadvantages and opportunities to Commonwealth and State Governments and Departments, Statutory Authorities and other appropriate bodies or individuals.*
- ii. To submit to such Governments and other appropriate bodies, requests for financial assistance, policy changes and additional resources for the region or for member Councils.*
- iii. To strengthen the role of Local Government in regional affairs, particularly where the region may be affected by Australian or NSW Government policy.*
- iv. To facilitate a co-operative approach to the problems, opportunities and challenges of the region and to projects which benefit the region.*
- v. To facilitate the exchange of ideas and experience between elected members and professional and technical staff to enable a joint approach to the development of skills and expertise within member Councils; and*
- vi. To advance the interests of the region.*

It was also noted at the workshop that all SSROC delegates would have to be mayors and alternatives would have to be deputy mayors. This would require a change to the Constitution, which currently only requires Council to appoint two delegates "one of whom should be the Mayor or the Administrator".

It was agreed at that workshop that the Councils of Mayors model should be progressed, and that the issues raised could be resolved as it became effective.

Advantages:

- Could be a very powerful advocacy force.

Disadvantages:

- Increases the workload of mayors and deputy mayors,
- Reduces participation of other councillors,
- Depends upon availability of mayors and deputy mayors.

3.2 General Managers Committee

The Constitution already requires that Delegates elect General Managers to the positions of Secretary and Treasurer. To date the two roles have been combined and taken on by one General Manager. The Constitution would also require that the Secretary/Treasurer would be the Chair of a new General Managers Committee.

Currently, the General Managers meet 10 times each year, to discuss issues of common interest and to deal with SSROC matters arising as required. The

SSROC Transition Options

formalisation of their role as a Committee of SSROC would give them greater oversight of the operations and finances of the Secretariat, and the opportunity for greater influence over the allocation of resources and the realisation of benefits by their Councils.

Advantages:

- Formalises the role that General Managers effectively play already,
- Increases the influence of General Managers over SSROC operations,
- Maintains strong alignment of SSROC priorities with those of member councils.

Disadvantages:

- Increases the dependence of the Secretariat on the active participation of member council General Managers.

3.3 Committees

The existing Program Delivery and Sustainability Program Committees were established to consider issues arising that are relevant to the regional, and to advise Delegates on those issues. In recent years, the work of the two committees has overlapped to the extent that it became more practical for them to meet as one. The timing, originally 2 weeks before each Ordinary Meeting of Delegates, did not align easily with the meetings or with the nature of issues being raised.

Under this proposal, the existing committees would cease to exist. A more responsive and flexible approach to getting advisory input from Councillors is proposed, with committees established to focus on specific issues (for example, the SEQ Council of Mayors had a committee solely for the Commonwealth Games bid). The committee could be wound up at the resolution of the issue. An advocacy committee could be responsible for reading submissions out-of-session to provide guidance, but with the provision that the Board would have the final say on all advocacy.

This change would require the Delegates (and potentially other Councillors) to endorse the approach, and to work with their colleagues to manage each Council's participation in responding to regional issues.

In the March 2017 workshop, there was discussion about the role of the committees, and the need for them to have a specific purpose such as a project or issue was agreed. However, they would only be advisory, and decisions would be made by the Council of Mayors.

There was also keenness for regular teleconferences rather than face-to-face meetings, which would improve flexibility for more active participation.

Advantages:

- Increases the participation of councillors in advocacy and other initiatives.

Disadvantages:

- Requires greater involvement and flexibility from councillors.

3.4 Secretariat

The SSROC Secretariat would remain unchanged day-to-day, but would have increased accountability to the General Managers of the Councils. The most important change would be a much more influential advocacy function as a result of having the strength of the Council of Mayors and input from Councillors.

SSROC Transition Options

The Secretariat's other functions could be better aligned with Councils' priorities as a result of the strengthened General Managers' role.

4 Membership Fees

Councils annual subscriptions to SSROC have increased as a result of the total cost of the secretariat being shared between 11 councils instead of the former 16. Each council pays the same fee for full membership, and each has equal voting rights and opportunities to participate in programs and projects.

Associate members pay less, but have not voting rights and would not be represented on the General Managers Committee. There are currently no associate members.

Since each Council has equal voting rights and access to the same services, it is proposed to continue to share the costs equally between all member Councils.

Advantages:

- Maintains equity between member councils,
- Proportionately lower membership costs for merged councils.

Disadvantages:

- Proportionately higher membership costs for councils that have not merged.

5 Operational Scale

SSROC is currently regulated by the Office of Fair Trading (OFT) under the Associations Act, but its revenues exceed the \$2 million threshold for an Incorporated Association. While much of this revenue has passed through the organisation as grant funding for specific projects or initiatives, much is also generated through procurement, and it can be a substantial sum: in 2015 income was \$3.4 million.

In September 2016 NSW Fair Trading, which administers Incorporated Associations under the Department of Finance, Services and Innovation, wrote to SSROC stating that it is "appropriate that the Association now takes steps to transfer registration to another more appropriate corporate structure, such as cooperative or a company limited by guarantee, which provides a more robust regulatory framework."

The Secretariat has acknowledged the letter, explained the practical difficulties of changing status at this time of change among our member Councils, and has been allowed to continue to operate as an Incorporated Association SSROC until after the 2017 elections and the AGM in November 2017.

The Secretariat will therefore need to change its corporate status irrespective of any other changes, and is required to update Office of Fair Trading (OFT) by 31 March 2018 of its plan to transition to an appropriate corporate status.

OFT has suggested that a company limited by guarantee might be a more appropriate regulatory framework.

While the establishment of the Council of Mayors is independent of this issue, the changing the incorporated status of SSROC does need to be influenced by the future needs and plans of the Council of Mayors.

Therefore, an overview of the major issues associated with the need to change the incorporated status of SSROC is the subject of the paper attached at Appendix 1.

SSROC Transition Options

Appendix 1 SSROC Incorporated Status

SSROC has been an Incorporated Association since its inception in 1986. As an Incorporated Association, it operates under the *Associations Incorporation Act 2009* (NSW) and *Associations Incorporation Regulation 2016* (NSW), administered by the Office of Fair Trading (OFT).

On 13 September 2016, the OFT wrote to SSROC's General Manager as public officer of SSROC, pointing out that the *Associations Incorporation Act 2009* sets a financial threshold for Incorporated Associations of \$2 million in income and/or total assets. SSROC, as an Incorporated Association, was significantly in breach of this threshold with reporting income in 2014/15 of \$3.4 million and total assets of \$5.3 million.

OFT suggested that a company limited by guarantee might be a more appropriate regulatory framework. The required SSROC to advise Fair Trading by 31 October 2016 of its intended course of action.

On 31 October 2016, SSROC sought to postpone any decision until after council's mergers and the September 2017 elections, because:

- several member councils at that time had Administrators,
- the Joint Organisation model had emerged, which would have implications for the decision-making process,
- much of the revenue comprised grant funding that could not be relied upon for future years.

The current status of the SSROC was noted by OFT, which agreed to a further review of the position after the council elections and AGM to be held in November 2017. An update of the position following these actions is required by 1 February 2018.

The General Manager further advised that at October 2017, SSROC did not have a President, and that the new Executive would be elected at the AGM on 16 November 2017: with no further meeting anticipated until mid-February, undertook to provide an update thereafter. OFT agreed to extend this deadline to 31 March 2018, and require that the update include an outline of the timeframe for transition and of steps taken to date.

Incorporation Issues**Company Limited by Guarantee**

(This section is based on legal advice from Henry Davis York.)

A company limited by guarantee is a type of public company that can operate anywhere in Australia. It can perform all the powers of a body corporate, can enter into contracts and can sue and be sued in its own name. It has perpetual succession, is governed under the Commonwealth *Corporations Act 2001*, and regulated by the Australian Securities & Investments Commission (ASIC).

A company limited by guarantee is not required to have a constitution and may instead rely on the "replaceable rules" contained in the *Corporations Act*. However, it is common practice for a company limited by guarantee to adopt a constitution which allows it to modify or exclude the replaceable rules to suit its own needs. A copy of the constitution must be lodged with ASIC.

The company must have at least one company secretary and at least three directors. It must have at least one member, and there is no maximum number of members.

SSROC Transition Options

The liability of each member is limited to the amount that member has agreed to contribute on the dissolution or winding up of the company, if the company's assets are not sufficient to discharge its debts or liabilities. This amount is fixed on incorporation and is often only a nominal amount.

Companies limited by guarantee have more onerous financial and other reporting requirements than incorporated associations do. With an annual consolidate revenue of more than \$1 million (as SSROC does), they are required to:

- prepare a financial report;
- have the financial report audited;
- prepare a directors' report, although with less detail than that required of other companies; and
- give annual reports to any member who elects to receive them.

The major advantages and disadvantages are:

- a) an incorporated association is governed by the legislation of the state or territory in which it is registered. As such, the obligations and requirements of an incorporated association can differ between the states and territories. Conversely, a company limited by guarantee can operate anywhere in Australia under a single act, the Corporations Act;
- b) the more robust regime of directors' duties and reporting obligations required of a company limited by guarantee may be beneficial for corporate governance purposes as SSROC grows. Greater levels of corporate governance are appropriate for an entity which may be dealing with a substantial amount of revenue and this will provide member Councils within SSROC, and persons who deal with SSROC, higher levels of assurance in respect of its administration;
- c) in addition to the costs of incorporation, the costs of operating a company limited by guarantee are higher (e.g. a company limited by guarantee must pay an annual review fee to ASIC in the amount of \$1,176); and
- d) an incorporated association that has gross receipts of more than \$250,000 or current assets of more than \$500,000 must submit audited financial statements each year to the members at an annual general meeting. Conversely, a company limited by guarantee with revenue of less than \$1 million can elect to have its financial report reviewed, rather than audited which is a less onerous process. A company limited by guarantee with annual revenue over \$1 million must have a financial report audited.

Non-Profit Status

At a workshop on 16 March 2016 Delegates discussed options to change SSROC's structure and governance. Delegates agreed that changes should:

1. Strengthen SSROC's advocacy function by establishing a Council of Mayors.
2. Retain the existing shared services functions of procurement, program management and internal audit.

This implies that it will be necessary to retain SSROC's non-profit status, as this is frequently a requirement to qualify for grants, and lends weight to advocacy programs by demonstrating that the organisation has no vested interests.

However, the business services of procurement, internal audit and business consultancy might be better suited to a different structure.

SSROC Transition Options

These two aspects of SSROC and its secretariat will need to be reconciled.

Structural Implications

(This section is based on legal advice from Henry Davis York.)

Membership of SSROC would remain unchanged. The existing requirement for each council to nominate two delegates could be accommodated. Assuming that the Council of Mayors model is adopted, then the Constitution would need to be amended to require those delegates to be the mayor and deputy mayor.

The new constitution could implement a structure whereby the Mayor of each member Council is appointed as a director of the company, although a board of 11 directors would be unusually large, and could become unwieldy.

The existing Executive arrangement could be preserved, although we note that the Corporations Act provides that key management personnel may be considered for the purposes of Act de facto or shadow directors if they overstep their usual role.

The constitution of a public company limited by guarantee typically provides that to the extent permitted by law every person who is or has been a director, company secretary or executive officer of the company is indemnified out of the property of the company against any liabilities for costs and expenses incurred by that person in certain circumstances.

Directors

Concern was raised at the workshop in March 2017 as to whether mayors (if they become directors of the board) under a corporate structure will have the time and experience to be an elected representative and also the director of a company.

General Managers have expressed concern that, if they became directors of a new SSROC Company Limited by Guarantee, there would be conflict between their duties as directors and their duties as council General Managers.

The same potential for a conflict between duty to the ROC and duty to the Council already exists under membership of SSROC. To date there have been no reports of any such conflict arising.

The inclusion of some independent directors might be a better option, as they could be more flexible in the role and could focus on making the business a success.

Prescription

The issue of prescription has often been raised in relation to procurement. Sometimes, it would be more practical and cost-effective for SSROC to be able to accept tenders on behalf of member councils.

The main example of such circumstances is electricity tendering, when prices are only held for a maximum of 48 hours. It is not practical to obtain each participating council's individual acceptance in that time-frame, yet the aggregation of the supply drives the best pricing for this commodity. However, Councils can only delegate the acceptance of tenders to a prescribed organisation. Procurement Australia is used to enable this process because it is a prescribed body under the Local Government Act and Regulation, but that service is a cost that could be avoided if SSROC were able to accept the tender.

The Office of Local Government has recently advised that, as a company limited by guarantee, SSROC could seek prescription. The secretariat has asked for clarification of this and of the steps that would be involved. Hunter Councils intend to pursue prescription for its procurement operation.

SSROC Transition Options

Possible Business Models

SSROC is not unique in facing these challenges, and can learn from the ways in which other comparable organisations have overcome them. Hunter ROC has established and WSROC is currently implementing, new models for their operations.

WSROC

Attached (1) is the structure that WSROC is implementing immediately, and attached (2) is the structure that WSROC wants to achieve in the long term, taking into account the possibility of metropolitan joint organisations.

Hunter Councils

Hunter Councils is an incorporated association, a pilot Joint Organisation (JO), and is the advocacy body for 11 Councils. The Board consists of the Mayors of each of the 11 Councils. Although, in relation to the governance of the pilot JO, the evaluation report noted that the governance structure was not effective as meetings were either poorly attended or there were up to 30 representatives of differing political persuasion and status which were also a mixture of permanent and non-permanent delegates. Their aim is to improve their governance by having only Mayors as Board Members with no alternative members.

The businesses of Hunter Councils are held in companies limited by guarantee; Strategic Services Australia Limited and Hunter Councils Legal Services Limited. Those businesses are:

- Real Film Festival
- Local Government Training Institute
- Screen Hunter
- Regional Procurement
- Regional Procurement Initiative
- Strategic Services Australia
- Hunter Records Management
- Upper Hunter Taxis
- Hunter Records Storage
- Local Government Legal Services

The CEO of Hunter Councils has advised that the JO pilot was a “bit of a non-event” as they already work together and have a structure. However, DPC now attend all their meetings and the government agencies are very engaged.

Hunter Councils intend to keep the companies as they are now that the relevant legislation has been passed. The advocacy body, Hunter Councils, will probably become the joint organisation.

Recommended Approach

The Secretariat recommends the following work streams to enable it to transition to support and achieve the aims of the Council of Mayors, while also satisfying the requirement of the OFT that SSROC changes to a corporate status that is suitable for its scale.

Work Stream 1: Roles and Responsibilities

The company limited by guarantee requires specific roles to be filled: members, directors, company secretary and public officer. A decision needs to be made as to whether the secretary becomes a director.

These roles need to be reconciled with the requirements of the preferred business model of Council of Mayors with Committee of General Managers.

SSROC Transition Options

It will be necessary to spell out the accountabilities, responsibilities, benefits and general expectations of each role, and to convey these to the potential position-holders. This may include obtaining further advice on directors' duties including employment and tax law issues.

The "candidates" will then need to be consulted as to their willingness to fulfil the role that has been identified for them, and any training or skills development needs identified.

The mechanisms need to be identified whereby the core business functions of advocacy, shared services/procurement and program/project management are given direction. Any other enablers required (e.g. technology, committee design) will also need to be identified and addressed.

Responsible: Secretariat and consultants, with Executive and General Managers.

Work Stream 2: Communications

The Delegates are busy and it can be difficult for them to find time to engage on issues that are complex and not directly related to their role as Councillors. It will be necessary to find a way to explain the reason for the changes, why the changes matter to them, and how we plan to achieve them.

The objective of this stream will be to ensure that the new Constitution/Replaceable Rules and the transfer to a company, will be approved by a fully engaged and informed SSROC special resolution when relevant meeting occurs.

Responsible: consultants, as it might be helpful to have this done by someone seen as independent of Secretariat, GMs and Councillors.

Work Stream 3: Drafting the Constitution

The new company and Council of Mayors will need to be reflected in the terms of the Constitution and/or Replaceable Rules, as well as conforming to the Corporations Act and ASIC requirements.

The key issues and themes that arise in the drafting will need to be resolved by consultation with the relevant stakeholders, and explanation/justification conveyed through the communications channel.

Responsible: Secretariat and Henry Davis York

Work Stream 4: Process

A special resolution would be required from an Ordinary Meeting of the ROC and the procedure for transitioning to a company limited by guarantee would have to be followed, including transferring registration, applying to the Australian Securities and Investments Commission (ASIC) to transfer incorporation to a company, notifying Registry Services, and updating all records (e.g., bank accounts, tax authorities, funding bodies).

The process of transfer will need to be managed, including:

- maintaining 'not for profit' status and pay roll tax exemption
- completing the application to transfer,
- deciding the approach to ABN
- identifying all parties that need to be notified
- ensuring that each notification is correctly handled.

Responsible: accountants

SSROC Transition Options

Work Stream 5: Additional advice needed

The advice from Henry Davis York is black-letter law, which is required to explain the processes needed, but will need to be considered in light of the main rationale for SSROC of providing community benefit.

During the transition process, more questions will arise that will need further advice and decisions. Below are some that have already arisen:

- Is there a conflict, and if so, how can it be managed with Mayors representing their LGA and representing the region?
- What can be done with monies earned beyond what is needed to run the Secretariat?

SSROC Transition Options

Attachment 1 SSROC Constitution

This section comprises the Constitution in full.

Constitution of the Southern Sydney Regional Organisation of Councils

1. Name

The name of the Organisation is the Southern Sydney Regional Organisation of Councils, hereunder referred to as "the Organisation".

2. Objectives

- i. To consider and assess the needs, disadvantages and opportunities of member Councils and of the Southern Sydney Region; to make representations, submissions and promotions relative to meet such needs, disadvantages and opportunities to Commonwealth and State Governments and Departments, Statutory Authorities and other appropriate bodies or individuals.
- ii. To submit to such Governments and other appropriate bodies, requests for financial assistance, policy changes and additional resources for the region or for member Councils.
- iii. To strengthen the role of Local Government in regional affairs, particularly where the region may be affected by Australian or NSW Government policy.
- iv. To facilitate a co-operative approach to the problems, opportunities and challenges of the region and to projects which benefit the region.
- v. To facilitate the exchange of ideas and experience between elected members and professional and technical staff to enable a joint approach to the development of skills and expertise within member Councils; and
- vi. To advance the interests of the region.

SSROC Transition Options

3. Membership

- i. Membership of the Organisation is composed of, but not restricted to, the following Councils:-

Ashfield Council
Bankstown City Council
Botany Bay City Council
Burwood Council
City of Canada Bay
City of Canterbury council
City of Sydney council
Hurstville City Council
Kogarah City Council
Leichhardt Council
Marrickville Council
Randwick City Council
Rockdale City Council
Sutherland Shire Council
Waverley Council
Woollahra Municipal Council

- ii. A register of members will be kept at the principal place of administration of the association.

4. Representation

- i. A member Council will be represented on the Organisation by two delegates.
- ii. A member Council shall annually appoint two persons representing the Council to the Organisation, one of whom should be the Mayor or the Administrator. Each such delegate may hold office until the appointment of his/her successor.
- iii. The office of delegate shall become vacant if the delegate:-
- (a) ceases to hold office at his/her Council;

SSROC Transition Options

- (b) resigns by letter addressed to the delegate's Council;
 - (c) is absent from three consecutive meetings of the Organisation without having obtained leave of absence from the Organisation; or
 - (d) is replaced by his/her Council at any time.
- iv. Where the office of a delegate becomes vacant, the Council shall appoint another delegate.
- v. Where either delegate of a Council is unable to attend a meeting of the Organisation, the Council may be represented by another member of the Council duly appointed for the purpose of being an alternative delegate. Such other member may, during the absence of a delegate of his/her Council, act in his/her place and be subject to vacation of the position in the same way as the delegate.

5. Meetings

- i. The delegates shall hold ordinary meetings of the Organisation at least every three months and the meeting held during November shall be the Annual General Meeting. The delegates may also hold special meetings of the Organisation as and when required.
- ii. The Financial Statements and Annual Report of the Organisation shall be submitted to a meeting of the Organisation to be held not 30 November each year.
- iii. Meetings shall be held, in turn, at an office of each member Council or as decided by the Organisation.
- iv. The Secretary shall notify each member Council and delegate of meetings not less than 7 days before each meeting and of the nature of the business to be dealt with at the meeting and, in the case of Special Meetings, 48 hours notice must be given.
- v. The Secretary shall send minutes of each meeting to each member and delegate not more than fourteen days after the meeting.
- vi. At every meeting of the Organisation the President shall preside but if he/she is not present the Senior Vice President shall preside; if he/she

SSROC Transition Options

is not present the Junior Vice President shall preside or if he/she is not present the members shall elect a Chairman to preside at that meeting.

- vii. Any elected representative of a member Council may attend and speak at meeting of the Organisation. Any senior officer of a Council which is a member may also attend and speak at meetings of the Organisation with the consent of a delegate of his/her Council and the President or meeting Chairman.
- viii. A Special Meeting of the Organisation may be called by:
 - (a) The President
 - (b) Notice to the Secretary signed by three delegates.

6. Voting

- i. At meetings of the Organisation each delegate, and each bona fide alternative delegate representing a delegate, shall be entitled to vote. Each member Council shall therefore have two votes.
- ii. The President shall have both a deliberative vote and, in the event of equality of votes, a casting vote, other than in the election of President. Senior Vice President, or Junior Vice President.
- iii. The election of the Executive being the positions of:
 - (a) President
 - (b) Senior Vice President
 - (c) Junior Vice President

shall be conducted in accordance with the provisions of the Local Government Act for the election of Mayor and Deputy Mayor.

7. Quorum

- i. A quorum at a meeting of the Organisation shall consist of a number being at least half the number of member Councils.
- ii. A quorum of a Standing Committee of the Organisation shall be two.

SSROC Transition Options

8. Business at Meetings

The business conducted at a meeting of the Organisation shall consist of:

- i. Matters of which due notice has been given by a member Council or delegate.
- ii. Matters which the President determines to be of urgency;
- iii. Consideration of recommendations, reports and correspondence;

and otherwise as the meeting by majority vote may decide from time to time.

9. Procedure

The procedure at a meeting of the Organisation shall be in conformity as far as possible with the procedure for meetings of Council and Committees as prescribed by the Local Government Act 1993 and the Local Government (Meetings) Regulation 1993 subject to such arrangement as may be made from time to time by the Organisation.

10. Powers of the Organisation

- i. The Organisation shall, for the mutual benefit of the member Councils have power, in accordance with this Constitution, to:-
 - (a) Make submissions to the Australian and New South Wales Government or any department of those Governments, or other organisations, in respect of the areas of the member Councils;
 - (b) Carry out the objectives of the Organisation; and
 - (c) Receive funds in respect of the:-
 - i. staffing of the Organisation;
 - ii. carrying out of projects or studies agreed by the Organisation;
 - iii. for any purpose that may be authorised by the Organisation.

SSROC Transition Options

- ii. These powers shall not affect the right of an individual Council acting in its own right on any matters.
- iii. The control, regulation, maintenance and management of the exercise of these powers is vested in the meetings of delegates in accordance with the constitution subject to any delegation of authority which may have been granted.
- iv. By resolution, and within limits defined in such resolution, to authorise the Executive, a member Council representative, a staff member or a properly appointed sub-committee consisting either whole or in part of elected representatives, staff or other persons to exercise or perform on behalf of the Organisation any power, authority, duty or function, the Organisation, by resolution reserves for itself.

11. Executive of the Organisation

The Executive of the Organisation shall be the President, Senior Vice President and Junior Vice President, being elected members representing member Councils.

- i. The President, Senior Vice President and Junior President shall be elected from among the delegates each year at the Annual General Meeting. An election shall also be held for any casual vacancy occurring among the Executive and any Executive member so elected shall hold office until the next annual election of the Executive.
- ii. The Organisation shall appoint a Secretary and a Treasurer.
- iii. The President, Senior Vice President and Junior Vice President of the Organisation in office prior to the Annual General Meeting of the Organisation to be held in November 2003 remain in office until the first Ordinary Meeting of the Organisation to be held after the ordinary election of councils to be held on Saturday 27 March 2004.

12. Powers of the President

- i. The President shall preside at all meetings of the organisation at which he/she is present.
- ii. The President, unless otherwise directed by resolution of the Organisation shall:-

SSROC Transition Options

- (a) Carry on the regular services and operations of the Organisation within the sums voted by the Organisation for expenditure thereon and in accordance with the constitution and the resolutions of the Organisation.
- (b) Control and direct staff of the Organisation.
- (c) Suspend any staff of the Organisation and, if necessary, arrange for the carrying on of the duties of that staff member until the next meeting of the Organisation.
- (d) Authorise the payment of the salaries and wages of the staff of the Organisation within the sums voted by the Organisation for expenditure thereon.
- (e) At any meeting of the Organisation remove or cause the removal of any member of the Organisation, or any elected member of any member Council who, after warning, is guilty of disorder, and at the same or any subsequent meeting, exclude or remove such member unless he/she apologises without reservation.
- (f) Give effect to any decision of the Organisation.
- (g) Be authorised to make press statements on behalf of the Organisation and authorise any member of the Organisation to make press statements and undertake the day to day administrative requirements.
- (h) Call Special Meetings of the Organisation subject to 48 hours notice being given to delegates, except in cases of emergency.

13. Staff

The Organisation shall have the power to appoint any such staff as the Organisation may require from time to time.

14. Advisory Sub-Committees

- i. The Organisation may, from time to time, appoint any number of Committees in connection with any work, activity or object of the Organisation.

SSROC Transition Options

- ii. The Organisation shall have power to co-opt any person to assist and/or comprise a Sub-Committee

15. Office

The Office of the Organisation shall be at such place as the Organisation may, from time to time, appoint.

16. Financial Year

The Organisation's financial year shall commence on 1st July and terminate on 30th June of the following year.

17. Finance

- i. The Organisation shall determine, prior to 31st May each year, an Annual Budget which will include:-
 - the amount of proposed expenditure by the Organisation;
 - the amount in hand available for such expenditure; and
 - any additional amount required to be raised to meet such expenditure.
- ii. In the event of any expenditure not covered by the Annual Budget, the Organisation shall prepare a statement showing:-
 - the amount and nature of the extraordinary expenditure;
 - the amount in hand available to meet the expenditure after allowing for estimated ordinary expenditure for the balance of the year; and
 - any additional amount required to be raised to meet extraordinary expenditure.
- iii. The financial contribution by member Councils towards costs of the organisation shall be equal.
- iv. The Organisation shall pay monies received by it to a bank account held in the name of the Organisation and shall use such monies for the purpose of, and subject to, the terms of this Constitution.
- v. All accounts shall be operated upon in such manner and by such persons as the organisation shall from time to time determine.

SSROC Transition Options

- vi. The accounts of the organisation shall be kept according to the same principles as the accounts of a member Council and in such books and form as are approved by the auditors of the organisation.
- vii. (a) The Organisation shall appoint an auditor who shall annually audit the accounts of the Organisation.

(b) The audited accounts shall be presented to a meeting of the Organisation prior to 30th November each year.
- viii. The assets and income of the Association shall be applied solely in furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

18. Annual Report

The Organisation shall submit an Annual Report to each of the member Councils with the notice of the Annual General Meeting.

19. Co-operation

For the purpose of performing any powers, duties or functions, the Organisation may make use of the services of an employee of a member Council if the prior approval of the Council is obtained.

20. Associate Members

The Organisation may permit a Council or entity not currently a member of the Organisation to become an associate member. Associates may only engage in procurement, commercial or other activities as determined by the Organisation.

Applicants for associate membership shall sign and forward to the Organisation an application to the effect that [Name of Applicant] desires to become an associate member of the Southern Sydney Regional Organisation of Councils Limited and agrees to be bound by the Constitution of the Organisation and pay the associate membership contribution determined by the Organisation.

The Secretary shall place applications for associate membership before the first meeting of the Organisation after the application for associate membership has been received.

SSROC Transition Options

The Organisation's decision shall be final and conclusive as to whether any entity shall be admitted as a member or associate.

21. Termination of Membership

A Council may withdraw from membership of the Organisation on giving six months' notice of termination to the Organisation. When such termination takes effect, no contribution shall be refunded, no funds will be distributed and the Constitution remains in force between the remaining members of the Organisation.

22. Amendments

This Constitution may be altered from time to time by a resolution passed at a meeting of the Organisation by votes equivalent to three fourths the number of members entitled to vote.

23. Amalgamation of the Organisation

Where it furthers the objects of the Association to amalgamate with any one or more other organisations having similar objects, the other organisation(s) must have rules prohibiting the distribution of its (their) assets and income to members; and must be exempt from income tax.

24. Termination of the Organisation

Upon the termination of this Organisation the debts and liabilities of the Organisation shall be discharged out of the assets of the Organisation. The balance of the assets shall be shared equally by the member Councils remaining immediately before the termination of the Organisation.

In the event of there being no member Councils remaining, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be transferred to any organisation which has similar objects and which is exempt from income tax.

25. Members' Liabilities

The liability of a member of the Organisation to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges

SSROC Transition Options

and expenses of the termination of the Organisation is limited to the amount, if any, unpaid by the member in respect of membership of the Organisation.

26. Common Seal

The common seal of the organisation is kept in the custody of the Secretary/Treasurer. The common seal must only be affixed to an instrument with the authority of the Executive.

27. Custody of Books

The Secretary/Treasurer must ensure the safe keeping of all records, books and other documents relating to the organisation.

28. Inspection of Books

The records, books and other documents of the organisation must be open to inspection, free of charge, by a member of the association at any reasonable hour.

29. Payroll Tax

The Organisation (being a wholly-owned subsidiary of 2 or more councils) may, at the discretion of the member Councils, pay the member Councils an amount approximately equivalent to the amount of tax that would be payable by the Organisation under the Payroll Tax Act 2007 (NSW) but for the exemption set out in section 59 of that Act.

WSROC – The Future - Proposed Structure for a Western Sydney Organisation of Councils

A metropolitan Organisation of Councils proposed for Western Sydney comprises two entities.

Advocacy & Regional Leadership

Western Sydney Councils Inc.

This is a new organisation.

Board of Western Sydney Councils
[Mayors + a single alternative Councillor]

4 meetings per year

+ Reg Co-ord DPC
+ GSC Commissioners
+ WS Parl Sec
+ GMs

Western Sydney Airport.

Urban Heat.

Western Sydney Rail Needs.

Western Sydney Health – obesity and diabetes

Western Sydney BusInvest.

Road Maintenance Funding and Tolls.

Western Sydney Iconic Events.

Great Western Walk

- Regional leadership and advocacy.
- Regional strategic planning and priority setting.
- Intergovernmental collaboration at the highest level.
- Setting goals and objectives for WSROC Ltd and its programs and business units.
- Oversight of WSROC Ltd.

Strategic Intent
Priority setting
Oversight

Governance and administration

Professional Groups and Task Groups.

Today

Tomorrow

Commercial Enterprise

WSROC Ltd.

This is the existing WSROC company.

Board of WSROC Ltd
[GM of Council]

6 meetings per year

Joint Procurement

Program/Project Management

- Light Years Ahead V2
- Energy Efficiency Program
- Animal Holding Facilities

Federal / State Grants

- Regional Waste Strategy

The business units of WSROC Ltd. These are just examples of the types of potential opportunities. Some of these could involve public/private partnerships.

Legal Services

Consultancy

Tourism

Records Management

Shared Services

Investment/Trade Desk

Training Services

Recruitment Services

Program/Project Management Services

Economic Development

Why two entities?

The purpose of the organisations and the nature of the work is fundamentally different.

Advocating vs running businesses.

Advocacy & Regional Leadership

Western Sydney Councils Inc.

- This is a new organisation.
- Incorporated Association.
- NSW Associations Incorporation Act 2009.
- Cannot conduct commercial enterprise.

Board of Western Sydney Councils
[Mayors + a single alternative Councillor]

+ Reg Co-ord DPC
+ GSC Commissioners
+ WS Parl Sec
+ GMs

- 4 meetings per year
- one vote per Council

1. Issues before the Board are more of a strategic, advocacy and regional leadership nature, not operational.
2. The Board members are not legally bound to act in the interests of the Incorporated Association.
3. Board meetings far more attractive for Ministerial participation.
4. The participation of Reg Co-Ord DPC, GSC Commissioners and WS Parl Sec is relevant.
5. The frequency of meetings required are less than those of a Board overseeing commercial operations.
6. Due to nature of representation meetings need to be fixed well in advance and difficult to re-schedule.
7. The exposure of Mayors/Councillors to the risk of conducting commercial activities is removed.

Outcomes

Separation and alignment of the work streams for effective decision making in focussed forums.

Simplification of the governance to manage two fundamentally different work streams.

Removing exposure of Councillors to legal and commercial risks.

Attracting Ministers to Board meetings.

Attracting key influencers from State Government agencies to Board meetings.

Limiting the time commitment from Mayors.

Making the most of the GMs capabilities and time.

Enhanced advocacy standing within the Federal and State Governments "Cabinet of Western Syd Mayors".

Commercial Enterprise

WSROC Ltd.

- This is the existing WSROC company.
- Company Limited by Guarantee.
- Commonwealth Corporations Act.

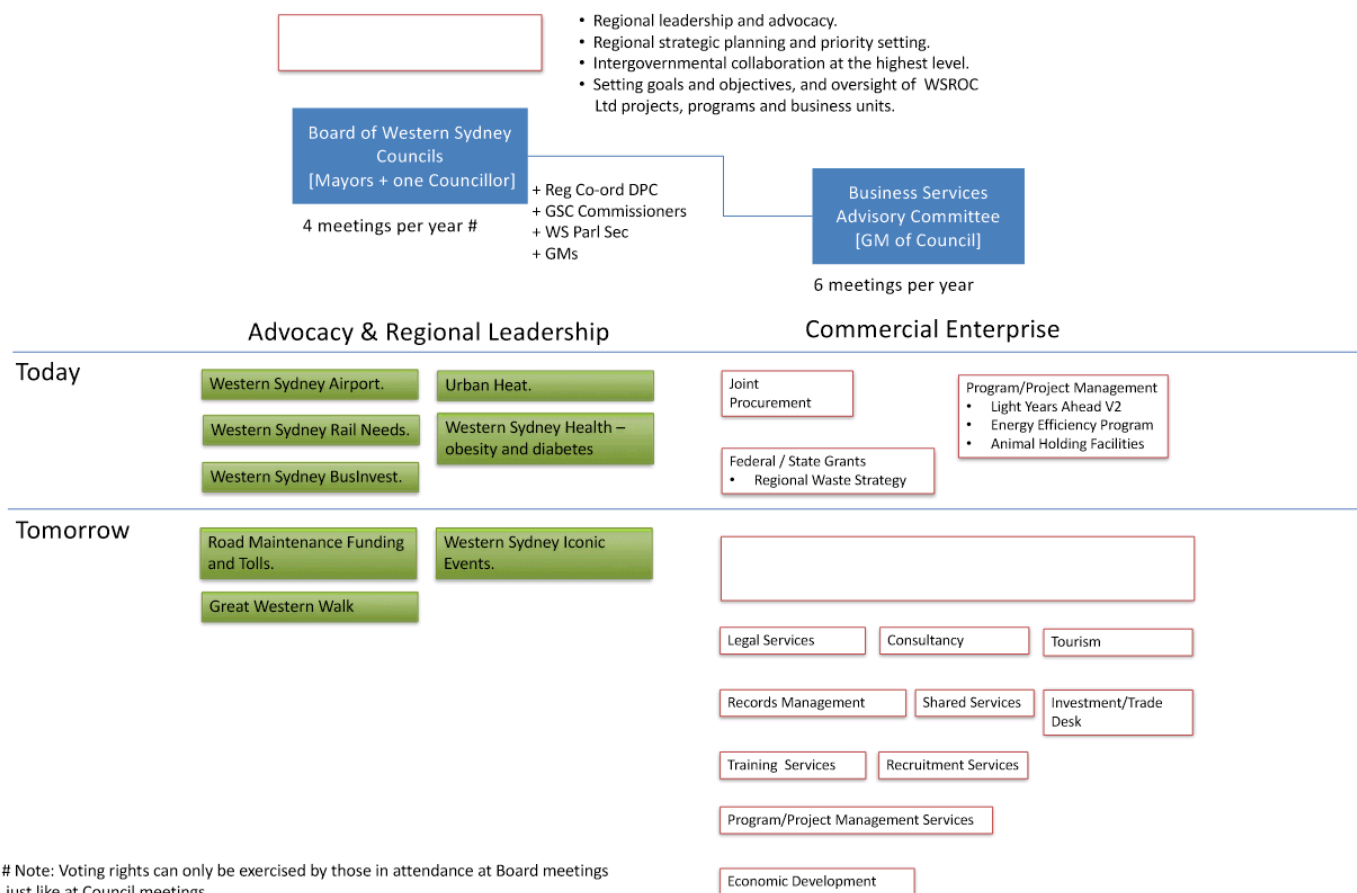
Board of WSROC Ltd
[GM of Council]

6 meetings per year

1. The Executive has previously approved an increased emphasis on WSROC becoming self-funding through commercial enterprise with the additional aim of generating revenue to support enhanced advocacy.
2. The Directors are legally obliged to act in the interests of the Company, not member Councils.
3. The Board is made up exclusively of skilled professionals.
4. The frequency of meetings can be adjusted to suit the intensity of commercial operations, some flexibility.
5. Participation of "Advocacy" stakeholder representatives from State Gov is inappropriate.
6. Commercial risk is compartmentalised in WSROC Ltd.

WSROC – The Future - Proposed Structure for a
Western Sydney Organisation of Councils

ANNEX A to Draft Board Resolution
Structure of WSROC dated 4 Apr 17.



Council Meeting

13/06/2018

Item No	8.4
Subject	Bayside Advisory Committees
Report by	Bruce Cooke, Acting Manager Governance & Risk
File	F17/1273

Summary

Advisory Committees have been operational since February 2018, each having specific focus areas. Currently the business need to inform Councillors on key issues has increased the number of General Manager Briefing sessions. This is impacting on Councillor workload and will continue to do so. In order to deal with this workload, it is proposed to reduce the frequency of some of the advisory committees to quarterly rather than bi-monthly. However, a Chair of an Advisory Committee is able to call for additional (i.e. extra-ordinary) meetings should the need arise.

Officer Recommendation

- 1 That, as a principle, advisory committees meet at least quarterly rather than meeting every 2 months.
- 2 That the Terms of Reference be amended to reflect a more flexible arrangement to the meeting schedule, as indicated in the body of the report.

Background

Councillors will recall that six advisory committees were established with their terms of reference being adopted on 8 November 2017, and amended on 11 April 2018. Meetings of the Committees commenced in February 2018.

The current Terms of reference provides for a meeting every two months. Given the current focus on all Councillors participating in an increased number of General Manager's Briefings, this is impacting on Councillor workloads and the intended effectiveness of some advisory committees.

Therefore to improve the effectiveness of the advisory committee system and to ensure there is not an over concentration of meetings in any week, it is proposed to vary the meeting frequency of some advisory committees. The principles of the new proposed arrangements providing greater flexibility are as follows:

Advisory Committee	Meeting Arrangement
Sport & Recreation	Bi-monthly as currently scheduled
Planning	Bi-monthly as currently scheduled
Finance & Asset Management	Last Monday on month, to suit Quarterly Reviews as

Advisory Committee	Meeting Arrangement
	currently scheduled
Community Relations	<i>Revised to approximately quarterly (from bi-monthly)</i>
Community Services & Libraries	<i>Revised to approximately quarterly (from bi-monthly)</i>
Public Works & Maintenance	<i>Revised to approximately quarterly (from bi-monthly)</i>

In order to cater for the change in meeting schedule and provide for a more flexible arrangement, it is proposed to amend the Terms of Reference as follows:

8 Meeting Schedule

Advisory Committees normally meet ~~every two months~~ at least once a quarter (except during the summer recess) in various locations across the local government area.

The frequency and location of meetings may be varied by the Chairperson in consultation with the General Manager, following consideration of the matters before it.

The location, date and time for meetings is advised on the meeting notice, which will be provided to members along with the business paper in accordance with the Code of Meeting Practice.

It should be noted that the Chair of each of the Committees may call for an additional (i.e. extra-ordinary) meetings should the need arise.

If these arrangements are adopted, a revised schedule of meeting dates will be published for Councillors.

Financial Implications

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

Community Engagement

Not required

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.5
Subject	Australian Noise Exposure Forecast (ANEF) 2039 - Submission to Sydney Airport Corporation Ltd. (SACL)
Report by	Clare Harley, Manager Strategic Planning
File	F09/547

Summary

Sydney Airport Corporation Limited has requested that Bayside Council provides comments in relation to the draft Australian Noise Exposure (ANEF) 2039. The revised ANEF 2039 will, upon endorsement by Airservices Australia, inform the preparation of a new Sydney Airport Masterplan.

For the impacted areas within Bayside, the draft ANEF 2039 indicates for the most part a reduction in forecast noise exposure with the exception of an area to the east and north east of the Airport.

Officer Recommendation

That Council delegates authority to the General Manager to make a submission to Sydney Airport Corporation in relation to the draft Australian Noise Exposure Forecast 2039 to:

- 1 Support the reduction in forecast noise contours across Bayside.
 - 2 Not support the projected increase in the ANEF to the areas east and north east of the airport within our LGA.
-

Background

On 1 June 2018 Council received correspondence from Sydney Airport Corporation Limited (SACL) that the draft Australian Noise Exposure Forecasts (ANEF) 2039 have been prepared. In accordance with the requirements of the *Airports Act* SACL must prepare draft ANEF 2039 which will, when endorsed by Airservices Australia, replace the ANEF 2033. They will then inform the preparation of an updated Sydney Airport Masterplan for the period 2019 – 2039. SACL have requested that Council provide comments by 30 June 2018.

The ANEF system is a land use planning tool aimed at controlling encroachment on airports by buildings which accommodate noise sensitive uses and is designed to complement the relevant Australian Standard (AS 2021). The Standard contains guidance for the NSW Department of Planning and Environment and local Councils in relation to planning and development decisions as well as acceptability of buildings.

The results of ANEF modelling are drawn onto maps as noise exposure contours. ANEF maps show these contours displayed in 20, 25, 30, 35 and 40 ANEF units, with higher contour numbers representing larger cumulative amounts of aircraft noise over an average one-year period. The ANEF units are not decibel measurements - they are contours based on community reaction to aircraft noise.

A review of the draft ANEF contours (Refer Attachment) indicates that the forecast noise exposure contours will, in most places in Bayside local government area, reduce in extent. The exceptions to this are a small area to the east of the airport within the 20 ANEF contour and an area to the north east of the airport, in the 25 ANEF contour.

It is recommended that Council delegate, to the General Manager, authority to lodge a submission to SACL subsequent to staff completing a more detailed review of the draft ANEF to identify implications for future planning and building design.

The Sydney Airport Masterplan is not yet available for public exhibition and comment. SACL have advised that the public exhibition period for the new preliminary draft Masterplan will commence in August 2018.

Financial Implications

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

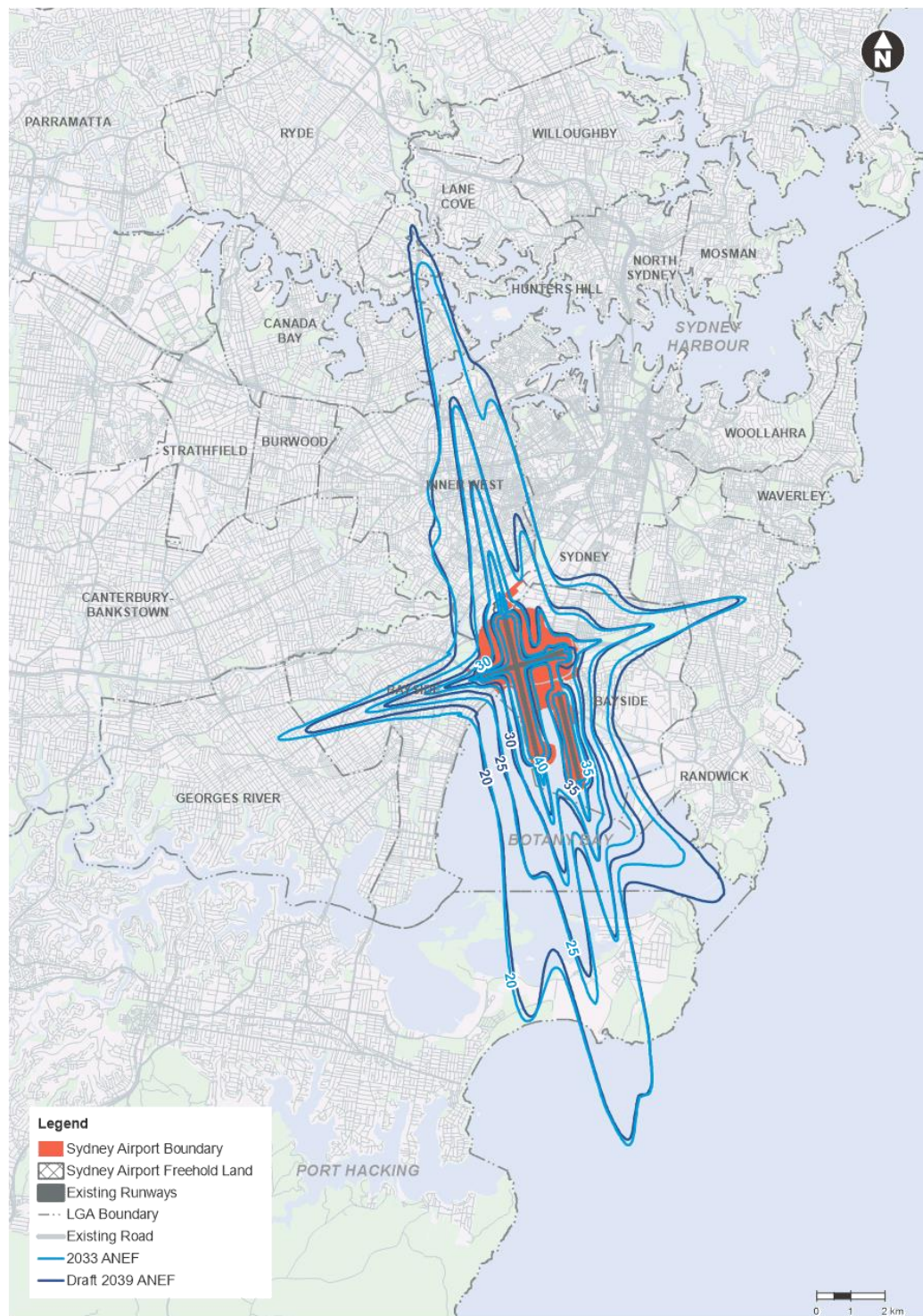
Community Engagement

Not applicable at this stage.

Attachments

Draft 2039 ANEF and 2033 ANEF Contours [↓](#)

Draft 2039 ANEF and 2033 ANEF



Council Meeting

13/06/2018

Item No	8.6
Subject	Local Environmental Plan Review Funding Submission
Report by	Clare Harley, Manager Strategic Planning
File	SF17/2773

Summary

In accordance with the requirements of the recently released Eastern City District Plan Council is required to prepare a new Local Environmental Plan which is informed by a series of studies, strategies and community engagement.

The NSW Department of Planning and Environment and the Greater Sydney Commission have announced that up to \$2.5 million in funding is available for up to five Councils which are experiencing rapid and significant growth.

Funding applications are due on 25 June 2018 and Bayside Council will be submitting a funding application.

Officer Recommendation

That Council supports an application being submitted to NSW Department of Planning and Environment to seek funding to complete the Bayside Local Environmental Plan within a two-year time frame.

Background

In February 2018 amendments to the *Environmental Planning and Assessment Act 1979* were introduced and changed the way that councils must inform and implement strategic planning. In March 2018 the Greater Sydney Commission released two key strategic planning frameworks, the *Greater Sydney Region Plan* and the *Eastern City District Plan*. The Plans need to inform the preparation of Councils Local Strategic Planning Statements and the preparation and assessment of planning proposals. Housing targets are also identified and the Bayside target is 28,050 dwellings by 2036.

Bayside Council is now required to complete an update of the local environmental plans by March 2021. The District Plan requires Council to:

- Review the *Rockdale Local Environmental Plan 2011*, the *Botany Bay Local Environmental Plan 2013* and the *Botany Bay Local Environmental Plan 1995* against the Eastern City District Plan
- Undertake all necessary studies and strategies to inform the preparation of a Local Strategic Planning Statement and the new LEP

Council will also need to prepare a new Development Control Plan and Development Contributions Plan to complement the new Local Environmental Plan. The studies and

strategies which need to be prepared will be particularly resource and cost intensive for Bayside Council.

As part of the Council merger process in NSW, the NSW Government established the New Council Implementation Fund (NCIF) to cover the up-front costs of implementing the new council. The NCIF identified the need to:

- Bring together the Local Environmental Plans (LEP) administratively into a single document.
- Implement a new Development Control Plan (DCP) to provide additional controls for development outside of the LEP, underpinned by new and consolidated Strategies

In addition the Department of Planning and Environment and Greater Sydney Commission have announced that five Councils who will experience significant growth and revitalisation will receive up to \$2.5 million in funding for the preparation of a new LEP. Councils who are successful in receiving this funding will be required to update their Local Environmental Plans within a two-year timeframe.

The criteria for this funding is:

- Council has an identified housing undersupply relative to District Plan targets and implied demand over the medium to long term.
- Council has the capacity to increase housing supply and address pent-up demand due to historic undersupply.
- Council needs to update its housing strategy to ensure housing in the right locations and local character.

Councils' Strategic Planning team are currently drafting a submission which will focus on the following key aspects:

- Bayside is a growing Council and between 2016 and 2036 the population is forecast to increase by 65,250 people, which equates to a 40% increase in the number of residents within the LGA.
- The current Rockdale and Botany local environmental plans were designed to deliver 15,000 homes. However, as highlighted above, current population projections requires an additional 28,050 homes to be built in the Bayside LGA in the 20 years to 2036.
- Bayside LGA has been nominated by the State Government for three priority precincts:
 - Bayside West
 - Turrella
 - Bardwell Park

which will result in a significant increase in population and housing and increased pressure on existing infrastructure.

- Two of Australia's most important economic assets – Sydney Airports and Port Botany are located within Bayside. It is critical that any future development within the Bayside LGA

needs to protect the viability of these assets, particularly in relation to impacts of transport congestion

- The Bayside LGA is unique in the number of infrastructure and natural restrictions which impact the location and type of development. This includes:
 - Sydney Airport Obstacle Limitation Surface (OLS)
 - Sydney Airport Noise Limitations
 - High pressure gas line buffer
 - Hazardous Transport Route
 - Contaminated groundwater
 - Future climatic conditions, particularly in relation to flooding
 - Port Botany Microwave link
 - Southern and Western Sydney Ocean Outfall Sewer (SWOOS)

Furthermore, Infrastructure Australia recently released a list of potential major projects which also need to be taken into account in developing strategic plans for Bayside, including:

- Western Sydney Airport fuel pipeline
- Port Botany Freight Rail Line Duplication
- F6 motorway extension and the Sydney Gateway project (a motorway connection between WestConnex at St Peters and Sydney Airport/Port Botany).

It is therefore critical that Council undertakes the following detailed studies:

- Housing \Demographics
- Land Use Limitations
- Transport and Infrastructure
- Centres Employment and Economic
- Open Space and Recreation
- Flooding and Stormwater
- Heritage
- Environment

These strategies will provide the evidence required for Bayside Council for the next 20 years and beyond. As such, Council will be seeking funding to assist Council and the community to better understand and respond to the complex array of issues and projects which are currently and likely to impact the local government area. Councils' submission is due on 25

June 2018 to the NSW Department of Planning and Environment. It is proposed that it will be reviewed and endorsed by the General Manager under Council delegation.

It is anticipated that Council will be informed of the outcome in July 2018.

Financial Implications

Not applicable	<input type="checkbox"/>	Subject to Council receiving NSW Government funding
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input type="checkbox"/>	

Community Engagement

Community and stakeholder engagement is critical in the development of a Bayside Local Environmental Plan. Council is currently preparing a community engagement framework to guide this engagement process.

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.7
Subject	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017 - Deferment of Commencement
Report by	Clare Harley, Manager Strategic Planning
File	F10/47

Summary

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017 is due to commence on 6 July 2018. The SEPP provides for certain development standards that currently apply to the Bayside local government area. The Department of Planning and Environment have confirmed that applications can be made to the Minister for Planning for deferment of commencement of all or part of the Codes as they apply to Low Rise Medium Density Housing.

Deferment of the controls will mean that Council can progress its review of LEP and DCP planning controls and make decisions informed by housing need as well as the potential impacts of the changes.

Officer Recommendation

- 1 That Council writes to the Minister for Planning & Environment to seek a 12 month moratorium of the commencement of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017 to allow Council time to fully explore impacts as part of the LEP and DCP Review.
 - 2 That a report outlining the findings of the review and recommendations be tabled at or before the June 2019 Council meeting
-

Background

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017 is due to commence on 6 July 2018.

The SEPP includes provisions that would allow certain types of medium density developments to be considered as Complying Development (subject to certain requirements outlined in the SEPP). This would mean that a Development Application would not be required in certain land use zones where those medium density development types can meet the development standards outlined in the SEPP (including standards relating to, but not limited to, minimum lot size and frontage).

The SEPP provides for certain development standards that are below those currently identified in both Standard Instrument Local Environmental Plans (Rockdale LEP 2011 and Botany Bay LEP 2013) and both Development Control Plans (Rockdale DCP 2011 and Botany Bay DCP 2013) that currently apply to the Bayside LGA.

The Minister for Planning & Environment has informally (via media announcement, *Missing Middle: Government Gives Ground on Terrace Housing Plan*, Sydney Morning Herald 18 May 2018) invited Councils to request deferment of the SEPP. The NSW Department of Planning and Environment have subsequently confirmed that applications can be made to the Minister for Planning for deferment of commencement of all or part of the Exempt and Complying Codes as they apply to Low Rise Medium Density Housing.

Deferment of the controls will mean that Council can progress its review of LEP and DCP planning controls and make decisions informed by a complete understanding of housing need as well as the potential impacts of the changes. A deferment of the commencement of the Code provisions will mean that Council retains its decision making powers in relation to strategic planning for affected areas.

Financial Implications

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

Community Engagement

A Community Engagement Plan will be implemented to ensure that Council provides the community and other stakeholders information and feedback is sought in relation to the preparation of the new LEP and DCP.

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.8
Subject	Astrolabe Park - Representations to Bayside Council for Future Upgrades and Use
Report by	Clare Harley, Manager Strategic Planning
File	F18/575

Summary

A General Managers Briefing of Bayside Councillors was held on 30 May 2018 at which the following groups provided presentations in relation to the future use of Astrolabe Park, Daceyville:

- 1 Cricket NSW, AFL NSW/ACT, UNSW, NSW Government
 - 2 Sydney International Beach Volleyball Centre Consortium.
-

Officer Recommendation

- 1 That Council request that the Director City Futures review probity considerations and subject to satisfactory arrangements enter into negotiations with Sydney Water and Cricket NSW, AFL NSW/ACT, UNSW and the NSW Government for the preparation of a draft Memorandum of Understanding which outlines Terms of Agreement for the future use and tenure of Astrolabe Park.
 - 2 That the status of the draft Memorandum of Understanding be presented to the next available Sport and Recreation Committee meeting.
-

Background

Bayside Council has received representations from two groups in relation to the future use of Astrolabe Park, Daceyville.

Astrolabe Park is located at 35 Isacc Smith Street (Lot: 2825 DP: 752015) and is south west of the intersection of Cook Avenue and Astrolabe Road. The park is owned by Sydney Water and under licence to Bayside Council. It is zoned SP2 – Recreation Facility Outdoor under the *Botany Bay Local Environmental Plan 2013*. To the east of Astrolabe Park is the UNSW owned David Phillips Sports Complex which is zoned RE2 – Private Recreation and to the west is Sydney Water land which is also zoned SP2 – Recreation Facility Outdoor.

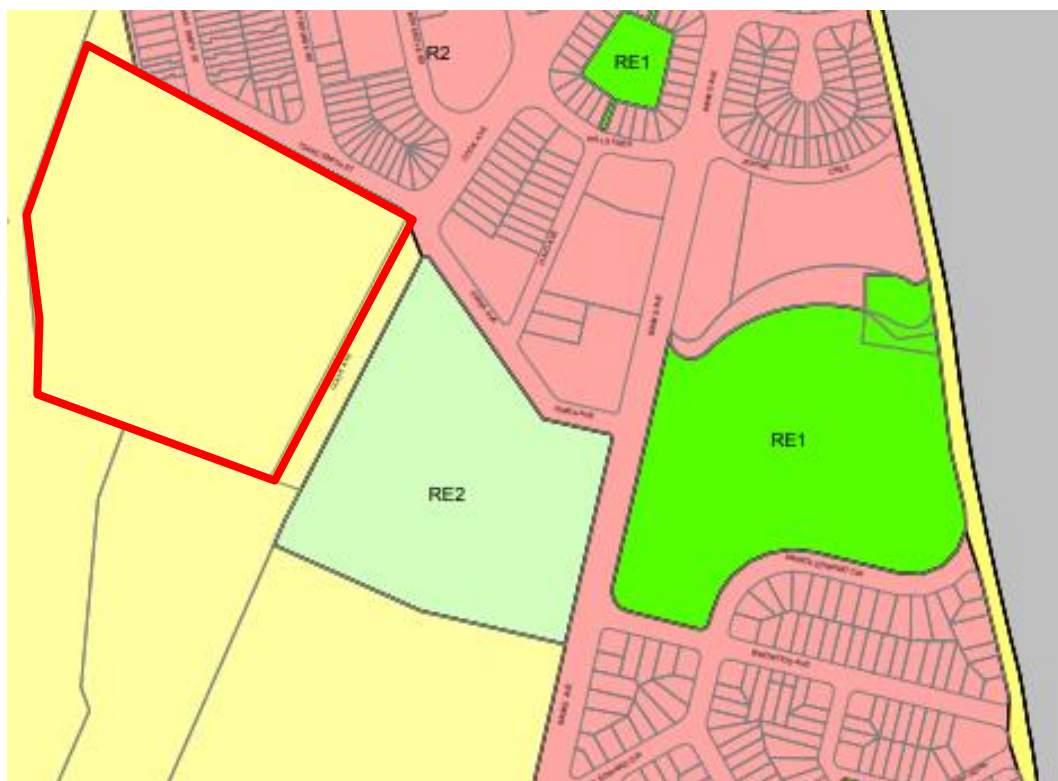


Figure 1: Site location and zoning (Source: Botany Bay Lep 2013 Map LZN_004_010)

A General Managers Briefing of Bayside Councillors was held on 30 May 2018 at which the following groups provided presentations:

- 1 Cricket NSW, AFL NSW/ACT, UNSW, NSW Government
- 2 Sydney International Beach Volleyball Centre Consortium.

1 Cricket NSW, AFL NSW/ACT, UNSW Proposal, NSW Government Proposal

Information provided to Council indicates that the proposed development would be jointly funded by UNSW, Cricket NSW, AFL/Sydney Swans and the NSW Government and include the development of facilities and infrastructure as well as ongoing funding of site and facility maintenance and management. Use of the grounds and facilities by the broader community is proposed. The impetus for the proposal is identified as:

- the University of NSW is undergoing a major expansion which will result in a loss of playing fields and the need to immediately relocate the UNSW Cricket and AFL clubs;
- the redevelopment of Allianz Stadium necessitating the relocation of Cricket NSW and the Sydney Sixers administration and training facilities in April 2019, the relocation of AFL NSW/ACT administration facilities in January 2019, the requirement for alternate training facilities for the Sydney Swans and Swans AFLW; and
- rapid grassroots growth and green space shortage.

The proposal is part of the UNSW Sports Industry Strategy and is for the development of Astrolabe Park to incorporate:

- An AFL field and pavilion

- A cricket oval and pavilion
- An administration/indoor training/rehabilitation and café facilities
- Playground facilities
- Outdoor cricket nets
- Perimeter walking/cycling track
- Parking.

The proposal is illustrated in Figure 2 which identifies the integration of the Astrolabe Park recreation facilities with the UNSW owned David Phillips Sports Complex to the east.



Figure 2: Astrolabe Park and David Phillips Sports Complex Masterplan
(Source: Extract from presentation to General Managers Briefing 30 May 2018)

In order for the proposal to progress Bayside Council, as licence holder of the grounds, Sydney Water as landowner and other parties would need to negotiate and agree to terms for any future development, use and tenure of the park to ensure appropriate public benefits are achieved.

2 Sydney International Beach Volleyball Centre Consortium

Information provided to Council by the Sydney International Volleyball Centre Consortium proposes the use of Astrolabe Park for:

- A sports and entertainment complex consisting of:

- A 6500 seat stadium with retractable roof to be used for indoor volleyball, professional artists, international conferences and functions
- A range of accommodation options including backpacker style facilities
- A restaurant/café hub
- A forecourt plaza for community events and outdoor cinema
- Resort style lagoon with café and restaurant

Public benefits to the community including accessibility of the proposed facilities by sporting and other groups was not clearly articulated.



Figure 2: Astrolabe Park and David Phillips Sports Complex Masterplan – International Beach Volleyball and Entertainment Stadium

(Source: Extract from presentation to General Managers Briefing 30 May 2018)

Financial Implications

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

Community Engagement

No community engagement activities are proposed at this stage. In the event that Council proposes to enter into an Agreement in relation to Astrolabe Park it will develop and implement a Community Engagement Plan to provide information to and seek feedback from the community and other stakeholders.

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.9
Subject	Planning Proposal - 119 Barton Street, Monterey
Report by	John McNally, Senior Urban Planner - Strategic Planning
File	F17/902

Summary

This report seeks a Council resolution to submit a draft Planning Proposal for 119 Barton Street, Monterey to the Department of Planning and Environment for a Gateway Determination.

The draft Planning Proposal seeks to:

- Rezone the subject site from RE2 Private Recreation Zone to R3 Medium Density Residential Zone; and
- Introduce Development standards as follows:
 - apply a maximum Floor Space Ratio (FSR) development standard of 0.6:1;
 - apply a maximum Height of Building (HOB) development standard of 8.5m; and
 - apply a Minimum Lot Size (LSZ) development standard of 450sq.m. for the subject land.

The draft Planning Proposal seeks the application of the same planning controls as apply to the surrounding lots which are currently zoned R3 Medium Density. The subject site currently has no FSR, Height of Building or Minimum Lot Size controls in the Local Environmental Plan.

On 1 May 2018 the Bayside Planning Panel considered the draft Planning Proposal and recommended to Council that it be forwarded to the Department of Planning and Environment for a Gateway determination. The Bayside Planning Panel is of the view that the proposed rezoning will allow for development in character with the adjoining residential area.

If Council supports the Planning Proposal and the Department of Planning and Environment issue a Gateway Determination the Planning Proposal will be placed on public exhibition for community feedback.

Officer Recommendation

- 1 That Council endorse the Planning Proposal for Gateway Determination based on the recommendation of the Bayside Planning Panel dated 1 May 2018.
 - 2 That Council submit the draft Planning Proposal for 119 Barton Street, Monterey to the Department of Planning and Environment, for a Gateway Determination, pursuant to section 3.34 of the Environmental Planning & Assessment Act 1979 (EP&A Act).
-

Background

Applicant:	City Planning Works
Proponent:	Monterey Equity Pty Ltd
Owner:	Monterey Equity Pty Ltd
Allotments subject to Planning Proposal:	Lot 2 DP 857520

The subject site previously accommodated the Sir Francis Drake Bowling Club. The site incorporates a total land area of approximately 7,218m². An aerial photo (Figure 1) and relevant *Rockdale Local Environmental Plan 2011* extracts (Figures 2-5) for the site describe the current planning controls. The subject site is outlined in red.



Figure 1 – Aerial Photo of Subject site

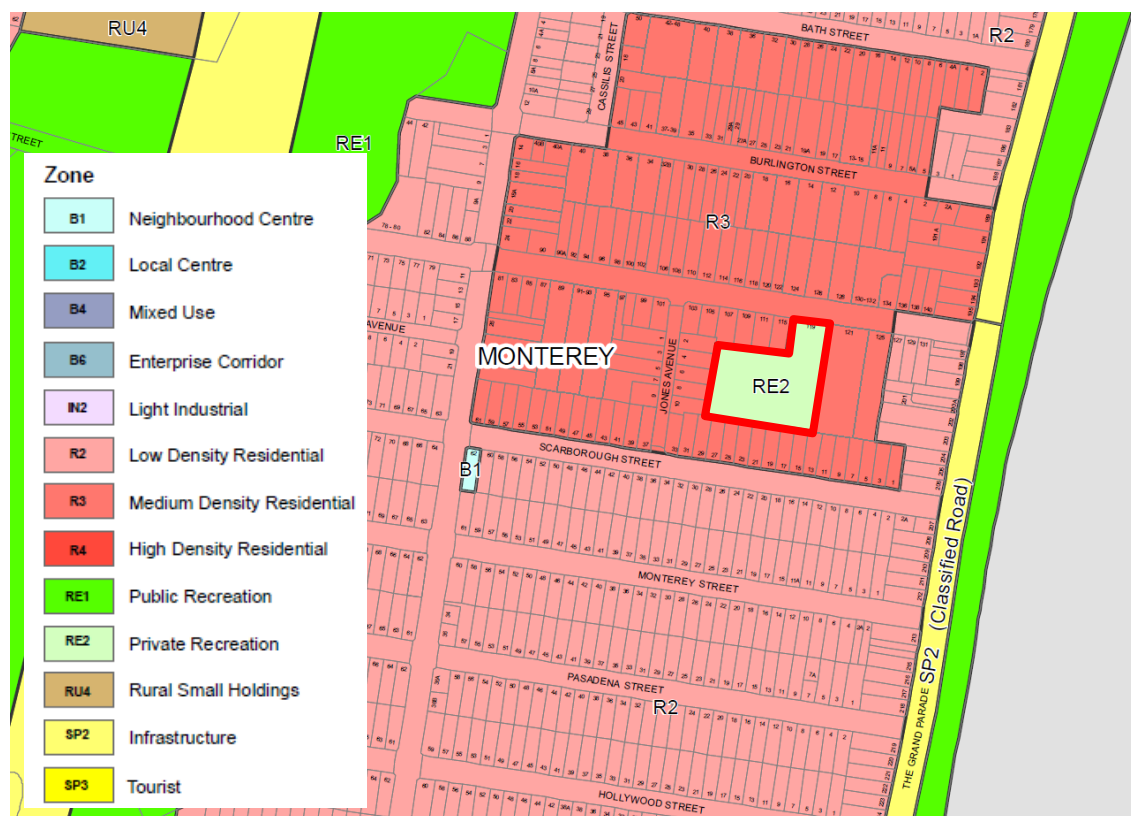


Figure 2 – RLEP 2011: Zoning (RE2 Private Recreation)

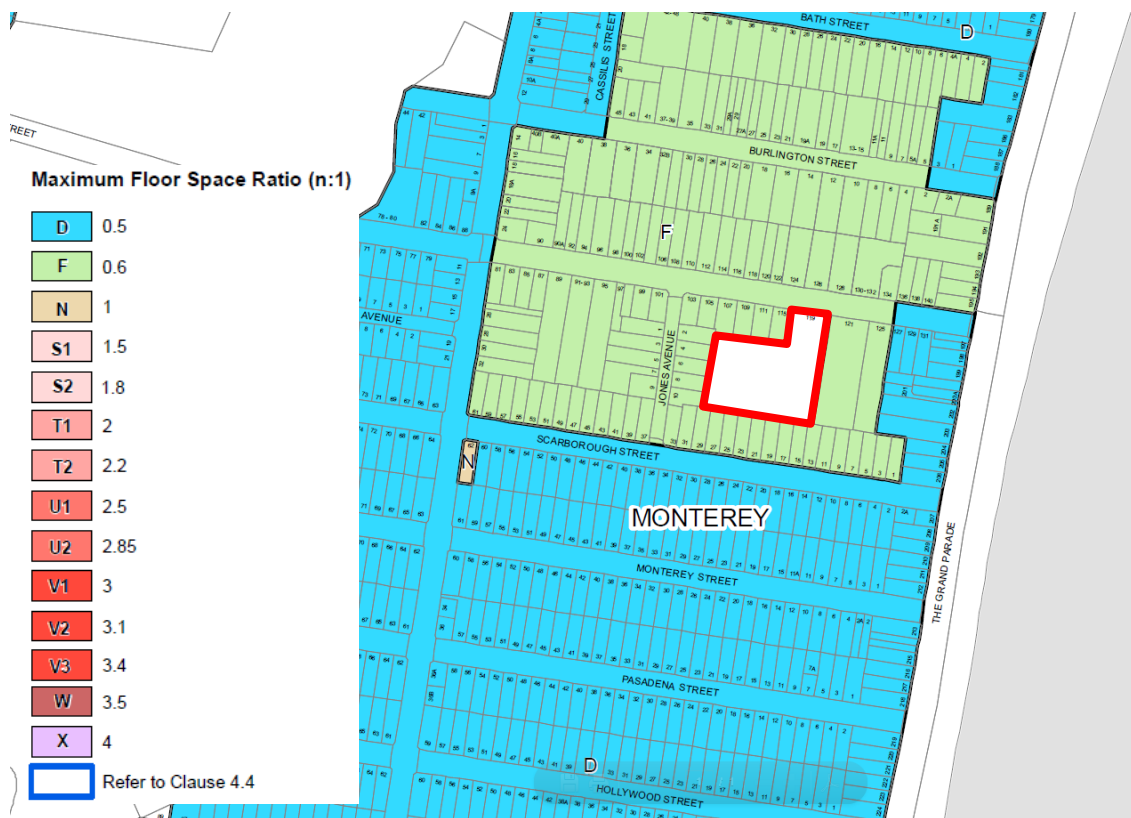


Figure 3 – RLEP 2011: Floor Space Ratio (N/A)

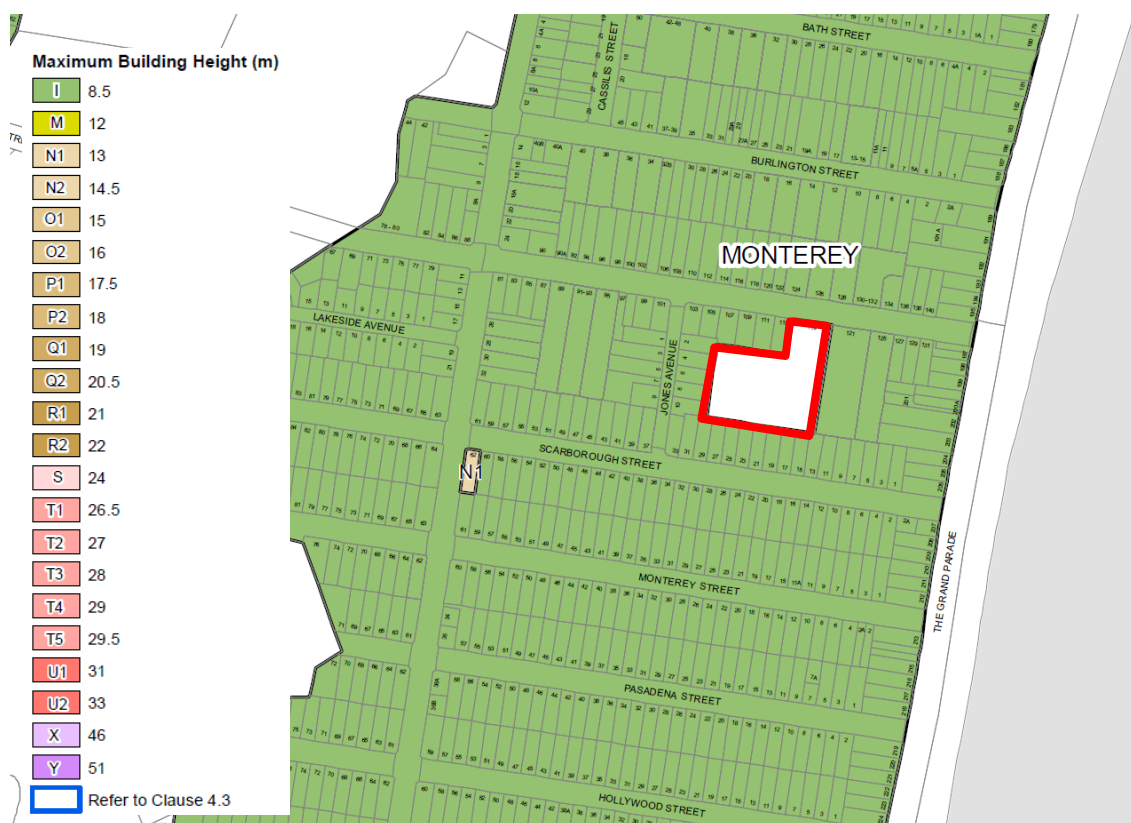


Figure 4 – RLEP 2011: Height of Building (N/A)

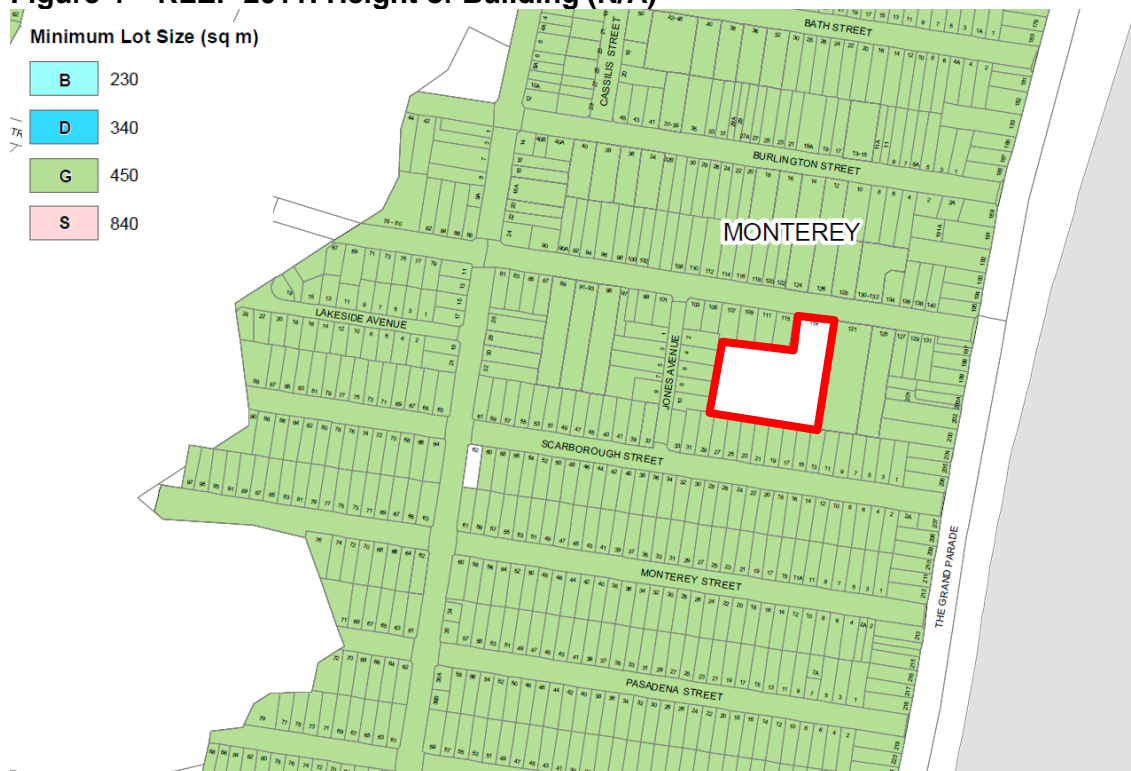


Figure 5 – RLEP Minimum Lot Size: (N/A)

Site Description

The subject site is legally known as Lot 2 DP 857520 and is located on the southern side of Barton Street, between Jones Avenue to the west and The Grand Parade to the east. The

7218sq.m. site is a battle axe shape with the handle frontage to Barton Street being approximately 34 metres.

Surrounding Land Uses

Adjoining the site to the east are strata townhouse developments at 121 and 125 Barton Street, as well as similar townhouse developments at 89 – 95 Barton Street. Surrounding development is characterised predominately of detached single and double storey dwellings.

Planning Proposal Summary

The Planning Proposal (**Attachment 1**) seeks the following amendment to the *Rockdale Local Environmental Plan 2011*:

- Rezone the site from RE2 Private Recreation to R3 Medium Density Residential zone;
- Apply a maximum Floor Space Ratio (FSR) development standard of 0.6:1;
- Apply a maximum Height of Building (HOB) development standard of 8.5m; and
- Apply a Minimum Lot Size (LSZ) development standard of 450sq.m for the subject land.

Table 1 identifies a comparison of the current, proposed and surrounding zoning and development standards for the site, based on the provisions of the Rockdale LEP 2011:

Development Standard	Existing	Proposed	Surrounding
Zoning	RE2 Private Recreation	R3 Medium Density Residential	R3 Medium Density Residential
Height of Building	N/A	8.5m	8.5m
Floor Space Ratio	N/A	0.6:1	0.6:1
Minimum Lot Size	N/A	450m ²	450m ²

Table 1: Proposed changes to development standards

Planning Proposal Assessment

The site was formerly used as a bowling club, for private recreation purposes. Under the current RE2 Private Recreation zoning, there are no development standards that apply in relation to building height, floor space ratio or minimum lot size. The site is no longer used as a bowling club, and the Planning Proposal provides an opportunity to amend the zoning and development standards to enable consistency with the surrounding R3 Medium Density Residential zone, under the Rockdale LEP 2011.

Traffic and Vehicular Access

An independent traffic consultant (Bitzios) reviewed the Traffic Report submitted with the Planning Proposal (**Attachment 2**) and raised no concerns about the impact a potential Development Application could have on the surrounding road network.

The report concluded that there are no traffic or transport issues identified that would preclude the consideration of a Development Application resulting from the Planning Proposal.

Environmental Planning & Assessment Act 1979

The NSW Department of Planning & Environment's *A Guide to Preparing Planning Proposals* - issued under s3.3 (3) of the *Environmental Planning and Assessment Act 1979* - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted Planning Proposal by Council staff has been undertaken in accordance with the latest version of this *Guide* (dated August 2016).

Section 9.1 Ministerial Directions

Section 9.1 Ministerial directions (Section 9.1 directions) set out what a RPA must do if a S9.1 direction applies to a Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified.

An assessment of the Planning Proposal against the applicable S9.1 directions is provided in Table 2 below:

Ministerial Direction	Planning Proposal Consistency with Direction	Consistent
3.1 Residential Zones	<p>What a RPA must do:</p> <p>The RPA must include provisions that broaden the choice of building types, encourage the provision of housing that will make more efficient use of existing infrastructure and services.</p> <p><u>Comment:</u></p> <p>The Planning Proposal seeks to include provisions that will facilitate medium density in close proximity of existing transport infrastructure, open/recreation space, and nearby services.</p>	YES
3.4 Integrating Land Use and Transport	<p>What a RPA must do:</p> <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> (guidelines).</p> <p><u>Comment:</u></p> <p>The subject site is serviced by several bus services along Chuter Street and the Grand Parade, with connection to larger transport hubs such as Rockdale, and Kogarah as well as direct busses to the Sydney CBD.</p>	YES

Ministerial Direction	Planning Proposal Consistency with Direction	Consistent
7.1 <i>Implementation of A Plan for Growing Sydney</i>	<p>What a RPA must do:</p> <p>A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney.</p> <p><u>Comment:</u></p> <p>Direction 2.1: Aims to provide more housing and a diverse choice of housing as population growth accelerates.</p> <p>Direction 2.2: Aims to facilitate urban infill projects, and urban renewal around transport corridors providing diverse housing close to jobs.</p> <p>Direction 2.3: Aims to improve the choice of housing, as the needs of the population changes.</p> <p>Rezoning the subject site from RE2 to R3, reflecting the surrounding zone is considered consistent with Directions 2.1 and 2.3, as the proposal to seek medium density residential development has the potential to provide diversity in the local housing stock. The Planning Proposal enables development for medium density town houses to be considered.</p> <p>The Planning Proposal is consistent with Direction 2.2 as the current use of the site has been exhausted, the planning proposal will enable infill development, providing diverse housing stock within close proximity of public transport and the Kogarah Priority Health and Education Precinct.</p>	YES

Table 2: Planning Proposal consistency with S9.1 directions

State Environmental Planning Policies (SEPPs)

An assessment of the Planning Proposal against the relevant SEPPs is provided in Table 3, below:

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)	<p>(1) <i>Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal</i></p> <p>(2) (1) <i>In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p>	YES

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
	<p>(3) (a) the planning authority has considered whether the land is contaminated, and</p> <p>(4) (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(5) (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p><u>Comment:</u> The Planning Proposal included a Contamination Assessment (Attachment 3) which was assessed by Council staff. The assessment raised no objections to the rezoning of the land from RE2 Private Recreation to R3 Medium Density, subject to appropriate Phase 2 Detailed Site Assessment, RAP and Validation being required as part of any DA for development of the site, including at grade construction.</p>	

Table 3: Planning Proposal consistency with applicable SEPPs

There are no other SEPPs applicable to the Planning Proposal.

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the Planning Proposal.

Strategic Planning Framework

Regional, Sub-Regional and District Plans and Strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure. An assessment of the Planning Proposal's consistency with the relevant strategic plans is provided in Table 4 below:

Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency – Yes/No
Regional Plans		
A Plan for Growing Sydney	Refer to the assessment under the heading 'S9.1 directions', above	YES
Subregional Plans – A Plan for Growing	Refer to the assessment under the heading 'S9.1 directions', above	YES

Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency – Yes/No
Sydney - Central Subregion		
Greater Sydney Region Plan	<p><i>Objective 10:</i> Aims to have greater housing supply.</p> <p><i>Objective 11:</i> Aims to offer more diverse and affordable housing stock</p> <p><u>Comment:</u> The Planning Proposal is consistent with the Greater Sydney Regional Plan, as it would enable the consideration of medium density developments increasing the housing stocks, and allowing for more diverse housing stock.</p>	YES
District Plans		
Eastern City District Plan	<p><i>Planning Priority E5</i> Aims to increase housing stock, and offer great choice in housing.</p> <p><u>Comment:</u> As mentioned above; The Planning Proposal is consistent with the Eastern City District Plan, as it would enable the consideration of medium density developments increasing the housing stocks, and allowing for more diverse housing stock.</p>	YES
Local Strategies		
Rockdale Urban Strategy	<p><u>Strategy Principles:</u></p> <p><i>Residential Character:</i> Aims to ensure that precincts and streets are developed in ways that are consistent with and reinforce the overall character of their neighbourhood.</p> <p><u>Comment:</u> The locality is currently characterised by villa style medium density development, as well as detached single and double storey dwellings. The Planning Proposal is an opportunity to create consistency, and enforce the existing character on a site that has exhausted its previous use.</p>	YES
Rockdale Development Control Plan 2011 (DCP)	The Planning Proposal is consistent and compatible with the Rockdale Development Control Plan 2011. The Planning Proposal will not preclude any potential Development Application from complying with the controls set out in the DCP.	

Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency – Yes/No
	<p><u>4.2 Streetscape and Site Context</u></p> <p><i>Comment:</i> The RDCP promotes a positive interrelationship between the building and the street. The objectives of the DCP are to ensure development respond to and relate to existing streetscape character. While this is a consideration for DA stage, the DCP will ensure the development is integrated, and complementary to the existing character of the locality.</p> <p><u>4.3 Open Space and Landscape Design</u></p> <p><i>Comment:</i> The site is compatible with the DCP controls relating to the use of appropriate landscaping to both provide privacy and enhance the streetscape.</p> <p><u>4.4.2 Solar Access</u></p> <p><i>Comment:</i> The planning Proposal would facilitate similar medium density developments as to what is surrounding the site. The FSR and Height controls, along with the DCP would facilitate adequate solar access both for neighbouring dwellings and any future development.</p> <p><u>4.6 Car Parking, Access and Movement</u></p> <p><i>Comment:</i> The DCP will provide any future development application with controls to provide appropriate parking. The Planning Proposal is to reflect the surrounding zoning, height and FSR and is an appropriate size to allow accommodation of the required amount of parking and access.</p> <p><u>5.1 Low and Medium Density Residential</u></p> <p><i>Comment:</i> The Planning Proposal, will enable a medium density residential development. While the site only has a small street frontage, any development will be able to provide appropriate setbacks from the street.</p>	

Table 4: Strategic Planning Framework

Urban Context and Evaluation

An Urban Design Report has been prepared (**Attachment 4**) for the subject Planning Proposal. The mass modelling included in the Urban Design Report includes an indicative *maximum* building envelope and massing study (see Figure 6 below). The built form that is illustrated is indicative of what could be achieved if the proposed controls are introduced.

Councils' planning and design staff have reviewed the Urban Design Report and believe that the proposed controls can be used to manage and implement built form outcomes which will not have adverse amenity impacts on adjacent properties and neighbourhood character.

The developer is still required to submit a separate Development Application to provide more site specific detail about the development, which will be subject to further community consultation.



Figure 6 – Indicative Massing Study

Financial Implications

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

Community Engagement

Should the Planning Proposal proceed through Gateway, community consultation will be undertaken in accordance with Section 3.34(2)(c) of the *Environmental Planning &*

Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted.

Attachments

- 1 Planning Proposal (under separate cover)
- 2 Traffic Report (under separate cover)
- 3 Contamination Assessment (under separate cover)
- 4 Urban Design Report (under separate cover) [!\[\]\(aca6fcc8bd95e8255b9ea1b1d08ef300_img.jpg\)](#)

Council Meeting

13/06/2018

Item No	8.10
Subject	Planning Proposal - Post-Exhibition Report: 75-81 Railway Street, Rockdale
Report by	John McNally, Senior Urban Planner - Strategic Planning
File	F14/362

Summary

This report seeks Council endorsement to make amendments to the *Rockdale Local Environmental Plan 2011* in relation to 75-81 Railway Street, Rockdale. The proposed amendment is to increase the maximum Height of Building on the land from 22m to 28m.

The Planning Proposal and an associated Voluntary Planning Agreement have been on exhibition. One submission was received.

A post exhibition report was considered by the Bayside Planning Panel on 1 May 2018. The Panel recommended to Council that the amendment to the *Rockdale Local Environmental Plan 2011* be made.

Officer Recommendation

- 1 That, in accordance with Section 3.36(2) of the Environmental Planning and Assessment Act 1979, Council exercise its delegation and make the Local Environmental Plan amendment, as exhibited, for 75-81 Railway Street, Rockdale.
 - 2 That Council consider the recommendation of the Bayside Planning Panel on 1 May 2018 to make the amendment to the Rockdale Local Environmental Plan 2011.
 - 3 That Council note that a separate report has been tabled in relation to the Voluntary Planning Agreement for the site and that the Voluntary Planning Agreement will be registered on title prior to amendment of the Rockdale Local Environmental Plan 2011 in relation to 75-81 Railway Street, Rockdale.
-

Background

On 2 September 2015, Council resolved to endorse a Planning Proposal for land at:

- 75-81 Railway Street and
- 83-85 Railway Street, Rockdale (refer **Attachment 1**).

The Planning Proposal was instigated by the owners of 75-81 Railway Street to amend the Local Environmental Height of Building controls from 22 meters to 28 meters.

Land at 83-85 Railway Street was included so that a continuous laneway could be created along the rear of the lots between Parker Street and Walz Street, whilst also creating a small

area of public parking. The outcomes being sought are consistent with the Rockdale Town Centre Masterplan.

Despite negotiations with the owner of 83-85 Railway Street, the owner of 75-81 Railway Street could not reach an agreement to consolidate the sites and Council requested that the Department of Planning and Environment issue a revised Gateway Determination.

In November 2016 an amended Gateway Determination was issued by the Department of Planning and Environment. The amended Gateway Determination removed the land at 83-85 Railway Street from the Planning Proposal. (refer **Attachment 2**). The Planning Proposal now under consideration only relates to land at 75-81 Railway Street (the Subject Site).

Council has pursued the establishment of a public laneway from Parker Street to Walz Street and new public parking to implement the Rockdale Town Centre Masterplan. The proponent of the Planning Proposal for the subject site has offered to enter into a Voluntary Planning Agreement (refer **Attachment 3**) which covers the following matters (subject to a minimum gross floor area of 10,300 sq.m. being achieved on the site):

- **Option A** (to be implemented if the developer or Council becomes the registered proprietor of 83-85 Railway Street or otherwise obtains alternative public access arrangements over 83-85 Railway Street):
 - Extension of Hesten Lane southwards by approximately 21m including construction of new road infrastructure and public car parking on extension of Hesten Lane;
 - Streetscape improvement works to upgrade the Parker Street frontage;
 - Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre;
 - Streetscape and building frontage improvement works within the boundary of the Guild Theatre site; and
 - Dedication to Council of land to be used for provision of new public parking and a proposed future pedestrian connection linking Hesten Lane with Walz Street.
- **Option B** (to be implemented if the circumstances which give rise to Option A do not occur):
 - Streetscape improvement works to upgrade the street frontages of the land on Hesten Lane, Parker Street and Railway Street;
 - Streetscape improvement works to the northern side of Walz Street between Watkin Street and Railway Street;
 - Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre; and
 - Streetscape and building frontage improvement works within the boundary of the Guild Theatre site.

(Refer **Figure 1**)



Figure 1 – VPA options

A separate report has been provided to Council in relation to proposed execution of the Voluntary Planning Agreement. Option A is preferred as a through site connection can be achieved through the adjacent property (83-85 Railway Street).

Bayside Planning Panel Recommendation

At its meeting of 1 May 2018, the Bayside Planning Panel made the following recommendation in respect of the Planning Proposal:

The Bayside Planning Panel recommends to Council that it exercises its delegation and makes the Local Environmental Plan amendment, as exhibited, for 75-81 Railway Street, Rockdale in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.

Public Exhibition

The Planning Proposal, supporting documentation and VPA were publicly exhibited for 29 days from Wednesday 21 February 2018 to Thursday 22 March 2018, in accordance with the requirements of the original Gateway Determination (see **Attachment 4**). Notification letters were sent to 55 property owners in the surrounding area. The Planning Proposal (see **Attachment 5**) was also advertised in the St George and Sutherland Shire Leader on Wednesday 21 February 2018, and the Planning Proposal and supporting documents, and the VPA, were made available for inspection at Rockdale library.

One submission was received from a resident of 2-4 Parker Street. The following concerns were raised:

- Concerns regarding the proximity of any future development to the existing residential units immediately to the west on Parker Street; and

- Concerns regarding the impact of any future development on the privacy of the existing residential units immediately to the west on Parker Street.

Response to submission: Impact of proposed building envelope on residential properties at 2-4 Parker Street

The current planning controls on the land allow a maximum Height of Building of 22m. The Urban Design Report (see **Attachment 6**) submitted in support of the Planning Proposal provides shadow diagrams which demonstrate the differing impact between indicative development proposals with heights of 22m (shown in green) and 28m (shown in blue). A selection of these diagrams is shown below:

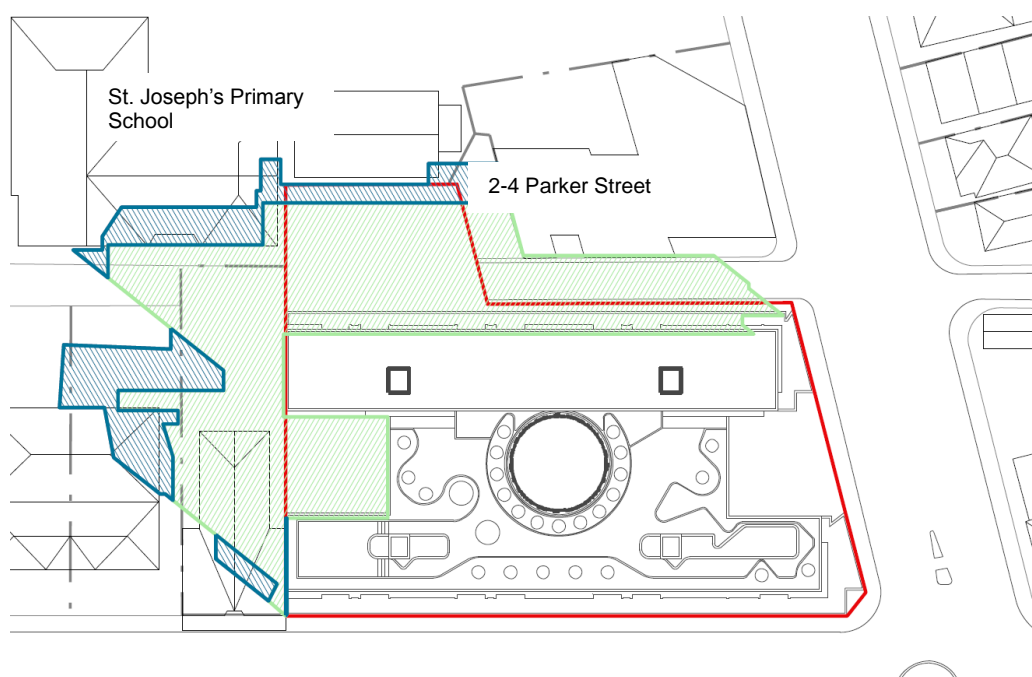


Figure 2 – Shadow Diagram: 21 March 9am

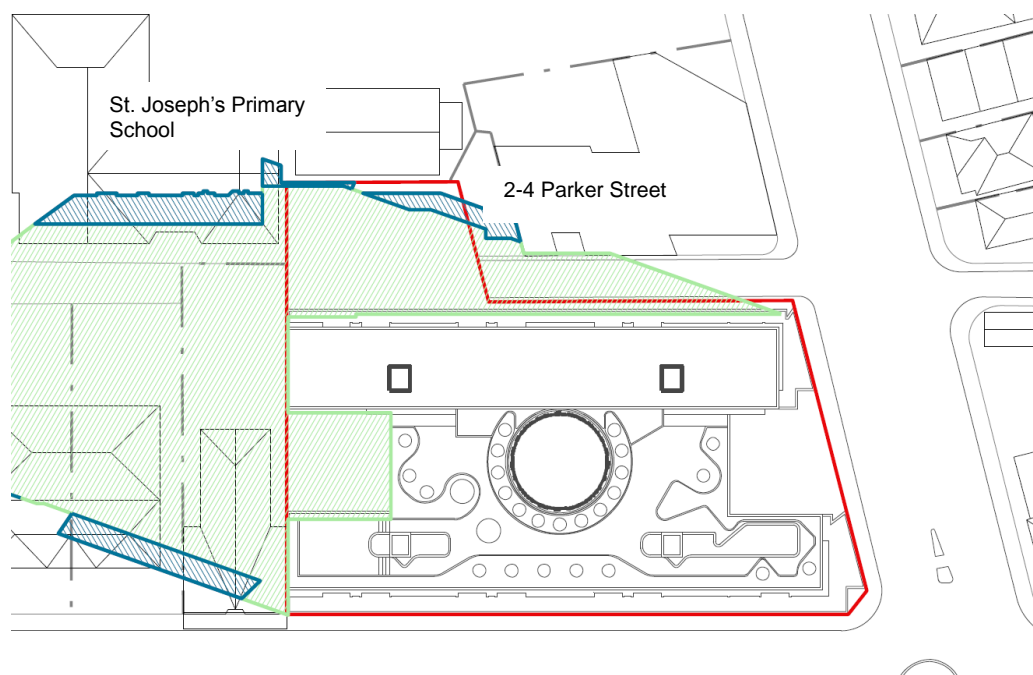


Figure 3 – Shadow diagram: 21 June 9am

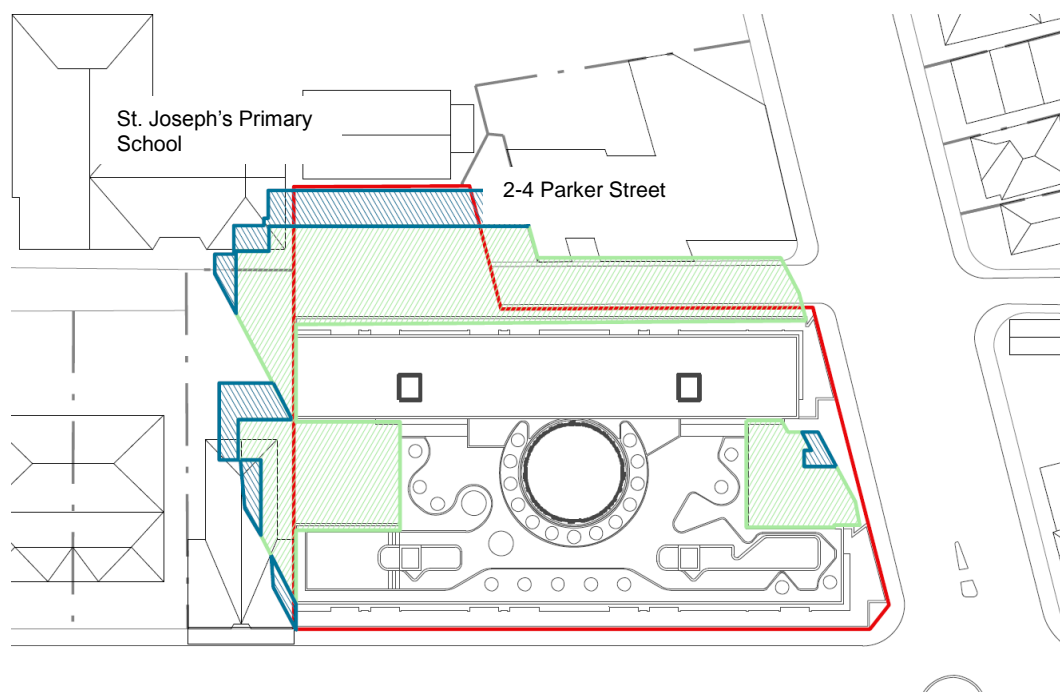


Figure 4 – Shadow diagram: 21 December 9am

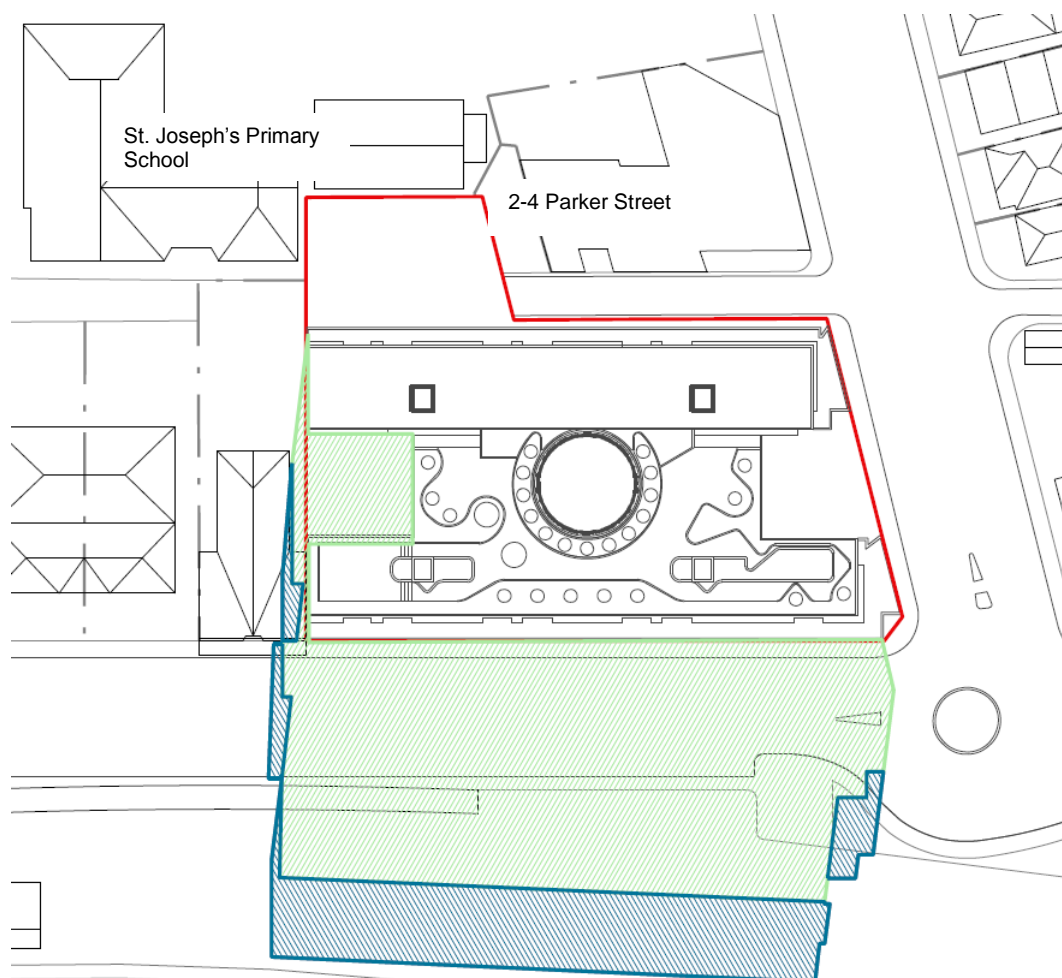


Figure 5 – Shadow diagram: 21 March 3pm

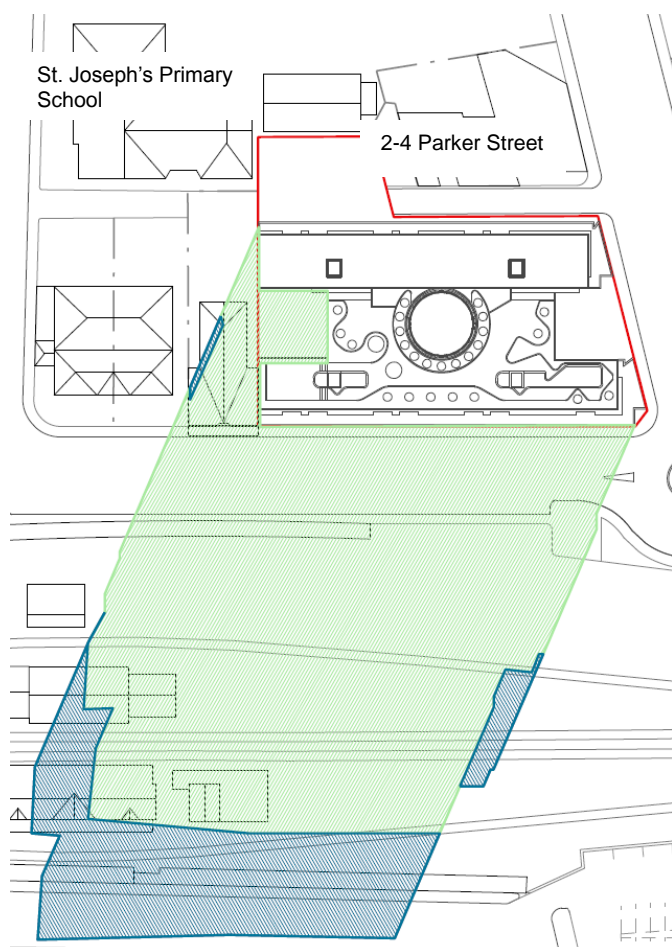


Figure 6 – Shadow diagram: 21 June 3pm

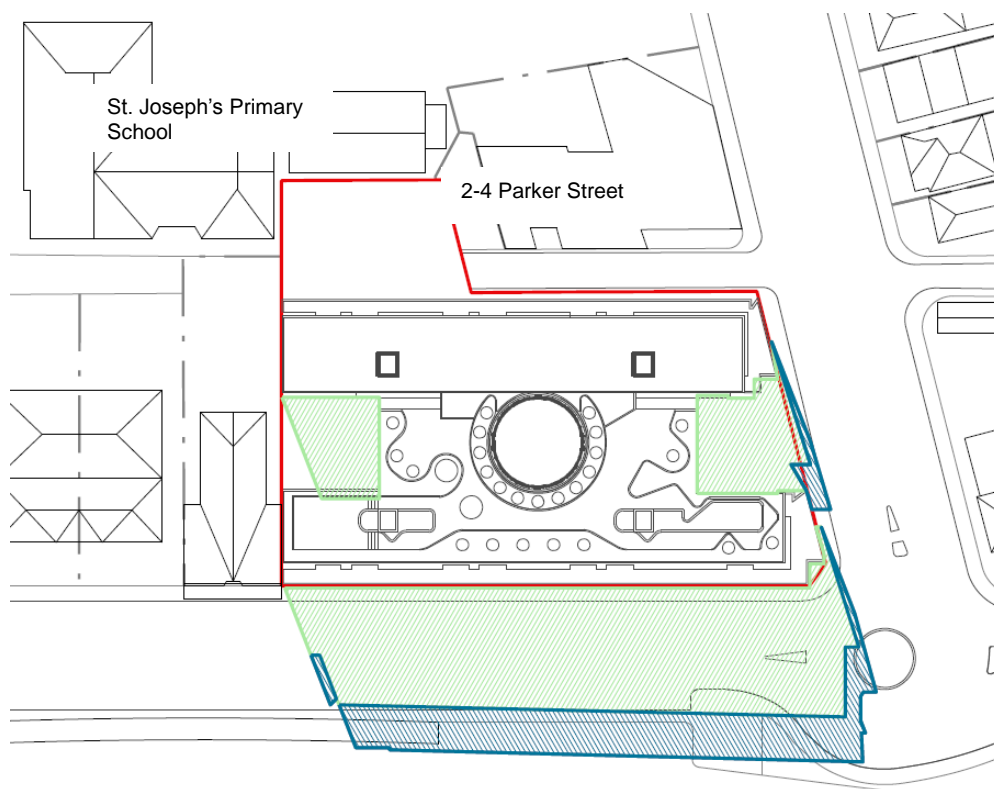


Figure 7 – Shadow diagram: 21 December 3pm

The shadow diagrams show the extent of overshadowing of the indicative scheme that has been included in the Urban Design Report for illustrative purposes only. The diagrams show that the additional 6m in height being sought would result in modest additional overshadowing of the southern façade of 2-4 Parker Street at 9am during the most affected times of year (i.e. when the sun is at its lowest angle and therefore casts the longest shadow). The diagrams also show that, at 3pm, the overshadowing affects only the public roads, railway land (Rockdale Station) and bus interchange to the east.

While the maximum Height of Building being sought is considered acceptable in the town centre context of the subject land, any future detailed Development Application will need to carefully examine the impact of the possible additional reduction in solar access to any of the south-facing windows of 2-4 Parker Street. Similarly, any future development should be configured and oriented to ensure that the visual privacy of the adjacent residential properties is properly considered and protected, with the necessary separation distances being achieved between the existing and proposed development.

The subject site is located within a 'Local Core' area within Rockdale Town Centre in the Rockdale DCP. The following setback controls are sought for development in this area:

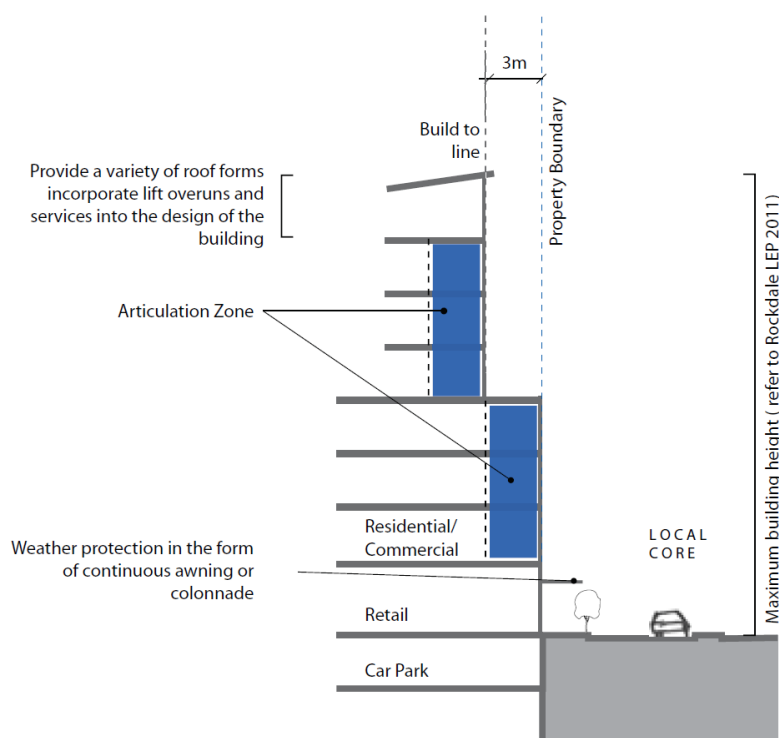


Figure 8 – Rockdale DCP Local Core setbacks

The site also backs on to Hesten Lane to the rear, for which the DCP seeks the following setbacks:

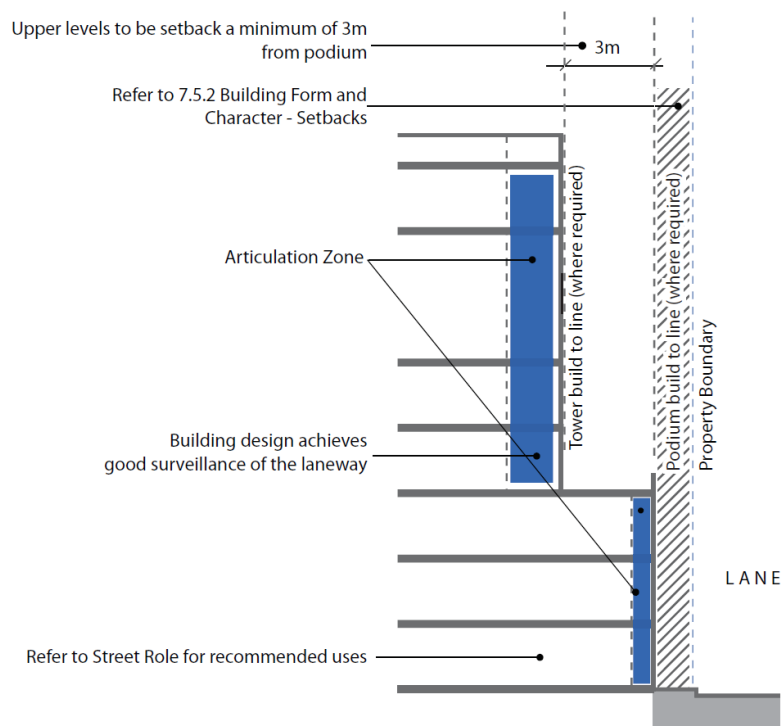


Figure 9 – Rockdale DCP Laneway setbacks

Hesten Lane is approximately 6m wide and, with the 3m setback of the upper levels that is required by the DCP, a setback of approximately 9m will be required between the upper floors of any future development on the subject land and the existing residential properties at 2-4 Parker Street. These existing controls, combined with careful and responsive design at the Development Application stage, should be sufficient to ensure a harmonious relationship between existing and proposed development.

As required by the Gateway Determination, Sydney Airport Corporation Limited (SACL) was consulted on the Planning Proposal. No objections were raised by SACL, but the following advice was provided to the proponent:

- This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority;
- Any proposed development taller than 15.24 metres AEGH will need to be approved by the Civil Aviation Safety Authority;
- The Sydney Airport Obstacle Limitation Surface (OLS) over the site is 51m AHD. Any proposed development taller than 51m AHD will need to be assessed and referred to the Federal Department of Infrastructure & Regional Development & Cities for a determination;
- The finished building height must be inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.;
- Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161;

- Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations;

Approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct:

- Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF);
- Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

The proposal was also referred to the Department of Infrastructure and Regional Development was also consulted. No response was received.

Next Steps

In the event that Council resolves to endorse the Planning Proposal, it will be forwarded to the Department of Planning and Environment, subject to any amendments resolved by Council, so that the Local Environmental Plan amendment can be drafted. Council has delegation from the Minister to make this amendment.

Financial Implications

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

Community Engagement

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

- Publicly exhibiting the Planning Proposal for 29 days from 21 February 2018 to 22 March 2018;
- Sending notification letters to 55 adjacent and surrounding landowners;
- Providing hard copies of all materials for inspection at the Rockdale Customer Service Centre; and
- Advertising the Planning Proposal 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.

Attachments

- 1 Council Report - 02.09.15 (under separate cover)
- 2 Amended Gateway Determination (under separate cover)
- 3 Draft VPA (under separate cover)
- 4 Original Gateway Determination (under separate cover)
- 5 Planning Proposal (under separate cover)
- 6 Urban Design Report (under separate cover) [!\[\]\(756219e9389f679d57027482aa5cf5fc_img.jpg\) !\[\]\(fcb77b2d9531d23794a07d244b7a89bc_img.jpg\) !\[\]\(8175e06aff05874f50e11ffc448e6860_img.jpg\) !\[\]\(d7fb7ebced2c712ed3052caf75d30501_img.jpg\) !\[\]\(d0fe824e371dd316453cda01cf34ca98_img.jpg\)](#)

Council Meeting

13/06/2018

Item No	8.11
Subject	Voluntary Planning Agreement, 75-81 Railway Street, Rockdale
Report by	Michael McCabe, Director City Futures
File	F15/224

Summary

Council has exhibited the Voluntary Planning Agreement in conjunction with the Planning Proposal for 75- 81 Railway Street Rockdale.

The Bayside Planning Panel considered the Planning Proposal on 1 May 2018 and recommended the amendment to the Rockdale Local Environmental Plan 2011 be made.

This report seeks to adopt the Voluntary Planning Proposal (VPA) made in conjunction with the Planning Proposal.

Officer Recommendation

That Council notes the outcomes of the exhibition of the Voluntary Planning Agreement (VPA) for 75-81 Railway Street, Rockdale and execute the VPA in accordance with Council delegations.

Background

On the 2 September 2015, Council Resolved to endorse a Planning Proposal for land at 75-81 Railway Street that extended to include the adjacent property. The Planning Proposal was later amended to exclude the adjacent property with both the Planning Proposal and Voluntary Planning Agreement now only in relation to 75-81 Railway Street Rockdale.

On the 10 May 2017 Council resolved to accept the 'scope of the Voluntary Planning Agreement' and delegated the finalisation of the VPA and its public exhibition to the General Manager, subject to the matter being reported back to Council and the community once the matter has been finalised.

See Attachment 1 – Council report 10 May 2017

The Planning Uplift

The Planning Proposal proposes to increase the maximum building height control of the subject site from 22 metres to 28 metres. Council engaged BEM Property Consultants and Valuers to determine the uplift in development value, which was determined at \$2,569,600.

Voluntary Planning Proposal - Offer

The current VPA as exhibited provides a maximum benefit to council of \$1,847,000 including section 94 contributions (works in kind) for both Options A and B. Section 94 and 94A contributions were estimated to be \$561,320 under the Rockdale Development Control Plan 2004, making the net maximum benefit to council of the VPA offer at just over \$1.28 Million or approximately 50% of the total uplift.

The offer included two options for Council.

Option A – provided a lane extension and dedication of land at the rear of the subject property and upgrade works to Railway Street including the Guild theatre frontages. Some aspects of Option A work in harmony with specifications and conditions associated with the Development Approval (DA-2017/26) dated 22 May 2018 for the adjacent property at 83-85 Railway Street Rockdale.

Option B – Assumed that if no through site connection could be achieved at the rear of the adjacent property, the land would not be dedicated however the additional street upgrade works would occur on Waltz Street Rockdale.

Note - Both options include street upgrade works on streets adjoining the development site.

See Attachment 2 - Summary table of Development Contributions Option A and Option B

See Attachment 3 - Summary Table of Street areas subject to upgrade works for both options.

See Attachment 4 – Draft Voluntary Planning Agreement, as exhibited

Conclusion

The independent valuation calculated that the value uplift to be achieved as a result of the Planning Proposal to amend the LEP is \$2.56 million. The Voluntary Planning Agreement (VPA) will facilitate value capture in the order of \$1.28 million. An additional amount of approximately \$561,000 has been negotiated in lieu of s.7.11 (formerly s.94) Development Contributions and will be provided as Works In Kind.

There was no public objections to the notification of the Voluntary Planning Agreement as exhibited.

The Bayside Planning Panel has recommended adoption of the amendment to the LEP in conjunction with the Planning Proposal.

Council resolution as per the recommendation will result in Council finalising and executing the VPA and registering an instrument on the land title of 75-81 Railway Street Rockdale prior to the amendment to the Rockdale Local Environmental Plan 2011.

Financial Implications

Not applicable

☐ Voluntary Planning Agreement will result in public benefit contributions to Council

Included in existing approved budget	<input checked="" type="checkbox"/>
Additional funds required	<input checked="" type="checkbox"/>

Community Engagement

The Planning Proposal and the Voluntary Planning Agreement were both publically exhibited between 21 February 2018 and Thursday 22 March 2018.

See Attachment 4 – Draft Voluntary Planning Agreement, as exhibited

There were no responses received on the Voluntary Planning Agreement.

Attachments

- 1 Council Meeting 10 May 2017
- 2 Summary Table of Contributions for Options A & B
- 3 Street Upgrade Maps for Options A & B
- 4 Final Draft VPA as Exhibited [↓↓↓↓](#)

Council Meeting**10/05/2017**

Item No	8.4
Subject	Voluntary Planning Agreement Proposal for 75-81 Railway Street, Rockdale
Report by	Albert Jean, Project Officer (Assets)
File	(R) F15/224

Summary

Zoe Holdings Rockdale Pty Ltd has submitted a Voluntary Planning Agreement proposal to Council in conjunction with the Planning Proposal at 75-81 Railway Street, Rockdale.

Council Resolution

Minute 2017/83

Resolved by the Administrator

That Council agrees to the scope of the Voluntary Planning Agreement and delegates the finalisation of the VPA and its public exhibition to the General Manager, subject to the matter being reported back to Council for the information of both Council and the community once the matter has been finalised.

Officer Recommendation

That Council agrees to the scope of the Voluntary Planning Agreement and delegates the finalisation the VPA and its public exhibition to the General Manager.

Background

On 2 September 2015, Council resolved to exhibit the proposed Planning Proposal for 71-85 Railway St Rockdale (**Attached:** 75-81 and 83-85 Railway St Rockdale Planning Proposal Council Report), concurrently with a draft Voluntary Planning Agreement (VPA).

83-85 Railway St, Rockdale was removed from the Planning Proposal on 9 November 2016.

This was due to Council unsuccessfully engaging with the owners of 83-85 Railway St, Rockdale to improve the surrounding amenity and creating community benefit. The proposed improvements centred on increased public parking, pedestrian and vehicle access, lighting and public safety.

The VPA is proposed by the owners of 75-81 Railway Street, Rockdale only.

The Planning Uplift

The Planning Proposal proposes to increase the maximum building height control of the subject site from 22 metres to 28 metres. Council engaged BEM Property Consultants and Valuers to determine the uplift in development value to be \$2,569,600 (**Attached:** Uplift Valuation Report for 75-85 Railway Parade, Rockdale VPA Proposal). The value of 50% of this uplift is \$1,284,800.

VPA Proposal

The VPA proposal (**Attached:** VPA Proposal 19 April 2017) contains two options where, prior to the lodgement of a development application for the redevelopment of 75-81 Railway Street, Option A will become null and void and Option B will apply in the event that Council or Zoe Holdings are unable to secure ownership of 83-85 Railway Street or guarantee alternative public access arrangements over 83-85 Railway Street. This is to establish a pedestrian connection between Hesten Lane and Waltz Street.

The VPA offer is made in consideration of Council's consent to a mixed use development on the subject land with a benchmark gross floor area of 11,000 square metres. In the event that the benchmark gross floor area is not realised or is exceeded then the VPA Offer will be reduced or increased as required on a per square metre pro rata basis based on \$800 per square metre of gross floor area. In the event that the gross floor area realized is less than 10,000 square metres then this VPA offer will become null and void.

Option A:

Public Benefit		Value
Land Dedication		\$750,000
Car Park Lease Back Agreement		\$48,000 over 10 years
Streetscape improvements:		\$1,049,000
1	Extension of Hesten Lane including construction of new road infrastructure, public car parking, retaining walls and soft landscaping, lighting and signage	
2	Streetscape improvement works to the Parker Street frontage of the site	
3	Footpath and public domain improvement works from Railway Street to the Guild Theatre (including inside boundary).	
Total		\$1,847,000

Item 8.4

Council Meeting 10/05/2017

Option B:

Public Benefit	Value
Streetscape improvements:	\$1,847,000
1 Streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages of the site	
2 Public Domain Works to the Guild Theatre	
3 Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street	

Site and Works Map:



Public Loss

The VPA proposes to exclude the application of S94 and S94A contributions which is estimated to be \$561,320 under the Rockdale Development Contribution Plan 2004 (in 2016/17 values).

Net Public Benefit

Option A and B proposes to deliver a net public benefit to the community of \$1.284 million, being 50% of the uplift value.

Item 8.4

Council Meeting 10/05/2017

Summary of Financial Situation

Planning Uplift		\$2,569,600
50% share		\$1,284,800
S94/S94A Estimated		\$561,320
Estimated Public Benefits	Gross	\$1,847,000
	Net (Public Benefits less Development Contributions)	\$1,285,680
% Share of Uplift		50%

Financial Implications

The VPA proposes to exclude S94 and S94A contributions which is estimated to be \$561,320 under the Rockdale Development Contribution Plan 2004 (in 2016/17 values). The VPA proposes to provide Council with \$1,847,000 of public domain works.

Community Engagement

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

Attachments

- 1 Planning Proposal
- 2 Valuation Report
- 3 VPA Proposal 19 April 2017

Council Meeting

Meeting Date 02/09/2015

Public

Report Header

Item Number:	ORD12
Subject:	PLANNING PROPOSAL: 75-81 AND 83-85 RAILWAY STREET ROCKDALE
File Number:	F14/362
Report by:	Acting Manager Urban & Environmental Strategy (David Dekel)
Contributors:	Urban Designer (Wil Robertson)
Community Engagement:	No
Financial Implications:	No

Precis

A planning proposal has been received from the owners of 75-81 Railway Street, Rockdale affecting 75-81 and 83-85 Railway Street, Rockdale. The site is located on the western side of Rockdale Railway Station, to the north of the current retail/commercial core. The properties are adjacent to the Guild Theatre and are immediately opposite the current bus interchange on Railway Street.

The recently gazetted amendments to the Rockdale Local Environmental Plan 2011 (made in June 2015), provide a building height of 22 metres. This planning proposal seeks to increase the building height to 28 metres while retaining the existing B2 Local Centre zoning on the site allowing "shop top housing". The increased height will enable an eight storey development over the site. The Planning Proposal also facilitates the creation of a laneway at the rear of the property, which links Walz and Parker Streets, and provides opportunities for additional parking spaces in the locality. This will be defined in a Voluntary Planning Agreement, currently being negotiated, and will be reported to Council separately during the Gateway Determination period.

The purpose of this report is to determine if the planning proposal has sufficient merit to be recommended to the Department of Planning and Environment for Gateway Determination.

A presentation on the subject was made at the Councillor Information Session on 12 August 2015.

Council Resolution

NOTE:

Councillors Bezic and Kalligas arrived at the conclusion of this item at 7.01 pm.

Mr Giovanni Cirillo addressed the Council.

MOTION moved by Councillors Nagi and P Sedrak

- 1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to minor amendments outlined in this report.
- 2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.
- 3 That Council notes that the particular design solutions shown in the applicant's supporting information are illustrative only and that any development on the site will require assessment through a separate development approval process.

4 That Council notes that a Voluntary Planning Agreement (VPA) is being negotiated with the applicant and that a separate report will be submitted for Council's consideration during the Gateway Determination process, recommending that, if approved, the draft VPA be exhibited concurrently with the Planning Proposal.

5 That the Land Reservations Acquisitions Map Sheet (LRA 004) in RLEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and P Sedrak

FOR THE MOTION

Councillors O'Brien, Macdonald, P Sedrak, Awada, Barlow, Nagi, Mickovski, Ibrahim, Hanna, Tsounis and Poulos

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 11 votes to 0.

Officer Recommendation

That voting on this matter be by way of a Division.

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to minor amendments outlined in this report.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

3 That Council notes that the particular design solutions shown in the applicant's supporting information are illustrative only and that any development on the site will require assessment through a separate development approval process.

4 That Council notes that a Voluntary Planning Agreement (VPA) is being negotiated with the applicant and that a separate report will be submitted for Council's consideration during the Gateway Determination process, recommending that, if approved, the draft VPA be exhibited concurrently with the Planning Proposal.

5 That the Land Reservations Acquisitions Map Sheet (LRA 004) in RLEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking.

Report Background

Applicant: Planning Lab

Land Owner 75-81 Railway Street: Zoe Holdings Rockdale Pty Ltd

Directors: Hassan Harb and Annette Harb

Council received a planning proposal from the owners of 75-81 Railway Street Rockdale on 4 May 2015 affecting 75-81 and 83-85 Railway Street Rockdale ("the site") (refer to **Attachment 1**). The decision by the applicant to prepare a planning proposal across both sites occurred following initial discussions with, and advice from Council officers. The rationale behind this advice and the subsequent Planning Proposal was to ensure that an integrated and cohesive site development outcome could be achieved. The purpose of including both sites was also to facilitate public benefit opportunities to improve pedestrian and vehicle amenity, as well as possible "at grade" additional

parking opportunities, by connecting Walz and Parker Streets.

The Planning Proposal is supported by an Urban Design Analysis which illustrates potential development scenarios based on development of the all or part of the site (refer to **Attachment 2**). The planning proposal is supported by consultant reports covering urban design, acoustic, electrical, hydraulics, traffic and wind.

The Planning Proposal seeks to increase the building height of buildings permissible on the site from 22m to 28m in order to provide a prominent and contextually appropriate built form which responds to the 'inner-town-centre' context and maximises the site's development potential in proximity to the immediate Rockdale Railway Station interchange area.

SITE AND CONTEXT

The site is described as 75 - 85 Railway Street, Rockdale as shown in the site identification diagram below.

- 1) The Northern portion of the site (75 - 81 Railway Street) comprises 4 allotments being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313, under common ownership by Zoe Holdings
- 2) The balance of the site is Lot 1 DP3560

The site has an area of approximately 3,519 sqm, with about 85 metre frontage to Railway Street, and 37 metre frontage to Parker Street. The northern portion of the site is currently occupied by a three storey commercial building with a basement and rooftop parking. Currently, vehicle access to the site is via Hesten Lane.

Lot 1 DP3560 ('the southern lot') of the site is occupied by a two storey mixed use building. On-site parking is provided via a laneway connecting Walz Street.

Figure 1 below shows an aerial photo of the site and nearby surrounds.



Figure 1 - Aerial photo of the Site

The subject site is located within the 'Walz and Frederick Streets Precinct' of the Rockdale Town Centre. The precinct is currently dominated by two storey buildings although the permitted building height is up to 22 metres (six storeys). Uses surrounding the site include railway lines to the east,

Rockdale Station to the south east (100m), low density residential to the north (maximum height 8.5m), and the Walz commercial precinct to the west and south (maximum building height of 22m).

The Planning Proposal notes that the centre has visibly declined in recent years as a vibrant local retail hub as a consequence of competition from nearby major centres at Kogarah and Hurstville, but is in the process of an urban renewal led transformation, with the assistance of the Rockdale Town Centre Master Plan. The new direction proposed for the centre reflects the community's desires and aspirations as well as Council's own strategic land use, integrated transportation planning, urban design, and economic development principles.

Current Planning Controls

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

- **Zone:** B2 Local Centre

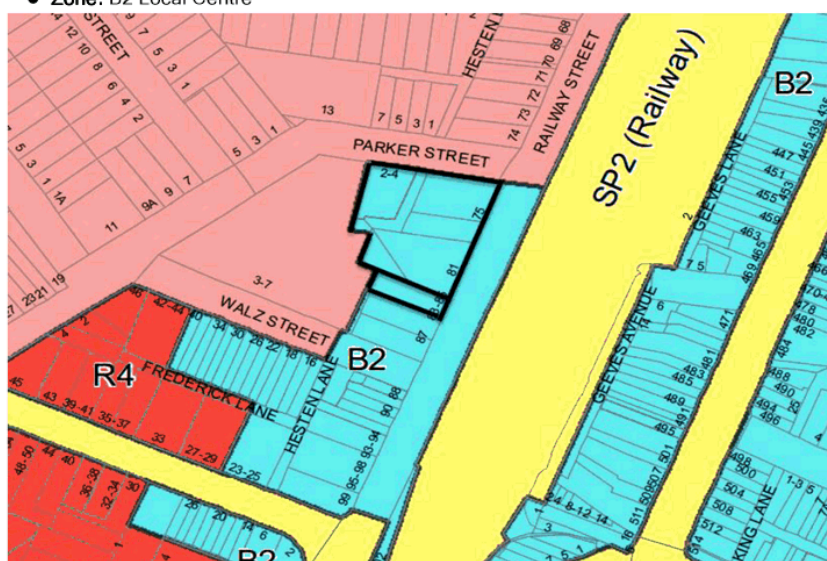


Figure 2 - Land Zoning Map extract from RLEP 2011

- **Height of Building :** 22 metres

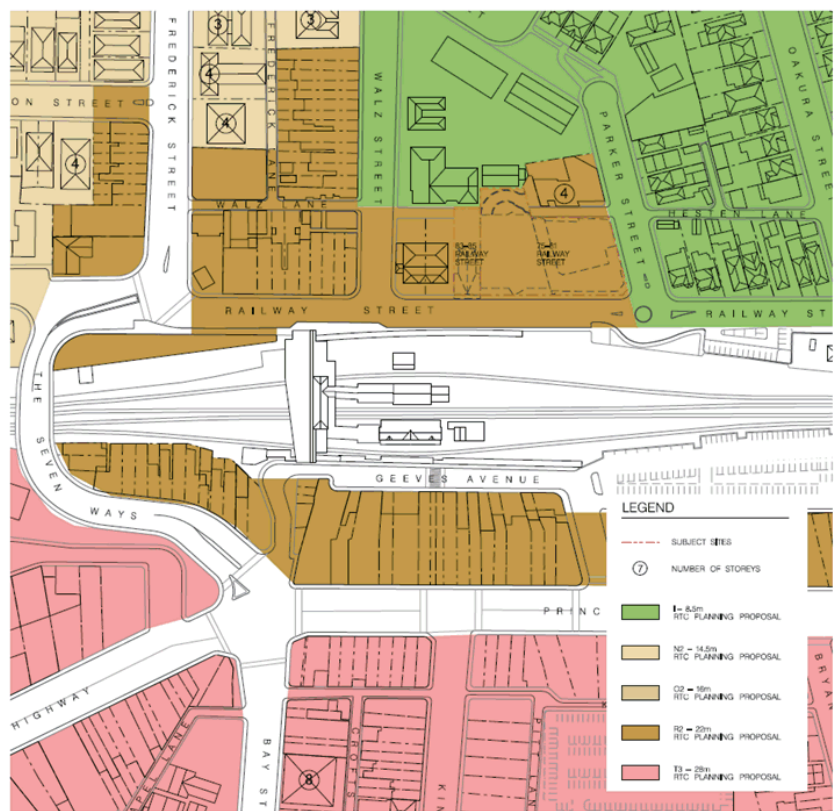


Figure 3 Height of Building Map extract from Candalepas and Associates Urban Design Report May 2015

The sites do not have FSR controls.

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 by Planning Lab and supported by the following documentation:

- Attachment 2- Urban Design Report prepared by *Candalepas Associates* dated May 2015 (discussed below).
- Attachment 3- Acoustic report by Renzo Tonin
- Attachment 4- Electrical Report by NPS
- Attachment 5- Hydraulic Report by AJ Whipps
- Attachment 6- Traffic *Report by ARUP*
- Attachment 7- *Wind Report by Windtech*

The table below summarises the applicant's proposed amendments as stipulated within the planning proposal:

Current controls - RLEP 2011	Proposed changes sought by the applicant
------------------------------	--

Building Height Map : <ul style="list-style-type: none">● 22 metres	28 metres across the whole of the subject site
--	--

Table 1 - Proposed amendment

ASSESSMENT OF THE PLANNING PROPOSAL

Zoning:
The existing B2 Local Centre zone is to be retained unchanged. Zoning will allow ground level activation on the site, particularly on Railway Street, while allowing upper level residential apartment development. This is supported.

Building Height :
The Planning Proposal is seeking an increase in building height from 22 metres to 28 metres across the site.

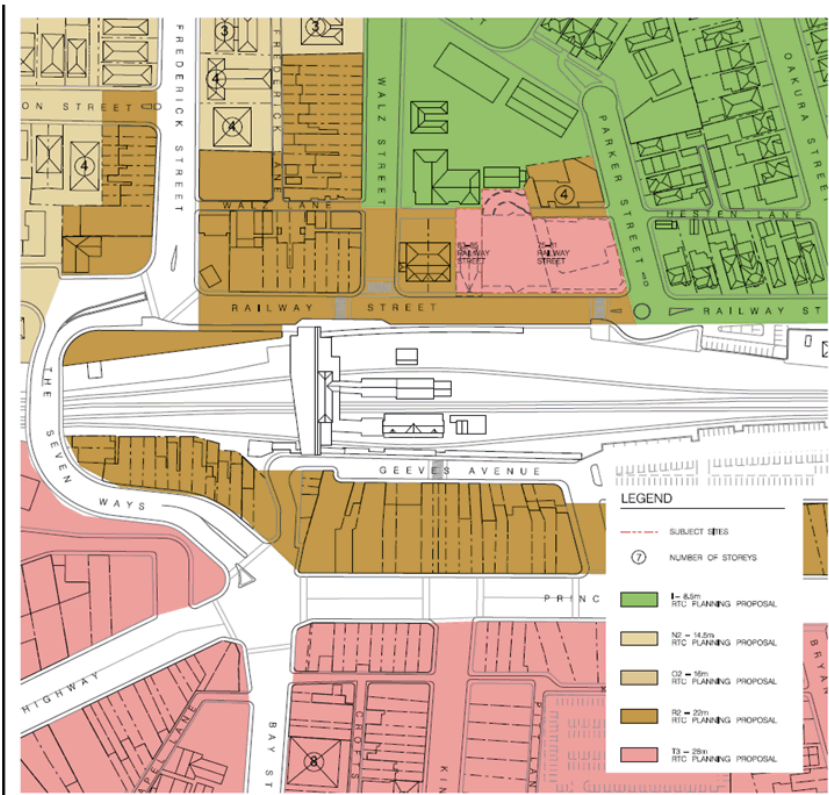


Figure 4 - Proposed Height Map (information extracted from applicant's planning proposal)

The recent amendment to the Rockdale Local Environment Plan 2011 (amendment #8) changed the building height controls to 22 metres. In some parts of the Town Centre, height incentives apply where land area consolidation greater than 1,500 sqm can be achieved.

The subject site has a combined land area that is greater than 1,500 sqm, a scenario that Council did not envisage in its feasibility modelling at the time of the development of the Rockdale Town Centre Master Plan LEP Amendment. Therefore, the site is not currently subject to benefit from additional height based on existing land size incentives.

Conclusion: The site's proximity to a significant transport interchange and railway station makes it an opportune site for consideration of building height increase, particularly given the site area. The site is also part of the Rockdale Town Centre. Therefore, the proposed height increase is supported, subject to some minor amendments to reflect reference and contextual documents more accurately.

Floor Space Ratio :

The Rockdale LEP 2011 has no Floor Space Ratio Controls for the subject site .

Urban Design Analysis and Report

The Planning Proposal is supported by an Urban Design analysis and report, that considers the surrounding built form context and how the proposed changes would deliver an improved and consistent outcome.

Development Scenarios

This proponent of this Planning Proposal represents the owners of 75-81 Railway Street Rockdale. As part of preliminary discussions with Council Officers , the applicant was advised to include the adjoining property (83-85 Railway Street Rockdale) as part of the Planning Proposal. The intent of this approach is to deliver an integrated and cohesive urban form outcome. As a result, the Urban Design Report provides the justification for the proposed changes to the RLEP 2011 across the whole site comprising 75-81 and 83-85 Railway Street Rockdale. It also provides outline detail on three separate development scenarios providing massing diagrams of potential development envelopes:

Scenario 1 (Figure 5): Development of 75-81 Railway Street, with separate development of 83-85 Railway Street under the current DA Approval (expires January 2016),
Note: this development scenario will not result in the public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

Scenario 2 (Figure 6): Integrated development of 75-85 Railway Street
Note: this development scenario has the capacity to provide public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

Scenario 3 (Figure 7): Separate cohesive development of 75-81 Railway Street and 83-85 Railway Street
Note: this development scenario requires agreement between all land owners/developers to ensure the provision of public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.

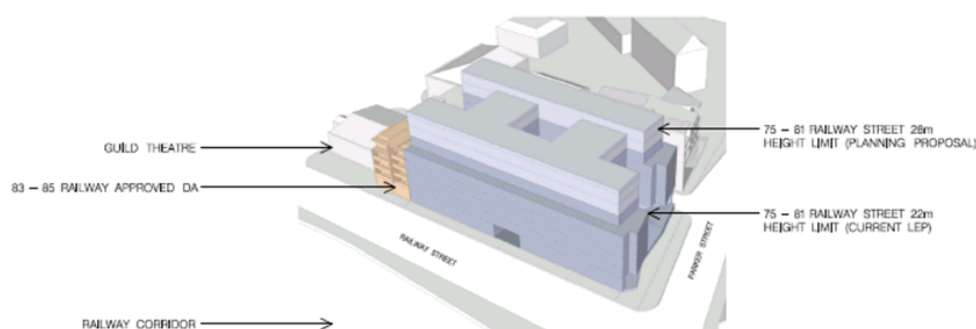


Figure 5 - Scenario 1

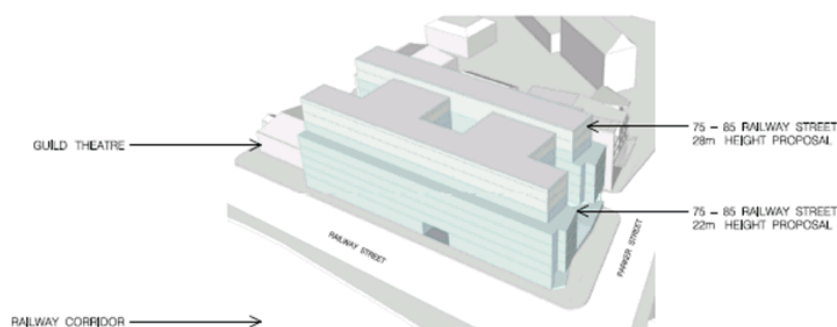


Figure 6 - Scenario 2

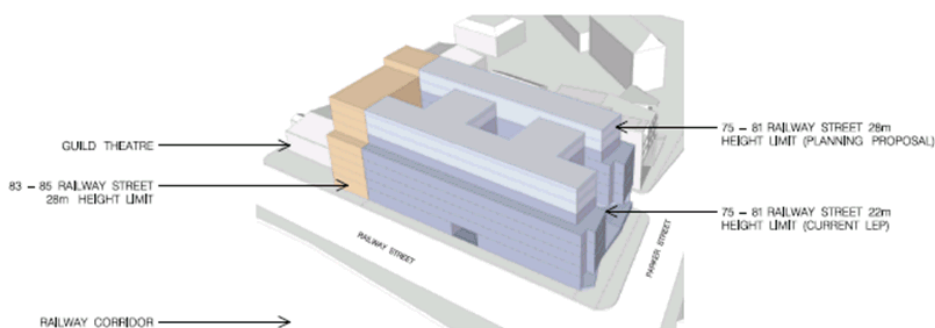


Figure 7 - Scenario 3

The development scenarios are an indication of the massing types that could be achieved on the site. They are not intended to suggest adherence to any specific development controls other than those proposed in the Planning Proposal. Issues such as setbacks, articulation zones, etc would be assessed through a Development Application (DA) process. This will also include assessment relating to SEPP 65 and the new Apartment Design Guide.

Voluntary Planning Agreement - Laneway Activation

The Planning Proposal facilitates the creation of a laneway at the rear of the property, which links Walz and Parker Streets, and provides opportunities for additional parking spaces in the locality. This is being defined in a Voluntary Planning Agreement, currently being negotiated, and will be reported to Council separately during the Gateway Determination period.

Through Access and On -street Parking

Assessment:

1. There is currently no laneway or through access connecting Walz Street with Parker Street at the rear of 75-85 Railway Street.
2. The configuration of the existing laneway at the rear of 75-81 Railway Street requires two way traffic movement and, therefore, does not have on street parking capacity.
3. The provision of a laneway at the rear of the Guild Theatre and 75-85 Railway Street connecting Walz Street and Parker Street may have the capacity to allow one way traffic movement and on street parking for 15 cars. This scenario can also trigger the rationalisation of off-street parking at

the rear of the Guild Theatre and provide a higher level of amenity and safety.

Conclusion:

1. Scenarios 2 and 3 (figures 6 and 7) have the capacity to provide public benefit comprising pedestrian and vehicle amenity and additional on street parking within the Walz Street Precinct.
2. It is appropriate that the Land Reservations Acquisitions Map Sheet (LRA 004) in Rockdale LEP 2011 be amended to reflect a reservation on lots 75-85 Railway Street for the provision of an easement for the purpose of a through road and on street parking (**Figure 8**). This can help trigger DA conditions for any future DA associated with 83-85 Railway Street Rockdale to facilitate a public benefit through the provision of a section of laneway.

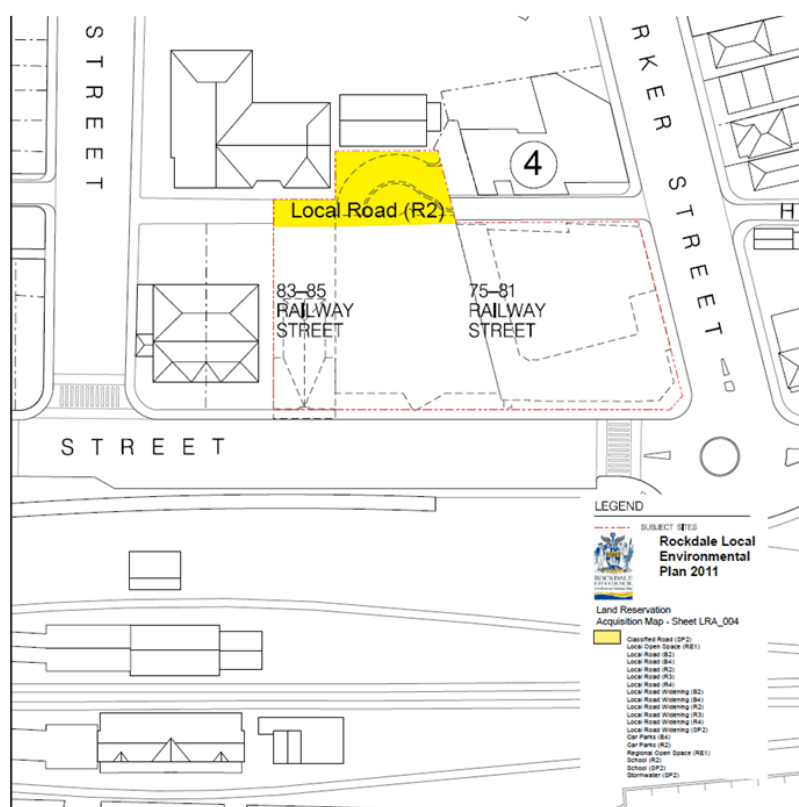


Figure 8 - Proposed Amendment to RLEP 2011 Land Reservation Acquisition Map - Sheet LRA_004

Traffic And Transport

The applicant has submitted a Traffic Report, prepared by Arup (see **Attachment 3**). This report identifies the findings of a SIDRA analysis that was conducted in relation to the site. The report concluded that there would be no adverse impact on levels of service or traffic delays due to the development. The net traffic impact would be minimal.

Parking

While the applicant has provided an analysis of off-street parking that meets the Rockdale DCP requirements, the proponent states that the total number of car spaces may not be needed, given the proximity of the site to Rockdale Train Station and the Bus Interchange.

Conclusion:

The traffic and transport analysis is supported and any future consideration of parking numbers will be considered as part of a future DA.

Contamination

The Proposal did not submit any supporting contamination reports.

Conclusion: In light of the site's historical uses, it is considered appropriate to require a Stage 1 Preliminary Site Investigation (PSI) with the lodgement of any subsequent DA.

Heritage

The site is not recognised as containing any heritage significance. However, it is in the vicinity of three heritage items:

- Rockdale School of Arts (Guild Theatre) - Local significance. Lot DP3560 (83-85 Railway Street) shared boundary
- Rockdale Railway Station - State significance
- St Joseph's Convent - Local significance

Conclusion:

A heritage report will be required for any Development Application associated with the sites.

ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DP&E's guidelines says that Councils are responsible for the content of planning proposals. In this regard, the Planning Proposal is considered to be consistent with DP&E's guidelines and is supported subject to some minor amendments. The supporting documentation is also considered to be satisfactory for the purposes of this Planning Proposal.

CONCLUSION

It is recommended that this Planning Proposal be submitted for Gateway Determination.

Community Engagement

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

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 03/09/2015](#)



Attachment 1 - Rockdale PP_Issue B.pdf



Attachment 2 - 15 43682 Urban Design Report 5724_150501_Planning Proposal_Issue B 5 A



Attachment 3 - 5724_150311_PP_Acoustic.pdf



Attachment 4 - 5724_150318_PP_Electrical.pdf



Attachment 5 - 5724_150319_PP_Hydraulic.pdf



Attachment 6 - 5724_150324_PP_Traffic Report.pdf



Attachment 7 - 5724_150320_PP_Wind.pdf

Confidential Report to Rockdale Council

29 August 2015

Our ref: 15-3596/1

Mr Albert Jean
Strategic Asset Planner
Urban & Environmental Strategy
Rockdale City Council
2 Bryant Street
Rockdale NSW 2216

Dear Albert,

Re: Value Uplift Resulting from a Planning Proposal – Property 75-85 Railway Street, Rockdale

1. Introduction

We refer to your recent request for BEM to advise Council on the potential sharing of the benefit of an uplift in value of the above mentioned property, based upon our knowledge and experience in advising other Sydney Councils on fair and reasonable percentage apportionments of value uplifts in respect to Voluntary Planning Agreements (VPA's) in recent years. Our advice follows:

2. Location

The subject property comprises a large parcel of land with frontages to both Railway Street and Parker Street, Rockdale. The buildings erected on the property comprise a 1930s era two storey retail and residential building, and a 1980's design, part two and part three storey office building. The surrounding development comprises generally single or two storey retail businesses, with a growing number of large medium-rise apartment buildings. The property is situated on the western side of the Illawarra Railway and Rockdale Station. The development on the western side of the railway line comprises secondary retail businesses with a number of properties being purchased for redevelopment into apartments.

Please refer to the location plan and an aerial photograph of the property on the following page, showing the whole of the subject land outlined in red.

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1



75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

3. Land

The shape of the land is irregular, but the bulk of the land is essentially rectangular in shape. The land has long frontages to both Railway Street and Parker Street. The land is essentially level.

3.1 Title

75-81 Railway Pde Rockdale

The land comprises four individual lots:

- | | |
|------------------------------------|---------------------|
| • Lot 101 in Deposited Plan 771165 | 961.8m ² |
| • Lot 3 in Deposited Plan 82942 | 485.7m ² |
| • Lot 1 in Deposited Plan 455421 | 1,113m ² |
| • Lot 1 in Deposited Plan 9123133 | 381.8m ² |

The total land area is: 2,942.3m²

83-85 Railway Pde Rockdale

The land comprises one lot:

- | | |
|-------------------------------------|---------------------|
| • Lot 101 in Deposited Plan 7711653 | 554.0m ² |
|-------------------------------------|---------------------|

The total land area for both sites combined is: 3,496.3m²

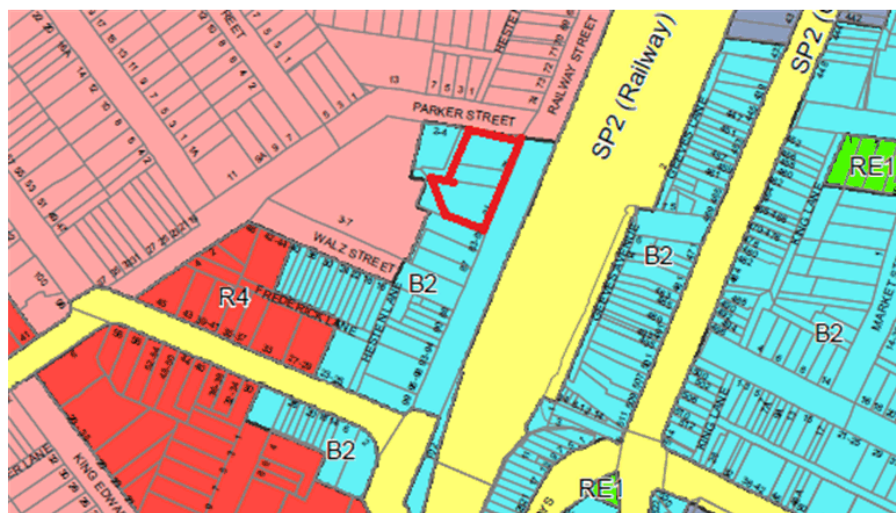
4. Town Planning

4.1 Existing Zoning

The subject land is presently zoned **B2 – Local Centre** under the provisions of the **Rockdale Local Environmental Plan 2011** as gazetted on 5/12/2011. This zoning permits a range of development including retail, commercial, educational, medical centres, tourist and visitor accommodation and shop top housing.

We set out to follow an extract from the zoning map showing the subject land (outlined in red).

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1



Rockdale Council has advised that the following planning controls apply to the property:

- Floor Space Ratio: N/A
- Height Limit: 22 metres (7 storey)

4.2 Zoning Proposed under the Planning Proposal

The owners of the land are seeking, via a Planning Proposal (PP), to obtain the following proposed amendments to the existing development controls:

- Floor Space Ratio: No FSR to apply
- Height Limit: To increase to 28 metres (8 storey)

We note under the provisions of the Rockdale Local Environmental Plan 2011 that the aims, objectives and land uses permitted and prohibited within the Business B2 Zone are as follows:

Zone B4 Mixed Use

1 Objectives of zone

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

2 Permitted without consent

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

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

3 Permitted with consent

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

4 Prohibited

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

5. Market Commentary

5.1 World / Australian Economies

The World economic environment in 2015 has been showing some positive signs of recovery from the lasting negative effects of the 2008 GFC. The years 2012 and 2013 were highlighted by the ongoing euro area crisis and the 'fiscal cliff' facing USA policymakers.

The economy in the USA is presently described by economists as "cautiously positive," although not robust. Unemployment which reached 7.6% in June 2013, decreased to 5.5% in February of 2015 from 5.7% in January of 2015. US Inflation-adjusted gross domestic product is forecast to grow 3% across the four quarters of 2015, better than the 2.6% rate estimated for 2014. Official statistics published on February 9th revealed that India's GDP rose by 7.5% in 2014. Similarly, the GDP in China expanded 7.3% in the fourth quarter of 2014 over the same quarter of the previous year.

The Australian economy continues to show positive growth in GDP, with the Reserve Bank measuring a 2.5% rise in 2014 consistent with expected growth this year of 2.5%.

The New South Wales economy has struggled in recent years however the Liberal Government is committed to some major infrastructure works and recent reports indicate an overall improvement in the NSW economy as compared to previous years.

The Reserve Bank last increased the official cash rate in November, 2010 by 25 basis points to 4.75%; however it has since been routinely reduced to the current day rate of 2.25%, with the last reduction from 2.50% on 4 Feb 2015.

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

During the GFC the Australian dollar was trading at around 0.65 cents to the US \$, and at July 2011 it reached an all-time high of \$1.10. However, it has fluctuated since and has been sitting at under \$1.00 for many months now, currently at 0.76.

Unemployment in Australia was at a 30 year low in April, 2008 with a rate of 3.9%. Australia's estimated seasonally adjusted unemployment rate for February 2015 was 6.3%, compared with 6.4% for January 2015.

5.2 Sydney Real Estate Markets

The commercial, retail and industrial markets were achieving record prices in 2007, based upon strong economic performance up to that time. The real estate market in Sydney and other parts of Australia showed a significant downward correction in values following the Global Financial Crisis (GFC) in 2008, however positive signs of increased market activity have emerged since 2011 and more recently through 2014 and into 2015.

Within the Sydney CBD and the major regional commercial centres, cashed up overseas investment groups have been buying up prime assets. This is a sign of an upward shift in the value of prime Sydney real estate assets. This level of activity is set to continue with the fall in the value of the Australian dollar and the record low local interest rates. There have been similar heightened levels of activity in both the industrial and retail sectors.

The market for residential property across the broader Sydney area has been very buoyant for the last twelve months, due to the record low interest rates which have made loans more affordable and has seen investors re-enter the market due to the poor investment returns on bank deposits. Auction clearance rates for the majority of suburbs are now typically 80% and higher which is well above the overall rate experienced since the GFC of between 55%-60%.

6. Market Site Sales Evidence

In order to assess the value of the subject property, recent sales of large residential development sites in the Rockdale LGA and other locations within the Sydney Metropolitan area, have been researched and have been summarized in the following tables. The sales have been analysed on a rate per square metre of Gross Floor Area (GFA) as determined by Floor Space Ratio (FSR) for each site. This analysis has been the prime method of comparison. A secondary method of analysis has been a rate per dwelling. This method however is less reliable as the mix of apartments, i.e. one, two or three bedroom varies with each project as does the area of each apartment.

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

6.1 Rockdale LGA Residential Site Sales Evidence

Property	Sale Price	Sale Date	Site Area m ²	Zone	GFA m ²	FSR	Analysis		Comments
							pm ² site	pm ² GFA	
Chapel St, Bay St & Lister St, Rockdale	\$43,636,636	March 2015	7,765.9	Part B2 Local Centre and part R4 Residential	27,181	3.5:1 Height limit 28m	\$5,619	\$1,521 (3.69:1) \$110,000 per apmt	Large irregular shape site, triangular in shape with 2 long street frontages. Sold by Expressions of Interest campaign in March 2015 with 12-15 months delayed settlement. Sold without DA. Potential for 357 units and 3,000m ² of retail. Analysis apartments only, say 394 dwellings.
40 Arncliffe St, Arncliffe	\$17,500,000	25 Feb 2015	5,103	B4 Mixed Use	14,544	2.85:1 Height limit 28m	\$3,429	\$1,203 \$100,000 per apmt	Rectangular shaped site located in Wolli Creek residential precinct and close to railway line. No views to speak of. Site purchased with DA for 175 apartments.
108 Princes Hwy, Arncliffe	\$18,100,000	25 Nov 2014	7,416	B6 Enterprise Zone	18,540	2.5:1 Height limit 28m	\$2,441	\$976 \$78,355 per apmt	Large rectangular shaped site with three street frontages. Located in rundown industrial precinct between Wolli Creek and Forest Rd. Elevated position, good city skyline views. Buyer has obtained VPA to permit residential development. Purchased without DA. Potential for 231 apartments at 80m ² per dwelling.
379 Princes Hwy, Banksia	\$11,420,000	2 Oct 2014	2,491	B6 Enterprise Zone	3,736	1.5:1 Height limit 14.5m	\$4,584	\$3,056	Large rectangular shaped site with three street frontages. The rear boundary is formed by the Illawarra railway line. The site is currently occupied by Storage King. Land purchased without DA. Zoning will not permit residential development.
34 Innesdale Rd & 33 Levey St, Arncliffe	\$23,880,000	15 May 2014	5,150	R4 High Density Residential	11,330	2.2:1	\$4,637	\$2,107 \$169,362 per apmt	Rectangle shaped site currently developed with a motel. Property in very close proximity to the Cooks River, Kogarah Golf Course and Sydney Airport. Site purchased without DA. Potential for 141 apartments based on density of 80m ² per apartment.

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

6.2 Sydney Metropolitan Residential Site Sales Evidence

Property	Sale Price	Sale Date	Site Area m ²	Zone	GFA m ²	FSR	Analysis pm ² site	Analysis pm ² GFA	Description/ Comments
52-54 O'Dea Avenue, Waterloo	\$56,000,000	25/06/2014	14,020	B4 Mixed Use	28,040	2 :1	\$3,994	\$1,997	The Woollahra Council Depot site sold by tender by JLL, for reported price of \$56M. No DA but sale not settled as yet. Although JQZ Eight PL have lodged caveat on title. Site is within high rise area opposite a number of Meriton developed sites close to Moore Park. Developer intends to construct 350 dwellings, which indicates \$160,000 per dwelling.
Site 68 Bennelong Parkway, Sydney Olympic Park	\$46,603,312	20/03/2014	13,998	369	27,996	2 :1	\$3,329	\$1,665	Vacant site purchased by Ecove. Noted price includes value of \$7,940,000 as 11 affordable units, and additional works in kind to the value of \$14,863,312. Sale subject to DA for 369 units and GFA of 27,996m ² . Controls include a 2:1 FSR and height limit of 30 storeys over part of the site. Contributions \$15,775/unit. Sale indicates \$126,296 per dwelling.
1-17 Delhi Road, North Ryde	\$46,500,000	1/06/2014	13,000	B4 Mixed Use	29,900	2.3 :1	\$3,577	\$1,555	Site adjoins M2 Motorway to western boundary and railway station. 18 submissions received through EOI campaign. Land zoned B4 Mixed Use with concept for 337 units plus retail/commercial space. Price well in excess of vendor's expectations. Sale indicates \$137,982 per dwelling.
42 Church Street, Mascot	\$75,000,000	22/08/2014	11,100	B4 Mixed Use	35,520	3.2 :1	\$6,757	\$2,111	A large site situated very close to the Mascot railway station and town centre. Developed with an early 1980's warehouse building the property was sold to Meriton by Oriani Property Group by way of an EOI campaign. Reported that 341 apartments would be allowable on the site, however Meriton contend they will seek to achieve 400. Sale indicates \$176,471 per dwelling.
22 George Street, Leichhardt	\$47,100,000	21/03/2014	10,100.0	B4 Mixed Use and R3 Med Density Res (LLEP 2013)	21,715	2.15 :1	\$4,663	\$2,169	Former Kolotex factory. Sold as rezoned residential development site and site specific DCP allowing 5 buildings with heights of 3 to 8 levels, 21,780m ² of GFA and 1,400m ² of mixed use space. Indicative scheme of 244 units (1 per 89m ² of GFA) Sale indicates \$193,032 per dwelling.
6-26 Grove St and 60- 64 Constitution Rd, Dulwich Hill	\$23,655,178	30/09/2013	10,131.0	R1 Gen Res (MLEP 2011)	17,223	1.7 :1	\$2,335	\$1,373	Former industrial site sold without DA. Subsequent DA to consolidate 16 lots, increase FSR from 1.7:1 to 2:1 and to develop 299 units within 4 buildings of 4-9 levels. Sale indicates \$79,114 per dwelling.

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

Property	Sale Price	Sale Date	Site Area m ²	Zone	GFA m ²	FSR	Analysis pm ² site pm ² GFA		Description/ Comments
6-26 Grove St and 60-64 Constitution Rd, Dulwich Hill	\$51,000,000	Dec 2014	10,131.0	R1 General Res Marrickville LEP 2011	20,363	2.01 :1	\$5,034	\$2,505	Former industrial site initially purchased by Stamford without DA. Subsequent DA to consolidate 16 lots, increase FSR from 1.7:1 to 2:1 and to develop 249 units (20x studio, 97x1br, 126x2br, 6x3br) within 4 buildings of 4-9 levels. Total GFA 20,343m ² . Adjacent Arlington light rail station, 1.3kms to Dulwich Hill railway station. Walk to shops. Significantly larger but more desirable site, quieter location. 82m ² of GFA per unit. At 85m ² per unit yield would 239 units and sale rate would be \$231,000 per unit site. Sale indicates \$213,389 per dwelling.

6.3 Sales Evidence Summary

1. Per FSR basis

Our valuation calculations follow on the next page. The sales evidence has been analysed upon a rate per square metre of Floor Space Ratio (FSR). Our principle evidence has been sales of large development sites that have occurred in the last 12 months or so within the Rockdale LGA. Sales of other large sites in the Sydney Metropolitan area generally have also been considered.

The following overall range of rates per FSR have been summarized from the most recent and relevant sales evidence:

Rockdale LGA	\$1,203/m ² - \$2,107m ²
Sydney Metro	\$1,555/m ² - \$2,169/m ²

2. Per Dwelling Basis

The sales have also been analysed on a rate per dwelling where the number of apartments that have been approved is known. Where a development application has not been approved the number of apartments has been estimated on the basis one dwelling per 80m² of GFA.

The rates per dwelling from the most relevant and recent sales evidence indicated the following overall range of rates:

Rockdale LGA	\$100,000 - \$169,362/dwelling
Sydney Metro	\$126,196 - \$193,032/dwelling

As previously stated, the sales of development sites located in the Rockdale LGA are considered the most relevant evidence. The sales at 108 Princes Highway Arncliffe and 379 Princes Highway Banksia have not been considered as they are zoned "B6 – Enterprise Zone", and will most likely be the subject of a Planning Proposal application to change the zoning and increase both the height limit and the FSR.

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

The most comparable sale is considered to be the sale at Chapel Street, the former Council carpark. This site has a large area of 7,766m² and broadly similar zoning, however, its development potential is less due to its 40 metre height limit and lower Floor Space Ratio of 3.6:1. The property was sold by means of public tender in March 2015, without development approval; the sale shows \$1,521/m² of FSR index and \$110,000 per dwelling. The shape of the site is inferior to the subject.

For the purpose of our assessment the following rates have been adopted under the current zoning:

- residential component \$1,750/m² of FSR index
- retail component \$1,500-\$2,000/m² of FSR index

7. Valuation Rationale & Assessments

7.1 83-85 Railway Pde: Assessment Approach (under the Existing Zoning)

The highest and best use of the land under the current zoning is for a small residential development, with a single ground floor retail tenancy. The development potential of the site has been discussed with Rockdale Council Planners and it was agreed that under the current zoning and development controls, that in the vicinity of **21 apartments plus 100m² of ground floor retail** could be developed on the land as per the following calculations:

Development Potential Calculation (Existing Zoning)

Site Area	=	554m ²
Floor Space Ratio	=	N/A but assumed to be 3.19:1
Potential Total Floor Area	=	1,767m ²
Height Limit	=	22 metres (7 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	1,767m ²
Retail area, as per concept plans	=	100m ²
Therefore Residential Gross Floor Area	=	1,667m ²
Average Floor Area per Apartment	=	80m ²
Potential number of Apartments	=	21

7.1.1 83-85 Railway Pde: Development potential as proposed by the Planning Proposal

The Planning Proposal put forward by the developer of the property has requested the following changes to the Rockdale LEP 2011:

- No FSR controls, floor space determined by height limit and set back controls
- Increase of the height limit to 28 metres

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

The highest and best use of the land under these controls would be for essentially a larger mixed use residential building/buildings with a large ground floor retail content, as indicated.

Discussions with Rockdale City Council Planners as to what would be an achievable floor space ratio (FSR) for the site and the potential number of apartments, indicated that an FSR in the vicinity of 3.84:1 could be achieved within the proposed 28 metres height limit, which could yield up to **25 apartments, with a 100m² ground floor retail tenancy.**

Development Potential Calculation (*Planning Proposal*)

Site Area	=	554m ²
Floor Space Ratio	=	N/A but assumed to be 3.84:1
Potential Total Floor Area	=	2,127m ²
Height Limit	=	28metres (8.5 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	2,127m ²
Retail area , as per concept plans	=	100m ²
Therefore Residential Gross Floor Area	=	2,027m ²
Average Floor Area per Apartment	=	80m ²
Potential number of Apartments	=	25

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

7.1.2 Valuation Calculations

83-85 RAILWAY PDE ROCKDALE

VALUE UNDER CURRENT ZONING

VALUATION CALCULATIONS

1. FSR INDEX BASIS (value based upon maximum FSR of 3.19:1)

Land area	554			
FSR index	3.19			
Maximum GFA as permitted under B4 Zone	1767	m ²		
Height limit	22	metres		
No of floors	7			
Calculation			rate/m ²	
Maximum GFA as permitted under B4 Zone	1767	m ²		
Commercial allow	100	m ²	\$2,000	\$200,000
Residential floor space	1667	m ²	\$1,800	\$3,001,068
				Property Value
				\$3,201,068

2. RATE PER DWELLING BASIS

GFA	1767	m ²		
Commercial allow	100	m ²		
Residential floor space	1667	m ²		
Density per dwelling	80	m ²		
Potential number of dwellings	21			
Calculation				
Commercial allow	100	\$2,000	m ²	\$200,000
Dwellings	21	\$135,000	per dwelling	\$2,813,501
				Property Value
				\$3,013,501

VALUATION SUMMARY

1. FSR INDEX BASIS	\$3,201,068
2. RATE PER DWELLING BASIS	\$3,013,501
midpoint	\$3,107,285
Property Value Adopt	\$3,110,000

VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL

VALUATION CALCULATIONS

1. FSR INDEX BASIS (value based upon maximum FSR of 3.2:1)

Land area	554			
FSR index	3.84			
Maximum GFA as permitted under B4 Zone	2127	m ²		
Height limit	28	metres		
No of floors	9			
Gross floor area per floor	236	m ²		
Calculation			rate/m ²	
Maximum GFA as permitted under B4 Zone	2127	m ²		
Commercial allow	100	m ²	\$2,000	\$200,000
Residential floor space	2027	m ²	\$1,800	\$3,649,068
				Property Value
				\$3,849,068

2. RATE PER DWELLING BASIS

GFA	2127	m ²		
Commercial allow	100	m ²		
Residential floor space	2027	m ²		
Density per dwelling	80	m ²		
Potential number of dwellings	25			
Calculation				
Commercial allow	100	\$2,000	m ²	\$200,000
Dwellings	25	\$137,500	per dwelling	\$3,484,353
				Property Value
				\$3,684,353

VALUATION SUMMARY

1. FSR INDEX BASIS	\$3,849,068
2. RATE PER DWELLING BASIS	\$3,684,353
midpoint	\$3,766,711
Property Value Adopt	\$3,770,000

1. VALUE UPLIFT Calculation

1. VALUE UNDER CURRENT ZONING

(value based upon maximum FSR of 3.19:1 and 22 metre ht limit) \$3,110,000

2. VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL

(value based upon maximum FSR of 3.84:1 and 28 metre ht limit) \$3,770,000

3. UPLIFT IN VALUE

ADDITIONAL GFA 360 /m²

SHARING OF THE VALUE UPLIFT BETWEEN THE OWNER AND COUNCIL

ROCKDALE COUNCIL 50%	\$330,000
ROCKDALE COUNCIL 70%	\$462,000
SHARED UPLIFT PER M2 FSR INDEX (calculated @50%)	\$917 /m ²
SHARED UPLIFT PER M2 FSR INDEX (calculated @70%)	\$1,283 /m ²

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

7.2 75-81 Railway Pde: Assessment Approach (under the Existing Zoning)

The highest and best use of the land under the current zoning is for a large residential development with a ground floor retail component. The development potential of the site has been discussed with Rockdale Council Planners and it was agreed that under the current zoning and development controls that in the vicinity of **106 apartments plus 885m² of ground floor retail** could be developed on the land as per the following indicative calculations:

Development Potential Calculation (Existing Zoning)

Site Area	=	2,942m ²
Floor Space Ratio	=	N/A but assumed to be 3.19:1
Potential Total Floor Area	=	9,385m ²
Height Limit	=	22 metres (7 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	9,385m ²
Retail area, as per concept plans	=	885m ²
Therefore Residential Gross Floor Area	=	8,500m ²
Average Floor Area per Apartment	=	80m ²
Potential number of Apartments	=	106

7.2.1 75-81 Railway Pde: Development potential as proposed by the Planning Proposal

The Planning Proposal put forward by the developer of the property has requested the following changes to the Rockdale LEP 2011:

- Increase of the height limit to 28 metres

The highest and best use of the land under these controls would be for essentially a larger mixed use residential building/buildings with a larger ground floor retail content, if required.

Discussions with Rockdale City Council Planners together with a Massing Study of the site prepared by Architects Liquid Design as to what would be an achievable floor space ratio (FSR) for the site, indicated that an FSR in the vicinity of 3.92:1 could be achieved within the proposed 28 metre height limit. The Massing Study indicated that an eight (8) level (plus roof apartments) building with a gross floor area of which could yield up to **133 apartments, with 885m² of ground floor retail area**.

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

Development Potential Calculation (Planning Proposal)

Site Area:	2,942m ²
Floor Space Ratio:	3.92:1 (assumed)
Total GFA:	11,535m ²
Height Limit:	28 metres (9 levels)
Apartment / Retail Floor Space	
Total GFA:	11,535m ²
Retail, as per concept plans:	885m ²
Therefore Residential gross floor area =	10,650m ²
No of Apartments @ 80m ² per apartment	133

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

7.2.2 Valuation Calculations

75-81 RAILWAY PDE ROCKDALE

VALUE UNDER CURRENT ZONING

VALUATION CALCULATIONS

1. FSR INDEX BASIS (value based upon maximum FSR of 2.0:1)

Land area	2942				
fsr index	3.19				
No of floors	7				
Maximum GFA as permitted under B4 Zone	9385	m ²			
Height limit	22	metres			
Calculation			rate/m ²		
Maximum GFA as permitted under B4 Zone	9385	m ²			
Commercial allow	885	m ²	\$1,500		\$1,327,500
Residential floor space	8500	m ²	\$1,700		\$14,449,966
				Property Value	\$15,777,466

2. RATE PER DWELLING BASIS

GFA	9385	m ²			
Commercial allow	885	m ²			
Residential floor space	8500	m ²			
Density per dwelling	80	m ²			
Potential number of dwellings	106				
Calculation					
Commercial allow	885	\$1,500	m ²		\$1,327,500
Dwellings	106	\$135,000	per dwelling		\$14,343,716
				Property Value	\$15,671,216

VALUATION SUMMARY

1. FSR INDEX BASIS					\$15,777,466
2. RATE PER DWELLING BASIS					\$15,671,216
midpoint					\$15,724,341
Property Value Adopt					\$15,720,000

VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL

VALUATION CALCULATIONS

1. FSR INDEX BASIS (value based upon maximum FSR of 3.92:1)

Land area	2942				
fsr index	3.92				
Maximum GFA as permitted under B4 Zone	11535	m ²			
Height limit	28	metres			
No of floors	9				
Gross floor area per floor	1282	m ² (average)			
Calculation			rate/m ²		
Maximum GFA as permitted under B4 Zone	11535	m ²			
Commercial allow	885	m ²	\$1,500		\$1,327,500
Residential floor space	10650	m ²	\$1,700		\$18,104,966
				Property Value	\$19,432,466

2. RATE PER DWELLING BASIS

GFA	11535	m ²			
Commercial allow	885	m ²			
Residential floor space	10650	m ²			
Density per dwelling	80	m ²			
Potential number of dwellings	133				
Calculation					
Commercial allow	885	\$1,500	m ²		\$1,327,500
Dwellings	133	\$137,500	per dwelling		\$18,304,653
				Property Value	\$19,632,153

VALUATION SUMMARY

1. FSR INDEX BASIS					\$19,432,466
2. RATE PER DWELLING BASIS					\$19,632,153
midpoint					\$19,532,310
Property Value Adopt					\$19,530,000

1. VALUE UPLIFT Calculation

1. VALUE UNDER CURRENT ZONING (value based upon maximum FSR of 3.19:1 and 22 metre ht limit)	\$15,720,000
2. VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL (value based upon maximum FSR of 3.92:1 and 28 metre ht limit)	\$19,530,000
3. UPLIFT IN VALUE	\$3,810,000
ADDITIONAL GFA	2,150 /m ²
SHARING OF THE VALUE UPLIFT BETWEEN THE OWNER AND COUNCIL	
ROCKDALE COUNCIL 50%	\$1,905,000
ROCKDALE COUNCIL 70%	\$2,667,000
SHARED UPLIFT PER M2 FSR INDEX (calculated @50%)	\$886 /m ²
SHARED UPLIFT PER M2 FSR INDEX (calculated @70%)	\$1,240 /m ²

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

7.3 75-81 & 83-85 Railway Pde: Assessment Approach (Existing Zoning)

The highest and best use of the land under the current zoning is for a large residential development possibly comprising one or two buildings with a ground floor retail component. The development potential of the site has been discussed with Rockdale Council Planners and it was agreed that under the current zoning and development controls that in the vicinity of **128 apartments plus 885m² of ground floor retail** could be developed on the land as per the following calculations:

Development Potential Calculation (under the Existing Zoning)

Site Area	=	3,496m ²
Floor Space Ratio	=	N/A but assumed to be 3.19:1
Potential Total Floor Area	=	11,152m ²
Height Limit	=	22 metres (7 levels)

Apartment/Retail Floor Space Calculation

Total Gross Floor Area	=	11,152m ²
Retail area, as per concept plans	=	885m ²
Therefore Residential Gross Floor Area	=	10,267m ²
Average Floor Area per Apartment	=	80m ²
Potential number of Apartments	=	128

7.3.1 75-81 & 83-85 Railway Pde: Development potential as proposed by the Planning Proposal

The Planning Proposal put forward by the developer of the property has requested the following changes to the Rockdale LEP 2011:

- No FSR control, floor space determined by height limit and set back controls
- Increase of the height limit to 28 metres

The highest and best use of the land under these controls would be for essentially a larger mixed use residential building/buildings with a large ground floor retail component, as indicated.

Discussions with Rockdale City Council Planners together with a Massing Study of the site prepared by Architects Liquid Design as to what would be an achievable floor space ratio (FSR) for the site, indicated that an FSR in the vicinity of 3.92:1 could be achieved within the proposed 28 metre height limit. The Massing Study indicated that an eight (8) level (plus roof apartments) building with a gross floor area of which could yield up to **160 apartments, with 885m² of ground floor retail areas**.

Development Potential Calculation (Planning Proposal)

Site Area:	3,496m ²
Floor Space Ratio:	3.92:1 (assumed)

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

Total GFA:	13,707m ²
Height Limit:	28 metres (8.5 levels)
Apartment / Retail Floor Space	
Total GFA:	13,707m ²
Retail allow:	<u>885m²</u>
Therefore Residential gross floor area =	12,822m ²
No of Apartments @ 80m ² per apartment	160

75-85 Railway Street, Rockdale
 Date of Advice: 29 Aug 2015
 Report No: 15-3596/1

7.3.2 Valuation Calculations

75-85 RAILWAY PDE ROCKDALE

VALUE UNDER CURRENT ZONING

VALUATION CALCULATIONS

1. FSR INDEX BASIS (value based upon maximum FSR of 3.19:1)

Land area	3496			
FSR index	3.19			
Maximum GFA as permitted under B4 Zone	11152	m ²		
Height limit	22	metres		
Calculation			rate/m ²	
Maximum GFA as permitted under B4 Zone	11152	m ²		
Commercial allow	885	m ²	\$1,200	\$1,062,000
Residential floor space	10267	m ²	\$1,700	\$17,454,308
				Property Value
				\$18,516,308

2. RATE PER DWELLING BASIS

GFA	11152	m ²		
Commercial allow	885	m ²		
Residential floor space	10267	m ²		
Density per dwelling	80	m ²		
Potential number of dwellings	128			
Calculation				
Commercial allow	885	\$1,500	m ²	\$1,327,500
Dwellings	128	\$135,000	per dwelling	\$17,325,968
				Property Value
				\$18,653,468

VALUATION SUMMARY

1. FSR INDEX BASIS	\$18,516,308
2. RATE PER DWELLING BASIS	\$18,653,468
midpoint	\$18,584,888
Property Value Adopt	\$18,580,000

VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL

VALUATION CALCULATIONS

1. FSR INDEX BASIS (value based upon maximum FSR of 5.0:1)

Land area	3496			
FSR index	3.92			
Maximum GFA as permitted under B4 Zone	13707	m ²		
Height limit	28	metres		
No of floors	9			
Gross floor area per floor	1523	m ²		
Calculation			rate/m ²	
Maximum GFA as permitted under B4 Zone	13707	m ²		
Commercial allow	885	m ²	\$1,200	\$1,062,000
Residential floor space	12822	m ²	\$1,725	\$22,118,124
				Property Value
				\$23,180,124

2. RATE PER DWELLING BASIS

GFA	13707	m ²		
Commercial allow	885	m ²		
Residential floor space	12822	m ²		
Density per dwelling	80	m ²		
Potential number of dwellings	160			
Calculation				
Commercial allow	885	\$1,200	m ²	\$1,062,000
Dwellings below 22 metres	160	\$137,500	per dwelling	\$22,037,985
				Property Value
				\$23,099,985

VALUATION SUMMARY

1. FSR INDEX BASIS	\$23,180,124
2. RATE PER DWELLING BASIS	\$23,099,985
midpoint	\$23,140,055
Property Value Adopt	\$23,140,000

3. VALUE UPLIFT Calculation

1. VALUE UNDER CURRENT ZONING (value based upon maximum FSR of 3.19:1 and 22 metre ht limit)	\$18,580,000
2. VALUE WITH THE AMENDMENTS AS REQUESTED IN THE PLANNING PROPOSAL (value based upon maximum FSR of 3.75:1 and 28 metre ht limit)	\$23,140,000
3. UPLIFT IN VALUE	\$4,560,000
ADDITIONAL GFA	2,555 /m ²
SHARING OF THE VALUE UPLIFT BETWEEN THE OWNER AND COUNCIL	
ROCKDALE COUNCIL 50%	\$2,280,000
ROCKDALE COUNCIL 70%	\$3,192,000
SHARED UPLIFT PER M2 FSR INDEX (calculated @50%)	\$892 /m ²
SHARED UPLIFT PER M2 FSR INDEX (calculated @70%)	\$1,249 /m ²

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

8. Sharing of Value Uplifts

We have made enquiries with several other Councils to determine if there is any common approach to the sharing of the benefit of additional value, relative to VPA's. We have concluded is that there is not any typical discount applied to the full uplift in value and that all discounts given are determined on a case by case basis. Our enquiries and experience in advising a number of Councils on similar matters, is that the range of discounts is generally from 30% up to 50%.

As you would be aware, the residential market across the broad Sydney area has been very strong over the last 12 months, and unit development sites have shown significant value increases from rates analysed only two to three (2-3) years ago. There are now a number of Chinese developers who have entered the apartment development market and these new buyers have secured a number of major sites around Sydney over the traditional Australian based development companies.

We are aware that about two (2) years ago now Meriton had agreed with Willoughby Council an amount for additional floor space on a residential development in Chatswood that equated to around 70% of the indicative 'full' value of that additional residential floor space at that time. We are also aware of a matter in Parramatta where BEM had provided advice that the value of the additional floor space should have been in the order of 60% of the 'full' value. We are also aware of a recent agreement by Lane Cove Council on major site located on the Pacific Highway at St Leonards, which involved a rezoning from commercial to a mixed use zoning resulted in the parties agreeing to Council sharing in 50% of the uplift in value. BEM has also been an advisor to Canada Bay Council on some major sites in the Rhodes Peninsula area, where VPA's have sought additional height and floor space, and agreements have been reached at between 50% and 70% of the full value of the additional floor space.

The share of the value uplift which we believe Council should expect to receive for an approved rezoning of the subject land holdings site can vary depending on a number of factors, however, based upon our knowledge of such agreements in other Sydney Local Government Areas, we believe the fair percentage of value sharing range is in the order of 50% to 70%.

9. Conclusions

81-83 Railway Pde

Our valuation calculations can be summarised as follows:

i) Value under the existing planning controls	\$3,110,000
ii) Value, assuming the Rockdale LEP 2011 is amended as proposed under the Planning Proposal lodged with Rockdale Council	\$3,770,000

The difference between the value of the property under the existing planning controls, as compared with the property value under the zoning amendments contained in the Planning Proposal, is quite small and indicates a value uplift of in the order of **\$660,000**.

The sharing of the value uplift, based upon our knowledge of other similar transactions, could be apportioned between the parties within a range from **50% to 70%**. This ratio would result in a share of the benefit to Rockdale Council ranging from **\$330,000 to 462,000**. **This value range is equivalent to a rate of 917/m² of 1,283/m² respectively of additional gross floor space index.**

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

75-81 Railway Pde

Our valuation calculations can be summarised as follows:

i) Value under the existing planning controls	\$15,720,000
ii) Value, assuming the Rockdale LEP 2011 is amended as proposed under the Planning Proposal lodged with Rockdale Council	\$19,530,000

The difference between the value of the property under the existing planning controls, as compared with the property value under the zoning amendments contained in the Planning Proposal, is quite significant and indicates a value uplift of in the order of **\$3,810,000**.

The sharing of the value uplift, based upon our knowledge of other similar transactions, could be apportioned between the parties within a range from **50% to 70%**. This ratio would result in a share of the benefit to Rockdale Council ranging from **\$1,905,000 to \$2,667,000**. **This value range is equivalent to a rate of \$886/m² of \$1,240/m² respectively of additional gross floor space index.**

75-85 Railway Pde

Our valuation calculations can be summarised as follows:

i) Value under the existing planning controls	\$18,580,000
ii) Value, assuming the Rockdale LEP 2011 is amended as proposed under the Planning Proposal lodged with Rockdale Council	\$23,140,000

The difference between the value of the property under the existing planning controls, as compared with the property value under the zoning amendments contained in the Planning Proposal, is quite significant and indicates a value uplift of in the order of **\$4,560,000**.

The sharing of the value uplift, based upon our knowledge of other similar transactions, could be apportioned between the parties within a range from **50% to 70%**. This ratio would result in a share of the benefit to Rockdale Council ranging from **\$2,280,000 to \$3,192,000**. **This value range is equivalent to a rate of \$892/m² of \$1,249/m² respectively of additional gross floor space index.**

11. Company Qualifications

This valuation advice has been prepared on specific instructions of **Rockdale City Council**, and is confidential to our instructing party.

This valuation advice is current as at the date of valuation only. The values assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

75-85 Railway Street, Rockdale
Date of Advice: 29 Aug 2015
Report No: 15-3596/1

The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold consent or to review the contents of this report in the event that our consent is sought.

Per:



Steve Eccleston FAPI CPV CPP
Registered Valuer No. VAL1287
Director
BEM Property Consultants Pty Ltd



Ian Blackall FAPI CPV CPP
Director
BEM Property Consultants Pty Ltd

Note:

The person who appears as the second signatory on this report has not inspected the subject property, nor physically inspected the sales and/or rental evidence within this report. However, the report has been checked as part of our internal quality assurance requirements for risk management.



Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905

19 April 2017

General Manager
Bayside Council
2 Bryant Street
Rockdale
NSW 2216

Commercial in Confidence



**VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER
75-81 RAILWAY STREET, ROCKDALE**

Dear Ms Wallace

On behalf of Zoe Holdings Rockdale Pty Ltd, we provide this revised letter of offer to enter into a Voluntary Planning Agreement (VPA) associated with the Planning Proposal related to 75-81 Railway Street, Rockdale (the site).

This correspondence provides an outline of the key terms we are willing to enter into and includes details of the public benefits that have been proposed to be included as part of the redevelopment of the site.

This letter is a formal offer to enter into the VPA for the purposes of section 93I(3) of the Environmental Planning and Assessment Act (EPA Act) and replaces any earlier offers.

NO.	ITEM	PARTICULARS
1	PARTIES	- Rockdale City Council (Council) and Zoe Holdings Rockdale Pty Ltd (Zoe).
2	BACKGROUND	<ul style="list-style-type: none"> - Zoe is the owner of the land known as 75-81 Railway Street Rockdale. - A planning proposal has been submitted to the Department of Planning and Environment (DPE) and a gateway approval for an increase in height to 28m has been issued. - Zoe offer to enter into a planning agreement with Council to provide development contributions under the terms set out in this correspondence.

Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905



NO.	ITEM	PARTICULARS
3	LAND TO WHICH VPA APPLIES	<ul style="list-style-type: none"> - This VPA offer applies to the land described as 75-81 Railway Street, Rockdale. It comprises four allotments under common ownership by Zoe, being Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and Lot 1 DP912313.
4	DEVELOPMENT TO WHICH VPA APPLIES	<ul style="list-style-type: none"> - This VPA offer is made in consideration of Council's consent to a mixed use development on the subject land with a benchmark gross floor area of 11,000 square metres. In the event that the benchmark gross floor area is not realised or is exceeded then the value of development contributions set out in Item 6 will be reduced or increased as required on a per square metre pro rata basis based on \$800 per square metre of gross floor area. In the event that the gross floor area realized is less than 9,394 square metres then this VPA offer will become null and void.
5	OPERATION OF AGREEMENT	<ul style="list-style-type: none"> - This VPA must be executed by both parties and will come into effect once the relevant amendment to the Rockdale Local Environmental Plan 2011 is made.

Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905



NO.	ITEM	PARTICULARS
6	DEVELOPMENT CONTRIBUTIONS	<p>This VPA offer comprises the following alternative development contributions options to a total value of \$1.847 million for Option A and \$1.847 million for Option B:</p> <p>Option A</p> <ul style="list-style-type: none"> - Dedication of ~342 square metres of land (in stratum) for provision of proposed new public parking and a proposed future pedestrian connection between Hesten Lane and Waltz Street valued at \$750,000. - A leaseback agreement between council and Zoe (or nominee) for the exclusive use and management responsibilities of the dedicated land as surplus car parking associated with the development for an initial 10 year period, with Zoe (or nominee) to have a first right of refusal on any extension to this initial lease period. The leaseback agreement will be for the exclusive use of the parking spaces for \$600 per space per annum with a total value of \$48,000 over the initial 10 year lease period. - The leaseback agreement between council and Zoe (or nominee) shall include a provision that enables Zoe (or nominee) to repurchase the land at any time during the lease period for \$750,000. - Streetscape improvement works to a value of \$1,049,000 and including: <ul style="list-style-type: none"> • Extension of Hesten Lane including construction of new road infrastructure, public car parking, retaining walls and soft landscaping, lighting and signage (scope to be agreed). • Streetscape improvement works to the Parker Street frontage to the site (scope to be agreed). • Streetscape improvement works to the footpath from Railway Street to the Guild Theatre (inside boundary). - An outline scope of the streetscape improvement works proposed is set out in Annexure A.

Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905



NO.	ITEM	PARTICULARS
		<p>- This offer does not include any works within private property to 83-85 Railway Street (Lot 1 DP3560).</p> <p>Option A will become null and void and Option B will apply in the event that council or Zoe is unable to secure ownership of 83-85 Railway Street or alternative public access arrangements over 83-85 Railway Street to the proposed pedestrian connection prior to the lodgement of a development application for the redevelopment of 75-81 Railway Street.</p> <p>Option B</p> <p>- Streetscape improvement works to a value of \$1.847 million including:</p> <ul style="list-style-type: none"> Streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages to the site (scope to be agreed). Streetscape improvement works to the footpath from Railway Street to the Guild Theatre (inside boundary). Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street (scope to be agreed). <p>- An outline scope of the streetscape improvement works proposed is set out in Annexure A.</p>
7	TIMING OF DEVELOPMENT CONTRIBUTIONS AND OTHER PUBLIC BENEFITS	<p>- The works as defined above are to be completed prior to the issue of an occupation certificate for the development of the site and prior to the commencement of a defects liability period of 52 weeks or as otherwise agreed between the parties.</p>
8	APPLICATIONS OF SECTION 94, 94a AND 94EF OF THE ACT	<p>- This VPA offer includes the application of sections 94, 94A and 94EF of the EPA Act.</p>

Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905



NO.	ITEM	PARTICULARS
9	DISPUTE RESOLUTION	<ul style="list-style-type: none"> - Any dispute on the terms of the VPA would be resolved by mediation in accordance with a process specified in the VPA. In particular, this must include an agreed process to resolve disputes over the valuation of the cost of specified streetscape improvement works.
10	ASSIGNMENT OF DEALINGS	<ul style="list-style-type: none"> - A party must not assign or novate the agreement without the prior written consent of the other party, which is not to be unreasonably withheld.
11	COSTS	<ul style="list-style-type: none"> - Zoe must pay both parties costs for preparing and executing the agreement (and any other instrument excluded under this agreement). Council's costs are to be capped at a maximum of \$8,800.00 including GST.
12	GST	<ul style="list-style-type: none"> - A standard GST clause will be included in the VPA along the following lines: If there are supplies or consideration which is not consideration expressed as an amount of money under this agreement by one party to the other party that are not subject to Division 82 of A New Tax System (Goods and Service Tax) Act 1999, the parties agree: <ul style="list-style-type: none"> • To negotiate in good faith to agree the GST inclusive market value of those supplies prior to issuing tax invoices in respect of those supplies; and • That any amounts payable by the parties to each other in respect of those supplies will be set off against each other to the extent that they are equivalent in amount.

Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905

We look forward to discussing this offer further with Council.

Kind regards

Alex Harb
For Zoe Holdings Rockdale Pty Ltd



P: 02 9642 5666
M: 0413 083 013
E: a.harb@elouraholdings.com.au

Rear 53-57 Cosgrove Road
South Strathfield NSW 2136

e info@elouraholdings.com
w www.elouraholdings.com.au

t +61 2 9642 5666
f +61 2 9742 5905

ANNEXURE A
OUTLINE SCOPE OF STREETScape IMPROVEMENT WORKS

- Demolition of existing surfaces and disposal off-site.
- Compaction of existing sub-grade.
- Supply and installation and compaction of DGB20 base course to council standards.
- Supply and installation of F72 32MPa concrete base course.
- Supply and installation of spine and core pavement treatment in accordance with Rockdale Public Domain Paving Style Sheet dated 03/10/2015.
- Associated landscape works to council specifications.

eloura
holdings

Schedule 3 Development Contributions

(Clause 7)

1. Option A Development Contributions

Part A: Works

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Agreed Contribution Value	Hand-over Date
Hesten Lane extension and streetscape improvement to Parker Street and Railway Street			
A.1	<p>A1. Extension of Hesten Lane southwards by approximately 21 metres over the Parking Land including:</p> <ul style="list-style-type: none"> • construction of new road infrastructure for the full extension of Hesten Lane • public car parking on extension of Hesten Lane • retaining walls • soft landscaping • lighting • signage <p>as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.</p>	Combined Agreed Contribution Value for A.1, A.2, A.3 and A.4 is \$1,049,000.	<p>Prior to the issue of an Occupation Certificate for the Development.</p> <p>NOTE: The Works are subject to the Defect Liability Period once completed.</p>
A.2	<p>A2. Streetscape improvement works to upgrade the Parker Street frontage along the northern edge of the Land, as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.</p>		<p>Prior to the issue of an Occupation Certificate for the Development.</p> <p>NOTE: The Works are subject to the Defect Liability Period once completed.</p>

A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		<p>Prior to the issue of an Occupation Certificate for the Development.</p> <p>NOTE: The Works are subject to the Defect Liability Period once completed.</p>
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		<p>Prior to the issue of an Occupation Certificate for the Development.</p> <p>NOTE: The Works are subject to the Defect Liability Period once completed.</p>

Part B: Land dedication

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Agreed Contribution Value	Timing
Land dedication for public parking and pedestrian connection			
B.	B1. Dedication to Council of the Parking Land to be used for provision of new public parking and a proposed future pedestrian connection linking Hesten Lane with Waltz Street.	\$750,000	Prior to the issue of an Occupation Certificate for the Development.

2. Option B Development Contributions

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Agreed Contribution Value	Timing
Streetscape improvement to Hesten Lane, Parker Street, Railway Street, Waltz Street and footpath from Railway Street to Guild Theatre			
A.1	A1. Streetscape improvement works to upgrade the street frontages of the Land on Hesten Lane, Parker Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2, A.3 and A.4 is \$1,847,000	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.4.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

3. Adjustment of Agreed Contribution Value

- 3.1 On each anniversary of the date of this Agreement the Agreed Contribution Value of each Item of Work specified in Column 3 of the tables in clause 1 and 2 in Schedule 3 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased Agreed Contribution Value will be the Agreed Contribution Value for the 12 months immediately following the relevant anniversary.

4. Map of Works



For avoidance of any doubt:

Option A relates to the area described in both purple and green;
Option B relates to the area described in both yellow and green; and
Options A & B (collectively) relate to the area described in yellow, green and purple.

Redevelopment of 75-81 Railway Street, Rockdale NSW, Lot 101 DP771165, Lot 3 DP82942, Lot 1 DP455421 and Lot 1 DP912313

75-81 Railway Street, Rockdale NSW

Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and

Lot 1 DP912313

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Bayside Council

and

Zoe Holdings Rockdale Pty Limited

Dated:

[7142369: 20951935_2]

Table of Contents

Contacts Sheet	5
Parties	6
Background	6
Operative provisions	7
Part 1 - Preliminary	7
1. Definitions and interpretation	7
2. Application of this Agreement	13
3. Status and operation of this Agreement	13
4. Further agreements relating to this Agreement	14
5. Surrender of right of appeal	14
6. Application of s94, s94A and s94EF of the Act to the Development	14
Part 2 – Development Contributions	15
7. Provision of Development Contributions	15
8. Procedures relating to the dedication of land	15
9. Parking Land Security	16
10. Approvals and consents for an Item of Work	16
11. Designing and carrying out of an Item of Work	17
12. Acceptance of Site Conditions	18
13. Not Used	18
14. Quality Management System for an Item of Work	18
15. Access to the Land	19
16. Protection of people and property	19
17. Hand-Over of Works	19
18. Failure to Comply with the Hand-Over Date	20
19. Rectification of Defects	21
20. Damage and repairs to Work	22
21. Variation of Work	22

[7142369: 20951935_2]

22. Latent Contamination	23
Part 3 – Other Provisions	25
23. Indemnity and insurance	25
24. Provision of Security	26
25. Release & return of General Security	26
26. Dispute Resolution	27
27. Registration of this Agreement	29
28. Lodgement of Caveat	30
29. Assignment and transfer	31
30. Review of this Agreement	31
31. Notices	32
32. Approvals and consent	33
33. Costs	33
34. Entire Agreement	33
35. Further acts	33
36. Governing law and jurisdiction	33
37. Joint and individual liability and benefits	34
38. No fetter	34
39. No obligation or liability	34
40. Representations and warranties	34
41. Severability	35
42. Modification	35
43. Waiver	35
44. Rights cumulative	35
45. Duty	35
46. Effect of Schedules	35
47. Relationship of the Parties	36
48. GST	36
49. Explanatory Note relating to this Agreement	37
50. New Laws	37
51. Force Majeure Events	37

[7142369: 20951935_2]

52. Counterparts	37
Execution	38
1. Option A Development Contributions	41
2. Option B Development Contributions	43
3. Adjustment of Agreed Contribution Value	44
4. Map of Works	44
Appendix	49

[7142369: 20951935_2]

Contacts Sheet

Council:

Name: Bayside Council

Address: 444-446 Princes Highway, ROCKDALE NSW 2216

Telephone: 1300 581 299

Facsimile: (02) 9562 1777

Email:

Representative: Manager Strategic Planning

Developer:

Name: Zoe Holdings Rockdale Pty Limited

ACN: 169 548 770

Address: 9 Bestic Street ROCKDALE NSW 2216

Telephone: + 61 2 9642 5666

Facsimile: +61 2 9742 5905

Email: a.harb@elouraholdings.com.au

Representative: Alex Harb

**Planning Agreement, 75-81 Railway Street, Rockdale NSW,
Lot 101 DP771165, Lot 3 DP 82942, Lot 1 DP455421 and
Lot 1 DP912313**

This Agreement constitutes a planning agreement within the meaning of section 93F of the *Environmental Planning and Assessment Act 1979*, and facilitates the provision of Development Contributions to be used and applied towards a Public Purpose.

Parties

Bayside Council

of 444-446 Princes Highway, ROCKDALE NSW 2216
ABN: 80 690 785 443
(Council)

and

Zoe Holdings Rockdale Pty Limited

of 9 Bestic Street ROCKDALE NSW 2216
ACN 169 548 770
(Developer)

Background

- A. The Developer owns the Land identified.
- B. The Developer has requested the Instrument Change by way of an amendment to the Rockdale LEP.
- C. The Developer intends to lodge a Development Application for the Development.
- D. The Developer has offered to enter into a Planning Agreement in accordance with section 93F of the Act in connection with the Instrument Change and the carrying out of Development of the Land, on the terms and conditions of the Agreement.
- E. The Developer will make Development Contributions in accordance with this Agreement in connection with the carrying out of the Development.
- F. The parties agree that the maximum amount payable by the Developer for the Development Contribution and any amounts payable pursuant to sections 94, 94A and 94EF of the Act will be \$1,847,000.00.

Operative provisions

Part 1 - Preliminary

1. Definitions and interpretation

1.1 In this Agreement the following definitions apply:

Above Ground Construction Certificate means the first Construction Certificate for the Development that authorises the erection of any building above ground level.

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Actual Gross Floor Area means the actual Gross Floor Area approved under the Development Consent.

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Agreed Contribution Value means the value of the Works specified in Column 3 of the tables in clause 1 and clause 2 in Schedule 3 corresponding to that Item of Work, adjusted annually in accordance with clause 3 of Schedule 3, without regard to any amount payable pursuant to sections 94, 94A and 94EF of the Act.

Business Day means a day other than a Saturday, Sunday or bank or public holiday in Sydney, New South Wales.

Certifying Authority has the same meaning as in the Act.

Consent Authority has the same meaning as in the Act.

Contamination means the presence in, on or under land of a substance (whether a solid, liquid or gas) at a concentration above the concentration at which the substance is normally present on, in or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or to any other aspect of the environment.

Construction Certificate means a construction certificate within the meaning of section 109C(1)(b) of the Act.

Consultant has the same meaning as in the Records.

Consumer Price Index means the All Groups Consumer Price Index, Index numbers, quarterly, for Sydney published by the Australian Bureau of Statistics.

Contributions Plan means *Rockdale Section 94 Contributions Plan 2004*, made by the Council under section 94EA of the Act and approved by the Council on 26 May 2004, and as subsequently amended or replaced.

Council Land means any land where the Works are to be carried out, including the Railway Street Land, Waltz Street, Heston Lane and the Parking Land.

DCP means *Rockdale Development Control Plan 2011 – Special Precincts* and includes any development control plan applying to the Land that supersedes *Rockdale Development Control Plan 2011*.

Page 7 of 53

[7142369: 20951935_2]

Defect means any error, omission, shrinkage, blemish in appearance or other fault with respect to any Item of Work which adversely affects the ordinary use and/or enjoyment of the particular item.

Design Specifications means the specifications and all other requirements (including the Preliminary Design) set out in Schedule 4.

Detailed Design Specifications means the design specifications prepared in accordance with clause 11.

Development means the Development described in Item 2 of Schedule 2.

Development Application has the same meaning as in the Act.

Development Consent means any development consent, as defined by the Act, which authorises the carrying out of the Development on the Land, and includes:

- (a) any conditions of consent to which the Development Consent is subject;
- (b) any modifications of the Development Consent made under s.96 of the Act; and
- (c) any subsequent development consent in respect of the Land and the Development.

Development Contribution means all or any aspect of the Option A Development Contributions or the Option B Development Contributions (as applicable) set out in Schedule 3, less any amount payable pursuant to sections 94, 94A and 94EF of the Act in respect of the Development.

Dispute means a dispute or difference between Council and the Developer arising out of this Agreement.

First Defects Liability Period, in relation to an Item of Work is twelve (12) months commencing on the date on which the Hand-Over occurs in respect of that Item of Work to the Council.

Force Majeure Event means any:

- (a) lightning strike, severe storm, earthquake, natural disaster, landslide, bushfire, mudslide or tsunami;
- (b) sabotage, vandalism, malicious damage, riot or a 'terrorist act' as defined in the *Terrorism Insurance Act 2003* (Cth);
- (c) explosion, flood or fire resulting from any of the events in paragraph (a) or (b);
- (d) war (declared or undeclared), civil war, insurrection, invasion, rebellion, revolution, military action or usurped power, martial law, act of public enemy, epidemic or embargo;
- (e) ionising radiation, radioactive contamination, nuclear contamination or toxic, chemical or biological contamination;

that is beyond the reasonable control of a party, was not caused by an act or omission of the party, and could not have been prevented, avoided, mitigated, remedied or overcome by the party taking steps a prudent and reasonable person would have taken in the circumstances.

General Security means an unconditional undertaking for \$400,000 as at the date of this Agreement adjusted annually in accordance with clause 24.3.

Gross Floor Area has the same meaning given to the term "gross floor area" in the Rockdale LEP.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax system (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Hand-Over means the completion of the construction of an Item of Work in accordance with this Agreement and the delivery or dedication (as applicable) of that Item of Work to the Council in accordance with this Agreement.

Hand-Over Date, in relation to an Item of Work, means the date specified in Column 4 of the Tables in clause 1 and 2 in Schedule 3 corresponding to that Item of Work specified in Column 1 of those tables.

Instrument Change means an amendment to the Rockdale LEP which is substantially in accordance with the Planning Proposal and which increases the maximum permissible height for the Land to 28m.

Inspection and Test Plan has the same meaning as in the NSW Government Quality Management System Guidelines for Construction June 2005 and as subsequently amended or replaced.

Item of Work means:

- (a) if the Developer is required to provide the Option A Development Contributions, the development contribution corresponding to an item specified in the Table in Part A of Clause 1 of Schedule 3;
- (b) if the Developer is required to provide the Option B Development Contributions, the development contribution corresponding to an item specified in the Table in Clause 2 of Schedule 3;

Land means the whole or any part of the land specified and described in Item 1 of Schedule 2.

Latent Contamination means the presence of Contamination in, on or under the Railway Street Land or the Parking Land that:

- (a) could not reasonably have been foreseen by a competent developer in the position of the Developer, and was not in fact foreseen by the Developer, at the date of this Agreement having regard to the information disclosed and otherwise available to the Developer and does not include any Contamination of which the Developer had knowledge or ought reasonably to have had knowledge at the date of this Agreement; and
- (b) was not caused or contributed to by the Developer or any of its contractors.

Latent Contamination Costs means, for an Item of Work, an increase in costs (over and above the Agreed Contribution Value for that Item of Work) reasonably expected to be incurred by the Developer.

- (c) that is a direct and natural consequence of a Latent Contamination; and
- (d) that is no more than the increase that would be incurred by a competent and efficient developer having taken all reasonable and feasible steps to mitigate the impact of the relevant Latent Contamination.

Loss means any loss, claim, action, liability, damage, demands, cost, charge, which Council, its employees, officers, agents, contractors and workmen sustains, pays, suffers or incurs or is liable for arising in connection with the carrying out by the Developer of any Item of Work and the performance by the Developer of any obligation under this Agreement, including (but not limited to) reasonable legal and other expenses incurred in connection with investigating or defending any claim or action, whether or not resulting in any liability, and all amounts reasonably paid in settlement of any claim or action

Occupation Certificate has the same meaning as in the Act.

Option A Development Contributions means the development contributions set out in clause 1 of Schedule 3.

Option B Development Contributions means the development contributions set out in clause 2 of Schedule 3.

Party means a party to this Agreement, including their successors, agents and assigns.

Planning Proposal means the *Planning Proposal to Amend Rockdale Local Environmental Plan 2011 at 75-85 Railway Street Rockdale* submitted to the NSW Department of Planning & Environment on 15 September 2015 for changes to the height standard in relation to the Land by means of an amendment to the Rockdale LEP.

Preliminary Design means the agreed preliminary design of the Works, as set out in clause 4 of Schedule 4.

Parking Land means the portion of the Land identified on the map in Schedule 5, to be dedicated to Council.

Public Facility means a public amenity, a public service, a public facility, public land, public infrastructure, a public road, a public work, or any other act, matter or thing that meets a Public Purpose.

Public Infrastructure has the same meaning as in the Act.

Public Purpose has the same meaning as in section 93F(2) of the Act.

Railway Street Land means 83-85 Railway Street, Rockdale (being Lot 1 in Deposited Plan 3560).

Rectification Certificate means a compliance certificate as defined by section 109C(1)(a)(v) of the Act, to the effect that work the subject of a Rectification Notice has been completed in accordance with the Rectification Notice.

Rectification Notice means a notice in writing issued during the First Defects Liability Period or the Second Defects Liability Period that identifies a Defect in an Item of Work and requires rectification of the Defect within the Defects Liability Period.

Rectification Security means an unconditional undertaking for \$100,000 as at the date of this Agreement adjusted annually in accordance with clause 24.3.

Records means the Rockdale Technical Guide-Works-As-Executed Records or as subsequently amended or replaced.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Remaining Rectification Security means an unconditional undertaking for the amount equivalent to the cost of a Defect of the Item(s) of Work, as determined in accordance with clause 19.10.

Road Opening Permit means consent issued by the roads authority under section 139 of the *Roads Act 1993* for works associated with Items A1-A4 of the Items of Work specified in clause 1 or clause 2 in Schedule 3.

Rockdale LEP means *Rockdale Local Environmental Plan 2011* and includes any local environmental plan applying to the Land that supersedes *Rockdale Local Environmental Plan 2011*.

Second Defects Liability Period, in relation to an Item of Work, is twelve (12) months commencing on the date of the Rectification Certificate for a Defect provided by the Developer under clause 19.3.

Service Provider has the same meaning as in the NSW Government Quality Management System Guidelines, March 2012.

Site Conditions means any physical conditions encountered in the execution of the Works above, upon, under or over the surface of, or in the vicinity of, the Council Land, and includes:

- (a) surface water, ground water, ground water hydrology and the effects of any de-watering;
- (b) physical and structural conditions, above, upon and below Council Land, including old footings, underground structures, buildings, improvements, partially completed structures or in-ground works;
- (c) topography of the Council Land, ground surface conditions and geology, including rock and sub-surface conditions or other materials encountered at, or in the vicinity of, the Council Land;
- (d) climatic and weather conditions, including rain, surface water run-off and drainage, floods, water seepage, wind blown dust and sand, seasons and physical conditions that are a consequence of climatic and weather conditions;
- (e) all existing systems and utilities, above or below ground level and all facilities with which such systems and utilities are connected;
- (f) all improvements, including any artificial things, foundations, retaining walls and other structures installed by or on behalf of the Council or others;
- (g) any Contamination, pollution, or other rubbish, spoil or waste; and
- (h) underground strata forming part of the Council Land.

Strata Certificate has the same meaning as in the Strata Schemes Act.

Strata Plan means a strata plan or strata plan of subdivision within the meaning of the Strata Schemes Act.

Strata Schemes Act means the *Strata Schemes Development Act 2015* (NSW).

Works means:

- (a) if the Developer is required to provide the Option A Development Contributions, all works specified in Part A of the Table in Clause 1 of Schedule 3; or
- (b) if the Developer is required to provide the Option B Development Contributions, all works specified in the Table in Clause 2 of Schedule 3;

Works-As-Executed Records means a plan setting out a record of construction completed in accordance with the Rockdale Technical Guide – Works-As-Executed Records.

- 1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings and labels are inserted for convenience only and do not affect the interpretation of this Agreement.
 - 1.2.2 If the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next business day.
 - 1.2.3 A reference to time is local time in Sydney.
 - 1.2.4 A reference to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
 - 1.2.5 A reference to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
 - 1.2.6 A reference to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
 - 1.2.7 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
 - 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
 - 1.2.9 An expression importing a natural person includes any company, corporation, trust, partnership, joint venture, association, unincorporated association, body corporate, statutory body, statutory authority or governmental agency.
 - 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
 - 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.

- 1.2.12 Reference to the word “include” or “including” are to be construed without limitation.
- 1.2.13 A reference to this Agreement includes the agreement recorded in the Agreement.
- 1.2.14 A reference to a party to this Agreement includes a reference to the personal representatives, legal representatives, agents and contractors of the party, and the party's successors and assigns substituted by novation.
- 1.2.15 Any schedules, appendices and attachments form part of this Agreement.
- 1.2.16 Notes appearing in the Agreement are operative provisions of this Agreement.
- 1.2.17 A reference in this Agreement to the name and number of a zone under Rockdale LEP includes a reference to an equivalent zone under any local environmental plan that supersedes LEP.

2. Application of this Agreement

- 2.1 The parties agree that this document is a planning agreement within the meaning of section 93F of the Act and governed by subdivision 2 of Division 6 of Part 4 of the Act. An overview of how this Agreement satisfies the requirements of section 93F of the Act is set out in Schedule 1.
- 2.2 This Agreement applies to the Land and to the Development.

3. Status and operation of this Agreement

- 3.1 This Agreement constitutes an irrevocable offer by the Developer to enter into the Agreement in connection with the Development once all of the preconditions contained in clause 3.2 are satisfied. Further, it is agreed that, subject to clause 3.2:
 - 3.1.1 this Agreement will commence from the date this document is entered into in accordance with clause 25C(1) of the Regulation; and
 - 3.1.2 the Developer is under no obligation to make the Development Contributions to the Council unless and until all of the preconditions specified in clause 3.2 are satisfied.
- 3.2 Subject to clause 3.3, this Agreement becomes effective and operative upon all of the following preconditions being satisfied:
 - 3.2.1 The Instrument Change has been made and has commenced and applies to the Development;
 - 3.2.2 Development Consent is granted to the Development; and
 - 3.2.3 this Agreement has been entered into by all parties as required by clause 25C(1) of the Regulation.
- 3.3 Clauses 4, 6, 23.2, 26 and 27 to 51 operate from the date of this Agreement.
- 3.4 The Developer's obligation to make Development Contributions only arises at the times specified in this Agreement.

4. Further agreements relating to this Agreement

- 4.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.
- 4.2 A further agreement for the purpose of clause 4.1 may include (but is not limited to) matters pertaining to:
- 4.2.1 access to Land;
 - 4.2.2 the rectification of Defects; and
 - 4.2.3 detailed design and specification.

5. Surrender of right of appeal

The Developer must not commence or maintain, or cause to be commenced or maintained, any proceedings in the Land and Environment Court involving an appeal against, or questioning the validity of, a Development Consent relating to the Development or an approval under section 96 of the Act to modify a Development Consent relating to the Development to the extent that it relates to the existence of this Agreement or requires any aspect of this Agreement to be performed according to the terms of this Agreement.

6. Application of s94, s94A and s94EF of the Act to the Development

- 6.1 To the extent that Council is a Consent Authority for the Development, this Agreement excludes the application of sections 94 and 94A of the Act in respect of the Development.
- 6.2 To the extent that Council is not a Consent Authority for the Development, this Agreement does not exclude the application of sections 94 and 94A of the Act in respect of the Development and clause 6.4 shall apply.
- 6.3 This Agreement does not exclude the application of section 94EF of the Act in respect of the Development.
- 6.4 The Development Contributions provided under this Agreement are to be taken into consideration in determining development contributions under section 94 of the Act in respect of the Development.
- 6.5 If sections 94, 94A and 94EF of the Act are applicable to this Agreement and the Developer is required to pay any amounts payable pursuant to sections 94, 94A and 94EF of the Act at any time, then:
- 6.5.1 The Developer will attend to payment of any amounts payable under sections 94, 94A and 94EF of the Act as and when they are payable;
 - 6.5.2 Upon payment of the amounts referred to in clause 6.5.1, the Developer will issue Council an invoice for an amount equivalent to the amounts referred to in clause 6.5.1; and
 - 6.5.3 Upon receipt of the invoice referred to in clause 6.5.2, Council will attend to payment of the said invoice within 14 days of the date of the invoice.
- 6.6 If clause 6.5 applies, the parties expressly acknowledge and agree that any section 94, 94A and 94EF contributions payable shall not cause the total contributions payable by the Developer under this Agreement to exceed \$1,847,000, adjusted annually in accordance with clause 3 of Schedule 3.

Page 14 of 53

[7142369: 20951935_2]

Part 2 – Development Contributions

7. Provision of Development Contributions

- 7.1 If at the time of the lodging of the Development Application for the Development:
- 7.1.1 the Council or the Developer has become the registered proprietor of the Railway Street Land; or
 - 7.1.2 an easement or public positive covenant for public access over the Railway Street Land has been registered, or is required to be registered as a condition of a development consent relating to the Railway Street Land, on the certificate of title of the Railway Street Land;
- then, the Developer must provide the Option A Development Contributions set out in clause 1 of Schedule 3 in the manner and by the times set out in clause 1 of Schedule 3.
- 7.2 If at the time of the lodging of the Development Application for the Development, the circumstances in clause 7.1.1 or clause 7.1.2 have not occurred the Developer must provide the Option B Development Contributions in the manner and at the times set out in clause 2 of Schedule 3.
- 7.3 Despite this clause 7, Council may apply a Development Contribution made under this Agreement or any amount received under any security under this section towards a Public Purpose other than the purpose specified in this Agreement if Council considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

8. Procedures relating to the dedication of land

- 8.1 This clause 8 only applies if the Developer is required under clause 7.1 to provide the Option A Development Contributions.
- 8.2 The Developer must, at its own cost, take all steps required to dedicate the Parking Land to Council by the time specified in Column 4 in the table at clause 1, Part B, of Schedule 3.
- 8.3 Without limiting clause 8.2,
- 8.3.1 the Developer must give Council:
 - (a) for execution by Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the Parking Land. The instrument of transfer must be duly signed by the Developer and be effective to transfer the title to the Parking Land;
 - (b) the certificate of title for the Parking Land;
 - (c) a discharge of any mortgage or other encumbrance on the Parking Land; and
 - (d) a withdrawal of any caveat affecting the land,
- each in registerable form, such that the registration of the transfer and other documents will give Council unencumbered title to the Parking Land.

- 8.3.2 Council is to execute the instrument of transfer and return it to the Developer within 7 days of receiving it from the Developer;
- 8.3.3 the Developer is to lodge the instrument of transfer for registration at Land and Property Information within 7 days of receiving it from Council duly executed; and
- 8.3.4 the Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 8.4 The Option A Development Contribution in clause 1, Part B, of Schedule 3 will be taken to be complied with once Council is registered proprietor of the Parking Land.
- 8.5 Council must provide the Developer with a tax invoice for its reasonable expenses incurred in relation to the dedication of land contemplated by this clause 8 and the Developer must pay those reasonable expenses promptly.
- 8.6 After the dedication of land contemplated by this clause 8, Council will use the land for car parking, a pedestrian footway area and to improve traffic flow in the area.

9. Parking Land Security

- 9.1 This clause 9 only applies if the Developer is required under clause 7.1 to provide the Option A Development Contributions.
- 9.2 If the Developer fails to dedicate the Parking Land to Council as required by clause 8 on or before the date on which transfer is required in Column 4 in the table at clause 1, Part B, of Schedule 3, then the Council may, after giving the Developer not less than 30 Business Days' notice in writing of its intention to do so and the Developer's subsequent failure to dedicate the Parking Land as required by this Agreement, compulsorily acquire the Parking Land for the amount of \$1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.
- 9.3 The Council and the Developer agree that:
 - 9.3.1 clause 9.2 is an agreement between the Developer and the Council for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*; and
 - 9.3.2 in clause 9.2 the Developer and the Council have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition of the Parking Land.

10. Approvals and consents for an Item of Work

- 10.1 Subject to clause 10.2, the Developer must, at its own cost, obtain all approvals and consents for the Works.
- 10.2 Council is responsible for obtaining development consent for the Item of Works identified in Item A.4 in each of the tables in clauses 1 and 2 of Schedule 3.
- 10.3 The Developer must not apply for a permit for installation of traffic management facilities until the approval of the Bayside Local Traffic Committee, under delegation by the NSW Roads and Traffic Authority in accordance with the *Road Transport (Safety and Traffic Management) Act 1999*, has been given.

- 10.4 The Developer will submit a Traffic Control Plan to the Council at least 10 Business days before any Item of Work is undertaken on any existing public assets owned, maintained or controlled by the Council. No Item of Work shall be commenced until the Traffic Control Plan has been approved by an adequately qualified person, who is qualified to perform traffic control safety instructions under the Roads and Traffic Authority Traffic Control at Work Sites document dated June 2010, or any subsequent amendment to that document. In addition no work shall commence on any Council assets until such time as the appropriate occupancy permission has been obtained and the appropriate fees and charges pertinent to such occupancy paid.
- 10.5 The Developer must not apply for a Construction Certificate from the Certifying Authority for an Item of Work until the Council (in its capacity as the future owner of the Item of Work and not as a planning authority) has approved the Detailed Design Specifications for the Works in accordance with clause 11.2.

11. Designing and carrying out of an Item of Work

- 11.1 The Developer must engage a Service Provider to prepare the Detailed Design Specifications for each Item of Work and the Developer must ensure that Detailed Design Specifications are in accordance with:
- 11.1.1 the Design Specifications (including the Preliminary Design);
 - 11.1.2 the Quality Management System, developed by the Service Provider in accordance with AS/NZS ISO 9000:2000, and certified by a third party organisation accredited under a recognised product certification scheme in accordance with AS/NZS ISO 9001:2000;
 - 11.1.3 any reasonable lawful requirements and directions of the Council that are notified in writing to the Developer; and
 - 11.1.4 the conditions of any Development Consent granted in relation to an Item of Work and any other applicable approvals.
- 11.2 The Developer must submit the Detailed Design Specifications for the Works to Council together with all supporting documentation for approval by Council prior to carrying out the Works or any Item of Work.
- 11.3 Council must, acting reasonably, review the Detailed Design Specifications and within 20 Business Days after their submission either:
- 11.3.1 approve the Detailed Design Specifications; or
 - 11.3.2 reject the Detailed Design Specifications (in which case, Council must provide comments to the Developer to explain what changes are required for Council to approve the Detailed Design Specifications).
- 11.4 If Council rejects the Detailed Design Specifications, the Developer must address Council's comments and resubmit the Detailed Design Specifications for approval by Council under this clause 11.
- 11.5 The Developer must carry out and complete each Item of Work or engage a Service Provider to carry out and complete each Item of Work, in accordance with:
- 11.5.1 the Detailed Design Specifications approved by the Council under this clause 11;
 - 11.5.2 all applicable laws, including those relating to occupational health and safety;

Page 17 of 53

[7142369: 20951935_2]

11.5.3 the conditions of any development consent granted in relation to an Item of Work and any other applicable approvals; and

11.5.4 the conditions of any development consent or other approval granted in relation to the carrying out of that Item of Work.

12. Acceptance of Site Conditions

Subject to clause 22:

12.1 the Council makes no representation and gives no warranty to the Developer in respect of the Site Conditions likely to be encountered, or which may be encountered, during the execution of the Works or otherwise in respect of the condition of:

12.1.1 the Council Land;

12.1.2 any structure or other thing, on, under or adjacent to, or otherwise in the vicinity of, the Council Land;

12.2 the Developer must accept:

12.2.1 the Council Land;

12.2.2 any structure or other thing, on, under or adjacent to, or otherwise in the vicinity of, the Council Land;

in their existing condition (including when encountered) subject to all defects; and

12.3 the Developer agrees that it is responsible for, and assumes the risk of, and will not be entitled to make any claim or demand arising out of, or in any way in connection with, any additional work, increased costs and any damage, expense, loss, liability or delay (including any delay in achieving Hand-Over in respect of an Item of Works) it suffers or incurs arising out of, or in any way in connection with:

12.3.1 the Site Conditions actually encountered during the carrying out of the Works under this Agreement; the

12.3.2 the Council Land,

including the suitability or otherwise of the Council Land for the Works under this Agreement.

13. Not Used

14. Quality Management System for an Item of Work

14.1 The Developer or its Service Provider, if engaged under clause 11.5, must implement and construct each Item of Work in accordance with:

14.1.1 a Quality Management System developed by the Service Provider in accordance with AS/NZS ISO 9000:2000 and certified by a third party organisation accredited under a recognised product certification scheme in accordance with AS/NZS ISO 9001:2000; or

14.1.2 a project specific Quality Management Plan and Inspection and Test Plan developed by the Service Provider in accordance with the NSW

Government Quality Management Guidelines March 2012 and approved by the Council.

- 14.2 The Developer must ensure that the carrying out of each Item of Work is supervised in accordance with the requirements in the Records.
- 14.3 A Consultant must be appointed:
 - 14.3.1 where the Item of Work is to be constructed by a Service Provider under contract to the Developer, by the Developer; or
 - 14.3.2 where the Item of Work is to be constructed by the Developer, by the Council.

15. Access to the Land

- 15.1 The Developer is to permit Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Item of Work.
- 15.2 The Council is to permit the Developer to enter and occupy any land owned or controlled by Council that is required, for the Developer to carry out any Item of Work under this Agreement or to perform any other obligation imposed on the Developer by or under this Agreement, upon giving reasonable prior notice.

16. Protection of people and property

- 16.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the carrying out of any Work that:
 - 16.1.1 all necessary measures are taken to protect people and property; and
 - 16.1.2 unnecessary interference with the passage of people and vehicles is avoided; and
 - 16.1.3 nuisances and unreasonable noise and disturbances are prevented.

17. Hand-Over of Works

- 17.1 The Developer must achieve Hand-Over for each Item of Work on or before the Hand Over Date for that Item of Work.
- 17.2 The Developer must submit to the Council the Works-as-Executed Records and provide the Council with written notice that the Item of Work is nearing completion not less than 10 Business Days prior to the anticipated Hand-Over Date of the Item of Work.
- 17.3 Council, acting reasonably, may, within 5 Business Days of receipt of the notice under clause 17.2:
 - 17.3.1 request information (in addition to the Works-as-Executed Records) that is relevant to the completion of the Item of Work and delay the Hand-Over of the Item of Work until the Developer has provided the additional information requested to Council's reasonable satisfaction;
 - 17.3.2 notify the Developer that it has achieved Hand-over for that Item of Work; or

17.3.3 notify the Developer that it has not achieved Hand-over for that Item of Work, in which case Council must:

- (a) identify the errors or omissions which in the opinion of Council need to be completed so that the Developer can achieve Hand-Over in respect of that Item of Work; or
- (b) accept Hand-Over of the Item of Work and issue a Rectification Notice under clause 19.

17.4 On Hand-Over of an Item of Work:

17.4.1 the Developer must ensure that an unencumbered title to each Item of Work passes to Council and must give to Council any document of title to each Item of Work; and

17.4.2 subject to clause 19, Council accepts ownership, possession, risk and control of that Item of Work; and

17.5 Once Hand-Over has been achieved in respect of each of the Items of Work, Council will return to the Developer the General Security in accordance with clause 25.

18. Failure to Comply with the Hand-Over Date

18.1 If the Developer fails to achieve Hand-Over of an Item of Work by the Hand-Over Date the Council may, acting reasonably, call upon the General Security and carry out and complete the Item of Work itself, or engage a contractor to carry out and complete the Item of Work.

18.2 For the purposes of clause 18.1:

18.2.1 the Developer must allow the Council, its servants, agents and contractors to enter the Land at any time for the purpose of completing the relevant Item of Work;

18.2.2 if the Council incurs costs that are over and above the amount payable under the General Security, Council's additional costs will be a debt due from the Developer to Council, payable on demand.

18.3 For the purpose of clause 18.2.2, Council's costs of completing an Item of Work includes, but is not limited to:

18.3.1 the costs of Council's officers, personal representatives, agents and contractors reasonably incurred for that purpose;

18.3.2 all fees and charges necessarily or reasonably incurred by Council in order to have the Item of Work rectified; and

18.3.3 without limiting clause 18.3.2 all legal costs and expenses reasonably incurred by Council, by reason of the Developer's failure to comply with this Agreement.

18.4 In the event that the Developer fails to achieve Hand-Over in respect of an Item of Work by the Hand-Over Date, the Developer irrevocably and for valuable consideration appoints Council as its attorney and to execute all such documents and do all such things on the Developer's behalf as are necessary or desirable to enable an Handover to be achieved in respect of an Item of Work.

19. Rectification of Defects

- 19.1 During the First Defects Liability Period and the Second Defects Liability Period, the Council may, acting reasonably, give to the Developer a Rectification Notice.
- 19.2 The Developer must promptly comply with a Rectification Notice at its own cost according to the terms of the Rectification Notice.
- 19.3 When the Developer considers that rectification is complete, the Developer must give to the Council a Rectification Certificate relating to the Item of Work the subject of the relevant Rectification Notice.
- 19.4 If the Developer does not comply with a Rectification Notice, the Council may do such things as are necessary to rectify the Defect.
- 19.5 For the purposes of clause 19.4:
 - 19.5.1 Council may call upon the Rectification Security or the Remaining Rectification Security to meet its costs in rectifying the Defect; and
 - 19.5.2 if the Council incurs costs that are over and above the amount payable under the Rectification Security or the Remaining Rectification Security, Council's additional costs will be a debt due from the Developer to Council, payable on demand.
- 19.6 For the purpose of clause 19.5, Council's costs include:
 - 19.6.1 the reasonable costs of Council's officers, personal representatives, agents and contractors reasonably incurred for that purpose;
 - 19.6.2 all fees and charges necessarily or reasonably incurred by Council in order to have the Item of Work rectified; and
 - 19.6.3 without limiting clause 19.6.2, all legal costs and expenses reasonably incurred by Council, by reason of the Developer's failure to comply with its obligations under this clause 19.
- 19.7 In the event that the Developer does not comply with a Rectification Notice, the Developer irrevocably and for valuable consideration appoints the Council as its attorney to execute all such documents and do all such things on the Developer's behalf as are necessary or desirable to enable the Council to rectify any Defects in accordance with a Rectification Notice given under this Agreement.
- 19.8 Subject to receipt by Council of a replacement unconditional undertaking if required under 19.9, Council must promptly after the expiration of the First Defects Liability Period, return to the Developer any unused portion of the Rectification Security.
- 19.9 If at the expiration of the First Defects Liability Period:
 - 19.9.1 any Rectification Notice is outstanding; or
 - 19.9.2 the Second Defect Liability Period for an Item of Work has not yet expired,Council may retain a Remaining Rectification Security in relation to the Defect of the Item(s) of Work.
- 19.10 If Remaining Rectification Security is required under clause 19.9:
 - 19.10.1 The Developer will provide Council with details of the costs associated with the rectification of the Defect in question and nominate the amount of the

Page 21 of 53

[7142369: 20951935_2]

Remaining Rectification Security proposed to be provided (**Proposed RRS**);

19.10.2 Council, acting reasonably, may within 5 Business Days of receipt of notification of the Proposed RRS:

- (a) request further information from the Developer that is relevant to the determination of the Proposed RRS;
- (b) notify the Developer that Council consents to the Proposed RRS; or
- (c) notify the Developer that Council disagrees with the Proposed RRS.

19.10.3 If Council consents to the Proposed RRS under clause 19.10.2(b), the Proposed RRS is the Remaining Rectification Security for the relevant Item(s) of Work.

19.10.4 If Council disagrees with the Proposed RRS under clause 19.10.2(c), the Remaining Rectification Security for the relevant Item of Work(s) is to be determined by an independent quantity surveyor, agreed jointly between the parties or by the Institute of Quantity Surveyors, who will determine the Remaining Rectification Security for the relevant Item of Work(s).

19.11 The Remaining Rectification Security must be returned to the Developer within 5 Business Days of the expiry of the Second Defect Liability Period.

19.12 A Rectification Certificate that resolves and meets the requirements of an outstanding Rectification Notice discharges the Developer from any further obligation to comply with the relevant Rectification Notice. For the sake of clarity, this clause does not prevent Council from issuing a new Rectification Notice for an Item of Work that was previously subject to a Rectification Notice, during the Second Defect Liability Period.

19.13 Council must do all things reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given in accordance with clause 19.

20. Damage and repairs to Work

20.1 The Developer, at its own cost, is to repair and make good to the reasonable satisfaction of Council any Loss or damage to an Item of Work from any cause whatsoever which occurs prior to the date on which Hand-over is achieved in respect of an Item of Work, except to the extent that such Loss is directly or indirectly caused or contributed to by Council.

21. Variation of Work

21.1 The design or construction of an Item of Work is not to be varied by the Developer after the Detailed Design Specifications have been approved by Council under clause 11, unless:

- 21.1.1 the parties agree in writing to the variation (prior to that variation being carried out); and
- 21.1.2 any consent or approval required under the Act or any other law to the variation is first obtained; and

- 21.1.3 the Developer bears all of Council's reasonable costs of and incidental to agreeing to and approving the variation under this Agreement.
- 21.2 If, after the Detailed Design Specifications have been approved by Council under clause 11, Council requests a variation to the design or construction of Item of Work,
 - 21.2.1 the Developer will provide the Council with a fee quote for the costs of completing the Item of Work in accordance with the variation requested by Council;
 - 21.2.2 the parties must agree a sum that will be payable by Council to the Developer to account for the increased costs of completing the Item of Work (**Variation Amount**). The Variation Amount will be an reasonable estimate of the additional costs directly attributable to the variation requested by Council; and
 - 21.2.3 the parties must, acting reasonably, agree an extension to the Hand-Over Date in respect of the Item of Work;
 - 21.2.4 the Developer must carry out the Item of Work in line with the variation requested by Council by the Hand-over Date (as extended under clause 21.2.3); and
 - 21.2.5 Council must pay the Variation Amount to the Developer after the Item of Work (as varied) is complete, and within 28 days of receipt of a tax invoice for the amount claimed by the Developer.

22. Latent Contamination

- 22.1 The Developer will not be entitled to make, and Council will not be liable in connection with, any claim or demand arising out of or in connection with any Latent Contamination, except to the extent expressly provided for in this clause 22.
- 22.2 If the Developer encounters Latent Contamination while carrying out the Works, the Developer must promptly, and where possible before the Latent Contamination is disturbed, give Council written notice of the general nature of the Latent Contamination.
- 22.3 As soon as reasonably practicable after issuing a notice under clause 22.2, but in any event within 7 days of the Developer first becoming aware of the relevant Latent Contamination, the Developer must, as a condition precedent to any entitlement under clause 22.4 in respect of the Latent Contamination, give Council a written notice including:
 - 22.3.1 details of the Latent Contamination encountered (with sufficient evidence to demonstrate to the reasonable satisfaction of Council that Latent Contamination is present);
 - 22.3.2 details of the extent to which any Items of Work are effected by the Latent Contamination;
 - 22.3.3 details of any estimated Latent Contamination Costs with details of how such amount has been calculated and why the various components of that amount are in each case Latent Contamination Costs, in sufficient detail (and supported by sufficient evidence) to enable the Council to substantiate that amount;

- 22.3.4 a written statement setting out any proposals the Developer may have for reducing the impact of any increase in costs arising from the alleged Latent Contamination; and
 - 22.3.5 details of the steps that the Developer has taken, or proposes to take, to mitigate the impact of the Latent Contamination and to reduce any associated Latent Contamination Costs.
- 22.4 Within 20 Business Days after Council receives all of the information required by clause 22.3, Council must notify the Developer that it:
- 22.4.1 accepts that there is Latent Contamination and that the Latent Contamination will cause the Developer to incur the Latent Contamination Costs set out in the Developer's notice under clause 22.3, in which case Council may (at its absolute discretion):
 - (a) pay the Developer the Latent Contamination Costs set out in the Developer's notice under clause 22.3 within 20 Business Days of receipt of the Developer's notice under clause 22.3; or
 - (b) direct the Developer to cease carrying out the Item of Work effected by the Latent Contamination, in which case clause 22.5 will apply; or
 - 22.4.2 rejects that there is Latent Contamination and that the Developer will incur Latent Condition Costs, in which case either party may refer the matter for resolution under clause 26 to determine whether or not there is Latent Contamination and, if there is determined to be Latent Contamination, to determine the value of the relevant Latent Contamination Costs – in which case clause 22.5 will apply once the value of those costs is determined; or
 - 22.4.3 accepts that there is Latent Contamination but rejects that the Developer will incur the Latent Contamination Costs, in which case either party may refer the matter for resolution under 26 to determine the value of those costs, and clause 22.5 will apply once the value of those costs is determined.
- 22.5 Where this clause applies:
- 22.5.1 the parties must appoint an independent quantity surveyor to assess the value of the works already performed in respect of the Item of Work effected by the Latent Contamination (**Affected Item of Work**);
 - 22.5.2 an independent quantity surveyor is a person:
 - (a) agreed between and jointly appointed by the parties; or
 - (b) where the parties are unable to reach agreement within 10 Business Days of Council serving a notice under clause 22.4 or the determination of a dispute under clause 26 (as applicable), a person appointed by the Institute of Quantity Surveyors;
 - 22.5.3 the Developer must promptly provide Council and the independent quantity surveyor with:
 - (a) a detailed description of all work performed by the Developer in respect of the Affected Item of Work prior to the date of the direction under clause 22.4.1(b);

- (b) evidence (including photographs and as built plans) of those works;
 - (c) evidence of the Developer's expenditure on those works;
 - (d) any other information requested by the independent quantity surveyor;
- 22.5.4 the independent quantity surveyor appointed must:
- (a) act independently and with expedition; and
 - (b) take into consideration all documents, information and other material which the parties give the independent quantity surveyor;
- 22.5.5 within 10 Business Days of the independent quantity surveyor's assessment of the value of works already performed in respect of the Affected Item of Work, the Developer must pay Council the difference between that assessment and the Agreed Contribution Value. For the avoidance of doubt, if the value of the works already performed by the Developer as assessed by the independent quantity surveyor is more than the Agreed Contribution Value, the Developer will not be entitled to a refund for those works;
- 22.5.6 the decision of the independent quantity surveyor is final and binding; and
- 22.5.7 the parties will share the costs of the independent quantity surveyor equally.

Part 3 – Other Provisions

23. Indemnity and insurance

- 23.1 This clause 23 applies for the period between the commencement of construction of an Item of Work up until the expiration of the First Defects Liability Period and Second Defects Liability Period.
- 23.2 The Developer indemnifies Council from and against all Loss, except to the extent that any Loss is directly or indirectly caused or contributed to by any act, omission or negligence of Council, its employees, officers, agents, contractors and workmen.
- 23.3 The Developer is to take out and keep current to the reasonable satisfaction of Council the following insurances in relation to the Works required to be carried out by the Developer under this Agreement up until Hand-Over of the Works in accordance with this Agreement:
- 23.3.1 contract works insurance, noting Council as an interested party, for the full replacement value of the Works (including the cost of demolition, removal of debris, and remediation, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works;
 - 23.3.2 public liability insurance for at least \$20,000,000 for a single occurrence, which covers Council, the Developer and any subcontractor of the Developer, for liability to any third party;
 - 23.3.3 workers compensation insurance as required by law; and
 - 23.3.4 any other insurance required by law.

Page 25 of 53

[7142369: 20951935_2]

- 23.4 If the Developer fails to comply with clause 23.3, Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to Council, payable on demand.
- 23.5 The Developer is not to commence to carry out any Works unless it has first provided to Council a certificate of currency for each of the insurances specified in clause 23.3.

24. Provision of Security

- 24.1 On or before the grant of the Road Opening Permit, the Developer must give the Council 2 unconditional undertakings for:
- 24.1.1 the General Security; and
- 24.1.2 the Rectification Security,
- for the due, prompt and proper observance and performance by the Developer of its obligations under this Agreement in relation to the Works.
- 24.2 Each unconditional undertaking required under clause 24.1 must be an irrevocable and unconditional on demand undertaking (with no expiry date) on terms approved in writing by Council. For the avoidance of doubt, the Developer must provide 2 separate unconditional undertakings.
- 24.3 On each anniversary of the date of this Agreement:
- 24.3.1 the security amount required for each unconditional undertaking required under clause 24.1 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased security amount will be the amount of security required for the 12 months immediately following the relevant anniversary; and
- 24.3.2 the Developer must provide replacement Security to Council for the revised Security Amount adjusted in accordance with clause 24.3.1.
- 24.4 Any unused portion of an unconditional undertaking that is held by the Council immediately prior to the receipt by Council of the replacement Bank Guarantee under clause 24.3.2, must be returned to the Developer upon receipt of the replacement unconditional undertaking.
- 24.5 The Parties agree that Council may, acting reasonably, impose conditions of Development Consent on the Development under section 80A of the Act specifying that the first Occupation Certificate for the Development must not be issued until the Developer has achieved Hand-Over for each of the Items of Work.
- 24.6 The Parties agree that, in respect of the Works, where Council is the certifying authority, it may withhold the issue of the relevant Construction Certificate or Occupation Certificate (as appropriate) until such time as the identified Item of Work is completed.

25. Release & return of General Security

The Council is to release the General Security to the Developer within 5 Business Days following the final Hand-Over of all of the Works.

26. Dispute Resolution

- 26.1 Any Dispute between the parties must be resolved under clause 26.
- 26.2 If a party wishes to have a Dispute resolved or determined, it must give a written notice (**Notice of Dispute**) to the other party. A Notice of Dispute must state that it is a notice under clause 26.2 and must specify in reasonable detail:
- (a) the legal basis for and detailed particulars of the Dispute;
 - (b) the facts relied on; and
 - (c) the relief or outcome sought.
- 26.3 Within 10 Business Days after a Notice of Dispute is given (or a longer period agreed by the parties in writing), the parties must ensure that their senior representatives meet, undertake good faith negotiations and use their reasonable endeavours to resolve the Dispute.
- 26.4 If a Dispute is not resolved within the period referred to in clause 26.3, either party may give a written notice to the other party to refer the Dispute for expert determination (**Notice of Referral**).
- 26.5 Only an Expert (as defined in clause 26.6) may conduct an expert determination under this clause 26.
- 26.6 An Expert is a person:
- (a) agreed between and jointly appointed by the parties; or
 - (b) where the parties are unable to reach agreement within 10 Business Days of a Notice of Referral, a person appointed by the Resolution Institute at the request of a party.
- 26.7 The parties must promptly enter into an engagement agreement with the Expert on terms reasonably required by the Expert.
- 26.8 An agreement for expert determination under this Agreement is not an arbitration agreement under the *Commercial Arbitration Act 2010* (NSW).
- 26.9 The parties agree that the Expert must:
- (c) act as an expert and not as an arbitrator;
 - (d) act fairly, impartially and independently of each party;
 - (e) apply the Expert's own knowledge and expertise;
 - (f) determine and notify the parties of the procedure for conducting the expert determination as the Expert thinks fit, and is not bound by the rules of evidence;
 - (g) make any directions for conducting the expert determination as the Expert thinks fit;
 - (h) conduct investigations and enquiries, examine documents and interview persons to the extent the Expert considers necessary or desirable to resolve the Dispute;
 - (i) determine the Dispute as expeditiously as possible; and

Page 27 of 53

[7142369: 20951935_2]

- (j) give the parties a written determination with reasons, within 30 Business Days after the date of the engagement agreement referred to in clause 26.6, or any later date the parties may agree in writing.
- 26.10** Each party is entitled to legal representation during the expert determination.
- 26.11** The Expert must use all reasonable endeavours to avoid any actual or potential:
 - (a) conflict of interest; or
 - (b) circumstance that may reasonably be considered to adversely affect the Expert's impartiality or independence.
- 26.12** The Expert must immediately give the parties written notice if the Expert becomes aware of the existence of anything described in clause 26.11.
- 26.13** To the extent permitted by law, the Expert's determination is final and binding on the parties unless:
 - (a) there is any fraud;
 - (b) there is a material miscalculation of figures or a material mistake in the description of any person, thing or matter; or
 - (c) both conditions below apply:
 - (a) the value of the claim exceeds \$250,000; and
 - (b) within 60 Business Days after the Expert gives the parties the determination, a Party gives written notice to the other Party referring the matter to a Court.
- 26.14** Any party may make a written request to the Expert to correct the determination for:
 - (d) a minor mistake arising from an accident or omission; or
 - (e) a defect in form.
- 26.15** Each party must:
 - (a) cooperate in good faith with the Expert and the other party in the conduct of the expert determination; and
 - (b) use reasonable endeavours to comply with all requests and directions reasonably given by the Expert.
- 26.16** The parties must:
 - (a) comply with any reasonable direction of the Expert to provide security deposits for the Expert's fees and disbursements;
 - (b) each pay half of the Expert's fees and disbursements in connection with the expert determination; and
 - (c) bear their own costs in connection with the expert determination.
- 26.17** Nothing in clause 26 prejudices the right of a party to seek urgent injunctive or declaratory relief for any matter in connection with this Agreement.

- 26.18 Subject to clause 26.19, the parties must, and must ensure that the Expert must keep confidential, and not disclose to any other person:
- (d) all proceedings and submissions relating to an expert determination under clause 26, including the fact that any step in the expert determination is occurring; and
 - (e) all documents and any other information (in any form) relating to the expert determination, including the Expert's determination.
- 26.19 A party may disclose confidential information referred to in clause 26.18:
- (f) if that party obtains the prior written consent of the other party;
 - (g) as required by law; or
 - (h) to the extent necessary to give effect to or to enforce a determination.
- 26.20 Despite the existence of a Dispute or its referral to expert determination, each party must continue to perform their obligations under this Agreement.
- 26.21 A party must not appoint the Expert as arbitrator, advocate or adviser in any arbitral, judicial or adjudication proceedings relating to the Dispute or any part of it, except with the other party's written consent.
- 26.22 Clause 26 survives the termination or expiry of this Agreement.

27. Registration of this Agreement

- 27.1 The Developer acknowledges that Council intends to register this Agreement under section 93H of the Act on the Land and on registration by the Registrar-General the Agreement will be binding on and enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.
- 27.2 **Developer's obligations**
- 27.2.1 The Developer must as soon as practicable after the date of this Agreement and, in any event, no later than 60 Business Days after that date, obtain the consent of each person who has an estate or interest in the Land to the registration of this instrument.
- 27.2.2 The Developer must at the request of Council, sign any *Real Property Act* dealing, acknowledgement or document, provide all relevant consents (including the consent of any mortgagee or caveator) arrange for the production of the Certificates of Title for the Land and do all other things reasonably necessary to enable this Agreement to be registered pursuant to section 93H of the Act.
- 27.3 **Release and discharge of deed by Council**
- 27.3.1 This Agreement ends when the Developer has complied with all of its obligations imposed under the terms of this Agreement.
- 27.3.2 The Council must promptly do all things reasonably required by the Developer to release and discharge this Agreement with respect to any part of the Land (such that the Agreement is no longer registered by the Registrar-General under section 93H of the Act in relation to that part of the Land) upon the earlier of:

- (a) the Developer having provided all of the Development Contributions in accordance with this Agreement; and
- (b) this Agreement otherwise coming to an end.

27.4 Registration of Strata Plans

- 27.4.1 This Agreement will not remain or be newly registered by the Registrar-General under section 93H in relation to any newly created strata lot, subject to the Developer being in compliance with this Agreement to the reasonable satisfaction of the Council at that time.
- 27.4.2 For each Strata Plan lodged with the office of the Registrar-General, where that Strata Plan is intended to create a strata lot(s), the Council must do all things reasonably required by the Developer to ensure that this Agreement is not registered by the Registrar-General under section 93H of the Act in relation to any such lot.
- 27.4.3 If through error or other reason this Agreement is registered on the title to any strata lot, each party must do such things as are reasonably necessary, within 5 Business Days after being requested by the other, to facilitate the lodging and grant of a request for the registration of this Agreement to be removed from the title to that lot.

28. Lodgement of Caveat

- 28.1 The Developer acknowledges that the rights under this Agreement give Council a caveatable interest in the Land. Until such time as this Agreement is registered on the relevant folios of the Register held by the Land and Property Information (**LPI**) pertaining to the Land, the Developer agrees that Council may lodge a caveat on the relevant folios of the Register held by the LPI pertaining to the Land.
- 28.2 A caveat lodged by Council in accordance with this clause 28 must not prevent or prohibit the lodgement of any instrument dealing or matter required for the registration of any mortgage, subdivision plan, easement, covenant, right of way, deposited plan or strata plan relating to the Development. The Developer must not lodge a lapsing notice or take any action to obtain or seek a withdrawal or removal of the caveat, unless:
 - 28.2.1 the Developer's obligations under this Agreement have been satisfied; or
 - 28.2.2 this Agreement has otherwise come to an end.
- 28.3 If Council lodges a caveat in accordance with clause 28, Council must:
 - 28.3.1 ensure that the caveat does not prevent or delay the registration of this Agreement;
 - 28.3.2 immediately execute the relevant forms to remove the registration of any caveat lodged by Council in respect of the Land within 5 Business Days of registration of this Agreement on the Land in accordance with this clause 28;
 - 28.3.3 provide any consent or other documentation required to permit the registration of:
 - (a) any easements to burden or benefit the Land;
 - (b) any variations of lease (including by way of exercise of option), or transfers of lease, over any part of the Land;

Page 30 of 53

[7142369: 20951935_2]

- (c) any lease;
- (d) the subdivision of the Land for the purpose of creating parcels; and
- (e) the subdivision of the Parking Land.

29. Assignment and transfer

- 29.1 A Party must not assign, novate or deal with any right, including transfer of the Land, or obligation under the Agreement without the prior written consent of the other Party.
- 29.2 In respect of a request by the Developer for Council's consent under clause 29.1, Council must not unreasonably withhold consent under this clause, provided that the matters specified in clause 29.3 are satisfied.
- 29.3 The matters required to be satisfied for the purposes of clause 29.1 are:
 - 29.3.1 the Developer has, at its own cost, first procured the execution by the person to whom the Developer's rights or obligations under this Agreement are proposed to be assigned, novated, sold, transferred, delegated or otherwise encumbered (**Proposed Transferee**), of an agreement in favour of the Council on terms satisfactory to Council acting reasonably; and
 - 29.3.2 Council, by notice in writing to the Developer, has stated that evidence satisfactory to Council has been produced to show that the assignee or novatee, is reasonably capable of performing its obligations under the Agreement;
 - 29.3.3 the Developer has agreed to pay all reasonable fees and expenses (including legal fees) incurred by Council in connection with the proposed assignment, novation or dealing and the investigation of the Proposed Transferee; and
 - 29.3.4 the Developer is not in breach of this Agreement.
- 29.4 Any purported dealing in breach of clause 29 is of no effect.
- 29.5 Notwithstanding clause 29.1 the Developer may enter into a contract for sale, and may sell and transfer to a transferee part of the Land forming a strata lot on a proposed Strata Plan, without compliance with clause 29.3.

30. Review of this Agreement

- 30.1 The Developer is to provide to Council by not later than each anniversary of the date on which this Agreement is entered into a report detailing the performance of its obligations under this Agreement.
- 30.2 The Parties agree to review this Agreement at least once every 2 years, and otherwise if either Party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.
- 30.3 For the purposes of clause 30.2, the relevant changes include (but are not limited to):
 - (a) any change to a law that restricts or prohibits or enables Council or any other planning authority to restrict or prohibit any aspect of the Development;

- (b) any change to the Development;
 - (c) any change to the Rockdale LEP;
 - (d) any change to or the making of any environment planning instrument that affects the Development;
 - (e) if the Developer is unable to obtain all consents necessary for the Developer to enter onto the Land and carry out Work as required by this Agreement;
 - (f) if contributions under section 94, 94A or 94EF are levied on the Development as a condition of Development Consent; and
 - (g) the exhibition of a draft contributions plan, within the meaning of the Act, relating to land in the Council's area.
- 30.4 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 30.2 the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.
- 30.5 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.
- 30.6 A failure by a Party to agree to take action requested by the other party as a consequence of a review referred to in clause 30.2 is not a dispute for the purposes of clauses 26 and is not a breach of this Agreement.

31. Notices

- 31.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- 31.1.1 delivered or posted to that Party at its address set out in the Contacts Sheet; or
 - 31.1.2 faxed to that Party at its fax number set out in the Contacts Sheet.
- 31.2 If a Party gives the other Party 3 Business Days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 31.3 Any notice, consent, information, application or request is to be treated as given or made if it is;
- 31.3.1 delivered, when it is left at the relevant address;
 - 31.3.2 sent by post, 4 Business Days after it is posted; or
 - 31.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 31.4 If any notice, consent, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the

Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

32. Approvals and consent

- 32.1 Unless expressly stated otherwise in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.
- 32.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

33. Costs

- 33.1 The Developer must pay to Council the Council's reasonable costs of up to \$45,000, for preparing, negotiating, executing and stamping this Agreement, and any document related to this Agreement, within 20 Business Days of a provision of a tax invoice by Council for such payment.
- 33.2 The Developer must pay to Council the Council's reasonable costs of enforcing this Agreement within 20 business days of a written demand by Council for such payment, except in the case of a dispute that is the subject of:
 - 33.2.1 expert determination by an Expert under clause 26 in which case each party will bear its own costs; or
 - 33.2.2 court proceedings, in which case any costs will be paid in accordance with orders of the court only.

34. Entire Agreement

- 34.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.
- 34.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

35. Further acts

- 35.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

36. Governing law and jurisdiction

- 36.1 This Agreement is governed by the law of New South Wales.
- 36.2 Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 36.3 Each party waives any right to object to the exercise of jurisdiction by those courts on any basis.

37. Joint and individual liability and benefits

37.1 Except as otherwise set out in this Agreement:

37.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually; and

37.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

38. No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

39. No obligation or liability

The Developer acknowledges and agrees that:

39.1.1 Council (or any person on its behalf) does not assume or owe any duty of care or other responsibility or obligation to the Developer in relation to the Design Specifications or the Detailed Design Specifications, and will not be required to check the Design Specifications or the Detailed Design Specifications, for suitability, errors, omissions or compliance with the requirements of law, any approval or this Agreement;

39.1.2 the Developer will not be entitled to make, and Council will not be liable upon or in connection with, any claim, liability or Loss arising out of or in connection with any failure by Council (or any person on its behalf) to detect or notify the Developer of any lack of suitability, errors, omissions or non-compliance with the requirements of law, any authority or this deed in any part of the Design Specifications or the Detailed Design Specifications; and

39.1.3 no review of, comment upon, consent to, or approval or rejection of, nor failure or refusal to review, comment upon, consent to, or approve or reject, any Design Specifications or the Detailed Design Specifications (including under clause 11) or any other direction (including approval) by Council (or any person on its behalf) about such Design Specifications or the Detailed Design Specifications will:

- (a) relieve the Developer from, or otherwise limit, alter or affect, the Developer's liabilities or responsibilities under this Agreement or otherwise at law or in equity; or
- (b) prejudice Council's rights against the Developer whether under this Agreement or otherwise at law or in equity.

40. Representations and warranties

40.1 Each Party represent and warrant to each other Party that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

41. Severability

- 41.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 41.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.
- 41.3 The parties acknowledge that under and by virtue of section 93F(4) of the Act, any provision of this Agreement is not invalid by reason only that there is no connection between the Development and the object of the expenditure of any Development Contribution required to be made by that provision.

42. Modification

- 42.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.
- 42.2 The Council acknowledges that the Developer may require the approval of any financier prior to agreeing to any modification to this Agreement.

43. Waiver

- 43.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 43.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.
- 43.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

44. Rights cumulative

- 44.1 Except as expressly stated otherwise in this Agreement, the rights to a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

45. Duty

- 45.1 The Developer as between the Parties is liable for and must pay all duty (including any fine or penalty except where it arises from default by another Party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.
- 45.2 If a Party other than the Developer pays any duty (including any fine or penalty) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it as a result of the Developer first failing to pay such duty, the Developer must pay that amount to the paying Party on demand.

46. Effect of Schedules

- 46.1 The Schedules to this Agreement form part of this Agreement.

Page 35 of 53

[7142369: 20951935_2]

47. Relationship of the Parties

- 47.1 This Agreement is not intended to create a partnership, joint venture or agency relationship between the Parties.

48. GST

- 48.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, supply and Tax Invoice have the meaning given by the GST Law.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the GST Act.

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a Supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount on GST on that Supply.

- 48.2 Subject to clause 48.4 and clause 48.5.2:

48.2.1 except where specified to the contrary in this Agreement, all consideration payable under this Agreement in relation to any supply is exclusive of GST; and

48.2.2 if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

- 48.3 Clause 48.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

- 48.4 No additional amount shall be payable by Council under clause 48.2 unless, and only to the extent that, Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

- 48.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 81 or Division 82 of the GST Act:

48.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies; and

48.5.2 that any amounts payable by each Party in accordance with clause 48.2 (as limited by clause 48.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

- 48.6 No payment of any amount pursuant to this clause 48, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 48.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a Party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 48.8 This clause continues to apply after expiration or termination of this Agreement.

49. Explanatory Note relating to this Agreement

- 49.1 The **Appendix** to this Agreement is the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- 49.2 Pursuant to clause 25E(7) of the Regulation, each Party agrees that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Agreement.

50. New Laws

- 50.1 If the Developer is obliged by any new law to do something or pay an amount which it is already contractually obliged to do or pay under this Agreement then, to the extent only that the relevant obligation is required under both the new law and this Agreement, compliance with the new law will constitute compliance with the relevant obligation under this Agreement.

51. Force Majeure Events

- 51.1 This clause 51 applies in the case of a Force Majeure Event.
- 51.2 The Developer is not liable for any failure to comply with any of its obligations under this Agreement where the failure is caused or contributed to by a Force Majeure Event.
- 51.3 In the event that a Force Majeure Event occurs:
- (a) The Developer will notify Council in writing as soon as is reasonably practicable the extent to which it is unable to perform its obligations (the **FME Notice**); and
 - (b) The parties must use their best endeavours to mitigate the adverse effects of the Force Majeure Event and perform their obligations under this Agreement as quickly as is reasonably possible.
- 51.4 If the Developer has complied with its responsibilities under clause 51.3(a) and is still unable to carry out its obligations under this Agreement due to a Force Majeure Event, then the parties must meet within 21 days of the FME Notice to discuss in good faith alternative arrangements or contributions which can be provided in light of the Force Majeure Event.

52. Counterparts

This Agreement may be executed in any number of counterparts all of which taken together constitute one instrument.

Page 37 of 53

[7142369: 20951935_2]

Execution

Executed as an Agreement at Rockdale

date:

Executed on behalf of Bayside Council:

General Manager (sign)

Witness (sign)

Name of General Manager (print)

Witness – Name/Position (print)

**Executed by Zoe Holdings Rockdale Pty Limited pursuant to s 127 of the
Corporations Act 2001:**

Director (sign)

Director/Secretary (sign)

Name of Director (print)

Name of Director/Secretary (print)

Schedule 1 Section 93F Requirements

(Clause 2.1)

Provision of the Act	This Agreement
Under section 93F(1), the Developer has:	
(a) sought a change to an environmental planning instrument	Yes
(b) made, or proposes to make, a Development Application.	Yes
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies	No
Description of the land to which this Agreement applies – Section 93F(3)(a))	The whole of the Land described in Schedule 2 to this Agreement
Description of the change to the environmental planning instrument to which this Agreement applies – (Section 93F(3)(b)(i))	Additional permissible height of a proposed mixed-use development
The scope, timing and manner of delivery of Development Contributions required by this Agreement – (Section 93F(3)(c))	See Schedule 3 to this Agreement
Applicability of Sections 94 and 94A of the Act – (Sections 93F(3)(d) and 93F(5A))	See clause 6
Applicability of Section 94EF of the Act – (Section 93F(3)(d))	See clause 6
Benefits under the Agreement considered for Section 94 purposes – (Section 93F(3)(e)),	all Development Contributions under this Agreement
Dispute Resolution – (Section 93F(3)(f))	See clauses 26
Security & Enforcement of this Agreement – (Section 93F(3)(g))	See clauses 24, 25
Registration of the Agreement – (Section 93H)	Yes, see clause 27
Restriction on dealings	See clause 28
No obligation to grant consent or exercise functions – (Section 93F(9))	See clause 38

Schedule 2 Description of the Land and the Development

(Clause 1)

2. Item 1 The Land

Lot 101 DP771165,

Lot 3 DP82942,

Lot 1 DP455421; and

Lot 1 DP912313

(together known as 75-81 Railway Street, Rockdale).

3. Item 2 The Development

The development, within the meaning of the Act, of or on or including the Land for mixed uses, achieving not less than 10,300 square metre Gross Floor Area, under the Rockdale LEP once it is amended by the Instrument Change.

Schedule 3 Development Contributions

(Clause 7)

1. Option A Development Contributions

Part A: Works

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Agreed Contribution Value	Hand-over Date
Hesten Lane extension and streetscape improvement to Parker Street and Railway Street			
A.1	<p>A1. Extension of Hesten Lane southwards by approximately 21 metres over the Parking Land including:</p> <ul style="list-style-type: none"> • construction of new road infrastructure for the full extension of Hesten Lane • public car parking on extension of Hesten Lane • retaining walls • soft landscaping • lighting • signage <p>as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.</p>	Combined Agreed Contribution Value for A.1, A.2, A.3 and A.4 is \$1,049,000.	<p>Prior to the issue of an Occupation Certificate for the Development.</p> <p>NOTE: The Works are subject to the Defect Liability Period once completed.</p>
A.2	<p>A2. Streetscape improvement works to upgrade the Parker Street frontage along the northern edge of the Land, as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.</p>		<p>Prior to the issue of an Occupation Certificate for the Development.</p> <p>NOTE: The Works are subject to the Defect Liability Period once completed.</p>

A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

Part B: Land dedication

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Agreed Contribution Value	Timing
Land dedication for public parking and pedestrian connection			
B.	B1. Dedication to Council of the Parking Land to be used for provision of new public parking and a proposed future pedestrian connection linking Hesten Lane with Waltz Street.	\$750,000	Prior to the issue of an Occupation Certificate for the Development.

2. Option B Development Contributions

Column 1	Column 2	Column 3	Column 4
Item	Development Contribution	Agreed Contribution Value	Timing
Streetscape improvement to Hesten Lane, Parker Street, Railway Street, Waltz Street and footpath from Railway Street to Guild Theatre			
A.1	A1. Streetscape improvement works to upgrade the street frontages of the Land on Hesten Lane, Parker Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Detailed Design Specifications.	Combined Agreed Contribution Value for A.1, A.2, A.3 and A.4 is \$1,847,000	Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.2	A2. Streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street, as shown on the Map in clause 4 of Schedule 3, and in accordance with the Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.3	A3. Streetscape improvement works to upgrade the existing footpath from Railway Street to the Guild Theatre (located within the boundary of the Land), as shown on the Map in clause 4 of Schedule 3 and in accordance with the Detailed Design Specifications.4.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.
A.4	A4. Streetscape and building frontage improvement works within the boundary of the Guild Theatre Site (Lot 2 DP 3560, Lot 3 DP 3560), in accordance with the Detailed Design Specifications.		Prior to the issue of an Occupation Certificate for the Development. NOTE: The Works are subject to the Defect Liability Period once completed.

3. Adjustment of Agreed Contribution Value

- 3.1 On each anniversary of the date of this Agreement the Agreed Contribution Value of each Item of Work specified in Column 3 of the tables in clause 1 and 2 in Schedule 3 will be increased by the same percentage as the percentage increase, if any, in the Consumer Price Index in the 12 months prior to the relevant anniversary. The increased Agreed Contribution Value will be the Agreed Contribution Value for the 12 months immediately following the relevant anniversary.

4. Map of Works



For avoidance of any doubt:

Option A relates to the area described in both purple and green;
Option B relates to the area described in both yellow and green; and
Options A & B (collectively) relate to the area described in yellow, green and purple.

Schedule 4 Design Specifications

1. Specifications

- Demolition of existing surfaces and disposal off-site.
- Compaction of existing sub-grade.
- Supply and installation and compaction of DGB20 base course to Council standards.
- Supply and installation of SL72 32MPa concrete base course or standard otherwise agreed in writing by Council.
- Supply and installation of spine and core pavement treatment in accordance with Rockdale Public Domain Paving Style Sheet dated 03/10/2015.
- Associated landscape works to Council specifications.

2. General Requirements

- Public Domain Plan – Part 3: Preliminary Design of Schedule 4 – Design Specifications
- Specification for design – AUS-SPEC:
 - 0021 – Site regrading
 - 0041 – Geometric road layout
 - 0043 – Subsurface drainage (design)
 - 0044 – Pathways and cycleways
 - 0061 – Bridges and other structures
 - 0074 – Stormwater drainage (design)
 - 0160 – Quality (design).
- Variation to Nominated Standards – where AUS-SPEC makes reference to the Austroads *Guide to Road Design*, the design shall comply with the NSW Roads and Traffic Authority Supplement to Austroads *Guide to Road Design*, and where AUS-SPEC makes reference to the Australian Standards AS1742 and AS1743, the design shall comply with the NSW Roads and Traffic Authority Supplement to Australian Standards AS1742 and AS1743.
- Inconsistency – where an inconsistency exists between the nominated design standards the prevailing standard shall be determined by the Council's Manager – City Infrastructure
- Applicable Legislation – Commonwealth and New South Wales Legislation.
- Drawing coordinates shall conform to GDA94 (Geocentric Datum of Australia). Levels shall conform to AHD (Australian Height Datum).
- Submission formats:
 - Two (2) printed copies of the plans
 - One (1) printed copy of the specification
 - Two (2) printed copies of the Review of Environmental Factors (REF)
 - One (1) USB with electronic format of all documents as follows:
 - Design drawings in DWG file format and portable document format (PDF).
 - Specification and REF in portable document format (PDF).

2.1 Limit of Works

- The limit of works shall be all works required to comply with AUS-SPEC, and shall be not less than the minimum requirements specified by the conditions of consent.

2.2 Drawing Presentation

- The detailed design plans are to be prepared in accordance with the Council's *Engineering Drawing Guide: for works in conjunction with developments and subdivisions*. The drawings must show all necessary design details for construction by the Developer.

2.3 Swept Paths

- The preparation and presentation of swept path diagrams shall be in accordance with the Council's *Engineering Drawing Guide: for works in conjunction with developments and subdivisions*.

Page 45 of 53

[7142369: 20951935_2]

subdivisions. Swept paths, based on the nominated design vehicle, must be provided for:

- All movements at intersections.

2.4 Design Parameters – Road and Pavement Design

- Design vehicle for swept path diagrams: design single unit bus, 12.5m long.
- Equivalent Standard Axles for pavement design: 3 x 10⁵
- Design life for road pavement: 25 years
- Kerb profiles, pram ramps, etc shall be in accordance with the Model (Road) Drawings for Kerb and Gutter (R15) issued by the NSW Roads and Traffic Authority.

2.5 Drainage

- Drainage pipes shall be reinforced concrete (RC), rubber ring jointed (RRJ) pipes only.
- Pit details shall be in accordance with the Model (Road) Drawings for Stormwater Drainage (R11) – Gully Pits issued by the NSW Roads and Traffic Authority.

2.6 Subsurface Drainage

- Design of subsurface drainage shall be in accordance with 0043 – *Subsurface drainage (design)*.
- Alternatively, the Roads and Traffic Authority's *Combined Stormwater and Subsurface Drainage* (Drawing reference MD.R33.A08.A) can be adopted.

2.7 Road Pavement

- A formal pavement design shall be prepared by a registered N.A.T.A. laboratory based on sampling and testing of the subgrade materials from the site. Details of the pavement design, results of subgrade testing (including 4 day soaked CBR's) are to be submitted with the design drawings.
- Pavements should be designed using the general principles of Austroads 1992 "Pavement Design – A Guide to the Structural Design of Road Pavements".
- Alternatively, the Roads and Traffic Authority's *Standard PTB Structure* (Drawing reference 0000.000.PT.0003) can be adopted.
- Sandstone shall not be used in pavements. Wearing surfaces shall be asphaltic concrete (AC) only.

2.8 Road Alignment

- Footpath design consistent with AS1428, and NSW Bicycle Guidelines. Attention is drawn to the provisions for minimum height clearance (2.2m); minimum clear width (1.5m); maximum grades (longitudinal and cross-fall); and kerb ramp details.
- All kerb returns must be designed such that no part of the vehicle crosses the centerline.
- All vehicle footpath crossing profiles are to be provided.
- The design must not result in any un-drained low-points, and as far as practicable low points within the kerb return shall be avoided to eliminate the use of pits with curved lintels.

2.9 Landscape Details

- Landscaping details are as agreed with Council in the Detailed Design Specifications.
- The landscape plan for the treatment of the road reserve must be separate to landscape treatments within the boundary of the property.

2.10 Traffic Facilities

- The following traffic facilities shall be provided in accordance with the NSW Roads and Traffic Authority Supplement to Austroads *Guide to Road Design*, and NSW Roads and Traffic Authority Supplement to Australian Standards AS1742 and AS1743.
 - Line marking and regulatory signage in New Road (East).
 - Parking signage in New Road (East).

2.11 On-Street Parking

- Where flush concrete edging is used as an edge treatment for pavement in lieu of standard kerb and gutter shapes adjacent to on-street parking spaces, wheel stops shall be designed in accordance with AS2890.3:1993.

Page 46 of 53

[7142369: 20951935_2]

2.12 Dilapidation Report

- The dilapidation report required by conditions of consent must include photos and details of surrounding public infrastructure and adjoining boundary fences.

2.13 Certification Requirements and Quality Assurance**Design qualification**

- The design must be certified by a Professional Engineer with current registration on the National Professional Engineers Register (NPER), stating that the design meets the required standards:
 - Civil Engineering area of practice for all civil plans, including drainage design.
 - Structural Engineering area of practice for all structural load carrying elements.
- A certification report conforming to Annexure A of 0160 – *Quality (design)* must accompany the design.

2.14 Utility Services – applicable only in relation to the Extension of Hesten Lane

- The extension of Hesten Lane (Item A.1 of the option A Development Contributions) shall comply with Ausgrid Network Standards for underground supply of electricity, including underground supply within the new road.

2.15 Street Lighting – applicable only in relation to the Extension of Hesten Lane

- The extension of Hesten Lane (Item A.1 of the Option A Development Contributions) shall design and implement new street lighting as required to meet the design lighting category from AS1158 (Category P3 – Lighting for roads and public spaces).
- The location of street lighting poles shall comply with RTA requirements:
 - Impact absorbing poles may be located not less than 1.0m from the edge of the nearest traffic lane; and
 - Non-impact absorbing poles may be located not less than 3.0m from the edge of the nearest traffic lane.
- Design to AusGrid Network Standard - Street Lighting Design and Construction NS119.
- Column footings must be designed according to the site conditions, and if standard details are being considered, the site conditions must be confirmed.

3. Specification

- A specification is to be developed based on AUS-SPEC. The compilation of the specification shall be undertaken in accordance with the Council's *Engineering Specification Guide: for works in conjunction with developments and subdivisions*.
- The specification compiler will be required to be a current subscriber to NATSPEC.

4. Preliminary Design

To be provided by the Developer at the time of the lodging of the Development Application for the Development.

The area of land shown on the below map outlined in purple to be dedicated to Council as the Parking Land – being the area of approximately 342 square metres of the Land (in stratum) forming part of Lot 1 DP 912313 and part of Lot 1 DP 45541 for the provision of parking:



Appendix

(Clause 49)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Proposed Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

1. Parties

Bayside Council ABN 80 690 785 443 of 444-446 Princes Highway, Rockdale NSW 2216

(Council)

and

Zoe Holdings Rockdale Pty Limited ACN 169 548 770 of 9 Bestic Street ROCKDALE NSW 2216

(Developer)

2. Description of the Land to which the proposed Planning Agreement applies

2.1 75- 81 Railway Street, Rockdale as described in **Schedule 2** to the Agreement.

2.2 This Developer is the owner of the Land.

3. Description of proposed Development

3.1 The proposed redevelopment of the Land for mixed uses (being a minimum Gross Floor Area of 10,300 square metres).

3.2 In conjunction with the Development, the Developer will provide Development Contributions through either Option A Development Contributions or Option B Development Contributions.

3.3 The Option A Development Contributions must be provided if the Developer or Council becomes the registered proprietor of 83-85 Railway Street, Rockdale (being Lot 1 in Deposited Plan 3560) or otherwise obtains alternative public access arrangements over 83-85 Railway Street, Rockdale prior to the lodgement of the development application for the Development. The Option B Development Contributions must be provided if the circumstances which give rise to the Option A Development Contributions does not occur.

3.4 Both Options provide for general streetscape improvements on or near the Land. Option A provides for a smaller area of streetscape improvements than Option B but provides additional Development Contributions through the dedication of land. The Contribution Value of the Option A Development Contributions is \$1,799,000 and the Option B Development Contributions is \$1,847,000.

3.5 If the Option A Development Contributions apply, then in conjunction with the Development the Developer will provide:

Page 49 of 53

[7142369: 20951935_2]

- 3.5.1 the design, construction and dedication of land (approximately 342 square metres in stratum) for provision of proposed new public carparking and a section of proposed future pedestrian connection between Hesten Lane and Waltz Street, Rockdale;
- 3.5.2 southward extension of Hesten Lane, Rockdale including construction of new road infrastructure, public car parking, retaining walls, soft landscaping, lighting and signage (scope to be agreed);
- 3.5.3 streetscape improvement works to the Parker Street, Hesten Lane and Railway Street frontages of the Land (scope to be agreed);
- 3.5.4 streetscape improvement works to footpath from Railway Street, Rockdale to the Guild Theatre (refer to Schedule 5).
- 3.6 If the Option B Development Contributions apply, then in conjunction with the Development, the Developer will provide:
 - 3.6.1 streetscape improvement works to the Hesten Lane, Parker Street and Railway Street frontages of the Land (scope to be agreed);
 - 3.6.2 streetscape improvement works to footpath from Railway Street, Rockdale to the Guild Theatre (refer to Schedule 5);
 - 3.6.3 streetscape improvement works to the northern side of Waltz Street between Walkin Street and Railway Street (scope to be agreed).

4. Summary of objectives, nature and effect of the proposed Planning Agreement

4.1 Objectives of proposed Planning Agreement

- 4.1.1 The objectives of the proposed Planning agreement are to:
 - 4.1.1.1 provide Development Contributions for the benefit of the public in the form of streetscape improvement works;
 - 4.1.1.2 if Option A Development Contributions apply:
 - provide Development Contributions for the benefit of the public in the form of:
 - dedication of land at no cost to Council
 - works to create new public carparking, the extension of a road to provide better public access, and to facilitate a proposed future pedestrian connection; and
 - 4.1.1.3 achieve the provision of these Development Contributions with greater certainty and at less risk and less cost to Council than would be possible through the outright purchase of the land or the use of section 94 development contributions alone.

4.2 Nature and effect of proposed Planning Agreement

- 4.2.1 The proposed Planning Agreement will not come into effect until the proposed instrument Change comes into force and Development Consent is granted for development achieving not less than 10,300 square metres of Gross Floor Area on the Land.

- 4.2.2 The proposed Planning Agreement will require the Developer to carry out streetscape improvement works and footpath improvement works for the Public Purpose of providing public amenities, at no cost to Council.
- 4.2.3 If the Option A Development Contributions apply, the proposed Planning Agreement will require the Developer to:
- 4.2.3.1 carry out the following additional Work for a public purpose:
- the design, construction and dedication of land for provision of proposed new public carparking and a proposed future pedestrian connection; and
 - construction of new section of existing road for the provision of new public car parking and improved access by the public.
- 4.2.4 The estimated value of the Works and other contributions under the proposed Planning Agreement are \$1,799,000 for the Option A Development Contributions and \$1,847,000 for the Option B Development Contributions.
- 5. Assessment of the merits of the proposed Planning Agreement**
- 5.1 The impact of the proposed Agreement on the public or any relevant section of the public**
- 5.1.1 The proposed Planning Agreement impacts on the public by promoting the public interests as outlined in paragraph 5.2.1.
- 5.2 How the proposed Planning Agreement promotes the public interest and one or more objects of the *Environmental Planning and Assessment Act 1979***
- 5.2.1 The proposed Planning Agreement promotes the public interest by securing the provision of Development Contributions, through the carrying out of Work for the purposes of improving community facilities and, in general, for the purposes of improving and promoting the community's quality of life.
- 5.2.2 If the Option A Development Contributions apply, the proposed Planning Agreement will further promote the public interest by securing the dedication of land free of cost and the carrying out of additional Work, for the purposes of improving community facilities, infrastructure and services and, in general, for the purposes of improving and promoting the community's quality of life.
- 5.2.2 The proposed Planning Agreement promotes the objects of the *Environmental Planning and Assessment Act 1979* by;
- encouraging the development and conservation of natural and urban resources for the purpose of promoting the social and economic welfare of the community and a better environment;
 - encouraging the promotion and co-ordination of the orderly and economic use and development of land;
 - encouraging the provision of land for public purposes; and
 - encouraging the provision and co-ordination of community services and facilities.
- 5.3 For Planning Authorities:**
- 5.3.1 Development corporations – How the proposed Planning Agreement promotes its statutory responsibilities**

Page 51 of 53

[7142369: 20951935_2]

N/A

5.3.2 Other public authorities – How the proposed Planning Agreement promotes the objects (if any) of the Act under which it is constituted

The proposed Planning Agreement promotes the Principles of the *Local Government Act 1993* by:

- 5.3.2.1 allowing Council to improve and develop the resources of the area appropriate to the current and future needs of the local community and the wider public through the provision of streetscape improvement works and footpath improvement works; and
- 5.3.2.2 if Option A applies, allowing Council to improve and develop the resources of the area through the provision of the new public car parking spaces, construction of a new section of an existing road and use dedicated land for provision of a proposed future pedestrian connection.

5.3.3 Councils – How the proposed Planning Agreement promotes the elements of the Council's Charter (cl 25E(2)(d))

- 5.3.3.1 Section 8 of the *Local Government Act 1993* (NSW), previously set out the Council's charter. However, commencing 23 September 2016, the charter has been replaced with 'Guiding principles for councils' under section 8A of the *Local Government Act*.

Section 25E(2)(d) of the *Environmental Planning and Assessment Regulation 2000* has not been amended to reflect the change. The current (section 8A Guidelines), and previous (section 8 Charter), requirements of the *Local Government Act* are addressed below.

- 5.3.3.2 The Planning Agreement promotes the following elements of the Council's charter, as stated under the previous wording of section 8 of the *Local Government Act 1993* (NSW):

- "to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively"

The Planning Agreement promotes this aspect of Council's charter by providing for Council to provide improvements towards facilities for the community.

- "to effectively plan for, account for, and manage the assets for which it is responsible".

The Planning Agreement promotes this aspect of Council's charter by providing for Council to receive the benefit of streetscape improvement works which assist Council to manage the assets which are identified in the Planning Agreement as requiring improvement.

- 5.3.3.3 The Planning Agreement promotes the following elements of the Guiding principles for Councils in the exercise of Council functions, as stated under section 8A of the *Local Government Act 1993* (NSW):

- "manage lands and other assets so that current and future local community needs can be met in an affordable way."

Page 52 of 53

[7142369: 20951935_2]

The Planning Agreement provides a mechanism through which Council can manage its assets by delivering improvements to community facilities, in an affordable way.

- *"work with others to secure appropriate services for local community needs."*

The Planning Agreement provides a mechanism for Council to work with others, being the Developer, to secure streetscape improvements to public streets and footpath improvements, for local community needs.

Further, if Option A applies, the Planning Agreement provides a mechanism for Council to work with the Developer to provide new public car parking spaces, construction of a new section of an existing road and use dedicated land for provision of a proposed future pedestrian connection.

5.3.4 All planning authorities – Whether the proposed Planning Agreement conforms with the authority's capital works program

The works identified in the proposed Planning Agreement are not works which are part of the Council's capital works program however they are works which conform with aspects of the works identified as a priority by Council in its development contribution plans and will enable those works to be carried out with greater timeliness and certainty while reducing the financial risks to Council if Council were to do the works themselves.

Council Meeting

13/06/2018

Item No	8.12
Subject	Botany Bay Developer Contributions Plan
Report by	Tim Vye, Project Manager - Strategic Planning
File	F17/1168

Summary

At the Bayside Council meeting held on 14 April 2018, Council resolved to exhibit an amended City of Botany Bay s94 Development Contribution Plan 2016.

This report details the results of that exhibition.

Officer Recommendation

- 1 That Council adopt the attached City of Botany Bay s7.11 Development Contributions Plan 2016 – Amendment 1.
 - 2 That Council give public notice of its decision in a local newspaper within 28 days after the decision is made.
-

Background

On 14 April 2018 Council resolved to exhibit an amended City of Botany Bay s94 Development Contribution Plan 2016. In accordance with the Environmental Planning and Assessment Regulation 2000, the amended Plan was exhibited for a period of 28 days from Wednesday 25 April 2018 to Wednesday 23 May 2018. Copies of the amended Plan were available at Council's Customer Services Centres and on the 'Have Your Say' website. A Public Notice of the exhibition was also placed in the *Southern Courier* newspaper on 24 April 2018.

Details regarding the exhibition, including a response to the single submission received, are addressed in the Community Engagement section of this report.

Clause 31 of the Environmental Planning & Assessment Regulation 2000 states:

- 1 After considering any submissions about the draft contributions plan that have been duly made, the Council:
 - a. may approve the plan in the form in which it was publicly exhibited, or
 - b. may approve the plan with such alterations as the Council thinks fit, or
 - c. may decide not to proceed with the plan.
- 2 The Council must give public notice of its decision in a local newspaper within 28 days after the decision is made.

- 3 That notice of a decision not to proceed with a contributions plan must include the Council's reasons for the decision.
- 4 That a contributions plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

It is recommended that Council approve the Plan as per Section (1)(b) as the Draft Amended Plan attached to this Report varies from the exhibited Plan in the following four ways:

1 Per Worker Contribution

The Plan recognises that workers also use Council facilities such as roads, libraries and child care, albeit at a lesser rate than residents. Since the Plan was exhibited, statistics for the number of employees in the area have become available and it is proposed to adjust the contribution per worker from 27% of the resident rate to 28%. This will increase the per worker contribution by \$98.22 to \$5,313.94. This will only apply within the Mascot Station Precinct.

2 Indexation of Acquisition Costs

In order to keep contributions in line with rising land costs, the Plan allows for the annual indexation of the land acquisition costs using an index known as '*Non-Strata Median Sales*' published by the Department of Housing. That index has been discontinued. It is now proposed to use an index published by the Australian Bureau of Statistics entitled '*Residential Property Price Index, Sydney*', Series number A83728383L. The change of index is not expected to change the contribution rates.

3 Aquatic Centre

The Plan previously apportioned 27% the cost of the proposed Aquatic Centre to new development with the balance to be met by the existing population. The updated population statistics suggests that new development will add 38% to the population over the life of the Plan. Accordingly it is proposed to levy new development for 38% of the cost of the Aquatic Centre. In addition, the estimated cost of the facility has been revised as it may be a similar size and scale as the Bexley Aquatic Centre which was tested in an open market.

4 Figures

The Plan references 3 Figures, yet only 2 Figures (Figures 1 & 3) were included within the adopted 2016 Plan. In this regard it is noted that the same Figures were used in the S94A Plan, which was developed, advertised and adopted simultaneously with the S94 Plan. This error has been rectified and all 3 Figures, with an appropriate title, are now included.

Financial Implications

Not applicable ☒

Included in existing approved budget ☐

Additional funds required



Community Engagement

The plan was exhibited from Wednesday 25 April 2018 to Wednesday 23 May 2018. Copies of the amended plan were available at Council's Customer Services Centres and on the 'Have Your Say' website. The exhibition was advertised in the *Southern Courier* newspaper on 24 April 2018.

Response to Exhibition:

There were 79 visitors to the webpage, of which 19 downloaded the documents. One response was received from Meriton Property Services and the issues and comments are detailed below:

The response from Meriton Property Services raises four issues:

Issues raised in submission	Council Comment
<p>1 State Government objectives on housing production.</p>	<p>Prior to the adoption of the 2016 plan, both the Mascot Station Precinct Plan and the Citywide Plan levied contributions well above \$20,000 per apartment which was subsequently capped by the NSW Government in 2008. Development contributions have been levied at the maximum cap rate of \$20,000 per dwelling from 2008 to the adoption of the Plan in 2016.</p> <p>The Department of Planning & Environment Housing Monitor Report provides details of dwelling completions throughout NSW and can be broken down into individual LGA's. The Report for Bayside Council clearly shows an accelerated growth in dwelling completions from a low of 300 completions in 2011 to a high of 2,400 completions in 2017. The previous Plans, capped at \$20,000 per dwelling, had no effect on housing supply.</p> <p>As such we do not consider that the current amendment will impact housing supply.</p>
<p>2 Increase will critically affect housing supply.</p>	<p>As noted above, the previous Contributions Plans levied at the \$20,000 cap up until the current Plan was adopted in June 2016 and housing supply was not affected. This Amendment proposes a return to contribution rates which existed prior to June 2016 and which are based on a \$20,000 per dwelling</p>

Issues raised in submission	Council Comment
	<p>cap introduced by the NSW Government in 2008 and which to this date has never been indexed.</p> <p>The Housing Monitor report, as reported in the Sydney Morning Herald on 16 May 2018, reveals that between 2013-2018 Bayside Council provided 9991 new dwellings, making it the 4th largest provider of new homes in Sydney, being only Sydney City Council, Parramatta and Blacktown. Clearly the reintroduction of S94 levels to that which existed before 2016 has had no bearing on dwelling supply.</p>
<p>3 Costs have not been audited.</p>	<p>The difference between the original 2016 Plan and this Amendment is the addition of land acquisitions to the work schedule. While the 2016 Plan detailed the need to acquire land, it omitted to include the required acquisitions into the works schedule. This Amendment seeks to correct this error.</p> <p>The rate used for the acquisitions is comparable to land acquisitions in the area.</p> <p>An audit is not required as per legislation as Council are not requesting funding beyond the existing developer contributions cap (\$20,000 per dwelling).</p>
<p>4 Credit for existing uses.</p>	<p>The Amended Plan does allow credit for existing residential use. The 2004 plan did have a concession for existing worker population because there was a levy for new worker population. The 2016 Plan removed both the concession and the levy (except in the Mascot Station Precinct). This remains unchanged by the current amendment.</p>

Attachments

- 1 Amended CoBB s94 plan - text
- 2 Council resolution to exhibit plan
- 3 Amended CoBB s94 plan - work schedule
- 4 Meriton Submission on Draft CP Amendment [↓↓↓↓](#)

Draft

City of Botany Bay

S7.11 Development Contributions Plan 2016

(Amendment 1)

Note:

The EP&A act has been amended so that the former section 94 is now section 7.11

Where s94 appears in the title of a document or report that reference has been retained

Effective from 22 June 2016

Amended July 2018

Table of Contents

•	1. SUMMARY	3
	• Executive Summary	3
	• Summary of Works Schedule	3
	• Developments subject to contributions	3
	• S7.11 Contribution Rates	5
•	2. ADMINISTRATION AND OPERATION OF THE PLAN	6
	• Name of the Plan	6
	• Date the Plan comes into effect.....	6
	• Purpose of the Plan	6
	• Area to which the Plan applies	7
	• Statutory basis for the Plan	7
	• Monetary contributions	7
	• Dedication of Land.....	8
	• Responsibilities of Principal Certifying Authorities.....	8
	• Consideration of other land, money or other material public benefit that the applicant has elsewhere dedicated.....	8
	• Development exempt from contributions under this plan	9
	• Relationship to other contributions plans	9
	• Ministerial Directions.....	9
	• Formulae used to determine the monetary contribution.....	10
	• Timing of payment of contributions.....	11
	• Credits for existing development.....	11
	• Deferred or periodic payments.....	12
	• Undertaking 'Works In Kind' (WIK) or providing a material public benefit.....	13
	• Adjusting the S7.11 contribution rates.....	14
	• Adjusting S7.11 contribution rates at the date of payment.....	14
	• Pooling of Contributions	14
	• Review of the Plan.....	15
•	3. POPULATION AND DEVELOPMENT TRENDS	16
	• The existing Botany Bay LGA population	16
	• Age profile.....	17
	• Birthplace and language	17
	• Household size and structure.....	18
	• Dwelling type	18
	• Dwelling structure by tenure / landlord type.....	18
	• Residential trends	18
	• Population growth.....	19
	• Population trends.....	20
	• Housing trends	21

•	Population projections	21
•	Characteristics of the incoming population.....	22
•	Workforce trends.....	24
•	Workforce projections	24
•	Demand for public facilities and services	25
•	Facilities and services required	26
•	Staging of facilities and services	27
•	4..... COMMUNITY FACILITIES AND SERVICES	28
•	Existing Facilities	28
•	Predicted Demand.....	30
•	Proposed facilities	31
•	Apportionment.....	32
•	Library Services	32
•	Existing Facilities and Services	32
•	Future library service needs	33
•	Proposed facilities	35
•	Apportionment.....	37
•	Childcare Facilities	37
•	Existing facilities and services	37
•	Demand for child care facilities	37
•	Proposed facilities	38
•	Apportionment.....	38
•	5..... RECREATION AND OPEN SPACE FACILITIES AND SERVICES	39
•	Existing open space and recreation facilities.....	39
•	Adequacy of existing open space and recreation facilities	40
•	Future Needs	41
•	Proposed Facilities and Services.....	43
•	Apportionment.....	48
•	Existing Facilities and Services	49
•	Future Needs	49
•	Proposed Works.....	50
•	Apportionment.....	52
•	5..... ADMINISTRATION	53
•	Preparation of a Section 7.11 Plan	53
•	Funding of Section 7.11 Officer	53
•	6..... REFERENCES	55
•	Workforce Occupancy Rates	57

APPENDICES

Appendix A Work Schedules

Appendix B Workforce Rates

Appendix C Maps

SUMMARY

Executive Summary

The Governor of NSW proclaimed on 9 September, 2016 that the City of Botany Bay Council and the Rockdale City Council local government areas be amalgamated to form a new local government area called Bayside Council.

Bayside East is that part of Bayside Council within the former City of Botany Bay local government area.

This *City of Botany Bay S94 Development Contributions Plan 2016* (Amendment 1) (**the Plan**) has been prepared to satisfy the requirements of Division 7 of the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulation), enabling a consent authority or an accredited certifier to levy contributions from development for the provision of public amenities and public services that are required to meet the demand of that development.

This contributions plan supersedes *City of Botany Bay Section 94 Contributions Plan 2005* and the *Mascot Station Precinct Section 94 Contributions Plan 2004*.

This plan originally came into effect on 22 June 2016. Since that date the demographic projections for the Bayside East indicate that population growth greater than anticipated will occur over the years between 2016 and 2031.

The anticipated population growth and limited capacity of existing facilities and infrastructure will necessitate contributions towards the provision of a range of local infrastructure public if the existing level of amenity enjoyed by the current population is not to be eroded and new development is to be adequately catered for. There will also be administrative costs associated with Council levying and expending the funds collected.

This plan applies to all development applications lodged before the commencement of this plan, but not yet determined and to development applications lodged after the commencement of this plan.

Summary of Works Schedule

The facilities and services required to meet the demand generated by the anticipated development, together with the location, estimated cost and proportion of the cost of the identified works are summarised in **Appendix A**. These tables also indicate the staging of the works and priorities for expenditure.

Developments subject to contributions

The types of developments and areas to which the Plan applies are outlined in Table 1.1.

Table 0.1: Development subject to contributions under the Plan

Development type ¹	Area	Qualifications	Contribution Type
The following <i>residential accommodation</i> : attached dwellings, boarding houses, dual occupancies, dwelling houses, group homes, hostels, multi dwelling housing, residential flat buildings, rural workers' dwellings, secondary dwellings, semi-detached dwellings, seniors housing (other than residential care facilities), shop top housing.	Bayside East (Figure 1)	Where the development would result in a net increase in the number of dwellings (or rooms in the case of group homes, hostels, and boarding houses).	Section 7.11 contribution (see Table 1.2 - Residential)
Serviced apartments	Bayside East (Figure 1)	Where the development would lead to a net increase in the number of apartments or dwellings.	Section 7.11 contribution (see Table 1.2 - Residential)
Mixed use development with residential or serviced apartments being the dominant use	That part of Bayside East outside Mascot Station Precinct.	Where the development would lead to a net increase in the number of apartments or dwellings. This is to be determined by Council in relation to each development application.	Section 7.11 contribution (see Table 1.2 - Residential)
Mixed use development	Mascot Station Precinct (Figure 2)	Where the development would result in a net increase in gross floor area or employment and/or apartments	Section 7.11 contribution (see Table 1.2 - Residential) Section 7.11 (see Table 1.3 - Workers)
All other development (other than residential or services apartments)	Mascot Station Precinct (Figure 2)	Where the development would lead to a net increase in gross floor area or employment. This includes employment based industrial and commercial development including hotels and motels, community facilities and the like.	Section 7.11 (see Table 1.3 - Workers)
Subdivision of land for residential purposes where an additional lot is created	Bayside East (Figure 1)	Where an additional lot is created.	Section 7.11 (see Table 1.2)

Notes:

1. Development type refers to terms defined in Botany Bay LEP 2013

S7.11 Contribution Rates

A summary of the contribution rates is provided in Tables 1.2 and 1.3.

Table 1.2: SECTION 7.11 CONTRIBUTION RATES (RESIDENTIAL DEVELOPMENT)

	Persons / Dwelling	Mascot Station Precinct	Miles Street	Remainder LGA
Per Person		\$18,978.35	\$19,843.12	\$15,422.78
Boarding houses (including student accommodation), group homes, hostels	rate per bed	\$18,978	\$19,843.12	\$15,422.78
Apartments:				
No bedrooms	1.31	\$24,861.64	\$25,994.49	\$20,203.84
One bedroom	1.40	\$26,569.69	\$27,780.37	\$21,591.89
Two bedrooms	2.30	\$43,650.21	\$45,639.18	\$35,472.39
Three bedrooms	3.00	\$56,935.05	\$59,529.36	\$46,268.34
Four or more bedrooms	3.62	\$68,701.63	\$71,832.09	\$55,830.46
Dwellings:				
No bedrooms	1.36	\$25,810.56	\$26,986.64	\$20,974.98
One bedroom	1.36	\$25,810.56	\$26,986.64	\$20,974.98
Two bedrooms	2.10	\$39,854.54	\$41,670.55	\$32,387.84
Three bedrooms	2.92	\$55,416.78	\$57,941.91	\$45,034.52
Four or more bedrooms	3.82	\$72,497.30	\$75,800.72	\$58,915.02
Additional residential lot	3.82	\$72,497.30	\$75,800.72	\$58,915.02
Serviced apartments:				
No bedrooms	1.31	\$24,861.64	\$25,994.49	\$20,203.84
One bedroom	1.40	\$26,569.69	\$27,780.37	\$21,591.89
Two bedrooms	2.30	\$43,650.21	\$45,639.18	\$35,472.39
Three bedrooms	3.00	\$56,935.05	\$59,529.36	\$46,268.34
Seniors Living Housing	1.3	\$24,671.86	\$25,796.06	\$20,049.61

Table 1.3: SECTION 7.11 CONTRIBUTION RATES (PER WORKER)

Mascot Station Precinct
\$5,313.94

1. ADMINISTRATION AND OPERATION OF THE PLAN

Name of the Plan

This local infrastructure contributions plan may be referred to as the *City of Botany Bay S7.11 Development Contributions Plan 2016* (Amendment 1) (the Plan).

Date the Plan comes into effect

The Plan comes into effect when adopted by Council and public notice is given of its adoption. A development application that been lodged but not determined prior to the commencement of this plan shall be determined in accordance with the provisions of this plan.

Purpose of the Plan

The purpose of the Plan is to provide an administrative framework under which the Bayside Council can levy Section 7.11 contributions for the provision of public amenities and public services required to meet the demand generated by future development within the Bayside East. The Plan outlines:

- The type of development anticipated in the future in the Bayside East;
- The demand for public amenities and services arising from the new population and workforce;
- The facilities and services which are likely to be required to meet that demand as a result of development;
- The cost of providing these facilities; and
- The reasonable contributions required by new development to provide those facilities and services.

The main purposes of the Plan are:

- To identify the expected growth in population and employment in the Bayside East from 2016 to 2031;
- To ensure that an adequate level of public infrastructure, services and facilities is provided throughout the Bayside East to meet the needs of this population and employment as development occurs;
- To demonstrate the relationship between the demands generated by future development and the provision of services and facilities;
- To identify the works and improvements required to community facilities, recreation facilities and open space, transport management facilities, drainage facilities and administrative services as a result of development;
- To ensure Council recoups funds spent when providing public services and amenities in anticipation of likely future development;
- To identify reasonable and relevant charges to be levied on or collected from each development for the services and amenities to be provided; and

- To provide an administrative tool to satisfy the public and financial accountability and other statutory requirements outlined in Division 7 of Part 3 of the Environmental Planning and Assessment Act and the Regulation.

The Plan has been prepared in accordance with Division 7 of Part 3 of the Environment Planning & Assessment Act 1979, Part 4 of the Environment Planning & Assessment Regulation 2000 and *Development Contributions Practice notes – July 2005* published by the Department of Infrastructure Planning and Natural Resources, and *Revised Local Development Contributions Practice Note For the assessment of Local Contributions Plans by IPART*, February 2014 by NSW Planning and Infrastructure.

Area to which the Plan applies

This plan applies to all land in Bayside East being the lands formerly in the City of Botany Bay. **(Figure 1).**

Statutory basis for the Plan

Section 7.11 of the Environmental Planning & Assessment Act, 1979 (EP&A Act) enables a consent authority to grant development consent subject to a condition requiring the dedication of land free of cost and/or the payment of a monetary contribution, or both, if it is satisfied that the development will, or is likely to, require the provision of, or increase the demand for, public amenities and public services within the area.

The consent authority may also grant development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services.

A condition under Section 7.11 may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned. The consent authority may accept the dedication of land or the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed under Section 7.11.

A consent authority may impose a condition under Section 7.11 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under Section 7.17 of the EP&A Act).

The Regulations set out the matters to be included in a contributions plan.

Monetary contributions

The Plan allows a consent authority or accredited certifier, in granting consent to a development application or issuing complying development certificate, to impose a condition requiring the payment of a monetary contribution under Section 7.11 of the Act in accordance with the provisions of the Plan. The Plan also allows a consent authority or accredited certifier, in granting consent to a development application or issuing complying development certificate, to impose a condition requiring the payment of a reasonable monetary contribution towards recoupment of the cost of providing the public amenities or public services identified in this plan.

Dedication of Land

This Plan authorises the consent authority, other than an accredited certifier, when granting consent to an application to carry out development to which this Plan applies, to impose a

condition under section 7.11 of the EP&A Act requiring the dedication of land free of cost to the Council towards the provision, extension or augmentation of local infrastructure as specified in this Plan to meet the demands of the development.

Responsibilities of Principal Certifying Authorities

It is the responsibility of the principal certifying authority to accurately calculate and apply the conditions under Section 7.11 for a monetary contribution as required under the Plan.

Likewise, it is the responsibility of any person issuing a construction certificate to certify that the contributions have been paid to Council prior to the issue of the certificate as required by any condition of the development consent to which the CC relates.

Accredited Certifiers must also have regard to Directions issued by the Minister for Planning for time to time as discussed in the Plan.

The Section 7.11 contributions payable under the Plan are set out in the tables in Section 1 of this Plan. Contributions imposed must be indexed to the date of payment as set out in this Plan.

Any condition imposed requiring the payment of monetary contributions or levies must also require that such contributions and levies are indexed in accordance with this Plan to the date of payment.

Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

Consideration of other land, money or other material public benefit that the applicant has elsewhere dedicated

If a consent authority proposes to impose a condition requiring the payment of a monetary contribution and/or the dedication of land under Section 7.11 of the Act in accordance with the provisions of the Plan in respect of development, the consent authority must take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority, other than:

- (a) A benefit provided as a condition of the grant of development consent under this Act, or
- (b) A benefit excluded from consideration under section 7.4 in relation to a planning agreement.

Details of any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority must be submitted as part of the development application. A reduction will be considered where the applicant demonstrates that:

- The benefit was not provided as a condition of the grant of development consent under this Act,
- The benefit was not excluded from consideration under section 7.4 in relation to a planning agreement,
- Any land, money or other material public benefit remains available for the use of the community, and
- The benefits provided offset the need for works included in the work schedule.

In the case of a consent authority other than the Council, the consent authority may impose a condition under section 7.11 even though it is not authorised (or of a kind allowed) by, or is not

determined in accordance with, the Plan. However the consent authority must, before imposing the condition, have regard to the Plan.

Development exempt from contributions under this plan

The following development will be exempt from a requirement for contributions or dedicate land under the Plan:

- Development exempted from contributions by a Direction of the Minister pursuant to section 7.17 of the EP&A Act, current at the time of assessment of the application.

Relationship to other contributions plans

This contributions plan supersedes *City of Botany Bay Section 94 Development Contributions Plan 2016*. Development consents which include conditions requiring the payment of development contributions levied under previous contributions plans will continue to be acted upon and those contributions (together with any applicable inflation) will become due and payable in accordance with the wording of the relevant consent condition.

The Council will continue to expend all incoming contributions levied under the preceding contributions plans for the purposes for which they were levied in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.

Ministerial Directions

A consent authority or accredited certifier must not, in granting development consent in relation to which a direction under section 7.17 of the Act applies, impose a condition that is not in accordance with the terms of the direction despite the provisions of the Plan. At the time of preparation of the Plan, the terms of the relevant directions are:

- Direction dated 13 December 2013 - A condition may not be imposed under section 94A of the Environmental Planning and Assessment Act 1979 in relation to development on land within the Port Botany Lease Area. Accordingly, the maximum percentage of the proposed cost of carrying out that development that may be imposed as a levy is nil. The Port Botany Lease Area means the area shown edged in red and identified as "Port Botany Lease Area" on the State Environmental Planning Policy (Port Botany and Port Kembla) 2013 Lease Area Map.
- Direction dated 13 December 2013 - A condition may not be imposed under section 94 of the Environmental Planning and Assessment Act 1979 for the provision, extension or augmentation of any public services or public amenities, in relation to development on land within the Port Botany Lease Area. Accordingly, the maximum amount of any such contribution for that development is nil. Similarly a condition may not be imposed under section 94A in relation to development on land within the Port Botany Lease Area.
- Direction dated 21 August 2012 - a council (or planning panel) must not grant development consent subject to a condition under section 94 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that, in the case of a development consent that authorises one or more dwellings, exceeds \$20,000 for each dwelling authorised by the consent, or in the case of a development consent that authorises subdivision into residential lots, exceeds \$20,000 for each residential lot authorised to be created by the development consent.
- Direction dated 14 September 2007 – there are no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on development consents granted to a social housing provided as defined in SEPP (Seniors Living) 2004 to carry out development for the purposes of any forms of seniors housing as

defined in the SEPP. This direction applies to development applications made by a social housing provider.

A current list of directions can be found on the NSW Planning and Environment website at <http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-policies>

Formulae used to determine the monetary contribution

The formulas generally used to determine the contributions are:

$$\text{Total Contribution (CT)} = \$\text{Cap} + \$\text{Land}$$

THEN

$$\text{Contribution per person (CP)} = \frac{\text{CT}}{\text{P}} \quad \text{or}$$

$$\text{Contribution per worker (CW)} = \frac{\text{CT}}{\text{W}}$$

W

Here:

\$Cap - sum of capital costs for facilities which have been or which are to be provided.

\$Land - sum of land costs which have been or are to be acquired to provide the required public facilities.

P - anticipated increase in population.

W – anticipated increase in workforce

For the purposes of calculating the contribution rates, the following components have been *excluded*:

- the cost associated with the share of any proposed facilities and services (capital and land costs) which are intended to serve the existing population and/or workforce or to make up for an existing deficiency of provision;
- the cost associated with the share of any proposed facilities and services (capital and land costs) which are intended to serve demand from future population and/or workforce increases beyond the period of the current Plan;
- any assured grants, subsidies or funding from other sources which may be payable in respect of any nominated work;
- any recoverable funding which has been provided for works which may have otherwise been provided under Section 7.11;
- costs associated with ongoing or routine maintenance, staff resources or other recurrent expenses, other than where these are required as part of a contract to provide a program or service;
- any facilities or services which may be required by the population, which another organisation or government agency is responsible for providing.

Timing of payment of contributions

A contribution is payable in full as follows:

- (i) **Subdivision:-** in the case of development applications involving subdivision, before the release of any construction certificate related to the subdivision works or the release of the linen plan/subdivision certificate, whichever occurs first;
- (ii) **Building work:-** in the case of development applications involving building work, before the release of the construction certificate;
- (iii) **Subdivision and building work:-** in the case of development applications involving both subdivision and building work, before the release of the construction certificate or the release of the linen plan/subdivision certificate, whichever occurs first;
- (iv) **Where no construction certificate is required:** - in the case of development applications where no construction certificate is required – at the time of issue of notification of consent or prior to commencement of the approved use, or prior to occupation of the premises, as may be determined by Council.

The payment of section 7.11 monetary contribution in accordance with a condition under section 7.11 to the issue of a complying development certificate is to be made before the commencement of any building work or subdivision work authorised by the certificate.

The dedication of land, unless otherwise agreed in writing by Council, is to take place prior to the issue of any occupation certificate relating to the development.

Credits for existing development

This section outlines the approach for determining the increase in demand for the purposes of levying additional population. Council will provide credits against a S7.11 monetary contribution in the following situations:

1. Where an existing dwelling house or dwellings are to be replaced by new dwellings on the site, the applicant will be entitled to a credit for the existing dwelling or dwellings at the occupancy rates indicated in **Table 1.1**;
2. Where existing industrial or commercial floor space within Mascot Station Precinct is to be replaced by new industrial or commercial floor space a credit may be given for the current use in the calculation of contributions based on the number of workers on the site at the time the application is made.

If the site is vacant at the time the application is made, a credit will be given for the workers on the site at the time of the 2011 Census (August 2011). If the site was vacant at the time of the 2011 Census, no credit will be given. This is because no workers from that site were counted as part of the 2011 Census population on which is the forecast base used in this Contributions Plan, then no part of that former workforce can be considered as existing for the purposes of securing a credit under this plan.

3. Within the Mascot Station Town Centre (**Figure 2**), where industrial or commercial development is to be replaced by new residential development, no credits will be given for existing development. This is because the demand for facilities and services created by new residents moving into this area is considered to be completely different to the demand placed on such services by existing development. This area is being transformed into a precinct with a completely different character changing from an industrial precinct to a high density residential environment.

It is preferable to make use of actual estimates of workers in a development or information on past employment levels. The table in **Appendix B** may be of assistance in determining both contribution amounts and worker credits where such credits are allowed under this plan.

The onus will be on the applicant to provide justification and/or evidence of their entitlement to receive a credit. The calculation of additional workers and any credits for existing workers will be at Council's discretion.

In determining the section 7.11 contribution rates for different types of development, Council has taken into consideration conditions that may be imposed under section 4.17 of the EP&A Act or section 97 (1) (b) of the Local Government Act 1993. Under section 4.17, a development consent may be granted subject to a condition that the applicant must provide security for the payment of the cost of completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. Section 4.17 enables a consent authority to impose a condition of development consent that requires the carrying out of works (whether or not being works on land to which the application relates) relating to any matter referred to in section 4.17

applicable to the development the subject of the consent.

Where such a work is a work included in the work schedule the applicant will be entitled to a credit.

Deferred or periodic payments

Deferred payment generally will not be accepted by Council. However Council may accept a deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies Council that:

- compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case; and
- non-compliance with the required timing of payment will not increase the cost or prejudice the timing or the manner of providing the facility or service for which the contribution was required as outlined in the Works Schedule.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the contribution or the outstanding balance on condition that:

- the guarantee requires the bank to pay the guaranteed amount unconditionally to the consent authority where it so demands in writing, not earlier than six months (or a term determined by Council) from the provision of the guarantee or completion of the development or stage of the development to which the contribution or part relates;
- the guarantee prohibits the bank from:
 - having recourse to the applicant or other person entitled to act upon the consent before paying the guaranteed amount;
 - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount;
- the bank's obligations under the guarantee are discharged:

- when payment is made to the consent authority according to the terms of the bank guarantee;
- if the related consent lapses;
- if the consent authority otherwise notifies the bank in writing that the bank guarantee is no longer required;
- the applicant pays interest to Council on the contribution or the outstanding amount at the overdraft rate on and from the date when the contribution would have been otherwise payable in accordance with this plan.

Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under Section 88E of the *Conveyancing Act 1919* to be registered on the title to the land to which the relevant development application relates.

All applications for deferred payment must be in writing and must set out terms of the deferred payment.

An administrative fee will be charged for deferred payments.

Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

Undertaking 'Works In Kind' (WIK) or providing a material public benefit

Council may accept an applicant's offer to make a contribution by way of a WIK contribution (for an item included on the works schedule). It may also accept a material public benefit for an item not included on the works schedule where it considers the acceptance of that material public benefit will not create an unacceptable shortfall in contributions collected for items on the works schedule.

Council may accept the offer of a WIK if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- payment of the contribution in accordance with the provisions of the Plan is unreasonable or unnecessary in the circumstances of the case;
- the in kind contribution will not prejudice the timing or the manner of the provision of the facility or service for which the contribution was required;
- the value of the works to be undertaken is at least equal to the value and standard of the contribution assessed in accordance with this plan.

Adjusting the S7.11 contribution rates

In accordance with clause 32(3)(b) of the EP&A Regulation, the contribution rates in the Plan will be indexed in accordance with the following :

For changes to the Consumer Price Index (All Groups Index) Sydney, the contribution rates within the plan will be reviewed on a half yearly basis in accordance with the following:

Construction works will be indexed using the ABS, Producer Price Indexes, Table 6427.18. Input to the House Construction Industry, Sydney. Series ID A2390417V.

Non-construction works will be indexed using the ABS Consumer Price Index, All Groups Sydney. Series ID A2325806K.

Land acquisitions will be indexed according to the Australian Bureau of Statistics, residential Property Price Index, Sydney. Series A83728383L.

Note: In the event that the current index is less than the previous index, the current index shall be taken as not less than the previous index in each case.

Council will review rates regularly and publish rates current rates in its Schedule of Fees and Charges.

Adjusting S7.11 contribution rates at the date of payment

Any S7.11 contributions stated in a consent are calculated on the basis of the S7.11 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions will be recalculated at rates payable as at the date of payment.

Pooling of Contributions

This plan authorises monetary section 7.11 contributions levies paid for different purposes to be pooled and applied progressively for those purposes. The priorities for the expenditure of the contributions are shown in the works schedule where possible, however changing rates of development in different areas may alter those priorities. Priorities are shown either as an anticipated date of delivery or a priority ranking.

Council is to be satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

Review of the Plan

The Plan is based on growth predictions to the year 2031 and strategic planning documents of Council including Botany Bay Planning Strategy 2031 and the resulting Botany Bay Local Environmental Plan 2013.

The Plan envisages the progressive application of contributions toward provision of the prioritised items in the work schedule. It is acknowledged that priorities may change and Council may wish to amend the plan to change priorities or items in the work schedule. It is also envisaged that infrastructure or land costs will change in a manner different to the consumer price index and consequently will need to be adjusted from time to time.

It is therefore envisaged that Council will review the plan in the light of development trends and Council infrastructure priorities so as to ensure that the Plan remains financially sustainable, addresses the demands generated by development and so that facilities can be provided in a reasonable time.

POPULATION AND DEVELOPMENT TRENDS

In August 2011 the Botany Bay Local Government Area (LGA) had a population of 39,356 persons¹. By 2016 the population was estimated to have grown to approximately 46,460. Key demographic characteristics of the population are summarised below from the Australian Bureau of Statistics 2011 Census of Population and Housing. Population and workforce projections to 2031 are also outlined in this chapter.

Population projections have been prepared from a report by Population ID dated 1 March 2018.

- *LEP Standards and Urban Design Controls Study for the Bayside East LEP 2011* conducted by Neustein Urban, modified to account for existing planning controls;
- *Botany Bay Planning Strategy 2031: Final Report and Housing Capacity Analysis* prepared for Council by SGS;
- Information provided by Council on development approvals, particularly in the Mascot Station Precinct and several large development sites throughout the LGA; and
- Department of Planning and Environment population projections and Bureau of Transport Statistics data on employment forecasts and journey to work.

Workforce projections have been drawn from the *LEP Standards and Urban Design Controls Study for the Bayside East LEP 2011* and Bureau of Transport Statistics data on employment forecasts and journey to work. These figures have been supplemented by information specific to the development of large employment sites in the LGA.

The existing Botany Bay LGA population

Historically the Botany Bay LGA has had a multicultural population, with a significant working class base that resulting from its proximity to the Port, Airport and other industrial areas.

The Bayside East has a population of 46,640 at the time of the 2016 Census². There were 17,116 dwellings with an average occupancy of 2.7 persons per dwelling.

The LGA's median age (36) is close to that of the Sydney Greater Capital City Statistical Area (36). Botany Bay's age distribution however is older than that of Sydney - a quarter (25.3%) of Sydney's population is aged over 55, compared to 29.8% of the Botany Bay population.

The LGA is less affluent than the Greater Sydney area, with the median income in Botany Bay 14.0% lower than that of Sydney.

There appears to have been a small 'baby boom' over the last ten years with a significant increase in the number of 0-4 year olds (15.7%); this age group grew faster than the rate of the LGA's general population (11.0%).

¹ Estimated Resident Population (ERP) as defined by the ABS

² Demographic characteristics from the census are based on population determined by the place of usual residence. As Bayside Council Population Forecast by ForecastID dated 1 March 2018.

Age profile

Key age characteristics of the Botany Bay population shows:

- The median age is 36 years,
- 6.2% of the population are aged 0-4 years
- 14.8% of the population is aged over 65
- Just over half of the population (53.5%) is of working age (25-65 years)

Table 3.1: Bayside East population by age

Service age group (years)	Number	%
Babies and pre-schoolers (0 to 4)	2,871	6.2
Secondary schoolers (5 to 19)	8,471	18.2
Tertiary education and independence (20 to 24)	3,453	7.4
Young workforce (25 to 34)	6,891	14.8
Parents and homebuilders (35 to 49)	10,105	21.7
Older workers and pre-retirees (50 to 59)	5,668	12.2
Empty nesters and retirees (60 to 69)	4,287	9.2
Seniors (70 to 84)	4,036	8.7
Elderly aged (85 and over)	858	1.8
	46,460	100.0

Source: Botany .id community profile

Birthplace and language

- Nearly half of the population was born overseas.
- Of people born overseas most are from non-English speaking backgrounds with the most common country of birth being China and Indonesia.
- A large proportion of the population speaks a language other than English at home with the most common being Greek (spoken at home by 5.8% of LGA residents), Bengali (3.6%), Indonesian (3.2%), Spanish (3.2%), Mandarin (3.0%) and Cantonese (3.0%).

Household size and structure

In the 2016 Census there were 17,116 households in the LGA.

- The occupancy rate of 2.7, compared to the Sydney GCCSA³ (2.7).
- Nearly a quarter of the Botany Bay LGA households were lone persons (23.8%), slightly higher than the Sydney GCCSA (22.6%).
- There was also a slightly higher proportion of group households (5.0%) compared to the Sydney GCCSA (4.3%).
- The LGA had a lower proportion of single parent families (10.8%) compared to the GCCSA (15.7%).

Dwelling type

The LGA had a total of 17,452 occupied private dwellings.

- Separate houses accounted for 5,771 dwellings, or 33.7% of the dwelling stock in the Botany Bay LGA, which is substantially lower than that in the Sydney GCCSA (56.5%)
- Semi-detached, row or terrace houses, townhouses etc. accounted for 2,066 dwellings or 14.6% of the dwelling stock in the City, which is higher than that in the GCCSA at 11.8%
- There were a significantly higher proportion of flats, units or apartments (45.1%) in the LGA compared to the Sydney GCCSA (23.9%).
- Most of the flats, units or apartments were 2 bedroom dwellings (4,131 or 64.9%)

Dwelling structure by tenure / landlord type

- There are a higher proportion of rented dwellings in the Botany Bay LGA (37.6%) compared to the Sydney GCCSA (31.6%).
- There is a lower proportion of occupied private dwellings that were owned outright (28.2%) or owned with a mortgage (30.8%) compared to the Sydney GCCSA (30.4% and 34.8% respectively)

Residential trends

After a period of population decline, the Bayside East has experienced a growth in population in recent years. Almost all of its growth has occurred over the last twelve years.

Two key trends are shaping the demographic composition of the LGA. The first is the aging of the area's traditional multicultural and working class population, and population regeneration by younger professionals. The second is the conversion of large areas of industrial land to residential uses and the corresponding population growth (such as the Mascot Station Precinct and the former BATA site at Eastgardens).

These two trends mean that the population is likely to increase significantly over the next twenty years, while at the same time changing its demographic profile. Younger, more affluent residents (often families with children) are likely to require different facilities and services than those required by the area's population over the past several decades. This will mean require council to provide additional community infrastructure to support the needs of new residents, in addition to the existing population. In areas of rapid change such as

³ Greater Capital City Statistical Areas (GCCSAs) are geographical areas that are designed to represent the functional extent of each of the eight state and territory capital cities.

Mascot Station and Eastgardens, the demand for facilities and services is likely to be totally different.

The population of the LGA has expanded particularly rapidly in the last five years between the 2006 and 2011 censuses, with a total population growth close to 10%. Growth to 2016 and been strong in particular around Mascot Station and this growth is expected to continue in the medium term as this area and other areas of change such as the former BATA site are redeveloped. Longer term population trends are displayed in **Table 3.2** and **3.3**.

Should the rate of growth continue it will be important for Council to ensure the needs of the population are met and able to accommodate the additional demands placed on infrastructure and services.

Information on population growth and change has been derived from the ABS Censuses on Population and Housing 2001, 2006 and 2011. Population trends data is based upon place of residence census counts which is estimated to undercount resident populations by 1-3%.

Population growth

In August 2011 the City had a population of 39,356 persons. This represents an increase of 3,367 people from 2006, or an average annual increase of 1.7% each year since 2006.

Table 3.2: Bayside East longer-term population trends⁴

Year	Population	Population change	Average change per annum %
1981	35,800	-1,750	-0.98%
1986	35,500	-300	-0.17%
1991	34,332	-1,168	-0.68%
1996	34,438	106	0.06%
2001	35,569	1,131	0.64%
2006	35,993	424	0.24%
2011	39,356	3,363	1.71%
2016	46,460	7,104	3.61%

Table 3.3: Bayside East population by suburb 2001-2011

Suburb	2001	2006	2011	Change 2001-2011	
Banksmeadow / Botany ⁵	7234	7939	8896	1662	23.0%
Daceyville	1163	1187	1164	1	0.1%

⁴ Data in this table is based upon usual place of residence census counts. The Census is estimated to undercount resident populations by 1-3%. In census years, the ERP accounts for residents who may not have returned a census form, were overseas or for other reasons did not complete the census. For consistency all figures in Table 3.3 refer to census counts, rather than ERP.

⁵ The suburb of Banksmeadow was counted as part of Botany in the 2001 census, as a separate suburb in 2006, and was redrawn to be largely subsumed into Botany in 2011; in this table the populations of Banksmeadow and Botany have been combined in order to present a stable geographic area.

Eastlakes	7108	6612	6920	-188	-2.6%
Hillsdale	5842	5173	5301	-541	-9.3%
Mascot	7664	8517	10179	2515	32.8%
Pagewood	3386	3467	4099	713	21.1%
Rosebery	2719	2678	2772	53	1.9%
Total	35,569	35,992	39,359	3790	10.6%

Source: ABS Usual resident profiles (2001), basic community profiles (2006 & 2011)

Population growth by suburb shows significant growth in the Banksmeadow/Botany (23% population increase), Mascot (32.8%) and Pagewood (21.1%) suburbs.

The majority of growth within the LGA over the last ten years has been concentrated within Mascot and Botany suburbs.

Population trends

Comparison of the Census data between 2001 and 2011 shows the following key trends:

- The population has increased by 11.0% between 2001 and 2011.
- The Bayside East has an aging population with the largest increase by proportion being in residents over the age of 75, who have as a group increased by 22.0%
- There has been significant growth in the number of young children (15.7% for children aged 0-4 years)
- There has also been a significant increase in the number of 25-29 year olds (15.9%)
- Whilst there has been growth in the 0-4 years and older age groups there has been very minimal growth in the number of older school aged and young adult populations.
- The average household size has decreased slightly from 2.7 in 2001 to 2.6 in 2006 and 2011.
- The majority of households remain family households, although there has been a slight decrease over the last 10 years from 72.7% in 2001 to 70.7% in 2011.
- There has been a decrease in the proportion of single parent families in the last ten years, despite a small rise in the absolute number.

Housing trends

There has been a decrease in the proportion of separate houses (from 42.6% of dwelling stock to 39.5%) and an increase in the proportion of flats, units or apartments (40.4% to 45.1%) in the LGA over the last 10 years.

Population projections

Population projections for the Botany Bay LGA have been calculated to determine the demand for local infrastructure as a basis for developer contributions.

Projections have been based upon dwelling yield calculations in areas of the LGA with redevelopment expected under the new Botany Bay Local Environmental Plan. These figures were initially detailed in a report for Council prepared by Neustein Urban in 2011 and

have been adjusted having regard to zoning under the Botany Bay Local Environmental Plan 2013, recent population projections from Department of Planning and Environment and development trends particularly in the Mascot Station Precinct.

In addition to this intensification, development for residential and mixed use purposes is expected at several large sites throughout the LGA. These sites include the former British American Tobacco (BATA) site in Eastgardens.

The population projections have been guided also by the projections prepared by Botany .id community profile and the Department of Planning and Environment adjusted where appropriate with the results of more specific investigations into the development potential of areas such as Mascot Station Precinct.

Dwelling and population projections are presented below in **Table 3.4**. The projections are based upon the 2011 LGA-wide occupancy rates for apartments in the key growth areas such as Mascot Station and BATA and average rates for flats, town houses and terrace houses elsewhere. The rate of development has been influenced by capacity analysis and recent development activity.

Table 3.4: Population projections by suburb

Suburb	2016	2021	2031	Increase 2016-2021	Increase 2016-2031
Botany	11293	15274	16505	3981	5212
Daceyville	1263	1268	1329	5	66
Eastgardens/ Hillsdale	6682	7293	10782	611	4100
Eastlakes	7294	8135	8366	841	1072
Mascot Station Precinct	3610	9089	12813	5479	9203
Mascot	9584	11616	12145	2032	2561
Pagewood	3986	3966	4022	-20	36
Rosebery	2928	2892	2865	-36	-63
Total projected population	46460	59533	68827	12893	22187

The population of the LGA is expected to increase by 22,187 between 2016 and 2031. This rate of growth will be enabled by intensification of existing low-density residential areas, the ongoing development of the Mascot Station Precinct, and the redevelopment of lands currently used for residential industrial and commercial purposes. Additional dwellings are predicted to be apartments or townhouses.

Key features of this growth are:

- A significant increase in Mascot resulting primarily from growth in the Mascot Station Precinct.
- Some growth in Botany, primarily due to several large developments including the Wilson Pemberton precinct, Tupia Street, and Jasmine Street.
- An estimated eight-fold increase in the number of residents in Eastgardens due to the redevelopment of the former BATA site.
- Minimal growth is predicted in Pagewood, Daceyville and Hillsdale.

Characteristics of the incoming population

Much of the future growth in Bayside East LGA is expected in medium- and high- density apartment buildings located in the Mascot Station Precinct and on several other large sites identified for redevelopment throughout the LGA. It is reasonable to expect that the demographic composition of residents of these additional dwellings may be different from Botany Bay's traditional population.

It is generally considered that the residents of developments similar to those of the Mascot Station Precinct (such as developments in Rosebery and Green Square) are younger and more affluent than the general population.

Examination of recently completed developments in Botany Bay may indicate the likely demographic profile of future residents in the LGA. Statistical Area 1 (SA1) 1132216 has been identified as the most suitable basis for such comparisons. This area is bounded by Gardeners Road in the north, Church Ave in the south, and Bourke St in the west; it ends slightly before the SWOOS reserve in the east.

SA1 1132216 contains a large development consisting of six recently constructed apartment buildings, between five and eight floors, as well as buildings used for business or office purposes. The SA1 lies close to the centre of the Mascot Station Precinct, and the public transport corridors of Gardener's Road and O'Riordan Street. At the time of the 2011 Census there were 296 total dwellings in the area, with 705 residents.

It is considered that the incoming population of the Botany Bay LGA will have demographic characteristics broadly similar to the resident population of SA1 1132216.

The overall demographic profile of the SA1 suggests a relatively young professional population, often living with partners, that is fairly well off and entering the housing market.

Residents of the SA1 are likely to be:

- **Younger:** 43.1% of the population is aged 25-54:

Age group	SA1 1132216	LGA
0-4 years	7.9%	6.2%
5-14 years	4.3%	12.2%
25-54 years	70.5%	43.0%
55-64 years	5.1%	10.5%
65+ years	1.8%	14.8%

- **Starting families:** The area is attractive to couples without children, or with very young children, but is less desirable for families with school-aged children (7.9% of SA1 residents are aged 0-4, compared to 6.7% of the LGA, but only 4.3% of the SA1 is 5-14 compared to 11.4% of the LGA) – at least at 2011 which would have been soon after moving in.
- **Couples without children:** residents in this kind of household were almost twice as common in the SA1, compared to the LGA (42.3% compared to 23.0%)
- **More affluent:** with a median household income (\$2,278) almost double that of the LGA (\$1,245)
- **Educated:** 83.1% of SA1 residents had completed year 12 or equivalent, compared to 55.7% of the LGA
- **Culturally and linguistically diverse:** 51.6% of residents in the SA1 were born in non-English-speaking countries, significantly more than in the LGA as a whole (35.9%); this suggests that Botany Bay's community will maintain its diverse composition
- **Living in smaller households:** with an occupancy rate of 2.4, compared to 2.6 for the LGA

- Buying their home: dwellings in the SA1 were twice as likely to be owned with a mortgage as those in the wider LGA (61.0% compared to 30.8%). Overall home ownership levels (including homes owned outright and those with a mortgage) were less uneven, at 66.5% for the SA1 and 59.0% for the LGA.

Employment growth and projections

Workforce trends

The working population of the City has remained approximately stable since 2001, following a small dip in 2006; the City had 42,680 workers in 2001, 39,796 workers in 2006, and 44,638 workers in 2011 (Census data). At 2011 9.6% of workers also live in the City.

The proportion of full-time workers in Botany Bay fell slightly over the past ten years, from 73.0% (2001) to 71.6% (2011);

Workers born in a non-English-speaking country make up an increasingly large proportion of the workforce, but have fallen somewhat since 2006; 28.8% of workers were from a NESB in 2001, 37.3% in 2006, and 32.3% in 2011.

Private vehicles are the predominant form of transportation to work for the LGA's workforce, and have been stable over the last ten years (68.4% in 2001, 68.5% in 2006); this mode of transport is significantly more common in the LGA than in the Greater Sydney area (59.3% in 2011).

Workforce projections

Projections of employment are based on the Bureau of Transport Statistics projections of employment adjusted to take into consideration local development trends. The number of people working in the Bayside East increased from 50,432 in 2006 to 55,364 in 2011.⁶

A large proportion of Botany's employment is based in its industrial lands (including Port Botany and Sydney Airport, the Mascot Industrial Area) in manufacturing and freight/logistics-related sectors.

The 2010 *LEP Standards and Urban Design Controls Study* (Neustein Urban, David Lock Associates, and Taylor Brammer, 2010) has calculated future employment potential on the basis of a detailed capacity analysis. Capacity assessment has considered the maximum number of employees that could work on sites considered suitable for redevelopment for employment purposes, including mixed use zoning.

Workforce projections for the Botany Bay LGA are based upon the Bureau of Transport Statistics projections adjusted to account for the revised Mascot Station Precinct projections provided in the *Mascot Town Centre Transport Management and Accessibility Plan* (SMEC, 2012).

Table 3.5 displays the predicted employment growth in the Botany Bay LGA between 2011 and 2031. These figures are based upon the additional employment projections detailed above, added to a 2011 baseline employment figure.

⁶ BTS data on jobs in a particular area differ from the Census journey to work data because the BTS adjusts for under enumeration.

Table 3.5: Botany Bay workforce projections by suburb

Suburb	2016	2021	2031	Increase 2016-2021	Increase 2016-2031
Botany	8244	8631	9501	388	1258
Daceyville	300	317	348	18	49
Eastgardens	3781	3812	3985	31	204
Eastlakes	847	879	922	33	76
Hillsdale	954	955	956	1	2
Mascot Station Precinct	23944	25400	29000	1456	5056
Pagewood	724	705	703	-19	-21
Rosebery & Mascot Remainder	2496	2631	2821	136	326
Airport	11329	11560	11700	231	371
Port and Banksmeadow	5436	5633	7779	197	2343
Total	58053	60523	67715	2470	9662

Demand for public facilities and services

The proposed facilities and services identified in this Plan are required to satisfy the anticipated demands of the expected residential, industrial and commercial development in the Bayside East between 2016 and 2031.

Botany Bay already provides some of the facilities and services likely to be required by the expected development. However, these facilities generally satisfy the needs of the existing resident and workforce population and there is no spare capacity available to serve the additional demand created by the incoming population and/or workforce.

The provision of additional facilities is required to ensure that the level of provision of infrastructure and facilities enjoyed by the existing community does not decrease as the result of new development. Different types of residents and workers will also have different needs and expectations to existing residents and workers. Only those facilities and services required as a consequence of new development are included in Section 7.11 contributions. Should a facility or service be planned to meet the needs of both existing and new residents and/or workers (i.e. to make up a backlog), then the cost of the facility is apportioned between existing and future residents and/or workers in proportion to the demand that is generated.

Without additional investment by Council, the amenity derived from infrastructure and services by the existing community will decrease as development occurs. The resulting increase in resident population and workforce will:

- Place greater demands on existing facilities and infrastructure;
- Require the provision of new or augmented facilities which are of a kind not currently available in the Bayside East or without the capacity to cater for the increased demands of future population and workforce.

The link or nexus between anticipated development in Bayside East and the nominated facilities or services has been established according to:

- The type and extent of anticipated development;
- The expected increase in population and/or workforce as a consequence of that development;
- The characteristics of the population and/or workforce, and the requirements for new, additional or augmented facilities;
- The availability and capacity of existing facilities in the area;
- The extent to which the proposed facilities will meet the needs of the new population and/or workforce.

Only facilities and services required as a consequence of new development are included in Section 7.11 contribution rates. Should a facility or service be planned to meet the needs of both existing and new residents and/or workers (i.e. to make up a backlog), then the cost of the facility is apportioned between existing and future residents and/or workers.

Serviced apartments are expected to remain a strong component of the tourist and visitor accommodation market driven in part by proximity to the airport. Contributions will be levied on serviced apartment developments. Residents of serviced apartments place demands on existing facilities and infrastructure and require the provision of new or augmented facilities. However this is not to the same extent as permanent residents. It is assumed that residents of serviced apartment developments would generate a demand for community facilities and services the equivalent of 75% of other residents and so the contribution for serviced apartments would be 75% of the rate for dwellings.

Facilities and services required

The facilities and services required have been identified through previous studies, community consultation and needs assessments undertaken during the course of preparation of this Plan.

The facilities required and the basis of their link with new development is summarised in each of the following sections:

- Section 4: Community Facilities and Services
- Section 5: Recreation Facilities and Open Space
- Section 6: Transport Management
- Section 7: Administration.

Staging of facilities and services

The anticipated timing of provision of the identified facilities and services is shown in the work schedule in **Appendix A**. This is subject to review and change dependent on availability of funds, changing priorities and other factors. Hence, it should be considered indicative. In some cases works will be undertaken when population thresholds are reached.

The estimated timing of provision of facilities will be updated in Council's ten year financial planning.

Council will make all efforts to expend contributions as soon as possible after the end of the Plan and within reasonable time of the collection of funds. The provision of longer term

works may be delayed until the completion of the following plan or plans, unless the facility can be provided in stages.

Council reserves the right to extend the period of the Plan, should development be slower than predicted in this Plan, or contributions accrue more slowly.

4 COMMUNITY FACILITIES AND SERVICES

Existing Facilities

The Bayside East provides a broad range of community facilities for the use of its resident and working populations.

Historically this high rate of provision has been in part due to the demographic makeup of the area. The high proportion of blue collar workers meant that residents of the area often had to rely on each other for support; this led to the development of strong ties between residents in the area, and a sense of local community and pride. A strong local identity survives in Botany Bay to today.

Council-owned meeting places, including halls and community centres, provide a place for the development and renewal of this local community.

As such, community centres play an important role in the social life of the area. They facilitate social connections, help to build a sense of belonging, and allow support networks to develop amongst members of the community including those who may be vulnerable or isolated.

With the significant influx of new residents into Bayside East (a population increase of close to 22,000 is expected by 2031) places for people to come together will play an important role in integrating the incoming population with existing residents.

Council intends to continue to provide a high standard of meeting spaces and community centres to its population. Community centres, halls and meeting places are important pieces of cultural infrastructure that make an important contribution to the welfare of their community.

Community centres facilitate a range of social and cultural functions which promote community development and strengthen social capital. The most basic of these is providing a place for people to come together and meet. Community centres can also host organised events (such as theatre or concerts) and special interest groups (such as youth groups or senior's clubs), provide recreation opportunities via indoor exercise classes, and hold training and education classes.

The community centres currently provided by the Bayside Council serve the existing population of the area. It is considered that there is no capacity to absorb additional demand for community facilities in the community centres and halls that Council supplies.

There is a clear need to provide community centres that can be used by the additional population predicted in the Bayside East. Residents of new developments will partake in all the social and cultural events identified previously, as do existing residents.

It is particularly important however that this kind of community infrastructure is available for the additional population. A significant increase is predicted in the LGA's population. Some of the new residents will be moving into developments surrounded by established residential areas. Others will be in larger areas undergoing redevelopment (such as the Mascot Station Precinct).

In order to achieve satisfactory social planning outcomes, it will be critical for these residents to develop social ties to their area and the existing local community. This will require the provision of events and facilities where existing and future residents come together, which will strengthen social integration.

Such facilities address a different need to, and are distinct from, communal meeting spaces and gardens located within larger residential developments.

Given the additional demand generated by the incoming population, and the importance of community centres in achieving satisfactory social integration outcomes, it is considered that there is a clear causal nexus for the provision of additional community centres and halls.

Demand has been determined based on the existing supply of community spaces and the principle that the existing population should not be made worse off by reduced access to facilities as a result of development.

A total 3,344m² GFA is provided for use by the community in halls and community centres owned by the Bayside East. These facilities are shown in **Table 4.1**.

Table 4.1: Community Centres and Halls⁷

Category	Facility	Size (GFA)
Hall (large)	Botany Town Hall	635
	Mascot Town Hall/Coronation Hall	537
Hall (small)	Alf Kay Eastlakes Community Hall	263
	Hillsdale Community Hall	700
Community centre / space for community organisations	Botany Business Enterprise Centre	125
	Pagewood Seniors Centre	232
	Mascot Seniors Centre	338
	Botany Seniors Centre	290
	Eastlakes Seniors Centre	295
Total	10 centres	3,344 m ²
Per 1,000 population	-	65.0 m ²

The halls and community centres provided by Council for community use are generally in a sound condition. In many cases the building stock is fairly old and maintained to standards commensurate with budgetary allocations. Three Senior Citizens Centres are located at Botany, Mascot and Pagewood. Use of the facilities, particularly Botany and Mascot are declining and consideration should be given to expanding their use by other community target groups. All centres have limitations in terms of accessibility and internal resources amenity requirements such as furnishings and heating/cooling. Similar limitations apply to Botany Town Hall and Hillsdale Community Centre.

There are no specific facilities provided for youth, with youth centres being conducted at Hillsdale Community Hall and the Alf Kay Eastlakes Community Hall. Given the competing usage of these facilities, disruption to youth services is commonplace. There are no dedicated services provided for youth in the Botany and Mascot areas. Youth tends to be a group that benefits from an association or ownership of a particular community space.

The majority of halls and centres are becoming dated and have limitations on their size, configuration and accessibility. It is also recognised that the location of some of the existing halls and centres is inappropriate to meet the needs of future populations. There is for example a relative paucity of facilities suitable for small groups near Mascot Station Precinct, and the closest facility to Eastgardens is the Hillsdale Community Centre (approximately 1km distant).

⁷ For halls that are co-located with other functions (Botany and Mascot Town Halls and Coronation Hall), the GFA has been calculated as the usable area of the hall plus 15% circulation

Predicted Demand

A high level of development is predicted in the Botany Bay LGA over the next 15 years, with an additional 22,187 residents is expected by 2031.

Additional community facilities will need to be provided into the future to accommodate the increased demand upon community facilities generated by the incoming population. It is not intended that contributions will be sought to rectify current deficiencies in existing facilities or unless such rectification is intended to enable the facility to meet the needs of the additional population.

In line with best practice, it is recommended that additional space available to the community be provided as multipurpose community facilities. These facilities will be able to meet the needs of a wider spread of the community, and continue to be appropriate as the population moves through different life stages.

The Plan does not seek contributions to provide additional facilities to the existing population of the LGA. It is recommended that additional floor space for use by the community is provided at the same rate as the existing provision of community facilities. The existing provision of community facilities is shown in **Table 4.1**. The additional floor space required to meet the needs of the incoming population is shown in **Table 4.2**.

Table 4.2: Future Community Centre Space Needs

Year	Population Growth	Rate of provision (GFA)	Additional provision (GFA)
2031	22,187	65.0m ² per 1,000	1442 m ²

It is recommended that this space be provided in multipurpose community centres, in line with best practice. The appropriate design of these facilities will mean they can deliver the services and facilities currently provided by youth and seniors centre, as well as general-purpose halls, to the new population.

Best practice in community facility provision is for the provision of a range of integrated services and spaces within the one building at an accessible location within a community hub. Such facilities provide flexible spaces that can be used by a variety of groups and for a variety of purposes. Such facilities have a number of benefits including:

- accommodating for a number of lifecycle groups (mothers and children, young people (care is required in designing with youth in mind), older people and ethnic groups removing the need for specific purpose buildings such as senior citizens centres;
- facilitating social interaction through the mixing of groups and users and acting as a community focal point and critical mass for an active facility;
- buildings can be located at an activity centre facilitating access;
- facilities can be designed to be accessible and with facilities for all age groups (baby change rooms etc.) and with a range of facilities (wet areas for arts etc.);
- providing efficiencies in staff management enabling centres to be staffed to monitor use and enable more active centres;
- facilitating the integration of service delivery;

- sustainability measures can be incorporated into buildings;
- spaces are more flexible and capable of adapting to changing needs.

Such centres can be co-located with other facilities such as libraries and child care centres with shared main entries, parking and building services. This reinforces the concept of a community hub that can be part of a wider activity centre being the location of residential, economic and community growth and public transport focus.

Urban Growth NSW has provided guidelines for planning a community centre⁸. To be well utilised and serve identified social needs, community centres need to be accessible and visible. Community centres should be located so that they:

- are central to their catchment area and provide equitable access to all potential users;
- are accessible by public transport (i.e. public transport stops within 400 metres walking distance);
- have good pedestrian and cycling connections;
- are on a main street with ground floor street frontage for optimum visibility and accessibility;
- are clustered with other facilities, such as shops, schools and public libraries to promote convenient access and help create a focal point for community activity;
- are not sited to conflict with neighbouring uses;
- have room to expand and adapt as needs change;
- are near open space, to allow for related outdoor activities and community events, such as festivals and markets, where possible and appropriate; and
- are near sporting, recreation and leisure facilities, to create a health and activity focus, where possible and appropriate.

Not all these requirements can be met in an established community such as Botany Bay.

It is considered that community centre facilities are best provided in multi-purpose facilities designed to current standards and located within or near other facilities or an activity hub.

Proposed facilities

The work schedule includes the following facilities:

1. A new multi-purpose community facility space comprising cultural and community spaces having a floor space of approximately 1,200 m². The location for this facility is the existing Mascot Town Hall site including acquisition of land along Botany Road adjacent to the town hall; this has been included in the cost of this item. As this replaces the existing facility on the site, new development will contribute to a centre comprising 900m² at an estimated cost of \$4,500,000. Land acquisition is estimated to be \$3,730,000.
2. The provision of a multi-purpose community facility having an area of approximately 300 square metres at Mutch Park.

⁸ Landcom Design Guidelines – Community Centre Guidelines 2008

Apportionment

These facilities are required to meet the needs of future development and thus can be mostly apportioned 100% to the expected development to the year 2031. The exception are facilities not presently available to the existing community or where the proposed works meets the demand from existing and future population which are apportioned across the total population as indicated on the works schedule. These include the mobile library service, skateboard facility and aquatic centre. Council will need to provide funding on behalf of the existing community.

Library Services

Existing Facilities and Services

The Bayside East currently has one central library, located at Eastgardens, and one branch library and museum, located at Mascot. The central library is open 48.5 hours per week (over six days). The central library has a floor area of 1,324m². The Mascot branch library is open 28 hours per week over five days, was recently extended and refurbished and has an approximate floor area of approximately 800m². In addition to book lending, a number of services are provided by the libraries. These include rhyme time and story time, children and adult book clubs, school holiday programs, internet access, information technology classes, photocopier and fax services, and a library service for housebound people.

Library membership declined by approximately one quarter between 2009-2010 and 2010-2011, although it was around this time that Botany Bay migrated to the new Library Management System (LMS) and adopted a more consistent and automated approach to inactive user deletion. Over this same period the number of visitors to the library increased by 15.5%, and circulation increased by 20.3%. This indicates that although the number of library members has decreased, actual library use is increasing. While visitor and member counts have fluctuated within a certain range over the past five years, the number of loans issued by the Botany library service has steadily increased.

The library service has always aimed to delete inactive users after a determined period of time; however this has been completed more diligently since the migration to the new LMS in February 2010 and may be the explanation for the falling membership count.

Source: State Library of New South Wales, ABS population estimates (cat. 3218.0), Census 2011

In 2011, 26.9% of the Botany Bay resident population were members of the library service. Membership is broken down into four categories – adult over 65, adult under 65, young adult, and junior membership. The breakdown of membership for the Bayside East is as follows:

- Adult (over 65) – 1,616 (11.1%)
- Adult (under 65) – 10,065 (69.0%)
- Young adult – 734 (5.0%)
- Junior – 2,183 (15.0%)

Table 4.3: Bayside East library membership and usage

	Visits	Circulation	Total stock	Total registered members	Total resident members	Resident member %	% population as members
2010-2011	226,542	191,362	82,575	14,598	10,597	72.6%	26.9%
2009-2010	195,804	159,051	82,754	20,176	14,054	69.66%	34.8%
2008-2009	214,530	134,524	83,621	21,914	16,788	76.61%	42.4%
2007-2008	209,683	139,938	86,774	18,463	15,698	85.02%	40.5%
2006-2007	222,542	107,955	98,377	20,598	17,683	85.85%	46.5%

As shown in **Table 4.3**, library visits have remained fairly constant, with some fluctuations, over the past five years. After a decline in the period 2009-2010, the number of visitors to the library service increased by 15.7% in 2010-2011. Circulation in the 2010-2011 financial year increased by 20.3%. The proportion of the LGA's resident population that has library membership has declined significantly, from 46.5% in 2006-2007 to 26.9% in 2010.

Discussion with council officers has suggested that a large proportion of the non-resident library members are workers in the area. Workers may use the library after finishing work, or during lunch; lunch times are one of the busiest periods of the day for the Mascot Branch library.

Future library service needs

Traditionally the age groups which are high library users are pre-school (0-4 year olds) and school aged children (5-17 year olds), and older persons (55 years and over). These groups comprise a significant proportion of the current and future population.

Overall the key library user groups comprise approximately 52% of the City population, while 2010-2011 membership levels comprise 26.4% of the population. There has been minimal change in the makeup of the key library user groups between census periods in the Bayside East.

Population projections for the next 15 years anticipate an increase in the population within the Bayside East of approximately 22,187 persons. Assuming that current levels of demand remain constant and that between 25% and 55% of new residents become registered library users, the library facilities will be required to accommodate demand from between 5,000 and 10,000 additional users.

Population forecasts indicate an increase of all core user age groups.

Table 4.4: Population characteristics of high library user groups

Service age group (years)	2011		2006	
	Number	%	Number	%
Babies and pre-schoolers (0 to 4)	2,654	6.7	2,339	6.5
Primary schoolers (5 to 11)	3,238	8.2	2,990	8.3

Secondary schoolers (12 to 17)	2,504	6.4	2,498	6.9
Tertiary education and independence (18 to 24)	3,566	9.1	3,365	9.4
Young workforce (25 to 34)	6,322	16.1	5,520	15.3
Parents and homebuilders (35 to 49)	8,922	22.7	8,052	22.4
Older workers and pre-retirees (50 to 59)	4,559	11.6	4,272	11.9
Empty nesters and retirees (60 to 69)	3,638	9.2	3,306	9.2
Seniors (70 to 84)	3,284	8.3	3,035	8.4
Elderly aged (85 and over)	668	1.7	608	1.7
Total population	39,355	100.0	35,985	100.0

There are a number of trends, outlined in People Places (3rd prepublication edition), which impact on the demand for library services. These include:

- Libraries increasingly functioning as 'community living rooms', rather than lending services, and can provide a focal point for parts of the community to spend time;
- Less spatial programming, with fixed carousels and reading tables being replaced by flexible open study spaces and informal seating areas;
- Libraries as drivers of urban and socio-cultural regeneration, reaching out into their surrounding neighbourhoods;
- Library and event programming attracting the interest of the wider community;
- The ageing population is affecting services and collections offered, and demand for library services is likely to increase as the population continues aging;
- Different youth library use patterns, requiring collaboration, discussion and IT equipment;
- New information technologies have reduced the demand upon libraries as sources of information, while enabling more flexible working patterns (including tele-working);
- An increasing recognition of the needs of multicultural communities, resulting in foreign language collections and multicultural events/programming;
- Increasing urban density causing increases in the population of libraries' catchment areas; and
- An increasingly multicultural society affecting the range of materials offered by library.

The future planning of library services and facilities will need to be informed by these trends, and develop services that cater to an increased need for flexible and usable library space whilst continuing to meet demands on library collections both online and in print.

In addition, a high proportion of the Bayside East is used for employment activities and consequently many of the workers in the area utilise Council's library facilities. The local workforce is estimated at 58,053 in 2016, and it is anticipated to increase to nearly 68,000 employees by 2021.

The State Library of New South Wales provides a detailed methodology to assess the library size needed to house sufficient services to meet its community's needs⁹. The benchmarking approach is based upon population projections including non-resident workforce.

The *People Places* methodology results in a recommended increase in floor space of 1,100m² by 2031. The need for this additional floor space will be generated by the resident population of new dwellings, and by additional workers in the LGA.

Approximately 2,124m² GFA is provided in the Bayside East's two libraries.

It is considered that the benchmarked need may be slightly overstated, as the degree of physical separation between the Airport and the remainder of the LGA may discourage Airport workers from using the Council libraries. It is also noted that Council's current provision is substantially lower than that recommended by the benchmark.

Library services are popular in Botany Bay. Library staff report that the facilities are used consistently throughout the day by different groups.

Given the existing under provision of space against benchmarks, the existing residents and workers of the LGA should be no worse off as a result of additional development. This requires maintaining levels of service and facility provision at the existing rate per capita into the future as the population grows.

Proposed facilities

The Botany Bay library service provides a range of facilities and services at two points in the LGA, the Eastgardens Central Library and Mascot Branch Library. These are available to all sections of the community.

The large incoming resident and working population of the Bayside East will increase the demand placed upon the Bayside East library service. It is important that measures are taken to help accommodate this increased demand, in order to maintain existing levels of service. It may also be important to provide library services close to areas undergoing extensive redevelopment (particularly residential), to ensure that new residents have convenient and timely access. This is likely to be a significant consideration in the future location of library services, given that many of the new residents are expected to be part of young families with children.

As library services expand to meet the needs of the additional population, the size of facilities required to house these services will also need to grow. Consultation with the library service and relevant council officers have suggested that existing facilities are currently operating at or close-to capacity. Patronage at the Eastgardens Central Library is generally consistent throughout the day, with limited capacity to absorb additional demand. The Mascot Branch Library is also generally well-used.

As calculated in the proceeding section, approximately 1,450m² additional library space will be required to meet the needs of the additional population based on the *People Places* methodology. It is proposed that the additional demand be accommodated through both the provision of additional library space in a new location, and the refurbishment and reconfiguration of existing library space.

Mascot Station Branch Library

⁹ People Places: A Guide for Public Libraries in New South Wales (3rd ed. (prepublication ed.), 2012)

Population growth will be concentrated in several areas throughout the LGA, and is strongest in the Mascot Station Precinct.

The entirety of additional dwellings to be constructed in the Mascot Station Precinct will be apartments or flats in multi-storey buildings. Given this, and in light of the population characteristics of similar dwellings in Botany Bay at the time of the 2011 Census, the future demographic characteristics of this area are likely to include a high number of families with young children. This group is generally likely to have high levels of library usage.

While Bayside East currently operates a branch library near Botany Road in Mascot, it is considered that this facility is too far from the Mascot Station Precinct to be readily used by its resident and working population. It also has limited scope for expansion.

Consequently the Plan identifies a need for a community library at Mascot Town Centre (site to be decided). An allowance has been made for the purchase of a 1,200 square metre space in a mixed use building with an estimated purchase price of \$6,000 per sqm. This would accommodate a new library space flexible in design. A further allowance has been made to fit out this space.

As this will allow the conversion of the existing Mascot Library to a community centre use (retaining the museum), the cost the new library apportioned to new residents is reduced by the amount of existing library space in this building assumed to be 500 sqm.

Eastgardens Library

Given the location of the facility within the shopping centre, there is limited scope for expanding this library. However there is the opportunity to refurbish this space to serve larger population and provide improved services. It is noted that this facility adjoins the former BATA site which is expected to contain a significant development of in the order of 2,700 dwellings.

Thus it is proposed to refurbish the existing library to enable it to adapt to accommodate expected demand.

Mobile Library Service

The Plan proposes the introduction of a mobile library service to meet the needs of the community. This is a new service and thus the costs would be apportioned across the total population including existing population. This is expected to meet the needs of the community to 2031.

Apportionment

Because the proposed provision of library floor space has been calculated based only on the need generated by new residents and workers, the cost of these should be fully apportioned to new development. These facilities are planned to meet needs to 2031.

Childcare Facilities

Existing facilities and services

Child care is one area where demand from residents is constantly growing and to meet some of the ever-present demand council adopts flexible options. Council currently provides a range of childcare services including:

- A family day care centre and scheme catering for approximately 130 children;

- Two community based long day care centres, located at Mascot and Hillsdale comprising a total of 114 places; and
- A vacation care service;
- 3 after school care programs;
- 1 before school care program.

There were approximately 2,800 children aged 0 – 4 years resident in the Bayside East (from the 2011 Census). This comprises 6.7% of the Botany Bay LGA population. Based on the projections of the Department of Planning and Environment and the expected population in the City in 2016, this is expected to grow approximately 4,000 children.

The non-resident working population currently places a significant demand on Botany Bay's child care facilities, and this situation is expected to continue with the growth of new non-resident worker population projected to occur. At the 2011 Census, 90.4% of the workers working in the City resided outside the City.

Demand for child care facilities

Child care service providers indicate that their user families are both residents and workers within the LGA, however the majority of families who use the child care services are residents. Council operated centre records have been utilised to determine the residential location and place of work of service users. For the purposes of this report the assumed percentage is 10% of Council child care places occupied by children of non-resident workers.

Demand for child care is sensitive to costs, with changes in policies at the State and Commonwealth level in relation to operating subsidies and rebates critical to community access to, and thus demand for, child care. There are a range of benchmarks and standards for the provision of child care. However there are large variations in the rates of provision recommended under to different guidelines (ranging from one space for every three children with a working parent, to one space for every ten children). These guidelines are also often unspecific, and do identify whether 'childcare places' refers to long day care services exclusively or include preschools.

The Plan acknowledges that the private sector provides a significant proportion of child care needs. However demand for Council facilities remains strong as a result of the high standard of care and education provided and the competitive pricing.

The future provision of childcare services has been calculated on the underlying principle that the level of provision of community facilities to existing residents should not worsen as a result of new development – that is, that childcare services continue to be supplied at the same rate of provision as currently exists, relative to the number of children aged 0-4.

This results in a need for an additional 70 spaces in Council operated child care centres to 2031.

It is apparent that there is a need for one additional long day child care centre. As noted above, the majority of supply is provided by the private sector. The private sector continues to be active in the area and additional private facilities are proposed. Thus there is no longer a need for Council to meet all expected needs in the City. However there is a continuing need for the Council to play a role. The Council may need to increase its role in satisfying the demand for 0-2 years services, as the greater staffing requirements and additional

licensing requirements act as financial disincentives for the private sector to provide services for this age group.

Proposed facilities

The following facilities are proposed for Council provision from Section 7.11 contributions:

- The provision of a new 40 place child care centre to be provided on the Mascot Town Hall site. The facility, although provided by Council, can be managed either by Council or an outside organisation. The construction cost is estimated at \$1,600,000.
- Preference should be given for Council-owned child care services to accommodate spaces for 0-2 year olds.

It is anticipated that this centre will be required within the time frame of the current plan to meet the need generated by development to the year 2031.

Apportionment

The number of child care places required has been calculated based only on the need generated by new residents and workers. Therefore the cost of the planned facilities will be fully apportioned to new development.

RECREATION; OPEN SPACE FACILITIES AND SERVICES

Existing open space and recreation facilities

Table 5.1 shows there is an existing provision of 124 hectares of Council managed open space in the Bayside East¹⁰. This equates to 2.83 hectares per 1,000 based on 2016 population estimates.

Table 5.1: Provision of open space per capita by type

Open space function	Hierarchy							
	Local		District		Regional		Total	
	No.	Ha.	No.	Ha.	No.	Ha.	No.	Ha.
Parkland ¹	3	13.40	10	22.30	1	33.59	14	69.29
Small park/playground/garden	41	10.07	-	-	-	-	41	10.07
Memorial/ancillary	3	0.13	-	-	-	-	3	0.13
Sub-total - parks	47	23.60	10	22.30	1	33.59	58	79.49
Outdoor sporting facilities ²	-	-	5	23.37	1	2.66	6	26.03
Botany Olympic Pool ³	-	-	1	3.00	-	-		3.00
Botany Golf course	-	-			1	13.34	1	13.34
Bushland ⁴	1	0.14	-	-	-	-	1	0.14
Undeveloped	6	2.17	-	-	-	-	6	2.17
Total	54	25.91	16	48.67	3	49.59	72	124.17
1. The Ha columns also include the 'non-sport' portions of Mascot Oval (1.3 ha), L'Estrange Park (0.1 ha), Booralee Park (0.1 ha), Jellicoe Park (0.2 ha) and Rowland Park (0.1 ha). Includes Astrolabe Park (Daceyville) even though it is owned by Sydney Water with no lease to Council and only rudimentary development 2. Major district sports facilities - does not include the tennis courts in Mutch or Memorial Parks 3. Not counted separately because it is part of Booralee Park 4. Does not include the bushland/remnant areas in Mutch Park and Sir Joseph Banks Park								

The per capita supply of these different types of open space (based on the 2016 estimated population illustrated in Table 5.2 – along with the forecast per capita provisions in 2021 and 2031 (based on the population forecasts undertaken for this Study and assuming existing supply levels remain stable).

Council's 124 hectares of open space translates to 2.45 hectares per thousand people.

¹⁰ This does not include six open space parcels (Engine Pond, Botany Wetlands, Botany Beach, Joyce Drive Reserve, David Phillips Field and Transport Bowling Club) that have limited or nil general public access and are owned/managed by other agencies (Sydney Airport Corporation, RTA, Sydney Water, University of NSW)

Table 5.2: Council managed/owned open space per capita by type

Open Space Type	No. of parks	Total Hectares	Ha/000– Existing Pop ¹	Ha/000– 2021 Pop ²	Ha/000– 2031 Pop ³
Urban parkland	53	79.5	1.57	1.30	1.14
Sports facility	6	26.38	0.52	0.43	0.38
Botany Olympic Pool	-	3.00	0.06	0.05	0.04
Botany golf course	1	13.34	0.26	0.22	0.19
Undeveloped/bushland	7	2.31	0.05	0.04	0.03
Total	67	124.53	2.45	2.03	1.79

Botany Bay's public open space system accommodates a range of recreation facilities - including outdoor sports courts and fields, golf courses and facilities for 'unstructured' play and recreation (including open grassed areas, picnic areas, playgrounds, bike tracks and walking paths).

Adequacy of existing open space and recreation facilities

The question of whether or not developed open space provision is adequate has traditionally been answered via the use of quantity based standards (such as, for example, 2.83 hectares/1000 people in NSW). It was often perceived that open space provision obligations were met when the standards were achieved.

It is now well understood, however, that generalised standards are unreliable and not necessarily valid for particular areas. A particular area – depending on its demographics, climate, traditions and local cultural and natural resources - may have very different than average (that is, standard) needs. This is particularly the case where there is a significant worker population.

Standards should be used as broad guidelines only and not relied on as definitive indicators of need. They should be used in conjunction with 'quality' and 'locational appropriateness' criteria - as identified in locally specific research.

The assessment of open space and recreation facilities undertaken in 2012¹¹ found:

- An imbalance in the supply of different types of open space with large numbers of pocket parks and too few larger parks with the capacity to provide a diversity of recreation opportunities (i.e. play, 'kick about', rest, group gathering and picnic activities); and
- Moderately uneven distribution of parks in the LGA with relatively poor access to 'local parks' in Mascot, Rosebery and Hillsdale.

This conclusion echoes the findings of the 2004 Open Space and Recreation Study. That study identified a range of relevant open space quantity issues including:

- Insufficient parks in some precincts;
- Small size of many parks, with some needing to be enlarged where their potential is strategically important and where enlargement opportunities are available; and

¹¹ Open Space and Recreation Needs Analysis Bayside East by Recreation Planning Associates, February 2013

- Need for more pedestrian and cycle linkages.

Botany Bay LGA does not have sufficient local parks of an adequate size for effective service delivery. This is not to deny that smaller 'pocket parks', depending upon location, natural attributes and design, cannot be highly effective, but they cannot provide the diversity of opportunities afforded by larger parks.

It is clear that, without further acquisitions, the low per capita provision of open space will worsen as the population increases within the LGA.

The review identified a range of quality and accessibility issues with respect to parks, public domain, sports facilities, natural areas, aquatic facilities and indoor sports facilities. Many facilities were found to be constrained in their functionality due to the lack of sufficient support facilities or poor presentation or ageing infrastructure (Botany Aquatic Centre and Mutch Park Squash courts) and/or not fully accessible (Botany Wetlands).

Additionally, there is insufficient continuity in the existing cycle network, with a number of important linkages still to be completed.

There is also a need for a public domain strategy that addresses the role that pedestrian-friendly urban spaces can play in encouraging walking and public transport use and the associated benefits of improved health, less obesity, less air pollution and more social conviviality.

Future Needs

Recreation Demand Implications of residential population growth and change

Based on Department of Planning and Environment age specific population projections, specific needs and demands according to the major age groupings (children, young adults and older adults) are summarised in Table 5.3.

Table 5.3: Required open space and recreation opportunities for resident age profiles

Age profile	Age profile trends	Key activities	Open space & recreation facility needs
0-14 years	<p>Stable <i>proportions</i> of 0-4 years and 5-14 years across the City between 2011 to-2031</p> <p><i>Absolute</i> increase in 0-14 year olds+3,400)</p>	<p>The recreation needs of children vary according to age – but all require safe, familiar environments, multi-sensory stimulation, challenge, opportunities for creativity</p> <p>For children 0-4 years, recreation primarily centres around the home, playgroups and small local parks</p> <p>Children 5-14 years will also use local parks but less as they grow older if equipment is not challenging. Some will play in streets, vacant lots, natural areas</p> <p>Many will get more involved in structured activities (e.g. participation in sports clubs and activities)</p>	<p>Local and regional playgrounds and parks – with appropriate provision for both young children and adults (seating, shade) and located near schools, shops and community centres</p> <p>Outdoor sports fields and courts</p> <p>Safe cycle and pedestrian links between homes and parks and within parks</p> <p>Indoor sports courts (for basketball, netball, futsal etc.)</p> <p>Indoor program rooms (for gymnastics, dance, physical culture etc.)</p>

Age profile	Age profile trends	Key activities	Open space & recreation facility needs
15-34 years	Declining proportions of 15-34 years across the City between 2011-2031 Absolute increase in 15-34 year olds (+2,000)	Young people, in general, have a high rate of participation in recreation – both structured and unstructured. Participation by young people (up to 25 years) in most recreation activities (including sport and physical activities) is significantly higher than it is for older age groups Youth-friendly public space and skate facilities are particularly important for young people not interested in structured activities Participation in sport declines slightly after 25 years but is offset by higher participation in family activities in the child-rearing years Greater access to transport. Movement into and out of the LGA to mix with friends or use other facilities.	Sports fields & courts Cycle paths and walking trails Large park and or natural area settings for picnics and social activities Large park areas for informal play Indoor sports courts Indoor program rooms (for gymnastics, dance, martial arts etc.)
35+ years	Increasing proportions and absolute numbers of +35 in the City between 2011-2031 Absolute increase in 35+ year olds. The greatest growth is forecast to occur in the 65+ year age groups (+4,000)	Participation in structured sport and recreation activities declines steadily with age Family recreation activities – such as visits to district scale parks – is popular for the 40-55 age groups Many less structured activities – walking, walking the dog, golf – remain popular through all age groups Some people over the age of 60 years will be regular users of 'mainstream' recreation facilities and programs. Others will require various levels of assistance – including transport, facilities designed and constructed in accordance with 'access for all' requirements and/or special programs	Cycle paths and walking trails Large park and or natural area settings for picnics and social activities Swimming pools Dog 'off leash' areas Golf courses and lawn bowls Indoor sports courts Indoor program rooms (for social dance, yoga, gentle exercise etc.)

The anticipated population growth in Botany Bay LGA is substantial - with an increase of 37% or 18,827 people from 2016 to 2031. Moreover, if the population shifts witnessed in other places experiencing infill development and at Mascot Town Centre - such as higher proportions of young adults, lower proportions of older people, higher proportions of young children 0-4, higher proportions of 'couple only' families and higher proportion of people renting rather than purchasing homes - are repeated in the Bayside East, they are likely to be accompanied by higher participation rates and, therefore, higher recreation demands.

That is, the 'demand-reducing' effects of population aging within the *existing* populations will be offset by the inflow of 'high participating', younger, well-educated adults and children.

These population shifts are likely to occur most markedly in those areas affected by infill development (such as Mascot and Eastgardens) - and it is these areas that are most likely to require changes in the quantity and mix of accessible open space and recreation resources.

The incoming populations will contribute to the demand for open space and recreation facilities (including indoor and outdoor sport, passive recreation and aquatic facilities).

Worker population recreation participation and needs

There is a predicted increase in workers of 9,662 to 2031. Survey work undertaken during the 1990's in the Bayside East¹², investigated the existing and future demands placed on services including parks and recreation facilities by non-residential (i.e. in-migrant) workers. The survey found that, while the use of parks and recreation facilities was less common and less frequent for in-migrant workers than for resident workers, the use of facilities by the former was still significant. This was particularly so for local parks (with 19% of in-migrant workers using these, compared to 70% of resident workers) but also for picnic areas, sports fields and golf courses.

Overall, the use of both local parks and regional-scale sports facilities by in-migrant workers (in terms of the percentage of workers using the facilities times average frequency of use) was found to be around 19% of that of resident workers.

The methodology used in the Mitchell McCotter study is sound, but dated. There is reason to believe that in-migrant worker recreation participation in and near workplaces may have increased in recent years - due to a range of employer and local council health initiatives.

There has, for example, been increasing recognition of the productivity benefits of healthy and happy workforces. As a consequence, there is more encouragement of work place-based health and fitness activities and more flexibility in working arrangements to facilitate participation. Much of this increasing activity takes place within work places but some of it 'spills over' into public parks, swimming pools, pathways and other public domain areas.

Many councils are working to make local environments more supportive of low key physical activities (such as walking and cycling). Initiatives include the upgrading of commercial and other employment areas (with landscaped pedestrian areas, lighting, shade, seating, shelter, art works, outdoor cafes and other items of interest). For example, a Council initiative is the success with the six-a-side soccer competitions at the synthetic field at the Hensley Athletic Field.

These improvements, together with improved linkages to parks and open space areas via cycle and walking routes are generally improving the appeal of areas and successfully encouraging more people to 'get out and about' during lunch breaks and after/before work.

It is likely, therefore, that the levels of open space/recreation facility use by in-migrant workers identified by Mitchell McCotter have at least remained stable and may have increased since the 1990's.

In lieu of any more recent surveys of recreation participation and recreation facility use by in-migrant workers, it is reasonable to continue to use the relative usage weighting (of 19%) identified in that study.

Proposed Facilities and Services

The City's existing open space will be able to absorb some of the additional population's open space demands. However this absorption capacity will be limited unless the carrying capacity of the resource is increased.

The Open Space and Recreation Needs Analysis found that, in terms of quantity or quality or both, the currently available facilities are generally only sufficient for *existing* populations and - apart from some sports field spare capacity - will not meet the additional needs generated by new development.

Additionally, while the supply of sports ground space meets most current needs in the summer season, there is an existing facility shortfall in winter.

¹² Mitchell McCotter, 1992 Section 94 Study for Commercial and Industrial Development

The key conclusion is that existing facilities have a very limited capacity to meet the sport and recreation needs of incoming populations.

The additional demands will exacerbate the existing service gaps and demand pressures – both for sports-related open space and parkland open space. While the need for sports grounds may decline in future years – with further shifts in the population age structure - the peak time demand for these facilities (in their current condition) is at or close to full capacity, particularly during the winter season. Some grounds may have the capacity for additional use but, for most, this would require improvements to playing surfaces (via drainage, irrigation and/or soil profile upgrades).

Similarly, the current provision of parkland in the City is not particularly high (compared to planning benchmarks) and, in fact, is relatively low in some suburbs.

Existing open space and recreation/sport facilities have limited capacity, therefore, to provide for the forecast future demands of new populations.

With an anticipated growth in population and employment to 2031, an additional 46 hectares of open space would be required to meet the demand generated by residential development if access to open space for existing residents is not to be reduced. This includes 29 hectares of passive parks and 8 hectares of active open space. Given the high value of land in the City, particularly in areas of population growth, acquisition of this amount of land would be difficult in practical terms and expensive. In the absence of acquisitions, the forecast population growth will, by 2031, reduce the per capita open space provision in the City from 2.45 hectares per 1000 population to 1.79ha/1,000 population and this (particularly with respect to sports space, is unlikely to be sufficient).

It is desirable to acquire open space across the Bayside East at the current (average) per capita levels of provision for the City as a whole - to both meet the reasonable demands of the new populations and to maintain service standards for the existing population.

Accordingly, the existing supply of local and district open space in the City is considered the appropriate benchmark for determining additional open space requirements for residents and workers.

However, because of the very high cost of acquiring land in Botany, it is not considered reasonable or practicable to acquire open space at this level. As well, any land acquired also requires embellishment – also at substantial cost. The suggested alternative approach is twofold and entails the acquisition of ‘affordable’ quantities of new open space (comprising strategically important sites in areas where it is most needed by new populations) and substantial improvements, through appropriate embellishments, in the ‘carrying capacity’ of existing open space areas¹³.

The S94 Open Space and Recreation Facilities Study 2012 recommends that the acquisition strategy move away from these notional quantities because, as reasonable as they are according to planning criteria, they will likely impose an unacceptable burden upon development and would not be affordable. Instead the open space strategy in the Plan focuses on:

- Dedication of land at the time of development in areas where redevelopment is occurring with the floor space right of this land transferred elsewhere on the site.
- Selective acquisition of land adjoining existing parks where practical and where this will lead to parks of a more useful size;

¹³ This approach will still maintain contributions at a lesser level than would have been required should the desired benchmark for open space acquisition alone been applied

- Provision of plazas and squares and other public domain improvements in or adjacent to Council's urban villages, which can be used for lunchtime activities by shoppers and workers and at any time by new urban village residents;
- Development of a 'Green Streets' strategy that links these urban village focal spaces with other public domain spaces, local parks and recreation facilities (and beyond them, larger district facilities) with attractive walking and cycling routes;
- Embellishment of existing regional and local parks;
- Improvements to the cycleway network (discussed under traffic);
- The provision of a skateboard park; and
- The Botany Aquatic Centre redevelopment.

In Mascot Town Centre, in the order of 1.7 hectares of public open space has been, or will be, provided and it is expected that an area of 8,000sqm of open space will be provided at the former BATA site. This land has been provided through planning agreements and negotiations with public authorities.

An additional 1.5 hectares of open space is proposed to be acquired under the Plan as extensions of existing passive parks.

Dedication of Land

The public domain strategy for the Mascot Station Town Centre as reflected in the Botany Bay Development Control Plan 2013 identifies infrastructure and public domain works essential to achieve public amenity and meet the basic needs to support higher density development anticipated within the Precinct. The new works to occur within the public domain have been and will continue to be funded and implemented by developers as redevelopment occurs under planning agreements between the Council and the land owner. Under the planning agreements development rights for dedicated land can be transferred to the remainder of the site and the provision of public benefits in the form of open space (and traffic and other public domain works) can be negotiated. This process has led to the dedication and embellishment of land within Mascot Station Town Centre and is likely to be used for remaining developments in this area and other larger development precincts generally in accordance with the requirements of the DCP and development proposals for major sites such as the former BATA site. The plan assumes that this process will continue to apply to the provision of land and works for open space and most roads in the Mascot Station Town Centre and for the provision of open space and public roads at the former BATA site.

Acquisition

The focus of the acquisitions strategy is on strategically significant sites within a reasonable walking distance of growth areas. Guiding principles have been:

- Enlargement of parks that are less than or around 3,000m², are within 4-500m walking distance of the urban village growth areas and have the potential to be high quality local parks;

- Provision of plazas and squares in or adjacent to Council's urban villages, which can be used for lunchtime activities by shoppers and workers and at any time by new urban village residents;
- Development of a 'Green Streets' strategy that links these urban village focal spaces with other public domain spaces, local parks and recreation facilities (and beyond them, larger district facilities) with attractive walking and cycling routes.

The identification of strategic acquisitions is somewhat opportunistic and dependent on reasonable expansion opportunities, affordability and practicality.

They also have the potential to meet the community's demonstrated demand for improved walkability and are consistent with national agendas to minimise the health consequences of inactivity and sedentary lifestyles.

Open space acquisition to accommodate growth to 2031 has been identified and included in the works schedule.

Embellishment of Open Space

As an alternative to acquiring open space at a level to ensure that the rate of provision for the existing community does not worsen, the Plan proposes the embellishment and expansion of existing spaces to increase their carrying capacity.

The carrying capacity and usability of open space can be enhanced in various ways – including the following:

- Improved physical and visual access to parks (including 'universal design')
- Upgrades to existing recreation facilities (playgrounds, picnic areas etc.)
- Additional recreation facilities (picnic areas, walking and cycle tracks, playgrounds)
- Sports facility upgrades and/or reconfigurations

The works focus on increasing the durability and/or capacity of existing open spaces and facilities to accommodate use through a range of relevant improvements (including multipurpose site layouts, new/extended equipment and enhanced accessibility). In this way, the works can reduce the need for additional open space by getting existing spaces and facilities to 'work harder' to meet the recreation needs and demands of the additional populations generated by new residential development.

An excellent current example of this is the redesign and refurbishment of Mascot Oval/Park. Specifically, the playground and parkland surrounding the Oval is undergoing a major upgrade, including a village green, walkways, lounge-type seating, timber boardwalks, mulched play areas (for younger and older children), sand and water areas and BBQ and picnic facilities – all of which will expand the carrying capacity of the park significantly close to the rapidly growing Mascot Station Precinct.

Local and neighbourhood parks and streetscapes will require landscaping, plantings, park furniture, play and recreation equipment, pathways and the like. Sports grounds will require sports turf, irrigation, drainage, amenities, spectator facilities, parking and (perhaps) floodlighting.

In identifying embellishment projects, Council officers have sought to meet the demand generated by additional population growth distinct from any needs identified in existing plans of management that relate to current demand or existing shortfalls. Current and previous

studies that identify needs (e.g. need for improved walkability, cycle paths, more toilets, lighting, bins and shade in parks, more diverse play equipment) can be a guide to the improvements required for the future population.

The 'carrying capacities' can be enhanced through extending the number of usable hours (floodlighting and turf improvements), the 'hardening' of facilities (more constructed walking and cycle tracks), the expansion of facilities (larger play grounds, additional toilets, more shelters) and/or the provision of new facilities (picnic areas, new play areas, exercise stations, cricket nets and similar facilities)

The improvement in 'carrying capacities' is a critical requirement in meeting the needs of new populations in the context of the unavoidable decline in the quantum of per capita open space with the implementation of Council's future residential development strategies.

Embellishment is proposed to a wide range of park environments. It will be necessary to monitor changes in population size and structure on a regular basis. The anticipated ageing of the population may, for example, be substantially offset by demographic succession – with older people moving out of larger homes and younger families with children moving in.

Consequently progressive revision and review of the works program is envisaged as priorities change and in response to funding availability.

Embellishment works to accommodate growth to 2031 have been identified and included in the works schedule.

Public Domain Improvements

Improvements to public domain comprising streets and small incidental spaces at local centres create a diversity of space and provide a greater level of amenity ('vibrant, lively and engaging environments'). These works also provide better connections and a more pedestrian-friendly ('walkable') environment. These works are an effective alternative to the provision of additional open space through acquisition.

Public domain improvements to accommodate growth to 2031 have been identified and included in the works schedule.

Aquatic Centre

The City's existing swimming and indoor sports facilities will not have the capacity to adequately meet the sport and recreation needs generated by new development. It will be necessary therefore to provide additional and/or refurbished facilities – such as a contemporary aquatic centre (that meets the needs of both the existing and forecast populations) combined with an indoor sports facility (comprising two or more indoor courts) subject to the future likely role of the private sports facility in the City (Mascot Central) and detailed feasibility analysis. Based on a mix of wet and dry facilities to provide year round indoor fitness and leisure opportunities, indicative costs have been estimated for the redevelopment of the existing Botany Aquatic Centre site to provide the following facilities:

- New reception entry, office, control room, and indoor storage rooms.
- Refurbished 50m outdoor pool, wet deck, and new hydraulics.
- New 25m indoor play pool – 6 - 8 lanes with beach entry.
- New indoor hydrotherapy pool.
- New wet health facilities – spa/sauna/plunge pool.

- New indoor gymnasium – 1000sqm.
- Aerobics Room.
- New two (2) indoor multi-purpose sports courts.
- Café, crèche, sports clinic, assessment rooms.
- New external storage rooms.
- Resheet of existing car park.
- Landscaping.

The indicative cost estimate for this facility including finishes and fit outs is \$24 million.

The aquatic centre is a major initiative and intended to meet the needs of existing and future population to the year 2031.

Apportionment

A number of assumptions have been made regarding apportionment:

- MSP open space embellishment is apportioned 100% to development within the MSP (which comprises the total amount of growth in Mascot).
- MSP open space acquisition and embellishment included in the 2002 MSP Section 94 Contributions Plan (the linear park) is apportioned over the expected total population in MSP.
- The costs of embellishments to regional and local parks and further acquisitions are apportioned across the total expected growth in the City to 2031;
- Public domain and cycleway improvements are apportioned to the total expected growth in the City to 2031.

In this matter the cost of works is apportioned to the expected growth on the basis of the demand generated for works.

TRANSPORT MANAGEMENT FACILITIES

Existing Facilities and Services

Council and the Roads and Maritime Services (RMS) share responsibility for an existing network of roads and other infrastructure which has been augmented continually over many years to attempt to meet the needs of increasing numbers of users and flows of traffic.

Council owns and maintains a series of minor roads, streets, parking areas, cycle ways and footpaths. This network has been designed and augmented to date to meet the needs of current residents, businesses and industry. Council is committed to maintaining and improving the current level of accessibility in the LGA, and has a 5 year rolling program of works to continually upgrade traffic and pedestrian conditions.

Further new residential and commercial or industrial development will require augmentation of these networks in order to maintain current conditions.

The residential revitalisation of some former industrial areas, such as Mascot Station Precinct and the former BATA site and the industrial makeover from noisy and often noxious older industries to residential and high-tech and service industries has heightened the need for a rethink of traffic and transport.

What was acceptable in the 19th or 20th centuries can be neither appropriate nor acceptable in the 21st.

Given that Australia's busiest airport and its second largest port are permanent features of the local landscape – and both have growth plans – heavy commercial traffic has the propensity, if not checked, to strangle local streets and roads.

Council addresses the pressures and conflicts that arise in transport and parking issues and demand within the constraints of the reality of the existing situation.

Ensuring that the movement system has the capacity to cope with the likely number of vehicles generated by the proposed redevelopment within the MSP is of paramount importance.

Future Needs

Increasing traffic congestion is a major concern of residents and Council, and many of the works proposed have been identified to either facilitate improved vehicle accessibility to meet the needs of new development or to improve individual mobility by the provision of cycle ways, footpaths or improved street lighting.

The effect of apartment development, industrial development and commercial development will generate additional trips requiring works in addition to those that can be provided as part of the development or as part of development or through other mechanisms such as planning agreements. Many of the roads in Botany Bay LGA are already at capacity; the needs of additional residents and workers will need to be met both by increases in this capacity as well as provision for non-vehicular mobility.

Additional residential and employment development will increase the trips to existing shopping centres. The Council wishes to improve the utility of these centres for the additional population and workforce by improving pedestrian and cycle access, lighting and streetscape improvements.

Proposed Works

Traffic congestion is already a problem for the Bayside East area. As a result of the area's proximity to the airport and Port Botany, a large number of arterial roads run through the LGA.

Roads in the area carry not only private passenger vehicles but also significant commercial traffic flows from businesses and industry, as well as cargo related to the port and airport. A large part of the existing traffic in the LGA is through traffic.

Several reports commissioned by the former City of Botany Bay to investigate the viability of the redevelopment of the Mascot Station Precinct have identified the existing road network and capacity as restricting the area's development potential. This requires action by a number of agencies to improve public and private transport on roads that are the responsibility of State government and roads and transport that is Council's responsibility.

The *LEP Standards and Urban Design Controls Study for the City of Botany Bay LEP 2011* (Neustein Urban, David Locke and Associates, and Taylor Brammer Architects, 2010) commented that 'an increase in the residential and employment capacity of the Mascot Station Precinct will only be possible if traffic and transport issues are resolved.'

Traffic modelling conducted by SMEC for Council in the *Mascot Town Centre Precinct Transport Management Accessibility Plan 2012* (TMAP) considered current and future traffic conditions, should development proceed as predicted with no upgrades to the road network.

Current intersection performance was considered to be adequate or above adequate in both the AM and PM peaks. However the modelling indicated a significant degradation in levels of service by 2021. Particular problem points under this scenario were located at the intersections of Gardeners Road and Bourke Street, and Coward Street and Bourke Street.

The TMAP concluded that "the intersection upgrades recommended [*in the report*] are required by 2021 or 2031 to mitigate capacity issues within the network resulting from forecast traffic volumes."

A number of public transport and active transport (walking and cycling) targets are outlined in the TMAP. These include *State Plan* targets of 80% of trips to the Sydney CBD being on public transport, and 25% of all trips being on foot, and a *NSW Bike Plan* target of 5% of short journeys being bicycle-based.

The TMAP outlines a package of pedestrian, cycling and public transport works required to help achieve this targets in improve overall levels of transport amenity in the MSP. These works cannot be seen in isolation, but form a part of the overall suite of works required to ensure the required transport capacity is present in the area to meet predicted development. Much of the required works are to State roads.

The Plan considers local infrastructure and thus does not seek to fund works that would be the responsibility of the RMS. This includes works to State and regional roads in the MSP identified in the TMAP. Some improvements to pedestrian and cycleway systems on State or regional roads are also funded under this plan because these works are required to meet the demand created by population and workforce growth.

The expected residential development of the MSP Town Centre and other major sites such as former BATA will require a new local street system designed to provide local access and discourage through traffic. This new road network is needed for the anticipated development and not be existing development.

In order to accommodate the additional resident and worker populations a number of works are proposed:

- Dedication of land for roads and construction of local roads within the Mascot Station Town Centre and former BATA site to provide the local road network as envisaged in the Botany Bay DCP and staged development consents;
- Roadworks to Church, John and Coward Streets in the vicinity of the SWOOS not provided through planning agreements, including intersection signalisation at Church and O’Riordan Streets;
- Road upgrades at Mascot West in the B7 Zone;
- Dedication of land for road widening in Miles Street required for the development of land with a frontage to the northern side of Miles Street within Mascot Station Precinct and construction of a widened Miles Street. It is assumed that dedication will occur as part of the development of each site with floor space potential of the dedicated lands transferred to the balance of the site;
- Dedication of land for road widening in Botany Lane required for the development of the shopping centre and construction of a widened road. It is assumed that dedication will occur as part of the development of each site with floor space potential of the dedicated lands transferred to the balance of the site;
- Construction of cycle ways throughout the City including the construction of missing links to accommodate growth to 2031;
- Provision of parking at Mascot Shopping Centre;
- Provision of commuter car parking for residents at MSP;
- Roadworks throughout the residential and employment areas to accommodate additional demand from development.

Dedication of Land

The public domain strategy for the Mascot Station Town Centre as reflected in the Botany Development Control Plan 2013 (9A.1.2) identifies infrastructure and public domain works essential to achieve public amenity and meet the basic needs to support higher density development anticipated within the Precinct. This includes additional streets to provide a more interconnected movement system suited to residential apartment development. New streets have been and will continue to be funded and implemented by developers as redevelopment occurs under planning agreements between the Council and the land owner. Under the planning agreements development rights of dedicated can be transferred to the remainder of the site and the provision of public benefits in the form of traffic and movement improvements are negotiated. This process has led to the dedication of land within Mascot Station Town Centre and is likely to be used for remaining developments in this area and other larger development precincts generally in accordance with the requirements of the DCP and development proposals for major sites such as the former BATA site.

Road Widening

The work schedule includes road widening of Miles Street. Again this land is to be dedicated to Council free of cost in conjunction with the development of adjoining land with

development rights transferred to the balance of the site. Works associated with construction of the widened road are to be funded under the Plan via S7.11 contributions. Such works will have a direct benefit to the adjoining land holdings affected by the lane widening and to the future development community through improved access.

Apportionment

The costs of works are to be apportioned as follows:

- New and widened local roads within Mascot Town Centre Precinct are apportioned to development within the MSP to 2031;
- Road upgrades elsewhere in MSP is apportioned to employment growth in the MSP;
- Roadworks within residential areas outside MSP are apportioned to population growth outside MSP to 2031;
- Miles Street road widening costs are apportioned to residential development on the northern side of Miles Street;
- Cycleway improvements provided for the benefit of future residents and workers to 2031 and are apportioned to overall population and employment growth.

ADMINISTRATION

Preparation of a Section 7.11 Plan

The Section 94 Contributions Plan Manual (1997) states that planning studies which establish a comprehensive approach to the administration of Section 7.11 and which are outside of the daily work undertaken by Council, may be funded through contributions. The costs of studies which directly result in a Contributions Plan can be included in Section 7.11 charges.

The preparation of this Plan would not be required if new development was not to occur. Hence the need for the Studies and Plan is fully attributed to the new residential and working population between 2016 and 2021, and the costs of the preparation of the Studies and Plan are therefore apportioned totally to new development in the period to 2021.

The Plan has demonstrated a number of needs which will arise from new development and which cannot be met by existing facilities and services.

The Section 94 Studies and Plan provides the mechanism by which contributions can be identified and collected to provide facilities and services to meet these needs. The preparation of the Section 7.11 Contributions Plan would not be required if this development was not to occur. The cost of preparing the studies and Plan are therefore directly and fully attributed to S7.11.

The proposed facility is the cost of preparation of the Plan.

Funding of Section 7.11 Officer

The *Section 94 Manual* permits the employment of a S7.11 officer, where:

- The purpose of the work being funded by Section 7.11 must directly relate to the formulation and/or administration of the Plan; and
- The charges should not be for recurrent costs but may be for employing a specific Section 7.11 Officer on a fixed contract.

It is anticipated that this officer, or equivalent alternative arrangement, would implement, administer and carry out the ongoing monitoring of the Contributions Plan including plan reviews and indexing.

In managing and administering a Section 7.11 Plan, Council has the responsibility to account for funds collected in a transparent and appropriate manner; to ensure that the contributions held are effectively and reasonably used for the intended purpose; and to expend the funds collected in a reasonable time and in accordance with the Plan.

It is Council's view that a dedicated officer, or equivalent alternative arrangement, is required to ensure that these responsibilities can be met.

It is intended that the position be a full time position within Council for the period of the Plan or an alternative equivalent arrangement such as a quarterly review by external consultant or a combination of these.

The service required is a full time Section 7.11 Officer, including the on-costs associated with the establishment and maintenance of that position, or an alternative equivalent arrangement such as a quarterly review by external consultant or a combination of these.

As the need for this facility is fully generated by the new residential and working population and this position would not be required if the Plan was not required, the costs of these services are to be apportioned totally to new development in the period of this Plan.

5 REFERENCES

This plan is supported by a number of other studies, plans and policies which have been undertaken by and/or adopted by Council. These include:

Botany Bay Council (2013) *Open Space & Recreation Needs Analysis* prepared for Council by Recreation Planning Associates;

City of Botany Bay Open Space and Recreation Study for the City of Botany Bay (2012);

Botany Bay Local Environmental Plan 2013 and Development Control Plan 2013;

Botany Bay Council (2009) *Botany Bay Planning Strategy 2031 Final Report*, prepared for Council by SGS Economics and Planning

Botany Bay City Council (2008) *Botany Bay Strategic Planning Study: Future Demand and Supply of Housing Final Report* prepared for Council by SGS Economics and Planning

Botany Bay City Council (2010) *LEP Standards and Urban Design Controls Study for the City of Botany Bay LEP 2011* prepared by Neustein Urban, David Lock Associates and Taylor Brammer Landscape Architects

Profile.id community profile Botany 1 March 2018

NSW Planning and Environment (2014), *New South Wales State and Local Government Area Population, Household and Dwelling Projections: 2014 Final*

NSW Bureau of Transport Statistics (2012) *Employment Forecasts by Industry (produced from Small Area Employment Forecasting Model)*

Mitchell McCotter, 1992 Section 94 Study for Commercial and Industrial Development.

Appendix A Work Schedule

Appendix B Workforce Table

Workforce Occupancy Rates

The following employee occupancy rates can be used to calculate the number of workers associated with different commercial and industrial development types.

This is not a complete list of all commercial and industrial developments. Developments not included in the above table will be assessed on their merits. Hotels and motels will be assessed on the basis of 1.37 workers per room.

If a development application is lodged for a specific use or business where the number of employees is known with reasonable certainty and is stated in the development application or complying development certificate application, the number of employees as stated may be accepted for the purpose of assessing the total contribution for that particular development. This is subject to the assessment of Council officers or certifying authority who will determine the reasonableness of the application having regard to the development for which consent is sought and the uses to which the building or land that is the subject of the application could be put without the need for subsequent development consent.

Applications for alterations and additions will be determined based on the above rates and the merits of the application. Consideration will be given to the nature of alteration work and the extent to which these alterations will increase the intensity of use and number of workers on the site. Building additions will be considered as new floor space.

In determining the extent of any credit to be given for existing workforce, consideration will be given to the above table and to any available information on workforce levels. Information on the average number of workers on the site as at August 2011 or for the last 4 years may be requested from the applicant. Consideration may also be given to information contained in previous development applications for the site.

¹ Figures for both gross floor area and gross site area are given to enable the most appropriate to be applied to a particular development. The gross floor area is to be used in preference to the gross site area. Where a significant proportion of the site is used for open storage or for vehicle manoeuvring, loading or unloading, then the gross site area calculations should be used for this area of usage. It is possible a single proposal may utilise both methods to calculate the appropriate contribution depending on the circumstances.

Table 9.2 - Employees per m2 by Development Type

Development Type	Gross Floor Area for one employee (m ²)	Gross Site Area for one employee (m ²)
Retail/Commercial Uses		
Row Shops with frontage to a street	22.3 m ²	NA
Convenience stores	22.3 m ²	

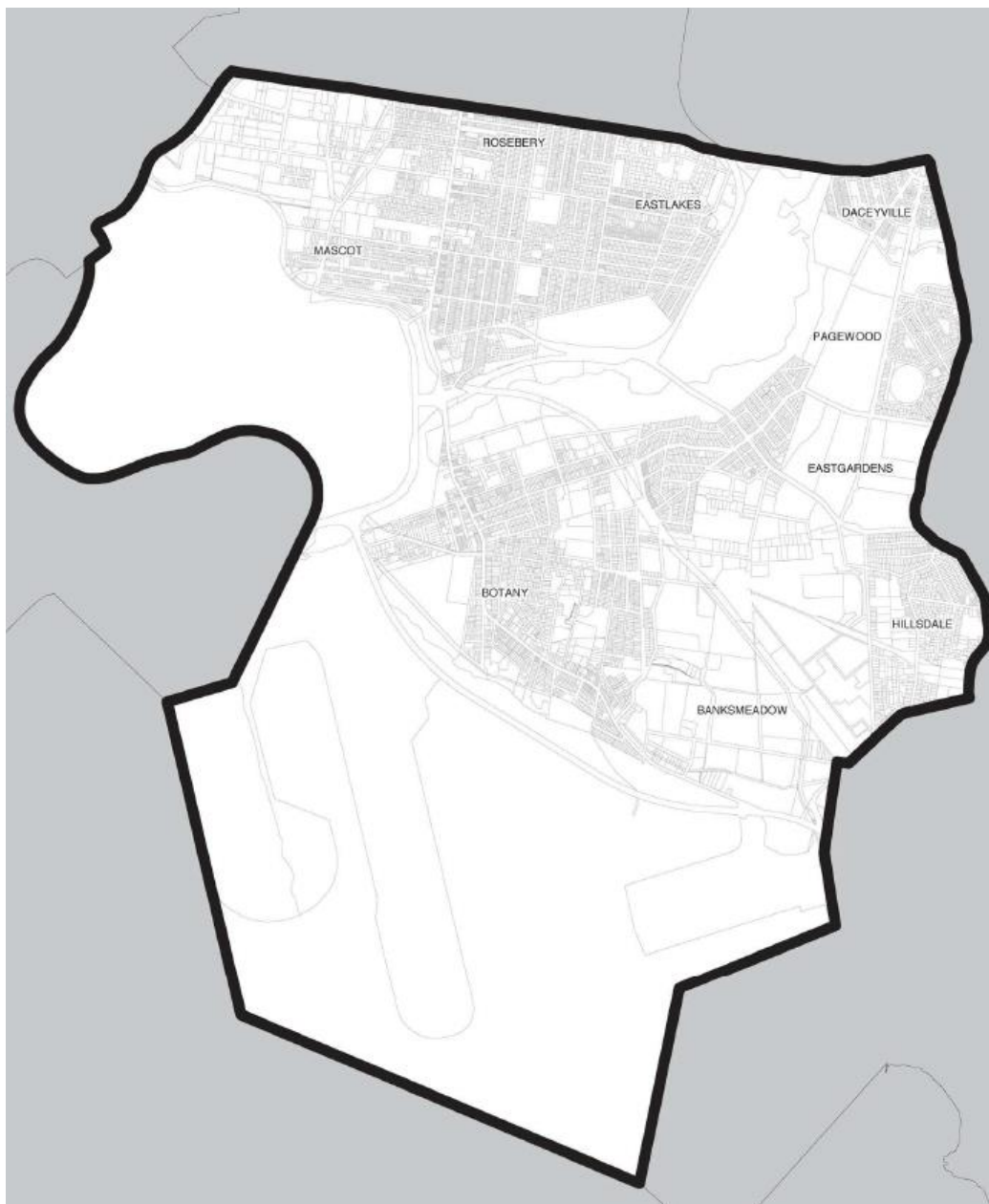
Development Type	Gross Floor Area for one employee (m²)	Gross Site Area for one employee (m²)
Speciality Shops in Centres or Arcades	20.4 m ²	NA
Supermarkets	48.0 m ²	NA
Department Stores	40.1 m ²	NA
Showrooms	85.1 m ²	NA
Modern Offices	17.7 m ²	NA
Offices above Row Shops	19.0 m ²	NA
Small Industrial/ Autos/Services	72.0 m ²	NA
Older style Industrial Building (c.<1960) used for:		
Manufacturing	72.1 m ²	88.3 m ²
Wholesale/Retail	82.4. m ²	85.4 m ²
High-Tech Industrial Building used for:		
Manufacturing	31.6 m ²	97.0 m ²
Wholesale/Retail	47.7 m ²	110.3 m ²
Financial/Property/Business Services	37.3 m ²	96.6 m ²
Modern Industrial Building used for:		
Manufacturing	85.1 m ²	134.0 m ²
Construction	124.2 m ²	206.8 m ²
Wholesale/Retail	73.6 m ²	110.6 m ²
Transport/Storage/Warehousing	66.5 m ²	103.2 m ²
Financial/Property/Business services	32.6 m ²	138.0 m ²
Modern Multi-Unit Industrial Complex used for:		
Manufacturing	57.9 m ²	96.6 m ²
Construction	77.3 m ²	104.0 m ²
Wholesale/Retail	86.6 m ²	125.5 m ²
Transport/Storage/Warehousing	81.4 m ²	137.6 m ²
Open Storage Depot (including container depots)	NA	226.0 m ²
Transport Terminal	NA	226.0 m ²

Source: Adapted from "Employment Monitoring of Commercial Centres and Industrial Areas" Department of Planning, Sydney, 1991.

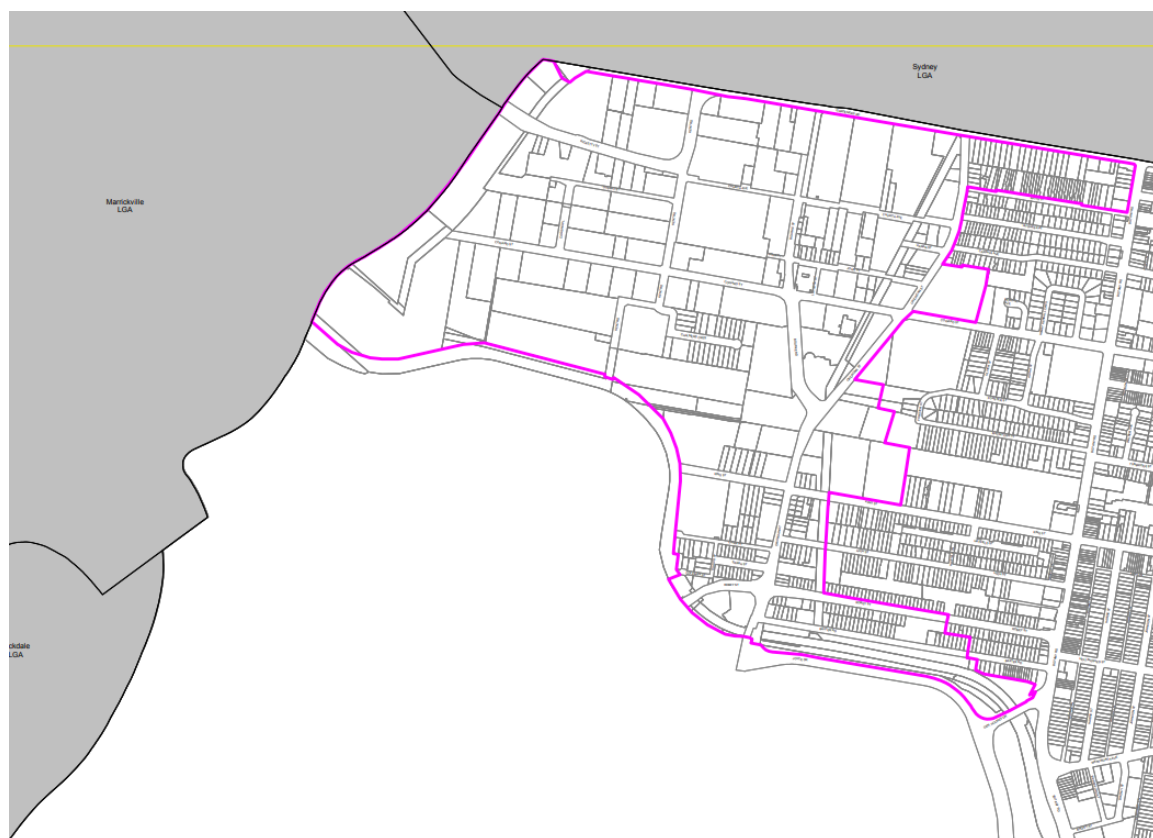
Appendix C Maps

Bayside East

(former City of Botany Bay LGA)



Mascot Station Precinct



[illegible]



MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 9 May 2018** at **7:00 pm**.

AGENDA

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**
- 2 OPENING PRAYER**
- 3 APOLOGIES**
- 4 DISCLOSURES OF INTEREST**
- 5 MINUTES OF PREVIOUS MEETINGS**
 - 5.1 Minutes of the Council Meeting - 11 April 2018.....3

8.6 Exhibition of the Amended Botany Bay s94 Developer Contributions Plan 2016

Mr Ron Hoenig, Member of Parliament, speaking against the Officer Recommendation, addressed the Council in relation to Item 8.6.

RESOLUTION

Minute 2018/070

Resolved on the motion of Councillors Nagi and Ibrahim

Item 5.1

7

Council Meeting

9/05/2018

That Council resolves to endorse Amendment 1 of the *City of Botany Bay S.94 Developer Contributions Plan 2016*, and publically exhibit the amendment for a minimum of 28 days as required by Clause 28 of the Environmental Planning and Assessment Regulation 2000.

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

Table A1 - COMMUNITY FACILITIES WORK SCHEDULE

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
1. MULTI PURPOSE CULTURAL AND COMMUNITY FACILITY - MASCOT											
Land	Adjoining Coronation hall			\$3,728,800	Entire LGA	22,187	9662				S
Facility	Refurbish former office space			\$4,500,000	Entire LGA	22,187	9662				S
Sub-total		\$7,554,782	\$674,018	\$8,228,800		22,187	9662	100.00%	\$340.50	\$69.76	
2. COMMUNITY LIBRARY MASCOT TOWN CENTRE											
Facility	New library in Town centre			\$3,850,000	MSP	9,203	5,056				S
	Book stock			\$300,000	MSP	9,203	5,056				S
Sub-total		\$3,752,690	\$397,310	\$4,150,000		9,203	5,056	100.00%	\$407.77	\$78.58	
3. MASCOT COMMUNITY CENTRE (current library)											
Refurbished Centre											S
facility	Refurbish as youth centre	\$1,147,613	\$102,387	\$1,250,000	Entire LGA						S
Sub-total		\$1,147,613	\$102,387	\$1,250,000		22,187	9662	100.00%	\$51.72	\$10.60	
4. MUTCH PARK MULTI-PURPOSE COMMUNITY CENTRE											
New Centre	Vision 2040 initiatives										
facility		\$1,101,708	\$98,292	\$1,200,000	Entire LGA	22,187	9662	100.00%	\$49.66	\$10.17	S
5. OTHER											
Mobile Library Service		\$734,472	\$65,528	\$800,000	Entire LGA	22,187	9662	31%	\$10.37	\$6.78	S/M/L
Access Upgrades to Community Buildings		\$4,590,452	\$409,548	\$5,000,000	Entire LGA	22,187	9662	31%	\$64.78	\$42.39	M
Community Bus	1 sml. & 1 large replace at 5 years	\$440,683	\$39,317	\$480,000	Entire LGA	22,187	9662	100.00%	\$19.86	\$4.07	S/M/L
Community Development	Vision 2040 initiatives	\$1,285,327	\$114,673	\$1,400,000	Entire LGA	22,187	9662	100.00%	\$57.93	\$11.87	S/M/L
Mascot Baby Health Centre refurbishment		\$688,568	\$61,432	\$750,000	Entire LGA	22,187	9662	100.00%	\$31.03	\$6.36	S
Other community facilities	Integration/ welcome iniatives	\$459,045	\$40,955	\$500,000	Entire LGA	22,187	9662	100.00%	\$20.69	\$4.24	S
Sub-total		\$8,198,546.95	\$731,453	\$8,930,000.00		22,187	9662		\$204.67	\$75.70	
TOTAL		\$21,755,340.00	\$2,003,460.00	\$23,758,800.00					\$1,054.32	\$244.82	

Table A2 - RECREATION FACILITIES WORK SCHEDULE

MASCOT STATION PRECINCT											
OS64 12-14 Church Avenue park (Atlas development - 1,140m²)	Future embellishment	\$9,042.63	\$957	\$10,000.00	MSP	9,203	5,056	100.00%	\$0.98	\$0.19	L
OS65 Laycock Walk	Future embellishment	\$9,042.63	\$957	\$10,000.00	MSP	9,203	5,056	100.00%	\$0.98	\$0.19	L
OS76 208 Coward Street - John Street Park	Future embellishment	\$4,521.31	\$479	\$5,000.00	MSP	9,203	5,056	100.00%	\$0.49	\$0.09	L
OS67 Station Square East	Future embellishment	\$9,042.63	\$957	\$10,000.00	MSP	9,203	5,056	100.00%	\$0.98	\$0.19	L
OS68 Station Square West/Bourke Road through site link	Future embellishment	\$13,563.94	\$1,436	\$15,000.00	MSP	9,203	5,056	100.00%	\$1.47	\$0.28	L
OS69 New Street Local Park (New Street east-west)	Future embellishment	\$9,042.63	\$957	\$10,000.00	MSP	9,203	5,056	100.00%	\$0.98	\$0.19	L
OS70 Church Avenue Community gardens (church Ave and New Street - north side)	Future embellishment	\$22,606.56	\$2,393	\$25,000.00	MSP	9,203	5,056	100.00%	\$2.46	\$0.47	L
OS71 Central Park (corner Church Avenue and New Street - south side)	Future embellishment	\$40,691.82	\$4,308	\$45,000.00	MSP	9,203	5,056	100.00%	\$4.42	\$0.85	L
OS73 Street closure (new street east/west)	Future embellishment	\$4,521.31	\$479	\$5,000.00	MSP	9,203	5,056	100.00%	\$0.49	\$0.09	L

**City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)**

**Appendix A
Works Schedule**

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
OS74 Street closure (John Street west end)	Future embellishment	\$4,521.31	\$479	\$5,000.00	MSP	9,203	5,056	100.00%	\$0.49	\$0.09	L
OS43 Coleman Reserve	Landscaping	\$6,781.97	\$718	\$7,500.00	MSP	9,203	5,056	100.00%	\$0.74	\$0.14	L
OS63 Nancy Bird-Walton Reserve	Embellishments, access, public art	\$36,170.50	\$3,829	\$40,000.00	MSP	9,203	5,056	100.00%	\$3.93	\$0.76	L
PD26 - WSUD Strategy (Church Avenue)	Detailed design, implementation	\$191,703.67	\$20,296	\$212,000.00	MSP	9,203	5,056	100.00%	\$20.83	\$4.01	L
PD28 - General public domain works where not developer funded (boundary roads, linkages and internal streets, Mascot Station Precinct Town Centre)	Equinix site, Street Trees, Footpath improvement, Street furniture, Connections, Access and Entries	118458.3968	12541.6032	\$131,000.00	MSP	9,203	5,056	100.00%	\$12.87	\$2.48	M/L
Total MSP		\$479,711.29	\$50,788.71	\$530,500.00					\$52.13	\$10.05	
OUTSIDE MASCOT STATION PRECINCT	Regional Parks										
OS5 Garnet Jackson Reserve	Landscaping and park furniture; playground shade structures; irrigation	\$321,331.63	\$28,668	\$350,000.00	Entire LGA	22,187	9,662	100.00%	\$14.48	\$2.97	L
OS8 Sir Joseph Banks Park	Masterplan, pond rehabilitation work and bush regeneration, playground enhancements, walking trail improvements, furniture, amenities, carpark improvements, lighting, fitness; irrigation	\$1,832,508.37	\$163,492	\$1,996,000.00	Entire LGA	22,187	9,662	100.00%	\$82.59	\$18.35	S/M/L
OS22 Astrolabe Park	landscaping, furniture, shelters x 2, fencing to street/perimeter; Amenities upgrade; Active recreation - basketball half court renewal, mountain bike trails consultant design and construct	\$1,333,067.21	\$118,933	\$1,452,000.00	Entire LGA	22,187	9,662	100.00%	\$60.08	\$13.35	L
OS23 Dacey Gardens	landscaping, pathways, lighting; building conversion	\$486,587.89	\$43,412	\$530,000.00	Entire LGA	22,187	9,662	100.00%	\$21.93	\$4.87	L
OS40 Mutch Park	outdoor sports court; bbq, picnic facilities/furniture, lighting, pathways/access; fitness station; shade shelters; landscaping and tree planting; rainwater harvest; playground upgrade and shade structure; refurbish/rebuild tennis court; toilet upgrade; irrigation; master plan	\$1,423,040.06	\$126,960	\$1,550,000.00	Entire LGA	22,187	9,662	100.00%	\$64.14	\$14.25	M/L
OS41 Rowland Park	new amenities and change room; picnic shelters; active recreation - fitness, cricket nets, sports; playground upgrade and shade cover; shade to fitness; irrigation	\$927,271.27	\$82,729	\$1,010,000.00	Entire LGA	22,187	9,662	100.00%	\$41.79	\$9.29	M/L
OS55 Mascot Memorial Park (excluding tennis courts)	Bus/entry shelter and signage Coward St; Playground shade structure; irrigation turfing areas; fitness station; public art installation; embellishments, flagpoles; masterplan implementation	\$867,595.39	\$77,405	\$945,000.00	Entire LGA	22,187	9,662	100.00%	\$39.10	\$8.69	M/L

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
OS75 Botany Golf Course	New base water supply for course irrigation with connection to existing dam; Internal safety fencing at tees and greens - 3m high; supply and repair fencing 200m along Foreshore Road; Course furniture and markers - 4 sets; pave, line mark, light and fence northern car park; upgrade Botany Golf Club's car park exit at Botany Road; Extend garage for equipment storage - 20m2; Provide short distance practice driving cage; Rebuild greens x 4; Rebuild greens x 5; Rebuild Practice Green and provide sand bunker; refurbish/repaint building; Provide practice chipping green	\$600,431.10	\$53,569	\$654,000.00	Entire LGA	22,187	9,662	100.00%	\$27.06	\$6.01	
OS88 Jellicoe Park	new amenities and change room, replace perimeter fencing, circuit pathway upgrade; shade structure at playground; fitness station; irrigation; master plan	\$1,905,037.51	\$169,962	\$2,075,000.00	Entire LGA	22,187	9,662	100.00%	\$85.86	\$19.08	S
OS89 Hensley Athletic Field	storage, parking, irrigation	\$546,080.15	\$48,720	\$594,800.00	Entire LGA	22,187	9,662	100.00%	\$24.61	\$5.04	
OS93 Aloha Street tennis courts	refurbish/rebuild tennis courts and lighting	\$220,341.69	\$19,658	\$240,000.00	Entire LGA	22,187	9,662	100.00%	\$9.93	\$2.21	
O L'Estrange Park	renew basketball keyhole; new amenities and change room; playing field drainage improvements; furniture, embellishments; fitness station; shade structure - playground; safety nets; reconfigure field layout	\$1,790,276.21	\$159,724	\$1,950,000.00	Entire LGA	22,187	9,662	100.00%	\$80.69	\$17.93	L
OS90 Mascot Oval	General refurbishment including new multi-use goal posts, improved pedestrian and emergency vehicle access, new picket fence and access gates; grandstand seating	\$367,236.15	\$32,764	\$400,000.00	Entire LGA	22,187	9,662	100.00%	\$16.55	\$3.68	
OS90 Mascot Oval	New spectator facilities	\$1,836,180.73	\$163,819	\$2,000,000.00	Entire LGA	22,187	9,662		\$82.76	\$31.61	
Subtotal	Regional Parks	\$14,456,985.34	\$1,289,814.66	\$15,746,800.00					\$651.60	\$157.33	
OS91 Botany Aquatic Centre	Redevelop centre including enclosed pools, water play, dry leisure facilities, gym, crèche, wellness facilities, car park and refreshment services; irrigation	\$33,051,253.10	\$2,948,747	\$36,000,000.00	Entire LGA	22,187	9,662	38%	\$923.59	\$115.97	L
Sub-total	Aquatic Centre	\$23,754,931.92	\$4,390,068.08	\$28,145,000.00					\$923.59	\$115.97	
Local Parks											
	North										
OS24 Haig Park	Playground replacement, lighting, fencing replacement	\$146,894.46	\$13,106	\$160,000.00	Entire LGA	22,187	9,662	100.00%	\$7.74	\$1.47	S/M
OS25 Bridgit Tight Reserve	Embellishments	\$9,180.90	\$819	\$10,000.00	Entire LGA	22,187	9,662	100.00%	\$0.48	\$0.09	L
OS27 Edmund Thornton Reserve	Fencing, civil work, furniture, small playground replacement, landscaping, access ways and linkages	\$321,331.63	\$28,668	\$350,000.00	Entire LGA	22,187	9,662	100.00%	\$16.94	\$3.22	M
OS28 Florence Avenue Reserve	Landscaping, furniture, paths, amenity area lighting, possible off leash dog area, irrigation	\$64,266.33	\$5,734	\$70,000.00	Entire LGA	22,187	9,662	100.00%	\$3.39	\$0.64	L
OS29 Griffith Park	Small playground, landscaping	\$22,952.26	\$2,048	\$25,000.00	Entire LGA	22,187	9,662	100.00%	\$1.21	\$0.23	L
OS30 Jerome Dowling Reserve	Playground replacement	\$68,856.78	\$6,143	\$75,000.00	Entire LGA	22,187	9,662	100.00%	\$3.63	\$0.69	L
OS31 Leon Lachal Reserve	Landscaping, furniture, lighting, paths	\$27,542.71	\$2,457	\$30,000.00	Entire LGA	22,187	9,662	100.00%	\$1.45	\$0.28	L

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
OS32 Vernon Avenue Reserve	Landscaping, embellishment, small playground update	\$32,133.16	\$2,867	\$35,000.00	Entire LGA	22,187	9,662	100.00%	\$1.45	\$0.32	L
OS33 Lookout/rest area nursery site (Gardens R Us) off Gardeners Road	demolition, landscaping, fencing, play equipment, lookout construction	\$229,522.59	\$20,477	\$250,000.00	Entire LGA	22,187	9,662	100.00%	\$10.34	\$2.30	L
OS34 Chant Reserve	Playground replacement, furniture, landscaping, pathway lighting	\$55,085.42	\$4,915	\$60,000.00	Entire LGA	22,187	9,662	100.00%	\$2.48	\$0.55	L
OS35 Firmstone Reserve	Landscaping; dog park improvements	\$32,133.16	\$2,867	\$35,000.00	Entire LGA	22,187	9,662	100.00%	\$1.45	\$0.32	S/M
OS37 Glanville Avenue Reserve	Playground renewal; furniture, landscaping, amenity area lighting, possible leash free area to western side	\$29,378.89	\$2,621	\$32,000.00	Entire LGA	22,187	9,662	100.00%	\$1.32	\$0.29	S
OS38 Harris Reserve	Gardens, furniture	\$6,885.68	\$614	\$7,500.00	Entire LGA	22,187	9,662	100.00%	\$0.31	\$0.07	L
OS46 Elphick Avenue Reserve	Lighting; landscaping	\$11,017.08	\$983	\$12,000.00	Entire LGA	22,187	9,662	100.00%	\$0.50	\$0.11	L
OS47 Glenn McEnallay Reserve	Furniture	\$6,885.68	\$614	\$7,500.00	Entire LGA	22,187	9,662	100.00%	\$0.31	\$0.07	L
OS49 Hughes Reserve	Stage 2 small playground	\$27,542.71	\$2,457	\$30,000.00	Entire LGA	22,187	9,662	100.00%	\$1.24	\$0.28	L
OS50 John Curtin Memorial Reserve	Shade cover; furniture, interpretive signage, shelter; irrigation, landscaping, tree planting; external connectivity improvements; amenities building upgrade; chess/ping pong; public art installation Robey St, flagpoles; possible fenced off leash dog area.	\$688,567.77	\$61,432	\$750,000.00	Entire LGA	22,187	9,662	100.00%	\$31.03	\$6.90	M
OS51 Lauriston Park	Small playground upgrade, landscaping, irrigation	\$55,085.42	\$4,915	\$60,000.00	Entire LGA	22,187	9,662	100.00%	\$2.48	\$0.55	S
OS61 Sutherland Street Reserve/Jos Wiggins Reserve	Embellishments, playground	\$50,494.97	\$4,505	\$55,000.00	Entire LGA	22,187	9,662	100.00%	\$2.28	\$0.51	M
OS95 Wentworth Avenue Reserve	Landscaping	\$4,590.45	\$410	\$5,000.00	Entire LGA	22,187	9,662	100.00%	\$0.21	\$0.05	L
Local Parks North	Subtotal	\$1,890,348.06	\$168,651.94	\$2,059,000.00					\$90.25	\$18.94	
Local Parks South											
OS3 Arthur Park	Landscaping, memorials, playground, lighting, signage, access/paths, building conversion; irrigation	\$1,758,143.05	\$156,857	\$1,915,000.00	Entire LGA	22,187	9,662	100.00%	\$79.24	\$16.23	S/M
OS7 Morgan Street Reserve	New Playground	\$50,494.97	\$4,505	\$55,000.00	Entire LGA	22,187	9,662	100.00%	\$2.28	\$0.47	L
OS9 Wall Street Reserve	Landscaping, playground renewal, boundary safety fencing	\$137,713.55	\$12,286	\$150,000.00	Entire LGA	22,187	9,662	100.00%	\$6.21	\$1.27	S
OS10 Devitt Place Reserve	Landscaping, furniture, fencing, lighting	\$41,314.07	\$3,686	\$45,000.00	Entire LGA	22,187	9,662	100.00%	\$1.86	\$0.38	L
OS11 Elliott Place Reserve	Playground replacement, furniture, landscaping, possible community garden	\$100,989.94	\$9,010	\$110,000.00	Entire LGA	22,187	9,662	100.00%	\$4.55	\$0.93	M
OS12 Flack Avenue Reserve	Playground replacement	\$55,085.42	\$4,915	\$60,000.00	Entire LGA	22,187	9,662	100.00%	\$2.48	\$0.51	L
OS13 Flint Street Reserve	Playground upgrade, lighting	\$18,361.81	\$1,638	\$20,000.00	Entire LGA	22,187	9,662	100.00%	\$0.83	\$0.17	L
OS14.1 Grace Campbell Reserve 1	playground shade structure, landscape embellishments, repair and upgrade play item	\$114,761.30	\$10,239	\$125,000.00	Entire LGA	22,187	9,662	100.00%	\$5.17	\$1.06	M
OS14.2 Grace Campbell Reserve 2	landscaping, fencing	\$4,590.45	\$410	\$5,000.00	Entire LGA	22,187	9,662	100.00%	\$0.21	\$0.04	L
OS14.3 Grace Campbell Reserve 3	Landscaping, lighting, public art to wall	\$36,723.61	\$3,276	\$40,000.00	Entire LGA	22,187	9,662	100.00%	\$1.66	\$0.34	S/L
OS14.4 Grace Campbell Reserve 4	Embellishments	\$4,590.45	\$410	\$5,000.00	Entire LGA	22,187	9,662	100.00%	\$0.21	\$0.04	L
OS15 Jauncey Place Reserve	Landscaping, furniture, fencing, lighting	\$22,952.26	\$2,048	\$25,000.00	Entire LGA	22,187	9,662	100.00%	\$1.03	\$0.21	L
OS16 Muller Reserve	Playground replacement, landscape, furniture, boundary safety fence, playground shade structure; irrigation	\$156,075.36	\$13,925	\$170,000.00	Entire LGA	22,187	9,662	100.00%	\$7.03	\$1.44	S
OS17 Nilson Avenue Reserve	Playground replacement	\$22,952.26	\$2,048	\$25,000.00	Entire LGA	22,187	9,662	100.00%	\$1.03	\$0.21	L

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
OS18 Nilson Avenue Reserve 2	Landscaping, furniture	\$6,885.68	\$614	\$7,500.00	Entire LGA	22,187	9,662	100.00%	\$0.31	\$0.06	L
OS19 Rhodes Street Reserve	Landscaping, pathways, furniture, amenity area lighting, shelter and BBQ, basketball keyhole, fitness stations; irrigation	\$1,101,708.44	\$98,292	\$1,200,000.00	Entire LGA	22,187	9,662	100.00%	\$49.66	\$10.17	M
OS20 Templeman Crescent Reserve	Landscape, paths, fence	\$9,180.90	\$819	\$10,000.00	Entire LGA	22,187	9,662	100.00%	\$0.41	\$0.08	L
OS39 Holloway Street Reserve	Landscaping, furniture	\$18,361.81	\$1,638	\$20,000.00	Entire LGA	22,187	9,662	100.00%	\$0.83	\$0.17	M
OS42 Dalley Avenue Reserve	Playground upgrade, furniture, landscaping, pathways and linkages, lighting	\$22,952.26	\$2,048	\$25,000.00	Entire LGA	22,187	9,662	100.00%	\$1.03	\$0.21	L
OS44 Dransfield Avenue Reserve	Landscaping	\$6,885.68	\$614	\$7,500.00	Entire LGA	22,187	9,662	100.00%	\$0.31	\$0.06	L
OS45 Dr Darragh Reserve	Landscaping, pathways, creation of urban space	\$27,542.71	\$2,457	\$30,000.00	Entire LGA	22,187	9,662	100.00%	\$1.24	\$0.25	L
OS56 McBurney Avenue Reserve	Embellishments	\$6,885.68	\$614	\$7,500.00	Entire LGA	22,187	9,662	100.00%	\$0.31	\$0.06	L
OS57 55 McBurney Avenue	Landscaping, furniture, small play, fencing	\$50,494.97	\$4,505	\$55,000.00	Entire LGA	22,187	9,662	100.00%	\$2.28	\$0.47	M
OS62 Todd Reserve	Landscaping, playground replacement, pathways, playground shade, irrigation	\$119,351.75	\$10,648	\$130,000.00	Entire LGA	22,187	9,662	100.00%	\$5.38	\$1.10	M
Local Parks South	Subtotal	\$3,894,998.37	\$347,501.63	\$4,242,500.00					\$265.80	\$73.85	
Total Local Parks	Total	\$5,785,346.43	\$516,153.57	\$6,301,500.00					\$356.05	\$92.79	
Local Parks	Acquisitions										
Wall Street Reserve	Acquisition	\$3,580,552.42	\$319,448	\$3,900,000.00	Entire LGA	22,187	9,662	100.00%	\$161.38	\$33.06	S
	Embellishment	\$350,618.71	\$31,281	\$381,900.00	Entire LGA	22,187	9,662	100.00%	\$15.80	\$3.24	S
Flack Avenue Reserve 1	Acquisition	\$1,193,517.47	\$106,483	\$1,300,000.00	Entire LGA	22,187	9,662	100.00%	\$53.79	\$11.02	L
	Embellishment	\$146,527.22	\$13,073	\$159,600.00	Entire LGA	22,187	9,662	100.00%	\$6.60	\$1.35	L
Templeman Crescent Reserve - connection to Flint Street and creation of larger park	Acquisition	\$4,158,949.35	\$371,051	\$4,530,000.00	Entire LGA	22,187	9,662	100.00%	\$187.45	\$38.40	L
	Embellishment	\$120,361.65	\$10,738	\$131,100.00	Entire LGA	22,187	9,662	100.00%	\$5.42	\$1.11	L
Elliot Place Reserve - connection to Flint Street and creation of larger park	Acquisition	\$1,193,517.47	\$106,483	\$1,300,000.00	Entire LGA	22,187	9,662	100.00%	\$53.79	\$11.02	L
	Embellishment	\$128,073.61	\$11,426	\$139,500.00	Entire LGA	22,187	9,662	100.00%	\$5.77	\$1.18	L
Dalley Avenue Reserve - enhanced connections to Wentworth Avenue and Baker Street - requires 2 parcels	Acquisition	\$4,158,949.35	\$371,051	\$4,530,000.00	Entire LGA	22,187	9,662	100.00%	\$187.45	\$38.40	L
	Embellishment	\$133,031.29	\$11,869	\$144,900.00	Entire LGA	22,187	9,662	100.00%	\$6.00	\$1.23	L
Griffith Park	Acquisition	\$3,580,552.42	\$319,448	\$3,900,000.00	Entire LGA	22,187	9,662	100.00%	\$161.38	\$33.06	M
	Embellishment	\$172,692.80	\$15,407	\$188,100.00	Entire LGA	22,187	9,662	100.00%	\$7.78	\$1.59	M
Edmund Thornton Reserve - connection to Bridgit Tight Reserve	Acquisition	\$1,193,517.47	\$106,483	\$1,300,000.00	Entire LGA	22,187	9,662	100.00%	\$53.79	\$11.02	M
	Embellishment	\$126,696.47	\$11,304	\$138,000.00	Entire LGA	22,187	9,662	100.00%	\$5.71	\$1.17	M
					Entire LGA						
55 McBurney Avenue	Acquisition	\$2,387,034.95	\$212,965	\$2,600,000.00	Entire LGA	22,187	9,662	100.00%	\$107.59	\$22.04	L
	Embellishment	\$256,147.21	\$22,853	\$279,000.00	Entire LGA	22,187	9,662	100.00%	\$11.54	\$2.37	L
Robey Reserve	Acquisition	\$2,304,406.81	\$205,593	\$2,510,000.00	Entire LGA	22,187	9,662	100.00%	\$103.86	\$21.28	S
	Embellishment	\$210,398.77	\$18,771	\$229,170.00	Entire LGA	22,187	9,662	100.00%	\$9.48	\$1.94	S
Elphick Avenue Reserve - or access covenant to connect to Carinya Avenue	Acquisition	\$91,809.04	\$8,191	\$100,000.00	Entire LGA	22,187	9,662	100.00%	\$4.14	\$0.85	M
	Embellishment	\$174,896.21	\$15,604	\$190,500.00	Entire LGA	22,187	9,662	100.00%	\$7.88	\$1.61	M

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
Sparks Reserve - connections to Wentworth Avenue	Acquisition	\$1,193,517.47	\$106,483	\$1,300,000.00	Entire LGA	22,187	9,662	100.00%	\$53.79	\$11.02	L
	Embellish resumed land	\$137,713.55	\$12,286	\$150,000.00	Entire LGA	22,187	9,662	100.00%	\$6.21	\$1.27	L
Dransfield Avenue	Acquisition	\$4,008,382.53	\$357,617	\$4,366,000.00	Entire LGA	22,187	9,662	100.00%	\$180.66	\$37.01	L
	Embellishment	\$2,405,029.52	\$214,570	\$2,619,600.00	Entire LGA	22,187	9,662	100.00%	\$108.40	\$22.21	L
Lever Street park	347.7 m2 repay acquisition	\$1,198,107.92	\$106,892	\$1,305,000.00	Rest LGA	22,187	9,662	100.00%	\$54.00	\$11.06	
Pemberton precinct, Pagewood	2ha district park within 2km	\$36,723,614.56	\$3,276,385	\$40,000,000.00	Entire LGA	22,187	9,662	100.00%	\$1,655.19	\$339.10	L
Pemberton precinct, Pagewood	2 x 3000m2 Local parks	\$20,684,575.90	\$1,845,424	\$22,530,000.00	Rest LGA	22,187	9,662	100.00%	\$932.28	\$191.00	L
Mascot Town Centre	2ha district park within 2km	\$45,904,518.20	\$4,095,482	\$50,000,000.00	MSP	22,187	9,662	100.00%	\$2,068.98	\$423.88	L
Miles St. Mascot	2 x 3000m2 local park within 400m	\$7,500,000.00	\$0	\$7,500,000.00	MSP	880	0	100.00%	\$8,522.73	\$0.00	L
Mascot Town Centre	2 x 3000m2 local park within 400m	\$10,851,150.85	\$1,148,849	\$12,000,000.00	MSP	9,203	5,056	100.00%	\$1,179.09	\$227.22	L
Eastgardens	3 x 3000m2 within 400m	\$16,525,626.55	\$1,474,373	\$18,000,000.00	Rest LGA	22,187	9,662	100.00%	\$744.83	\$0.00	L
Local Park, Acquisition		\$172,794,487.74	\$14,927,882.26	\$187,722,370.00					\$16,662.80	\$1,500.74	
Public Domain											
PD2 - Banksmeadow Neighbourhood Centre public domain upgrading (Botany Road – Wilson Street to Pemberton Street)	Raingardens/landscaping, Footpath replacement, Street tree planting, Planters, Street furniture, Public Art	\$546,694.10	\$49,145.78	\$600,000.00	Entire LGA	22,187	9,662	100.00%	\$24.64	\$5.09	S
PD5 - Hillsdale Local Centre public domain upgrading (Corner Flint Street and Bunnerong Road)	Footpath improvements, Street trees, Planting/landscaping, Street furniture	\$41,002.06	\$3,685.93	\$45,000.00	Entire LGA	22,187	9,662	100.00%	\$1.85	\$0.38	L
PD6 - Daceyville Neighbourhood Centre public domain upgrading (General Bridges Crescent – Gardeners Road to Cook Avenue)	Landscaping/gardens, Street furniture, Fencing, Amenity lighting	\$27,334.70	\$2,457.29	\$30,000.00	Entire LGA	22,187	9,662	100.00%	\$1.23	\$0.25	L
PD7 - Swinbourne Street Neighbourhood Centre public domain upgrading (Swinbourne Street – around Queen Street/Albert Street/Trevelyan Street)	Raingardens, Footpath improvements, Street trees, Planting/landscaping, Street furniture	\$136,673.52	\$12,286.45	\$150,000.00	Entire LGA	22,187	9,662	100.00%	\$6.16	\$1.27	M
PD9 - Page Street Neighbourhood Centre public domain upgrading (Part Dalley Avenue)	Footpath improvement, Street trees/planting, Raingardens, Street furniture, Pocket park upgrade, Amenity lighting	\$31,890.49	\$2,866.84	\$35,000.00	Entire LGA	22,187	9,662	100.00%	\$1.44	\$0.30	L
PD10 - Eastlakes Neighbourhood Centre - Improvement of public footpaths immediately adjoining the centre – Racecourse Place, Evans Avenue, Barber Avenue, used to access the Centre and connections from Centre to local parks	Footpath replacement, Street tree planting, Street furniture	\$85,648.74	\$7,699.51	\$94,000.00	Entire LGA	22,187	9,662	100.00%	\$3.86	\$0.80	M
PD11 - Enhance connection to John Curtin Reserve (Connections within Mascot Local Centre (Elizabeth Ave, Robey St, High St))	Footpath improvement, Street tree planting, Street furniture	\$34,623.96	\$3,112.57	\$38,000.00	Entire LGA	22,187	9,662	100.00%	\$1.56	\$0.32	L
PD12 Enhance connection to Booralee Park/Botany Pool (development site - cnr Banksia St & William St (Jasmine St, Myrtle St))	Footpath replacement/improvement, Street tree planting	\$17,443.72	\$1,556.28	\$19,000.00	Entire LGA	22,187	9,662	100.00%	\$0.79	\$0.16	L

**City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)**

**Appendix A
Works Schedule**

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
PD13 - Enhance connection to Garnet Jackson Reserve and upgrade small island park (surrounding Swinbourne Street Neighbourhood Centre(Swinbourne St, Victoria St))	Footpath replacement, Street tree planting, Street furniture	\$27,542.71	\$2,457.29	\$30,000.00	Entire LGA	22,187	9,662	100.00%	\$1.24	\$0.25	L
PD14 - Enhance connection to Banksmeadow shops and Banksmeadow Public School (Wilson/Pemberton Street development site (Wiggins St, Wilson St, Botany Rd))		\$25,512.39	\$2,293.47	\$28,000.00	Entire LGA	22,187	9,662	100.00%	\$1.15	\$0.24	M
PD15 - Enhance connections to Sir Joseph Banks Park (Edgehill Avenue development site (Edgehill Ave, Hayden Place))	Footpath improvement, Street tree planting	\$6,378.10	\$573.37	\$7,000.00	Entire LGA	22,187	9,662	100.00%	\$0.29	\$0.06	S
PD16 - Enhance connections/frontage to Sir Joseph Banks Park (Tupia Street development site)	Landscaping	\$8,200.41	\$737.19	\$9,000.00	Entire LGA	22,187	9,662	100.00%	\$0.37	\$0.08	L
PD18 - Enhance connection to Holloway Reserve, Wentworth Avenue and business development site east of Centre (Surrounding Page Street Neighbourhood Centre)	Footpath replacement, Street tree planting, landscaping	\$9,111.57	\$819.10	\$10,000.00	Entire LGA	22,187	9,662	100.00%	\$0.41	\$0.08	M
PD19 - Enhance connections to local parks – Mutch Park, Jellicoe Park (Surrounding BATA development site (Westfield Drive, Heffron Rd, Banks Ave, Kenny Rd))	Footpath improvement, Street tree planting	\$25,512.39	\$2,293.47	\$28,000.00	Entire LGA	22,187	9,662	100.00%	\$1.15	\$0.24	S
PD20 - Enhance footpath to local pocket parks (Surrounding Hillsdale Local Centre)	Footpath replacement, Street tree planting	\$14,578.51	\$1,310.55	\$16,000.00	Entire LGA	22,187	9,662	100.00%	\$0.66	\$0.14	L
PD21 - Enhance connections to Hillsdale Local Centre and frontage to Rhodes Street Reserve (Development site Bunnerong Road/Rhodes St Reserve)	Footpath improvement, Street tree planting, Landscaping	\$17,311.98	\$1,556.28	\$19,000.00	Entire LGA	22,187	9,662	100.00%	\$0.78	\$0.17	M
PD22 - Enhance connections to Sir Joseph Banks Park (Banksmeadow Neighbourhood Centre surrounds (Tupia St, Waratah Rd, Fremlin St))	Footpath improvement, Street tree planting, landscaping, Street furniture	\$13,667.35	\$1,228.64	\$15,000.00	Entire LGA	22,187	9,662	100.00%	\$0.62	\$0.14	M
PD23 - Enhance connections to Mascot Park/Oval, Memorial Park and Mascot Local Centre (Surrounding Mascot Station Precinct Town Centre (Coward St, O'Riordan St, Kent St, John St))	Footpath improvement, Street tree planting, landscaping	\$89,293.37	\$8,027.14	\$98,000.00	Entire LGA	22,187	9,662	100.00%	\$4.02	\$0.90	S
PD24 - O'Riordan St/Bourke Rd south, Baxter Rd, Robey St (Mascot Business Development Precinct (O'Riordan St, Bourke St South, Baxter Rd, Robey St))	Footpath improvements, Street tree planting	\$136,673.52	\$12,286.45	\$150,000.00	Entire LGA	22,187	9,662	100.00%	\$6.16	\$1.38	L
PD25 - West of Pemberton Street (Botany South development Precinct (Botany Rd))	Footpath improvements, Street tree planting	\$136,673.52	\$12,286.45	\$150,000.00	Entire LGA	22,187	9,662	100.00%	\$6.16	\$1.27	S

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
PD27 - General improvements (Miles Street and part Elphick, Carinya and Hughes Avenue)	Footpath upgrade, street tree planting, nature strips	\$120,269.84	\$10,730.16	\$131,000.00	Entire LGA	22,187	9,662	100.00%	\$5.42	\$1.11	L
PD 27A Public Domain Masterplan		\$55,085.42	\$4,914.58	\$60,000.00	Entire LGA	22,187	9,662	100.00%	\$2.48	\$0.51	S
PD 27B Urban Design Strategy		\$64,266.33	\$5,733.67	\$70,000.00	Entire LGA	22,187	9,662	100.00%	\$2.90	\$0.59	S
PD 27C Street trees planting		\$2,295,225.91	\$204,774.09	\$2,500,000.00	Entire LGA	22,187	9,662	100.00%	\$103.45	\$21.19	S
Irrigation all parks	Increase carrying capacity of parks	\$1,198,107.92	\$106,892.08	\$1,305,000.00	Entire LGA	22,187	9,662	100.00%	\$54.00	\$11.06	S
Swinbourne Road	Embellishment	\$885,957.20	\$79,042.80	\$965,000.00	Rest LGA	22,187	9,662	100.00%	\$39.93	\$8.18	
Rowland Street Park	Design & documentation	\$68,856.78	\$6,143.22	\$75,000.00	Rest LGA	22,187	9,662	100.00%	\$3.10	\$0.64	
Public Domain	Subtotal	\$6,119,537	\$546,911	\$6,677,000					\$275.82	\$56.80	
Recreation	Total	\$223,401,552	\$21,721,618	\$245,123,170					\$18,922	\$1,934	

Total Recreation Facilities \$245,123,170

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

Table A3 - TRANSPORT FACILITIES WORK SCHEDULE

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
ROAD WORKS	Mascot Station Precinct										
R1.9 - Church, John and Coward Streets SWOOS works	Road construction	\$312,265.09	\$63,041	\$700,000	MSP	9203	4606	100%	\$33.93	\$13.69	L
R1.9A - Church O'Riordan Street intersection	Signals	\$446,092.99	\$90,059	\$1,000,000	MSP	9203	4606	100%	\$48.47	\$19.55	S/M
R1.10 - Miles Street	Road construction	\$761,000	\$0	\$761,000	Miles Street	880		100%	\$864.77		M/L
R4.8 Road upgrades - Mascot West Kent to Canal	Road improvements - upgrade roads to deal with the increased traffic.	\$1,334,995	\$328,368	\$2,551,172	MSP	5056	4606	100%	\$264.04	\$71.29	M/L
R4.9 Road upgrades - Mascot West Kent to Canal	Implement measures to allow pedestrians/ cyclists and through traffic to co-exist	\$266,999	\$65,673	\$510,234	MSP	5056	4606	100%	\$52.81	\$14.26	L
Bourke Street	Signalised crossing at Station	\$284,255	\$69,918	\$543,210	MSP	5056	4606	100%	\$56.22	\$15.18	S
Road Works MSP	Sub-total	\$3,405,607	\$617,059	\$6,065,616					\$1,320.25	\$118.79	

Roadworks - Residential Areas	OUTSIDE MASCOT STATION PRECINCT	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKERS	CAPITAL COST							
Botany											
R4.18 - Road Improvements - Bay Street (South of Botany Rd)	Road Improvements	\$19,749	\$2,322	\$28,350	Rest LGA	22187	9662	100%	\$0.89	\$0.24	L
R4.19 - Road Improvements - Swinbourne Street, Botany	Road Improvements	\$29,917	\$3,518	\$42,945	Rest LGA	22187	9662	100%	\$1.35	\$0.36	L
R4.24 - Road Improvements - Tupia Street	Road Improvements	\$27,001	\$3,175	\$38,760	Rest LGA	22187	9662	100%	\$1.22	\$0.33	L
R4.26 - Road Improvements - Ivy Street, Botany	Road Improvements	\$10,324	\$1,214	\$14,820	Rest LGA	22187	9662	100%	\$0.47	\$0.13	L
R4.32 - Bay Street (North of Botany Rd)	Road Improvements	\$141,416	\$16,628	\$203,000	Rest LGA	22187	9662	100%	\$6.37	\$1.72	L
R4.38 - Road Improvements - Cranbrook & Hastings St, Botany (Roundabout)	Road Improvements	\$22,971	\$2,701	\$32,975	Rest LGA	22187	9662	100%	\$1.04	\$0.28	S
R4.39 - Road Improvements - Trevelyan Street, Botany	Road Improvements	\$49,496	\$5,820	\$71,050	Rest LGA	22187	9662	100%	\$2.23	\$0.60	M
R4.40 - Road Improvements - Queen Street, Botany	Road Improvements	\$59,562	\$7,003	\$85,500	Rest LGA	22187	9662	100%	\$2.68	\$0.72	L
R4.41 - Road Improvements - Hambly Street, Botany	Road Improvements	\$49,468	\$5,816	\$71,010	Rest LGA	22187	9662	100%	\$2.23	\$0.60	L
R4.42 - Road Improvements - Daphne St, Botany	Road Improvements	\$127,901	\$15,039	\$183,600	Rest LGA	22187	9662	100%	\$5.76	\$1.56	S
R4.43 - Road Improvements - Rochester Street, Botany	Road Improvements	\$79,416	\$9,338	\$114,000	Rest LGA	22187	9662	100%	\$3.58	\$0.97	L
R4.44 - Road Improvements - Livingstone Street, Botany	Road Improvements	\$36,301	\$4,268	\$52,110	Rest LGA	22187	9662	100%	\$1.64	\$0.44	M
R4.51 - Road Improvements - Railway Road, Botany	Road Improvements	\$27,587	\$3,244	\$39,600	Rest LGA	22187	9662	100%	\$1.24	\$0.34	L
R4.52 - Road Improvements - Kurnell Street, Botany	Road Improvements	\$43,261	\$5,087	\$62,100	Rest LGA	22187	9662	100%	\$1.95	\$0.53	L
R4.53 - Road Improvements - Edgehill Ave, Botany	Road Improvements	\$103,450	\$12,164	\$148,500	Rest LGA	22187	9662	100%	\$4.66	\$1.26	L
R4.54 - Road Improvements - Anniversary Street, Botany	Road Improvements	\$67,713	\$7,962	\$97,200	Rest LGA	22187	9662	100%	\$3.05	\$0.82	L
R4.58 - Road Improvements - Hanna Street, Botany	Road Improvements	\$44,034	\$5,178	\$63,210	Rest LGA	22187	9662	100%	\$1.98	\$0.54	L
R4.58A - Road Improvements - Hastings Street	Road Improvement	\$139,326	\$16,382	\$200,000	Rest LGA	22187	9662	100%	\$6.28	\$1.70	L

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
Daceyville											
R4.29 - Road Improvements - Banks Avenue, Daceyville	Road Improvements	\$5,242	\$616	\$7,525	Rest LGA	22187	9662	100%	\$0.24	\$0.06	S
Eastgardens											
R4.59 - Road Improvements - Corish Circle, Eastgardens	Road Improvements	\$97,556	\$11,471	\$140,040	Rest LGA	22187	9662	100%	\$4.40	\$1.19	M
Eastlakes											
R4.23 - Road Improvements - Evans Lane, Eastlakes	Road Improvements	\$7,524	\$885	\$10,800	Rest LGA	22187	9662	100%	\$0.34	\$0.09	L
R4.27 - Road Improvements - Mascot Drive, Eastlakes	Road Improvements	\$36,085	\$4,243	\$51,800	Rest LGA	22187	9662	100%	\$1.63	\$0.44	S
R4.35 - Road Improvements - St. Helena pde, Hillsdale	Road Improvements	\$38,855	\$4,569	\$55,775	Rest LGA	22187	9662	100%	\$1.75	\$0.47	S
R4.48 - Road Improvements - St Helena Parade, Eastlakes	Road Improvements	\$35,842	\$4,214	\$51,450	Rest LGA	22187	9662	100%	\$1.62	\$0.44	S
R4.57 - Road Improvements - Evans Avenue from Racecourse Place to Florence Ave	Road Improvements	\$95,404	\$11,218	\$136,950	Rest LGA	22187	9662	100%	\$4.30	\$1.16	S
Hillsdale											
R4.20 - Road Improvements - Rhodes Street, Hillsdale	Road Improvements	\$36,253	\$4,263	\$52,040	Rest LGA	22187	9662	100%	\$1.63	\$0.44	M
R4.28 - Road Improvements - Brittain Crescent, Hillsdale	Road Improvements	\$30,721	\$3,612	\$44,100	Rest LGA	22187	9662	100%	\$1.38	\$0.37	S
R4.30 - Road Improvements - Smith Street, Hillsdale	Road Improvements	\$4,222	\$496	\$6,060	Rest LGA	22187	9662	100%	\$0.19	\$0.05	S
R4.31 - Road Improvements - Rhodes Street, Hillsdale	Road Improvements	\$26,723	\$3,142	\$38,360	Rest LGA	22187	9662	100%	\$1.20	\$0.33	M
R4.33 - Road Improvements - Grace Campbell Cres & Nilson Ave, Hillsdale	Road Improvements	\$8,778	\$1,032	\$12,600	Rest LGA	22187	9662	100%	\$0.40	\$0.11	S
R4.34 - Road Improvements - Grace Campbell Crescent, Hillsdale	Road Improvements	\$83,631	\$9,833	\$120,050	Rest LGA	22187	9662	100%	\$3.77	\$1.02	M
R4.45 - Road Improvements - Nilson Avenue, Hillsdale	Road Improvements	\$47,838	\$5,625	\$68,670	Rest LGA	22187	9662	100%	\$2.16	\$0.58	S
R4.55 - Road Improvements - Unsted Crescent, Hillsdale	Road Improvements	\$2,612	\$307	\$3,750	Rest LGA	22187	9662	100%	\$0.12	\$0.03	M
R4.60 - Road Improvements - Tierney Ave, Hillsdale	Road Improvements	\$56,761	\$6,674	\$81,480	Rest LGA	22187	9662	100%	\$2.56	\$0.69	M
Mascot											
R4.22 - Road Improvements - Mc Burney Avenue, Mascot	Road Improvements	\$70,220	\$8,256	\$100,800	Rest LGA	22187	9662	100%	\$3.16	\$0.85	M
R4.25 - Road Improvements - Middlemiss Street, Mascot	Road Improvements	\$40,471	\$4,759	\$58,095	Rest LGA	22187	9662	100%	\$1.82	\$0.49	S
R4.36 - Road Improvements - Oliver Street, Mascot	Road Improvements	\$36,207	\$4,257	\$51,975	Rest LGA	22187	9662	100%	\$1.63	\$0.44	L
R4.37 - Road Improvements - Elphick Ave, Mascot	Road Improvements	\$15,068	\$1,772	\$21,630	Rest LGA	22187	9662	100%	\$0.68	\$0.18	L
R4.46 - Road Improvements - Frogmore Street, Mascot	Road Improvements	\$69,663	\$8,191	\$100,000	Rest LGA	22187	9662	100%	\$3.14	\$0.85	S
R4.47 - Road Improvements - Church Avenue, Mascot	Road Improvements	\$124,140	\$14,596	\$178,200	Rest LGA	22187	9662	100%	\$5.60	\$1.51	S
R4.49 - Road Improvements - Carinya Ave, Mascot	Road Improvements	\$77,869	\$9,156	\$111,780	Rest LGA	22187	9662	100%	\$3.51	\$0.95	M
R4.56 - Road Improvements - Wellington Street, Mascot	Road Improvements	\$179,313	\$21,084	\$257,400	Rest LGA	22187	9662	100%	\$8.08	\$2.18	M
Hollingshead & Frogmore Streets	Roundabout	\$67,573	\$7,945	\$97,000	Rest LGA	22187	9662	100%	\$3.05	\$0.82	M
Roadworks - Residential Areas	Subtotal	\$2,373,464	\$279,071	\$3,407,060					\$106.98	\$28.88	

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
CYCLEWAYS											
Mascot Station Precinct											
C1.3 - Church Street Kent to Canal	off road shareway	\$85,648.74	\$8,999	\$94,000	Entire LGA	9203	5056	100%	\$9.31	\$16.94	M
C2.1 - Kent Road Gardeners to Church	off road shareway	\$19,680.99	\$2,068	\$21,600	Entire LGA	9203	5056	100%	\$2.14	\$3.89	S
ML7 - Kent Road Coward to Ricketty	off road shareway	\$55,216.10	\$5,802	\$60,600	Entire LGA	9203	5056	100%	\$6.00	\$10.92	M
C3.1 - Bourke Street Gardeners to Coward	off road shareway	\$42,095.45	\$4,423	\$46,200	Entire LGA	9203	5056	100%	\$4.57	\$8.33	S
C3.2 Bourke Road Coward to O'Riordan	off road shareway	\$25,330.16	\$2,662	\$27,800	Entire LGA	9203	5056	100%	\$2.75	\$5.01	S
C3.3 - O'Riordan - Bourke Road to Joyce	off road shareway	\$0.00	\$0		Entire LGA	9203	5056	100%	\$0.00	\$0.00	NA
C4.2 Alexandra Canal - Railway bridge at Airport Drive to General Holmes Dr. & Botany Rd	off road shareway	\$731,973.28	\$76,910	\$803,345	Entire LGA	9203	5056	100%	\$79.54	\$144.77	L
ML4 Coward St from Botany Road to O'Riordan Street	Off Street Shared	\$104,884.17	\$11,020	\$115,111	Entire LGA	9203	5056	100%	\$11.40	\$20.74	M
ML8 Ricketty Street	Off Street Shared	\$88,382.21	\$9,287	\$97,000	Entire LGA	9203	5056	100%	\$9.60	\$17.48	M
ML12 Alexandria Canal Bridge along Qantas Drive	1300m on street; 500m off street	\$469,245.77	\$49,305	\$515,000	Entire LGA	9203	5056	100%	\$50.99	\$92.81	L
ML14 Canal Road from Gardeners Road to Coward Street	Off Street Shared	\$99,947.64	\$10,502	\$109,693	Entire LGA	9203	5056	100%	\$10.86	\$19.77	S
ML16 Botany Road /Robey Street from Hollingshed Street to Qantas Drive	On Street Shared	\$12,899.90	\$1,355	\$14,158	Entire LGA	9203	5056	100%	\$1.40	\$2.55	S
Mascot											
Canal side cycleway	500m off-road -Aquire ROW & construct	\$1,086,535.01	\$111,636	\$1,500,000	MSP	12104	4606	100%	\$89.77	\$235.90	M
Nnr Bourke and O'Riordan to airport	700m on-road shared cycleway	\$361,019.37	\$37,093	\$498,400	MSP	12104	4606	100%	\$29.83	\$78.38	M
Banksmeadow											
page St. & Stephen Road	Mixed on-road and shred cycleway	\$217,307.00	\$22,327	\$300,000	Rest LGA	12104	4606	100%	\$17.95	\$47.18	M
Botany											
ML13 Path extension along the Sir Joseph Bank Park	400 m realignment & 1600m reconstruction	\$546,694.10	\$44,654	\$600,000	Entire LGA	12104	4606	100%	\$45.17	\$118.69	M
Daceyville											
Banks St. Rowland tto Gen. Bridges	700m shared on footpath condtruction	\$137,187.36	\$14,095	\$189,392	Entire LGA	12104	4606	100%	\$11.33	\$29.78	M
Eastgardens											
ML1 Banks Avenue from Heffron Road to Wentworth Avenue	On Street Shared	\$42,884.20	\$3,503	\$47,066	Entire LGA	12104	4606	100%	\$3.54	\$9.31	M
ML9 Corish Circle from Wentworth Avenue to Denison Street	On Street Shared	\$2,824.59	\$231	\$3,100	Entire LGA	12104	4606	100%	\$0.23	\$0.61	L
Eastlakes											
ML2 Wentworth Avenue from Bay Street to Banks Street	Off Street Shared	\$177,675.58	\$14,513	\$195,000	Entire LGA	12104	4606	100%	\$14.68	\$38.57	M
ML3 Page Street from Wentworth Avenue to Cowper Avenue	Off Street Shared	\$29,781.16	\$2,433	\$32,685	Entire LGA	12104	4606	100%	\$2.46	\$6.47	M

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

FACILITY	Description	CAPITAL COST RESIDENTIAL	CAPITAL COST WORKFORCE	CAPITAL COST	CATCHMENT AREA	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION RESIDENTIAL	CONTRIBUTION WORKFORCE	Priority
ML5 Sparks Street from Sutherland Street to King Street	On Street Shared	\$22,778.92	\$1,861	\$25,000	Entire LGA	12104	4606	100%	\$1.88	\$4.95	M
Hillsdale											
ML10 Denison Street from Corish circle to Beauchamp Road	Off Street Shared	\$314,349.11	\$25,676	\$345,000	Entire LGA	12104	4606	100%	\$25.97	\$68.25	L
Hensley to Heffron Connection	900m on-road & seperated cycleway	\$144,871.33	\$14,885	\$200,000	Rest LGA	12104	4606	100%	\$11.97	\$31.45	L
Pagewood											
ML15 Banksia, Page Street from Railway crossing to Corner of Page and Heffron	On Street Shared	\$87,167.66	\$7,120	\$95,667	Entire LGA	12104	4606	100%	\$7.20	\$18.92	L
Heffron & Banks Avenues	Bicycle lane & new parking	\$411,354.91	\$42,264	\$567,890	Rest LGA	12104	4606	100%	\$33.99	\$89.31	S
Banks Ave. Gen. bridges to Wentworth Ave.	2200m Seperated on-road cycleway	\$724,356.67	\$74,424	\$1,000,000	Rest LGA	12104	4606	100%	\$59.84	\$157.26	S
Bunnerong Road	Pedestrian/ cycle way bridge	\$1,448,713.35	\$148,847	\$2,000,000	Entire LGA	12104	4606	100%	\$119.69	\$314.53	S
General											
ML17 Intersection Treatments		\$225,361.92	\$18,408	\$247,336	Entire LGA	12104	4606	100%	\$18.62	\$48.93	L
ML18 Bike Parking		\$22,778.92	\$1,861	\$25,000	Entire LGA	12104	4606	100%	\$1.88	\$4.95	M
Cycleways	subtotal	\$7,738,946	\$768,161	\$9,776,043					\$685	\$1,647	
Transport	Total	\$13,518,016	\$1,664,291	\$19,248,719					\$2,111.79	\$1,794.33	

Total Transport Facilities \$19,248,719

Table A5 - ADMINISTRATION WORK

	COST RESIDENTS	COST WORKERS	CAPITAL COST 2016 TO 2031	Catchment	ADDITIONAL RESIDENT POPULATION	ADDITIONAL WORKER POPULATION	APPORTION TO NEW DEVELOPMENT	CONTRIBUTION - RESIDENT	CONTRIBUTION - WORKER
Study and Plan, 2016	\$183,618	\$16,382	\$200,000	Entire LGA	22,187	9,662	100%	\$8.28	\$1.70
Officer (1.5% works)	\$1,756,602	\$156,720	\$1,913,322	Entire LGA	22,187	9,662	100%	\$79.17	\$16.22
TOTAL	\$1,940,221	\$173,101	\$2,113,322					\$87	\$18

Summary Table A1 - A5

FACILITY	CAPITAL COST
Community Facilities	\$23,758,800
Recreation Facilities	\$245,123,170
Transport Facilities	\$19,248,719
Administration	\$2,113,322
Total works	\$290,244,011

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

TABLE B: REPLACEMENT WORKS

Works carried forward from Mascot Station Precint Section 94 Contributions Plan 2004

Table B1

Substituted Works			
	Facility	Capital Cost	Description
a)	Linear Park (Above SWOOS)	8,686,000	Embellishments of Sydney Water land above SWOOS
b)	Church Avenue 2 way traffic flow and widening	1,200,000	Street to be widened and embellished as a linear park
Residual Works			
	Facility	Capital Cost	Description
a	653 Gardiners Road		Part lot 1 DP 397364
b	232 Coward & 27 John Street, road widening	3,000,000	Acquire for Road widening (include to fund contribution concessions)
c	Detailed engineering drawings	556,600	
d	Church Avenue	235,400	Embellishment of road widening dedications
e	John St (East of Burke)	698,135	Construction of widened road on land dedicated by developments
f	Preparation of detailed plans	127,500	

**City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)**

**Appendix A
Works Schedule**

Table B2 - Substituted Works

Carried forward from City of Botany Bay Section 94 Contributions Plan 2005-2010

Previous reference	FACILITY	COST	Description
1 (Table 1)	Community Facilities	4,219,000	Refurbishment and upgrade of Eastgardens Library
4 (Table 1)	Community Facilities	1,600,000	42 Place Child Care Centre (Mascot Town Hall site)
6 & 7 (Table 1)	Community Facilities	1,000,000	Community Facility - Arthur Park Baby Health Centre
		\$ 6,819,000	Subtotal Community facilities
23 (Table 2)	Recreation Facilities	500,000	Lionel Bowen Park - shade structure& irrigation.
21 (Table 2)	Recreation Facilities	2,135,000	Booralee Park - new amenities
18 (Table 2)	Recreation Facilities	1,500,000	Mutch park Skate facility
45 (Table 2)	Recreation Facilities	500,000	Eastlakes reserve landscaping
42 (Table 2)	Recreation Facilities	345,000	Gairine Gardens Playground update
33 (Table 2)	Recreation Facilities	185,000	High Street Reserve off-lease area
11 (Table 2)	Recreation Facilities	380,000	Lever Reserve - Demolition & embellishment
33 (Table 2)	Recreation Facilities	105,000	Sparks Street reserve- Playground & off-leash area
39 (Table 2)	Recreation Facilities	75,000	Tierney Ave reserve - playground equipment & fencing
14 & 26 (Table 2)	Recreation Facilities	145,000	Sir Joseph Banks Park Concept Plan
17 (Table 2)	Recreation Facilities	700,000	Astrolabe Park Master Plan
22 (Table 2)	Recreation Facilities	160,000	Jellico Park - design & costing
		\$ 6,730,000	Subtotal Recreation
50 (Table 3)	Transport	3,500,000	Wilson/ Pemberton Streets drainage augmentation
58 & 59 (Table 4)	Transport	4,000,000	Acquisition land for signals cnr Botany & Pemberton
63 (Table 4)	Transport	5,500,000	Multi level carpark near cnr King & Hardie Streets Mascot
66 & 67 (Table 4)	Transport	1,700,000	Botany shops - footpath enhancement
66 & 67 (Table 4)	Transport	900,000	Roseberry shops - footpath embellishment
66 & 67 (Table 4)	Transport	1,500,000	Mascot shops - footpaths
66 & 67 (Table 4)	Transport	155,000	Maloney St. shops - footpaths
67 (Table 4)	Transport	250,000	Street lighting / footpath illumination
70 (Table 4)	Transport	7,500,000	Carpark O'Riordan Street , Mascot (nr. Mascot Oval)
93 & 96 (Table 4)	Transport	1,500,000	Acquisition for traffic lights; Baker & Wentworth Sts
		\$ 26,505,000	Subtotal Transport
99 (Table 5)	Admin	\$ 600,810	S94 Officer

**City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)**

**Appendix A
Works Schedule**

Residual Works

Carried forward from City of Botany bay Section 94 Contributions Plan 2005-2010

Table 1	Community Facilities		
8	Convert existing building to youth facility	590,139	
9	Provision of HACC operations centre	2,200,000	2,790,139
Table 2	Recreation		
10	Park Acquisition	6,260,000	
11	Embellishment of park acquisitions	817,128	
12	Recreation strategy	52,000	
13	Recreation program	170,000	
15	Mascot Memorial Park - embellishment	145,000	
16	Dacey gardens embellishment	110,000	
19	Rowland Park - embellishment	125,000	
32	John Curtin Park - cycle access	20,000	
35	Hayden Pl. Connection to SJB park - Play equipment	50,000	
36	Arthur Park - toddlers playground	70,000	
37	Morgan St Reserve - Playground & landscaping 200m2	50,000	
38	Wall St reserve - play equipment	30,000	
40	Rhodes Street reserve - embellishment 1.8ha	140,000	
44	Leon Lachlan reserve - landscaping & play equipment 834.7 m2	20,000	
46	Vernon Street reserve - playground	20,000	8,079,128
Table 3	Drainage		
47	Gardeners Road augmentation	1,230,000	
48	Kent Road interallotment augmentation	595,000	
49	Ricketty Road augmentation	145,000	1,970,000
Table 4	Transport		
52	Traffic management Mascot	300,000	
53	Cycleway (Design)	200,000	
54	Traffic management Botany	500,000	
55	Pedestrian mobility Botany	100,000	
56	Recreational cycleway in Botany	100,000	
60	Recreational cycleway near Pemberton/ Wilson Sts	50,000	

City of Botany Bay s7.11 Development Contributions Plan 2016
(Amendment 1)

Appendix A
Works Schedule

Residual Works

(contined)

64	Cycleway - shopping centre improvements	75,000	
65	Shopping centres - Road degradation	700,000	
71	Pedestrian mobility Mascot West	100,000	
72	Rectification of road degradation Mascot West	1,000,000	
75	Pedestrian mobility - Hale Booralee	50,000	
76	Rectification of road degradation - Hale Booralee	300,000	
78	Cycleway - Hale Booralee	80,000	
80	Rectification of road degradation - Mascot South	300,000	
81	Traffic management Mascot south	50,000	
82	Traffic management in Margate	250,000	
83	Pedestrian mobility in Margate	70,000	
84	Rectification of road degradation - Margate	400,000	
86	Rectification of road degradation - Banksmeadow	800,000	
87	Traffic management - Banksmeadow	200,000	
88	Pedestrian mobility - Banksmeadow South	50,000	
89	Botany Road & Stephen Road	500,000	
94	Pedestrian mobility - Banksmeadow North	100,000	
95	Rectification of road degradation - Banksmeadow North	500,000	6,775,000
Table 5	S94 Study and plan	294,214	294,214

Total residual works \$ 19,908,481



24 May 2018

Ms Meredith Wallace
General Manger
Bayside Council
444-446 Princes Highway
ROCKDALE NSW 2216

Dear Ms Wallace

DRAFT AMENDMENTS TO CITY OF BOTANY BAY SECTION 7.11 DEVELOPMENT CONTRIBUTIONS PLAN 2016

The substantial increase to the s7.11 contributions for development within the former Botany Area under the draft Botany 7.11 Contribution Plan (CP) is unreasonable and is counterproductive to the State Governments objective for increased housing production. Accordingly, Meriton objects to the proposed plan as outlined below.

Based on a typical 100 unit development (see table below), Council is seeking to increase contributions by 61% in a rapidly declining market, and if it wasn't for the caps is seeking to increase local contributions on residential development by **245%**. This will affect project feasibility and reduce housing supply which will result in a reduction in income for governments at all levels – local contributions, stamp duty and GST being the main contributions generated by development at each level of Government. It will also critically affect housing supply which is a primary objective of the state government and Greater Sydney Commission. At this stage in the market, Council should be doing all that is possible to reduce costs to development and encourage housing supply and the thousands of jobs it creates.

Unit Type	No.	Current CP rate	Contributions	Proposed CP rate	Contributions	Cap (\$20,000)
Study	10	\$7,517	\$75,172	\$24,994	\$249,945	\$200,000
1B	20	\$8,030	\$160,593	\$27,780	\$555,607	\$400,000
2B	50	\$13,211	\$660,574	\$45,639	\$2,281,959	\$1,000,000
3B	20	\$17,266	\$345,316	\$59,529	\$1,190,584	\$400,000
4B+	-	\$13,924	\$ -	\$71,832	\$ -	\$ -
TOTAL	100		\$1,241,654*		\$4,278,095	\$2,000,000
Avg/ unit			\$12,416		\$42,781	\$20,000
				Difference	245%	61%

*Rates direct from current CP. Subject to indexation.

MERITON PROPERTY SERVICES
Member of the Meriton Group
ABN: 69 115 511 281

Level 11 Meriton Tower
528 Kent Street, Sydney NSW 2000
Tel (02) 9287 2888
Fax (02) 9287 2777
meriton.com.au

For such a substantial change, the proposed CP is not supported by any independent auditing and request that the proposed plan gets independently audited by IPART or another government organisation. For such a substantial increase in contributions, it is imperative that the CP is justified by an independent party and that must be re-exhibited with a revised plan.

We also note that neither the current or proposed CP allows credits for existing uses for residential projects. It is unreasonable for Council's plan to state that there are different demands by workers and therefore no credit is applied. In other S.711 CP's in other Councils and like the Mascot Station Precinct, a lower rate for workers is applied to accommodate for the variation in demand on infrastructure/services funded under the contributions plan. Accordingly, there must be a credit applied for existing uses/workers on development sites.

While we acknowledge that the CP's exclude the application of contributions for non-residential uses in a new mixed-use development, this proportion of the new development is typically low and is inconsequential to the large-scale commercial/industrial uses that occupy identified development sites within the areas covered by the CP (Botany, Pagewood, Mascot etc). Accordingly, the Contributions Plan must make provision for credits.

Please contact the undersigned should you wish to discuss this further.

Yours faithfully
MERITON GROUP



Matthew Lennartz
Executive Manager – Planning and Government

CC: Mr Bill Sarinowski, Mayor, Bayside Council

Council Meeting

13/06/2018

Item No	8.13
Subject	Consideration of Community Feedback and Adoption of the Community Strategic Plan 2018 - 2030 - Bayside 2030
Report by	Debra Dawson, Director City Life
File	F17/903

Summary

In accordance with the NSW Local Government Act 1993 (Planning and Reporting) Amendment Act 2009 Council has developed an Integrated Planning and Reporting framework.

Bayside 2030 is Council's draft Community Strategic Plan. It sets the strategic direction for Council's Delivery Program and Operational Plans together with Council's other long term plans up to 2030.

Council, at its meeting of 11 April, 2018 resolved to place the Draft Community Strategic Plan on exhibition for 28 days. (Attachment 1).

Council is required to consider any submissions received during the public exhibition.

The Draft plan was exhibited from 12 April 2018 to 10 May 2018. One submission was received during this period.

This submission identifies two matters outlined below. Further, minor administrative changes have been made to the draft plan by staff; to address grammar and to harmonise documents.

Officer Recommendation

- 1 That Council notes and acknowledges all feedback on the Community Strategic Plan 2018 - 2030
 - 2 That Council adopts the Community Strategic Plan 2018 – 2030 (Attachment 1: Bayside 2030)
-

Background

At the ordinary Council meeting held on 11 April, 2018, Council resolved to place the Draft Community Strategic Plan - *Bayside 2030*, on exhibition for 28 days. One submission was obtained during this period. The feedback was received online through the 'Have Your Say' engagement site. One individual raised two matters:

- 1 Local Traffic infrastructure development around Eastlakes Shopping Centre and surrounds
- 2 No specific mention of open space in the Gardeners Road wetland area.

I see limited response in this document to address local traffic infrastructure development particularly around Eastlakes Shopping Centre and its surrounding area. There is no specific mention of open space in this area either particularly the Gardeners road wetland area. (Submission 1 - Received 20 April, 2018).

It is proposed that while this feedback does not require changes to the Plan, advising Council of the matters raised by an interested participant, informs Council of issues that are important to stakeholders at specific locations, in the short and longer term.

These matters may be addressed in the more detailed Delivery Program and in future representations to State government authorities responsible for these specific locations and issues. The applicant has supplied contact details and their submission will be acknowledged.

Community Strategy

The Plan was developed in line with the long term vision of the community and guided by principles of Integrated Planning and Reporting (IP&R) and guiding principles of social justice, resilient cities and good governance and outlined in the plan.

Financial Implications

The Community Strategic Plan will be delivered by Council through the Delivery Program 2018 - 2020, coinciding with the term of the current Council. Subsequent Delivery Programs will be informed by *Bayside 2030*. The Long Term Financial Plan (LTFP), when developed, will be used to achieve the Delivery Program and will incorporate the 2018 - 2020 Budget.

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

Community Engagement

Community engagement to develop the Draft Plan was undertaken from August 2017 to February 2018, in accordance with the Community Strategic Plan Community Engagement Strategy - Stage 1 & 2.

The Draft Plan was exhibited from 12 April 2018 to 10 May 2018. Throughout this period Council sought comment on the content of the draft document. Copies were made available at Council's Customer Service Centres and Libraries and on the 'Have Your Say' online community engagement site. Promotion occurred on Council's website, social media platforms and via e-newsletter, local newspaper and posters displayed at Council's community facilities.

Attachments

Community Strategic Plan 2018-2030.V4 [↓](#)






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

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

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

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

Contents

Welcome	4
What is a Community Strategic Plan.....	5
How was the plan developed?.....	6
How did we engage with you?	7
Guiding principles	8
Social justice principles	8
Resilient cities principles	8
Principles of good governance	9
About our City	11
Our place	11
Our people.....	12
Related plans.....	14
NSW Government plans and goals	15
Key future infrastructure projects.....	16
The plan	17

Theme One: In 2030 Bayside will be a vibrant place 18

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

Theme Two: In 2030 our people will be connected in a smart City. . 20

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

Theme Three: In 2030 Bayside will be green, leafy and sustainable. . . 22

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

Theme Four: In 2030 we will be a prosperous community 23

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

Welcome

Welcome to Bayside 2030, our Draft Community Strategic Plan.

This draft plan is on exhibition for 28 days and we encourage you to provide your feedback – comments, thoughts, ideas and suggestions so that we can incorporate them in the document which is our plan for the future.

Please note that the document you are looking at is not the final, graphically designed version and we are not seeking feedback on the appearance of the document but the content.

You can provide your feedback in a number of ways:

ONLINE:

Visit Council's 'Have Your Say' page: haveyoursay.bayside.nsw.gov.au

Via email to: bayside2030@bayside.nsw.gov.au

SEND A HARD COPY SUBMISSION TO:

Bayside Council, PO Box 21, Rockdale NSW 2216

IN PERSON AT EITHER OF OUR CUSTOMER SERVICE CENTRES:

Eastgardens Customer Service Centre
152 Bunnerong Road, Eastgardens

Rockdale Customer Service Centre
444-446 Princes Highway, Rockdale

Finally, thank you to everyone taking the time to provide input into the draft Community strategic plan and the more than 1,000 residents who have already provided their vision for the City in the future.



What is a Community Strategic Plan

The Bayside Council Community Strategic Plan is our plan for the future. It describes how we will work towards our vision for the City in 2030 – *A City built on trust, with engaged communities effective leadership and access to decision making*. It is based on the aspirations and values you have shared with us through extensive community engagement.

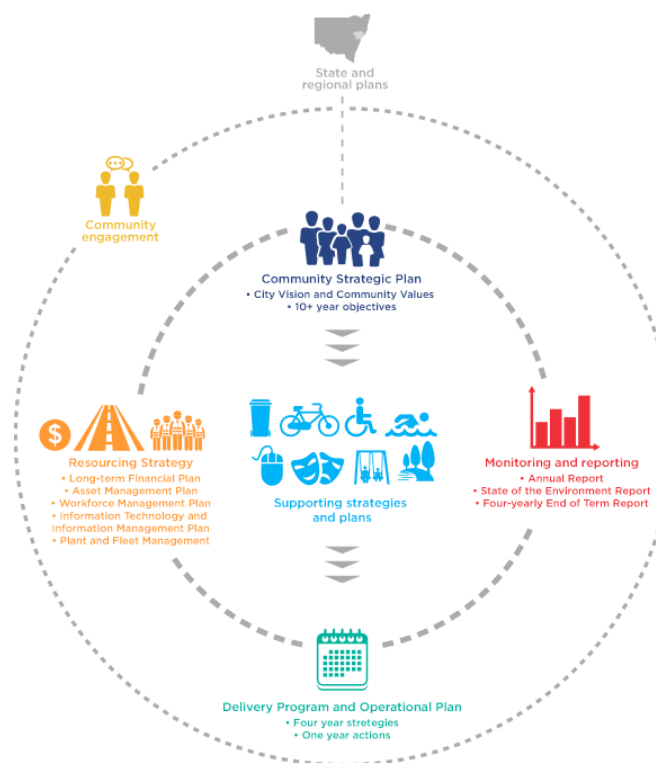
It will guide the City to meet the challenges and opportunities that will affect the community in the future. Emerging technologies, commercial activity and population growth will deliver challenges that will require a well thought out, planned response.

The Bayside Council Community Strategic Plan sits at the top of Council's planning framework and sets the strategic direction for Council's Delivery Program and Operational Plans as shown in the diagram. Together with our long term planning for financial management, workforce management and asset management, and land use planning through the development of the LEP, it ensures that we have an effective and cohesive way forward.

The plan acknowledges the Bayside NSW Local Government Area, its affiliation with our neighbouring councils, connection to the broader Sydney Metropolitan area and partnerships with the State.

The themes and directions outlined in this plan will inform Council's Delivery Program which sets out the outcomes Council will work towards during the current term of office, and the annual Operational Plans that describe Council's activities towards achieving those outcomes.

It is important to remember that while Bayside Council is the custodian of the City on behalf of the community, it can't deliver the outcomes of the Community Strategic Plan alone. It is called a community plan because responsibility for delivering the plan lies with everyone – Council, other levels of government, businesses, community and not for profit organisations, and our residents.



How was the plan developed?

Council developed the Community Strategic Plan Council considering the following elements:

- ▶ Extensive engagement with our community, businesses and partners.
- ▶ Demographic and population forecasting.
- ▶ The objectives of existing Council plans.
- ▶ Regional, State and national influences including the NSW State Plan and the Sydney Metropolitan Strategy.
- ▶ The principles of Resilient Cities, Social Justice and Good Governance.



How did we engage with you?

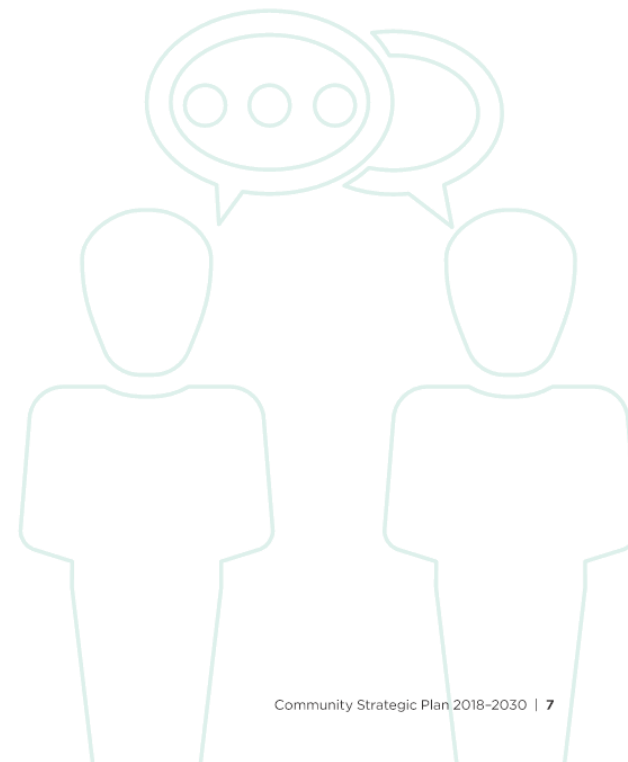
Guided by Council's adopted Communications and Community Engagement Strategy we engaged the community through a variety of methods. Your views were passionate and diverse, and your aspirations for the City were inspirational.

Across the City we offered the following opportunities to join in the discussion:

- ▶ 'Have Your Say' Bayside 2030 – online engagement portal.
- ▶ Attending local Interagencies with partner organisations.
- ▶ Our Bayside 2030 Live, Work and Play Postcard.
- ▶ Council Executive and Manager's workshops – future thinking.
- ▶ Youth and Seniors Focus groups.
- ▶ Individual interviews with hard to reach residents.
- ▶ Pop up kiosks at fairs, festivals and shopping centres.
- ▶ Postcards from the future – enabled people to write about their vision for Bayside.
- ▶ Social media.
- ▶ Workshops.

We asked you to describe the Bayside of the future:

- ▶ What is Bayside like now?
- ▶ What do you want Bayside to be like in 2030?
- ▶ How are we going to get there?
- ▶ How will we know we've arrived?



Guiding principles

Social Justice Principles

Social justice is recognition and action to support the rights of all people. All people have equal economic, social and cultural rights, regardless of gender, age, race, ethnicity, class, religion, disability or sexuality. Everyone should have the opportunity for personal development and be able to fully participate in society without discrimination.

This plan is guided by the NSW Social Justice Strategy principles of access, equity, participation and rights.

- ▶ Access – there is fairness in the distribution of resources.
- ▶ Rights are recognised and promoted.
- ▶ People have fairer access to the economic resources and services essential to meet their basic needs and improve their quality of life.
- ▶ People have better opportunities for genuine participation and consultation on decisions that affect their everyday lives.

Resilient Cities Principles

100 Resilient Cities (100RC) describes urban resilience as the capacity of individuals, communities, institutions, businesses, and systems within a City to survive, adapt, and grow no matter what kinds of chronic stresses and acute shocks it experiences. Bayside Council applies this framework to all of its medium and long term plans.

- ▶ The processes that promote effective leadership, inclusive decision-making, empowered stakeholders, and integrated planning.
- ▶ Everyone living and working in the City has access to what they need to survive and thrive.
- ▶ The social & financial systems that enable urban populations to live peacefully, and act collectively.
- ▶ The man-made and natural systems that provide critical services, protect, and connect urban assets enabling the flow of goods, services, and knowledge.

Principles of Good Governance

Good governance is having the best possible processes for Bayside Council's decision making.

- ▶ Accountability is a fundamental requirement of good governance. Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.
- ▶ People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made – what information, advice and consultation council considered, and which legislative requirements (when relevant) council followed.
- ▶ Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.
- ▶ A community's wellbeing results from all of its members feeling their interests have been considered by council in the decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.
- ▶ Local government should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community.
- ▶ Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. This can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.

Source: The Good Governance Guide – www.goodgovernance.org.au



About our City

Our Place

Bayside is a City with a newly emerging identity and a future filled with promise. Bayside Council was formed in September 2016, following the amalgamation of Botany Bay City Council and Rockdale City Council.

The local government area stretches from Bexley, Kingsgrove and Carlton in the west to Banksmeadow, Hillsdale, Pagewood, Daceyville and Rosebery in the east. It also encompasses Wolli Creek and Turrella in the north, Rockdale, Mascot, Botany, Sydney Airport and Port Botany down to the coastal communities of Brighton Le Sands, Ramsgate, Dolls Point and Sandringham in the south.

The Council has five wards - Botany Bay, Bexley, Rockdale, Mascot and Port Botany.

Central to the area is the logistics hub of NSW. The area is of international significance as key infrastructure located within Bayside enables people to travel around the globe and to Australia. Goods arriving at our ports are transported right around the country. Our local economy will mature as innovation and growth occurs as part of the State's economy.

Our City surrounds Botany Bay with eight kilometres of beach and parkland open for passive recreation to locals and visitors alike.

The City is well served with public transport with two main train lines and several busy bus routes.

Our significant wetlands provide important corridors for native flora and fauna, as well as places for our community to engage with natural surroundings.

Bayside Council has significant sporting and recreation facilities across the LGA and provides access to a wide range of sporting clubs and associations.

Our People

It is important that Council understands the make-up of our community and how it is likely to change in the future.

The Bayside community is diverse with 41% of the population born in countries where English is a second language, and practising more than 60 religions.

Top languages spoken in the City are:

Greek	7.1%
Mandarin	6.7%
Arabic	5.8%
Cantonese	3.8%
Macedonian	3.0%
Nepali	2.6%
Bengali	2.5%
Spanish	2.4%
Indonesian	1.9%
Filipino/Tagalog	1.7%



In 2016 our population was 156,000 and by 2031 there will be around 209,000 people living in 81,000 dwellings.

In 2036 we will be:

13,446	children (0 – 4 years), an increase of 3,327 (6.3%)
15,300	primary school aged children (5 – 11 years), an increase of 2,954 (7.2%)
12,003	secondary school age students (12 – 17 years), an increase of 2,766 (5.6%)
40,147	people in the young workforce (25 – 34 years), an increase of 9,484 (18.9%)
45,846	parents and homebuilders (35 – 40 years), an increase of 12,202 (21.5%)
23,238	older workers and pre- retirees (50 – 59 years), an increase of 4,958 (10.9%)
18,726	empty nesters and retirees (60 – 69 years), an increase of 4,036 (8.8%)
19,379	seniors (70 – 84 years), an increase of 5871 (9.1%)
4,740	elderly people (85 and over), an increase of 1,067 (2.2%)
24,289	couple families with dependants, an increase of 4,947 (29.8%)
21,104	couples without dependants, an increase of 6,463 (25.8%)
4,566	group households, an increase of 1,429 (5.6%)
2,009	lone person households, an increase of 7,045 (25.7%)

Related plans

Bayside Council does not exist in isolation and we must consider the priorities of the State and Federal governments, local organisations and businesses and neighbouring councils. The modelling, research, strategic planning and expertise of these stakeholders together with the resources delivered to Bayside are significant; and have a strong influence on our capacity to achieve the community's aspirations.

The two over-arching plans which sit over our Community Strategic Plan are the NSW State Plan and the Greater Sydney Commission – Eastern District Plan.

NSW Government Plans and Goals

The State Government has 12 Priorities which guide its decision making, services and resources. There are a number of synergies between the State, Greater Sydney Planning Commission and Bayside Council's Community Strategic Plan strategic directions. Alignment of these priorities wherever possible ensures that broad strategic goals can be achieved efficiently.

NSW State Plan – Premiers Priorities 2017		
Create Jobs	Delivering Infrastructure	Driving public sector diversity
Improving education levels	Improving government services	Improving service levels in hospitals
Keeping our environment clean	Making housing more affordable	Protecting our kids
Reducing domestic violence	Reducing youth homelessness	Tackling childhood obesity

Source: Premier's Priorities – Gladys Berejiklian <https://www.nsw.gov.au/improving-nsw/premiers-priorities> – Accessed 18/1/2018

Greater Sydney Commission – Eastern District

In 2017, the Commission determined that it would focus planning on three distinct areas of Sydney - Bayside falls within the Eastern Harbour City Region. Burwood, City of Canada Bay, Inner West Council, Randwick City Council, Strathfield Councils together with the Council of the City of Sydney, Waverly Council and Woollahra Councils also lay within the Eastern Harbour City Region of Greater Sydney.

The Commission will have a significant impact on the delivery key infrastructure in the Eastern Sydney District. It is recognised that Bayside Council being part of a larger district will experience significant and unprecedented infrastructure development as part of the Eastern District.

The Greater Sydney Commission has established the 10 Directions for Greater Sydney Framework:

Greater Sydney Commission – Ten Directions for Greater Sydney		
A City supported by infrastructure	A City for people	Housing the City
A City of great places	Jobs and skills for the City	A well-connected City
A City in its landscape	An efficient City	A resilient City
A collaborative City		

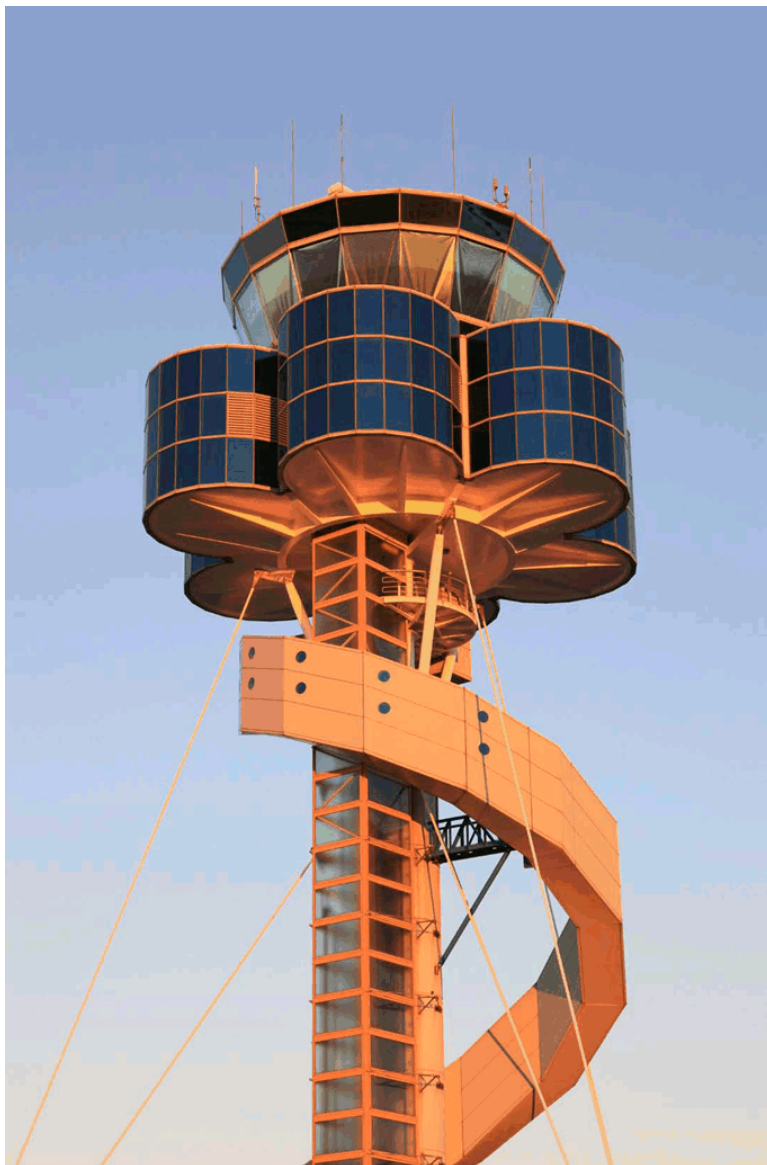
Source: Ten Directions for a Greater Sydney, Greater Sydney Commission <https://www.greater.sydney/directions-greater-sydney> – Accessed 10/1/2018

Key future infrastructure projects

Our City will be at the centre of significant works aimed at achieving the State government's objectives to plan for our future population. Various government agencies are involved in partnerships to achieve these outcomes led by the Greater Sydney Commission, who identified the following potential infrastructure projects in the draft Sydney Regional Plan – *Our Greater Sydney 2056: A metropolis of three cities* – connecting people.

Key points for Bayside are:

- ▷ **Committed motorway M5 to Kogarah**
Possible F6 extension
- ▷ **Road – Visionary**
St Peters to Port Botany (Sydney Gateway?)
Sans Souci (F6) to Rosehill (?) and northwards to M2
- ▷ **Train Link/Mass Transit identified for investigation in 10-20 year timeframe**
Between Kogarah and Parramatta
Central to Eastgardens/Maroubra and then to Long Bay
- ▷ **Train Link/Mass Transit – Visionary**
Miranda to M1 at Eastlakes
- ▷ **Light rail investigation between strategic centres**
Eastgardens and Maroubra Junction
Mascot and Green Square
- ▷ **Kogarah identified as a Strategic Centre (Health and Education Precinct)**
- ▷ **Maintain industrial areas at Port Botany and Sydney Airport**
- ▷ **Urban Renewal**
Bayside West Urban Renewal Area (including Cooks Cove)
Bardwell Park Priority Precinct
Turrella Priority Precinct



The plan

When the information we gathered was collated and analysed, four key themes, emerged to describe the Bayside of the future.

Council has considered each of these themes, and underlying objectives and developed **GOALS** to contribute towards achieving them.

We cannot deliver all of the community's aspirations on our own – in some cases we will need to partner with other agencies and organisations, in others we will have an advocacy role – speaking up on behalf of the community and using the Community Strategic Plan to support that advocacy.

For some of the actions we have identified opportunities for our community to partner with Council to deliver the outcomes they have identified as important to them.

For each of the actions we have indicated what role Council can play in achieving the desired objectives. Council's Delivery Program and Operational Plan will detail the three year activities and plans that Council will undertake in the working towards the delivery of these objectives, and the measures we will use to track our progress.

Theme One

In 2030 Bayside will be a vibrant place

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

STRATEGIC DIRECTIONS	HOW WILL WE GET THERE	WHO CAN HELP
Our places are people focussed	Local areas are activated with cafes, restaurants, and cultural events	Council Local businesses Community Police
	Places have their own village atmosphere and sense of identity	
	My community and council work in partnership to deliver better local outcomes	
	The public spaces I use are innovative and put people first	
	There is an appropriate and community owned response to threats	
Our places connect people	Walking and cycling is easy in the City and is located in open space where possible	Council Community Local businesses Historical/heritage Associations
	We are one community with shared objectives and desires	
	Our heritage and history is valued and respected	



STRATEGIC DIRECTIONS	HOW WILL WE GET THERE	WHO CAN HELP
Our places are accessible to all	Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	Council Community Sporting Groups and Associations State agencies Developers Local businesses
	SMART Cities – making life better through smart use of technologies	
	Assets meet community expectations	
	Bayside provides safe and engaging spaces, places and interactions	
	People who need to can access affordable housing	
	We welcome visitors and tourists to our City	
My place will be special to me	Local developments reflect innovative, good design and incorporate open space and consider vertical families	Council Department of Transport RMS Developers Local businesses
	Bayside will be a 30 minute City – residents work locally or work off-site – no one has to travel for more than 30 minutes to work	
	Traffic and parking issues are a thing of the past	
	Roads rates and rubbish are not forgotten	
	Gateway sites are welcoming and attractive	

Theme Two

In 2030 our people will be connected in a smart City

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

STRATEGIC DIRECTIONS	HOW WILL WE GET THERE	WHO CAN HELP
We benefit from technology	Council engages with us and decision making is transparent and data driven	Community Council NBN Local businesses
	We can access information and services on-line and through social media	
	We are a digital community	
	Technological change has been harnessed and we are sharing the benefits	
We are unified and excited about our future	Community leadership is developed and supported	Community Schools Local businesses Council
	We are all included and have a part to play in the City	
	The City is run by, with and for the people	
	We are proud of where we live	



STRATEGIC DIRECTIONS	HOW WILL WE GET THERE	WHO CAN HELP
The community is valued	Aboriginal culture and history is recognised and celebrated	Community Aboriginal elders and organisations South East Sydney Local Health District (SESLHD) Family and Community Services (FACS) Sporting groups and associations Schools Council
	We are a healthy community with access to active recreation and health education	
	All segments of our community are catered for – children, families, young people and the elderly	
	Opportunities for passive and active activities available to community members, including people with pets	
	The value of pets in the community is recognised and they are welcomed across the City	
We treat each other with dignity and respect	We can participate in cultural and arts events which reflect and involve the community	Council Community South East Sydney Local Health District (SESLHD) Family and Community Services (FACS) Council Local businesses
	Flexible care/support arrangements for seniors, children and people with disabilities are available across the LGA	
	Cultural diversity is reflected and celebrated in the City's activities	
	Our public buildings are important community hubs and are well maintained and accessible	

Theme Three

In 2030 Bayside will be green, leafy and sustainable

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

STRATEGIC DIRECTIONS	HOW WILL WE GET THERE	WHO CAN HELP
Our waste is well managed	I can reduce my waste through recycling and community education	Council RID
	Illegal dumping is a thing of the past	Community
We are prepared for climate change	We understand climate change, and are prepared for the impacts	Council State Agencies
	Our City is prepared for/able to cope with severe weather events	Community SES
	Our streetscapes are green and welcoming	
We increase our use of renewable energy	Our City promotes the use of renewable energy through community education	Council Community
	Our City models use of renewable energy and reports gains to the community	
Waterways and green corridors are regenerated and preserved	Water is recycled and re-used	Council
	The community are involved in the preservation of our natural areas	EPA Volunteers
	We have an enhanced green grid/tree canopy	Community

Theme Four

In 2030 we will be a prosperous community

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

STRATEGIC DIRECTIONS	HOW WILL WE GET THERE	WHO CAN HELP
Opportunities for economic development are recognised	Major employers support/partner with local small business	Local businesses BEC Council Department of Planning
	We are an international hub for transport and logistics related business	
	Industrial lands and employment lands are preserved – partnering with major employers to support local jobs	
Local housing, employment and business opportunities are generated	Bayside will be a 30 minute City – residents work locally or work off-site – no one has to travel for more than 30 minutes to work	Department of Transport Department of Planning RMS Council Developers
	Council is a major employer, supports local apprenticeships and cadetships	
	People who need to can access affordable housing	
The transport system works	We can easily travel around the LGA – traffic problems/gridlock are a thing of the past	Department of Transport RMS Council
	We can easily travel to work by accessible, reliable public transport	
We are prepared for a sharing economy	Innovative businesses are supported to locate in Bayside	Local businesses BEC Council Department of Planning
	Local Plans and regulations have kept pace with the sharing economy	

WWW.BAYSIDE.NSW.GOV.AU



Council Meeting

13/06/2018

Item No	8.14
Subject	Bayside Council Community Grants Program 2017/2018
Report by	Maree Girdler, Acting Manager Community Capacity Building and Engagement
File	F16/998

Summary

This report deals with community grant applications recommended for funding under the 2017-2018 Bayside Community Grants Program. These were assessed by the Evaluation Panel in accordance with the eligibility and selection criteria outlined in Council's Community Grants Program Policy.

Officer Recommendation

That Council endorses the recommendations of the Assessment Panel and approves the recommended Small and Seeding Grants to the value of \$39,088.39.

Background

Bayside Council runs an annual Community Grants Program designed to support local community organisations and clubs to establish, extend or improve programs or services to the community. The 2017-2018 round of Council's Community Grants Program funding was opened on 10 April 2018 and closed on 26 May 2018.

Four information sessions were held at Eastgardens and Rockdale Libraries and applications were made through the online Smarty Grants Portal.

Two types of community grants are available:

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

Evaluation Panel

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

The panel was supported by Council officers from Community Capacity Building who were available to answer the panel's questions about the process and eligibility criteria.

The following panel members convened on 16 May 2018:

Ms	Mona Luxton	Bayside Citizen of the Year
Mr	Ralph David	Principal J J Cahill Memorial High School
Mr	Noel Rayner	Senior Constable PCYC Police Representative
Ms	Thai Tran	FACS NSW Government Representative

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.

The budget allocation for Community Grants in 2017-2018 is \$100,000.

A total of 17 applications were received seeking \$53,698.39.

The Evaluation Panel considered that 3 of the applications did not meet the criteria established in the Policy. These either did not provide suitable governance arrangements or did not supply adequate information on identified needs in Bayside. In two cases they were not seeking to establish new programs. The panel has recommended that 14 grant applications be funded, with a total value of \$39,088.39.

The lower than expected grant applications this year is likely due to the amount of funding which has been available to these small community groups in the past 18 months with Round 2 of the Stronger Communities Fund only being allocated in the past few months. Progress on Round 1 and 2 project allocations of \$1 million from the Fund has also been reported to Council this month.

The 14 Small and Seeding Grant applications recommended by the Evaluation Panel for funding are summarised below.

Small Grants: Up To \$1,500.00		
Organisation	Program Description	Amount Requested
Lilly Pilly Counselling Inc	Start-up equipment to help launch new organisation based in Bayside	\$ 1,500.00
The Deli Women & Children's Centre Inc	Domestic Violence Resources	\$1,498.65

Small Grants: Up To \$1,500.00		
Organisation	Program Description	Amount Requested
St George Girls High School P&C Association	SGGHS Multicultural food festival	\$1,500.00
Advance Diversity Services Inc	Equipment for performances, activities and events for newly arrived communities in the Bayside Council area	\$1,499.90
Fighting Chance Australia Limited	Equipment boost for the 'Avenue' co-working Space for people with disability	\$1,500.00
Mascot Kings Soccer Club	Purchasing of additional soccer balls, goals, nets, goalkeeper gloves and training accessories	\$1,500.00
South Asian Australian Association	Hindi school Kogarah to provide programs for adults and children which include classical folk dances, sports, yoga and language lessons	\$1,500.00
Brighton Bunnies Playgroup	Purchase of new equipment	\$1,159.34

Seeding Grants: Up To \$5,000.00		
Organisation	Program Description	Amount Requested
Arncliffe Public School Parents And Citizens Association	Activation and sustainable operation of Arncliffe kiln	\$2,693.50
Botany Public School P&C Association	Botany Bolt Family Fun Run and Community Market	\$4,737.00
Creativity Incorporated	Support for children and teenagers living with a disability, their families/carers who are experiencing financial hardship or exceptional financial circumstances to attend Creativity Inc group programs.	\$5,000.00
Fighting Chance Australia Limited	LifeX' social program for people with disability	\$5,000.00
Bay City Care Inc	Community Christmas Lunch and Christmas Spectacular	\$5,000.00

Seeding Grants: Up To \$5,000.00		
Organisation	Program Description	Amount Requested
Banksmeadow Public School P&C Association	Water Skills for Life Initiative	\$5,000.00
	Total =	\$39,088.39

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 applicable

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.15
Subject	Stronger Communities Fund Community Grant Program - Round One and Two Progress Reports
Report by	Maree Girdler, Acting Manager Community Capacity Building and Engagement
File	F16/945

Summary

This report outlines progress on projects funded under Round One and Round Two of the Stronger Communities Community Grant Program. These projects were endorsed by Council on 12 April 2017 and 13 December 2017 respectively. Regular progress reports are required by the Office of Local Government.

Officer Recommendation

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

Background

Bayside Council was provided with \$1 million under the Stronger Communities Fund Community Grant Program. The fund allows allocation of up to \$50,000 to incorporated not-for-profit community groups to help build more vibrant, sustainable and inclusive local communities.

Council endorsed the allocation of \$483, 856 in grants from the \$1 million fund on 12 April 2017 and received the first progress report on Round One on 13 December 2017.

The remaining \$516,144 of Round Two from the Community Grants Program was then also allocated on 13 December 2017.

Under the Stronger Communities Fund Guidelines, approved funding is to be spent or committed by 30 June 2019 and acquitted by 31 December 2019.

The Guidelines also require 6 monthly reports (by 31 July and 31 December) to the Office of Local Government on project progress.

The attached tables provide the details of projects in each round, funds allocated to each and the progress they have made on the project to date.

Financial Implications

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

Community Engagement

Not Applicable

Attachments

- 1 SFC Round 1
- 2 SFC Round 2 [↓↓](#)

NSW Government Stronger Communities Fund – Round One – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
Women's Community Shelters Ltd	New WCS Crisis Accommodation Shelter for Women Bayside LGA Amount \$50,000	To establish a new crisis accommodation shelter for up to 6 women, with or without dependent children, who are homeless or leaving domestic violence in the Bayside Council LGA.	0%	The establishment of the Bayside Women's Shelter has been delayed due to issues finding a suitable property within the designated area. An application has now been made on a suitable property.
Exodus Youth Worx	Project Food Worx Amount \$50,000	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.	90%	An additional 10 Young People have been inducted into the Food Worx Hospitality Training Course (bringing total to 26). 14 members of Food Worx have gone on to work at Diaspora Cantina, 8 graduates have gone on to work, or are currently enrolled in further study related to food services. Launched Food Based Operation, creating pre-packaged Falafel Meals and are currently distributing across supermarkets in the Inner West and locally within the Bayside LGA.
Sunnyfield	TechKNOWLE DGE Amount \$33,822	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.	85%	Sensory items purchased and staff trained on module content. Launch event currently in planning stages.
Kyeemagh Infants Public School P&C Association	Kyeemagh Community Sustainability Hub Amount \$27,632	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.	85%	Air conditioning, furniture, kitchen appliances and kitchen island have been installed; a deck has also been constructed against the hub.

NSW Government Stronger Communities Fund – Round One – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
Bay City Care	My Youth Hub Amount \$50,000	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.	60%	Majority of IT, sound and sporting/gaming equipment purchased. Scheduled to commence remodelling of the bathrooms and food preparation areas.
South Eastern Community Connect	Community Wellness Mentoring and Empowerment Program Amount \$49,002	The Community Wellness Mentoring and Empowerment project will deliver training for up to 30 community members with the aim of creating 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.	11%	Facilitation of 2 x 8 week wellbeing workshops has commenced. Yoga workshop had 12 people register and weekly average of 6 participants. Drumming Workshop had 15 register and an average of 10 in attendance. Currently putting together a follow up forum for participants. Surveys to determine training needs and newsletter have been completed.
Dolls Point Football Club	Memorial Lighting Enhancement Amount \$48,400	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.	5%	Survey and architectural drawings complete. Currently undergoing Acid Sulphate Testing. Liaising with Bayside Council re advice and approval. Likely to submit DA shortly.
Pagewood Botany Football Club Inc	Media and Canteen Facilities Upgrade Amount \$50,000	Upgrade the Club's internet and media technology as well as canteen facilities. 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 the club house is expected to be completed in late May 2018.

NSW Government Stronger Communities Fund – Round One – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
St George Children with Disabilities Fund Incorporated	Enhancing the Quality of Lives of Children with a Disability and Their Families Amount \$25,000	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.	100%	Project complete.
Arncliffe Scots Baseball Club	Ground Watering Project Amount \$50,000	The project involves the installation of dedicated ground watering to the baseball Field Diamonds to improve both ground amenity and player safety.	0%	Project not commenced. Received two grant approvals concurrently with the work on this grant limited to water supply investigation (bore water unavailable).
St George Football Association	New Seating & Goalposts - McCarthy Reserve Amount \$50,000	Installation of new seating (7 x 4 tier, 4 metre stands) and portable goalposts at McCarthy Reserve for football field.	0-25%	In the process of submitting a DA to Bayside Council for approval.

NSW Government Stronger Communities Fund – Round Two – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
Kingsgrove Community Aid Centre Incorporated	POPPY Mental Health Supported Playgroup (Parents Opportunity to Participate in Play with their Young) Amount \$19,880	In Kind Support to fund various elements of service provision including – Venue / Room Hire; Childcare Worker; Staff recruitment and induction; Playgroup Coordinator; Petty Cash (catering, toys, craft items); mental health clinical support; early intervention; RUOK day; Post natal depression week etc.	16%	Program commenced as per schedule. Participant numbers have been steady with 10 mothers and 10 children attending.
St George Children with Disabilities Fund Inc.	Grants for Good Amount \$25,000	Support Equipment for Children with Disabilities; Home Respite Relaxation chair iPad; Disability pram iPad switch interface; Three weeks intensive physiotherapy; Thesaurus 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.	100%	Project Complete.
Botany Family and Children's Centre	Repair and upgrade of inclusive and interactive outdoor space for families and children. Amount \$50,000	Resurface backyard with soft-fall, install fixed equipment / panels & seating. 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.	0-25%	Works have been ordered and deposit paid. Equipment is expected to take 12 weeks to manufacture and 3 weeks to refurbish and install.
Bayside Business Enterprise Centre	Small Business Mentor and Connect Amount \$4,833	Facilitation – Programs and incidentals such as transport/parking, stationery, computer software to support the running of the centre	0-25%	Software specialist enlisted to upgrade CRM Systems and community engagement software.

NSW Government Stronger Communities Fund – Round Two – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
The Bay Community Garden Incorporated	Community Garden Shelter Amount \$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.	0%	No progress as yet. Have been advised that Council intends to manage construction of the shelter concurrently with work on the proposed dog park adjacent to the community garden.
South Eastern Community Connect	Good Beginnings - Start right, Start early Amount \$49,654	Project Coordinator/Health Nurse/Venue Hire/Publicity and Promotion; Admin – to provide a model of integrated care between child and family health nurse, community child health and speech pathology and key child and family service providers and the NGO sector 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.	3%	The Child and Family Health Nurse has attended 2 playgroups to date and met with 16 families and 19 children from CALD backgrounds. 5 Blue Book assessments were conducted with 2 children referred on.
Rockdale Rugby Football Club Inc	RRU Clubhouse Upgrade Amount \$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.	12%	Commercial refrigerator purchased and installed, sanding and painting of beams in the clubhouse also completed. Currently awaiting quotes for renovations.

NSW Government Stronger Communities Fund – Round Two – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
3Bridges Community Limited	<p>Arncliffe Men's Shed Relocation and Set up</p> <p>Amount \$50,000</p>	<p>The Arncliffe Men's Shed Bayside Relocation. 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 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)</p>	40%	Electronic galvanised roller door and shedders have been installed, floor has been completed. Currently liaising with the home modification team regarding accessible toilet.
The Deli Women & Children's Centre	<p>"Standing up for our Children- Safer Home without DV" Project</p> <p>Amount \$26,996</p>	<p>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.</p>	2%	12 sessions have been offered under the Child Wellbeing Program. The first DV group for mums to commence on Monday 30/7/18-3/9/18.
Moving Forward DFV Case Management Services Incorporated	<p>Start-up Education Assistance Program for Women</p> <p>Amount \$24,829.70</p>	<p>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.</p>	10%	Resources have been purchased. Circle of Security Parenting Course has commenced as per schedule.
Nurses On Wheels Australia Ltd	<p>Nurses On Wheels (NOW) Day Tripper Bus</p> <p>Amount \$50,000</p>	<p>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-</p>	10%	Currently researching quotes and assessing staff requirements.

NSW Government Stronger Communities Fund – Round Two – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
		up to 11 frail and socially isolated clients.		
Shopfront Arts Co. Op. Ltd.	Young Leaders, New Futures Amount \$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.	10%	First event completed, have employed a young person to drive this project and support the young people of Shopfront to develop future events.
Moving Forward DFV Case Management Service Inc.	Healing Strategies for Children - Professional development series 1 Amount \$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.	90%	Symposium delivered, awaiting final invoices and evaluation.
Macedonian Orthodox Community Church St Petka Inc	Fire Detection & Emergency Lighting upgrade Amount \$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.	100%	Project Complete.
St George Youth Services	Youth POP-UP! Activities Project Amount \$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	8%	Recruitment of casual project officer and consultation with young people complete. 1 pop-up educational stall held at the Youth Week festival at Daceyville. Individual support and life coaching has been conducted for 5 young people to date.

NSW Government Stronger Communities Fund – Round Two – Progress Report

Funded organisation	Project name	Summary	% complete	Progress update
		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.		

Council Meeting

13/06/2018

Item No	8.16
Subject	Conference Attendance Report - Waste Conference 2018
Report by	Colin Clissold, Director City Presentation
File	F17/1300

Summary

This report summarizes the Waste 2018 Conference in Coffs Harbour, Tuesday 8 May – Thursday 10 May, based on the reports provided by Councillors: Michael Nagi, James Macdonald, Andrew Tsounis, and Dorothy Rapisardi.

Officer Recommendation

- 1 That Council receive and note the report.
 - 2 That the Councillors' reports included in this summary, inform their individual professional development plan for 2018.
-

Background

Waste 2018 is Australia's leading conference for waste management professionals in Australia.

With over 600 delegates participated in the *Waste 2018* Conference, including representatives from local government authorities across Australia. There were 76 exhibits set up and operated by government authorities, consultants, equipment and technology providers. There were 130 presenters including Dr Patricia Chamberlain, Coordinator Waste Avoidance & Resource Recovery at Bayside Council.

The *Waste 2018* program covered topics critical to industry including law, policy, markets, infrastructure, technology and innovation. This report provides a summary of key points acquired in relation to Council delegates, learning and development program.

Conference Day 1 – Tuesday May 8

A Panel Discussion on "Growing the Reuse Economy". Being top of the Waste Hierarchy, facilitating greater reuse is a key objective of Bayside Council.

The panel discussed, with questions from the facilitator and the audience, the achievements and challenges with increasing reuse of unwanted materials throughout Australia. Challenges to greater reuse in Australia include developing markets and encouraging the community to embrace second-hand materials.

An address by the Hon. Gabrielle Upton, Minister for the Environment, Minister for Local Government and Minister for Heritage. The Minister discussed the waste management

priorities in NSW including the Container Deposit Scheme and addressing the impact of the China's National Sword Policy.

Bayside Council presented the new waste app. Dr Patricia Chamberlain led the audience through the stages of developing the app and implementing the app, including budget, Council input, promotion, app features, required maintenance, uptake of the app, use of app forms, benefits of the app, and lessons learnt. The presentation was well attended, with attendees observed to be taking notes during the presentation and several questions asked and answered about push notifications, additional app maintenance requirements, and the benefits of a custom-designed waste app. Several attendees commented favourably on the app after the session.

A PDF copy of Patricia's presentation as well as a You Tube video can be viewed here: <https://www.coffswasteconference.com.au/QuickEventWebsitePortal/2018/waste/Agenda/AgendaItemDetail?id=12780acb-e00f-9d6c-61ab-39e0470f45d9>

A presentation from Auckland Council, NZ, who are working towards zero waste in 2040 using a community led approach that includes community recycling centres and a triple pass clean up collection service. This council is also partnering with community enterprises to repair and reuse unwanted materials.

The Brisbane Tool Library discussed their initiative to lend out handyman tools to members, thus reducing the need for individuals to own tools that they only use for short periods of time.

Green Connect presented on opportunities for increasing employment through waste management initiatives.

Netwaste gave an interesting presentation on using art to encourage reuse and recycling. Bayside Council projects with potential similarities include the Kid's Recycled Art workshop hosted by Bayside Council and the Bower in January and Sculptures at Bayside 2018 in April.

Conference Day 2 – Wednesday May 9

3 keynote addresses by:

- Costa Georgiadis, Host ABC's Gardening Australia
- Andrea Crump, Circular Economy Policy and Projects Officer, London Waste and Recycling Board
- Peter Shmigel, Chief Executive Officer, Australian Council of Recycling

The addresses explored the role of waste management in a changing environment of policy, technology and community perceptions. This morning also dealt with the concept of "a circular economy" which was a key focus of the conference. In a circular economy, the focus is to keep resources in use for as long as possible, extracting the maximum value from materials, recycling them into new products, and minimising material disposal.

A panel discussion on the challenges facing the recycling industry, given the industry's reliance on export of materials to China. The challenge is to develop or seek new markets for recycled materials. This may include reducing kerbside recycling contamination, secondary processing infrastructure, and programs to incentivise recycling within Australia, such as greater use of recycled content by all levels of governments. The NSW EPA are developing

an inter-governmental panel to address the issue and it was confirmed that there would be local government participation, potentially through Local Government Association NSW. Bayside Council indicated that in 2017/18 they received approximately 5% of the levy paid as funding from NSW EPA and asked if the NSW EPA would be considering an increase in the levy returned to councils. NSW EPA indicated that an increase in the levy returned to councils would not be considered by the inter-governmental panel. It is expected that industry organisations and local government will continue to press for this through other channels. The Container Deposit Scheme refunds were flagged by NSW EPA as a probable option to offset increased recycling costs but an audience member involved in the Container Deposit Scheme audits urged caution in respect to refunds as only materials that have been sold to a recycling market are eligible for the refunds.

A presentation by Veolia on the Woodlawn Mechanical-Biological Treatment (MBT) Facility is currently responsible for recovery organic material from Bayside's red-lidded Garbage & Organics Recovery bins. Another project of interest was the Kimbriki Resource Recovery Project which was a joint project including 4 NSW councils. This presentation explored the governance, procurement and risk associated with the project that was designed to deliver 55% diversion from landfill of MSW.

Conference Day 3 – Thursday May 10

An address by Gayle Sloane, the Chief Executive Officer of the Waste Management Association of Australia (WMAA), an association of which Bayside Council is a member, further explored the idea of circular economy and the role of the waste industry.

They provided a presentation focusing on research and development programs to increase the value of recycled products by creating niche processing capabilities in Australia. The focus was on developing high value resources as opposed to merely processing waste. Examples included extracting rare earth oxides from electronic waste and creating filaments for 3-D printers from recycled plastics. These long term projects to develop higher value from recycled products are essential for ensuring the stability and success of the recycling industry within Australia.

A Panel Discussion on waste policies and regulations in Australia's states and territories followed.

The discussion included the impact of levy differences in other states, the need for federal action and guidance on waste management, and the differing waste policies across the Australian states and territories.

The Bondi Beach litter program and the Western Sydney Regional Organisation of Council's research into best practice litter bin infrastructure. Valuable information on strategies to address litter could be adapted to improve litter management in Bayside Council. A presentation by Lismore Council on their Materials Recovery Facility and glass recycling project provided one potential solution to the current scarcity of recycled glass markets, being government use of crushed glass for infrastructure including road base, pipe bedding, drainage, asphalt and concrete.

SUEZ, one of Bayside's current waste collection contractors, presented on the potential for new fleet technologies to improve safety and efficiency in waste collection. These innovations could be incorporated into Council's future fleet or sought in future procurement for waste services. The General Manager of The Bower Reuse and Repair Centre gave a very thoughtful and pragmatic presentation on action that could be taken at the local and national level to improve reuse of materials, as a higher priority than recycling and energy

recovery. The Executive Director of the Waste Contractors & Recyclers Association of NSW provided an industry perspective on waste procurement, including a possible shift in future contracts to a risk sharing arrangement. Ron Wainberg of MRA Consulting Group concluded the conference with a real life example (ACT) of the role of energy from waste in an integrated waste strategy.

Details of all presenters and presentations, including PDF presentations and You Tube videos can be accessed via:

<https://www.coffswasteconference.com.au/QuickEventWebsitePortal/2018/waste/Agenda>

Knowledge & Development - Industry Understanding

Councillor Andrew Tsounis

The Waste Conference was an eye opener. Prior to visiting the Conference, I knew that the waste movement commitments of Bayside were reasonably large, however, 2 hours into the Conference, I realised it was huge, with long- term consequences if it was not managed well, and very costly if not effectively planned for. The presentations are concurrently in different rooms, making it difficult to choose which sessions to attend. The seminars I attended were concise and very insightful in the topic they were addressing. I am sure elements of the conference have already been taken back by the participants from Bayside in the hope of improving our community.

Councillor Rapisardi

The Conference was very informative in terms of infrastructure. New and improved waste infrastructure is required in Australia to address the current recycling market issues, especially with respect to glass, mixed plastic and paper. Some funding is available from the NSW EPA for such projects and Council may need to provide additional funding if required.

A commitment to a circular economy designed to keep materials out of landfill and create jobs will be a key future challenge. This will involve the reuse and longevity of products as the primary goal, with recycling and energy recovery as secondary goals.

The Conference provided a useful snapshot of both present waste operations and the potential for Australia's future materials industry and proved to be a valuable professional development opportunity.

Councillor Nagi

I enjoyed attending the Waste Conference. Education has always been key with Council, putting greater emphasis on community responsibility and ownership, especially in terms of litter management and community drop off facilities. The key presentation titled "Bondi Unwrapped" highlighted the importance of waste education to local communities.

Council has a role to play inspiring the community to think differently about waste, and instead consider them resources. It is very important and this could be facilitated through new strategies including art and community workshops.

Innovative initiatives such as energy from waste and refuse derived fuels look to be growing in stature. I agree that the current issues facing the waste and recycling industry require the development of new and innovative solutions for waste management. These issues include

lack of markets and increased focus on safety and efficiency. Investment and research into innovative technologies is required to ensure long term market stability.

Councillor Macdonald

I always find this conference informative, and this year, with the emergence of national issues, such as China's National Sword policy and transport of waste across state borders, proved no different. It requires both a national response and a cohesive cooperative response from Australia's states and territories. Industry associations such as Waste Management Association of Australia (WMAA) and the Australian Council of Recyclers (ACOR) can assist in facilitating national solutions, however, strong responses from the Federal and state governments are also required.

There is a real opportunity to create energy from waste in NSW, however it is controlled by strict guidelines that require viable materials to be recovered prior to energy recovery. The emphasis on fuels designed specifically for energy from waste applications has encouraged the development of Process Engineered Fuels. Council can potentially contribute to these markets through Mechanical Biological Treatment residuals and clean up materials with no higher resource use.

Tenders and Contracts

The recent recycling crisis has led to questions regarding whether the common local government model, under which the majority of risk lies with the contractor, is actually workable.

Moving towards a risk sharing model would require contractors to be more transparent with their business model, costs and revenues and would have to be considered carefully by Council. Technological advancements in waste management are progressing rapidly and may require more flexibility in contracts with long terms (waste contracts are typically 7-15 years).

Financial Implications

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

Community Engagement

Education has always been a key theme at the *Waste* conference, and this year was no different. Included this year was a greater emphasis on community responsibility and ownership, especially in terms of litter management and community drop off facilities.

Inspiring the community to think differently about wastes and instead consider them resources is very important and can be facilitated through new strategies including art and community workshops.

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.17
Subject	Conference Attendance Report - Australian Mayoral Aviation Conference 2018
Report by	Liz Rog, Manager - Executive Services
File	F17/328

Summary

This report summarizes the Australian Mayoral Aviation Conference 2018 in Perth, Western Australia Thursday 3 May – Friday 4 May, based on the reports provided by Councillors: Michael Nagi and Christina Curry.

Officer Recommendation

- 1 That Council receive and note the report.
 - 2 That the Councillors' reports included in this summary, inform their individual professional development plan for 2018.
-

Background

This report is informed by the Executive Director, of the Australian Mayoral Aviation Council (AMAC), Mr John Patterson. AMAC is a national association of local government agencies operating from the offices of Bayside Council, in Sydney.

AMAC was established in 1982 and is comprised of Councils from throughout Australia whose boundaries surround major capital city airports and/or some secondary and general aviation airports. Member Councils represent in excess of 4 million Australian residents.

AMAC's activities are directed through a National Executive composed of a representative from each Australian state. Among AMAC's activities is the Annual Conference in conjunction with the Annual General Meeting. AMAC is fortunate in attracting a variety of speakers to inform Council delegates on contemporary issues, challenges and advances in the aviation arena from the perspective of the various stakeholders.

The 2018 Conference and Annual General Meeting were held at the Mercure Hotel, Perth on Thursday 3rd and Friday 4th May. This year's speakers included:

- Geoffrey Thomas, a prominent aviation journalist and commentator who is also the Editor-in-Chief/Managing Director of Airlinerating.com;
- Ms Sachi Wimmer, First Assistance Secretary, Office of Transport Security, Department of Home Affairs
- Kevin Brown – Chief Executive Officer, Perth Airport
- Barry Abrams – Executive Director, Board of Airline Representatives of Australia

- Narelle Bell – Aircraft Noise Ombudsman
- Paul Dewar – Chief Pilot, UASci
- Guy Thompson – National Chairman, Australian Airports Association
- Andrew Eldridge – President, Royal Federation of Aero Clubs Australia
- Captain Wayne Henderson – Senior Base Pilot, Virgin Australia
- WGCDT Graham Williams – Commanding Officer 79SQN – Royal Australian Air Force
- David Bell OAM – Chief Executive Officer, Australian Business Aviation Association Inc

The Annual General Meeting saw the following confirmed as the Executive Committee for the 2018/2019 year:

- President – Alderman Jock Campbell, Deputy Mayor, Clarence City Council TAS;
- Vice President – Mayor Phil Marks, City of Belmont WA;
- Mayor Kahl Asfour, Canterbury Bankstown Council NSW;
- Councillor Paul Tully, Ipswich City Council QLD
- Mayor John Trainer, City of West Torrens SA;
- Councillor Jack Medcraft, Hume City Council VIC.

While the Thursday program included a full day of speakers as well as the Annual General Meeting, Thursday night saw the conference dinner with an entertaining speaker and an opportunity for delegates to mingle.

Friday morning started with speaker presentations followed by a security authorised and escorted on-airport inspection of Perth Airport including major aviation related developments, substantial commercial estates and security facilities.

The 2019 Conference and AGM have been set for Melbourne on 2-3 May 2019.

Knowledge & Development - Industry Understanding

Councillor Michael Nagi

The landscape of aviation both nationally and internationally is rapidly changing and these changes have an impact on the way airlines and airports operate which in turn, impacts on surrounding communities. Attending the conference provided an opportunity to represent the local community and Council in the conversation with Airports. This is important as we all share an interest in balancing the needs of airport development with the needs of communities living near to those airports.

Councillor Christina Curry

The AMAC conference brings together councils throughout Australia that have an airport along with other key stakeholders. It provides an opportunity to hear from experts about a

range of factors that impact on our council and our community. These include curfew, noise, aircraft, technology advancements and airport safety. This knowledge is vital as it contributes to council's strategic plan and how we continue to work in partnership with Australia's major airport to ensure positive outcomes for our community.

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

<<type Not applicable or enter text>>

Attachments

Nil

Council Meeting

13/06/2018

Item No	8.18
Subject	Conference Attendance Report - FitNSW Conference: Placemakers and Cityshapers.
Report by	Liz Rog, Manager - Executive Services
File	F09/1

Summary

This report summarises the FitNSW Conference held in Sydney on Thursday 15 March 2018, based on the report provided by Councillor Dorothy Rapisardi.

Officer Recommendation

- 1 That Council receive and note the report.
 - 2 That the Councillor's report included in this summary, inform her individual professional development plan for 2018.
-

Background

Attendance at the FitNSW 2018 Conference event, entitled "Placemakers and Cityshapers: The pathway to active and healthy communities" showcased international and NSW best practice built environment and planning initiatives to encourage increased levels of physical activity.

Key note speakers at the event included:

- Professor Peter Newman, Professor of Sustainability, Curtin University, Perth
- Lucinda Hartley, Urban designer and social entrepreneur
- Amy Child, Associate at Arup, urban strategist and advisor specialising in transport and mobility.

A Panel Discussion was also held and was facilitated by Dr Peter Sainsbury where the panel discussed "Creating healthy and active communities in NSW." Panel participants included:

- Councillor Philip Thalys - Councillor, City of Sydney
- Bryan Willey - Director, Better Movement and Places, Future Transport, Transport for NSW
- Stephen Moore - Director, Urban Design, Roberts Day
- Peter Poulet - Government Architect, Government Architect NSW

The event was held at the Aerial UTS Function Centre in Sydney and included a full day program.

Knowledge & Development - Industry Understanding

Councillor Rapisardi

In a world where almost every essential modern service can be accessed online from one's bed via smart phone or the like, the challenge to encourage and maintain healthy and fit populations has become more pressing than ever.

This half-day seminar brought planners, health policy professionals and local government representatives together to encourage discussion and help provide an overview of innovative ideas and solutions to this ever-growing problem, particularly around the importance and design of parks and open spaces, equality of access to such spaces, and the role that technology can play in shaping active communities.

It was a highly insightful program based on several examples of infrastructure and planning initiatives from around Sydney and the world.

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 Applicable

Attachments

Nil

Council Meeting

13/06/2018

Item No	9.1
Subject	Minutes of the Planning Committee Meeting - 28 March 2018
Report by	Clare Harley, Manager Strategic Planning
File	SF17/2773

Officer Recommendation

That the Minutes of the Planning Committee meeting held on 28 March 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendation:

5.4 Bayside Local Environmental Plan, Development Control Plan and Development Contributions Plan

- 2 That Council write to the Minister for Planning requesting Bayside Council be nominated as a priority council for the preparation of the Local Environment Plan and Council receive funding from the NSW Government.
-

Present

Councillor Michael Nagi
Councillor Joe Awada
Councillor Petros Kalligas

Also present

Director City Futures Michael McCabe
Manager Strategic Planning Clare Harley
General Manager, Meredith Wallace
Manager Development Services, Luis Melim
Manager Governance & Risk, Fausto Sut
Councillor Liz Barlow
Councillor Christina Curry
Councillor Dorothy Rapisardi
Councillor Tarek Ibrahim

The Chairperson opened the meeting in the Melaleuca Room, Rockdale Town Hall at 6.30pm.

1 Acknowledgement of Traditional Owners

The Chairperson 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 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

Nil

5 Reports

5.1 Terms of Reference

Committee Recommendation

- 1 That the attached Terms of Reference be received and noted.
- 2 That the schedule of meeting dates be received and noted.

5.2 Key Focus Areas

Committee Recommendation

That the Committee adopts the key focus areas outlined in this report.

5.3 NSW Planning Framework Changes

Committee Recommendation

That the report about changes to the NSW Planning Framework be noted.

5.4 Bayside Local Environmental Plan, Development Control Plan and Development Contributions Plan

Committee Recommendation

- 1 That the report about the preparation of a Bayside Local Environmental Plan, Development Control Plan and Development Contribution Plan be noted.
- 2 That Council write to the Minister for Planning requesting Bayside Council be nominated as a priority council for the preparation of the Local Environment Plan and Council receive funding from the NSW Government.

5.5 Profile of Development Services

Committee Recommendation

That it is noted that the Committee received the presentation by the Manager Development Services.

6 General Business

There was no General Business.

7 Next Meeting

That the next meeting be held in the Meeting Room, Botany Town Hall at 6.30pm on Wednesday, 23 May 2018.

The Chairperson closed the meeting at 9.39 pm.

Council Meeting

13/06/2018

Item No	9.2
Subject	Minutes of the Botany Historical Trust Meeting - 7 May 2018
Report by	Angela Hume, Customer Experience Manager, Libraries & Customer Service
File	SF17/2773

Officer Recommendation

That the Minutes of the Botany Historical Trust meeting held on 7 May 2018 be received and the recommendations therein be adopted.

Present

Anne Slattery, President
Robert Hanna
Christopher Hanna
Peter Orlovich
Clarence Jones
Richard Smolenski
Barbara Keeley

Also present

Ron Hoenig, Member for Heffron
Meredith Wallace, General Manager
Angela Hume, Manager Customer Experience
Luis Melim, Manager Development Services
Bruce Cooke, Acting Manager Governance & Risk
Jenny MacRitchie, Community History Librarian

The Chairperson opened the meeting in the Mascot Library and George Hanna Memorial Museum at 6:30 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

The following apologies were received:
Jacqueline Milledge

Alice McCann

Samantha Sinnayah, Curator

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Botany Historical Trust Meeting - 5 February 2018

Committee Recommendation

On the motion of Richard Smolenski, seconded by Clarence Jones:

That the Minutes of the Botany Historical Trust meeting held on 5 February 2018 be confirmed as a true record of proceedings with the following amendments:

- Page 6, 1st line – replace Orlovich with Orlovich
- Page 6, 7th paragraph – should be Marina Theatre, not Marin

5 Reports

5.1 Botany Historical Trust Constitution

Mr Cooke provided some clarification of the current constitution, especially regarding the number of people appointed by Council to be included on the Executive Committee. The Executive Committee recommended that the membership of the committee be immediately enlarged to include Dr Orlovich and Ms Keeley, in recognition of their valuable expertise. The Executive Committee has the right to invite experts to attend meetings of the Executive and to invite speakers to address meetings.

Four Bayside councillors have expressed an interest in attending the Executive meetings of the Botany Historical Trust. Ms Wallace suggested that up to two councillors actually attend any particular meeting.

Robert Hanna asked about Section 7, part c of the constitution regarding the requirement of members to reside in the area of the former City of Botany Bay to be eligible for nomination as President, Senior Vice-President or Vice-President. The Member for Heffron expressed his opinion that it was still necessary for the senior positions to be held by a local resident to ensure local representation.

There was some discussion about the frequency of meetings, which should remain at no less than four per year. The President is entitled to call additional meetings if required. Some matters, such as discussion regarding Council development applications, which may require urgent attention, can be conducted electronically.

For the longer term, the Executive decided to form a sub-committee to review the constitution with the aim of bringing a revised constitution to the Trust's AGM in November 2018. The sub-committee will meet at Eastgardens Library on Saturday 16th June at 10:00am (the meeting room has been booked from 9:30am-12:30pm. The library will be open from 9:00am).

Mr Cooke retired from the meeting.

Committee Recommendation

On the motion of Richard Smolenski, seconded by Chris Hanna:

That a Constitution Sub-Committee be formed to consider potential changes to the constitution with a view to a revised document being put to the next Annual General Meeting for endorsement.

5.2 Community History and Museum

The Community History Librarian reported that Council had received feedback from two members of the extended Jullian family thanking Council for choosing to name the new Close in Banksmeadow after Frederick Augustus Jullian, who earned the Belgian Croix de Guerre during World War I.

Ms Elizabeth Conroy has completed her work on the Thematic History of the City of Botany Bay.

The Community History Librarian and Curator attended the pool party at Botany Aquatic Centre on 29 April. Visitors were very interested in the historic photos of the pool's development, activities and famous visitors.

Committee Recommendation

On the motion of Clarence Jones, seconded by Chris Hanna:

That the report be received and noted.

5.3 Banksmeadow Town Centre

Mr Robert Hanna asked about the Banksmeadow Town Centre Project. Ms Wallace explained that, under Section 94 of the *Environmental Planning and Assessment Act, 1979*, funding was available to upgrade and improve the public domain of Banksmeadow. This would include improvements to footpaths, planting and public seating. Ongoing consultation is being held with the Banksmeadow community and residents and business owners are encouraged to attend a public meeting on 17 May at 6.30 pm at the Sir Joseph Banks Hotel, Botany Road.

The Member for Heffron noted that the Banksmeadow Town Centre is actually in Botany.

Committee Recommendation

On the motion of Chris Hanna, seconded by Clarence Jones:

That the Executive commends Council for its foresight in improving the Banksmeadow Town Centre.

5.4 Sir Joseph Banks Park

Mr Robert Hanna expressed some concern about the state of disrepair of some of the statues, mosaics and plaques in the Sir Joseph Banks Park and suggested that some maintenance was needed. He also noted that some areas surrounding plaques were overgrown. Mr Hoenig mentioned that the disrepair had occurred during the last five years. Ms Wallace commented that the plans of management for the park were quite old, the most recent being 1999. She advised the Executive that Council has commissioned a conservationist to provide a report on the park, including signage and barbecues etc. and that Council will then be able to apply for funding to improve the park. Ms Wallace also noted that there were issues with the bores and that aeration or water treatment may be necessary to restore the natural beauty of the area. Mr Smolenski suggested that Council investigate water harvesting in the park.

Committee Recommendation

On the motion of Richard Smolenski, seconded by Chris Hanna

That Council be thanked and congratulated for its progress in seeking to beautify the Sir Joseph Banks Park.

5.5 Heritage Issues and DA Referrals

Mr Melim advised the Executive that any heritage items under the Botany Development Control Plan (DCP) will be referred to the Executive for their input. With pressing time constraints, this referral will be made by email so that feedback can be provided as soon as possible.

Committee Recommendation

- 1 That the Trust considers the relevant Heritage issues and DA referrals and makes appropriate recommendations by email by the due date for submissions.
- 2 That, if submissions are invited between Executive meetings, the President coordinates the views of individual Executive members and provides a consolidated submission.

5.6 Overall Planning, Development and Infrastructure

Mr Robert Hanna noted his overall concern about high-rise development, and the lack of infrastructure and public transport across Sydney, not just within the Botany area. Ms Wallace stated that the loss of amenity and affordability of housing in general are issues of concern. Ms Wallace suggested that one of Council's strategic planners be invited to the next Executive meeting to discuss the District Plan and answer members' questions.

Committee Recommendation

That a Strategic Planner from Bayside Council be invited to address the Executive at the August meeting.

5.7 Botany Golf Course

Mr Robert Hanna mentioned rumours that Bayside Council intended to sell Botany Golf Course. Ms Wallace stated that Council has not discussed or considered it. In fact the land does not belong to Council. Like many public golf courses, it suffers from a lack of members. There are issues with maintaining the course as the land is very sandy and needs constant topdressing. Ms Wallace noted that it really requires a permanent source of water. Mr Chris Hanna advised the Executive that the Botany RSL has been meeting in the clubhouse. Ms Wallace also noted that the clubhouse requires an investment of funds for improvement and to attract a potential new audience.

Committee Recommendation

That the Trust considers issues relating to Botany Golf Course and makes appropriate recommendations.

5.8 Constitution of St George Historical Society

This item was withdrawn for future discussion.

Committee Recommendation

That this item be deferred for future discussion.

5.9 Supplementary Report - Heritage Issues and DA Referrals

Mr Melim explained that Council had received a DA for the subdivision of 190 King St (Lot 5, Section 3) Mascot. The heritage-listed house at the front of the property is to be retained, but the back of the block, fronting King Lane, would be subdivided and 2 x two-storey 4 bedroom terraces with garages would be constructed, with access from King Lane.

Committee Recommendation

That DA 2018/1053/1 for the subdivision of 190 King Street, Mascot be endorsed.

6 General Business

6.1 Re-Enactment of the Light Horse Ride

Mr Smolenski mentioned the re-enactment of the Light Horse ride that took place from 31 October to 3 November 2017, from Tabulam to Copmanhurst. This ride will now be held every year, with 300 horses and riders taking part. Mr Smolenski has made contact with the organisers, including descendants of Chauvel and his Aboriginal stockman and invited them to give a talk to BHT members. This will occur on Saturday, 22 September 2018 at the Alf Kay Community Centre in Eastlakes. Ms Slattery expressed the hope that the new plaque commemorating 100 years since the Charge of the Light Brigade at Beersheba could be unveiled at the Light Horse memorial at the same time. Ms Wallace agreed that Council would advance the necessary funds if grant funding was not received in time. Various dignitaries and the RSLs would be invited with a band and sausage sizzle provided for the public. Ms Hume will ascertain whether the community centre is available on that day.

6.2 Guest Speaker at the October Meeting of the Botany Historical Trust

Ms Slattery is also negotiating to invite Roland Perry to speak to the BHT about his book *Monash & Chauvel*, possibly during October.

6.3 ANZAC Dawn Service at Booralee Park

The Executive commented on the Anzac Dawn Service at Booralee Park, agreeing that it was a beautiful service and a credit to Council. They also extended their congratulations to the Police in attendance.

7 Next Meeting

The next meeting will be held in the Mascot Library and George Hanna Memorial Museum at 6.30 pm on Monday, 6 August.

The Chairperson closed the meeting at 8:25 pm.

Council Meeting

13/06/2018

Item No	9.3
Subject	Minutes of the Sport & Recreation Committee Meeting - 14 May 2018
Report by	Hayla Doris, Manager Recreation and Community Services
File	SF17/2773

Officer Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 14 May 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.3 Football NSW Lighting Grant - Ador Reserve

- 1 That Council's allocation of Rockdale Development Contribution Plan (Section 94) funds be considered for the provision of lighting at Ador Reserve.

General Manager's Note

The project funding referred to above is not included in the 2018/19 Capital Works Program currently on exhibition. \$70k is available in the Section 94 Reserve for improvements at Ador Reserve. Council may wish to consider making a submission to the 2018/19 budget and amending it when it comes back for adoption. The amendment would be in support of expanded community use of the field initially by achieving Development Consent for the lights.

5.7 Skate Park League Partnership with Bayside Council Proposal

- 1 That the Committee supports the event proposed by the Skate Park League Partnership Proposal to the maximum value of \$4000 with funding to be explored through Youth Week.

5.9 Botany Aquatic Centre Amenities Upgrades

- 2 That the proposed Botany Aquatic Centre amenities upgrades not proceed.
-

Present

Councillor James Macdonald
Councillor Christina Curry
Councillor Scott Morrissey

Also present

Councillor Michael Nagi

Councillor Andrew Tsounis
General Manager, Meredith Wallace
Director City Life, Debra Dawson
Manager Recreation and Community Services, Hayla Doris
Manager Governance and Risk, Fausto Sut
Manager Community Capacity Building and Engagement, Karen Purser
Coordinator Sport and Recreation, Sue Matthew

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6:30pm.

1 Acknowledgement of Traditional Owners

The Chairperson 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 Apologies

Apologies were received from Mayor Bill Saravinovski and Councillor Liz Barlow.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Sport & Recreation Committee Meeting - 21 March 2018

The committee discussed that in the future they only need to discuss any arising business from the previous meeting minutes. Council Meetings confirm minutes prior to the Sports and Recreation Committee meetings.

Committee Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 21 March 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Ador Reserve Synthetic Field Lease Model

Committee Recommendation

- 1 That the proposed course of action on awarding any licence, lease or permit on Ador Reserve be deferred to a GM briefing prior to a Council Meeting. Any

decision should be in accordance with the seasonal Hybrid Management Model, which was supported by the Sports & Recreation Committee and endorsed by Council in April 2018.

- 2 That the allocation of a sinking fund collected from the hire of the field for all Council's existing and new synthetic fields to fund future Whole Of Life costs (maintenance and replacement costs) through lease agreements, casual use revenue and shortfall from general revenue be endorsed.

5.2 St George Football Association Presentation for Ador Reserve Synthetic Field

Committee Recommendation

That it be noted, that the Committee received the presentation.

5.3 Football NSW Lighting Grant - Ador Reserve

Committee Recommendation

- 1 That Council's allocation of Rockdale Development Contribution Plan (Section 94) funds be considered for the provision of lighting at Ador Reserve.
- 2 That the specification of the lighting levels be reviewed to ensure that the lighting installation meets appropriate standards.
- 3 That the provision of lighting be explored in more detail once the usage is determined.

5.8 Rockdale City Suns Presentation on the Use of Ador Reserve Synthetic Field

Committee Recommendation

That it is noted, that the Committee received the presentation.

5.4 Ador Reserve Opening Ceremony

Committee Recommendation

- 1 That the Ador Reserve Opening Ceremony be supported.
- 2 That Council officers further explore options of an inaugural match between staff and Councillors or alternatively local football teams.

5.5 Arncliffe Aurora request for permit to Arncliffe Park

Committee Recommendation

That, in relation to the proposal from Arncliffe Aurora regarding the allocation of the permit for use of Arncliffe Park, it is recommended that Council addresses this matter with St George Football Association followed by further correspondence updates with Arncliffe Aurora.

5.6 St George Football Association Audit of Sporting Fields for Bayside LGA

Committee Recommendation

- 1 That it be noted, that the audit of Western Sporting Fields document was incomplete and that the Committee be provided with the full document.
- 2 That Council officers explore grant opportunities to address improvement recommendations.
- 3 That it be noted, that the Committee received the presentation.

5.9 Botany Aquatic Centre Amenities Upgrades

Committee Recommendation

- 1 That it be noted, that the Committee received the presentation.
- 2 That the proposed Botany Aquatic Centre amenities upgrades do not proceed.
- 3 That the Committee prioritises the work on a Masterplan for Botany Aquatic Centre.
- 4 That further funding opportunities with Federal and State Members be explored.

5.7 Skate Park League Partnership with Bayside Council Proposal

Committee Recommendation

- 1 That the event proposed by the Skate Park League Partnership Proposal to the maximum value of \$4000 with funding to be explored through Youth Week be supported.
- 2 That further discussion with Skate Park League and Council's Youth and Family Specialist on the possibilities of hosting a local event to take place during Youth Week 2019 and possibly coincide with Mutch Park Skate Park opening be supported.

6 General Business

6.1 Angelo Anestis Aquatic Centre - Lane Availability

Councillor Tsounis was provided information at the meeting and was also advised of the March meeting sports and recreation report and minutes of the Angelo Anestis Aquatic centre.

6.2 Bexley Tennis Courts - DA Progress

The development application is currently under assessment pending the developer providing outstanding information.

6.3 Bexley Bowling Club - Lease Update

This matter will be referred to Manager Property for further comments and update to the Committee.

6.4 Pine Park Playground - Update on completion

Major Projects confirmed that Pine Park playground will be completed in June 2018 and an opening is proposed for July 2018.

6.5 Park Bookings - Rowland and Booralee

Officers provided information confirming that the Academy, which currently uses Rowland and Booralee Parks, consists of under 12 year olds that have been relocated from Mutch Park as a result of Sydney water testing. The booking does not impact on other user groups or the state of the fields.

6.6 Booralee and Jellicoe Amenities - Update on Opening event

Officers advised that when Major Projects completes construction works, dates will be provided for the opening of both sporting amenities.

7 Next Meeting

The next meeting will be held in the Meeting Room, Botany Town Hall at 6:30pm on Monday, 16 July 2018.

The Chairperson closed the meeting at 9:45pm.

Council Meeting

13/06/2018

Item No	9.4
Subject	Minutes of the Community Services & Library Committee Meeting - 14 May 2018
Report by	Angela Hume, Customer Experience Manager, Libraries & Customer Service
File	SF17/2773

Officer Recommendation

That the Minutes of the Community Services & Library Committee meeting held on 14 May 2018 be received and the recommendations therein be adopted.

Summary

The minutes of this Committee do not contain any recommendations that are controversial or significantly impact on the budget.

Present

Councillor Christina Curry
Councillor Michael Nagi

Also present

Councillor James Macdonald
Councillor Scott Morrissey
Councillor Andrew Tsounis
Meredith Wallace, General Manager
Debra Dawson, Director City Life
Angela Hume, Manager Customer Experience
Hayla Doris, Manager Recreation & Community Services
Fausto Sut, Acting Director City Performance
Karen Purser, Manager Community Capacity Building & Engagement
Sue Matthew, Coordinator Sport & Recreation

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 9.50pm.

1 Acknowledgement of Traditional Owners

The Chairperson 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 Apologies

The following apologies were received:

Councillor Tarek Ibrahim

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Community Services & Library Committee Meeting - 21 March 2018

Committee recommendation

That the Minutes of the Community Services & Library Committee meeting held on 21 March 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Terms of Reference

Committee recommendation

- 1 That the Terms of Reference be received and noted.
- 2 That the schedule of meeting dates be received and noted.

5.2 Key Focus Areas

Committee recommendation

That the key focus areas outlined in this report be adopted.

5.3 Customer Service Review

Committee recommendation

That the briefing is received and noted.

6 General Business

There was no General Business.

7 Next Meeting

The next meeting will be held in the Meeting Room, Botany Town Hall at 8.00pm on Monday, 16 July 2018.

The Chairperson closed the meeting at 10.10pm

I

Council Meeting

13/06/2018

Item No	9.5
Subject	Minutes of the Finance & Asset Management Committee Meeting - 16 May 2018
Report by	Matthew Walker, Manager Finance
File	SF17/2773

Officer Recommendation

That the Minutes of the Finance & Asset Management Committee meeting held on 16 May 2018 be received and the recommendations therein be adopted.

Summary

The minutes of the Committee include the following significant recommendation:

6.3 New Playgrounds - Outdoor Exercise Equipment

That Council investigates the opportunities, in the planning for playgrounds, of utilising outdoor exercise equipment and report back to the Sport & Recreation Committee.

Present

Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Liz Barlow

Also Present

Mayor, Councillor Bill Saravinovski
Deputy Mayor, Councillor Joe Awada
Councillor Christina Curry
Councillor James Macdonald
Councillor Andrew Tsounis
Councillor Dorothy Rapisardi
Meredith Wallace, General Manager
Fausto Sut, Acting Director City Performance
Matthew Walker, Manager Finance
Michael McCabe, Director City Futures
Clare Harley, Manager Strategic Planning
Debra Dawson, Director City Life
Karen Purser, Manager Community Capacity Building & Engagement
Tracey Moroney, Manager Airport Business Unit

The Chairperson opened the meeting in the Conference Room, 2nd Floor, Bayside Administration Building at 6.30pm.

1 Acknowledgement of Traditional Owners

The Chairperson 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 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Finance & Asset Management Committee Meeting - 31 January 2018

Committee recommendation

That the Minutes of the Finance & Asset Management Committee meeting held on 31 January 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 March Quarterly Review of the 2017/18 Budget (Quarter 3)

Committee recommendation

That it be noted, that the Finance & Asset Management Committee receives the presentation on the budget review for the third quarter ending 31 March 2018.

5.2 Draft 2018/19 Budget and Fees & Charges

Committee recommendation

That it be noted, that the Finance & Asset Management Committee received the presentation on the Delivery Program / Operational Plan, Draft 2018/19 Budget, Fees & Charges and Capital Works Program.

6 General Business

6.1 New Cycleways

Action

That Councillors be provided with a map of new cycleways.

6.2 Distribution of Southern Courier

Action

That Councillors be provided with the distribution rates of the Southern Courier.

6.3 New Playgrounds - Outdoor Exercise Equipment

Action

That Council investigates the opportunities, in the planning for playgrounds, of utilising outdoor exercise equipment and report back to the Sport & Recreation Committee.

7 Next Meeting

That the next meeting be held in the Meeting Room, Botany Town Hal at 8.00pm on Monday, 23 July 2018.

The Chairperson closed the meeting at 7:54pm.

Council Meeting

13/06/2018

Item No	9.6
Subject	Minutes of the Planning Committee Meeting - 21 May 2018
Report by	Clare Harley, Manager Strategic Planning
File	SF17/2773

Officer Recommendation

That the Minutes of the Planning Committee meeting held on 21 May 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendation:

5.1 Update - Bayside Local Environmental Plan, Development Control Plan and Development Contributions Plan

- 2 That Council lodges a submission to the Greater Sydney Commission and the Department of Planning & Environment, requesting funding for the preparation of the Plans
-

Present

Councillor Michael Nagi
Councillor Joe Awada
Councillor Petros Kalligas (from 6.57pm)

Also present

Mayor, Councillor Bill Saravinovski (from 7.07pm)
Michael McCabe, Director City Futures
Clare Harley, Manager Strategic Planning
Luis Melim, Manager Development Services
Alexandra Vandine, Coordinator Policy & Strategy

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6.45pm.

1 Acknowledgement of Traditional Owners

The Chairperson 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 Apologies

An apology was received from Meredith Wallace, General Manager.

3 Disclosures of Interest

Councillor Nagi disclosed that he owned property in Firth Street Arncliffe. The Committee acknowledged that there did not appear to be a conflict for any of the agenda items.

4 Minutes of Previous Meetings

4.1 Minutes of the Planning Committee Meeting - 28 March 2018

Committee recommendation

That the Minutes of the Planning Committee meeting held on 28 March 2018 be confirmed as a true record of proceedings

5 Reports

5.1 Update - Bayside Local Environmental Plan, Development Control Plan and Development Contributions Plan

Committee recommendation

- 1 That the update about the preparation of a Bayside Local Environmental Plan, Development Control Plan and Development Contribution Plan be noted.
- 2 That Council lodges a submission to the Greater Sydney Commission and the Department of Planning & Environment, requesting funding for the preparation of the Plans.

5.2 Update - NSW Planning Changes

Committee recommendation

That a report be prepared for the June Council Meeting to discuss opportunities and impacts of the Medium Density Code.

5.3 Development Services - Status of Assessments and Customer Survey

Committee recommendation

That the Committee receives and notes the status update of Development Assessments and the forthcoming Customer Survey.

6 General Business

6.1 Princes Highway Corridor

Committee recommendation

- 1 That the Council report: 7.3 Bayside West Planned Precincts – B6 Enterprise Corridor Zone Review scheduled for Council's extraordinary meeting of 23 May 2018, is supported in principle.
- 2 That the B6 Enterprise Corridor Zone Review be a priority of the Committee and be regularly reported to forthcoming Committee meetings.

6.2 Career Opportunities

- 1 That the Committee acknowledges the promotion of staff to roles in Strategic Planning (Policy & Strategy) and City Infrastructure (Public Domain).
- 2 That the Committee supports career development and promotion where appropriate within Council.

7 Next Meeting

The next meeting will be held in the Meeting Room, Botany Town Hall at 6.30pm on Monday, 23 July 2018.

The Chairperson closed the meeting at 8:15 pm.

Council Meeting

13/06/2018

Item No 9.7
Subject **Minutes of the Brighton Le Sands Working Party Meeting - 4 June 2018**
Report by Lauren Thomas, Governance Officer
File SF17/2773

Officer Recommendation

That the Minutes of the Brighton Le Sands Working Party meeting held on 4 June 2018 be received and the recommendations therein be adopted.

Summary

The substantial recommendations included in these minutes are:

5.1 Terms of Reference

- 2 That the Working Party elects Councillor Michael Nagi as the chairperson.

5.2 Brighton Le Sands Working Party - Implementation Plan

Various recommendations regarding master planning and car parking.

Present

Mayor, Councillor Bill Saravinovski
Councillor Ed McDougall
Councillor Vicki Poulos
Councillor Joe Awada
Councillor Michael Nagi
Councillor Andrew Tsounis
Councillor Paul Sedrak
Councillor James Macdonald

Also present

Councillor Liz Barlow
Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Samantha Urquhart, Manager Property
Clare Harley, Manager Strategic Planning
Jeremy Morgan, Manager City Infrastructure
Irene Chan, Urban Designer

The Chairperson opened the meeting in the Level 2 Conference Room Bayside Administration building at 6.30 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

Nil

5 Reports

5.1 Terms of Reference

Committee Recommendation

- 1 That the Brighton Le Sands Working Party (Working Party) adopts the attached Terms of Reference.
- 2 That the Working Party elects Councillor Michael Nagi as the chairperson.
- 3 That the schedule of meeting dates be noted.

5.2 Brighton Le Sands Working Party - Implementation Plan

Committee Recommendation

- 1 That the matters in the attachments are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within the attachments must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.
- 2 That the Working Party supports the development of the Masterplanning process described in the Briefing Paper.

- 3 That the scope of potential capital projects to increase on-street parking be reported back to the Working Party and the Council as a priority.
- 4 That on-street timed parking opportunities are implemented as a priority in the short term.
- 5 That residential parking scheme opportunities be considered by the Working Party at the next meeting.
- 6 That a paid parking implementation plan for on-street parking be developed for considered by the Working Party.
- 7 That maintenance and improvement schedules be developed for the Boulevard Car Park as a priority and be considered by the Working Party at the next meeting.
- 8 That maintenance and improvement schedules be developed for the Moate Avenue Car Park.
- 9 That an off-street paid parking implementation plan which prioritises the Boulevard Car Park be developed for consideration by the Working Party.
- 10 That the Working Party develops a funding strategy to realise property opportunities underpinned by the Master Plan and Parking Strategy.

6 General Business

There was no General Business.

7 Next Meeting

That the next meeting be held at Rockdale at 6.30 pm on Wednesday, 29 August 2018.

The Chairperson closed the meeting at 8:54 pm.

Council Meeting

13/06/2018

Item No	9.8
Subject	Minutes of the Bayside Traffic Committee Meeting - 6 June 2018
Report by	Jeremy Morgan, Manager City Infrastructure
File	SF17/2773

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 6 June 2018 be received and the recommendations therein be adopted.

Present

Councillor Ed McDougal (Convener)
Senior Constable Andrew Chu, St George Local Area Command,
Senior Constable Alexander Weissel, Botany Bay Police,
George Perivolarellis, representing State Members for Rockdale and Heffron,
Councillor Dorothy Rapisardi

Also present

Jeremy Morgan, Manager City Infrastructure, Bayside Council,
Lyn Moore, NSW Pedestrian Council,
Peter Hannett, St George Bicycle User Group,
Glen McKeachie, Coordinator Regulations, Bayside Council,
David Carroll, Senior Parking Patrol Officer, Bayside Council
Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council
Agasteena Patel, Traffic Engineer, Bayside Council,
Malik Almuhanha, Asset Officer, Bayside Council
Pat Hill, Traffic Committee Administration Officer, Bayside Council,
Colin Mable, Executive Engineer, Bayside Council (Items: BTC18.062, 063, 073, & 074 left 10.30 am)
Robbie Allen, Transport Planner, Bayside Council,
Lindsay Ash, RMS (Items: BTC18.062 & 063)
Michael Partridge, John Holland (Items: BTC18.062 & 063)
Martin Harris, RMS (Items: BTC18.062 & 063)
Sharon Clague, John Holland (Items: BTC18.062 & 063)
Jason Nisbet, John Holland (Items: BTC18.062 & 063)
Michael Ibrahim, RMS (Items: BTC18.062 & 063)
Councillor Dorothy Rapisardi

The Convenor opened the meeting in the 9.15 am in the Pindari Room, Level 1, 448 Princes Highway, Rockdale and affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

1 Apologies

The following apologies were received:

Joe Scarpignato, St George Cabs,
James Suprain, representing Roads and Maritime Services,
Les Crompton, representing State Member for Kogarah,
Bushana Gidiess, State Transit Authority

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

BTC18.061 Minutes of the Bayside Traffic Committee Meeting - 2 May 2018

Committee Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 2 May 2018 be confirmed as a true record of proceedings.

4 Reports

BTC18.062 Baxter Road proposed removal of the mid-block road closure at 31 and 33 Baxter Road, and the proposed temporary road closure of Baxter Road at O'Riordan Street for the Airport North Road Project

Committee Recommendation

That the community consultation be agreed with Council and carried out by John Holland's Group and the result of the consultation be submitted to the Committee for further consultation.

BTC18.063 Intersection of Botany Road and Wentworth Avenue, Mascot - Proposed temporary intersection closure for Airport East Road Project

Committee Recommendation

- 1 That the RMS and their contractors continue to engage with Bayside Council and Mascot PAC on the requirements on the detour pending a final proposal

- 2 That a tow truck be required on site for the duration of the works.
- 3 That the RMS undertake community consultation as agreed with Bayside Council.

BTC18.064 26 Alfred Street, Mascot - Request for Disability Parking Space

Committee Recommendation

That a 1P parking space in front of 26 Alfred Street, Mascot be provided

BTC18.065 Anti-Social Driving Behaviour

Committee Recommendation

That the Committee endorses the Mayor writing to the RMS requesting a safety camera at the intersection of The Princes Highway and Brodie Spark Drive, Wolli Creek and at the intersection of The Grand Parade and Bay Street, Brighton Le Sands.

BTC18.066 Atkinson Street and Atkinson Lane intersection, Arncliffe - Proposed signposting statutory 10m 'No Stopping' restrictions

Committee Recommendation

That approval be given for the installation of 'No Stopping' signs to reinforce the 10m statutory 'No Stopping' zones at the intersection of Atkinson Street with Atkinson Lane, Arncliffe.

BTC18.067 Caroline Street in front of St Ursula's college - proposed relocation of a school bus zone

Committee Recommendation

That approval be given to the extension of the school bus zone, (Bus Zone, 8 am - 9 am, and 2.30 pm - 3.30 pm, School Days, and Bus Zone, 9 am - 1.30 pm, Tuesday school Days), in Caroline Street in front of St Ursula's College, Kingsgrove, by 10m further north of its current location as shown in the attachment.

BTC18.068 Church Avenue between Kent Road and Bourke Street - proposed painting of One Way Street arrow pavement markings to reinforce the existing one way street

Committee Recommendation

That approval be given to the painting of six one way arrow road markings in Church Avenue from Kent Road to O’Riordan Street.

BTC18.069 Coward Street from Henry Kendall Crescent and Mascot Fire Station, both approaches to Botany Road - proposed 'No Parking, 6.30am-9.30am, Mon - Fri' restriction

Committee Recommendation

- 1 That approval be given to the installation of ‘No Parking, 6.30 am - 9.30 am, Mon – Fri’ restriction along the northern kerb line of Coward Street from Henry Kendall Crescent to Botany Road, approximately 40m long.
- 2 That approval be given to the installation of ‘No Parking, 6.30 am - 9.30 am, Mon – Fri’ restriction along the southern kerb line of Coward Street from Mascot Fire Station to Botany Road, approximately 45m long.
- 3 That the existing ‘No Stopping’, ‘disabled parking zone’ and ‘Mail Zone’ on both approaches of Coward Street to Botany Road be retained.

BTC18.070 Fairview Street on approaches to Wilsons Road, Arncliffe - proposed change from GIVE WAY to STOP priority

Committee Recommendation

- 1 That approval be given to the proposed conversion of the existing Give Way to Stop priority control on both approaches of Fairview Street at Wilsons Road, Arncliffe.
- 2 That approval be given to the installation of 10m double barrier centre lines in Fairview Street on both approaches to Wilsons Road.

BTC18.071 Frederick Street, Rockdale, west of Watkin Street - Proposed changes to times for existing P10 minute and 2P parking restrictions

Committee Recommendation

That approval be given to replace 52m of existing:

From “P10 Min, 8.30 am – 9.30 am and 2.30 pm -3.00 pm School days” and “2P 9.30 am – 2.30 pm and 3 pm – 6 pm Mon-Fri and 8.30 am -12.30 pm Sat”

To

“P10 Min, 8.30 am – 9 am and 3.30 pm – 4.00 pm School days” and “2P 9 am - 3.30 pm and 4 pm – 6 pm, Mon-Fri and 8.30 am -12.30 pm Sat”

along the southern kerb line of Frederick Street west of Watkin Street, Rockdale.

BTC18.072 60 Hatfield Street, Mascot - proposed change 7m of '3P, 8am-6pm, Mon - Fri and 8am-12pm Sat ' parking restriction to 'No Stopping' restriction

Committee Recommendation

That 7m of '3P, 8am-6pm, Mon – Fri and 8am-12pm, Sat' restriction be replaced with 'No Stopping' restriction at the cul de sac end of Hatfield Street, Mascot, between the power pole at the common boundary of Nos 58 and 60 Hatfield Street and the eastern end of the kerb blister island.

BTC18.073 Heffron Road, Pagewood - Removal of Pedestrian Crossing

Committee Recommendation

- 1 That the Report on this existing pedestrian crossing be received and noted.
- 2 That the Committee support the implementation of a temporary pedestrian crossing in Heffron Road 150m from Banks Avenue with the design of a new raised pedestrian crossing submitted to a future Traffic Committee Meeting.

BTC18.074 Heffron Road, Pagewood between Banks Avenue and Bunnerong Road

Committee Recommendation

- 1 That the conversion of the existing cycle and traffic lanes into a single 4.6m lane to accommodate through traffic, cyclists and kerbside parking be endorsed.
- 2 That the cycleway on Banks Avenue north of Heffron Road line markings be removed and reinstated to previous configuration at the proponent's expense.

BTC18.075 Hirst Street between Broe Avenue and Mitchell Street, Arncliffe - proposed removal of 'No Stopping' zone to provide more parking

Committee Recommendation

That approval be given to the following changes to parking restrictions along southern kerblines of Hirst Street, Arncliffe:

- 1 That from 0-10m, 10m statutory 'No Stopping' restrictions be retained north of Mitchell Street
- 2 That from 10m-86m, 76m existing 'No Stopping' restrictions be removed to provide approximately 13 parking spaces
- 3 That from 86m-164m, 76m existing 'No Stopping' restrictions be retained
- 4 That from 164m-182m, 18m existing 'No Stopping' restrictions be removed to provide approximately 3 parking spaces
- 5 That 182m-192m, 10m statutory 'No Stopping' restrictions be retained north of Mitchell Street
- 6 That the double barrier lines be changed to S1 separation lines in Hirst Street between Mitchell Street and Park Street.

BTC18.076 Holloway Street, Pagewood Public School - Proposed KISS and RIDE zone with 'No Parking, 8am-9.30am and 2.30pm-4pm, School Days' for three parking spaces

Committee Recommendation

- 1 That the installation of three (3) No Parking Signs between 8 am - 9.30 am and 2.30 pm and 4 pm on School Days in Holloway Street outside Pagewood Public School be approved.
- 2 That the existing 12 x parking spaces with 'P15 minutes, 8 am - 9.30 am and 2.30 pm and 4 pm on School Days in Holloway Street outside Pagewood Public School, be retained.

BTC18.077 14 Jasmine Street, Botany - Proposed removal of parking space for people with disability

Committee Recommendation

That the proposed removal of parking space for people with disability in front of No. 14 Jasmine Street, Botany, be approved.

BTC18.078 Johnson Lane, rear of 5 Wentworth Avenue, Mascot - Proposed 30m No Parking Zone opposite vehicular crossing

Committee Recommendation

That a 30m 'No Parking' restriction be provided along the western kerblines of Johnson Lane, north of Wentworth Avenue to the rear of No. 63, 65 and 67 Johnson Street as follows:

- 1 From 0m to a point 10m – retain existing 'No Stopping' restriction
- 2 From 10m to 40m – proposed 'No Parking' restriction
- 3 From 40m northward – retain existing parking

BTC18.079 Kent Street, Rockdale- Proposed extension of 'No Parking 6am-8am Thursday' restriction by 17m

Committee Recommendation

That approval be given to the extension of existing 'No Parking 6 am - 8 am Thursday' parking restriction by an additional 17m to the south to cover the frontage of number 3 up to 1m south of the driveway.

BTC18.080 Kingsgrove Avenue, Kingsgrove - Funded traffic calming scheme by Federal Government under the 2018/2019 Blackspot Program

Committee Recommendation

- 1 That the proposed traffic treatments in Kingsgrove Avenue which has secured \$44,000 funding from the Federal Government under 2018/2019 Blackspot Program, be supported, in principle.
- 2 That community engagement be undertaken on the proposed traffic calming scheme, with results reported to a future Bayside Traffic Committee meeting.
- 3 That the detailed design drawings be submitted to Bayside Traffic Committee for endorsement.

BTC18.081 Lyon Street and Wellington Street - Request for Residential Parking Scheme

Committee Recommendation

That Council officers consult with residents from Lyon Street and Wellington Street regarding options to alleviate parking issues.

BTC18.082 Magdalene Terrace, Wolli Creek - proposed painted central median

Committee Recommendation

That the item be deferred to carry out further consultation.

BTC18.083 Miles Street, Mascot - On-street Parking**Committee Recommendation**

That a site meeting be organised with local residents and Member for Heffron, Ward Councillors, the Chairperson and Police be invited to discuss parking on the street.

BTC18.084 Sutherland Street, Mascot, near L'Estrange Park south of King Street - Request for Residential Parking Scheme**Committee Recommendation**

That this item be deferred for further consultation with the Member for Heffron.

BTC18.085 The Glen Road, Bardwell Valley- Proposed 'No Parking' restrictions outside number 26 to 34**Committee Recommendation**

That approval be given for the signposting of 53m 'No Parking' restrictions along southern side of The Glen Road, opposite the Glen Village between house number 26 and 34.

BTC18.086 20 Tramway Street, Rosebery - Works Zone**Committee Recommendation**

That approval be given to the installation of a 6m 'Works Zone, 7 am- 6.30 pm, Mon – Fri and 8.00 am – 3.30 pm Sat' restriction, on the frontage of 20 Tramway Street, Rosebery for a duration of 16 weeks, subject to relevant conditions.

BTC18.087 Wolli Creek Pedestrian Facilities - Guess Avenue, Magdalene Terrace, Monk Street and Bonar Street**Committee Recommendation**

That a marked footcrossing not be provided in Magdalene Terrace as the location does not meet the warrant for a crossing.

BTC18.088 215 Wollongong Road, Arncliffe, north of Wolli Creek Road - Removal of 'No Stopping' restriction**Committee Recommendation**

That 'No Stopping' restriction be removed to provide parking for residents in front of No 215 Wollongong Road, Arncliffe, as it is no longer required.

BTC18.089 General Business

Committee Recommendation

That this report be received and noted.

BTC18.090 Matters referred to the Bayside Traffic Committee by the Chair

Committee Recommendation

That the matters raised by the Chair be considered.

5 General Business

The Convenor closed the meeting at 11.31 am.

Council Meeting

13/06/2018

Item No	10.1
Subject	Notice of Motion - Taste of Mascot 2018
Submitted by	Ed McDougall, Councillor Christina Curry, Councillor
File	F17/1214

Summary

This Motion was submitted by Councillors Ed McDougall and Christina Curry.

Motion

- 1 That Council notes the move of the Taste of Mascot from Bourke Street, Mascot in 2016 to Mascot Oval in 2017 and the subsequent consequences this had on the event.
 - 2 That a report be provided to the Community Relations Committee meeting on 25 June 2018 regarding the Taste of Mascot event to consider options regarding location and organisation of Taste of Mascot 2018.
 - 3 That, given the time constraints in organising the Taste of Mascot event following the abovementioned meeting of the Community Relations Committee, the Mayor, in consultation with the General Manager, is delegated to make arrangements for the Taste of Mascot 2018 event, and that the Mayor in consultation with the Community Relations Committee and the General Manager has oversight of the Taste of Mascot 2018 event.
-

Background

Supporting Statement by Councillors

It is intended to invite the following people to the abovementioned Community Relations Committee: Member for Heffron; organisers of Taste of Mascot 2016; and NSW Police.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil