

### **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 12 December 2018 at 7:00 pm.

#### **AGENDA**

1	ACK	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS			
2	OPEN	OPENING PRAYER			
3	APOL	APOLOGIES			
4	DISC	DISCLOSURES OF INTEREST			
5	MINUTES OF PREVIOUS MEETINGS				
	5.1	Minutes of the Council Meeting - 14 November 20184			
6	MAYORAL MINUTES				
	6.1	Mayoral Minute - Friendship Agreement - Bharatpur Metropolitan City23			
	6.2	Mayoral Minute - Sydney Airport Corporation Limited (SACL) - Rate Equivalent Payments in Lieu of Rates			
7	PUBLIC FORUM				
	Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.				
	Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.				
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9	MINU	MINUTES OF COMMITTEES		
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	9.3	Minutes of the Sport & Recreation Committee Meeting - 19 November 2018		
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11	QUES	TIONS 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



Item No 5.1

Subject Minutes of the Council Meeting - 14 November 2018

Report by Michael Mamo, Director City Performance

File SF17/2831

#### Officer Recommendation

That the Minutes of the Council meeting held on 14 November 2018 be confirmed as a true record of proceedings.

#### **Present**

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

#### **Also Present**

Meredith Wallace, General Manager Michael Mamo, Director City Performance Debra Dawson, Director City Life Michael McCabe. Director City Futures Colin Clissold, Director City Presentation Fausto Sut, Manager Governance & Risk Matthew Walker, Manager Finance Samantha Urquhart, Manager Property Kathy Pasalich, Development Manager Clare Harley, Manager Strategic Planning Alison Phillips, Acting Coordinator Statutory Planning Jeremy Morgan, Manager City Infrastructure Bobbi Mayne, Manager Procurement Karin Targa, Major Projects Unit Director Vincenzo Carrabs, Head of Communications & Events Ian Vong, IT Support Officer Anne Suann, Governance Officer Veronica Giles-Cook, Executive Assistant to the Mayor

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway. Rockdale at 7.06 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, 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 Opening Prayer

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

#### One Minutes's Silence

Councillors, staff and those in the Public Gallery stood and observed a minute's silence to remember Sisto Malaspina, the victim of the latest terrorist attack in Melbourne.

### 3 Apologies

RESOLUTION

Minute 2018/248

Resolved on the motion of Councillors Awada and Nagi

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

- Councillor Tarek Ibrahim
- Councillor Petros Kalligas
- Councillor Andrew Tsounis

#### 4 Disclosures of Interest

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 8.1 on the basis that the applicant met with the General Manager, Director and himself in the Mayor's Office to outline the proposal. As this was part of his civic duties and he has no personal relationship or dealings with the applicant, he considers no other action is necessary, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Nagi declared a Significant Non-Pecuniary Interest in Items 8.5 and 8.14 on the basis that he owns property in the area, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Significant Non-Pecuniary Interest in Item 8.6 on the basis that her husband is an advisor to the Minister for Innovation and Better Regulation whose Department will administer the mandatory Code of Conduct. She stated she would leave the Chamber for consideration and voting on the matter.

Councillor Morrissey declared a Significant Non-Pecuniary Interest in Item 8.8 on the basis that he lives in close proximity to the town centre, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Rapisardi declared a Pecuniary Interest in Item 8.8 on the basis that she rents in the area, and stated she would leave the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Less than Significant Non-Pecuniary Interest in Item 8.17 on the basis that some 8 years ago she employed Kuburlis Catering to do the catering for her daughter's Christening, but stated she would remain in the Chamber for consideration and voting on the matter because she has not used the caterer since then

### 5 Minutes of Previous Meetings

#### 5.1 Minutes of the Council Meeting - 10 October 2018

RESOLUTION

Minute 2018/249

Resolved on the motion of Councillors Awada and Morrissey

That the Minutes of the Council Meeting held on 10 October 2018 be confirmed as a true record of proceedings.

#### **Presentations**

#### A Presentation from the Mayor of Bint Jbeil, Lebanan

Mr Afif Bazzi presented a plaque to the Mayor, Councillor Saravinovski, and Councillor Awada from the Mayor of Bint Jbeil in recognition of our Sister Cities relationship.

#### B Certificate of Recognition - Tanya Coleman, President, Mascot Netball Club

Councillors Morrissey, Curry and Rapisardi presented a Certificate of Recognition to Tanya Coleman, President, Mascot Netball Club in recognition of her contribution to the sport of Netball in the Bayside Local Government Area.

#### C Certificates of Recognition – Arncliffe Aurora Football Club

The following Certificates of Recognition were presented:

 Under 13 Boys on their outstanding achievement, winners of the 2018 Minor Premiers and Grand Final, AAFC Best Team, Best Competition Team and NSW Champion of Champions. The U13 was undefeated in 2018 scoring well over 100 goals (presented by Councillor Nagi).

- Under 18 Boys on their outstanding achievement, winners of the 2018 Minor Premiers and Grand Final and finishing in the top 16 in the NSW Champion of Champions. The U18 was undefeated in the 2018 soccer season (presented by Councillor Nagi).
- Mr Jaafar Khamis, winner of the 2018 Supporter of the Year Award Arncliffe, Aurora Football Club (presented by Councillor Nagi).
- Mr Hassan Reda, winner of the 2018 Volunteer Coaching Support Award, Arcnliffe Aurora Football Club (presented by Councillors Nagi and Rapisardi).
- Mrs Anise Jomaa, winner of the 2018 Volunteer of the Year Award, Arncliffe Aurora Football Club (presented by Councillors Nagi and Rapisardi).

Mr Sam Hassan, President of the Arncliffe Aurora Football Club, presented a plaque to the Mayor and General Manager in appreciation of Council's continued support throughout 2018.

### 6 Mayoral Minutes

#### 6.1 Mayoral Minute - Patterson Building Group

The Mayor, Councillor Saravinovski, together with Councillors Macdonald and Awada, presented a Certificate of Recognition to Paul Richardson, Managing Director, Patterson Building Group.

RESOLUTION

Minute 2018/250

Resolved on the motion of Councillors Saravinovski

That the Mayoral Minute be received and noted.

#### 7 Public Forum

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

### 8.4 Amendments to State Environmental Policy (SEPP) Three Ports 2013 - Council Submission

- Ms Josephine De Flumeri, affected neighbour, speaking against the Officer Recommendation, addressed the Council.
- Mr Stan Hill, affected neighbour, speaking for the Officer Recommendation, addressed the Council
- Mr Jason Christopher, affected neighbour, speaking for the Officer Recommendation, addressed the Council.

#### RESOLUTION

Minute 2018/251

Resolved on the motion of Councillors Curry and Morrissey

- That Council endorses the attached submission regarding amendments to State Environmental Planning Policy (SEPP) Three Ports 2013, for consideration by the NSW Department of Planning and Environment.
- 2 That Council writes to all local State Members of Parliament and the Minister for Planning advising them of Council's submission and to advocate for increased community consultation.

Division on planning matter

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

The Motion was carried.

#### 8 Reports

# 8.1 Brighton Le Sands Unsolicited Proposal Incorporating the Boulevarde Carpark

Councillor Saravinovski had previously declared a Less than Significant Non-Pecuniary Interest and remained in the Chamber.

#### RESOLUTION

Minute 2018/252

Resolved on the motion of Councillors Nagi and Macdonald

1 That Attachment 2 to this report be withheld from the press and public as it is confidential for the following reason:

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

- That based on the options analysis, re-development of the Boulevarde carpark currently presents the most appropriate pathway to improve parking in line with the Parking Strategy.
- That Council does not proceed with a planned tender to redevelop the Boulevarde Carpark to address the car parking shortfall in Brighton Le Sands at this time.
- That Council engage with the proponent to obtain further information in order to create a fully informed business case and determine appropriateness of the proposal to fulfil Council objectives.
- That a further report be submitted to Council to consider the merits of the unsolicited proposal and agree next steps.

### 8.2 Sydney Airport Master Plan 2039 - Preliminary Draft Submission

RESOLUTION

Minute 2018/253

Resolved on the motion of Councillors Morrissey and Nagi

That Council endorses the submission (Attachment 1) to Sydney Airports Corporation Pty Ltd in relation to the Sydney Airport Master Plan 2039 – Preliminary Draft.

# 8.3 F6 Extension Stage 1 Options for relocation of assets from Bicentennial Park

RESOLUTION

Minute 2018/254

Resolved on the motion of Councillors McDougall and Nagi

- That Council notes that the Department of Planning and Environment have placed an Environmental Impact Statement for the F6 Extension Stage 1 New M5 Arncliffe to President Avenue, Kogarah (SSI 17 8931) on public exhibition until 14 December 2018.
- That Council notes that a Draft Submission in relation to F6 Extension Environmental Impact Statement will be tabled at the December 2018 Council meeting.

That Council authorises the General Manager to provide feedback to the RMS in relation to opportunities for the temporary and permanent relocation of Council assets, to reflect the matters outlined in this report.

- 4 That Council notes that a RMS funded Recreation Needs Analysis for the Bicentennial Park and Scarborough Park North Precinct has commenced and will inform temporary and permanent relocation of assets and Councils' negotiation with RMS of mitigation and compensatory actions.
- That Council writes to the Department of Planning and the Minister for Planning requesting that the submission period be extended to 90 days.
- That Council writes to the Local Members, as a matter of urgency, outlining Council's position.

# 8.5 Bayside West Priority Precinct - Submission on Draft State Infrastructure Contributions (SIC)

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

RESOLUTION

Minute 2018/255

Resolved on the motion of Councillors Awada and Bezic

- That Council endorses the draft Bayside Council submission to the Department of Planning and Environment in relation to the Bayside West Proposed State Infrastructure Contributions.
- 2 That Council writes to all local State Members of Parliament advising them of Council's submission.

#### 8.6 Short Term Rental Accommodation Planning Framework

Councillor Poulos had previously declared a Significant Non-Pecuniary Interest, and left the chamber for consideration of, and voting on, this item.

**RESOLUTION** 

Minute 2018/256

Resolved on the motion of Councillors Nagi and Awada

That Council endorses the draft submission to the Department of Planning and Environment, in relation to the Short-Term Rental Accommodation Planning Framework regarding amendments to the Standard Instrument Order and the Codes State Environmental Planning Policy.

Division on planning matter

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

The Motion was carried.

### 8.7 Update - Eastlakes Town Centre

RESOLUTION

Minute 2018/257

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council notes that an application to amend MP 09\_0146 MOD 4 Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential) has been placed on public exhibition by the NSW Department of Planning and Environment until 14 December 2018
- That Council authorises the General Manager to prepare a submission in relation to MOD 4 based on the body of this report.
- That Council includes the submission on the agenda for the GM Briefing session in the first week of December to receive Councillor feedback prior to lodgement.
- That the Member for Heffron be invited to attend the General Manager's Briefing Session.
- That the draft submission be submitted to the Council Meeting of 12 December 2018 for consideration and resolution.
- That Council implements a public awareness campaign immediately to encourage residents to make submissions.

#### 8.8 Banksmeadow Town Centre

Councillor Morrissey had previously declared a Significant Non-Pecuniary Interest, and left the chamber for consideration of, and voting on, this item.

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

RESOLUTION

Minute 2018/258

Resolved on the motion of Councillors Curry and McDougall

1 That Council adopts the Banksmeadow Public Domain Masterplan for the Town Centre as attached to the report.

That Council endorses the construction scope for the works to commence construction in May 2019 in the Banksmeadow Town Centre and to be funded through the s7.11 (s94) funding collected for this purpose.

That Council allocates an additional \$337,500 as collected through s7.11 (s94) funding for traffic, pedestrian mobility and cycle ways in the 2019/2020 financial year City Projects Program to construct the new pedestrian crossing near Waratah Road, the relocated bus stop (east of Tupia Street) and the off-road share path along Fremlin Street connecting the Town Centre to Sir Joseph Banks Park and for these works to be included in the contract scope to be documented and to commence construction in May 2019.

#### 8.9 Lady Robinsons Beach - Investigation and Design Study

RESOLUTION

Minute 2018/259

Resolved on the motion of Councillors McDougall and Poulos

- That Council approves a budget adjustment to allocate funds of \$430,000 in 2019/20 for the preparation of detailed concept designs, cost estimate and a Cost/Benefit Distribution Analyses, comprising \$219,500 funded by Council's Infrastructure Levy and grant income of \$210,500 from the NSW Office of Environment and Heritage.
- That Council accepts the funding offer (2017-18-CFMP-0013) from the NSW Office of Environment and Heritage for a maximum of \$210,500 contribution for these Lady Robinsons Beach studies.
- That Council writes to Mr Steve Kamper, MP, Member for Rockdale, on Council's position.

#### 8.10 National B-Double Renewal - for 19m to 25m long vehicles

RESOLUTION

Minute 2018/260

Resolved on the motion of Councillors Barlow and Awada

That Council provides Road Manager Consent to the heavy vehicle access arrangements for the extension of the existing B-Double network for a statutory period of 5 years from February 2019.

#### 8.11 Acquisitive Sculpture Prize at Bayside Arts Festival 2018-2019

#### RESOLUTION

Minute 2018/261

Resolved on the motion of Councillors Barlow and McDougall

- 1 That Council notes the report on the Bayside Arts Festival Sculpture Prize 2018 including detail on the impact of the prize.
- That Council approves \$50,000 for the Bayside Acquisitive Sculpture Prize for 2019 to be included in the 3<sup>rd</sup> quarter budget review.

#### 8.12 Tender - Provision of Mattress Collection and Processing Services

#### RESOLUTION

Minute 2018/262

Resolved on the motion of Councillors Barlow and Awada

- 1 That the attachment to the report be withheld from the press and public as it is confidential for the following reason:
  - With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Council endorses the decision by the SSROC tender evaluation panel to reject all tenders and accept the following contractors and their negotiated schedule of rates on a preferred supplier panel contract established by SSROC for mattress collection and processing services:
  - a Community Resources Limited trading as Soft Landing
  - b Renewable EnergyCorp Australia
- 3 That Council delegates to the General Manager to sign the SSROC Commissioning Agreements to be issued to the successful Tenderers on behalf of Bayside Council.

#### 8.13 Tender - Mutch Park Skate Park

RESOLUTION

Minute 2018/263

Resolved on the motion of Councillors Morrissey and Curry

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

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

- That in accordance with Regulation 178(1)(b) of the Local Government (General) Regulations 2005 Council declines to accept any of the tenders.
- That in accordance with Regulation 178(4)(a) Council resolves to decline to invite fresh tenders or applications as it has undertaken a comprehensive tender process receiving competitive tenders. There would be no advantage in calling fresh tenders as the tender submissions that have been received are considered to offer quality submissions. It is unlikely that new tenders would provide an improved service for Council and additionally the construction of the new skate park would be delayed if fresh tenders were sought. Negotiations with the preferred contractor will provide the opportunity for a better result and reduce the risk to Council.
- That in accordance with Regulation 178(3)(e) of the Local Government (General) Regulations 2005 Council delegates authority to the General Manager and Mayor to enter into negotiations with Convic (or if required any other of the three companies that submitted a tender for the Construction of the new Mutch Park Skate Park) to reduce the contract value as outlined in the confidential attachment to this report.
- That Council delegates authority to the General Manager and Mayor to enter into and execute a contract for the delivery of the Mutch Park Skate Park to the maximum value as outlined in the confidential attachment.
- That Council allocates an additional \$300,000 to the Mutch Park Skate Park from S7.11 (S94 plan) item OS40 Mutch Park (outdoor sport courts, bbq, picnic facilities, pathway/access, fitness station, shade shelter, landscaping and tree planting, rainwater harvest, playground upgrade and shade structure, refurbish/rebuild tennis court, toilet upgrade, irrigation, masterplan) that has \$1,550,000 in funding.

# 8.14 Tender - Arncliffe and Banksia Precincts Public Domain Plan and Technical Manual

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

RESOLUTION

Minute 2018/264

Resolved on the motion of Councillors Awada and Poulos

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

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

That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Environmental Partnership NSW Pty Ltd for Contract RFT18/668 being for consultancy services to undertake a Public Domain Plan and Technical Manual for the amount of \$338,220.00 (excluding GST).

# 8.15 Tender - Lena Street to Sanoni Avenue Cycleway Improvements - Stage 1

RESOLUTION

Minute 2018/265

Resolved on the motion of Councillors Poulos and Macdonald

1 That Attachments 6 and 7 to the report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment 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.

That, in accordance with Clause 178(1)a of the Local Government (General) Regulations 2005, Council accept the Tender from Mack Civil Pty Ltd for a lump sum of \$597,368.19 (including GST) and provisional items (seawall patching and disposal of spoil) with the estimated amount of \$59,117 (including GST) totalling \$656,485.19 (inclusive GST) for Contract F18/454, Lena to Sanoni Cycleway Improvements – Stage 1.

#### 8.16 Tender - Strategic Planning Consultancies Panel

RESOLUTION

Minute 2018/266

Resolved on the motion of Councillors Awada and Nagi

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

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

- That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tenders from:
  - 2.1 Allen Jack and Cottier Architects, Architectus Group, Aver, DFP Planning, Donald Cant Watts Corke, Ethos Urban, Jeavons Jeavons, Land Dynamics, MG Planning, Otium Planning Group, Place Design Group, Point8, SCT Consulting, Sensing Value, SGS Economics and Planning, The Transport Planning Partnership, Urbanista Australia, Water Modelling for Contract RFT18/772 being for consultancy services to undertake Category 1 Planning Services;
  - 2.2 Allen Jack + Cottier Architects, Architectus Group, Aspect Studios, Brewster Hjorth Architects, Construction Consultants, DEM Aust, Hassell, Jeavons Jeavons, K20AU, LSA Design, McGregor Coxall, Paddock, Place Design Group, Point8, Scott Carver, SCT Consulting, Spackman Mossop Michaels, Tait Network, Trustee for LFA Pacific, Trustee for Carter Williamson Architects, Turf Design Studio, Water Modelling for Contract RFT18/772 being for consultancy services to undertake Category 2 Design Services;
  - 2.3 Edison Environmental Engineering, Greencap, JBSG Australia for Contract RFT18/772 being for consultancy services to undertake Category 3 Environmental Services;
  - 2.4 Artazan Property Group, CM Plus (Context Landscape Design), Edison Environmental Engineering, lamdatasolutions, MBM, SGS Economics and Planning, Xmirus for Contract RFT18/772 being for consultancy services to undertake Category 4 Asset management services.

#### 8.17 Tender - Preferred Supplier Panel Contract for Catering Services

Councillor Poulos had previously declared a Less than Significant Non-Pecuniary Interest and remained in the Chamber.

#### RESOLUTION

Minute 2018/267

Resolved on the motion of Councillors Nagi and Awada

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

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

- That Council resolves in accordance with Regulation 178 (1) (b) of the Local Government (General) Regulation 2005 to decline to accept any of the tenders received in response to RFT F18/240 for catering services.
- That Council does not invite fresh tenders or applications for the catering contract as it is anticipated that subject to negotiation around the mandatory requirements a satisfactory outcome could be achieved with all or some of the tenderers. It is anticipated that other catering service providers would also be able to meet the renegotiated mandatory requirements.
- That Council resolves in accordance with Regulation 178 (3) (e) of the Local Government (General) Regulation 2005 to enter into negotiations with the tenderers and any other service provider with a view to entering into a contract in relation to catering services.

# 8.18 Tender - Library Payment, Print Management and PC Booking System

RESOLUTION

Minute 2018/268

Resolved on the motion of Councillors Rapisardi and Bezic

- 1 That the attachment to the report be withheld from the press and public as it is confidential for the following reason:
  - With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- That Council awards a contract to Monitor Business Machines Pty Ltd to provide a Library Payment, Print Management and PC Booking System (hardware and software) for an initial term of five years plus two optional extensions of one year

each. The cost of the contract over the initial five year term will be \$237,289.75 excluding GST. The cost of each optional one year extension will be \$33,248.95 excluding GST.

#### 8.19 Tender - Electrical and Plumbing Services

RESOLUTION

Minute 2018/269

Resolved on the motion of Councillors Awada and Poulos

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

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

- That Council endorses the establishment of an Electrical Services Preferred Supplier Panel Contract consisting of Modern Electric, Altrelec, and Sydney Electrical Services.
- That Council endorses the establishment of a Plumbing Services Preferred Supplier Panel Contract consisting of Mark Ellison Plumbing, Infraworks, and Pronto Express Plumbing.
- That Council provides delegation for the General Manager to finalise the contracts to be issued to the preferred suppliers outlined in recommendations 2 & 3 above.

# 8.20 LG NSW Conference - Albury NSW 21-23 October 2018 - Councillor Attendance Report

RESOLUTION

Minute 2018/270

Resolved on the motion of Councillors Nagi and Macdonald

- 1 That the report be received and noted.
- 2 That the Councillors' reports included in this summary, inform their individual professional development plan for 2018/2019.

### **Suspension of Standing Orders**

RESOLUTION

Minute 2018/271

Resolved on the motion of Councillors Barlow and Rapisardi

That Standing Orders be suspended in order to deal with 'Item 9.1 - Minutes of the Risk & Audit Committee Meeting – 27 September 2018' to be determined by Council prior to 'Item 8.21 – General Manager's Performance Review Panel – Appointment' as the Minutes for adoption has a recommendation to adopt the General Manager's Performance Agreement Policy to which Item 8.21 relates.

# 9.1 Minutes of the Risk & Audit Committee Meeting - 27 September 2018

RESOLUTION

Minute 2018/272

Resolved on the motion of Councillors Barlow and Rapisardi

That the Minutes of the Risk & Audit Committee meeting held on 27 September 2018 be received and the recommendations therein be adopted.

### 8.21 General Manager's Performance Review Panel - Appointment

RESOLUTION

Minute 2018/273

Resolved on the motion of Councillors Saravinovski and Nagi

- That the Mayor, Deputy Mayor and Councillor Barlow be appointed to the Performance Agreement Review Panel, noting that the General Manager will nominate the fourth Councillor member to the Panel.
- That the date of the performance review meeting be set by the Manager People & Organisational Culture.

#### 8.22 Annual Report 2017/18

RESOLUTION

Minute 2018/274

Resolved on the motion of Councillors Barlow and McDougall

That the attached Bayside's Annual Report 2017/18, including the progress report on the Operational Plan 2017/18 be received.

### 8.23 Quarterly Budget Review Statement - 30 September 2018

RESOLUTION

Minute 2018/275

Resolved on the motion of Councillors Nagi and Macdonald

1 That the Quarterly Budget Review Statement by the Manager Finance for the quarter ended 30 September 2018 be received and noted.

That in accordance with *Clauses 203 and 211 of the Local Government* (*General*) Regulations 2005, the proposed variations to the adopted revised budget detailed in the attachment to this report are adopted by Council and the changes to income and expenditure items be voted.

### 8.24 Statutory Financial Report for September 2018

RESOLUTION

Minute 2018/276

Resolved on the motion of Councillors Macdonald and Nagi

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

# 8.25 Response to Question - Pedestrian crossing - Botany Road at the intersection with Wilson Street, Botany

The response was received.

#### 9 Minutes of Committees

# 9.2 Minutes of the Sport & Recreation Committee Meeting - 15 October 2018

RESOLUTION

Minute 2018/277

Resolved on the motion of Councillors Macdonald and Morrissey

That the Minutes of the Sport & Recreation Committee meeting held on 15 October 2018 be received and the recommendations therein be adopted.

# 9.3 Minutes of the Finance & Asset Management Committee Meeting - 29 October 2018

RESOLUTION

Minute 2018/278

Resolved on the motion of Councillors Morrissey and Barlow

That the Minutes of the Finance & Asset Management Committee meeting held on 29 October 2018 be received and the recommendations therein be adopted.

### 9.4 Minutes of the Brighton Le Sands Working Party Meeting - 31 October 2018

RESOLUTION

Minute 2018/279

Resolved on the motion of Councillors Nagi and Poulos

That the Minutes of the Brighton Le Sands Working Party meeting held on 31 October 2018 be received and the recommendations therein be adopted subject to Councillor McDougall being noted as an apology.

# 9.5 Minutes of the Bayside Traffic Committee Meeting - 7 November 2018

RESOLUTION

Minute 2018/280

Resolved on the motion of Councillors Nagi and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 7 November 2018 be received and the recommendations therein be adopted with the exception of BTC18.194.

# 9.6 BTC18.194 – Minutes of the Bayside Traffic Committee Meeting – 7 November 2018 – Teralba Road, Kings Road and Hercules Road, Brighton Le Sands - Proposed Angled Parking

RESOLUTION

Minute 2018/281

Resolved on the motion of Councillors McDougall and Poulos

1 That this matter be deferred until Council engineers investigate parking options in Teralba Road, Kings Road and Hercules Road, Brighton Le Sands in line with the Australian Standards.

2 Following the investigations Council to discuss the proposal with the RMS.

That consultation be undertaken with residents of Teralba Road, Kings Road and Hercules Road, Brighton-Le-Sands on the proposed 90 degree angled parking.

#### 10 Notices of Motion

#### 10.1 Notice of Motion - Renaming Bayside Wards

RESOLUTION

Minute 2018/282

Resolved on the motion of Councillors Nagi and Macdonald

- That Council renames the Bayside Local Government Wards using a simple numerical sequence 1, 2, 3, 4, and 5 to eliminate the confusion particularly between the Botany Bay and Port Botany Wards.
- 2 That Council complies with best practice guidelines and undertake community consultation on the proposed renaming of the Council Wards.
- That Council reports back to Council in February 2019 on the results of the community consultation.

#### 11 Questions With Notice

There were no Questions With Notice.

#### 12 Call For Rescission Motions

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 8:45 pm.

Councillor Bill Saravinovski **Mayor** 

Meredith Wallace General Manager



Item No 6.1

Subject Mayoral Minute - Friendship Agreement - Bharatpur Metropolitan

City

File F18/1055

#### Motion

That the Mayoral Minute be noted and the Friendship Agreement between Council and the Bharatpur Metropolitan City, Chitwan be endorsed.

### **Mayoral Minute**

Councillors please join in welcoming her Excellency Ms Lucky Sherpa, Ambassador of Nepal. Unfortunately, the Mayor of Bharatpur Metropolitan City, Chitwan, Ms Renua Dahal, is unable to join us tonight and sends her apologies.

As Mayor of Bayside Council, one of Sydney's most vibrant multicultural communities, I am very proud to present to you a Friendship Agreement to be entered into with the Bharatpur Metropolitan City in Chitwan, Nepal. This Friendship Agreement will be signed this evening in the spirit of friendship, mutual respect and co-operation on behalf of the people of both cities.

This Agreement is a guide for both Councils and the people they represent, to establish and maintain recognition of each other in a municipal partnership, to deepen friendly relations and mutual understanding, while promoting co-operation and contributing to the prosperity of both municipalities.

With the goals of prosperity, cultural understanding, and exchange, the two parties will explore opportunities to cultivate closer relations with one another through good-will and cooperative activities.

The Nepalese community are very well represented in Bayside and positively contribute to our cultural diversity – a diversity which is our strength as we build our new Council area.

In entering this Agreement both parties affirm their commitment to the advancement of friendly relations between our local authorities and between our residents.

In the presence of my fellow Councillors and members of the community, I ask you to join me in endorsing this Friendship Agreement.

#### **Attachments**

Friendship Agreement - Bharatpur <a>J</a>

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#### FRIENDSHIP AGREEMENT

# BETWEEN BAYSIDE COUNCIL AND BHARATPUR METROPOLITAN CITY



In a spirit of mutual respect and cooperation, Bayside Council, New South Wales, Australia and its people and the Bharatpur Metropolitan City, Chitwan, Nepal and its people agree to enter into a Friendship Relationship Agreement.

Although not legally binding, this Agreement is a guide to the organisations of Bayside Council and the Bharatpur Metropolitan City and the peoples they represent. In a spirit of goodwill this Agreement will establish and maintain recognition of each other in a municipal partnership to deepen friendly relations and mutual understanding while promoting cooperation and contributing to the prosperity of both municipalities.

With the goals of prosperity, cultural understanding, and exchange, the two parties shall explore opportunities to cultivate closer relations with one another through cooperative activities.

In entering this Agreement both parties affirm their commitment to the advancement of friendly relations between our local authorities and between our residents.

We herein signed this agreement on

Bill Saravinovski

Mayor

**Bayside Council** 

Her Excellency, Lucky Sherpa

Ambassador

Embassy of Nepal, Canberra



Item No 6.2

Subject Mayoral Minute - Sydney Airport Corporation Limited (SACL) - Rate

**Equivalent Payments in Lieu of Rates** 

File F08/34

#### Motion

That Council notes the finalisation of the Deed of Agreement and Deed of Settlement providing certainty to both Council and Sydney Airport Corporation Limited (SACL) as to how future rate equivalent payments in lieu of rates are to be determined.

That Council authorises the General Manager to finalise and execute the Memorandum of Understanding (MOU) with SACL creating the framework for determining projects that will be funded from the newly created Community and Environmental Projects Reserve.

#### **Mayoral Minute**

At its September 2018 meeting Council resolved on a way forward to deal with a long standing issue in respect to rate equivalent payments to be paid by Sydney Airport Corporation Limited. Council has previously been briefed on the significant benefits that will result from the settlement of this outstanding matter.

It gives me great pleasure to announce that both parties have worked co-operatively and constructively and a Deed of Agreement and a Deed of Settlement was finalised on 28 November 2018. The Agreement means that SACL will pay the same rate in the dollar and minimum rate based on the "Business Port Botany' rating category for the relevant areas contained within the Sydney airport site.

Also, I am pleased to announce that the finishing touches are being placed on the MOU between the two parties which will see a one-off contribution of \$1 million from SACL and future annual allocations towards co-promoted Bayside Council and SACL projects. Council has agreed to establish an internally restricted reserve called "Community and Environmental Projects Reserve". The Reserve will be used for the development or improvement of infrastructure for community use and to improve environmental outcomes in the Bayside local government area. The MOU establishes the framework for collaboration, co-operation and delivery by Council of the agreed projects to be supported by the Reserve. The process outlined in the MOU particularly in relation to the selection of the projects ensures that Council's wider responsibilities under its Delivery Program and annual Operational Plan (including capital works and budget) are met. I am confident that the MOU will meet Council's objectives and propose that the General Manager be delegated authority to finalise and sign the MOU.

#### **Attachments**

Nil

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Item No 8.1

Subject Rockdale Park Masterplan, Water Feature, Amenities & Playground

Report by Karin Targa, Major Projects Unit Director

File SF18/2554

### **Summary**

The following items are listed for Rockdale Park on the 2018/2019 City Projects Program:

- Preparation of a Masterplan
- Design and documentation for the replacement of the playground
- Design and documentation for the replacement of the amenities building
- Design, documentation and construction of the water feature

This report details the Masterplan and the proposed works.

#### Officer Recommendation

- 1 That the Masterplan for Rockdale Park as attached to this report be adopted by Council:
- That the locations for the new amenities and playground as per the Masterplan are agreed and that the amenities and playground projects proceed to detailed design, documentation and tender:
- That option 2 as attached to this report is selected for the water feature, and that the water feature project proceeds to detailed, design, documentation and tender based on option 2.

#### **Background**

Rockdale Park forms an important component of the precinct around West Botany Street and the drainage channel 'Muddy Creek'. Ador Reserve adjoins Rockdale Park to the south as well as McCarthy Reserve.

Rockdale Park is 3.2 hectares in size and was proclaimed as a public park in 1900 and transferred to Council ownership in 1978. It is classified as community land under the Local Government Act 1993. The large existing boundary trees – Coral trees, Figs and Brush Box were established in the 1930's and air raid trenches existed on the eastern boundary in the 1940's. The park was used for active sports from the 1950's to 1970's but the major improvements occurred in the early 1970's with the planting of many ornamental conifers and trees such as Cedars, Spruces, Pines, and Maples and the construction of the water feature. The plantings instigated a change in the park from active to passive usage.

Rockdale Park has considerable value for the local community and is a unique park within the Local Government Area due to the dense plantings of mostly cool climate ornamental conifers and some rare specimen tree species. The park used to be referred to as the 'wedding park' as many people used the park for wedding photos. The park currently has limited accessibility, as there are no footpaths within and through the park; entries are not clearly defined and are obscured by tree canopy. Connections to surrounding streets are limited including no footpath on West Botany Street.

There is a Draft Plan of Management for Rockdale Park dated 2007, and a Draft Conservation Management Plan, dated 2014.

The Draft Plan of Management's vision for Rockdale Park is as a focus for informal, passive recreation activities set among mature, diverse gardens, and as a setting for social gatherings. Key management objectives include integrating the park with its surrounds, retaining the character and structure of the park, improving existing facilities and features and ensuring the safety of park users.

Some of the key issues identified in the Draft Plan of Management are tree life cycle, safety and management, pathway linkages and circulation to and through the park, park entry points and accessibility, feature corner entries, especially along West Botany Street, the water feature, playground, amenities and park furniture.

The key actions identified in the Draft Plan of Management include replacing the water feature, extending the playground and improving its function and landscape setting, sealed pathways between access points to the park and to key features and tree management, to improve the aesthetics, function, useability and safety of the park. Most of these have been identified as short-term necessary actions.

The Draft Conservation Management Plan reiterates the park's considerable value within the local community for its uniqueness in the LGA (and probably Sydney), it is one of Rockdale's earliest parks acquired for public recreation, almost the entire original park area remains intact, it contains some of the earliest tree plantings in the area (Bryant Street - early 1900's) and its unusual setting as a destination and venue.

#### Masterplan of Rockdale Park

The prepared Masterplan is compatible and consistent with the key principles and actions of the Draft Plan of Management for Rockdale Park, the Draft Conservation Management Plan and Council's Open Space & Recreation Strategy 2010.

The Masterplan proposes:

- Clear, directional accessible circulation paths throughout the Park which integrates the
  features and facilities in the park such as the playground, amenities and water feature as
  well as picnic spaces and picnic facilities.
- Improved entry and access points into the park from all road frontages.
- Feature key entries in the NW and SW corners of the park along West Botany Street to serve as visual "gateways" to the park.
- Replacement of the dilapidated retaining wall along West Botany Street and construction of a footpath.

 New park furniture including seats, picnic settings, bike racks, drinking fountains and signage.

• Tree Management.

The proposed changes will improve accessibility to and through the park, enhancing useability and park user experience. Rockdale Park is a unique horticultural park and the combination of park improvements, new relocated playground and amenities, new centralised water feature and tree management, will improve the functionality of the park and its attractiveness for the local community.

A Tree Management Plan was completed in October 2018 which includes a range of measures to maintain and manage the many park trees including the removal and pruning of some trees for safety reasons and due to overplanting, as well as to enhance the spaces in the park and make them more useable. Tree works will also improve sightlines to and through the park, inviting people into the park but also improving public safety and surveillance. The Plan identified that 65% of trees need pruning, 25% need removal and approximately 10% require either no work or some further testing. The plan proposes progressive removal and replacement of the boundary Coral Trees in Bryant Street which are aged and in poor condition.

#### Water Feature Design & Construction

The existing water feature was a valuable feature of the park. It was constructed in the early 1970's and provided a picturesque backdrop for functions and wedding photos. The water feature became inoperable since the introduction of water restrictions; it also fell into disrepair causing leakage and significant water loss from cracks in the concrete channel. Numerous attempts to repair the water feature failed and the storage capacity of the lower pond was inadequate for the volume of water needed to run the system. The water feature was using approximately 2.7 million litres of water/year and ceased to operate in 2003. The existing water feature is approximately 140 metres long and 3-5 metres in width.

Three (3) options for rehabilitation of the water feature were investigated:

#### Option 1 – Re-build water feature using same footprint length but a narrower width:

This option comprises a continuous 120-metre shallow channel of 500mm to 2 metres wide consisting of a reinforced concrete stream structure with rock finish and lower reservoir pool and upper source pool.

With this option, the proposed and preferred amenities and playground locations as shown in the Masterplan would not be possible and these facilities would have to be located in a less preferred location.

This option allows for limited integration and user experience with the water feature. The water and water reflections are only temporary except for the lower pool, which holds water permanently. There is no sound from water flow or animation and no sit-able edges. When the water feature is not running, it will be a dry concrete channel. The water feature can include a bridge and allow for informal crossings. The proximity to the children's playground is potentially problematic, enticing interaction and therefore other safety and surveillance considerations will need to be integrated. It is not possible to see the extents of the water

feature in a single view to have a clear picture of water quality content and this raises other issues with surveillance.

Option 1 is anticipated to be able to be delivered within the allocated budget for the project.

# Option 2 – Rebuild water feature in the centre of the park - reduced length with large integrated water gardens:

The option 2 water feature is consistent with recommendations in the Draft Plan of Management.

The design consists of a sequence of shallow pools and is approximately 65 metres long. The proposed pools include upper, middle and lower reservoirs. The reservoirs vary in length and width and feature decorative water plants on the northern side. The stream connections between the pools feature rocks and flow deviators and weirs to create sound, interaction, interest and restful ambience for the nearby picnic spaces and lawns. The water feature looks more natural than fabricated.

Option 2 design creates a strong "destination" and "heart" within the park, enhancing and integrating the park's unique character. It features permanent water and reflection ponds even when not running, with additional sound and restful ambience when operating. It complements the "wedding park" historic usage and will attract more bird life.

The playground can be located in the area where the existing water feature's lower pond used to be for better integration with the relocated amenities and connection to Ador Reserve and recreational facilities to the east and south.

The water feature is located away from the proposed playground both visually and physically, which should negate the need for fencing. It will require reduced periodic drain hose down to control algal growth on the pool shells.

Option 2 allows a variety of sitting edges along its length and pool edges have either walled or planted edges. Pools are approx. 250-300mm deep. Its stepping form fits well with the topography of the park. It will include a new bridge crossing at a strategic location considering circulation through the park as well as providing a visual focus for photography and the like. Informal crossing can also occur.

This option is preferred for its "fit" and integration with the unique character and ornamental features of Rockdale Park. It is considered to be the most appropriate for the park's hierarchy within the local area and the wider LGA and its usage as a passive park and importantly, it provides for a high level of user interaction (in its various forms) with the water.

Option 2 is anticipated to be able to be delivered within the allocated budget for the project.

# Option 3 – Reduced size water feature with children's water play and associated water quality inclusions and requirements

An option to integrate water play has been investigated. It raises a range of issues and the construction and operation cost significantly increase. This option follows the narrow stream typology of Option 1 with chemically treated water required for children's play. The steps modulate the water feature providing some seating opportunities. It allows for stream play but no water jets. All water drains away to be cleaned and shut down at the end of each day. A comprehensive underground plant room with balance tank, filtration and water treatment

system is required for fully treated primary contact water quality. The construction cost for this option is considerably over the allocated budget and will require intensive maintenance and running costs.

This option does not allow the proposed and preferred amenities and playground locations as shown in the Masterplan.

NSW Health design codes become mandatory and prescriptive to Option 3 design and operation. The water feature would need to be raised and separated from the park surrounds and water catchment, which does not allow visual or physical integration with the rest of the park.

Option 3 whilst creating a strong theme in the park looks fabricated, comprises hardscape elements, and would be more suited to an urban park or regional park as a destination for water play. The water play invites active, noisy usage in a park respected for its quiet enjoyment and conflicts with the historic wedding park usage. When not running it is a dry concrete channel. Clear signage would be required with regard to community behaviour and to define emergency/safety procedures.

#### **Amenities Building**

The existing public amenities block was built in the 1950s. It is beyond its serviceable life and in need of replacement as it does not comply with current building standards. The location of the existing amenities building is hidden and does not support the current playground. It is built hard up against the neighbouring residents who have experienced some anti-social behaviour in the toilet block.

A new amenities building is proposed as part of the masterplan, which will service both the playground, and the rest of the park.

The new building is proposed to include:

- New public toilets
- Accessible toilet and baby change facility
- Operational space for on site ground staff
- Operational lunchroom for on site ground staff
- External hand wash and bubbler

#### New Playground

The existing playground is due for renewal and classified as a "district" level playground. The Masterplan proposes to relocate the playground to the southern portion of the park near the end pool of the existing water feature.

The proposed playground includes equipment suitable to the current and projected demographics of the local community and will be strategically placed to incorporate the use of existing natural shade.

The proposed location allows integration with the proposed amenities building and has a better connection with recreational and open space facilities to the east and south of the Park in the Muddy Creek corridor.

Construction of internal integrated pathways, as proposed in the Masterplan, will allow fully accessible connections for the community to the playground area.

### **Financial Implications**

Not applicable

Included in existing approved budget

Additional funds required

□

2018/2019 budget allows for detailed design and documentation.

Project bids pending for 2019/2020 for construction.

### **Community Engagement**

Community engagement will occur once the Masterplan is adopted by Council as part of the detailed design process.

#### **Attachments**

- 1 Rockdale Park Masterplan
- 2 Rockdale Park Water Feature Options Comparison <a href="#">
  </a>
- 3 Rockdale Park Water Feature Option 2 <a href="#">.</a>



# Water Feature Options Comparison



**OPTION 1** 



**OPTION 3** 







#### Rebuild full length but narrowed stream

- Narrower stream than existing. Full extent of stream not visible and raises potential issues with surveillance and water quality.
- Playground and amenities location not optimal.
- A dry paved channel when turned off.
- Limited user experience and interaction with water, limited sound and animation, no sitting edges, no integrated landscaping.

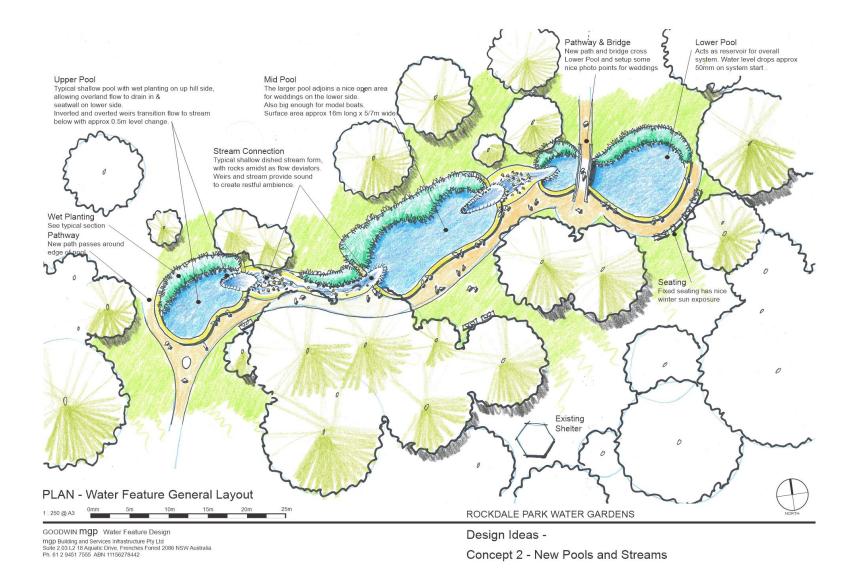
#### Reduced size feature with water gardens

- Strong "destination" and "heart" within the park. Integrated with 'gardenesque' style of park, picnic areas and supports other proposed park features.
- Reduced length, with large pools and wider stream, consistent with Draft POM.
- Sequence of natural looking, shallow, permanent reflection pools with sitting edges and planting.
- Complements "wedding park" usage.
- Animation and sound with weirs and flow deflectors creates restful ambience and enhanced user interaction and experience.
- Optimal location for playground and amenities.

### Reduced size with water quality suitable for water play

- Chemically treated water suitable for primary contact is essential. Requirement to drain daily.
- Requires large underground plant room with water treatment system.
- NSW Health Design Code is prescriptive to design and operation.
- Stream play only, no water jets. Reduced park integration and inconsistent with style of park.
- Significant capital expenditure outside of project budget. Ongoing high cost to run and for maintenance and water quality.

Rockdale Park 03 Dec 2018

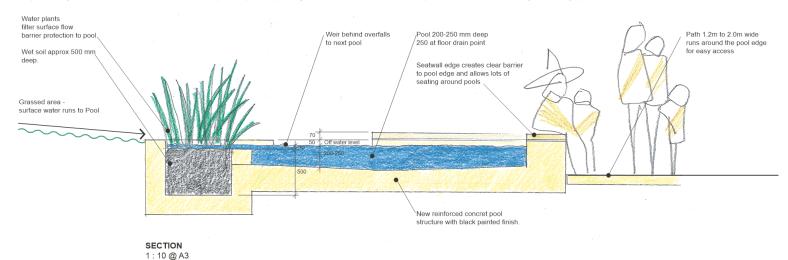




Example - Water garden with mixed species

Example - Wet planter to pool edge

Example - Park Pool with formalised edge and seating space

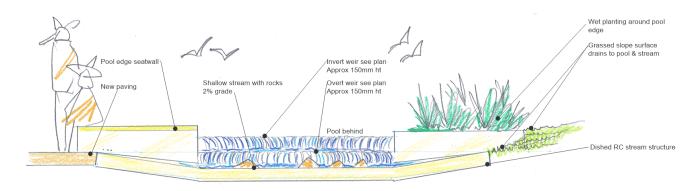


ROCKDALE PARK WATER GARDENS

GOODWIN MGP Water Feature Design mgp Building and Services Infrastructure Pty Ltd Suite 2.03 L2 18 Aquatic Drive, Frenches Forest 2086 NSW Australia. Ph. 61 2 9451 7555 ABN 11156278442

Design Ideas -

Concept 2 - Shallow Water Garden Pools



#### **CROSS SECTION BELOW WEIRS**

1:20 @ A3



#### LONG SECTION THRU WEIRS

1 : 50 @ A3

#### ROCKDALE PARK WATER GARDENS

GOODWIN MGP Water Feature Design mgp Building and Services Infrastructure Pty Ltd Suite 2.03 L2 18 Aquatic Drive, Frenches Forest 2086 NSW Australia. Ph. 61 2 9451 7555 ABN 11156278442

Design Ideas -

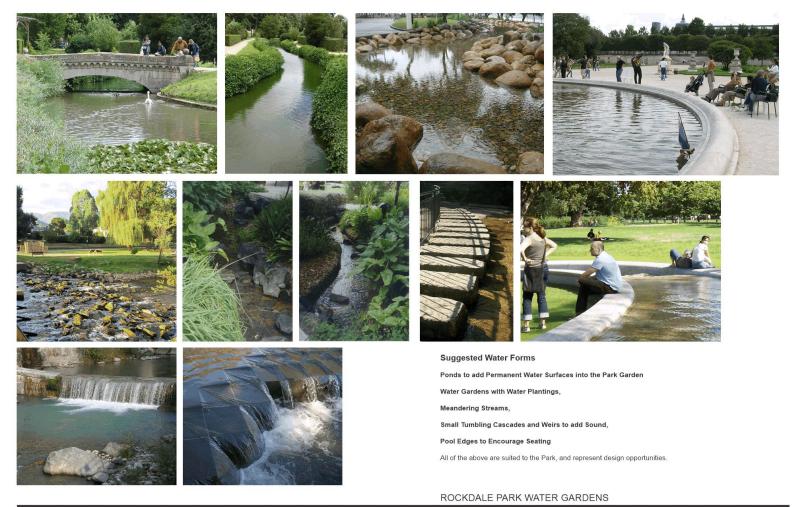
Concept 2 - Shallow Water Garden Pools & Streams



mgp Building and Services Infrastructure Pty Ltd Suite 2.03 L2 18 Aquatic Drive, Frenches Forest 2086 NSW Australia. Ph. 61 2 9451 7555 ABN 11156278442

Concept 2 - Shallow Water Garden Pools & Streams

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GOODWIN mgp Water Feature Design mgp Building and Services Infrastructure Pty Ltd Suile 2.03 Lz 18 Aqualic Drive, Frenches Forest 2086 NSW Australia. Ph. 6.12 9457 7555 ABN 11756278442 Design - Feasibility Review Conclusions

Item 8.1 – Attachment 3



Item No 8.2

Subject Ador Reserve Amenities Planning.

Report by Karin Targa, Major Projects Unit Director

File F18/648

## **Summary**

The Ador Reserve Sporting Amenities are listed on the 2018/2019 City Projects Program for design and documentation, with construction scheduled for 2019/2020.

### Officer Recommendation

- 1 That the report be received and noted.
- 2 That Council endorses the location for the new sporting amenities building as per the plan attached to this report.
- That a report be presented to the Sport & Recreation Committee on the design prior to tendering the project.

## **Background**

Ador Reserve forms part of the Muddy Creek precinct, with Rockdale Park to the North and McCarthy Reserve to the South. There are three reserve areas surrounding an existing community facility currently occupied by Police Citizens Youth Club (PCYC) that deliver a number of sport and recreational activities for young people.

Bayside Council installed a synthetic field at Ador Reserve in September 2018 with a grant from the Federal Government.

A Development Application has been lodged for the installation of field lighting and tiered seating to support the field use.

The existing amenities building is beyond its serviceable life and is listed on the 2018/2019 City Projects Program for design and documentation and construction in 2019/2020.

The new sporting amenities will service the new synthetic field and surrounding recreational parks. The new building will include:

- · New public toilets
- Change rooms including showers and toilets
- Canteen
- Storage for sporting clubs

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- Club meeting room
- Operational storage for items used for field/park maintenance (Council staff)
- External hand wash, bubbler and water fill station

The proposed location will have a positive impact on the area as:

- It allows for the activation of the area surrounding the PCYC building and future pedestrian connections as shown in the precinct plan
- It provides better vistas for neighbouring properties into the park by pulling the building away from the adjacent residents
- It does not impact on the number of car parking spaces as the footprint into the parking area will be the same as the existing building

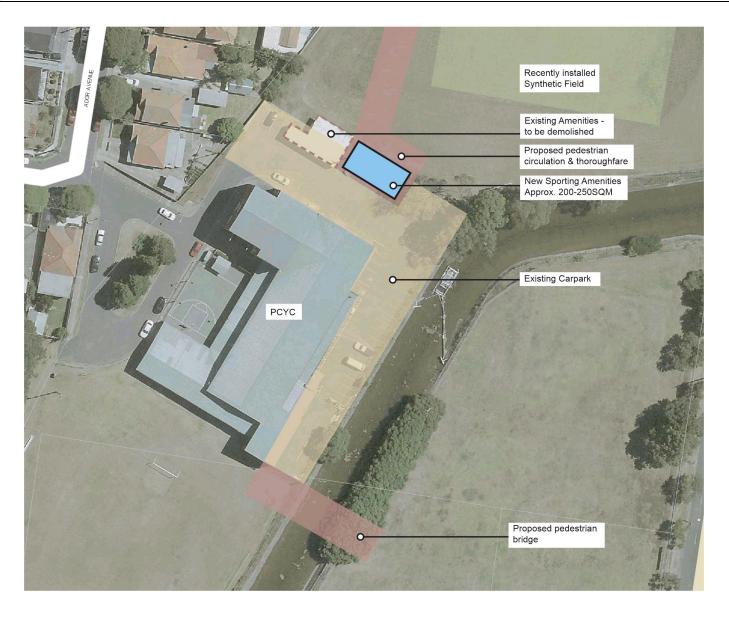
## **Community Engagement**

Community Consultation and User group consultation will occur once the location has been established and the design process commences.

#### **Attachments**

Ador Reserve Amenities Location Plan J.

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Item 8.2 – Attachment 1



Item No 8.3

Subject AS Tanner Archer's Hall & Community Hall

Report by Karin Targa, Major Projects Unit Director

File 18/5081

## Officer Recommendation

1 That the report be received and noted.

- 2 That the architectural designs of the AS Tanner Reserve Archer's Hall and amenities as attached to this report be endorsed to proceed to tender.
- That a report to Council on the outcomes of the Tender is brought to Council in 2019.

## **Background**

AS Tanner Reserve is located East of Scarborough Park North and West of Chuter Ave, it is part of 'Scarborough Park North Precinct'.

The park is used for archery, soccer training and general recreation.

There are two existing buildings on the site, an amenities building and a community hall which a local archery group has been using for practice for 30+ years.

Both of these buildings are past their serviceable life and do not comply with current standards. The Capital Works Program lists both buildings for demolition with one new building incorporating both components to replace them.

The proposed new building will service the archery, soccer, running club and general community.

The new building will include:

- New public toilets (external)
- Accessible toilet with baby change facility (external)
- External hand wash, bubbler and water fill station
- Operational lunch room for council staff servicing the park and local area
- Indoor archery facility in line with Australian Standard for indoor shooting
- Storage for archery clubs
- Kitchenette to service the community space

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- Office/storage area to service the community space
- Ambulant and accessible toilet (internal)

The building will provide a flexible space for the community and local sporting groups.

## **Financial Implications**

Funding is included in the 2018/2019 City Projects program budget for the design and documentation and commencement of construction and in the 2019/2020 City projects program budget to complete the construction.

Not applicable	
Included in existing approved budget	
Additional funds required	

## **Community Engagement**

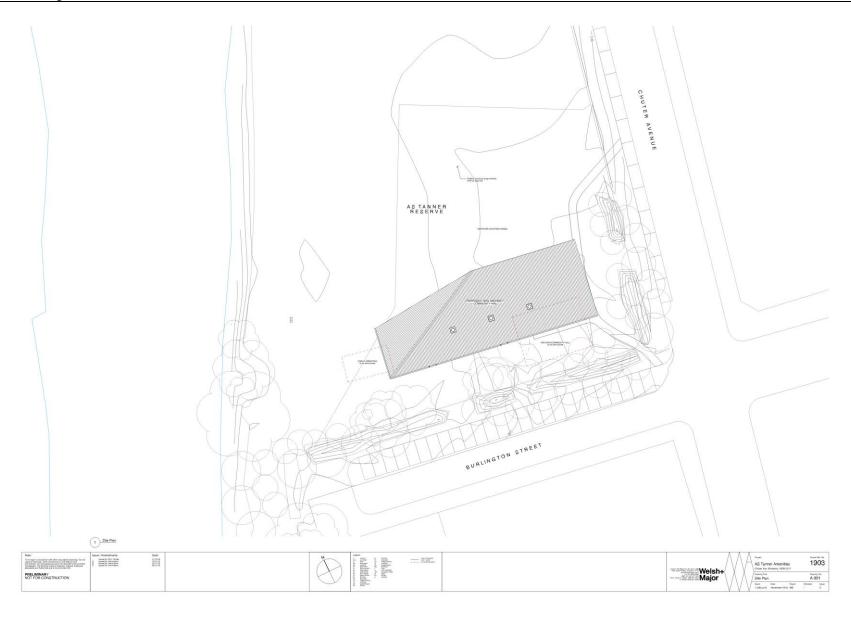
Community Engagement has occurred on the proposed new building, a letterbox drop, notification posters installed on site and the project was listed on Council's Have Your Say (HYS) page.

A total of 57 people visited the HYS page with only 13 providing comments on the proposal, all 13 people who undertook the survey and provided comment were in support of the new facility.

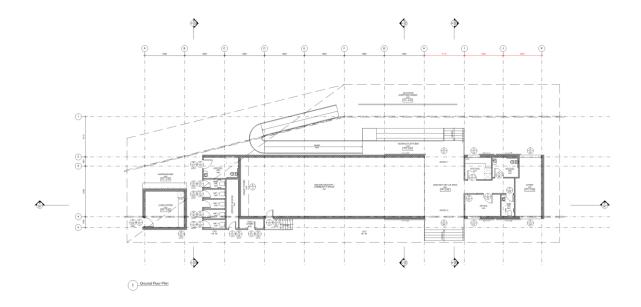
#### **Attachments**

AS Tanner Architectural Drawings <a>J</a>

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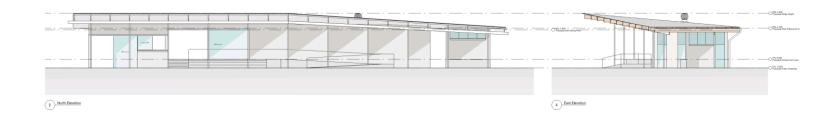
Item 8.3 – Attachment 1





Item 8.3 – Attachment 1





Nicke:  To be read in conjunction with other consultant's cleavings. Do not expected desirings. The first commission is also before service commission. And commission can the feature week commission. And commission can be for expected to the activities considerate. The facilities force of fluctuary, internal fluctuation and influenties are to be comprised to the activities.	Sasue / Amendments: Date: - tassed to 20% forder 20% for 4 20% for 4 20% for 5 20% for 6 20% for		Lagrand	Sector 4 did Research 2 diversifik Welsh+	$\mathbb{V}$	AS Tanner Amenities Chuter Ann. Wortensy, NGW 2017	1903
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Item 8.3 – Attachment 1



Item No 8.4

Subject Tender - Wilsons Farmhouse Cottage, Rockdale

Report by Karin Targa, Major Projects Unit Director

File 16/11213

## Summary

Wilson's Cottage is a State listed Heritage item and is listed for conservation works in the 2018/2019 City Projects Program. This report reports on the tender for these works.

### Officer Recommendation

- That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Murphy's Remedial Builders for Contract F18/647 being for the conservation building works for Wilson's Farmhouse Cottage for the amount of \$ 299,429.35 exclusive of GST.
- 2 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

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

## **Background**

Wilson's Cottage is located at 310 West Botany Street, Rockdale within the Bayside local government area.

The cottage is listed on the NSW State Heritage Register (SHRN 00487) and the Rockdale Local Environmental Plan 2011 (Item number I224).

Wilsons Cottage and its site are owned by Bayside Council. The cottage is a small four-room sandstone cottage with a front veranda. It is currently disused and is in a poor state of repair. It requires urgent works to prevent further deterioration and to secure the property.

Originally, the cottage was a farmhouse, and by the mid-20<sup>th</sup> century, it was part of a Chinese market garden that was located around the flood plain of the nearby creek. The house now is located in a shallow hollow that has been created by filling the former market garden area to create netball courts and their associated car parking area.

The Cottage is significant because it is the last surviving example of a modest pioneer home built along the banks of Muddy Creek with its estimated construction being in 1855-1856.

In 2016 Council invited four Heritage Architects to quote on the Conservation Works for the cottage and Paul Davies Architects were the successful Heritage Architects. They prepared a Conservation Management Plan and commenced working on the conservation documentation.

Council were successful in gaining a Heritage Grant from the Office of Environment and Heritage (OEH) to assist in funding the conservation project in 2017. As part of the grant funding agreement, OEH offered the funding subject to the following conditions:

- Agreeing to the work being undertaken by a suitably qualified contractor under the supervision of a suitably qualified and experienced heritage architect and archaeologist.
- Obtaining the appropriate approval under the Heritage Act 1977 prior to commencing works.

In late 2017, Council submitted the Section 60 Application to the Office of Environment and Heritage (OEH) to gain their approval to commence the conservation works. The Section 60 Approval was received in August 2018, which allowed the Tender documentation to be prepared.

The physical conservation works are relatively straightforward. The work proposed is primarily reconstruction works; however, the stormwater and electrical services are also being upgraded.

#### The Tender Process

Council invited open tenders for the conservation building works for Wilsons Farmhouse Cottage on Tuesday 16<sup>th</sup> October 2018. The tender period stipulated in the documents was a 4-week tender period. The Tender closed at 10.00 am on Tuesday 13 November 2018.

## **Tenders Received**

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

- Frederickson Pty Ltd
- Murphy's Remedial Builders
- Smith Zak Constructions Pty Ltd

## **Directors of the Companies That Provided Tender Submissions**

Company	Company Directors
Frederickson Pty Ltd	Anthony Semrani
Murphy's Remedial Builders	Mark Anthony Murphy
Smith Zak Constructions Pty Ltd	James Edward Smith
on an entire transfer of the	Matthew Zakrzewski

#### **Late Tenders**

No late tenders were received.

## **Assessment Methodology**

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

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

The tender submitted by Murphy's Remedial Builders was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints.

### **Proposed Program**

The preliminary program submitted with Murphy's Remedial Builders tender has the following project milestones:

Milestone	Date
Contract award	14 December 2018
Construction Commencement	January 2019
Project complete	June 2019

The program does not include a wet weather allowance.

## Financial Assessment of Murphy's Remedial Builders

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Murphy's Remedial Builders in relation to the conservation building works of Wilsons Farmhouse Cottage.

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

#### **Tender Recommendation**

References were checked for Murphy's Remedial Builders and it was found that Murphy's Remedial Builders is a reputable building contractor that delivers high quality work and has undertaken numerous heritage conservation projects. The referees indicated that they would re-employ Murphy's Remedial Builders if the opportunity would arise.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Murphy's Remedial Builders for an amount of \$ 299,429.35 (exclusive of GST).

Murphy's Remedial Builders has in place insurances of \$20 Million Contract Works and Public Liability and they have the statutory workers compensation policy in place. Murphy's Remedial Builders have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track record and name in the industry.

Financial Implications	
Not applicable	
Included in existing approved budget	Wilson's Farmhouse Cottage is currently listed as a project on the Special Rate Variation Program and Council has Grant Funding from Office of Environment and Heritage.
Additional funds required	
Community Engagement  N/A to this tender.	

## **Attachments**

Wilson's Cottage Tender (confidential)



Item No 8.5

Subject Tender - Rowland Park Amenities & Playground

Report by Karin Targa, Major Projects Unit Director

File 17/25954

## **Summary**

Bayside Council is upgrading the sporting amenities and playground at Rowland Park, Daceyville. This report recommends the appointment of a contractor to construct the works.

## Officer Recommendation

- That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Hibernian Contracting Pty Ltd for Contract F18/738 being for the construction works for Rowland Park Sporting Amenities, Playground and Landscape works for the amount of \$ 1,279,314.62 exclusive of GST.
- 2 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

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

## **Background**

Rowland Park is located on Bunnerong Road Daceyville and is also accessible from Prince Edward Circle and Banks Avenue. The Park adjoins the University of New South Wales David Phillips Field.

The park is used for soccer and rugby league in the winter and cricket in the summer. It has an amenities building (to be upgraded), a playground (to be upgraded), cricket nets, two outdoor fitness stations and a circuit pathway around the park.

#### **Building Upgrade**

The existing building is past its serviceable life and requires a full refurbishment/renewal. Currently, two Clubs use one room to store their equipment and the groundsman uses the other room as a lunchroom and storeroom, which is non-compliant from a Work Health and Safety point of view.

There are insufficient toilets to service the park and the current toilets are outdated and do not comply with the current Building Code of Australia or Australian Standards.

The proposed refurbishment/renewal includes:

- 6 new toilets.
- 1 accessible toilet with baby change facilities.
- · Updated canteen fit out.
- New external covered area.
- Separated storage areas for sporting clubs.
- Groundsman lunch room, store room and fuel store.
- New connecting pathways and seating wall.
- External hand wash and bubblers.
- Two new change rooms with shower and toilet facilities.
- Extension of the existing concrete slab.

## **Playground**

The existing playground is dated and in need of renewal and there currently is no shade structure provided. Despite the current playground providing limited play value it is well used, which signifies the need for a playground in this area.

The playground services children and families in the Daceyville and Pagewood areas. It is also well used by families visiting the park for sport training/games or using the circuit track and fitness stations. The picnic tables adjacent the playground are regularly used for children's parties or gatherings. The park is located adjacent Daceyville Public School and PCYC and is close to another primary school and pre-school and is often visited by these children after school.

The playground is identified for renewal under Council's playground renewal program.

#### **The Tender Process**

Council invited open tenders for the construction works for Rowland Park Sporting Amenities, Playground and Landscape works on Tuesday 16<sup>th</sup> October 2018. The tender period stipulated in the documents was a 4 week tender period. The Tender closed at 10.00 am on Tuesday 13 November 2018.

#### **Tenders Received**

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

- Hibernian Contracting Pty Ltd.
- Lanskey Constructions Pty Ltd.

## Directors of the Companies That Provided Tender Submissions

Company	Company Directors	
Hibernian Contracting Pty Ltd	Martin Breen	
Lanskey Constructions Pty Ltd	Paul Lanskey Ross Williams	

#### **Late Tenders**

No late tenders were received.

## **Assessment Methodology**

The tender submission assessment and scoring is outlined in the confidential supporting document to this report.

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

The tender submitted by Hibernian Contracting Pty Ltd was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints.

## **Proposed Program**

The preliminary program submitted with the Hibernian Contracting Pty Ltd tender has the following project milestones:

Milestone	Date
Contract award	14 December 2018
Construction Commencement	January 2019
Project complete	June 2019

The program does not include a wet weather allowance.

## Financial Assessment of Hibernian Contracting Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Hibernian Contracting Pty Ltd in relation to the construction works for Rowland Park Sporting Amenities, Playground and Landscape works.

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

#### **Tender Recommendation**

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

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Hibernian Contracting Pty Ltd for an amount of \$ 1,279,314.62 (exclusive of GST).

Hibernian Contracting Pty Ltd has in place insurances of \$20 Million Contract Works and Public Liability and they have the statutory workers compensation policy in place. Hibernian Contracting Pty Ltd have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track record and name in the industry.

## **Community Engagement**

Consultation with the sporting clubs and general community was undertaken as part of the design process, feedback from the clubs and community was positive, and they are happy with the overall layout.

#### **Attachments**

Rowland Park Tender (confidential)



Item No 8.6

Subject **Tender - Operational Minor Works** 

Report by Michael Mamo, Director City Performance

File F18/403

## Summary

Council is responsible for a number of assets that require the services of a diverse range of tradespeople to service and maintain them. The Operational Minor Works Tender is designed to create panel contracts with agreed schedule of rates for various services to be utilised by staff to deliver minor works and maintenance tasks for Council's assets.

Councillors were provided with an overview of this tender at the GM Briefing session held on 5 December 2018.

## Officer Recommendation

- That the attachment to this report be withheld from the press and public as it is confidential for the following reason:
  - With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it.
- 2 That Council accepts the tenders of the contractors specified in Table 3 of this report to be established under preferred supplier contracts for the provision of minor works and maintenance services for Council's assets.

## **Background**

Request for Tender (RFT) F18/403 Operational Minor Works, was published on the Bayside Council Tenderlink web portal on 21 May 2018. The Request for Tender (RFT) was advertised in the Sydney Morning Herald, St George Leader, Southern Courier, and the Bayside Council website. The RFT closed on 26 June 2018 at 10am (Sydney time).

The works required are minor works and maintenance for Council's assets delivered through a diverse range of specialised service categories. The Tender scope was aimed to encourage small businesses to apply and this was explicitly stated in the Tender documentation.

## **The Tender Process**

There were 10 categories that Council requested submissions for, and these are shown in Table 1.

Table 1: Tender Categories and their Description

٦	Fender Category	Tender Category Description
1.	Earthworks & Wind Blown Sand Removal	This is for small earth moving jobs and removing and reshaping sand from key beach areas to maintain amenity.
2.	Inspection & Maintenance of Swimming Enclosures	Netting and other enclosures require regular inspection and maintenance, sometimes through diving operations.
3.	General Building Repairs	This is for items such as small roofing and glazing repairs, and any "handyman" type works.
4.	Metal Fabrication & Fencing	This includes chainwire fencing, colorbond, and "ball and rail" type fencing and repairs.
5.	Signs & Banners	Council has over 100 high profile flag poles and requires the manufacture of banners, storage, and install/takedown.
6.	Bricklaying & Rendering	For small brick laying jobs and repairs, and any rendering required on walls or repairs as such.
7.	Tiling & Paving	This is for both internal ceramic tiles and outdoor stone/cement pavers, primarily for maintenance work.
8.	Soft Fall Mulch	Playgrounds require a type of soft fall such as rubber or mulch. Where mulch is used, this requires maintenance.
9.	Saw Cutting, Core Drilling and/or Grinding	Concrete sections require saw cutting as expansion joints or as part of removal; Core drilling and grinding also required as part of concrete works
10.	Concrete Pump Services	For times where a concrete needs to be pumped with a boom to a location where a concrete truck cannot easily access.

26 Submissions were received from the companies shown in Table 2 below.

Table 2:

Company Name	Director(s)	Nominated Category
Xpresscut Pty Itd	Mile Lucic	Saw Cutting, Core Drilling and/or Grinding.
The Trustee for the C Di Mattia	Claudio Di Mattia	Earthworks & Wind Blown Sand Removal. Concrete Pump Services.
TGC (Triton Group Co. Pty Ltd	Shadi Chacra	All categories except Metal Fabrication & Fencing, and Signs & Banners
Sydney Core Cutting	Hassan Kassem	Saw Cutting, Core Drilling and/or Grinding.
Sullivans Construction	Damian Sullivan	Earthworks & Wind Blown Sand Removal. General Building Repairs. Metal Fabrication & Fencing. Bricklaying & Rendering
Stateline Asphalt Pty Itd	Michael Harb	Saw Cutting, Core Drilling and/or Grinding.
Selby's Pty Ltd	Daniel Smith	Signs & Banners
Sea Dragon Protection Enclosures T/A C.M Fallon & R.j Fallon	Carl Fallon Rachael Fallon	Inspection & Maintenance of Swimming Enclosures.
Screengraphics Printing Pty Ltd	Geoffrey Barlow	Signs & Banners
Sam the Paving Man Pty Ltd	Sam Harb Annette Harb	Tiling & Paving
Pisa Concrete Polishing Pty Ltd	Peter Pisaturo	Earthworks & Wind Blown Sand Removal.
Murphy's Group Services Pty Ltd	Mark Murphy	All categories except Inspection & Maintenance of Swimming Enclosures,

		Signs & Banners, and Soft Fall Mulch.
Metal Fencing Specialists Pty Ltd	Steven Diener	Metal Fabrication & Fencing.
Master Cut Concrete Aust Pty Ltd	Steven McCann	Saw Cutting, Core Drilling and/or Grinding.
Makki Constructions Pty Ltd	Fadi Makki	Earthworks & Wind Blown Sand Removal. General Building Repairs. Metal Fabrication & Fencing. Bricklaying & Rendering.
Facilities Fix Pty	Colin James McMillan	General Building Repairs.
Engineering Technologies Pty Limited	Keith Franke	Metal Fabrication & Fencing.
Civilbuilt Pty Ltd	Jean-Pierre Rahme	General Building Repairs. Brick Laying & Rendering. Tiling & Paving.
CJR Concrete Pumping Pty Ltd	Christopher John Reitano	Concrete Pump Services.
Bayot Building Services Pty Ltd	Heath Bayot	All categories except Signs & Banners.
Astec Mulch Pty Ltd	Lorraine Vella	Soft Fall Mulch.
Amrod Pty Ltd T/AS Summit Fencing	Rodney, Trevor, Amanda Jane Ovenden	Metal Fabrication & Fencing.
AdMart Exhibitions & Events (Crevation)	He Huang	Signs & Banners
Mourad tiling	Habib Mourad	Bricklaying & Rendering. Tiling & Paving.
RSA Bobcat	Ray Sayed-Ahmad	Earthworks & Wind Blown Sand Removal.

## **Late Tenders**

No late tenders were received.

## **Assessment Methodology**

The tender submission assessment and scoring is outlined in the confidential supporting documentation to this report.

A comprehensive assessment of tender submissions was undertaken by the Tender Evaluation Panel applying a pre-determined weighted evaluation criteria and scoring framework.

The assessment was undertaken in accordance with provisions of section 55 of the Local Government Act 1993, the Local Government (General) Regulations (2005) and NSW Tendering Guidelines. The evaluation was undertaken based on the requirements and conditions specified in the 'Request for Tender' documentation issued.

#### Recommendation

Of the 26 submissions received, 17 tenderers are recommended to be established on preferred supplier contract panels for the relevant specialist service category.

These tenderers demonstrated through their submissions and reference checks that they are able to provide the best value for money and 'best fit' for the scale and nature of the works to be provided.

Note that there is no order of priority between tenderers.

Table 3: Category Panels and recommended Tenderers for each category

Category		Panel Member A	Panel Member B	Panel Member C	
1.	Earthworks & Wind Blown Sand Removal	RSA Bobcat	Di Mattai	Sullivans Constructions	
2.	Inspection & Maintenance of Swimming Enclosures	Sea Dragon	n/a	n/a	
3.	General Building Repairs	Bayot	Makki	Sullivans Constructions	
4.	Metal Fabrication & Fencing	Summit Fencing	Metal Fencing Specialists	n/a	
5.	Signs & Banners	Screen Graphics	Selby	n/a	
6.	Bricklaying & Rendering	Triton Group	Mourad Tiling	Makki	
7.	Tiling & Paving	Bayot	Triton Group	Mourad Tiling	
8.	Soft Fall Mulch	Astec	n/a	n/a	
9.	Saw Cutting, Core Drilling and/or Grinding	Mastercut Concrete	Sydney Core Cutting	Xpress Cut	

Category	Panel Member A	Panel Member B	Panel Member C	
10. Concrete Pump Services	CJR Concrete Pumping	n/a	n/a	

It is noted that not all tenderers were successful for each of the multiple categories they nominated. Submissions for each category was assessed, scored and ranked separately.

The evaluation team determined during the assessment that not all categories required multiple contractors. Consideration for this determination included the scoring outcomes of the submissions and the volume of work likely to be issued.

Full details for the tender evaluation methodology, assessment and pricing is included in the confidential evaluation report attached.

Financial Implications						
Not applicable						
Included in existing approved budget						
Additional funds required						
Community Engagement						
No community engagement required.						

## **Attachments**

F18403 Evaluation Report Operational Minor Works (confidential)



Item No 8.7

Subject Citizen of the Year 2019 - Panel Recommedations

Report by General Manager

File F18/325

## **Summary**

The Citizen of the Award recognises the exceptional contributions made by an individual to the local community in the areas of community services, charitable work, education/school development, environment, arts and culture, sport, or humanitarian initiatives that enhance the quality of life for residents.

### Officer Recommendation

- That the attachment to this report be withheld from the press and public as the matters in this attachment are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised(a) personnel matters concerning particular individuals (other than Councillors).
- 2 That the report be received and noted.

## **Background**

The Panel recommended one nominee for each of the three catergories; Citizen of the Year, Sports person of the year and Young Citizen of the Year.

The recommendations are confidential and are attached to this report with a summary of their outstanding contributions to the Bayside Community.

## **Financial Implications**

Not applicable ⊠

## **Community Engagement**

Not applicable

## **Attachments**

Citizen of the Year - Panel Recommendations (confidential)

Item 8.7 61



Item No 8.8

Subject Arncliffe and Banksia Precincts Development Control Plan

Report by Michael McCabe, Director City Futures

File SF18/1990

## **Summary**

In late 2016, with the anticipation of notification of the Arncliffe and Banksia Planned Precincts, a draft Development Control Plan chapter (refer **Attachment 1**) was prepared by Council staff to provide guidance for any future development within the Planned Precinct. In accordance with Division 3.6 Development Control Plans (DCPs) of the Environmental Planning & Assessment Act 1979, the draft Arncliffe and Banksia DCP chapter was placed on exhibition by the NSW Department of Planning and Environment (DPE) with the Arncliffe and Banksia Precinct Proposal from the 27 November 2016 to the 28 February 2017.

198 submission were received by DPE during the exhibition period. A summary of the submissions and a response to the issues raised in the submissions is included under **Attachment 2** to this Council report.

The *Bayside West Precincts 2036* (refer **Attachment 3**), released by the DPE in August 2018, stated that Council would be preparing and finalising a DCP for the Arncliffe and Banksia Precincts. On Friday, 12 October 2018 the SEPP Amendment (Arncliffe and Banksia) 2018 was notified. The draft DCP chapter was amended post-exhibition (refer **Attachment 4**), as per the *Bayside West Precincts 2036*, and in response to the submissions received during the exhibition period.

This report provides Council with a summary of the amendments to the draft DCP chapter post-exhibition (refer **Attachment 5**), and a summary of submissions and responses to submissions received during exhibition of the DCP.

## Officer Recommendation

- That Council approve amendments to the *Rockdale Development Control Plan 2011* as detailed in **Attachment 4** to introduce 'Chapter 7.7 Arncliffe and Banksia'.
- That Council give public notice of its decision, in a local newspaper, to approve the plan within 28 days of its decision
- That Council provide a copy of the amended Development Control Plan to the Planning Secretary, in accordance with s25AB of the *Environmental Planning and Assessment Regulation 2000.*

## **Background**

The NSW Department of Planning and Environment (DPE) announced the Arncliffe and Banksia Planned Precinct in 2014 and at the time the land was considered part of the DPE's "Priority Precincts" program.

In late 2016, DPE exhibited a *Draft Land Use and Infrastructure Strategy* for both Planned Precincts, and renamed them as the Bayside West Planned Precinct. This included the exhibition of the Draft DCP chapter for the Arncliffe and Banksia Precincts. DPE received 198 submissions during the exhibition period.

In September 2018 DPE released *Bayside West Precincts 2036*, which replaced the *Draft Land Use and Infrastructure Strategy*. Amendments to the principal planning controls have also subsequently been introduced and have replaced controls contained in the *Rockdale LEP 2011*, for part of the Planned Precinct.

The changes to planning controls which are different to those exhibited in 2016 include:

- Deferral of an area west of Arncliffe Station from the rezoning of the Arncliffe and Banksia Precinct. This area will be the subject of further investigation to consider opportunities for master planning and high quality urban design outcomes;
- A small area south of Banksia Railway Station on the Princes Highway, bordered by B4
  Mixed Use on either side was changed from a B6 Enterprise Corridor zone to a B4 Mixed
  Use zone, to address fragmentation and to provide a continuous extension of the Banksia
  Town Centre:
- Rezoning of a site on the corner of Arncliffe Street and Burrows Street from RE1 Public Recreation to provide a new park to the community;
- Fix errors in the exhibited draft height and FSR maps.

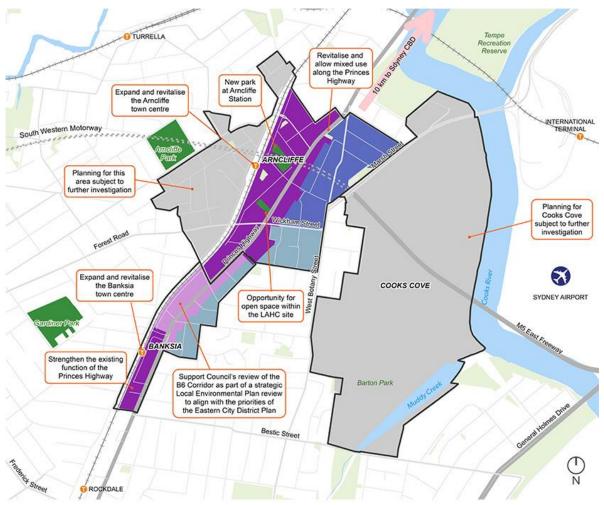


Figure 1: Bayside West Precincts Plan 2036

The *Bayside West Precincts 2036* document notes (page 32) that the Draft DCP chapter will be prepared by Bayside Council, providing clear design guidelines for new developments within the precinct. Following the exhibition period and the release of *Bayside West Preincts 2036*, Council has reviewed the Draft DCP chapter to ensure it is meeting these objectives.

#### **Exhibition and Submissions**

In accordance with Section 18 of the Environmental Planning and Assessment Regulation 2000, the Draft DCP chapter (refer **Attachment 1**) was exhibited over a 92 day period, 27 November 2016 to 28 February 2017 by the DPE.

DPE provided Council with a total of 81 submissions relating to the exhibited Draft DCP chapter. A total of 74 submissions made reference to, or contained content that is applicable to, the exhibited Draft DCP chapter's objectives and controls. The remaining seven submissions addressed site-specific controls. A detailed summary of the submissions received, and Council's response to them is provided in **Attachment 2**.

Largely, submissions identified concerns around the change in character of the precinct and potential impacts on heritage, including, but not limited to, the fine grain character, retention of views to heritage landmarks, and natural assets.

Concern was also raised about the provision and accessibility of open space across the precinct, the potential impacts of an increase in population on the existing open space network, and the need for additional open space.

A number of submissions sought clarity about the proposed built form controls, including further specification of setback controls and street wall heights, in relation to providing an appropriate transition with existing low density residential areas. Built form concerns also included the overshadowing of Arncliffe Public School and adjoining low density residential zones, and wind tunnel effects.

Other submissions indicated concerns around loss of vegetation, lack of parking within the Town Centres, disconnected active transport network, and the provision of through site links as a key public benefit from the redevelopment of sites.

## **Development Control Plan Amendments Post Exhibition**

Post-exhibition amendments to the Draft DCP chapter (**refer Attachment 4**) pertained to changes to the project boundary, as per the *Bayside West Precincts 2036* amendments to the boundaries of the Precinct Proposal. A number of amendments also related to the *Green Plan* (**refer Attachment 6**), and increased provision of open space. Other amendments included provision of further detail, as per best practice, to ensure suitable controls to guide development outcomes in the Planned Precinct areas. Additional text, diagrams and precedent images have been included to provide more guidance to users of the document. A detailed summary of amendments to the Draft DCP chapter is provided in **Attachment 5**.

#### Conclusion

It is considered that the Draft DCP chapter (**refer Attachment 1**) provides sufficient development principles and controls to guide any future development within the Arncliffe and Banksia Planned Precincts. The proposed development controls are broadly consistent with those provided in the current Rockdale DCP 2011, and secure sufficient built form and public domain outcomes to guide building envelopes and improve on amenity of the Town Centres.

Financial Implications						
Not applicable Included in existing approved budget Additional funds required						

## **Community Engagement**

The community engagement actions in relation to the Draft DCP chapter included the following:

- Publicly exhibiting the *Draft Land Use and Infrastructure Strategy*, *Draft Arncliffe and Banksia Precinct Proposal*, and the Draft DCP chapter for a 92 day period, 27 November 2016 to 28 February 2017 at:
  - Department of Planning and Environment, 320 Pitt Street, Sydney

- Arncliffe Lirbary
- Rockdale Library
- Rockdale Council Chambers
- Publically exhbited on the Department of Planning and Environment website, www.planning.nsw.gov.au/baysidewest
- Ministerial media release on 28 November 2016
- Department Media release to local papers on 20 and 25 January 2017
- Media release to the local St George and Sutherland Leader Newspapers on 27 November 2016 and the 25 January 2017
- Advertisements in the St George and Sutherland Lear on 6 January 2017
- Mailout to 7,000 land owners within the Precinct Boundary
- Written notification of the exhibition period to Council, relevant agencies and key stakeholders
- Website updates and registration option on the Department of Planning and Environment website, www.planning.nsw.gov.au/baysidewest
- Social media advertising campaign including translated ads into Macedonian, Greek, Arabic, Bengali and Chinese
- Email notifications to 330 subscribers at key milestones
- Four public drop-in community information sessions
- Thrree community workshops

The Department of Planning & Environment's Consultation Report (**Attachment 7**) and Finalisation Report (**Attachment 8**) are included with this Council report.

#### **Attachments**

- 1 Exhibited Draft 7.6 Banksia and Arncliffe Development Control Plan Chapter U
- 2 Summary of Submissions and Reponse to Submissions !
- 3 Bayside West Precincts 2036 4
- 4 7.7 Arncliffe and Banksia Development Control Plan Chapter U
- 5 Summary of Amendements Post Exhibition !
- 6 Arncliffe and Banksia Green Plan U
- 7 Bayside West Precincts Community Consultation Report 4
- 8 Bayside West Precincts Finalisation Report <u>U</u>

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7.6 Banksia and Arncliffe



Rockdale DCP 2011

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7.6 Banksia and Arncliffe



7.6.1 Introduction

Identified as Priority Precincts by the Department of Planning and Environment (DP&E), Arncliffe and Banksia form part of the NSW State Government's A Plan for Growing Sydney.

A Land Use and Infrastructure Strategy for the Bayside West Precinct Area, which includes Arncliffe and Banksia as well as Cooks Cove, has been prepared by the DP&E to guide renewal of these areas. The Strategy outlines the vision for growth in these areas and plans for the infrastructure needs to support this growth. Detailed planning has been undertaken by the DP&E for areas within Arncliffe and Banksia precincts as part of the Priority Precincts program including detailed urban design analysis, economic testing and infrastructure planning.

Together with the Rockdale Town Centre Master Plan, Wolli Creek and Bonar Street Precincts, the Arncliffe and Banksia precincts propose to deliver a vibrant highway corridor with exceptional access to transport, employment, accommodation and housing

The adapted Structure Plan presented in this section of the DCP draws upon the objectives of the Land Use and Infrastructure Strategy and builds on that detailed urban design analysis undertaken by the DP&E for the Arncliffe and Banksia priority precincts. The Structure Plan identifies the potential future character of Arncliffe and Banksia, detailing key development sites and desired future built form outcomes.

#### **Aims and Objectives**

The purpose of this section of the DCP is to guide the future development of the precinct by:

- Identifying the vision, development principles, key elements and indicative structure for the future development of the precinct.
- Ensuring the orderly, efficient and environmentally sensitive development of the precinct
- Promoting a high quality urban design outcome.

#### Relationship to other sections of the DCP

This Section of the DCP provides specific development provisions for the Arncliffe and Banksia Precincts. Development within the Precincts will need to have regard to this Section as well as the other relevant Sections of the Rockdale Development Control Plan 2011 (Rockdale DCP 2011)

Controls within this section of the DCP supersede the 'Development setback' controls in Part 5.3 Mixed Use. All other sections of Part 5.3 Mixed Use still apply. In the event of any inconsistency between this Section and the other Sections of the Rockdale DCP 2011, this Section will prevail to the extent of the inconsistency.

In addition to provisions of this DCP, any development in the Arncliffe and Banksia precinct areas must also be consistent with the Land Use and Infrastructure Strategy for the Bayside West Precinct.



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7.6 Banksia and Arncliffe

# State Environmental Planning Policy No.65 – Design Quality Residential Apartment Development

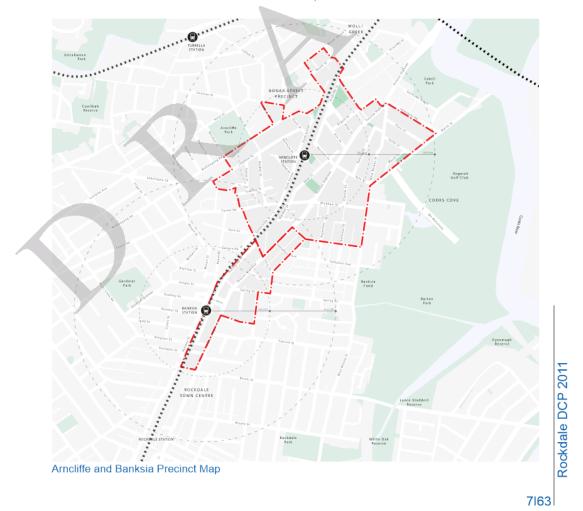
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to residential flat buildings and the residential component of a shop top housing development in the Precincts. Such development is to have regard to the SEPP 65 and Apartment Design Guide in addition to the relevant provisions of this DCP.

#### Purpose of this DCP

This section of the DCP focuses on ensuring the desired role and character of streets in the precincts is achieved by the activation and engagement with the street and public realm environs. The DCP controls also inform the configuration and uses of buildings, as well as how the form and character of buildings affects the desired feel and experience of the public domain.

#### Application of this section

This section applies to the area of land identified as the Arncliffe and Banksia Priority Precincts, including any roads and open space within this area. The boundaries of the precincts are identified in the Arncliffe and Banksia Precinct Map.



Item 8.8 - Attachment 1

#### rait r opeciai i recincto

7.6 Banksia and Arncliffe

# 7.6.2 – VISION, PRINCIPLES AND INDICATIVE STRUCTURE

#### Vision

The vision for the Arncliffe and Banksia precincts is to create "vibrant communities that are great places to meet, work and live."

#### **Objectives**

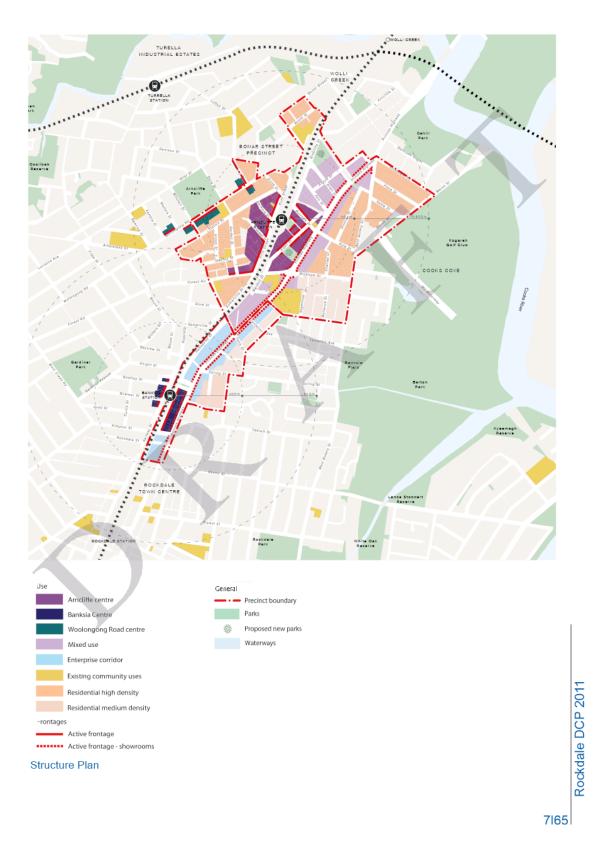
- A. To create vibrant town centres that provide for the daily needs of the local and wider community
- B. To provide a wide range of opportunities for different types of employment generating activities to meet local and regional needs
- C. To promote the Princes Highway as a key regional employment and economic corridor
- D. To ensure that new residential development provides a high level of amenity by adequately responding to the local and environmental context to ensure a safe, permeable and legible public domain
- E. To promote the development of new buildings that display design excellence through a competitive design process
- F. To provide access to a range of open spaces for all age groups including a community park and central square
- G. To maximise public safety and provide adequate protection of property against flood events
- H. To ensure future development does not increase flood level impacts
- Represent "Placemaking" through the activation of space, creation of destination, and identifiable landmarks including mixed use and community facilities
- J. Deliver exceptional environmental performance in new buildings, public and private realm and infrastructure:
  - Foster innovation in sustainable design and construction of new apartment developments;
  - Advocate for increased minimum environmental performance targets in new buildings;
  - Activate upgrades through incentives and support to overcome the challenges to implementation in strata buildings; and
  - Empower communities to engage in sustainable choices and positive resident behavior change.



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7.6 Banksia and Arncliffe

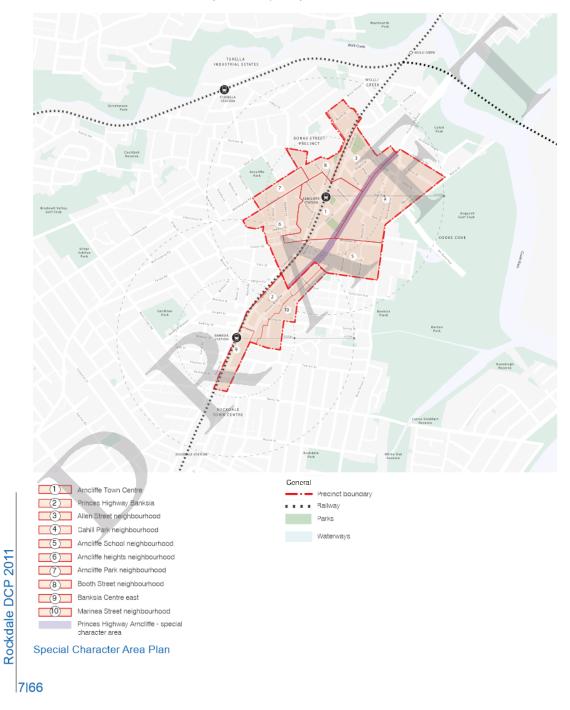


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7.6 Banksia and Arncliffe

## 7.6.3 Special Character Areas

The Arncliffe and Banksia precincts have been divided into subprecincts, which detail the future character for each of the subprecincts. The Special Character Area Map identifies the specific sub-precincts. This section of the DCP is to be read in conjunction with the Arncliffe and Banksia Station Precincts - Urban Design Report (Architectus, 2016).



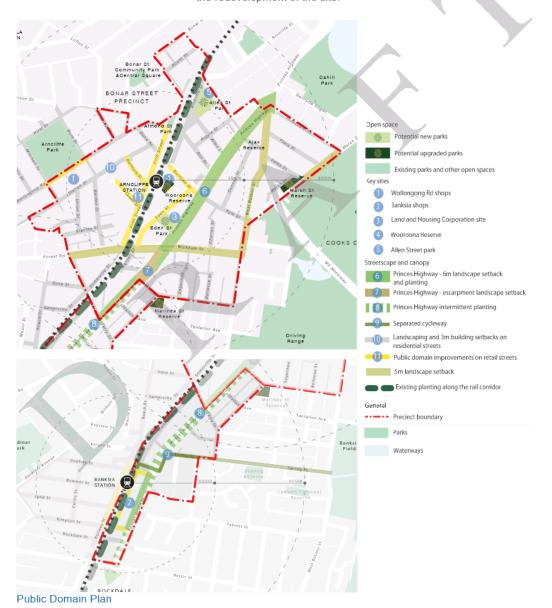
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7.6 Banksia and Arncliffe

# 7.6.4 PUBLIC DOMAIN

The Public Domain Plan identifies the areas that will see improvements to the public domain through streetscape treatment, upgrades to existing open space, provision of new open space and active frontages in key commercial areas.

It is recommended that proponents liaise with Council during the design phase of the planning process to understand Council's requirement, as in many cases, public domain improvements will be delivered as part of the redevelopment of the site.



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Rockdale DCP 2011

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7.6 Banksia and Arncliffe

# Street network and design

### **Objectives**

- A. To strengthen the landscape character and quality of the Precincts through street tree planting
- B. To encourage improvements to the amenity of the Princes Highway Corridor through better landscaping and improved facilities for pedestrians and cyclists
- C. To provide for improved and safer street crossings for pedestrians and cyclists throughout the precincts
- D. To enhance connections to adjacent areas outside the Precincts, including Cooks Cove
- E. To create an attractive and comfortable streetscape for pedestrians and cyclists that comprises consistent and high quality paving, street furniture, street tree plantings, bike stands and bike racks

### Controls

- The street network is to be generally consistent with the Public Domain Plan.
- New streets are to be generally consistent with the typical street sections identified in Section 7.6.5 Built Form.
- Significant individual trees in streets or on sites are to be retained and protected where possible and appropriate.
- Streets and public spaces are to be defined with trees of appropriate scale and species and designed with reference to relevant Council guidelines.
- Intersection and crossing design is to favour pedestrian and cyclist convenience and safety.
- Any proposed cycle links are to be delivered in accordance with best practice standards. Liaison with Council's Transport Planner is recommended during the design phase of the planning process.
- Provision of end of trip facilities are encouraged in developments close to Banksia and Arncliffe Stations.
- Footpaths are to be provided as per street sections in Section 7.6.5
  Built Form. Pavement width is to allow for comfortable walking,
  unimpeded by obstacles. The placement of trees, street furniture
  and signage is to provide for amenity without causing clutter.
- New streets are to have shared services pits to reduce maintenance costs and reduce conflict with street plantings.
- Street furniture and lighting is to be provided with reference to the Council's relevant guidelines.



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7.6 Banksia and Arncliffe

# Through site links

The pedestrian permeability of the centres will benefit through the provision of additional pedestrian connections. The Through Site Links Plan identifies the desirable location for pedstrian access through

# **Objectives**

- A. To enhance connectivity through the precinct for pedestrians and cyclists as sites redevelop
- B. To ensure the safety of pedestrians and cyclists



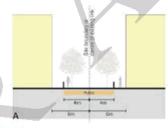
Through Site Links Plan

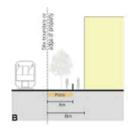
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### **Controls**

- Through site links are publicly accessible connections through sites, but not on land dedicated to Council for a public purpose.
- 2. The through site links are to be maintained by the land owner.
- 3. Through site pedestrian links should be provided generally in the locations shown on Through Site Links Plan.
- Where a through site link is provided on site, Council may consider to remove this area from the FSR calculation.
- 5. Pedestrian through site links can be provided in a number of ways, including arcades and open links between buildings. To ensure that pedestrian mobility and amenity can be effectively coordinated and integrated, it is appropriate that proponents are to liaise with Council prior to proceeding with detailed site planning and design.
- 6. Open pedestrian links between buildings must have a minimum width of 4.5m and demonstrate compliance with CPTED principles, non-leasable space clear of all obstructions (including columns, stairs and escalators), be a clear and direct throughway for pedestrians:
  - a. where practicable, have access to natural light; and
  - b. where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance.)
- 7. Have the capacity to provide active frontages on both sides.





### Note:

From the site boundary or centre of existing link, each site should provide

- Minimum 6m setback to the building line.
- Minimum 4m of this should be publicly accessible.

Typical Through Site Through Link Cross Section



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7.6 Banksia and Arncliffe

# Open space network

# **Objectives**

- A. To provide a range of quality public spaces to support residents, workers and visitors including parks, and plazas for recreation and community gatherings
- B. To improve the amenity, facilities and usage of existing parks and public spaces

### **Controls**

- Provision of new open space is to be in accordance with the Open Space Network Plan and detailed site controls for the new open space areas.
- Solar Access to Public Open Space -The configuration of buildings and structures must ensure that no part of any publically or privately accessible: public domain, open space, plaza or park shall receive less than 3 hours of continuous direct sunlight dues to the shadows created and caused by the buildings and structures.



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7.6 Banksia and Arncliffe



# **Wooroona Reserve Upgrade**

The existing park shall be expanded and upgraded in conjunction with changes to surrounding built form.

### **Objectives**

- A. This park is to provide a neccessary and valuable open space for the neighbourhood, accommodating areas for gathering, seating, children's play and relaxation
- Expansion and upgrading of the existing park should occur as the surrounding area is developed

### **Controls**

- 1. New developments around Wooroona Reserve shall:
  - Ensure that they consider and address requirements for solar access and amenity to public open space
  - b. Incorporate active ground floor frontages to address the park
  - c. Provide passive surveillance over the park by incorporating CPTED principles when designing new buildings
  - d. Provide a 2m setback from The Arcade to allow for new tree planting, new seating, and lighting
  - e. Maintain Butterworth Lane as a pedestrian only through site
  - Retain feature trees and augment with with additional complementary "landmark" character trees



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7.6 Banksia and Arncliffe



Eden Street Development Site

# **Eden Street Development Site**

The Eden Street Development Site has a total area of 1.3ha with several street frontages, including Eden Street and the Princes Highway. Redevelopment offers an opportunity for a range of uses, including: integrated housing, employment and open space development within close proximity of Arncliffe Railway Station. These attributes offer an opportunity to concentrate development as well as deliver public open space for local residents.

### **Objectives**

- A. Provide the opportunity for a range of uses including integrated housing, employment and open space
- B. Provide a centrally located public open space that caters for the growing popultation and allows for a variety of activities

### **Controls**

- Any redevelopment of the site is to include a new consolidated public park space that will deliver the following amenity:
  - The park is to have a minimum width of 50m along the Eden Street and Princes Highway frontages and span the entire distance between the two street frontages
  - b. Pathway connections through the park connecting the Princes Highway to Eden Street and Arncliffe Station
  - Generous landscape garden interface to the Princes Highway with existing trees, additional tree planting and garden zones. New gardens and planting beds areas including for storm water treatment gardens
  - d. Areas for passive and active recreation activities.
- 2. New buildings on the site must comply with the following controls:
  - Building setbacks and site through links are to be in accordance with the Built Form Principles Plan
  - To promote slender buildings, towers exceeding 8 storeys must have a maximum floor plates of 800m² gross floor area.



Rockdale DCP 2011

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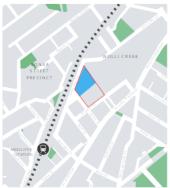






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Allen Street Development site

# Allen Street Development Site

The Allen Street Development Site (comprising Lot A DP 101124, Lot 35 DP 739309, Lot 3 DP 13475) is located on the northern edge of the Arncliffe Precinct and adjoins the Wolli Creek precinct to the north. The large parcel is bounded by the Southern and Western Sydney Ocean Outfall Sewer (SWSOOS) to the north, Argyle Street to the east, Allen Street to the south and Arncliffe Street to the west.

The north western half of the site is heavily constrained by stormwater and drainage issues. Two stormwater pipes run under the site and connect to the Bonnie Doon channel. Based on detailed analysis and historical observations, this area is prone to flooding. Developing on this portion of the site would further exacerbate the existing hydrological issues experienced in the area. To deal with these hydrological issues, this portion of the site is to accommodate a new park that has to capacity to effectively serve as a short term stormwater detention basin.

### **Objectives**

- A. Allow for significant development potential has been applied to the south eastern portion of the site.
- B. Allow for the establishment of a new park on the north western half of the site that recognises its importance as a flood mitigation asset and takes into account the needs of the future residents of the area.

### **Controls**

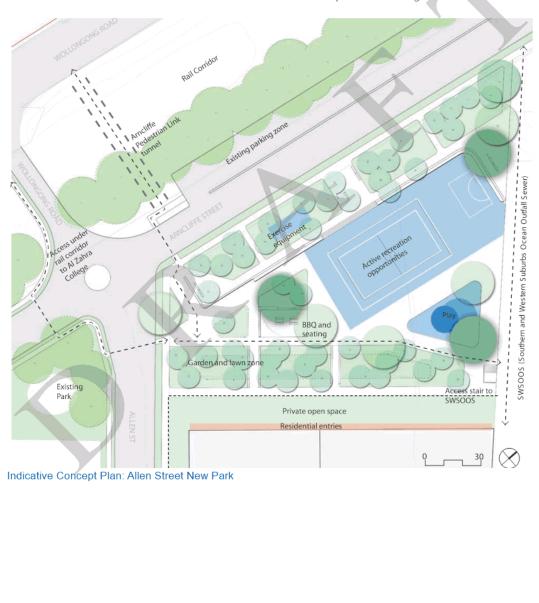
- Any redevelopment of the site shall include a new public park, and demonstrate compliance with the following controls:
  - The new park is to be located in the area bounded by Allen Street, Arncliffe Street and the SWSOOS
  - The new park must demonstrate compliance with the 4.1.3
     Water Management of Rockdale DCP2011 (Liaison with Council's Flood Engineer is recommended during the design phase of the planning process)
  - c. The park must have a minimum of 5000m² with the final area to be determined after extensive flood analysis
  - Pathway connections should allow for efficient access through the site. This should include access to through the park connecting Allen Street to the SWSOOS
  - e. Provide generous landscape garden interface to the new building to the south west with new tree planting
  - Areas for passive and active recreation activities are to be provided.



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7.6 Banksia and Arncliffe

- New buildings on the site must demonstrate compliance with the following controls:
  - a. Building site through links are to be in accordance with the Site Through Links Plan
  - b. The lower 6 storeys are to be setback 6 metres from the Allen Street and Argyle Street frontages. Upper storeys are to be setback in accordance with the Street Wall Height Plan
  - A 10m wide pedestrian link is to be provided through the site to link with the Bonnie Doon Channel
  - d. To promote slender buildings, towers exceeding 8 storeys must have a maximum floor plates of 800m² gross floor area.



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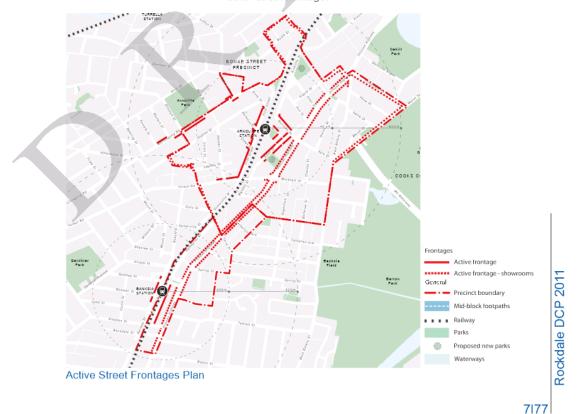
# Active street frontages

# **Objectives**

- A. To encourage active street frontages in suitable locations
- B. To provide for active street frontages to promote activity on the street and public domain
- C. To enhance public security and passive surveillance, and improve the amenity to the public domain by encouraging pedestrian activity

### Controls

- New development is to provide an active street front in accordance with the Active Street Frontage Map.
- New mixed use development north of Forest Road and fronting the Princes Highway is to provide a floor to ceiling height of 7m to accommodate a wide range of retail showroom or commercial uses.
- New buildings are to demonstrate compliance with the following controls:
  - a. Ground floor frontage to be activated by retail and business premises
  - b. Residential lobbies permitted are off Street frontage
  - c. No ground floor residential is permitted
  - d. No vehicle access permitted unless the development has no other street frontage
  - e. No service access permitted unless the development has no other street frontage.



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# 7.6.5 BUILT FORM

Ground level setbacks throughout the Arncliffe and Banksia Precincts have been identified to improve pedestrian and resident amenity and deliver a landscaped character.

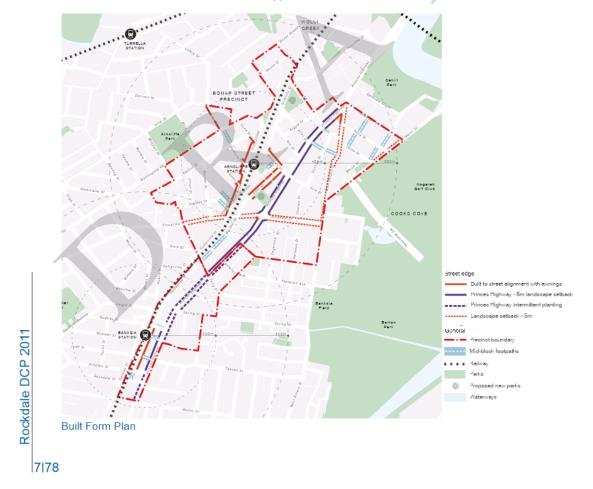
# Building set backs

## **Objectives**

A. To ensure the development creates a positive streetscape and achieves a high quality architectural design that promotes commercial, retail and business activity

### Controls

- New development within the Arncliffe and Banksja Precincts are to be built to the street alignment shown in the Built Form Plan.
- Where a 6m landscaped setback is required, the setbacks must include significant tree planting, landscaping and a secondary footpath located closer to the shop fronts and away from the traffic.
- Where a 5m landscaped setback is required, the setback must include 3m landscaping and 2m private courtyards. The landscape zone should include large and medium size tree planting.
- Street proposed species shall be subject to Council consideration and approval.



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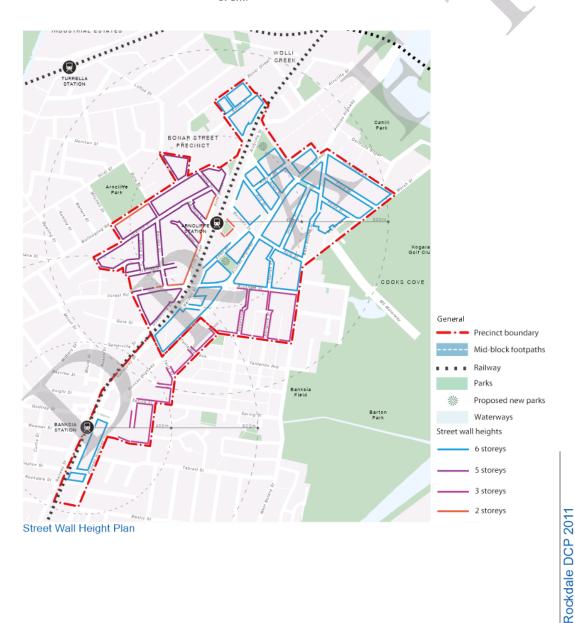
7.6 Banksia and Arncliffe

# Street Wall heights

Street walls allow a comfortable reltationship to the public domain. They also provide an effective way to establish the permissible building envelope, and articulation zone within the building envelope.

### **Controls**

- New development is to provide a street wall height in accordance with Street Wall Height Plan.
- Levels above the Street Wall Height are to be set back a minimum of 3m



7.6 Banksia and Arncliffe

# Landscape setbacks

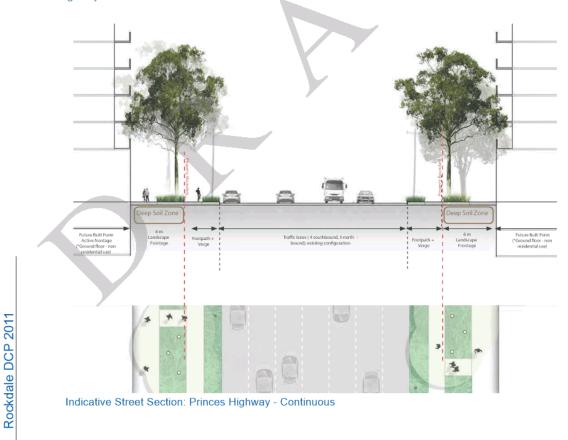
# **Objectives**

- A. To provide strong definition to the public domain and create a consistent and attractive streetscape.
- To create a landscaped streetscape that can accommodate large
- To reduce the visual bulk of buildings as viewed from the street.

# **Princes Highway - Continuous**

- In areas identified in Built Form Plan, a continuous 6m deep soil landscape setback is required. Setback areas are to:
  - Retain existing trees
  - Provide new large trees to be planted away from power lines.
- 2. Within the street reserve, the existing footpaths are be retained and verge planting added.
- An additional footpath adjacent to retail and ground floor uses is to be provided.
- Existing overhead power lines are to be undergrounded as each site is redeveloped.





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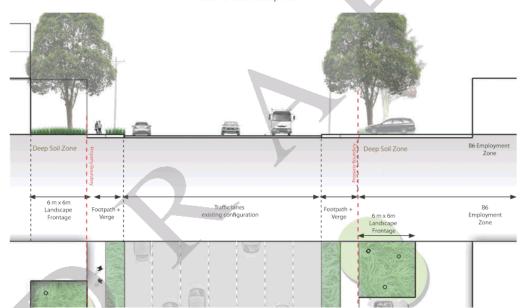
7.6 Banksia and Arncliffe



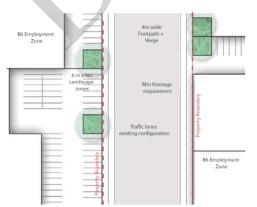
Princes Highway - Intermittent

# **Princes Highway - Intermittent**

- Where there are B6 zones, retail frontages with on-grade parking adjacent to the highway are to provide consolidated tree planting zones on private land. Consolidated tree planting zones are to satisfy the following criteria:
  - a. A minimum requirement of one consolidated planting zone per 20m of street frontage.
  - Minimum 6 x 6 metre deep soil zones along the Princes Highway frontage
  - c. Provision of large trees (15m high or larger)
  - d. Provision of under storey planting in garden zones
  - e. Provision of WSUD treatment gardens in deep soil zones.
- Existing overhead power lines are to be undergrounded as each site is redeveloped.



Indicative Street Section: Princes Highway - Intermittent



Indicative Street Plan: Princes Highway - Intermittent

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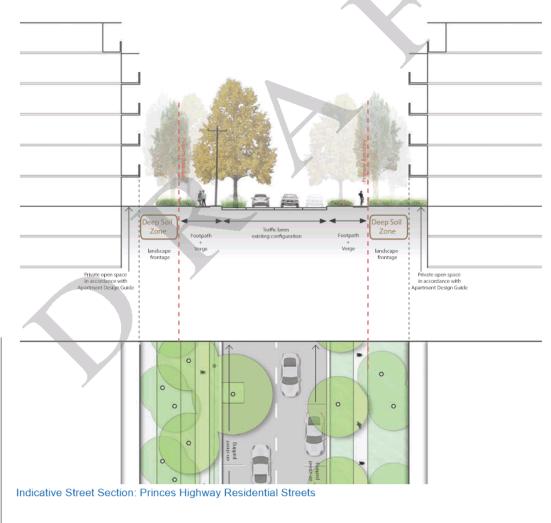


Residential Street Landscape Setback

### **Residential Streets**

Improvements to existing residential streets through increased canopy cover will be delivered through the development process.

- Any new development located in the areas identified in the Residential Street Landscape Setback is to provide:
  - A setback that is consistent with the prevailing setback along the street. A minimum 3m of this setback is to be landscaped
  - b. Additional street tree planting to street verges
  - c. Gardens with low shrubs and groundcovers rather than lawn verges
  - Integration and provision of rain gardens within landscape areas
- Existing overhead power lines are to be undergrounded as each site is redeveloped.

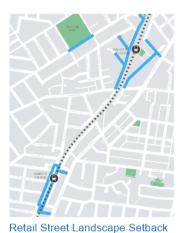


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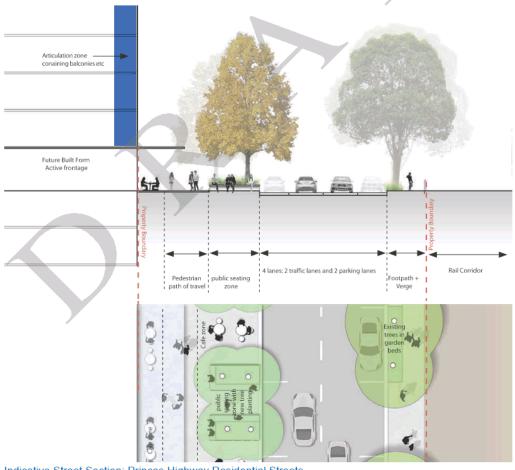
7.6 Banksia and Arncliffe



**Retail Streets** 

Streets in the Arncliffe Town Centre such as Firth Street and Eden Street as well Railway Street and Hattersley Street in the Banksia Town Centre are to be improved through increased and well thought-out landscaping.

- New development in areas identified by the Retail Streets
   Landscape Setback are to provide:
  - a. Provide for the retention of existing large scale trees located in street reserves or setbacks or along the rail corridor
  - b. Where appropriate, expanded footpath zones for informal gathering, seating and outdoor dining
  - c. Additional tree planting to provide shade and seasonal colour
  - d. Opportunities for new rain gardens that can filter street runoff
  - New streetscape elements including furniture and improved pedestrian lighting in accordance with Council requirements.
- Existing overhead power lines are to be undergrounded as each site is redeveloped.



Indicative Street Section: Princes Highway Residential Streets

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Rockdale DCP 2011

### DRAFT EXHIBITED DEVELOPMENT CONTROL PLAN - CHAPTER 7.6 ARNCLIFFE AND BANKSIA

#### Summary

Submissions were made for both the Rezoning Proposal and Development Control Plan for the Arncliffe and Banksia Planned Precinct's. Exhibition of the draft Development Control Plan (DCP) Chapter 7.6 Arncliffe and Banksia commenced on the 28 November 2016 and concluded on the 28 February 2017. The DCP chapter was on exhibition for a total of 92 days at the Department of Planning and Environment Information Centre Level 22, 320 Pitt Street, Sydney, the Rockdale Library 444-446 Princes Highway, Rockdale and the Arncliffe Library, 11 Firth Street, Arncliffe.

### What we've heard

There were a total of 81 submissions relating to the exhibited Development Control Plan provided to Council on the Bayside West Precincts, Draft Land Use and Infrastructure Strategy and Draft Arncliffe and Banksia rezoning proposal, including the DCP, through the NSW Department of Planning and Environment. A total of 74 submissions made reference to, or contained content that is applicable to, the exhibited DCP's objectives and controls.

Largely, submissions identified concerns around the change in character of the precinct and potential impacts on heritage, including, but not limited to, the fine grain character, retention of views to heritage landmarks, and natural assets.

Numerous concerns were also raised over the provision and accessibility of open space across the precinct, the potential impacts of an increase in population on the existing open space network and the need for further open space at various scales.

A number of submissions sought clarity on the proposed built form controls, including further specification of setback controls and street wall heights, in relation to providing an appropriate transition with existing low density residential areas. Built form concerns also included the overshadowing of Arncliffe Public School and adjoining low density residential zones, and wind tunnel effects.

Other submissions indicated concerns around loss of vegetation, lack of parking within the Town Centres, disconnected active transport network and the provision of through site links as a key public benefit from the redevelopment of sites.

There were 7 site specific submissions from agency/organisations/individuals raising concerns directed to the exhibited draft exhibited chapter. A total of 7 submissions directly referenced the draft exhibited DCP chapter.

Please refer to Table 1 for a summary of the submissions received and the officer response.

SUBMISSION	CONTENT OF SUBMISSION	COUNCIL OFFICER RESPONSE (DCP REFERENCES INCLUDED)
ORGANISATION	SUBMISSIONS	
1.	1.1. Overshadowing of school grounds;	Any future development adjoining or potentially impacting upon the Arncliffe Public School grounds and open space will be subject to Development Assessment in which SEPP65 and the Apartment Design Guide principles can be applied to ensure the school grounds are not impacted upon by overshadowing;
		The DCP chapter has been updated to ensure the school grounds are not impacted upon detrimentally by overshadowing, please refer to 5- Arncliffe School Neighbourhood, page 7/82 of the Draft Rockdale DCP 2011, Arncliffe and Banksia DCP chapter;
	1.2. Lack of publically accessible open space;	The Development Control Plan sets out area controls and dimensions to ensure adequate open space provisions are delivered alongside any future development0, and
		Concerns around publically accessible space have been further addressed by the DP&E through delivery of a new park next to Arncliffe station on the corner of Arncliffe Street and Burrows Street. This park will be 7000m² Special Infrastructure Contribution (SIC) funds will contribute towards land acquisition and embellishment of the new park (Bayside West Precincts 2036);
	1.3. Maintain and value heritage; and	Part 4.1 Site Planning and 4.2 Streetscape and Site Context of the Rockdale DCP 2011 will still apply to the subject area. Part 4.1 requires the protection of view corridors to significant heritage items, the conservation of heritage items, their curtilage and settings, and consideration of the

			impact on a heritage item where development is proposed in the vicinity of the heritage item. Part 4.2 requires development to conserve or enhance items and areas of special architectural, landscape or cultural interest; As per SEPP65 and the Apartment Design Guide (2015) – Objective 3J-1 Design Criteria:
	1.4.	Parking insufficient.	For development in the following locations:  on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or  on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in nominated regional centre;  the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant Council, whichever is less.  The car parking needs for a development must be provided off street.  and, Part 4.6 Car Parking, Access and Movement of the Rockdale DCP 2011 will still apply to the subject area in regards to commercial developments. The appropriate parking rates will be applied to each development as prescribed by these resources.
2.	2.1.	New public park, with a minimum of 5000m <sup>2</sup> identified of DCP and not in SEPP maps (12 Arncliffe Street);	Has been removed. Notification does not show any land reservation acquisition or zoning for open space on this
	2.2.	Setbacks required not feasible for redevelopment (12 Arncliffe Street); and	Setbacks have been determined to limit the effects of overshadowing and to decrease the bulk and scale of the

	2.3.	Slender building form, maximum floor plates of 800m2 above 8 storeys require increased costs and are not feasible for redevelopment (12 Arncliffe Street).	built form. The site is also located along a key vehicular movement corridor. The identified setbacks will help to alleviate any amenity impacts. The site including setbacks is comparable to that of other block sizes around the precinct; and  Eden Street development site Clause 2b and Allen Street development site Clause 2d: to promote slender buildings, towers exceeding 8 storeys must have a maximum floor plate of 800m² gross floor area, had been devised as a part of the Technical Documents exhibited December 2016 — February 2017. This reduces the bulk and scale of the taller
3.	3.1.	In support of active frontages inclusion in DCP as opposed to	buildings and minimises overshadowing impacts.  Comment noted.
		LEP; and	
	3.2.	Showroom uses on ground floor with 7m floor to ceiling height - no identified market demand, refers to precedent development along Princes Highway.	Comment noted.
4.	4.1.	Proposed through-site link on subject site with reference to Station Street.	Now excluded from project boundary subject to further investigation as per <i>Bayside West Precincts 2036</i> – refer to page 9.
5.	5.1.	No minimum lots size requirements to promote reasonable land amalgamation; and	Please refer to Part 4.1 Site Planning of the Rockdale DCP 2011. Part 4.1.9 – Lot size and site consolidation of will still apply to the subject area. This requires a minimum lot width of 24m at the street frontage for residential flat buildings. For mixed-use developments of 4 storeys or greater, a minimum frontage width of 18m is required;
	5.2.	Notes the 6m setback along the Princes Highway as restricting development potential.	The Arncliffe and Banksia Planned Precincts have been subject to exhaustive urban design studies and recommendations based on current amenity and

			environmental issues – the proposed controls aim to mitigate negative impacts of the functionality of the Princes Highway and the urban heat island effect.
6.	6.1.	The need for Active Frontages along the Princes Highway Corridor at Banksia.	Please refer to Bayside West Precincts 2036 regarding review of B6 Corridor refer to page 9. This area is subject to Council review as a part of the Comprehensive Local Environmental Plan Review.
7.	7.1.	As per submission <b>Error! Reference source not found1</b>	Please refer to Council officer's response to submission 6.1.
8.	8.1.	Retention of existing character and views from Forest Road ridgeline need to be maintained; and	Part 4 General Principles for Development of the Rockdale DCP 2011 will still apply to subject sites. Part 4.1.1 requires development on highly visible sites, such as ridgelines, to be carefully designed so that it complements the character of the area and its skyline.
9.	9.1.	As per submission Error! Reference source not found.	Please refer to Council officer's response to submission 1.2 and 1.3.
10.	10.1.	As per submission Error! Reference source not found.;	Please refer to Council officer's response to submission 1.2 and 1.3.
	10.2.	Connections to pedestrian and cycling routes identified in both transport studies are supported. It is critical that these connections are established early in the planning process to ensure that that are available to current and future residents. New pedestrian connections, including pedestrian crossings, are welcomed and are encouraged to be delivered as a priority;	The Bayside West Precincts 2036 states in Appendix, 1 Table 3 that Council is to undertake preliminary design and costings of upgrades for new on-road cycle paths and upgrades to the existing Active Transport Network; and
	10.3.	Further provision of separated bike paths;	Please refer to Council officer's response to submission 10.2
	10.4.	As per submission Error! Reference source not found.;	Please refer to Council officer's response to submission 1.4

10.5.	The proposal is not responding to the <i>Rockdale DCP 2011, 4</i> . <i>General principles for development,</i> with specific reference to heritage views, heritage items and local landmarks.	Please refer to Council officer's response to submission 8.1
10.6.	Where through-site links are proposed, the transfer of FSR could result in an excessively bulky building in some areas, particularly on development sites that are small and narrow. It is recommended that the DPE considers the implementation of a minimum site area control to areas where through-site links are required;	Please refer to updated controls in 3.4 Through site links on pages 7   105 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter. These controls state that:  - Where a through site link is provided on site, FSR is based on the total site area;  - Through site links are to provide a minimum 6 metres setback to building line;  - Through site links are to have a minimum 4.5 metres non-leasable space clear of all obstructions.
10.7.	The absence of minimum lot size requirements for developable land could result in poor design outcomes and an inability of sites to achieve the built form outcome in the Urban Design Report for the Arncliffe and Banksia precincts;	Please refer to Council officer's response to submission 5.1.
10.8.	The vision for the block on Wollongong Road between Mitchell Street and Broe Avenue could result in multiple vehicular access points and potential conflicts between pedestrians and vehicles. It is recommended that a car park/loading entries sharing scheme is introduced or a minimum lot size is applied to encourage larger blocks to be developed to minimise car parking and servicing entrances;	This area is not currently located within the Arncliffe and Banksia Planned Precinct boundary. The Draft DCP chapter does not, therefore, apply to this land. The land at 'Arncliffe West' will be subject further investigation.
10.9.	To be able to achieve the intended vision for the Banksia Centre, the submission recommends that the DPE considers the implementation of minimum lot depths controls (e.g. 30-40m) or minimum lot size (in the order of 2000sq.m); and	Please refer to Council officers response to submission 5.1.

	10.10.	Interface between zones.	Interface between zones will be dictated largely by the Rockdale DCP 2011 and the 7.6 Arncliffe and Banksia chapter through landscape setbacks, built form setbacks and street wall heights. Interfaces will be assessed at the Development Assessment stage to ensure appropriate place-based responses to design are achieved;
11.	11.1.	The guidelines set out by the DCP should be qualitative, not prescriptive in terms of building form and massing;	The DCP built form and massing controls are in direct response to the urban design study and recommendations as completed to inform the rezoning proposals. These controls aim to improve solar access to open space, visual perception of bulk and scale of the built form and improve the interface of the developments with the surrounding lower scale developments.
	11.2.	Recommended that the plan should note that the form and location of new parks shown is indicative only. With regards to the new park on the ESDS, the form and location of the new park is to be confirmed through a holistic design process. The form shown may not be best outcome for the site or for the amenity of future residents. This comment is relevant to all maps showing a new park on the site;	Please refer to updated figures now stating "indicative" on pages 7   89, 7   91, 7   94, 7   96 of <i>Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia</i> chapter.  Please refer to updated figure 7.7.39 in 3.4 Through site links on pages 7   106 of the <i>Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia</i> chapter – now inclusive of through site links on the Eden Street Development Site.
	11.3.	Noted that the plan does not identify any new through site links related to ESDS. However, it is intention to provide new through site link via the proposed new park on the site. Through site link routes will be dependent on the form and location of the new park;	Please refer to updated controls in 3.4 Through site links on pages 7   105 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter – to see through site links included on the ESDS site
	11.4.	Recommended that through-site links may be adjacent to active frontages, transport infrastructure, public open space or site boundaries. Additional typical cross sections required to illustrate these options. The submission noted the owner would like the ability to apply these options to the ESDS;	Please refer to updated controls in 3.4 Through site links on pages 7   105 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter — now inclusive of typical cross sections illustrating through-site links adjacent to active frontages, transport infrastructure, public open space or site boundaries.

11.5. Recommend that 'Public Open Space Network' is amended Please refer to updated heading 3.2 Public Domain and to 'Public Open Space Network Plan'; Open Space Network on page 7 | 86 and the Figure 7.7.13 Public Domain and Open Space Network Diagram on page 7 | 87 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter. Recommended that solar access controls for Public Open Please refer to updated pages 7 | 86, 7 | 88, 7 | 90, 7 | 93 and 11.6. 7 | 95 of the Rockdale DCP 2011 - 7.7 Arncliffe and Banksia Spaces should allow for consideration of moving shadows. It is also recommended that the proposed controls should chapter, which state the following: define to a percentage of the total Public Open Space required to receive minimum solar access, similar to ADG Solar Access to Public Open Space: The configuration of buildings and structures must controls; ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm-2pm) on 21 June (mid-winter); New developments around Wooroona Reserve shall consider an address requirements for solar access and amenity to public open space; Ensure the new public park at the Eden Street Development Site is located to maximise solar access; and New buildings and structures forming part of the Allen Street Development Site must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm-2pm) on 21 June (mid-winter). Recommended that it should be noted that solar access for Please note that any inconsistencies with SEPP65 and the ADG have been removed. Please refer to the updated Draft Communal Open Space and Private Open Space is governed by compliance with SEPP65 and ADG. Compliance with Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter. SEPP65 and the ADG enable good balanced design outcomes. It is our advice that additional restrictions on

Communal Open Space and Private Open Space would be onerous and are not required to ensure design excellence;

11.8. ESDS Objective B – Recommend that the words 'centrally located' are replaced with 'new'. The best configuration for Public Open Space on the site should be determined via a holistic design process, including consideration of SEPP65, the ADG and innovative urban design;

11.9. ESDS Control 1a – Requires the new park to have a minimum width of 50m along the Eden Street and Princes Highway frontages and span the entire distance between the two street frontages. As stated above, the best configuration for Public Open Space on the site should be determined via a holistic design process. Initial design analysis indicates that a minimum frontage of 50m to Eden Street is recommended. A minimum should not be set for Princess Highway as exposure of Public Open Space to the highway may be detrimental to the quality of space achieved. Recommended that 1a is amended to read 'The new park is to have a minimum width of frontage on Eden Street of 50m';

11.10. ESDS Control 2a – Requires building setbacks and throughsite inks are to be in accordance with the Built Form
Principles Plan contained in the draft document. We agree
with 6m setbacks shown to Eden Street and Princess
Highway. However, we note that the current DCP requires
zero side boundary setbacks to achieve continuous active
frontages. It is recommended that side boundaries have zero
setbacks, as per the current DCP;

Please refer to Eden Street Development Site, Arncliffe
Town Centre – Controls on page 7|91 of the updated Draft
Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter.
These state that the new public park should be located to
maximise solar access. The wording of Objective B has not
been changed.

Please refer to Eden Street Development Site, Arncliffe
Town Centre – Controls on page 7 | 93 of the updated Draft
Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter.
ESDS Control 1b now states the following:

Provide a minimum width of 50m along the Eden Street frontage with a site area of 4000sq.m.

With regard to the Princes Highway interface, ESDS Control 1f states the following:

Ensure a generous landscape interface to Princes Highway with existing trees, additional tree planting, garden zones that must incorporate storm water treatment gardens.

Please refer to Eden Street Development Site, Arncliffe Town Centre – Controls on page 7 | 93 of the updated Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter.

Please note chapter 5.3 Mixed Use of the Rockdale DCP 2011 will still apply to side setbacks of developments. This requires a minimum 3m setback for buildings up to 3 storeys, and a minimum 4.5m setback for all levels for building more than 3 storeys.

Control 2b – Proposes to promote slender buildings – towers exceeding 8 storeys are required to have a maximum floor plate of 800m2 GFA. Building design should be governed by compliance with SEPP65 and the ADG, which adequately allow for daylight, cross ventilation, privacy and public open space. Compliance with SEPP65 effectively limits residential building floor plate sizes and additional restrictions would be onerous. This limitation would not ensure that design excellence is achieved. Initial analysis indicates that this control may result in four towers being proposed for the site, rather than three. This would increase the density of built forms on the site. Our advice is that three larger towers is a better outcome for the site than four smaller towers. Additionally, our assessment is that a maximum floor plate of 800sq.m. GFA will result in a high and larger podium element, which will have a negative impact on the quality of the Public Open Space outcome. It is recommended that Control 2b limiting GFA to 800sqm per tower be removed from the proposed DCP;

Noted, however this control is to ensure that the maximum floor plate does not exceed what would be considered a slender built form. Any proposals will be subject to assessment through SEPP65 and the ADG which will ensure the concerns noted will not occur.

11.12. ESDS Built Form Principles Plan – there are concerns with the limitations of the plan included in the draft document. It is recommended that the proposed 'Built Form Principles Plan' is replaced with a number of 'Built Form & Public Open Space Diagram' options;

Please refer to updated figures, now stating "indicative" on pages 7 | 89, 7 | 91, 7 | 94, 7 | 96 of Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter.

11.13. The plan does not define the setback for SW side boundary. It is recommended that a setback is not required, as noted above:

Please refer to Council officer's response to submission 11.10.

11.14. The plan requires a through-site link to the NE side boundary. We recommend that the DCP does not prescribe the location of through-site links and that this should be removed;

Please refer to Controls point 3. in 3.4 Through site links on pages 7 | 105 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia. Please note that the exact location of through-site links will be determined at the Development Assessment stage.

1	11.15.	Building footprints should not be prescribed. The massing of buildings shown on the proposed plan may not reflect design excellence and will limit design options for the site;	Please refer to Council officer's response to submissions 11.10 and 11.12.
1	11.16.	The building configuration shown does not ensure SEPP65 and ADG compliance;	Please refer to Council officer's response to submission 11.10 and 11.12.
1	11.17.	The configuration of the proposed new park is limiting and contradicts the objective of achieving the best outcome for the site, residents and the wider community;	Please refer to the following Controls on page 7 93 Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia chapter:  - 1a. Ensure the new park is to be located to maximise solar access;  - 1d. Ensure new through site links will be provided in accordance with "Figure 7.7.37 Through Site Links Plan" on page 7 106; and  - 1h. Ensure the new park will play a key role in the community providing new landscaping areas for passive and active recreation activities.
1	11.18.	It is recommended that design principles for the new Public Open Space include the following:  Public Open Space to be located to the north of the site allowing wide solar access;  Built form may be used to protect the park from detriment environmental effects of Princes Highway, in order to create a liveable and safe Public Open Space;  Through-site links should be incorporated within the new park and will integrate the new space into the surrounding streetscape;  The new public park space will play a key role in the community providing a new landscape and recreation areas;	Please refer to Council officer's response to submission 11.17  With regard to point 2 of submission 11.18, built form is not the only component that may provide relief from the environment effects of the Princes Highway, i.e. landscape can provide such a buffer along with the required 6m setback and landscape planting. Further investigation at Development Assessment Stage will be undertaken.

11.19. Heritage Item – The Built Form Principles Plan notes that public open space should have a direct view to the heritage house on Eden Street. While visual connection is preferred, this should not be a key driver for the design of Public Open Space. Recommended that this note is removed, or changed to be a recommendation only;

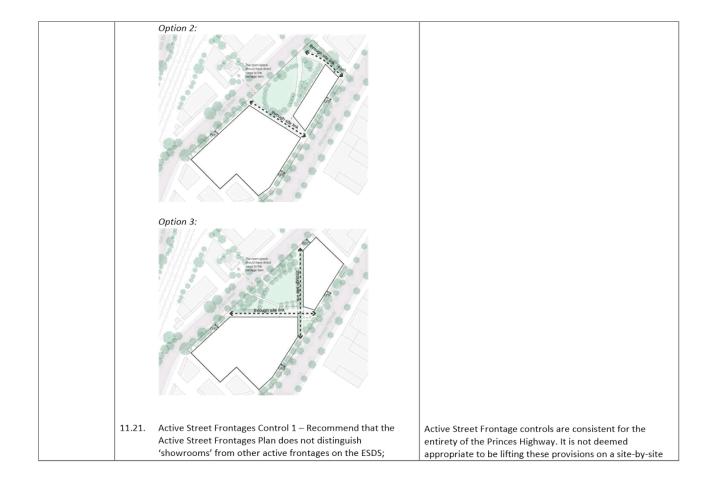
11.20. Built Form & Public Open Space Diagrams – the following three options should be included in the DCP as examples of possible Built Form & Public Open Space Diagrams:

Option 1:



Please refer to 4.1.2 Heritage Conservation on pages 4 | 7 of the Rockdale DCP 2011. To ensure that new development does not have an adverse impact on the heritage item, open space/public domain outcomes providing a visual relationship to the heritage item will ensure a contributory relationship between the new development and the heritage item.

It is not deemed appropriate that Council officers include diagrams by landowners for inclusion in the DCP. Please refer to Council officer's response to submission 11.10.



11.22.	Active Street Frontages Control 3a – Recommended that wording is amended to read 'Ground floor frontage to be activated by retail, business premises, commercial, residential townhouses and community amenities';	basis. The Arncliffe and Banksia Planned Precincts have been subject to exhaustive studies which have informed such recommendations.  Please refer to the following Definitions on page II of the Rockdale DCP 2011 which states "Active frontage means that the ground floor of a building is used for one or a combination of the following:  • entrance to retail • retail shopfront • entrance to residential/commercial above • café or restraint if accompanied by an entry  Gaps in frontage, blank walls, louvre grills for plant rooms or car parking areas are not considered to be active frontages."
11.23.	Active Street Frontages Control 3c – Recommended that Control 3c be deleted;	Please refer to Council officer's response to submission 11.22.
11.24.	Active Street Frontages Control 3d – The purpose of restricting vehicle access is unclear, recommended that this clause is removed;	Please refer to Council officer's response to submission 11.22 – in the case where sites are restricted, alternatives will be determined at Development Assessment stage.
11.25.	Active Street Frontages Control 3e – Where a site has two frontages the design should not be limited with regards to the location of service entries. With regards to the ESDS service access should be possible from Eden Street; access from Princess Highway is not practicable or safe. It is recommended that this clause is removed;	Please refer to Council officer's response to submission 11.24.

	11.26.	Built Form Plan – Recommended that ground level townhouses are permitted. We note that awnings will not be appropriate in areas where townhouses are located;	Please refer to Council officer's response to submission 11.22. Inserting such a clause would contradict the aims and objectives of providing active street frontages.
	11.27.	Street Wall Heights Control 2 – Recommended that provision be made for the minimum 3m setback to be reduced where the applicant demonstrates that the objective of design excellence has been achieved both architecturally and in terms of urban design. We note that an alternative to a tower setback may be to allow a horizontal break in built forms between podiums and towers;	Inserting such a clause would contradict the aims and objectives of providing a consistent built form envelope. Articulation and modulation of built form will be determined at Development Assessment stage.
	11.28.	Landscape Setbacks Controls – Retail Streets – Recommended that ground level townhouses are permitted; and	Please refer to Council officer's response to submission 11.22.
	11.29.	Landscape Setbacks Retail Streets – Control 1a recommended that wording is amended to read 'Provide for retention of existing large scale trees located in street reserves or setbacks where possible and appropriate'.	Please refer to Retail Streets - Controls 1a. on page 7   103 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia. This states that new development in areas identified in Figure 7.7.35 – 'Retail Streets Landscape Setback' are to retain existing large scale trees located in street reserves or setbacks along the rail corridor. The suggested wording has not been adopted.
12.	12.1.	As per submission 10.7.	Please refer to Council officer's response to submission 10.7.
13.	13.1.	Believe that a requirement for 'active street frontages' is essential in addressing concerns on personal safety and amenity on the Princes Highway. A proposal to include a requirement for active street frontages would help to mitigate the harsh environment of the Princes Highway and contribute to the strategy objectives of revitalising the Princes Highway Corridor. Indeed, the strategy proposes to provide a "tree lined road corridor with large setbacks and	Please refer to 4.2 Street Wall Heights on pages 7   109 and 7   110, and 4.3 Active frontages on pages 7   111 and 7   112 and of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia. These parts of the Draft DCP identify the need to ameliorate the effects of existing unevenly scaled and massed buildings, and states that new mixed-use development north of Forest Road and fronting the Princes Highway is to provide a floor-to-ceiling height of 7 metres

		wide footpaths to enhance pedestrian safety and amenity." Therefore, active street frontages are essential in promoting passive surveillance of the area, encouraging a sense of safety in an otherwise busy thoroughfare, and 'ground' the proposed building heights to a human scale of development.	to accommodate a wide range of retail showroom or commercial uses. It recognises that this can enhance public security and passive surveillance, and improve the amenity to the public domain by encouraging pedestrian activity.
	13.2.	It is recommend that a requirement for active street frontages be incorporated in any redevelopment of the sites.	Please refer to 4.3 Active frontages on pages 7   111 and 7   112 and of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia Part 4.3 seeks to encourage active street frontages in appropriate locations, to provide active street frontages to promote activity on the street and public domain, and to enhance public security and passive surveillance, and improve the amenity to the public domain by encouraging pedestrian activity.
14.	14.1.	As per submission 10.7.	Please refer to Council officer's response to submission 10.7.
15.	15.1.	A mix of activities in Wollongong Road including Arncliffe Oval and small businesses on the corner of Kelsey Street and Wollongong Road benefit from the current pedestrian path that links the ends of Belmore and Kelsey Street. The far greater distance to Broe Street would suggest a similar benefit of a through-site link towards the western end of the potential site.	Please refer to Council officer's response to submission 10.8.
16.	16.1.	It is recommended that a requirement for active street frontages or employment uses on the ground floor be incorporated in any change to the land use zoning controls.	Please refer to Council officer's response to submission 13.1.
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17.	17.1.	As per submission <b>Error! Reference source not found.</b> .1 and 1.2.	Please refer to Council officer's response to submission 1.1 and 1.2.

18.	18.1.	As per submission <b>Error! Reference source not found1</b> and 1.2;	Please refer to Council officer's response to submission 1.1 and 1.2.; and
	18.2.	There is a shortage of sporting fields available to the community within the area.	Council is embarking upon the Comprehensive Local Environmental Plan (LEP) review. A review will be undertaken by independent contractors for an open space and recreation needs analysis. This will help inform the provision and requirements for active open space such as sporting fields.
19.	19.1.	Setbacks should incorporate bike paths; and	Please refer to Council officer's response to submission 10.2.
	19.2.	Further consideration for increased separated bike paths.	Please refer to Council officer's response to submission 10.2.
20.	20.1.	Open space needs to be supported by active frontages with reference to Arncliffe Park.	Wooroona Reserve and Eden Street open space will be supported by active frontages.
21.	21.1.	Interface between zones;	Interface between zones will be dictated largely by the Draft <i>Rockdale DCP 2011</i> and the 7.6 Arncliffe and Banksia chapter through landscape setbacks, built form setbacks and street wall heights. Interfaces will be assessed at the Development Assessment stage to ensure an appropriate place based response to design is achieved;
	21.2.	Overshadowing of existing open space;	Please refer to the <i>Bayside West Precincts 2036</i> for updated project boundary. Please also refer to <i>3.2 Open Space Network, Controls – 3.</i> page 7   86 of the <i>Rockdale DCP 2011 - 7.7 Arncliffe and Banksia;</i>
	21.3.	As per submission 1.2 and 1.3;	Please refer to Council officer's response to submission 1.2 and 1.3;

	21.4.	Through-site links need to be promoted not 'where possible'; and	Please refer to Council officer's response to submission 10.6;
	21.5.	Not responding to the Rockdale DCP 2011 4. General principles for development Interface between zones;	Please refer to Council officer's response to submission 8.1;
22.	22.1.	Maintaining heritage and village character of the Town Centres.	Please refer to Council officer's response to submission 8.1;
23.	23.1.	As per submission 8.1 with specific reference to retention of heritage views, heritage items and local landmarks.	Please refer to Council officer's response to submission 8.1;
24.	24.1.	Retention of existing character and views from Forest Road ridgeline need to be maintained; and	Please refer to Council officer's response to submission 8.1;  Where single dwellings are adjacent to new development,
	24.2.	Low density built form overshadowed by increased controls.	4.4.2 Solar Access of the Rockdale DCP 2011 will apply.
			Where apartment buildings are adjacent to new apartment building developments, Part 4A Solar and daylight access of the Apartment Design Guide (2015) will apply.
25.	25.1.	As per submission 23.1	Please refer to Council officer's response to submission 8.1;
	25.2.	Interface and zone transitions with reference to street wall heights and setback controls on Forest Rd, Somerville St, Pit-Owen St. Submission raised concerns that the street wall heights and setback controls may not necessarily respond to one another or reflect the SEPP65 controls; and,	Please refer to Council officer's response to submission 4.1;
	25.3.	As per submission 1.5.	Please refer to Council officer's response to submission 1.5;
26.	26.1.	As per submission 24.1.	Please refer to Council officer's response to submission 8.1;
27.	27.1.	As per submission 24.1.	Please refer to Council officer's response to submission 8.1;

28.	28.1.	As per submission 24.1 with reference to St Francis Xavier's Church spire and David's Church spire being impacted upon	Please refer to Council officer's response to submission 8.1;
		by increased building height;	
	28.2.	As per submission 26.2;	Please refer to Council officer's response to submission 26.2;
	28.3.	As per submission 26.3;	Please refer to Council officer's response to submission 26.3;
	28.4.	As per submission 1.2 and 1.3; and	Please refer to Council officer's response to submission 1.2 and 1.3;
	28.5.	As per submission 1.5.	Please refer to Council officer's response to submission 1.5;
29.	29.1.	As per submission 15.1;	Please refer to Council officer's response to submission 8.1;
	29.2.	As per submission 26.2;	Please refer to Council officer's response to submission 26.2;
	29.3.	As per submission 1.2 and 1.3; and	Please refer to Council officer's response to submission 1.2 and 1.3;
	29.4.	As per submission 1.5.	Please refer to Council officer's response to submission 1.5;
30.	30.1.	Loss of views on the ridge of Knight Street, Atkinson Road and Bayview Street; and	Please refer to Council officer's response to submission 8.1;
	30.2.	As per submission 22.5.	Please refer to Council officer's response to submission 22.5;
31.	31.1.	As per submission 22.5.	Please refer to Council officer's response to submission 8.1;
32.	32.1.	As per submission 22.5.	Please refer to Council officer's response to submission 8.1;
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33.	33.1.	As per submission 25.2.	Please refer to Council officer's response to submission 25.2;
34.	34.1.	As per submission 1.1.	Please refer to Council officer's response to submission 1.1;
35.	35.1.	Impact on character of Town Centres; and	Please refer to Council officer's response to submission 8.1;
	35.2.	Raised concerns around the potential loss of trees and vegetation along the rail corridor.	Please refer to 3.3 Landscape Setbacks, Controls - Retail Streets "1a. Retain existing large scale trees located in street reserves or setbacks or along the rail corridor;" please refer to page 7   103 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia;
			Please also note that the Planned Precinct boundary excludes any land to the West of the railway line, refer to Bayside West Precincts 2036 page 9
36.	36.1.	As per submission 36.1; and	Please refer to Council officer's response to submission 8.1;
	36.2.	As per submission 36.2.	Please refer to Council officer's response to submission 36.2;
37.	37.1.	As per submission 36.2;	Please refer to Council officer's response to submission 36.2;
	37.2.	Concerns raised over impact of development on green corridors;	Note that the Planned Precinct boundary excludes any land to the West of the railway line, refer to <i>Bayside West Precincts 2036</i> page 9.
			The sites identified for development potential are currently located on already developed sites, therefore there is no impact of development on open space corridors. Additional open space has been identified by the DP&E to cater for increase in population. Please refer to Council officer's response to submission 1.2;

	37.3.	Impact of overshadowing more broadly and wind tunnel effects; and	Please refer to Council officer's response to submission 25.2 and note that 4.4.7 Wind Impact of the Rockdale DCP 2011b will apply to the subject area; and The objective of this part of the DCP is to ensure that adverse wind conditions in streets, public places and private open spaces are minimized through appropriate built form to provide pedestrian comfort in these spaces. It requires buildings to be designed an proportioned to consider the wind generation effects.
	37.4.	As per submission 22.1.	Please refer to Council officer's response to submission 8.1;
38.	38.1.	As per submission 6.1.	Please refer to Council officer's response to submission 6.1;
39.	39.1.	Not responding to the original intention of the <i>Rockdale DCP</i> 2011, 4. General principles for development chapter; and	Please refer to Council officer's response to submission 8.1;
	39.2.	Inadequate access to sunlight and overshadowing by high- rise buildings	Please refer to Council officer's response to submission 25.2;
40.	40.1.	As per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	40.2.	As per submission 40.2.	Please refer to Council officer's response to submission 25.2;
41.	41.1.	As per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	41.2.	As per submission 40.2.	Please refer to Council officer's response to submission 25.2;
42.	42.1.	As per submission 25.1;	Please refer to Council officer's response to submission 8.1;

	42.2. A	s per submission 40.2;	Please refer to Council officer's response to submission 25.2;
	42.3. A	s per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	42.4. A	s per submission 10.10.	Please refer to Council officer's response to submission 10.10.
43.	43.1. A	s per submission 25.1;	Please refer to Council officer's response to submission 8.1;
	43.2. A	s per submission 40.2;	Please refer to Council officer's response to submission 25.2;
	43.3. A	s per submission 40.1; and	Please refer to Council officer's response to submission 8.1;  Please refer to Council officer's response to submission
	43.4. A	s per submission 10.10.	10.10;
44.	44.1. A	s per submission 25.1;	Please refer to Council officer's response to submission 8.1;
	44.2. A	s per submission 40.2;	Please refer to Council officer's response to submission 25.2;
	44.3. A	s per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	44.4. A	s per submission 10.10.	Please refer to Council officer's response to submission 10.10;
45.	45.1. A	s per submission 25.1;	Please refer to Council officer's response to submission 8.1;
	45.2. A	s per submission 40.2;	Please refer to Council officer's response to submission 25.2;
	45.3. A	s per submission 40.1; and	Please refer to Council officer's response to submission 8.1;

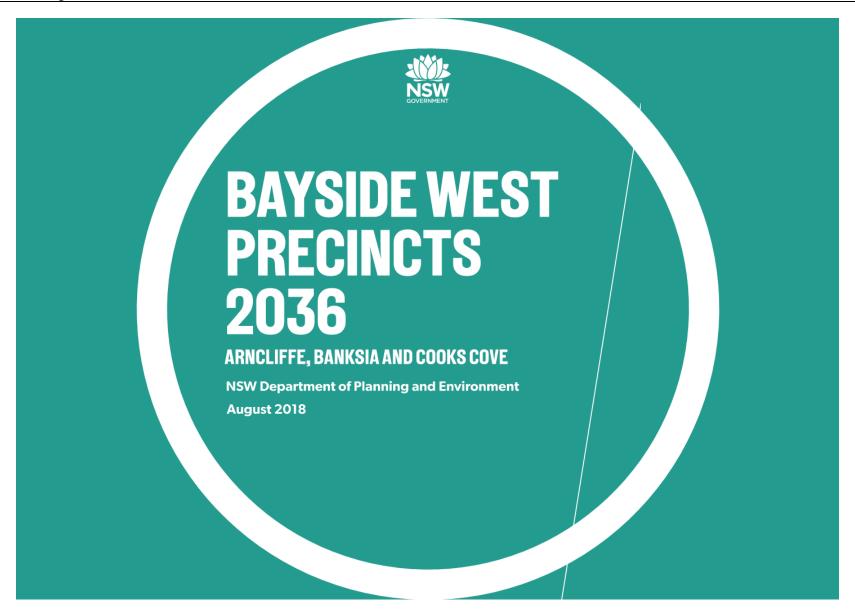
		Please refer to Council officer's response to submission
	45.4. As per submission 10.10.	10.10;
46.	46.1. As per submission 25.1.	Please refer to Council officer's response to submission 8.1;
47.	47.1. As per submission 1.2 and 1.3.	Please refer to Council officer's response to submission 1.2 and 1.3;
48.	48.1. As per submission 1.2 and 1.3.	Please refer to Council officer's response to submission 1.2 and 1.3;
49.	49.1. As per submission 1.5;	Please refer to Council officer's response to submission 1.5;
	49.2. As per submission 10.10;	Please refer to Council officer's response to submission 10.10;
	49.3. As per submission 40.2;	Please refer to Council officer's response to submission 25.2;
50.	50.1. As per submission 10.10;	Please refer to Council officer's response to submission 10.10;
51.	51.1. As per submission 10.10;	Please refer to Council officer's response to submission 10.10;
	51.2. As per submission 10.2;	Please refer to Council officer's response to submission 10.2;
	51.3. As per submission 22.4;	Please refer to Council officer's response to submission 10.6;
	51.4. As per submission 1.2;	Please refer to Council officer's response to submission 1.2;
52.	52.1. As per submission 1.2;	Please refer to Council officer's response to submission 1.2;

53.	53.1.	As per submission 1.2;	Please refer to Council officer's response to submission 1.2;
54.	54.1.	As per submission 5.2;	Please refer to Council officer's response to submission 5.2;
55.	55.1.	As per submission 1.2;	Please refer to Council officer's response to submission 1.2;
56.	56.1.	As per submission 1.2;	Please refer to Council officer's response to submission 1.2;
57.	57.1.	As per submission 1.4; and	Please refer to Council officer's response to submission 1.4;
	57.2.	As per submission 24.1.	Please refer to Council officer's response to submission 24.1;
58.	58.1.	As per submission 52.2 in relation to Athelstane Public School and Arncliffe West Infants School.	Please refer to Council officer's response to submission 10.2;
59.	59.1.	As per submission 1.2.	Please refer to Council officer's response to submission 1.2;
60.	60.1.	As per submission 1.2.	Please refer to Council officer's response to submission 1.2;
61.	61.1.	As per submission 40.1.	Please refer to Council officer's response to submission 8.1;
62.	62.1.	As per submission 40.1.	Please refer to Council officer's response to submission 8.1;
63.	63.1.	As per submission 52.2; and	Please refer to Council officer's response to submission 10.2;
	63.2.	As per submission 1.2.	Please refer to Council officer's response to submission 1.2;
64.	64.1.	As per submission 10.10; and	Please refer to Council officer's response to submission 10.10;
	64.2.	As submission 40.2	Please refer to Council officer's response to submission 25.2;

65.	65.1. As	per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	65.2. As	per submission 40.2.	Please refer to Council officer's response to submission 25.2;
66.	66.1. As	per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	66.2. As	per submission 40.2.	Please refer to Council officer's response to submission 25.2;
67.	67.1. As	per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	67.2. As	per submission 40.2.	Please refer to Council officer's response to submission 25.2;
68.	Hig acc sha	medium-to-high densities are considered along Princes ghway, pedestrian and cycling infrastructure such as cessible footbridges, dedicated bicycle lanes, sufficient ade and road noise mitigation should be implemented in der to provide an acceptable quality of life for residents.	Please refer to Council officer's response to submission 10.2;
69.	69.1. As	per submission 40.1; and	Please refer to Council officer's response to submission 8.1;
	69.2. As	per submission 40.2.	Please refer to Council officer's response to submission 25.2;
70.	70.1. As	per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
71.	71.1. As	per submission 10.10.	Please refer to Council officer's response to submission 10.10;

72.	72.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
73.	73.1. As per submission 1.5.	Please refer to Council officer's response to submission 2.5;
74.	74.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
75.	75.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
76.	76.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
77.	77.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
78.	78.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
79.	79.1. As per submission 1.2.	Please refer to Council officer's response to submission 1.2 and 1.3;
	79.2. As per submission 10.2;	Please refer to Council officer's response to submission 10.2;
	79.3. As per submission 22.4;	Please refer to Council officer's response to submission 10.6;
80.	80.1. As per submission 1.2;	Please refer to Council officer's response to submission 1.2 and 1.3;
	80.2. As per submission 22.4;	Please refer to Council officer's response to submission 10.6;

80.3.	Plans must introduce widespread tree-planting in the area including 'boulevarding' the Princes Highway and Banksia and Arncliffe;	Please refer to 3.2 Open Space Network, Controls – 3. page 7   86 of the Draft Rockdale DCP 2011 - 7.7 Arncliffe and Banksia in which boulevard planting is proposed for Princes Highway Arncliffe and intermittent planting is proposed for Banksia;
80.4.	New buildings must positively front all public spaces; and	Please refer to Council officer's response to submission 14.1;
80.5.	Dedicate land for new streets, lanes and walkways for improved walkability and safety.	Please refer to Council officer's response to submission 11.14;



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Bayside West Precincts 2036 3



Greater Sydney is Australia's global city; an economic powerhouse of 4.7 million people, endowed with the natural beauty of Sydney Harbour, bushland, beaches and the Blue Mountains. Greater Sydney's people have embraced this place for its opportunities and its potential.

As Greater Sydney grows we must plan in a strategic way to ensure that our city is not only bigger but also better. We must plan to ensure that the necessary infrastructure is in place to support our growing communities. The Planned Precincts program is designed to achieve this.

#### **Planned Precincts**

Planned Precincts are generally identified as areas with good access to existing or planned transport infrastructure and that have the potential to provide for significant growth in housing and jobs. The purpose of the Planned Precincts program is to ensure these important areas are strategically planned and infrastructure is delivered in a coordinated manner.

It is a NSW Government-led program based on collaboration with local councils and comprehensive community consultation.

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#### **The Precincts**

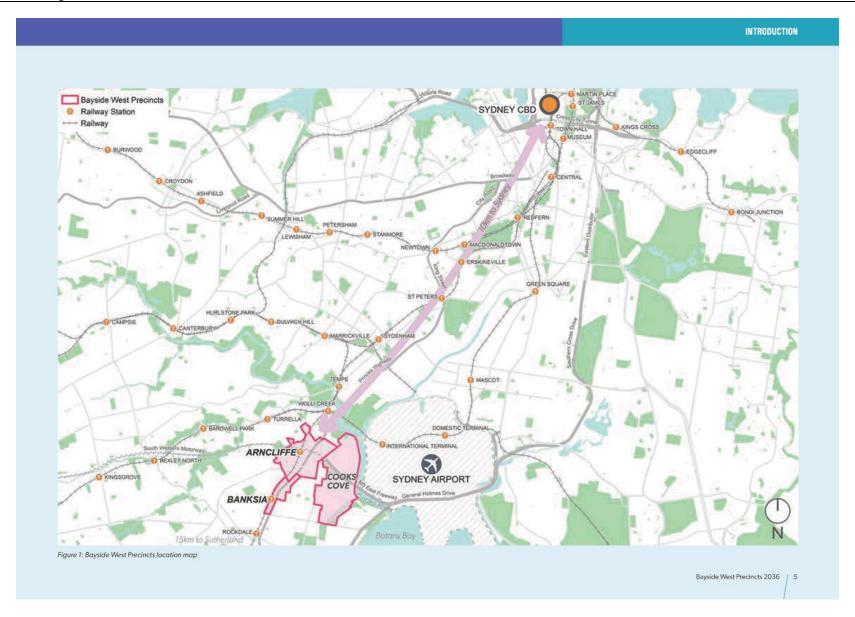
The Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) are located within the western part of the Bayside local government area, approximately 10–12 kilometres south of the Sydney CBD and immediately to the west of Sydney Airport (Figure 1).

Arncliffe, Banksia and Cooks Cove were nominated for the Planned Precincts program by the former Rockdale City Council (now Bayside Council). The NSW Government endorsed the nomination in July 2014 (Arncliffe and Banksia) and 2015 (Cooks Cove). The Bayside West Precincts present an opportunity for urban renewal to provide more open space, infrastructure, homes and jobs in accessible locations.

#### Planning context

This Plan sets out strategic land use and infrastructure planning to guide the future transformation of the Bayside West Precincts. The Plan will inform future changes to the planning controls to enable the rezoning of the Arncliffe and Banksia Precincts, through future amendments to the Rockdale Local Environmental Plan 2011 (LEP 2011).







Community and stakeholder input is an important part of planning for the future of the Bayside West Precincts. The Department has worked closely with Bayside Council, government agencies, stakeholders and the community to prepare and finalise this Plan.

feedback during the exhibition period. A total of 896 people responded to the survey. An analysis of the community feedback we received can be found in the *Bayside West Precincts Community Consultation Report* (April 2017) on the Department's website.

#### **Submissions and survey results**

A total of 198 formal submissions were received during the exhibition period. These submissions included:

- **46** submissions were from developers or property owners who were seeking changes in proposed zoning or planning controls on specific sites
- 11 Submissions were received from Government agencies, Bayside Council and regulatory organisations
- **38** submissions focussed specifically on issues regarding the Cooks Cove Precinct and associated developments (e.g. relocation of Kogarah Golf Course)
- **103** submissions were received from individuals or community organisations.

An online survey was also run to seek community

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CONSULTATION SNAPSHOT

#### What we heard

The most common issues raised by the community, Bayside Council and other government agencies in the submissions are summarised below. The issues raised during the community engagement and in the formal submissions have been at the forefront of the Department's review of the Plan and were considered in the finalisation of the Precinct planning.

A detailed response to the 198 submissions received can be found in the Bayside West Precincts Finalisation Report (August 2018) on the Department's website.

#### Movement

#### Traffic generation and congestion

One of the most common concerns was the impact of the increased population resulting in a rise in traffic volumes on the local and regional road network, and the impact on the already congested roads.

#### Inadequate car parking

Parking was raised in submissions in conjunction with traffic impacts. The key concern was that existing parking issues would be exacerbated by the population growth and that there was insufficient on-street parking to cater for current demand.

#### **Public transport capacity**

Limited bus options and the existing overcrowding of peak train services were raised by many respondents as reasons for not increasing the density of development in the Precincts.

#### Inadequate cycle and pedestrian paths and links

Many submissions identified that existing pedestrian and cyclist facilities and routes were inadequate and identified that new or improved facilities were required.

#### **Built form**

#### Excessive heights and scale of proposed development

A number of submissions considered the proposed heights and density to be excessive and inconsistent with the character of the surrounding area.

#### **Princes Highway**

Submissions were received from developers and property owners seeking an increase in maximum building height and/or floor space ratio for specific sites along the Princes Highway.

#### Land use

#### Loss of open space

A number of submissions raised concerns that there would be insufficient open space to cater for the new population.

#### Schools

A number of submissions raised the issue that local schools and particularly Arncliffe Public School are already at capacity and cannot cope with an increased population.

#### **Rezoning of Arncliffe and Banksia**

There was a range of views expressed in community submissions with some property owners and residents supporting the rezoning, while others were against the rezoning citing concerns about road and public transport capacity, loss of local character, loss of views, urban design quality of new development, school capacity and lack of open space.

#### Council's submission

Bayside Council provided a detailed submission that raised issues relating to roads, public transport, open space and infrastructure provision. Bayside Council was largely supportive of the Plan, subject to the main issues identified being addressed.

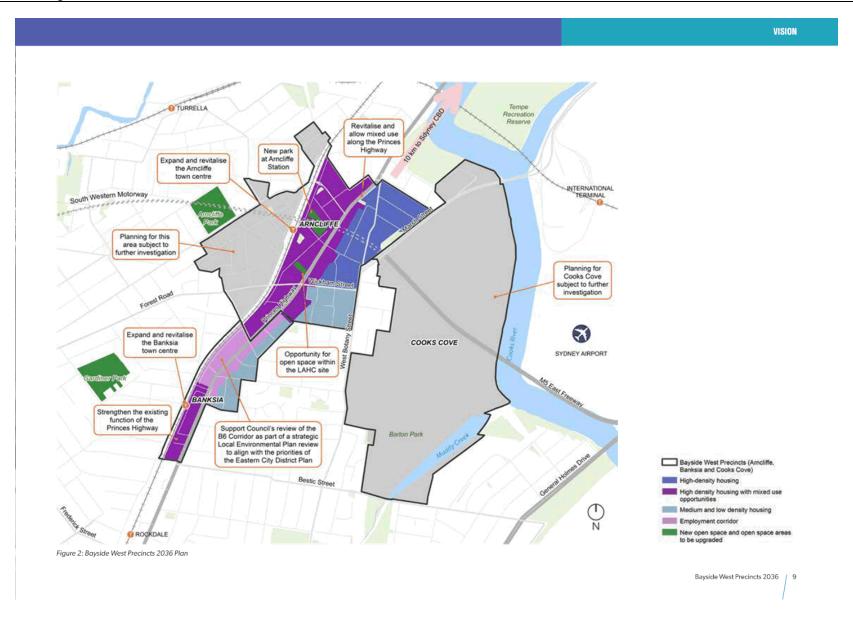
#### **Cooks Cove**

A number of submissions commented on the future redevelopment of Cooks Cove, including concerns that existing areas of open space, wetlands and the heritage listed market gardens would be impacted by any future development of the Cooks Cove Precinct.

These matters are not part of the Department's precinct planning. While the draft Plan included Cooks Cove, the future of Cooks Cove will be subject to further planning investigations and approvals which will be required to address the planning principles outlined on page 10. Any rezoning of Cooks Cove will be subject to assessment by Bayside Council and determined by the Greater Sydney Commission.

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## This Plan is based on the five Planned Precinct themes: Place, Land use, Movement, Landscape and Built Form.

This Plan provides more open space, infrastructure, homes and jobs in accessible locations in a co-ordinated manner to support growth occurring across greater Sydney.

The Department has developed this Plan based on a suite of technical studies, ongoing community engagement, submissions received during the exhibition period and collaboration with Bayside Council and other key government agencies throughout the project.

This Plan has been prepared to provide a framework to guide the development within the Bayside West Precincts and identify the infrastructure needs to support this growth.

#### **Planning for Arncliffe and Banksia**

The Plan for Arncliffe and Banksia is underpinned by the planning vision (page 8) and is set out under the five key themes explored in this report.

#### **Planning for Cooks Cove**

Cooks Cove is one of the three Bayside West Precincts. Precinct planning for Cooks Cove is limited to improvements to pedestrian, cycling and vehicle connections and public access to the riverfront. This Plan will ensure Cooks Cove is well connected to the local catchment to support this Precinct for any future planning. The planning for Cooks Cove does not include a rezoning stage and future development at Cooks Cove is subject to assessment by Bayside Council.

The following planning principles have been developed to ensure future development at Cooks Cove meets Government objectives, including:

- Enable the environmental repair of the site and provide for new recreation opportunities.
- O Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses.
- O Create a highly liveable community that provides

- choice for the needs of residents, workers and visitors to Cooks Cove.
- Ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed.
- Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden.
- Safeguard the ongoing operation of Sydney Airport.
- Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city.
- O Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area.
- Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage.

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ABOUT THIS PLAN

#### **Special Infrastructure Contribution Scheme**

The Department proposes to implement a Special Infrastructure Contribution (SIC) scheme for the Bayside West Planned Precincts. The Department has identified the State and regional infrastructure needs for the Arncliffe, Banksia and Cooks Cove areas to support new and growing communities.

> The Draft SIC for Bayside West will include funding towards new open space, local schools, new pedestrian and cycle facilities, and improvements to public transport and road upgrades.

#### **Specialist technical studies**

This Plan has been informed by specialist technical studies. These technical studies are available on the Bayside West Planned Precincts webpage.

The scope of each of the technical studies is summarised below.

#### **Urban Design Report**

Reviewed the existing built form, constraints and opportunities in the Arncliffe and Banksia precincts and provided a structure plan to respond to considerations of place and good design.

#### **Economic and Feasibility Analysis**

Assessed built form and land use options with a focus on employment uses. Forecast future demand for residential and employment land uses, having consideration to future rezoning.

#### Social Infrastructure Study

Reviewed existing demographic data and future population projections to recommend recreational and community facilities for future residents and workers.

#### **Arncliffe and Banksia Green Plan**

Prepared a guide to planning and design of open space and tree canopy in a coordinated manner across the Arncliffe and Banksia precincts.

#### **Public Domain Study**

Reviewed the existing public domain to identify opportunities to improve open space, walking and cycling connections and streetscape.

#### Transport Plan

Prepared an analysis of the existing and future movement within, to and from the Precincts and made recommendations to improve transport infrastructure.

#### **Heritage Analysis**

Assessed the existing heritage items and made planning recommendations to respect heritage items, including transitions and interfaces.

#### Utilities

Carried out an audit of the existing utilities and services were considered in the Plan (in consultation with utilities providers), and made recommendations to accommodate any future population growth.

#### **Aeronautical Impact Assessment**

Reviewed the building height limitations and impacts of proposed development within the precincts on the Sydney Airport prescribed airspaces.

#### **Site Contamination Investigation**

Reviewed the existing contamination of the precincts, based on site history land use, and provided recommendations to enable future development.

#### Flooding and Drainage Review

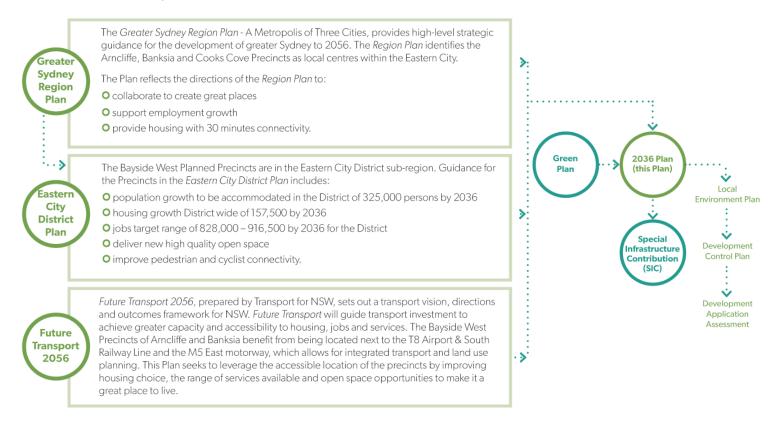
Considered existing flooding and drainage conditions, and identified improvements required to the current drainage infrastructure to support the future population growth.

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ABOUT THIS PLAN

#### **Supporting the Plan**

The objectives contained in the Plan are consistent with the housing and employment targets expressed in the *Greater Sydney Region Plan* and the *Eastern City District Plan* and the direction of *Future Transport 2056*.



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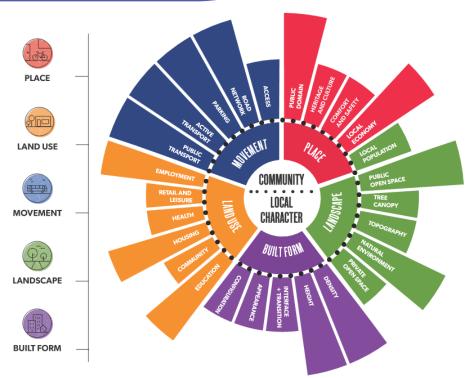


## The analysis of the Precincts is presented under

### **Five Themes**

This analysis has informed land use and infrastructure recommendations in the Plan.

Longer spokes on the local character and community wheel (right) represent those elements that are most valued by the community based on community submissions and consultation undertaken.



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#### Heritage and culture

For over 5,000 years, the northern shore of Botany Bay has been home to the Kameygal clan, people of the Eora Aboriginal group. Both Arncliffe and Gardiner parks are of high Aboriginal archaeological sensitivity. This Plan acknowledges opportunities to explore and celebrate the Precincts' Aboriginal history as part of the plan for Bayside West's future.

In the late 18th century during European settlement, the area was used for open orcharding and farming and there are three State heritage items located within the Precincts:

- The Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) – an original section of one of Sydney's oldest main sewers, built in the 1890s to end the discharge of sewage into Sydney Harbour.
- 2. Arncliffe Railway Station one of three remaining stations with 1880s 'second class' brick platform buildings on the Illawarra Rail Line.
- 3. The Chinese market garden (Cooks Cove) a commercial garden which played a pivotal role in the late 19th and early to mid-20th century providing the majority of Sydney's fresh fruit and vegetables.

New developments will be subject to Council's existing heritage conservation guidelines in Section 4.1.2 of the *Rockdale Development Control Plan 2011*. These guidelines aim to conserve significant fabric and settings and to ensure that new development will be sympathetic and not adversely impact on the significance of heritage items.

#### **Local population**

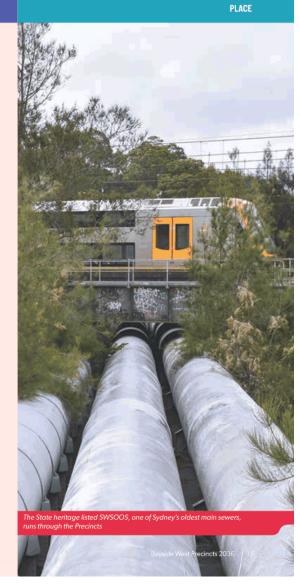
The Arncliffe and Banksia Precincts are home to a wide mix of people.

Arncliffe and Banksia are established residential suburbs, providing homes to over 4,254 residents (2016 ABS Census data).

It is a diverse community, home to a high proportion of people born overseas and people who speak a language other than English at home. Overall 75.6% of the population of Arncliffe and 74.8% of the population of Banksia had at least one parent born overseas. The main countries of origin of those born overseas include Lebanon, China, Former Yugoslav Republic of Macedonia, Greece, Philippines, New Zealand and Nepal. As a result of this cultural diversity, a wide variety of languages other than English are spoken within the community.

It is an important area for young families and those in the working age bracket. In the 2016 census, Arncliffe and Banksia had a lower median age than Sydney overall (33.2 years in Arncliffe and 34.9 years in Banksia compared to 32 in Rockdale and 35.9 in Sydney as a whole) and a higher proportion of children under 15 years.

It is also a community with a high proportion of families experiencing housing stress and low average household incomes compared to Greater Sydney.



LAND USE



#### Housing

Sydney's population is continuing to grow and there is a need to provide additional housing to accommodate this growth. The *Eastern City District Plan* identifies the need to provide housing supply, choice and affordability with access to jobs services and public transport.

The Eastern City is expected to experience a population growth of 325,000 persons by 2036 (19% of the total growth projected for Greater Sydney). This equates to providing 22% of Greater Sydney's total housing growth, requiring 157,500 homes by 2036 within the Eastern District. The future planning for Bayside West will contribute to the targets for the wider Eastern District.

The planning for Arncliffe and Banksia Precincts provides the opportunity for around 5,000 new homes over the next 20 years. Housing requirements differ across household types so it is necessary to provide a range of housing types including detached dwellings, townhouses and apartments/units to meet varied needs. These sentiments on housing choice and accessibility to key services and transport were also expressed by the local community through planning for the Precincts.

An analysis of housing stress data indicates that a high proportion of families are experiencing housing stress and low average household incomes compared to Greater Sydney. The NSW Land and Housing Corporation site on Eden Street, within the Arncliffe Precinct, also presents an opportunity for the significant renewal of the social housing and to provide affordable housing on this site to better meet the needs of the community. Council will also undertake affordable housing investigations as part of the strategic review of its Local Environmental Plan to align with the priorities of the Eastern City District Plan.

The need for residential development must be balanced with the need to maintain and support the role of the Princes Highway in providing employment opportunities. Meeting jobs targets and ensuring adequate infrastructure can be provided to meet the needs of any new local population are also high priorities in the Sydney Region Plan (see Local economy section on page 18).

The Plan includes the following key changes for housing in the Precincts:

- Providing for increased housing choice in the expanded Arncliffe and Banksia centres to encourage the viability of renewal, promote vibrant and active areas and get people living in convenient locations, close to transport, jobs and the shops and services they need.
- Introducing shop top housing into well serviced and accessible areas on the Princes Highway to encourage revitalisation of these areas and foster public domain improvements.
- Increase housing choice in existing low-density areas within Arncliffe and Banksia which are within easy walking distance to the railway stations and town centres to encourage activation of these



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**LAND USE** 

centres, healthy lifestyles and sustainable transport initiatives.

- Encourage an appropriate transition in built form and character adjoining established areas of high density living. This includes the northern parts of the Arncliffe Precinct adjoining the Wolli Creek Precinct.
- Plan for medium density, low rise residential development adjoining existing areas of low density to ensure an appropriate transition in building height that is respectful of the local character.
- Exclude housing from the southern extent of the Banksia Precinct due to the mapped high incidence aircraft and operational noise from Sydney Airport, subject to the +25 Australian Noise Exposure Forecast (ANEF).
- Recognise the additional acoustic attenuation measures required for housing located within the 20-25 ANEF contour (set out in the Rockdale LEP 2011).

The area west of Arncliffe Station will be the subject of further investigation to consider opportunities for greater master planning and high quality design outcomes.

The increases in housing supply and choice have been balanced with the need to maintain employment generating land, environmental constraints; such as topography and airport restrictions, and provide supporting infrastructure for the existing and future communities to live in the Precincts. Refer to the Local economy and Infrastructure sections of the Plan.

#### Social infrastructure

An audit of the available social infrastructure for the Bayside West Precinct suggests it is currently well serviced. Regional health, tertiary education, cultural and emergency services at Kogarah and district level services in Rockdale are all within the catchment. This includes St Georges Hospital, the Kogarah Ambulance Station, the Kogarah Police Station and the St George campus of the Sydney Institute of TAFE. Additional district level services are provided in Rockdale, including the refurbished Rockdale central library and town hall.

Locally, Arncliffe houses a good range of community facilities that support both Arncliffe and Banksia residents including a branch library, a council community centre and a YMCA centre.

To accommodate the growing communities of the Bayside West Precincts, additional social infrastructure is required to support the population needs. Future local community facilities can be accommodated in the increased development capacity of sites throughout the Precincts and will be subject to future planning by Bayside Council.

More information regarding future social infrastructure needs can be found at Appendix A.

#### Education

The Precincts are currently serviced by six local schools:

- Arncliffe Public School (primary), located within the Arncliffe Precinct
- Francis Xaviers Catholic Primary School, located within the Arncliffe Precinct
- Kyeemagh Infants School, located south of Cooks Cove
- Arncliffe West Infants School, located approximately 1 kilometre northwest of Arncliffe
- Cairnsfoot Special School, located approximately 1 kilometre northwest of Arncliffe
- Athelstand Public school (primary), located along Wollongong Road, west of Arncliffe.

The Draft SIC provides funding for the Department of Education to provide for additional student spaces to support the growing population.

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#### Local economy

This plan aligns with Bayside Council's *Princes Highway Corridor Strategy 2013* (the *2013 Strategy*) and has developed a flexible and balanced planning framework that responds to the changing structure of employment uses and the demand for new residential and mixed-use areas.

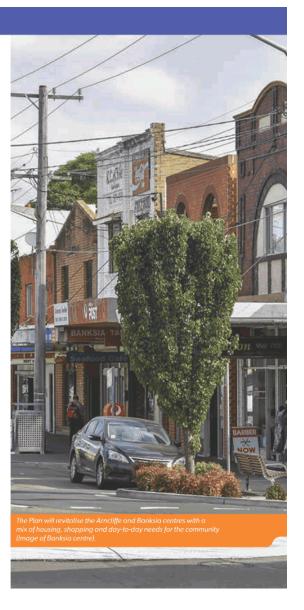
Importantly, consistent with the more recent *Greater Sydney Region Plan* and *Eastern City District Plan*, the 2013 Strategy also emphasises the importance of revitalising the Princes Highway enterprise corridor and promoting the employment function of the corridor through broadening the mix of land uses along the Princes Highway in suitable areas. This will set up the evolution of the economic and employment profile for the corridor to better meet the needs of a growing community.

This Plan will contribute to the employment targets for the wider Eastern District. A review of the employment uses within the Precincts shows that automotive, retail, construction and textiles are the key industries in the study area in terms of land area. The automotive industry also dominates employment, accounting for an estimated 50% of the workforce. The automotive industry is dominant on the Princes Highway in the form of car showrooms; comprising sales, finance, administration and car servicing.

The proximity of Sydney Airport also presents an opportunity for providing supporting services and land uses within Bayside West. This could include airport logistics and freight industries as well as housing and services to support airport workers and short-term accommodation and services for visitors.

This Plan identifies the following key employment changes for the Bayside West Precincts:

- Expansion of the Arncliffe and Banksia centres to allow for increased commercial activity around these transport hubs. The Plan will encourage these centres to become vibrant and active and provide for the growing community.
- A greater mix of land uses, including residential, are appropriate within sections of the Princes Highway around Arncliffe and Banksia. In these locations, the new resident population can easily access public transport services and local shops and services. This wider range of commercial uses will encourage revitalisation and boost economic opportunities along the corridor.
- Aligned with State policy and Council's 2013 Strategy, the employment opportunities along the Princes Highway will continue to be valued and supported. Building heights and floor space controls along the highway have been increased to encourage revitalisation and renewal.
- In May 2018 Council resolved to undertake a further review of the B6 corridor along Princes Highway as part of a strategic review of its Local Environmental Plan to align with the priorities of the Eastern City District Plan. In the interim, landowners can progress any proposed changes to planning controls through a planning proposal with Council.



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The broadened land use zones will allow the market to respond to the changing demands of an increasing residential population and the increasing importance of industries such as the service industry, retail and bulky goods. It will also improve opportunities for people to work close to home and close to public transport. The growth of local jobs should also promote greater self containment and less reliance on private cars and the road network.

#### Contamination

A preliminary contamination review has been undertaken to identify both existing and potential contamination sources throughout the Precincts. Historical uses that have led to potential contamination of sites include market gardening, quarrying for road materials, refuse disposal, vehicle sales and maintenance operations, metal fabrication and manufacturing and textile purposes.

The preliminary review concluded that the past uses identified in the Precincts are considered representative of potentially contaminating land use activities can be readily dealt with during later development application stages.

The Department's Managing Land Contamination – Planning Guidelines – SEPP 55 Remediation of Land will manage the assessment of the potential for contamination and suitability of the land uses through the development application stage.

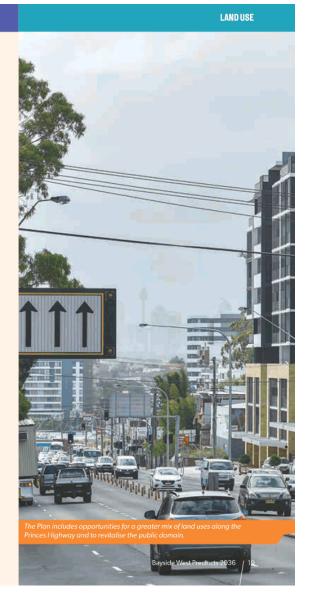
#### **Utilities**

An assessment of utility services, in consultation with local service providers, found a full range of services are available across the Precincts. Augmentation for development sites will be assessed through the development application stage as required.

#### Hazards

APA Group, the operator of the Moomba to Sydney Ethane Pipeline, identified that small areas of Arncliffe were in a rupture zone. A safety management study concluded that rezoning would not result in any additional risk to the pipeline and that the pipeline operator is identifying and managing the risks appropriately.

An assessment of individual and societal risks associated with rezoning was undertaken using Hazardous Industry Planning Paper Number 10 – Land Use Safety Planning. This assessment concluded that the risks posed by the ethane pipeline were acceptable and did not exceed recommended risk criteria.



MOVEMENT



#### Road network

The Precinct is traversed by a number of State roads, including the Princes Highway and the M5 Motorway; and a number of key regional connectors, including Marsh Street, Forest/Wickham Road and West Botany Street. Strategic traffic and transport studies undertaken as part of the planning indicate the current road network is already at capacity in several key locations.

The F6 extension (Stage 1), a southern connection from Arncliffe to President Avenue at Kogarah, is currently being investigated by the NSW Government to connect the M5 to the southern suburbs of Sydney and the Illawarra.

The precinct planning for Bayside West includes identified transport infrastructure upgrades to support the future growth in the Plan. These are detailed at Appendix A, and include both State, regional and local upgrades such as intersection works, road extensions and realignments.

The F6 extension and the recommended road infrastructure upgrades will improve traffic conditions in the Bayside West Precincts, reducing through-traffic along key corridors, including the Princes Highway, at key intersections.

#### **Public transport**

The Arncliffe and Banksia Precincts have good access to public transport infrastructure, with the majority of the sites within a 10 minute (800 metre) walk to railway stations on the T4 Illawarra and T2 Airport railway lines. The area is also well serviced by bus routes, including services east of the railway connecting to Central Sydney, Bondi Junction and Randwick (routes 442,400 and 410) and a local bus route west of the railway line (route 473).

As part of the Precinct planning for Bayside West, the capacity of the existing public transport services for the Precincts has been reviewed with regard to State future planning for public transport (NSW Future Transport 2056). This Plan identifies that a review of current public transport services, operating procedures and potential upgrades to rail infrastructure is a key requirement to support growth.

The Plan includes recommendations for further investigations and improvements to the public transport network to support the future growth of Bayside West at Appendix A.



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MOVEMENT

#### **Pedestrians and cycling**

Pedestrian connections between major destinations in the Precinct are limited due to topography and physical barriers. The rail corridor, the Princes Highway corridor and Marsh Street form barriers to east-west pedestrian movement and there are limited crossing points on these major roads, with traffic signals set to prioritise vehicular traffic.

A new pedestrian tunnel adjacent to the Wollongong Road underpass provides a safe path for pedestrians away from traffic and a new cycleway is provided on the southern side of Marsh Street to improve connectivity for cyclists across Cooks River.

Dedicated cyclist facilities within the area include a mix of on- and off-road facilities. Cycle routes radiate out from Wolli Creek and on-road cycle lanes are provided along the western side of the rail corridor. The route includes parts of Arncliffe Street, Firth Street, Somerville Street, Gore Street, Roach Street and Railway Street. While a level of north-south connectivity is provided at the train stations, there is limited east-west connectivity across the Precincts.

The Plan seeks to improve connections for pedestrians and cyclists through the following initiatives:

- 1. The Department has contributed \$3 million to Bayside Council through the Precinct Support Scheme funding to develop a Public Domain Plan and Technical Manual that will deliver street works and guide any future development applications in Arncliffe town centre and along the Princes Highway.
- 2. Funding towards a new shared pedestrian and cycle path following the Cooks River, through the Cooks Cove area. This link will provide the missing link to the Botany Bay to Homebush Bay regional cycle network. The location for this path will be subject to detailed design as part of future investigations.
- 3. Funding towards improved pedestrian and cycling crossings across Marsh Street and Princes Highway to provide better access between Cooks Cove and the Wolli Creek railway station.
- 4. Footpath connections throughout the Precincts so that they are safe, well-lit and have pedestrian crossings at key locations.
- 5. Funding towards a new pedestrian and cycling connection along a section of the heritage listed Southern and Western Suburbs Ocean Outfall Sewer

- 6. New on-road cycleways connecting the railway stations to the Eve Street Cycleway and Wolli Creek to form part of a new east-west cross regional route.
- 7. Funding towards the construction of a new pedestrian and cycling connection across the Cooks River between Cahill Park and Tempe Recreation Reserve.
- 8. Improving the existing north-south on-road cycleway between Banksia and Arncliffe stations.

The Plan will inform updates to the Rockdale Development Control Plan 2011 and relevant Section 7.11 Development Contributions Plan by Bayside Council to ensure the upgrades proposed for pedestrian and cycling infrastructure are provided for as the area develops. Funding will be provided towards those items identified above that are included in the Draft SIC.

More information regarding the implementation of the future pedestrian and cycling network improvements can be found at Appendix A.

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LANDSCAPE



#### Open space

Open space within the Precincts is primarily used for passive recreation and playgrounds. Smaller pocket parks can be found on residual sites, at the edge of major infrastructure – these are underutilised due to their marginal location. Access to open space is limited by major roads, making walkability difficult and unsafe in places.

As part of the precinct planning a *Green Plan* has been prepared. The *Green Plan* documents an audit of the open space available to the Precincts with recommendations for future open space planning across the Precincts to meet key community needs. The *Green Plan* tells us that the Precincts are currently served by 22 hectares of open space at:

- Arncliffe Park a 4 hectare area of open space within a 9 minute (700m) walk to the Arncliffe Station. It is used for both passive and active recreation and includes an oval and playground.
- Gardiner Park a 3.6 hectare area of open space approximately a 10 minute walk from the Banksia Station.
- O Wooroona Reserve 0.15 hectares with a playground, adjoining Arncliffe Station.

- Belmore Street Reserve, Almond Street Reserve, Empress Reserve, Hattersley Street Reserve and 46 Princes Highway – small pocket parks all less than 0.15 hectares in size.
- Marinea Street Reserve 0.2 hectares, located at the north-eastern boundary of the Banksia Precinct. It provides local open space for surrounding residents and includes a small playground.
- Cahill Park north of the Precincts facing the Cooks River.
- Large parks at the Barton Park Wetlands, Marsh Street Reserve, Eve Street Reserve and Riverine Park in Cooks Cove.

Community feedback highlighted the importance of open space that is accessible, functional and adaptable to different stages of life for the local residents. This Plan seeks to achieve equitable access to open space for all existing and future residents in Bayside West as follows:

- Improve pedestrian and cycle links to the network of open spaces to enhance connectivity towards district and regional open space facilities.
- Upgrade local parks and playgrounds to maximise the usage of existing open spaces.
- O Plant more trees and 'green' the area.
- Protect natural habitat and acquire recreational spaces.

Based on feedback from the community and Bayside Council these are the key open space moves that have been incorporated into the Plan:

- O The Department is delivering a new park next to Arncliffe Station on the corner of Arncliffe Street and Burrows Street. This park will be at least 7,000 square metres in size and includes recreation space, childrens play areas, an off-leash dog area and opportunities for community facilities. The park will be masterplanned in collaboration with Bayside Council and the local community to ensure it meets local needs. It is proposed that Special Infrastructure Contribution (SIC) funds will contribute towards land acquisition and embellishment of the new park.
- O The Department has committed to upgrading two parks and a revamp of the Arncliffe town centre through the Precinct Support Scheme funding. The funding will see a \$4.5 million upgrade to Arncliffe Park and \$2.5 million allocated for Gardiner Park improvements, these include the installation of synthetic playing fields which are much needed by the local sporting community and lighting and safety upgrades.
- Wooroona Reserve, Marinea Reserve and Marsh Street Reserve have been identified as parks to be improved.
- The Department (through the Draft SIC) will provide funding towards the integration of the heritage Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) into the pedestrian network which could include the creation of a linear park.

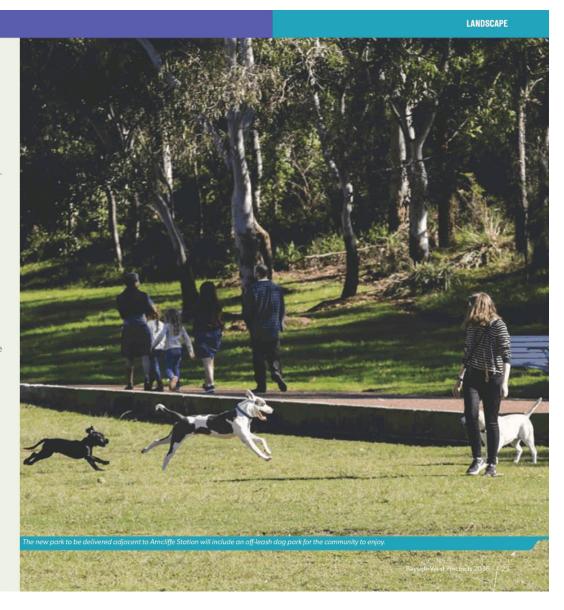
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The Plan has also identified opportunities to improve physical and visual connections to these new and existing open space areas. This includes planning for new pedestrian connections throughout the Precincts and implementing improvements to existing walking and cycling links.

Further detail regarding the implementation of the open space projects is included in Appendix A.

In addition, the redevelopment of areas within the Precincts provides an opportunity to open up private sites for public open space as large sites redevelop. The following potential sites have been identified and are subject to further investigation through the development assessment process:

- Eden Street Park a new park (up to 0.4ha) could be provided close to the Arncliffe town centre, to the east of the railway station, between Eden Street and the Princes Highway as part of any future redevelopment of the social housing estate.
- Allen Street Park a new park (up to 0.5ha) could be located adjoining the boundary with Wolli Creek incorporating the heritage listed SWSOOS as part of any future development of the Ford Service Centre. This park could provide playground facilities and passive recreation opportunities.





**LANDSCAPE** 



#### Flooding

Arncliffe and Banksia straddle a ridgeline that slopes down towards Cooks Cove and the Cooks River. The top of the ridge generally follows Forest Road with the lower, flatter areas located to the east of the rail corridor. The geology is sandstone slope formations and alluvial floodplains.

The Precincts overlay the Wolli Creek, Bonnie Doon, Spring Street and Eve Street drainage catchments. As Arncliffe and Banksia are existing urban areas, the majority of the stormwater flows are managed through the existing drainage infrastructure.

The flood studies undertaken for the area demonstrate both of these areas are subject to some local flooding following significant rainfall events, and upgrades to the existing drainage infrastructure will be required as development occurs to support future growth. The works generally include improvements to the existing piped drainage systems, works to improve run off flows and modifications to the riverbank levee to improve drainage capacity.

More information regarding future drainage upgrades and flood proofing to be delivered to accommodate new development can be found in Appendix A.

The properties within the Precincts subject to flooding hazards are identified on the Rockdale LEP 2011 Flood Planning map. Any redevelopment of these properties will continue to be subject to these controls and future development will continue to be subject to water sensitive urban design controls in the Rockdale Development Control Plan 2011.

#### Views

The significant ground level changes across the Precincts result in district wide views from high points. Views towards the Sydney CBD can be achieved from the northern and eastern parts of Arncliffe and Banksia and towards the Cooks River and Botany Bay from the Forest Road ridgeline.

The Plan recognises that the steepness of the land allows the definition of view corridors toward the city centre skyline and the nearby Cooks River. This is reflected in the built form opportunities recognised for the Precincts and shown in the changes to building heights set out in the rezoning plan (pages 30-37). The green infrastructure strategy for open space and pedestrian and cycling connections has also taken into account these corridors to further enhance their value.

The Rockdale Development Control Plan 2011 also includes guidelines requiring view corridors to landmarks and significant heritage items to be protected. This specifically identifies the views of the St Francis Xaviers Church and St David's Church spires on Forest Road as key landmarks and identifies other significant views towards the Cooks River, CBD and Botany Bay.

These views will continue to be key considerations for future planning and appropriate view protection will be addressed in future development to encourage the protection of and sharing of views.

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LANDSCAPE

#### **Vegetation and ecology**

Due to the urban nature of Arncliffe and Banksia, vegetation in these areas is limited. It includes remnants of the original vegetation communities (Swamp Oak Floodplain Forest and Sandstone Woodland) alongside introduced native and exotic tree species. A well-distributed tree canopy characterises the residential areas on the west side of the railway line. These zones have a higher coverage due to generous building setbacks from street frontages allowing for trees in private and public land. To the east of the railway line, the tree canopy is inconsistent and very limited in places where change has already occured, including along the Princes Highway corridor.

The Department's planning acknowledges that the integration of green infrastructure and tree canopy in our urban environments provides benefits such as:

- Contributing to an area's character and sense of place.
- Creating comfortable environments for walking and cycling.
- Improvements to habitat and biodiversity.
- Improve perceived noise and smell aesthetics of streets.
- Better shade and thermal comfort (from trees rather than shade structures).
- Increased privacy and buffering to adjacent properties.

This Plan identifies tree planting priorities throughout the Precincts, these include:

- Increased tree planting on larger road corridors along Princes Highway and near commercial areas.
- O Enhance the tree canopy in the public domain to maximise comfort and enhance the liveability, health and well-being of both the community and the environment.
- Plant tree species that support the local character and deliver an increased tree canopy.

The Green Plan prepared for Arncliffe and Banksia maps the existing tree canopy coverage, proposes a target percentage tree canopy coverage and has developed a tree canopy plan to achieve this target. The current tree canopy cover is 18.2% in the urban areas of the precincts and 20.6% in the suburban areas, shown in Figure 3. The Green Plan proposes a 25% target for tree canopy coverage across the precincts.

The Department will work with Council to provide funding as part of the 5 Million Trees for Greater Sydney program to increase tree canopy coverage in the precincts.

The opportunities for tree planting will also be realised through the development of private sites and adjoining public domain works, the Department's committed funding for open space and public domain upgrades and Council's future green planning.



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BUILT FORM



#### **Building massing**

This Plan uses the following key principles to determine the relevant built form controls for heights across the Precincts:

### 1. Ensure Sydney Airport height restrictions are met

Sydney Airport height restrictions are a key consideration in determining appropriate heights within the Precinct. The proximity to Sydney Airport requires development to meet air space restrictions for building heights.

There are two air space controls that apply:

- Obstacle Limitation Surface (OLS) defining the airspace in proximity to the airport which should be kept free of obstacles that may cause danger during visual operations.
- PANS-OPS surface is the upper height limit which should be kept free of obstacles at all times. The PANS-OPS surface varies across the Precincts. All new buildings are required to be below the PANS-OPS heights.

#### 2. Density increases in accessible locations

Taller buildings are located closest to the town centres and public transport connections to encourage the greatest densities in accessible locations. This move leverages off existing and planned transport infrastructure and bring people closer to homes, jobs and the services they need. Increased building height and density in the

Arncliffe and Banksia town centres will encourage the redevelopment of the centres and reinforce the role and function of the centres as key activity nodes.

#### 3. Tallest buildings on key opportunity sites

The tallest buildings in the Precinct are planned on larger sites in single ownership which have the potential to provide new areas of public open space, achieve improved design outcomes and may deliver other government objectives such as provision of social and affordable housing.

#### 4. Increased density on the Princes Highway

An increase to building height and density is implemented along the Princes Highway to encourage revitalisation and redevelopment within this highly accessible corridor and achieve pedestrian activation and public domain improvement outcomes.

#### 5. Increased density in areas adjoining existing high density

Increases to building heights and densities are located close to areas of existing high density residential development including the Wolli Creek development area.

#### Low density building form is maintained in areas adjoining existing low density

Low rise development is located adjoining existing low density residential areas to provide a transition in heights and to ensure development is in keeping with local character.

#### 7. Maintain identified views

The significant ground level changes across the Precincts result in district wide views from high points. Views towards the Sydney CBD can be achieved from the northern and eastern parts of Arncliffe and Banksia and towards the Cooks River and Botany Bay from the Forest Road ridgeline.

The Plan recognises that the steepness of the land allows the definition of view corridors toward the city centre skyline and the nearby Cooks River. This is reflected in the built form opportunities recognised for the Precincts.

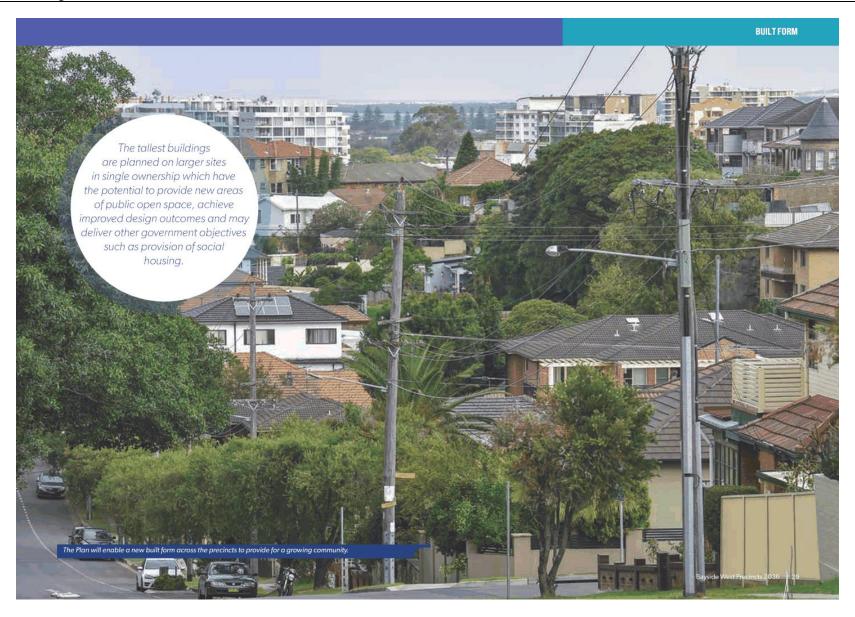
#### **Feasibility testing**

Development feasibility is a key planning consideration to ensure planning outcomes can be realised and positive renewal outcomes can be achieved.

The viability of proposed land uses in the Precincts has been tested to determine appropriate built form controls. The analysis took into consideration existing land values, unit sales and size of comparable developments, construction costs, council fees and charges and additional costs.

The findings of the testing confirmed minimum density thresholds for land uses. The minimum density thresholds will be used to inform any future rezoning plan for the Arncliffe and Banksia Precincts to ensure feasible development can be achieved.

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### The key steps to deliver the Plan are:

- Implementing new planning controls to support the Plan.
- Supporting Bayside Council to undertake a review of its local environmental plan (LEP).
- Identifying the infrastructure needs to support future growth in the Plan
- Identifying the responsibility for delivery and funding sources for the infrastructure.

### **Future Rezoning of Arncliffe and Banksia**

The future rezoning of the Arncliffe and Banksia Precincts is proposed to implement the Vision of the Plan. The Plan will inform changes to the land use zoning, built form and supporting controls in the *Rockdale LEP 2011* applicable to development within the Arncliffe and Banksia Precincts. The key elements of a future rezoning will include:

# Changes to land use zoning in the Precincts to support:

- expansion of the Arncliffe and Banksia centres to allow for increased commercial activity and residential living around these transport hubs
- o a new park adjacent to Arncliffe Station

- increased housing supply in convenient locations, close to transport, jobs and services
- a greater mix of land uses, including residential, within sections of the Princes Highway in accessible locations around Arncliffe and Banksia
- the continued growth of employment opportunities along the Princes Highway.

# New building heights and floor space controls that:

- support intensification of the new land use zoning and incentivise renewal of these areas
- support the renewal of key sites that can provide public areas of open space and realise key government objectives towards social and affordable housing
- are sensitive to areas of built form transition, low rise interfaces, heritage considerations, view protection and airport restrictions.

**Controls to implement active frontages** in mixed use areas to promote passive surveillance, activation and good design outcomes.

### **Accelerated Council LEP Review**

The area west of Arncliffe Station will be the subject of further investigation to consider opportunities for greater masterplanning and high quality urban design outcomes. The planning framework for this area will be finalised before or at the same time as Bayside Council adopts its comprehensive LEP in 2020.

The NSW Government has provided Bayside Council \$2.5 million as part of the Accelerated Councils Program to assist with Council's comprehensive review of its LEP within two years. The Department will continue to work with Council to achieve the best planning outcomes for the area.

In the interim, landowners can progress any proposed changes to planning controls through a planning proposal with Council.

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### **Precinct Support Scheme**

Under the Precinct Support Scheme, the NSW Government has provided funding for local infrastructure projects that will directly benefit the community. Bayside Council's application of allocation of \$10 million has been awarded and includes:

- a \$4.5 million upgrade to Arncliffe Park
- o a \$2.5 million upgrade to Gardiner Park
- \$3 million to develop a Public Domain Plan and Technical Manual for the Arncliffe town centre and along the Princes Highway.

### **New park at Arncliffe**

The Department is delivering a new park next to Arncliffe Station on the corner of Arncliffe Street and Burrows Street. This park will be at least 7,000 square metres in size and includes recreation space, childrens play areas, an off-leash dog area and opportunities for community facilities. The park will be masterplanned in collaboration with Bayside Council and the local community to ensure it meets local needs. It is proposed that Special Infrastructure Contribution (SIC) funds will contribute towards land acquisition and embellishment of the new park.

### **Infrastructure Funding and Delivery**

The infrastructure schedule at Appendix A has been developed to set out the State, regional and local infrastructure required to support the growth that is identified in the precinct planning for Bayside West,

and nominates the body responsible for the delivery and the funding source. The infrastructure schedule has been developed through technical consultant input, community engagement and collaboration with Bayside Council and other government agencies.

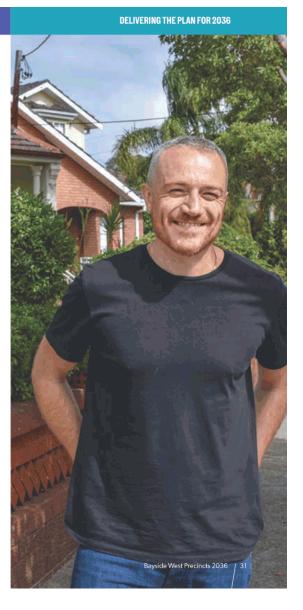
### **Special Infrastructure Contribution**

The Department will exhibit a draft Special Infrastructure Contribution (SIC) scheme for the Bayside West Precincts to provide funding for State and regional infrastructure demands required to support growth from precinct planning. The draft SIC is a levy that developers will be required to pay to contribute to the cost of providing regional infrastructure upgrades. The SIC rate has been determined through an analysis of the Precincts' growth patterns, infrastructure needs and costs, and development feasibly to ensure any change does not impact on the development feasibility.

### Local infrastructure upgrades

A number of upgrades to local infrastructure have also been identified. These include local road upgrades, upgrades to the local drainage infrastructure and provision of additional community infrastructure, such as upgrades to open space and community facilities.

Bayside Council are responsible for undertaking a review of the relevant local infrastructure contribution plans developed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* to obtain the relevant funding for additional local works.





### **Development applications**

New land use zoning, built form and supporting controls for the Arncliffe and Banksia Precincts within the *Rockdale LEP 2011* will be implemented to provide a framework for development applications to be prepared and assessed under.

### **Development Control Plan**

Bayside Council are responsible for preparing a Development Control Plan (DCP) for the Arncliffe and Banksia Precincts. The DCP will provide clear design guidelines for new developments within the Precincts, such as urban design principles for the street network, through-site links, active frontages, building and landscape setbacks, street wall heights and the open space network.

Bayside Council will generally be the consent authority for the majority of development applications in Arncliffe and Banksia, with the following exceptions:

- Where development exceeds a value of \$5 million and up to \$30 million, Bayside Council will refer a development application to a Local Planning Panel, an independent body established by Council.
- Other development with a value exceeding \$30 million will be determined by the Sydney Eastern

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City Planning Panel.

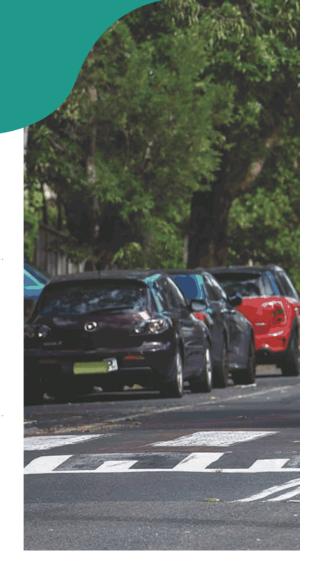
• Where development on the Land and Housing Corporation site (Eden Street, Arncliffe) exceeds a value of \$30 million, it is State Significant Development and the Minister for Planning is the consent authority.

### **Design Excellence**

The rezoning of Arncliffe and Banksia Precincts will include a design excellence provision to ensure new buildings achieve the highest standard of architectural, urban and landscape design. All new buildings will be assessed against design excellence principles, buildings over 3 storeys will be subject to review by an independent design review panel, and all buildings over 12 storeys will undergo a design competition process. Council's DCP will also include further design quidance.

### Monitoring

While the speed of development will depend on market forces, the Department anticipates this will occur gradually over the 20 year life of the Plan. To provide a valuable evidence base to inform service and infrastructure delivery, the Department will monitor and report annually on the rate of development activity.







The following tables provide an overview of the infrastructure projects that have been identified to support growth in the Bayside West Precincts.

TABLE 1: CURRENT PROJECTS						
Item	Delivery	Status				
New M5 motorway, to link the upgraded King Georges Road Interchange on the existing M5 East Motorway at Beverly Hills and run via twin tunnels to St Peters	TfNSW	The new M5 is currently under construction and will be open to traffic early 2020.				
Upgrade rail infrastructure to increase capacity and services	TfNSW	Rail network planning to increase services to Southern Sydney is underway.				
Upgrade to Banksia and Arncliffe Stations		The Arncliffe Station upgrade was completed in 2016. TfNSW to undertake scoping investigations for Banksia Station upgrade.				
Improvements to bus services to provide better connectivity through the precincts and links to surrounding key centres.		Need for improvements to be investigated by TfNSW as part of regular monitoring and planning program.				
F6 extension (Stage 1) to connect the new M5 to Sydney south and the Illawarra.		Stage 1, a southern connection from Arncliffe to President Avenue, Kogarah, was announced in October 2017. Detailed planning by TfNSW Council is underway.				

Meas	sure	Delivery	Implementation and actions	Assumptions
OPEN	SPACE			
	New park next to Arncliffe Station on the corner of Arncliffe Street and Burrows Street.		To be partially funded by Special Infrastructure Contribution or satisfactory arrangements.	This park will be at least 7,000sqm and masterplanned in collaboration with Bayside Council and the local community to ensure it meets local needs (Green Plan, 2018).
UBL	IC TRANSPORT			
P1	New bus stops on Marsh Street	TfNSW/Council	Bus stops to be provided prior to construction certificate for first dwelling at Cooks Cove. To be partly funded by Special Infrastructure Contribution or satisfactory arrangements.	New bus stops are required on Marsh Street to accommodate access from Cooks Cove to the bus network (AECOM, 2016).

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# APPENDIX A

Measure	Delivery	Implementation and actions	Assumptions
R1 Improvements to Marsh Street and Airport Drive, Including improved pedestrian connections to the Giovanni Bridge and upgraded pedestrian crossing of Marsh Stree (potential pedestrian over pass).	RMS/TfNSW/ Cooks Cove developer t	Priorities for infrastructure delivery will be monitored in consultation with delivery agencies.  To be funded by Special Infrastructure Contribution or satisfactory arrangements.	Improvements to Marsh Street and Airport Drive will be required to support the growth in traffic volumes from Cooks Cove precinct (AECOM, 2016).
R2 Upgrades to the Kyle Street / West Botany Street intersection	RMS/TfNSW	Priorities for infrastructure delivery will be monitored in consultation with delivery agencies. To be funded by Special Infrastructure Contribution or satisfactory arrangements.	Upgrades to the Kyle Street / West Botany Street intersection to allow left turn from Kyle Street onto West Botany is required. Priorities for infrastructure delivery will be monitored in consultation with delivery agencies. (AECOM, 2015).
R3 Upgrades to the existing signalised intersection at Princes Highway / Burrows Street	n RMS/TfNSW	Priorities for infrastructure delivery will be monitored in consultation with delivery agencies.  To be funded by Special Infrastructure	Upgrades to the Princes Highway / Burrows Street intersection are required to permit movements from Kyle Street (AECOM, 2015).
R4 Review the configuration of the Duncan/ Wes Botany Streets intersection.	Council/RMS/TfNSW	Contribution or satisfactory arrangements.  Priorities for infrastructure delivery will be monitored in consultation with delivery agencies.	Review of the configuration of the Duncan and West Botany Streets intersection to accommodate growth (AECOM, 2015).
R5 Upgrades to the Allen Street / Princes Highwintersection.	y Council/RMS/TfNSW	To be funded by Special Infrastructure Contribution or satisfactory arrangements.  Priorities for infrastructure delivery will be monitored in consultation with delivery agencies.  To be funded by Special Infrastructure	Upgrades to the Princes Highway/Allen Street intersection are required to accommodate growth (AECOM, 2015).
R6 Upgrades to the intersection of Forest Road at Firth and Eden Streets.	Council/RMS/TfNSW	Contribution or satisfactory arrangements.  Priorities for infrastructure delivery will be monitored in consultation with delivery agencies.  To be funded by Special Infrastructure Contribution or satisfactory arrangements	Review of the intersections of Forest Road with Firth and Eden Streamer required with consideration of constraints posed by nearby rail overpass bridge. (AECOM, 2015).
R7 Upgrade to the Spring Street / Princes Highway intersection.	Council/RMS/TfNSW	Detailed planning, timing and thresholds to be investigated by RMS and TfNSW as precincts develop.	Upgrades to Spring Street / Princes Highway intersection are required to accommodate growth (AECOM, 2015).
		To be partly funded by Special Infrastructure Contribution or satisfactory arrangements.	

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TAB	TABLE 2: REGIONAL INFRASTRUCTURE UPGRADES						
Meas	ure	Delivery	Implementation and actions	Assumptions			
IMPR	ROVEMENTS FOR PEDESTRIAN AND CYCLISTS						
P1	Cahill Park to Tempe Recreation Reserve - new pedestrian and cycling bridge over the Cooks River.	Developer/ Council	To be funded by Special Infrastructure Contribution or satisfactory arrangements.	Opportunities exist to provide a new walking and cycling connection across the Cooks River, from Cahill Park to Tempe Recreation Reserve to link key open space areas and provide access to a broader range of recreation. (Green Plan, 2018).			
P2	Princes Highway to Arncliffe West - new pedestrian and cycling path following a section of the SWSOOS.	Developer/ Council	To be funded by Special Infrastructure Contribution or satisfactory arrangements.	The linear connection is an opportunity to enhance and utilise the currently neglected SWSOOS and surrounds and can improve access by providing connections to the wider neighbourhood (Green Plan, 2018).			
P3	A foreshore pedestrian and cycling path along the Cooks River.	Cooks Cove Developer/ Council	Construction of path to commence prior to construction certificate for first dwelling at Cooks Cove.	A direct foreshore bicycle path along Cooks River with improved connectivity across MuddY Creek should be provided (AECOM,2016).			
			To be funded by Special Infrastructure Contribution or satisfactory arrangements.				
P4	New pedestrian and cycling crossing of the Princes Highway from Cahill park to Brodie Spark Drive.	Developer/ Council	To be funded by Special Infrastructure Contribution or satisfactory arrangements.	An upgrade to the Princes Highway crossing from Cahill Park is required to improve access to Wooli Creek Station, consider a pedestrian/cycling overpass (AECOM, 2015).			
EDUC	ATION						
E1 and E2	New school infrastructure.	Department of Education	Provision for additional school infrastructure is to be allowed for, as agreed to by Department of Education.	Subject to detailed review and asset planning by the Department of Education.			
			Contribution towards additional student spaces to be partly funded by Special Infrastructure Contribution or satisfactory arrangements.				

TABLE 3: LOCAL INFRASTRUCTURE UPGRADES					
Measure	Delivery	Implementation and actions	Assumptions		
ROADS					
Upgrade to rail underpass at Railway Street and Subway Road	Council/ Developer	Council to undertake preliminary design and costings of upgrades in consultation with TfNSW and RailCorp for inclusion in the Development Control Plan and Section 7.11 Plan review.	Upgrades to the rail underpass at Railway Street and Subway Road are required to accommodate growth (AECOM, 2015).		

<sup>36</sup> NSW Department of Planning and Environment | August 2018

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Measure	Delivery	Implementation and actions	Assumptions
ROADS			
Charles Street realignment	Council/ Developer	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11	Upgrades to the local road network required to support anticipated growth (AECOM, 2015).
Gertrude Street extension	Council/ Developer	Plan review.	
Intersection upgrades at:	Council/		
Wolli Creek Road / Wollongong Road	Developer		
Fripp Street / Wollongong Road     Dowling Street / Wollongong Road			
Wickham Road / Charles Street			
OPEN SPACE			
Jpgrade to existing parks at Wooroona Reserve, Marinea Reserve and Marsh Street Reserve	Council/ Developer	To be partly funded by Section 7.11 Contributions or satisfactory arrangements.	Opportunities to upgrade existing open space and provide new areas of well-designed and functional open space should be considered in future planning (Council, 2014).
Jpgrades to Gardiner Park and Arncliffe Park, including the installation of synthetic playing fields and lighting andsafety improvements.	Council/ Developer	Precinct Support Scheme (PSS) funding approved.	To be undertaken in accordance with Council's application for PSS approval.
nvestigate new local parks as part of redevelopment of sites on Eden Street (Land and Housing Corporation Site) and Allen Street site (Ford Service Centre).	Developer	To be partly funded by Section 7.11 Contributions or satisfactory arrangements.	Investigations into new parks to be incorporate into any development application for these sites.
MPROVEMENTS FOR PEDESTRIANS AND CYCLISTS			
New on-road cycle paths along:  Wollongong Road and Allen Street  Wollongong Road to Bonar Street via Wardell Street / Avenal Street / Marinea Street - Burrows Street / Kyle Street  Duncan to Allen Strreet  Spring Street (including improved crossing of West Botany Street).	Council/ Developer	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11 Plan review.	Upgrades required to the local road network to support anticipated growth (AECOM, 2015).
Upgrades to the existing cycle network including:  North-south route between Arncliffe Station and Banksia Station: Arncliffe Street / Burrows St / Eden Street north	Council/ Developers	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11 Plan review.	Upgrades recommended to the local cycle network to support anticipated growth (AECOM, 2015).

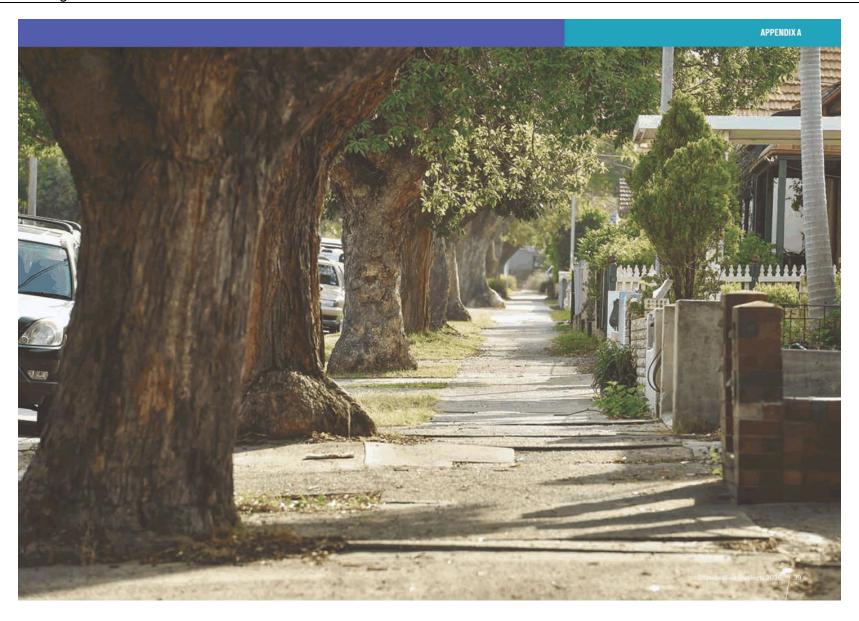
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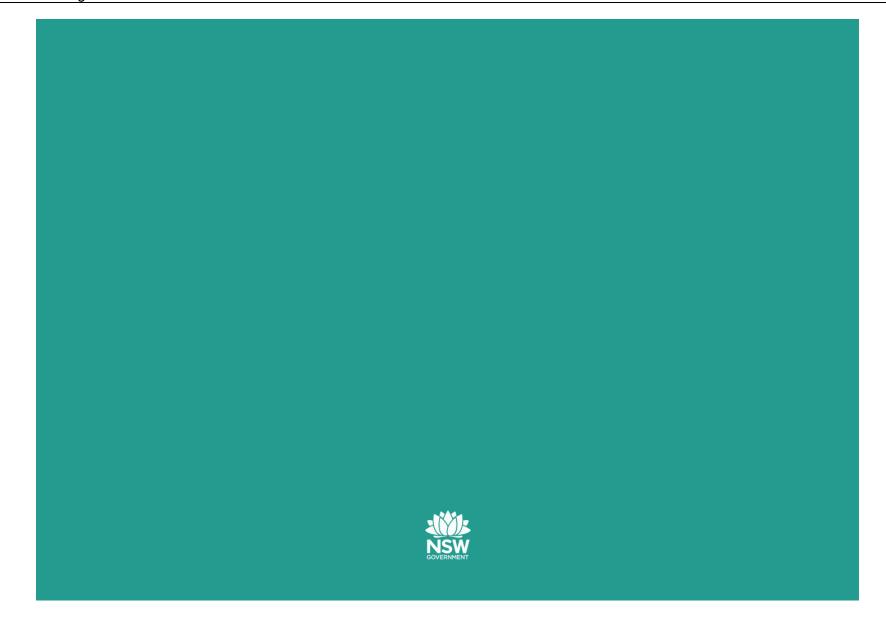
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Measure	Delivery	Implementation and actions	Assumptions
IMPROVEMENTS FOR PEDESTRIANS AND CYCLISTS – CONTINUED			
Improvements to pedestrian crossings at: Forest Way at Eden Street / Wardell Street / Arncliffe Street / Allen Street roundabout Wollongong Road / Firth Street roundabout	Council/ Developers	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11 Plan review.	Upgrades recommended to pedestrian facilities on the local road network to support anticipated growth (AECOM, 2015).
Improved pedestrian facilities, on new and existing streets at key locations, including along:  • Wollongong Road close to Arncliffe Park Burrows Road, Godfrey Street and Gardiner Avenue  • Spring Street	Council/ Developers	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11 Plan review.	
DRAINAGE AND FLOODING			•
Upgrade trunk drainage across the catchment and upgrade existing drainage network, including:  Drainage network along Wollongong Road from Dowling Street to Bonar Street, and under the railway line  Additional inlets and drainage works at Valda Avenue  Pipe upgrades at Eve Street Brick arch openings under sewer carrier  Modifications to Bonnie Doon Channel  Dedicated overland flow paths  New flood storage and detention basins to mitigate future flooding  New levee to provide additional drainage capacity and reduce inundation from the Cooks River	Council/ Developers	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11 Plan review.	Arncliffe and Banksia subject to some areas of flooding following significant rainfall events and require upgrades to the existing drainage infrastructure to accommodate future growth (Mott MacDonald, 2015).
COMMUNITY INFRASTRUCTURE			
A new district level branch library and community centre at Arncliffe	Council/ Developers	Council to undertake preliminary design and costings of upgrades for inclusion in the Development Control Plan and Section 7.11 Plan review.	New population anticipated requires a new district level branch library and community centre at Arncliffe (Eltons, 2015).
Provision of new active recreation facilities and community facilities at Cooks Cove		Construction of recreation areas to commence prior to construction certificate for first dwelling at Cooks Cove.	
		To be partly funded by Section 7.11 Contributions or satisfactory arrangements.	

<sup>38</sup> NSW Department of Planning and Environment | August 2018





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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia

# 7.7 Arncliffe and Banksia

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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

# 7.7.1 - INTRODUCTION

### 1.1 Explanation

Identified as Planned Precincts by the Department of Planning and Environment (DP&E), Arncliffe and Banksia form part of the NSW State Government's A Plan for Growing Sydney.

The Bayside West Precincts 2036 has been prepared to guide the renewal of these areas. The Strategy outlines the vision for growth in these areas and plans for the infrastructure needs to support this population increase. Detailed planning has been undertaken for areas within the Arncliffe and Banksia Precincts as part of the DP&E Planned Precincts program including detailed urban design analysis, economic testing and infrastructure planning.

Together with the Rockdale Town Centre Master Plan, Wolli Creek and Bonar Street Precincts, the Arncliffe and Banksia Precincts propose to deliver a vibrant highway corridor with exceptional access to public transport, employment, accommodation and housing.

The adapted Structure Plan presented in this section of the DCP identifies the objectives of the Bayside West Precincts 2036 and the Arncliffe and Banksia Precinct Proposal, drawing upon the detailed analysis undertaken for the Arncliffe and Banksia Planned Precincts. The Structure Plan identifies the desired future character of Arncliffe and Banksia, detailing key development sites and built form outcomes.

This section of the DCP applies to development within the boundary of the precinct as shown in "Figure 7.7.1 Regional Context" on page 7|66.



Figure 7.7.1 Regional Context

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia

# 1.2 Aims and Objectives of this Section

The purpose of this section of the DCP is to guide the future development of the precinct by:

- a) Identifying the vision, development principles, key elements and indicative structure for the future development of the Precinct;
- b) Communicating the planning, design and environmental objectives and controls against which the consent authority will assess future development applications;
- c) Ensuring the orderly, efficient and environmentally sensitive development of the Precinct; and
- d) Promoting a high quality urban design outcome.

# 1.3 Relationship to other sections of the DCP

This section of the DCP provides specific development provisions for the Arncliffe and Banksia Precincts. Development within the Precincts will need to have regard to this section as well as the other sections of the Rockdale Development Control Plan 2011.

Controls within this section of the DCP supersede the 'Development setback' controls in Part 5.3 Mixed Use. All other sections of Part 5.3 Mixed Use still apply. In the event of any inconsistency between this Section and the other Sections of the Rockdale DCP 2011, this Section will prevail to the extent of the inconsistency.

In addition to provisions of this DCP, any development in the Arncliffe and Banksia Planned Precinct areas must also be consistent with the adopted visions of the Bayside West Precincts 2036.

# 1.4 State Environmental Planning PolicyNo.65 – Design Quality Residential ApartmentDevelopment

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to residential flat buildings and the residential component of a shop top housing development in the Precincts. Such development is to have regard to SEPP 65 and Apartment Design Guide in addition to the relevant provisions provided in this DCP.

# 1.5 Purpose of this DCP

The primary focus of the Bayside West Precincts 2036 is to establish Precincts that are enjoyable, vibrant and pleasant places to live, work and visit. This section of the DCP will focus on ensuring the desired role and character of streets in the Precincts is achieved by the activation and engagement with the street and public realm environs. The DCP controls also inform the configuration and uses of buildings, as well as how the form and character of buildings affects the desired feel and experience of the public domain.

### 1.6 Application of this section

This section applies to the area of land identified as the Arncliffe and Banksia Planned Precincts, including any roads and open space within this area. The boundaries of the Precincts are identified in "Figure 7.7.2 Precinct Boundaries" on page 7|68.

Rockdale DCP 2011

# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

# 7.7.2 - VISION AND PRINCIPLES

# 2.1 Vision

The vision for the Arncliffe and Banksia Precincts is to create "vibrant, attractive and connected communities, where people live and work, with great access to public transport, community facilities, new open spaces, shops and local services."

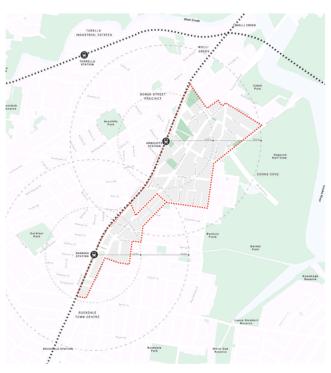


Figure 7.7.2 Precinct Boundaries

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia

### **Objectives**

- A. To create vibrant Town Centres that provide for the daily needs of the local and wider community;
- B. To provide a wide range of opportunities for different types of employment generating activities to meet local and regional needs;
- C. To provide high quality and a wide range housing choice;
- To promote the Princes Highway as a key regional employment and economic corridor;
- E. To ensure that new residential development provides a high level of amenity by adequately responding to the local and environmental context.
- To ensure a safe, connected, permeable and legible public domain that caters for the accessibility of pedestrians and cyclists;
- G. To promote the development of new buildings that display design excellence through a design review panel for buildings over 3 storeys and a competitive design process for buildings over 12 storeys;
- H. To provide access to a range of new and improved existing open space for all age groups;
- To maximise public safety and provide adequate protection of property against flood events;
- J. To ensure existing floodplain users do not experience any increase in flood levels;
- Represent "Placemaking" through the activation of space, creation of destination, and identifiable landmarks including mixed use and community facilities;
- Deliver exceptional environmental performance in new buildings, public and private realm and infrastructure;
- M. Foster innovation in sustainable design and construction of new apartment developments;
- N. Advocate for increased minimum environmental performance targets in new buildings;
- O. Promote upgrades through incentives and support to overcome the challenges for implementation in strata buildings; and
- P. Empower communities to engage in sustainable choices and positive resident behavior change.

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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

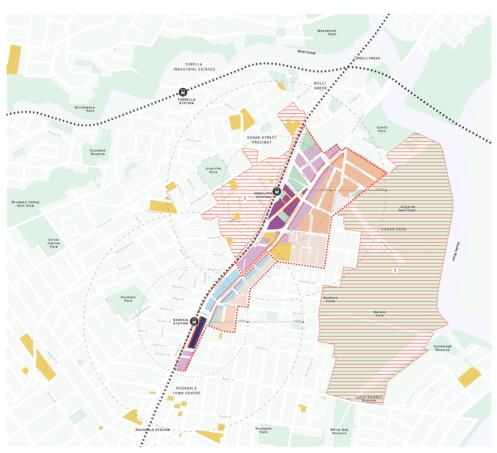


Figure 7.7.3 Structure Plan



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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia

# 2.2 Special Character Areas

The Arncliffe and Banksia Precincts have been divided into sub-Precincts, each with a future desired character as outlined on the following pages.

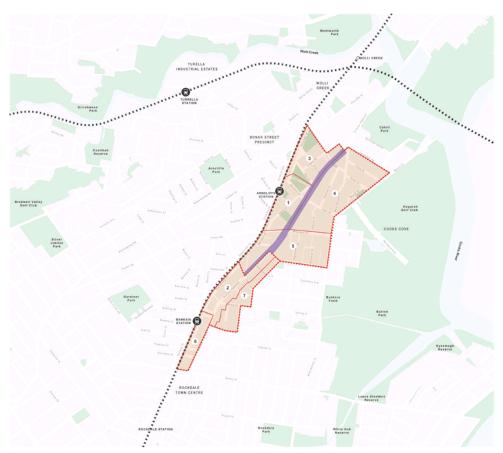


Figure 7.7.4 Special Character Areas Plan



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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia



Figure 7.7.5 Arncliffe Town Centre Sub-Precinct

### 1 - Arncliffe Town Centre

Arncliffe Town Centre identified in "Figure 7.7.5 Arncliffe Town Centre Sub-Precinct" on page 7|72 is characterised by its historic built form, landscape core, steep streets and in some locations, exposed sandstone escarpment. To the western edge of the Town Centre is the Railway station, and to the east large sites that present opportunities for renewal. Key points include:

- Remnant large tree planting along the rail line and cliffs contribute to the visual quality of the centre.
- Areas to the east of the railway offer some larger sites that may present opportunities for renewal. This part of the neighbourhood lacks clearly legible links, both west to the railway station and east to access and cross the Princes Highway.
- Wooroona Reserve, located directly adjacent to the railway station, provides valuable open space. The perimeter interface with blank fences and vehicular access/servicing areas detracts from the overall quality of the space.

### **Desired future Neighbourhood character**

- Provide a vibrant mixed use Town Centre, extending along the east side of the rail line, with activity during the day and night.
- Eden Street and Burrows Street become retail streets, complementing Firth Street and extending the Town Centre uses and activity to the east of the rail line. Streetscape improvements delivered alongside development will further enhance the character and amenity of these streets.
- Retain active uses and street edge alignment to the corner of Eden Street to mark entry into the Town Centre.
- Wooroona Reserve is transformed into the Town Square adjacent the rail station with outdoor dining terraces along the north and south-east edge.
- Existing and new pedestrian links improve access to the rail station and create a more walkable centre.
- Eden Street Park is a new local park catering to new residents with a centrally located lawn, gardens and significant tree planting.
- Taller buildings near the station visually reinforce the area as a centre and assist in highlighting the location of key connections and open spaces.

# Land use

- Ensure retail and business uses are provided at the ground level of existing and planned retail streets particularly on Eden Street and Burrows Street and sites adjoining Wooroona Reserve to the east.
- Development adjoining Princes Highway and parts of Eden Street should provide showroom and other commercial uses at lower levels.
- High-quality residential development is encouraged above retail and commercial uses within the town centre, and as a standalone use on sites outside of the centre.

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia

### **Built form**

- Tall towers on larger sites should be slender and well proportioned.
- Perimeter style buildings of between 6-8 storeys should be permitted where the lots have a greater frontage of 24 metre with 0 metre side setbacks for party walls with no windows, to allow for the efficient redevelopment of sites.
- Building height controls should allow for generous 7 metre floor to ceiling heights for ground level showroom uses. This additional height would allow for small mezzanine levels to be incorporated.
- Retain street edge alignment and active frontages at the corner of Eden Street at Forest Road.
- A front setback of 3 metre is required, unless a specific setback is recommended.

### **Public domain**

- 6 metre setback and dedication for sites on Princes Highway is to include significant 'boulevard' tree planting which will improve amenity for business and separate residential uses from the busy road.
- 5 metre landscape zone within Wickham Street and Forest Road shall include large and medium size tree planting.
- A new plan for Wooroona Reserve and redevelopment of sites adjoining the park for active uses and outdoor terraces will increase usage and enjoyment.
- A new park to be delivered through the redevelopment of the Housing NSW site on Eden Street.
- Arncliffe Station Park on the M5 portal site will provide valuable open space for active and passive recreation.
- New through site links between Princes Highway and Eden Street.

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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

# 2 - The Princes Highway Arncliffe and Banksia

The Princes Highway as identified in "Figure 7.7.6 The Princes Highway Arnoliffe Sub-Precinct" on page 7|75 and "Figure 7.7.7 The Princes Highway Banksia Sub-Precinct" on page 7|76 is a major north-south arterial road serving the southern Sydney region and is a desirable location for vehicle-oriented light industrial, commercial and retail uses. Key points include:

- It acts as a strong barrier to pedestrian and cycle connectivity with few crossings.
- The Princes Highway currently includes a mix of businesses, from single terraced shop fronts through to large car yards and a hotel which are built on many amalgamated lots.
- 3. The visual character and pedestrian amenity of the Princes Highway could be improved.
- Key existing features include: large trees on some sites, local landmarks such as Masjid Darul Imaan and St Francis Xavier Church, St David Church and views to the Sydney skyline to the north provide positive attributes.
- 5. Views from the Princes Highway Banksia to the ridge line to the north are of local importance.
- 6. The fig trees on Taylor Avenue provide a landmark from a variety of locations along the Princes Highway.

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia



Figure 7.7.6 The Princes Highway Arncliffe Sub-Precinct

# 2.1 - The Princes Highway Arncliffe

### **Desired future character**

- Integrate boulevard tree planting along the Highway that reinforces the location of the Arncliffe Town Centre.
- Allow provision for destination commercial spaces and showrooms that are highly visible from passing vehicles
- A key visual identity within the precinct is the Masjid Darul Imaan Mosque. It is vital that this remains a local landmark and signals an important street entry into the Town Centre.
- Improved pedestrian and cycle environment, and amenity for businesses and residents.
- · Endorse and promote high-quality mixed use development.

### Land use

- Large format commercial uses at lower levels
- Residential levels located above lower commercial levels with visual and acoustic separation from busy road frontage.

### **Built form**

- Building height controls should allow for generous 7m floor to floor heights for ground level showroom uses. These spaces might comprise a small mezzanine.
- Communal open spaces are preferred on podiums or roof tops with high levels of amenity and less conflicts with large format commercial uses and associated service requirements.
- Where possible, vehicle entry to sites facing the Highway should be from a secondary street. Amalgamation is encouraged to minimise vehicle cross-overs.
- Winter gardens, shutters and glazing will further improve residential amenity above the busy road
- A front setback of 3 metre is required, unless a specific setback is recommended.

# **Public domain**

 6 metre setback and dedication on sites adjoining Princes Highway. Proposed landscape improvements include significant boulevard tree planting and the creation of a dual footpath that allows for the staged delivery of the setback and continued pedestrian access during transition.

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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia



Figure 7.7.7 The Princes Highway Banksia Sub-Precinct

# 2.2 - The Princes Highway Banksia

### **Desired future character**

- New commercial uses will be provided along the Princes Highway.
- Gradual redevelopment will provide a qualitative upgrade to both the built form and landscape of the existing neighbourhood.

### Land use

- The Banksia section of the Princes Highway will continue to encourage employment uses.
- Controls will allow the flexibility of a range of commercial uses which may not be in this location currently, such as offices.

### **Built form**

- Building heights are expected to remain typically around 2 storeys in the medium term however taller heights are permitted to encourage the development of other commercial building types (e.g. offices) where this is viable.
- To encourage a wider range of commercial uses, front and side setbacks should not be required however all developments should provide a reasonable scale relationship to any adjacent residential uses with a maximum of 1 storey built to boundary, and development above this providing a 6 metre setback from the rear boundary.
- Where possible, vehicle entry to sites facing the Highway should be from a secondary street. Amalgamation is encouraged to minimise vehicle crossovers.
- Retain vistas to Botany Bay. No building or structure is to detrimentally impact any view corridor as identified in 4.1 Site Planning page 4|6.

### **Public domain**

 6 metre setback for sites to contribute to intermittent deep soil zones (minimum 6 metre x 6 metre) along the Highway frontage allowing for the planting of large trees and contribute to a boulevard character.

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia



Figure 7.7.8 Allen Street Neighbourhoood Sub-Precinct

# 3 - Allen Street Neighbourhood

This small neighbourhood identified in "Figure 7.7.8 Allen Street Neighbourhood Sub-Precinct" on page 7|77 is located between Arncliffe Town Centre and Wolli Creek and contained by the strongly defined edges of the M5 to the south, the rail line to west, Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) to the north, and Princes Highway to the

It includes a mix of buildings types including industrial warehouses, small walk-up apartments, car dealerships and a furniture showroom. The large consolidated industrial site may provide the opportunity to deliver new public domain for future residents and to better manage stormwater in the area.

### **Desired future character**

- An emerging residential neighbourhood adjacent to the Town Centre located around a new local park at Allen Street with a small cafe or shop serving local residents.
- Adaptive re-use of the SWSOOS as an east-west pedestrian corridor connecting the neighbourhood to the regional parkland to the east, to the Bonar Street neighbourhood and school via the proposed rail underpass to the west.
- Perimeter block apartment buildings with discrete towers are sited to reinforce the street grid, mark the new park and transition between the Town Centre and Wolli Creek.
- Generally mid-rise development. Taller development adjacent the Allen Street Park to mark the park within the broader context.

### Land use

- Primarily residential development
- Large format commercial development at the lower levels of sites adjoining Princes Highway.
- Cafe or retail uses at the lower levels of residential buildings where they adjoin an open space, to assist in activating the space.
- Rezone the isolated industrial site on the corner of Allen Street and Arncliffe Street to allow for mixed use development and the development of a new open space.

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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

### **Built form**

- 8 storey development (including a double height commercial ground floor) is proposed on sites adjoining the Princes Highway, to provide a transition to Wolli Creek to the north.
- Taller buildings (up to 22 storeys) are proposed on the remaining industrial lot to allow for an equitable floor space on the site and the delivery of a new open space.
- Smaller lots can be developed for new 8 storey buildings, where site amalgamation occurs for two or more adjoining lots, or where there is a street frontage greater than 24 metre.
- Street wall height of 6 storeys, with a 4 metre setback to upper
- A front setback of 3 metre is required, unless a specific setback is
- The Rockdale DCP 2011 requires a 4.5 metre side setback. Within this neighbourhood, a 3 metre side setback may be acceptable for blocks with a frontage of 24 metre or smaller.

### **Public domain**

- Proposed park on the corner of Allen and Arncliffe Streets will provide valuable open space with a northerly aspect, a new through-block connection and will help to detain storm water in a flood event.
- 6m landscape setback on sites adjoining Princes Highway.
- Arncliffe Station Park on the M5 portal site will provide valuable open space for active and passive recreation.

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia



Figure 7.7.9 Cahill Park Neighbourhoood Sub-Precinct

# 4 - Cahill Park Neighbourhood

This neighbourhood identified in "Figure 7.7.9 Cahill Park Neighbourhood Sub-Precinct" on page 7|79 is part of the broader neighbourhood that extends north to Cahill Park. Pedestrian access to centres and open spaces requires crossing busy roads such as the Princes Highway, Marsh Street, Wickham Street and West Botany Street.

The neighbourhood includes predominantly houses and car-oriented commercial uses along the Princes Highway. There is an existing unresolved scale transition between recent large apartment buildings to the north and the predominantly low scale residential neighbourhood to the south

### **Desired future character**

- An extension of the existing Cahill Park residential neighbourhood to the south
- Leafy residential streets sheltered from the north-south busy arterial roads that traverse the neighbourhood.
- Generous landscape setbacks along Wickham Street, West Botany Road and Marsh Street enhance street character and provide improved amenity for adjacent residential uses.
- · Buildings that step up the hill at the northern part of Duncan Street.
- Improved east-west pedestrian routes along Duncan Street and Valda Avenue connecting to nearby open spaces and along Kyle Street connecting to the Town Centre and rail station.
- Through site links through long urban blocks improve walkability within the neighbourhood and to surrounding open spaces and schools.
- A landmark building marks the corner at the junction of Princes Highway and West Botany Street.
- Rear gardens with tree planting reinforce existing mid-block and provide landscape transition between new developments and existing Princes Highway uses.

### Land use

- · Primarily residential development.
- Large format commercial development at the lower levels of development adjoining Princes Highway.

### **Built form**

- 8 storey development (including a double height commercial ground floor) is proposed on sites adjoining the Princes Highway.
- Smaller lots can be developed for new 7 storey buildings, where there is a street frontage greater than 24 metre. Street wall height of 6 storeys, with a 3 metre setback to the upper levels over 6 storeys.
- A 5 metre landscape setback is required to Marsh Street, West Botany Street and Wickham Street comprising a 3 metre landscape zone with private courtyards behind to assist in ameliorating the impacts of busy roads on residential development. The landscape zone should include large and medium size tree planting.

# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

 Provide street edge aligned built form with active frontage to mark the corner at junction of the Princes Highway and West Botany Street

- A front setback of 3 metre is required unless a specific setback is recommended.
- Deep soil zones along rear boundary to facilitate mid-block tree planting and visual privacy between properties.
- The Rockdale DCP 2011 requires a 4.5 metre side setback. Within this neighbourhood, a 0 metre side setback may be acceptable for blocks 24 metre or smaller.
- Retain vistas to Botany Bay. No building or structure is to detrimentally impact any view corridor as identified in 4.1 Site Planning page 4|6.

### **Public domain**

- · 6 metre landscape setback on sites adjoining Princes Highway.
- New through site connections (6 metre wide) between Innesdale Road and Valda Avenue will break up the proposed continuous building form and encourage pedestrian links away from busy roads. Links should be provided on the side boundary of an amalgamated development site. Through site links should generally align with Robert Lane and Levy Street to the north.

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia



Figure 7.7.10 Amcliffe School Neighbourhoood Sub-Precinct

# 5 - Arncliffe School Neighbourhood

At the heart of this small neighbourhood identified in "Figure 7.7.10 Arncliffe School Neighbourhood Sub-Precinct" on page 7|81 is the Arncliffe Public School and St Francis Xavier's linked by a pedestrian bridge across the sandstone cutting of the highway. To the east this neighbourhood is primarily residential and to the south commercial.

Forest Road/Wickham Street and the Princes Highway isolate the neighbourhood from the Arncliffe Town Centre while Marinea Street Reserve, just outside the neighbourhood boundary, and the school grounds provide some open space amenity.

### **Desired future character**

- The residential neighbourhood surrounds the two schools: Arncliffe Public School and St Francis Xavier Catholic Primary School.
- The enhanced pedestrian bridge spans the sandstone cutting at the Princess Highway connecting the two parts of the neighbourhood and the schools.
- A proposed cycleway connects the Town Centre, neighbourhood and schools to Banksia Field and Barton Park in the east.
- Marinea Park to the immediate south is to provide local amenity and play space.
- A new through site link extends from Wardells Street to Hattersley Street in the south and provides easy access to Banksia rail station and centre.
- Generous landscape setbacks along Wickham Street and Forest Road enhance street character and provide improved amenity for adjacent residential uses.
- St Francis Xavier's Catholic Church remains a local landmark along Forest Road.
- The strong building form with active frontage marks the corner at the intersection of Princes Highway and Forest Road and signals entry to the Town Centre.

### Land use

- · Retain schools and improve connections
- · Primarily residential development.
- Large format commercial development at the lower levels of development adjoining Princes Highway, with residential uses above.

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# **Part 7 Special Precincts**

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7.7 Arncliffe and Banksia

### **Built form**

- Up to 12 storey development is proposed on sites west of the Princes Highway, for sites with a minimum street frontage of 24 metre
- Smaller lots east of the Arncliffe Public School and south of Wickham Street can be developed for new 3 storey buildings, where there is a street frontage greater than 24 metre.
- A 5 metre landscape setback is required to Wickham Street and Forest Road comprising a 3 metre landscape zone with private courtyards behind to assist in ameliorating the impacts of busy roads on residential development. The landscape zone should include large and medium size tree planting.
- Provide street edge alignment and active use to south-western corner at Princes Highway and Forest Road to reinforce this important corner marking the Town Centre entry from the Highway.
- A front setback of 3 metre is required unless a specific setback is recommended
- The Rockdale DCP 2011 requires a 4.5 metres side setback. Within this neighbourhood, a 3 metre side setback may be acceptable for blocks 24 metres or smaller.
- Solar access to the school grounds the configuration of buildings and structures must ensure that the school grounds receive a minimum of 2 hours daylight during the hours of 12pm - 2pm on 21 June (mid winter).
- Retain vistas to Botany Bay, no building or structure is to build into or on a view corridor as identified in 4.1 Site Planning page 4|6.

### **Public domain**

- 6m setback and dedication on sites adjoining Princes Highway. Proposed landscape improvements include significant boulevard tree planting and the creation of a dual footpath that allows for the staged delivery of the setback and continued pedestrian access during transition. At the sandstone cutting south of Forest Road intersection, a setback for tree planting and a footpath at the top of the cutting is desired.
- A new through site connection (6m wide) is proposed, which will connect Wardell Street to Hattersley Street and provide the missing link in the pedestrian and cycle route on the eastern side of the rail line

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# **Part 7 Special Precincts**

7.7 Arncliffe and Banksia



Figure 7.7.11 Banksia Centre East Sub-Precinct

# 6 - Banksia Centre East

East of the railway this neighbourhood identified in "Figure 7.7.11 Banksia Centre East Sub-Precinct" on page 7|83 includes an area between Hattersley Street and the Princes Highway which is a mix of residential and commercial.

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# **Part 7 Special Precincts**

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Figure 7.7.12 Marinea Street Neighbourhood Sub-Precinct

# 7 - Marinea Street Neighbourhood

This is part of a wider neighbourhood which extends east from the Princes Highway to Barton Park and Banksia Field identified in "Figure 7.7.12 Marinea Street Neighbourhood Sub-Precinct" on page 7|84. The majority of this wider neighbourhood is affected by aircraft noise issues such that providing more homes here is not considered appropriate. Key points include:

- The landmark figs and tree planting along the railway corridor are key existing features which will also contribute to the future character of this centre.
- Gardiner Park to the west is a focal point for this neighbourhood, providing a large field, play area and other spaces.
- There is a regularity to the lot pattern and many of the existing buildings running north-south.
- Pedestrian links to Banksia Railway Station and centres often rely on unattractive routes along the Princes Highway.
- This neighbourhood has some attractive and established trees within the streetscape.
- 6. The Marinea Street Reserve (outside the precinct to the east) provides a key focal point for this locality.

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### 7.7.3 - PUBLIC DOMAIN

"Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87 identifies the areas that will see improvements to the public domain through streetscape treatment, upgrades to existing open space, provision of new open space and active frontages in key commercial areas.

It is required that proponents liaise with Council during the design phase of the planning process to understand Council's requirements, as in many cases, public domain improvements will be delivered as part of the redevelopment of the site.

# 3.1 Street network and design

# Objectives

- To strengthen the landscape character and quality of the precincts through street tree planting;
- B. To encourage improvements to the amenity of the Princes Highway corridor through better landscaping and improved facilities for pedestrians and cyclists:
- To provide for improved and safer street crossings for pedestrians throughout the precincts;
- To enhance the precincts permeability including new and improved through site links and connections to adjacent areas outside the Precinct; and
- E. To create an attractive and comfortable streetscape for pedestrians and cyclists that comprises of consistent and high quality paving, street furniture, street tree planting, bike stands and bike racks.

### Controls

- 1. The street network is to be generally consistent with "Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7[87;
- New streets are to be generally consistent with the section 3.3 Landscape Setbacks:
- Significant individual trees in streets or on sites are to be retained and protected where possible and appropriate;
- Streets and public spaces are to be defined with trees of appropriate scale and species, and designed with reference to relevant Council guidelines;
- Intersection and crossing design is to favour pedestrian convenience and safety;
- Any proposed cycle links are to be delivered in accordance with best practice standards. Liaison with Council's Transport Planner is required during the design phase of the planning process;
- Provision for 'end of trip' facilities are encouraged in developments close to Arncliffe and Banksia Stations;
- Footpaths are to be provided as per the sections in 3.3 Landscape Setbacks. Pavement width is to allow for comfortable walking, unimpeded by obstacles. The placement of trees, street furniture and signage is to provide for amenity without causing clutter;
- New streets are to have shared services pits to reduce maintenance costs and reduce conflict with street planting; and
- 10. Street furniture and lighting is to be provided with reference to the relevant Council guidelines.

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# 3.2 Public domain and open space network

### **Objectives**

- A. To provide a range of quality public spaces including parks and plazas, for recreation and community gatherings, to support residents, workers and visitors;
- B. To improve the amenity, facilities and usage of existing parks and public spaces; and
- C. To improve connections between open space and the broader network.

### **Controls**

- 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87; 1. Provision of new open space is to be in accordance with "Figure
- New cycle links identified in "Figure 7.7.13 Public Domain and Open Space Network" on page 7|87 are to be delivered in accordance with best practice standards. Provision of end of trip facilities are to be encouraged in developments close to Arncliffe and Banksia Stations. Liaison with Council's Transport Planner is required during the design phase of the planning process; and
- 3. Solar Access to Public Open Space: The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter).

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Figure 7.7.13 Public Domain and Open Space Network Diagram



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Figure 7.7.14 Location Plan Wooroona Reserve

# Wooroona Reserve Upgrade

Wooroona Reserve identified in "Figure 7.7.14 Location Plan Wooroona Reserve" on page 7|88 is outlined as a park to be improved with the redevelopment of the adjacent sites. Located close to the railway station the park will provide important open space for the adjoining high density residential.

### **Objectives**

- A. This park is to provide a necessary and valuable open space and high quality public domain with adjoining forecourts for the neighbourhood, accommodating areas for gathering, seating, children's play and relaxation, and
- B. Expansion and upgrading of the existing park will occur as the surrounding area is developed.

### Controls

- 1. New developments around Wooroona Reserve shall:
  - Ensure that they consider and address requirements for solar access and amenity to public open space;
  - Incorporate active ground floor frontages through the designation of a forecourt or plaza space to address the park;
  - Provide passive surveillance over the park by incorporating CPTED principles when designing new buildings;
  - d. Provide a 3m setback from The Arcade to allow for new tree planting, new seating, and lighting;
  - e. Maintain Butterworth Lane as a pedestrian only through site link; and
  - f. Retain feature trees and augment with additional complementary "landmark" character trees.

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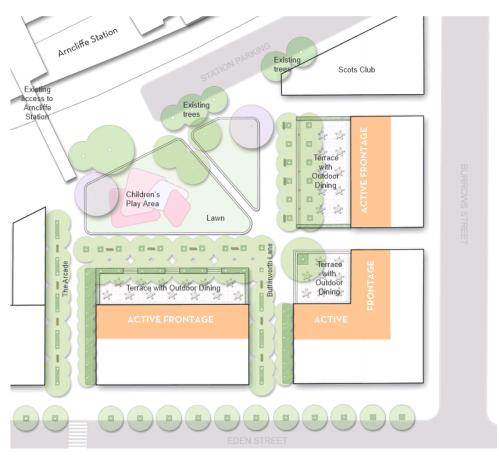


Figure 7.7.15 Indicative Concept Plan Wooroona Reserve



Figure 7.7.16 Wooroona Reserve Precedents

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Figure 7.7.18 Location Plan Eden Street

# Eden Street Development Site, Arncliffe Town Centre

The Eden Street Development Site has a total area of 1.3ha with several street frontages, including Eden Street and the Princes Highway. Redevelopment offers an opportunity for a range of uses, including: integrated housing, employment and open space within close proximity of Arncliffe Railway Station. These attributes offer an opportunity to concentrate development as well as deliver public open space for local residents.

Indicative open space and built form studies ""Figure 7.7.19 Built Form and Open Space Diagram-Indicative Built Form Study" on page 7|92 and "Figure 7.7.20 Built Form and Open Space Diagram-Indicative Concept for proposed park" on page 7|92 indicate the ability for the site to accommodate buildings together with a significant new public open space.

### **Objectives**

- A. Provide the opportunity for a range of uses including integrated housing, employment and open space;
- B. Provide a centrally located public open space that caters for a growing local population and offers a variety of activities; and
- Provision of the public open space will occur as these sites redevelop.

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#### **Controls**

- Any redevelopment of the site is to include a new consolidated public park space that will deliver the following amenity and demonstrate compliance with the following controls and shall:
  - Ensure the new public park is to be located to maximise solar access;
  - Provide a minimum width of 50m along the Eden Street frontage with a site area of 4000m<sup>2</sup>;
  - c. Ensure direct through site links are incorporated within the new park and integrate with the new space into the surrounding streetscape:
  - d. Ensure new through site links will be provided in accordance with "Figure 7.7.39 Through Site Links Plan" on page 7|106;
  - Provide pathway connections through the public park connecting Princes Highway to Eden Street and Arncliffe Station:
  - f. Ensure a generous landscape interface to Princes Highway with existing trees, additional tree planting, garden zones that must incorporate storm water treatment gardens;
  - g. Provide landscape setbacks as per "Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87; and
  - Ensure the new park will play a key role in the community providing new landscaping and areas for passive and active recreation activities.
- New buildings on the site must comply with the following controls and shall:
  - Ensure building setbacks and site through links are in accordance with "Figure 7.7.40 Built Form and Character" on page 7|108 and "Figure 7.7.39 Through Site Links Plan" on page 7|106;
  - The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter); and
  - Promote slender buildings, towers exceeding 8 storeys should have maximum floor plates of 800m² gross floor area.

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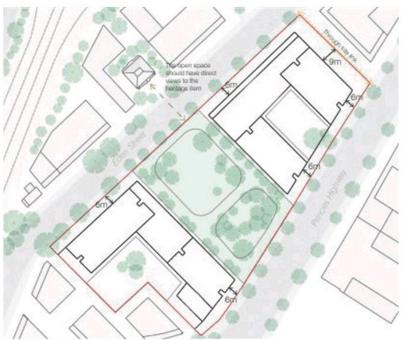


Figure 7.7.19 Built Form and Open Space Diagram- Indicative Built Form Study

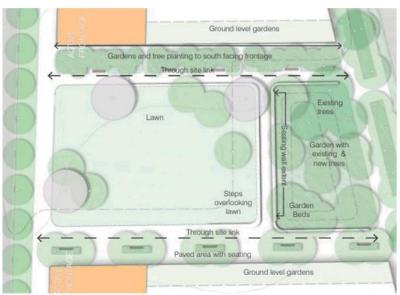


Figure 7.7.20 Built Form and Open Space Diagram- Indicative Concept for proposed park

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Figure 7.7.17 Location Plan Allen Street

# Allen Street Development Site

The Allen Street Development Site "Figure 7.7.17 Location Plan Allen Street" on page 7|93 comprising Lot A DP 101124, Lot 35 DP 739309, Lot 3 DP 13475 located on the northern edge of the Amcliffe Precinct and adjoins the Wolli Creek precinct to the north. The parcel is bounded by the Southern and Western Sydney Ocean Outfall Sewer (SWSOOS) to the north, Argyle Street to the east, Allen Street to the south and Amcliffe Street to the west.

The north western half of the site is heavily constrained by stormwater and drainage issues. Two stormwater pipes run under the site and connect to the Bonnie Doon channel. Based on detailed analysis and historical observations, this area is prone to flooding. Developing on this portion of the site would further exacerbate the existing hydrological issues experienced in the area. To deal with these hydrological issues, this portion of the site is to accommodate a new park that has to capacity to serve as a short term stormwater detention basin. Built form analysis and testing of development feasibility identifies that the development of on the south eastern portion of the site would be able to accommodate and support open space on the north western portion of the site.

#### **Objectives**

- To provide opportunities for the provision of public open space as part of the sites redevelopment; and
- B. To provide opportunities for play facilities, such as basket ball courts for the nearby high school.

#### Controls

- Any redevelopment of the site shall include a new public park, and demonstrate compliance with the following controls and shall:
  - Ensure that the new park is located in the are bounded by Allen Street, Arncliffe Street and the SWOOS;
  - Ensure the new park demonstrates compliance with 4.1.3. Water Management and incorporate storm water detention as required. Liaison with Council's Flood Engineer will be required:
  - Ensure the area of the park is as identified at 5000m<sup>2</sup> in the supporting studies, with the park being subject to extensive flood analysis and modeling;
  - d. Provide path way connections for efficient access through the site to Allen Street and to the new pedestrian connection on top of the SWSOOS.
  - Provide generous landscape garden interface to the new building to the south west with new tree planting; and
  - f. Provide areas for passive and active recreation
- New buildings must demonstrate compliance with the following controls and shall:
  - a. Provide a 10m wide pedestrian link through the site to the Bonnie Doon Channel;
  - Ensure through site links are in accordance with "Figure 7.7.39 Through Site Links Plan" on page 7|106;
  - c. Provide residential entries along the park edge;
  - d. Ensure the lower 6 storeys are setback 6 meters from Allen Street and Argyle Street frontages;
  - e. Promote slender buildings, towers exceeding 8 storeys should have a maximum floor plate of 800m<sup>2</sup> gross floor area; and
  - f. The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm 2pm) on 21 June (mid winter).

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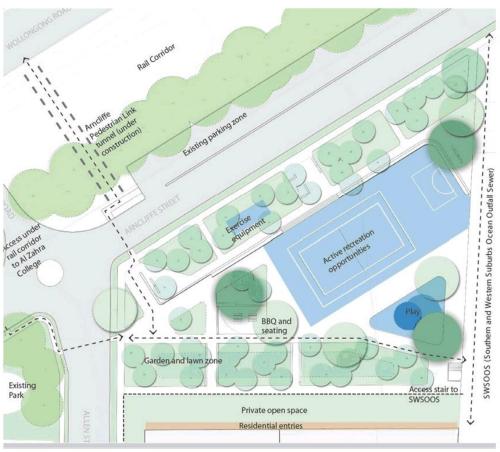
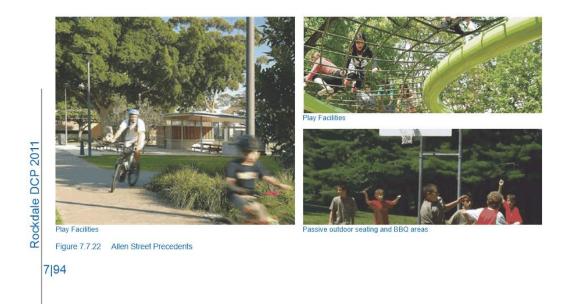


Figure 7.7.21 Indicative Concept Plan Arncliffe Station Park



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Figure 7.7.23 Location Plan Arincliffe Station

### Arncliffe Station Park

Arncliffe Station Park identified in "Figure 7.7.21 Indicative Concept Plan Allen Street" on page 7|93 is located on the corner of Burrows Street and Arncliffe Street with the M5 tunnel dissecting the site in half. The park's location is highly accessible for local residents and visitors due to its close proximity to Arncliffe Station. The park will be bound by mixed use residential development, on road parking and the Masjid Darul Imaan Mosque to the south.

#### **Objectives**

- To provide opportunities for the provision of multifunctional open space;
- B. To provide opportunities for active and passive recreation; and,
- C. To activate the surrounding public domain and streetscape

#### **Controls**

- A new public park will be delivered, and demonstrate compliance with the following controls and shall:
  - a. Ensure the new park is to be of a relatively flat topography for ease of access and movement:
  - Ensure that the new park demonstrates compliance with the 4.1.3 Water Management. Liaison with Council's Flood Engineer is recommended during the design phase of the planning process;
  - c. Incorporate stormwater detention features as required;
  - d. Provide a variety of facilities for all age ranges and types of active and passive use;
  - e. Provide pathway connections should allow for efficient access through to Wooroona Reserve; and
  - f. Ensure any future developments adjoining or adjacent to the park will include active frontages;
- New buildings adjacent to or within the vicinity of the site must demonstrate compliance with the following controls and shall:
  - Ensure building setbacks and site through links are to be in accordance with "Figure 7.7.40 Built Form and Character" on page 7|108; and
  - The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter).

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Figure 7.7.24 Indicative Concept Plan Arncliffe Station Park



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Figure 7.7.26 Princes Highway Landscape Setback

# 3.3 Landscape Setbacks

#### Princes Highway Landscape Setback Objectives

- To provide strong definition to the public domain and create a consistent and attractive streetscape;
- B. To provide enhanced pedestrian amenity;
- To create a landscaped streetscape that can accommodate large tree species; and
- D. To reduce the visual bulk of buildings from the street.

#### **Controls**

- New development in areas identified in "Figure 7.7.26 Princes Highway Landscape Setback" on page 7|97, are to:
  - Provide a landscape corridor along the Princes Highway Corridor from Arncliffe to Banksia. A continuous 6 metre deep soil landscape setback is proposed and are required to:
    - Retain existing trees, where possible. These trees provide a gateway to the precinct and improve the amenity of the street environment for pedestrians, motorists and residents.
    - Where new trees are required landscape plans are to be developed in consultation with Council. New tree planting will be a minimum 600L pot size planted 8 metre apart, in accordance with Council guidelines;
    - Where awnings are located they must provide adequate weather protection as well as ensuring tree planting has space to grow;
  - Relocate footpaths to provide expanded verge and tree planting zones;
  - c. Provide for the provision of under storey planting in garden zones, in accordance with Council guidelines; and
  - Include an additional footpath adjacent to retail and ground floor uses with planting;
- 2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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Figure 7.7.27 Indicative Section and Plan of Intermittent planting along the Princes Highway in the Arncliffe Precinct



Figure 7.7.28 Princes Highway Landscape Setback Precedents

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Figure 7.7.29 Princes Highway Intermittent Planting

# Princes Highway Intermittent Planting Controls

- New development in areas identified in "Figure 7.7.29 Princes Highway Intermittent Planting" on page 7|99, are to:
  - a. Provide a modified landscape corridor along the Princes Highway corridor from Avenal Street, South Arncliffe to Bestic Street, Banksia. In this location where there are B6 zones, retail frontages with on grade parking adjacent to the highway consolidated tree planting zones are to be provided. This allows on grade parking to be retained and for consolidated tree planting zones to be provided along the Princes Highway corridor in private land. Consolidated tree planting zones are to satisfy the following criteria:
    - Minimum 6 x 6 metre deep soil zones along the Princes Highway frontage (minimum requirement one consolidated planting zone per 20 metres of street frontage);
    - Provision of large trees (minimum 15 metres high), in accordance with Council guidelines;
    - Provision of under storey planting in garden zones, in accordance with Council guidelines; and
    - iv. Provision of WSUD treatment gardens in deep soil zones.
- 2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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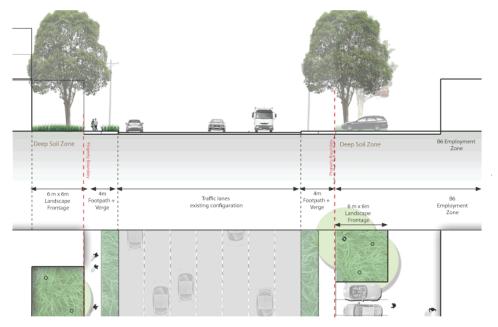
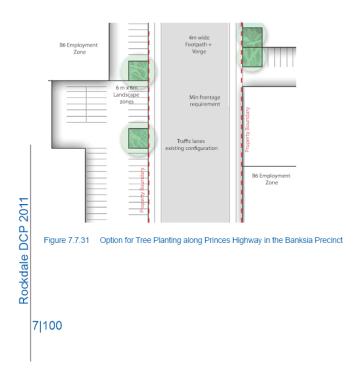


Figure 7.7.30 Indicative Section and Plan of Intermittent planting along the Princes Highway in the Banksia Precinct



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Figure 7.7.32 Residential Streets Landscape Setback

### Residential Streets Controls

- Improvements to existing residential streets are proposed to increase canopy cover and improve neighbourhood amenity.
   New development located in the areas identified in "Figure 7.7.32 Residential Streets Landscape Setback" on page 7|101, are to:
  - a. Provide expanded footpath and verge zones and reduce carriage ways where possible;
  - b. Provide ground floor private open space;
  - Relocate footpaths to provide expanded verge and tree planting zones:
  - d. Provide additional street tree planting to street verges, in accordance with Council guidelines;
  - e. Provide additional tree planting between on street parking bays, in accordance with Council guidelines;
  - Provide gardens with low shrubs and ground cover rather than lawn verges, in accordance with Council guidelines;
  - g. Consolidate deep soil within setback frontages adjacent to existing streets to allow for additional tree planting in private land. This setback should not include private open space; and
  - h. Allow for the integration and provision of rain gardens within landscape areas.
- 2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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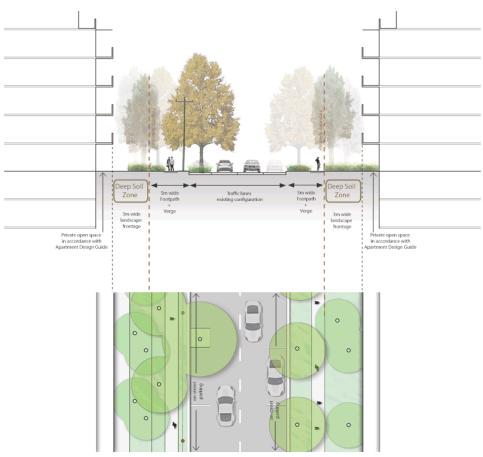


Figure 7.7.33 Indicative Residential Street Section and Plan



Figure 7.7.34 Residential Street Precedents

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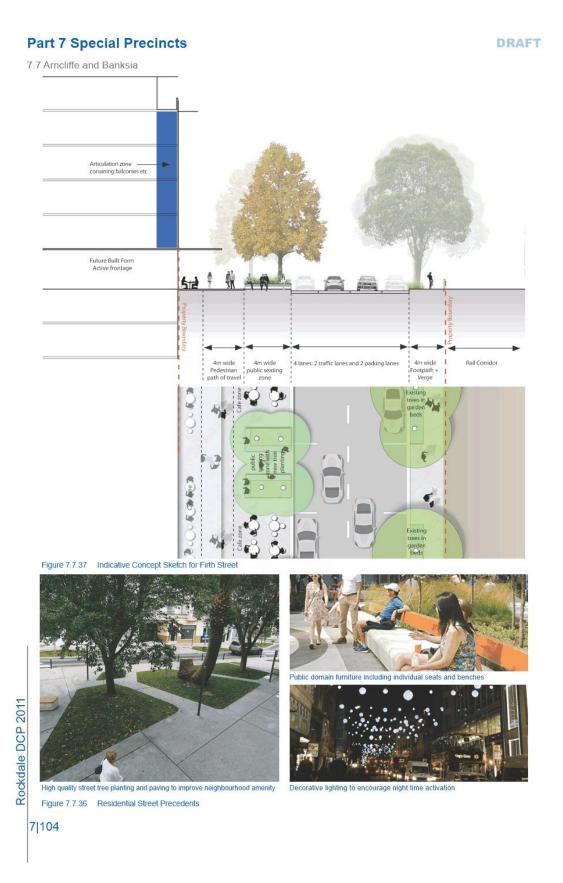


Figure 7.7.35 Retail Streets Landscape Setback

### Retail Streets Controls

- Several existing street reserves are generously proportioned and establish a precedent with large street trees providing amenity and shade. Streets such as Eden Street and Hattersley Street are to be improved through increased and high quality landscaping. New development in areas identified in "Figure 7.7.35 Retail Streets Landscape Setback" on page 7|103, are to:
  - Retain existing large scale trees located in street reserves or setbacks or along the rail corridor;
  - Reduce excess carriageway areas and lane widths and providing expanded footpath zones for informal gathering, seating and outdoor dining;
  - Provide additional tree planting to provide shade and seasonal colour, in accordance with Council guidelines;
  - d. Provide new rain gardens that can filter street runoff;
  - Provide new streetscape elements including furniture and improved pedestrian lighting in accordance with Council guidelines; and
  - f. Incorporate distinctive lighting treatments that respond to local character to enhance the night time experience on primary retail streets, in accordance with Council guidelines.
- Existing overhead power lines are to be moved underground as each site is redeveloped.

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### 3.4 Through site links

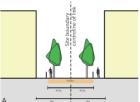
The pedestrian permeability of the Centres will benefit from the provision of additional off street pedestrian connections.

#### **Objectives**

- A. To enhance connectivity through the precinct for pedestrians and cyclists as sites redevelop; and
- B. To ensure the safety of pedestrians and cyclists.

#### Controls

- Through site links are to be publicly accessible connections through sites, but not on land dedicated to Council for a public purpose;
- 2. Through site links are to be maintained by the land owner;
- Through site pedestrian links are to be provided generally in the locations shown on "Figure 7.7.39 Through Site Links Plan" on page 71106:
- Though site links and potential through site links need to be considered as part of any development application;
- Where a through site link is provided on site, FSR is based on the total site area:
- Pedestrian through site links can be provided in a number of ways, including arcades and open links between buildings. To ensure that pedestrian mobility and amenity can be effectively coordinated and integrated, the proponent is to liaise with Council prior to proceeding with detailed site planning and design;
- Through site links or arcades must connect to a public street on both ends and must be of a straight alignment, with clear visual connections:
- 8. Pedestrian through site links are to:
  - a. provide active frontages on both sides with clear glazing for windows and doors from floor to ceiling at ground level;
  - b. be a clear and direct throughway for pedestrians;
  - c. provide a minimum for 6 metres setback to building line:
  - d. have a minimum width of 4.5 metres non leasable space clear of all obstructions (including columns, stairs and escalators);
  - e. demonstrate compliance with Crime Prevention Through Environmental Design (CPTED) principles;
  - f. where practicable, have access to natural light;
  - g. have the capacity to provide active frontages on both sides; and
  - h. be air conditioned and have clear glazed entry doors comprising at least 50% of the entrance.
- Through site links can be adjacent to active frontages, site boundaries (A), transport infrastructure (B) or public open spaces (C) as shown "Figure 7.7.38 Typical through site link cross section" on page 7|105 below.







Note: From the site boundary or centre of proposed or existing link each site should provide

- Minimum 6 metres setback to building line
- Minimum 4.5 metres to be publicly accessible

Figure 7.7.38 Typical through site link cross section

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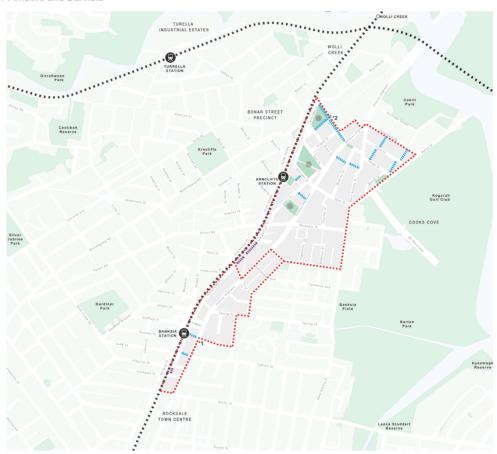
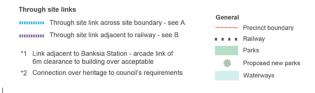


Figure 7.7.39 Through Site Links Plan



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### 7.7.4 BUILT FORM

# 4.1 Building Setbacks

#### **Objectives**

A. To ensure the development creates a positive streetscape and achieves high quality architectural design that promotes commercial, retail and business activity.

#### **Controls**

- New development within the Arncliffe and Banksia Precincts is to provide ground floor building setbacks in accordance with "Figure 7.7.40 Built Form and Character" on page 7|108;
- New buildings should be built to the street alignment within the locations shown in "Figure 7.7.40 Built Form and Character" on page 7|108;
- Buildings should be set back 6 metres along the Princes Highway.
   The setbacks should include significant tree planting, landscaping and a secondary footpath located closer to the shop fronts and away from the traffic; and
- 4. 5 metres landscaped setbacks are to consist of 3 metres landscaping and 2 metres private courtyards. The landscape zone should include large and medium size tree planting, in accordance with Council guidelines.

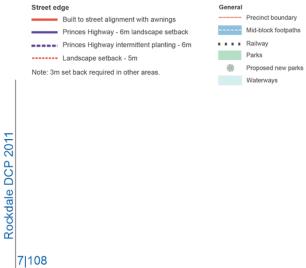
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# 4.2 Street Wall Heights

### **Objectives**

- A. To coordinate building massing along streets and across blocks;
- B. To ameliorate the effects of existing unevenly scaled and massed buildings; and
- C. In addition to the boundary setback requirements, "Figure 7.7.41 Street Wall Heights" on page 7|110 provides additional information on building form, establishing the permissible building envelope and articulation zone within the building envelope.

#### Controls

- New development within the Arncliffe and Banksia Precincts is to provide street wall heights in accordance with "Figure 7.7.40 Built Form and Character" on page 7|108; and,
- The building envelope shall be set back a minimum of 3m above the Street Wall Heights as identified in "Figure 7.7.41 Street Wall Heights" on page 7|110.

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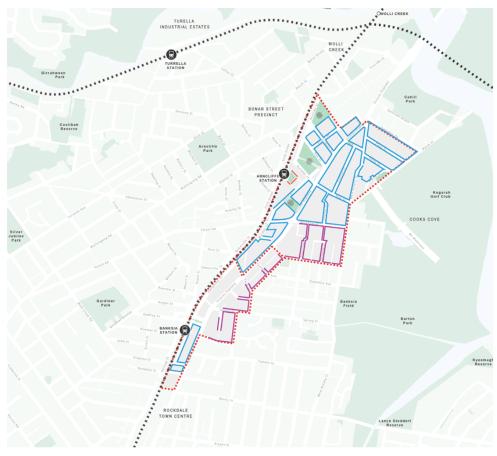
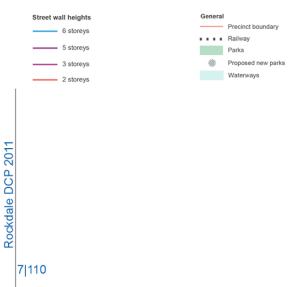


Figure 7.7.41 Street Wall Heights



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### **Part 7 Special Precincts**

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### 4.3 Active frontages

#### **Objectives**

- A. To encourage active street frontages in suitable locations;
- To provide active street frontages to promote activity on the street and public domain; and
- C. To enhance public security and passive surveillance, and improve the amenity to the public domain by encouraging pedestrian activity.

#### Controls

- 1. New development is to provide an active street frontage in accordance with "Figure 7.7.42 Active Frontages" on page 7|112;
- New mixed use development north of Forest Road and fronting the Princes Highway is to provide a floor to ceiling height of 7 metres to accommodate a wide range of retail showroom or commercial uses;
- A building has an 'active street frontage' if all premises on the ground floor of a building presents to the street or the public domain and are used for the purposes of business or retail premises;
- 4. Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use:
- Despite subclause (4), an active street frontage is not required for any part of a building that is used for any of the following:
  - a. entrances and lobbies (including as part of mixed use development);
  - b. access for fire services; and
  - c. vehicle access.
- 6. New buildings are to demonstrate compliance with the following controls:
  - Ground floor frontage to be activated by retail and business premises;
  - b. Locate ground levels at grade with finished footpaths;
  - Reinforce corner frontages on primary streets with shop front windows:
  - Shop fronts that can open out for restaurants and cafes are encouraged;
  - e. No ground floor residential is permitted;
  - f. Residential lobbies are permitted off the street frontage;
  - No vehicle access permitted unless the development has no other street frontage; and
  - h. No service access permitted unless the development has no other street frontage.

# **Part 7 Special Precincts**

**DRAFT** 

7.7 Arncliffe and Banksia



Figure 7.7.42 Active Frontages



### SUMMARY OF AMENDMENTS TO EXHIBITED 7.6 BANKSIA AND ARNCLIFFE DCP CHAPTER

The below table outlines the changes as made to the exhibited chapter 7.6 Arncliffe and Banksia.

The amendments listed below have arisen from updates to the project boundary and details provided by the Department of Planning and Environment, a number of community submissions and alterations to assure the DCP chapter contains best practice protocol.

REFERENCE PAGE – EXHIBITED		-		REFERENCE PAGE - FINAL DRAFT	
7.6	BANKSIA ANI	D ARNCLIFFE	7.7 ARNCLIFFE AND BANKSIA		
EXH	IIBITED 7.6.1	INTRODUCTION	FINAL DRAFT 7.7.1 INTRODUCTION		
1	7 61	Heading updated to reflect Bayside current DCP Chapter numbering –		7 65	
2	7 62	Updated graphic layout     Updated "A Land Use and West Precinct" to "Bayside"     Removed references to Co     Updated gramma and sen     Added "This section of the the boundary of the precin Context" on page 7/66."      Updated figures to be con	ooks Cove	7 66	
3	7 62	to reflect Rockdale DCP 2011)  - Added "b) Communicating environment objectives an authority will assess future - Updated gramma and sen  Updated - 1.3 Relationship to othe updated to reflect Rockdale DCP 2  - Removed "relevant" - Updated "A Land Use and West Precinct" to "Bayside"	d controls against which the consent development applications;" tence structure er sections of the DCP (formatting 011)  Infrastructure Strategy for Bayside West Precincts 2036" consistent with the Rockdale DCP	7 67	
4	7 63	Updated - 1.5 Purpose of this DCP Rockdale DCP 2011)	(formatting updated to reflect	7 67	

		<ul> <li>Added "The primary focus of the Bayside West Precincts 2036 is to establish Precincts that are enjoyable, vibrant and pleasant places to live work and visit."</li> <li>Updated - 1.6 Application of this section (formatting updated to reflect Rockdale DCP 2011)         <ul> <li>Updated graphic layout</li> <li>Updated "Priority Precincts" to "Planned Precincts"</li> <li>Added reference to figure and page number</li> <li>Moved figure to page 7   68 (see 5.)</li> <li>Updated formatting to be consistent with the Rockdale DCP 2011</li> </ul> </li> </ul>
		ICIPLES & INDICATIVE STRUCTURE 7.7.2. VISION AND PRINCIPLES
5	7 64	Updated - 2.1 Vision (formatting updated to reflect Rockdale DCP 2011)  Removed "vibrant communities that are great places to meet work and live", and  Added "vibrant, attractive and connected communities, where people live and work, with great access to public transport, community facilities, new open spaces, shops and local services" as per the Bayside West Precincts 2036  Moved Objectives to page 7   69  Updated site boundary as per Bayside West Precincts 2036 (see Figure 7.7.2 Precinct Boundaries)  Added Arncliffe Park open space (see Figure 7.7.2 Precinct Boundaries)  Updated figures to be consistent with Rockdale DCP 2011
6	N/A	Updated - Objectives (moved to page 7 69)  Removed "Dto ensure a safe permeable and legible public domain" and,  Added "F. To ensure a safe, connected, permeable and legible public domain that caters for the accessibility of pedestrians and cyclists"  Updated point E to point G, and  Added "G A design review panel for buildings over 3 storeys and a competitive design process for buildings over 12 storeys" as per the Bayside West Precincts 2036  Updated point H to point J  Reworded "J. To ensure existing floodplain users do not experience any increase in flood levels"  Removed "Deliver exceptional environmental performance in new buildings, public and private realm and infrastructure behaviour change"  Updated point I to point K  Added "L. Deliver exceptional environmental performance in new buildings, public and private realm and infrastructure"  Added "M. Foster innovation in sustainable design and construction of new apartment development"  Added "N. Advocate for increased minim environmental performance targets in new buildings"

<ul> <li>Added "O. Promote upgrades through incentives and support to overcome the challenges for implementation in strata buildings; and "</li> <li>Added "P. Empowering communities to engage in sustainable choices and positive resident behaviour change"</li> <li>Updated formatting to be consistent with the Rockdale DCP 2011</li> </ul>	
<ul> <li>Updated boundary as per Bayside West Precincts 2036</li> <li>Updated graphic as per Bayside West Precincts 2036</li> <li>Added Arncliffe Park open space</li> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	7 70
Updated - 2.2 Special Character Areas (formatting updated to reflect Rockdale DCP 2011)  Reworded text to simplify "The Arncliffe and Banksia Precinct have been desired into sub-precincts, each with a desired future character as outlined on the following pages."  Updated boundary as per Bayside West Precincts 2036  Updated graphic and legend as per Bayside West Precincts 2036  Added Arncliffe Park open space  Updated figures to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with the Rockdale DCP 2011	7 71
<ul> <li>Added pages detailing desired future character of the Special Precincts including: <ol> <li>Arncliffe Town Centre (7 72 – 7 73)</li> <li>The Princes Highway Arncliffe and Banksia (7 74)</li> <li>2.1 The Princes Highway Arncliffe (7 75)</li> <li>2.2 The Princes Highway Banksia (7 76)</li> <li>Allen Street Neighbourhood (7 77 – 7 78)</li> <li>Cahill Park Neighbourhood (7 79 – 7 80)</li> <li>Arncliffe School Neighbourhood (7 81 – 7 82)</li> <li>Banksia Centre East (7 83)</li> <li>Marinea Street Neighbourhood (7 84)</li> </ol> </li> <li>Updated boundary as per Bayside West Precincts 2036</li> <li>Updated graphic as per Bayside West Precincts 2036</li> <li>Added Arncliffe Park open space</li> <li>Updated figures to be consistent with Rockdale DCP 2011</li> <li>Updated formatting to be consistent with the Rockdale DCP 2011</li> </ul>	7 72 – 7 84
C DOMAIN 7.7.3 PUBLIC DOMAIN	
Updated heading to "3.2 Public domain and open space network"      Removed "The Public Domain Plan" and,      Added ""Figure 7.7.13 Public Domain and Open Space Network Diagram" on Page 7187"	7 85
	overcome the challenges for implementation in strata buildings; and "  Added "P. Empowering communities to engage in sustainable choices and positive resident behaviour change"  Updated formatting to be consistent with the Rockdale DCP 2011  "Updated fromatting to be consistent with the Rockdale DCP 2011  "Updated graphic as per Bayside West Precincts 2036  Added Arncliffe Park open space  Updated figures to be consistent with Rockdale DCP 2011  Updated - 2.2 Special Character Areas (formatting updated to reflect Rockdale DCP 2011)  Reworded text to simplify "The Arncliffe and Banksia Precinct have been desired into sub-precincts, each with a desired future character as outlined on the following pages."  Updated boundary as per Bayside West Precincts 2036  Updated graphic and legend as per Bayside West Precincts 2036  Added Arncliffe Park open space  Updated figures to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Added pages detailing desired future character of the Special Precincts including:  1. Arncliffe Town Centre (7 72 - 7 73)  2. The Princes Highway Arncliffe and Banksia (7 76)  3. Allen Street Neighbourhood (7 77 - 7 78)  4. Cahill Park Neighbourhood (7 77 - 7 78)  4. Cahill Park Neighbourhood (7 77 - 7 78)  4. Cahill Park Neighbourhood (7 77 - 7 78)  4. Cahill Park Neighbourhood (7 77 - 7 78)  4. Cahill Park Neighbourhood (7 84)  Updated boundary as per Bayside West Precincts 2036  Updated graphic as per Bayside West Precincts 2036  Added Arncliffe Park open space  Updated figures to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with Rockdale DCP 2011  Updated Formatting to be consistent with Rockdale DCP 2011

		<ul> <li>Moved graphic plan to page 7   87 in updated document</li> </ul>	
		Updated gramma and sentence structure	
		Updated formatting to be consistent with the Rockdale DCP	
		2011	
11	7 68	Updated - 3.1 Street Network and Design (formatting updated to	
		reflect Rockdale DCP 2011)	
		Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including  - Updated "D. To enhance the precincts permeability including the precincts permeability including the precinct permeability including the permeability including	
		new and improved through site links and connections to adjacent areas outside of the Precinct, and"	
		Removed reference to Cooks Cove	
		Added figure references to be consistent with Rockdale DCP	
		2011	
		Updated section references	
		Removed "recommended" and replaced with "required"	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
12	7 69	Restructure - through site links moved, refer to 7   103 of	N/A
12	7170	updated document	N1/0
13	7 70	Restructure - through site links moved, refer to 7   104 of updated document	N/A
14	7 71	Updated - 3.2 Open Space Network (formatting updated to reflect	7 86
		Rockdale DCP 2011)	
		<ul> <li>Reworded point A.</li> </ul>	
		<ul> <li>Added point "C. To improve connections between open space</li> </ul>	
		and the broader network."	
		<ul> <li>Added "2. New cycle links identifiedof the planning process;</li> </ul>	
		<ul> <li>Reworded point 3 to be consistent with wording and general</li> </ul>	
		objectives of the Apartment Design Guide	
		Graphic moved to 7   87 refer to updated document	
		Updated gramma and sentence structure	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> <li>2011</li> </ul>	
15	N/A	<ul> <li>Updated boundary as per Bayside West Precincts 2036</li> </ul>	7 87
		<ul> <li>Added Arncliffe Park open space</li> </ul>	
		<ul> <li>Added SWSOOS Linear Park</li> </ul>	
		Updated figures to be consistent with Rockdale DCP 2011	
		Updated formatting to be consistent with the Rockdale DCP	
		2011	
16	7 72	Updated - Wooroona Reserve Upgrade (formatting updated to reflect	8 88
	'	Rockdale DCP 2011)	"
		Updated reference graphic	
		Updated Introductory paragraph to give further local context on	
		the area	
		<ul> <li>Added "b. Incorporate active ground floor frontages through</li> </ul>	
		the designation of a forecourt or plaza space to address the	
		park"	
		<ul> <li>Updated 2m setback to 3m setback to allow for significant shade coverage from larger tree species</li> </ul>	

		T	1
		Updated gramma and sentence structure	
		Updated figures to be consistent with Rockdale DCP 2011	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
		Moved plan to 7   89 refer to updated doc	
17	N/A	Updated inclusion of plans and precedent images	8 89
		<ul> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
18	7 73	Updated - Eden Street Development Site, Arncliffe Town Centre	7 90
	'	(formatting updated to reflect Rockdale DCP 2011)	
		Updated reference graphic	
		Added "Indicative open space and built form studies ""Figure	
		7.7.18 Form and Open Space Diagram- Indicative Built Form	
		Study" on page 7/92 and "Figure 7.7.19 Built Form and Open	
		Space Diagram- Indicative Concept for proposed park" on page	
		7/92 "indicate the ability for the site to accommodate buildings	
		together with a significant new public open space."	
		Added "C. Provision of the public open space will occur as these	
		sites redevelop"	
		<ul> <li>Moved Controls to the next page, refer to 7 91 of the updated</li> </ul>	
		document	
		Updated gramma and sentence structure	
		Updated figures to be consistent with Rockdale DCP 2011	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
19	N/A	Added "and demonstrate compliance with the following controls and shall:"	7 91
		Added "Ensure the new public park is to be located to maximise	
		solar access with a minimum of 2 hours of direct sunlight to 50%	
		of the area of the park between 12pm and 2pm in mid-winter;"	
		Updated point a. to point b., and	
		Reworded "b. Provide a minimum width of the 50m along the	
		Eden Street frontage identified with an area of 4000m <sup>2</sup> ;"	
		<ul> <li>Added "c. Ensure direct through site links are to be incorporated within the new park and integrate new space into the</li> </ul>	
		surrounding streetscape:"	
		<ul> <li>Added "d. Ensure new through site link will be provided along the north eastern edge of the site, refer to "Figure 7.7.39</li> </ul>	
		Through Site Links Plan" on page 7/107"	
		Updated point b. updated to point e.  Updated point c. updated to point f.	
		Updated point c. updated to point f.  Addad "a Provide Indeed and eath acts are not "Figure 7/7/13".	
		Added "g. Provide landscape setbacks as per "Figure 7/7/13  Bublic Demain and Open Space Network" on page 7/87"	
		Public Domain and Open Space Network" on page 7/87"	
		Added "h. Ensure the new park space will play a key role in the	
		community providing a new landscape and areas for passive and	
		active recreation activities"	
		- Deleted point (2)a., and	
		<ul> <li>Added "(2)a. Ensure building setbacks and through site links are to be in accordance with "Figure 7.7.40 Built Form and</li> </ul>	

		Character" on page 7/109 and "Figure 7.7.39 Through Site Links Plan" on page 7/107"  - Updated point (2)b. to be consistent with solar controls, as stated in 3.2 Public domain and open space network Control 3.  - Updated point (2)b. to point (2)c.  - Updated gramma and sentence structure  - Updated figures to be consistent with Rockdale DCP 2011  - Updated formatting to be consistent with the Rockdale DCP 2011	
20	7 74	<ul> <li>Updated diagrams in line with Urban Design study to included indicative guidance for open space outcomes</li> <li>Updated figures to be consistent with Rockdale DCP 2011</li> <li>Updated formatting to be consistent with the Rockdale DCP 2011</li> </ul>	7 92
21	7 75	Updated - Allen Street Development Site, Arncliffe Town Centre (formatting updated to reflect Rockdale DCP 2011)  — Updated Objectives to:  A. To provide opportunities for the provision of public open space as part of the sites redevelopment; and  B. To provide opportunities for play facilities, such as basket ball courts for the nearby high school.  — Added "and shall:"  — Added to point c. "in the supporting studies, with the park being subject to extensive flood analysis and modeling;"  — Added point (2)a. "Provide a 10m wide pedestrian link through the site to Bonnie Doon Channel;"  — Updated point (2)b. to include figure reference  — Updated point (2)b. to include figure reference  — Updated point (2)b. to point (2)d.  — Updated point (2)d. to point (2)e.  — Added point (2)f. to be consistent with solar controls, as stated in 3.2 Public domain and open space network Control 3.  — Updated figures to be consistent with Rockdale DCP 2011  — Updated formatting to be consistent with the Rockdale DCP 2011	7 93
22	7 76	Updated diagrams in line with Urban Design study to included indicative guidance for open space outcomes     Updated figures to be consistent with Rockdale DCP 2011     Updated formatting to be consistent with the Rockdale DCP 2011	7 94
23	N/A	Added – Arncliffe Station Park  – Added page Arncliffe Station Park as per the Bayside West Precincts 2036 and the Arncliffe and Banksia Green Plan	7 95 – 7 96

24	7 77	Restructure - Active Frontages, refer to 7   109 and 7   110 of the updated document	N/A
25	7 78	Restructure - Building setbacks, refer to 7   105 and 7   106 of the updated document	N/A
26	7 79	Restructure - Street Wall Heights, refer to 7   107 and 7   108 of the updated document	N/A
27	7 80	Updated - 3.3 Landscape Setbacks (formatting updated to reflect Rockdale DCP 2011)	7 97 - 7 98
		Princes Highway Landscape Setback  Added "B. To provide enhance pedestrian amenity;"  Updated point b. to point c.  Updated point c. to point d.  Reworded Controls adding further detail and landscape requirements, refer to 7   95 of updated document  Updated reference graphic to reflect Bayside West Precincts 2036  Moved diagrams to following page, refer to 7   96 of the updated document  Updated gramma and sentence structure  Updated figures to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with the Rockdale DCP 2011	
28	7 81	Princes Highway Intermittent Planting  Reworded Controls adding further detail and landscape requirements, refer to 7   97 of updated document  Updated reference graphic to reflect Bayside West Precincts 2036  Moved diagrams to following page, refer to 7   98 of the updated document  Updated gramma and sentence structure  Updated figures to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with the Rockdale DCP 2011	7 99 - 7 100
29	7 82	Residential Streets  Reworded Controls adding further detail and landscape requirements, refer to 7 99 of updated document  Updated reference graphic to reflect Bayside West Precincts 2036  Moved diagrams to following page, refer to 7 100 of the updated document  Updated gramma and sentence structure  Updated figures to be consistent with Rockdale DCP 2011  Updated formatting to be consistent with the Rockdale DCP 2011	7 101 - 7 102

20	7100	D. L. II Character	71402
30	7 83	Retail Streets	7 103 -
		Reworded Controls adding further detail and landscape	7 104
		requirements, refer to 7   101 of updated document	
		Updated reference graphic to reflect Bayside West Precincts	
		2036	
		<ul> <li>Moved diagrams to following page, refer to 7   102 of the</li> </ul>	
		updated document	
		<ul> <li>Updated gramma and sentence structure</li> </ul>	
		<ul> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
31	N/A	Updated - 3.4 Through Site Links (formatting updated to reflect	7 105
31	11/7	Rockdale DCP 2011)	/ 103
		Reworded introduction paragraph to simplify	
		Updated point 3. To include figure reference	
		Added point 4. "Through site links and potential through site	
		links to be considered as a part of any development application"	
		Reworded "5. Where a through site link is provided on site, FSR	
		is based on the total site area;"	
		<ul> <li>Updated point 5. To point 6.</li> </ul>	
		Added "7. Through site links or arcades must connect to a public	
		street on both ends and must be of a straight alignment, with	
		clear visual connections;"	
		Added additional controls "8. Pedestrian through site links are	
		to:	
		a. provide active frontages on both sides with clear glazing for	
		windows and doors from floor to ceiling at ground level;	
		b. be a clear and direct throughway for pedestrians;	
		c. provide a minimum for 6m setback to building line;	
		d. have a minimum width of 4.5m non leasable space clear of	
		all obstructions (including columns, stairs and escalators);	
		e. demonstrate compliance with CPTED principles;	
		f. where practicable, have access to natural light; and	
		<li>g. have the capacity to provide active frontages on both sides;</li>	
		h. where air conditioned, have clear glazed entry doors	
		comprising at least 50% of the entrance."	
		<ul> <li>Added point 9. referencing graphics and figure</li> </ul>	
		<ul> <li>Updated through site link on Allen Street development site to</li> </ul>	
		continue through to existing street network instead of part of	
		the way through the site	
		<ul> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
22	21/2		71406
32	N/A	Updated boundary as per Bayside West Precincts 2036	7 106
		Added Arncliffe Park open space	
		Added SWSOOS Linear Park	
		Updated figures to be consistent with Rockdale DCP 2011	
		Updated formatting to be consistent with the Rockdale DCP	
		2011	
		_	

7.6.	5 BUILT FORM	7.7.4 BUILT FORM	
33	N/A	Updated – 4.1 Building Setbacks (formatting updated to reflect	7 107
		Rockdale DCP 2011)	
		<ul> <li>Removed "Ground level setbacks throughout the Arncliffe and</li> </ul>	
		Banksia Precincts have been identified to improve pedestrian	
		and resident amenity and deliver a landscaped character." Was	
		not required in context of introducing chapter.	
		<ul> <li>Added figure reference "in accordance with "Figure 7.7.40 Built</li> </ul>	
		Form and Character" on page 7 106"	
		<ul> <li>Reworded</li> </ul>	
		<ol> <li>"New buildings should be built to the street alignment</li> </ol>	
		within the locations shown in "Figure 7.7.40 Built Form and	
		Character" on page 7 106;	
		<ol><li>Buildings should be set back 6m along the Princes Highway.</li></ol>	
		The setbacks should include significant tree planting,	
		landscaping and a secondary footpath located closer to the	
		shop fronts and away from the traffic;	
		<ol><li>5m landscaped setbacks are to consist of 3m landscaping</li></ol>	
		and 2m private courtyards. The landscape zone should	
		include large and medium size tree planting, in accordance	
		with Council guidelines."	
		<ul> <li>Removed "4. Street proposed specifies shall be subject to</li> </ul>	
		Council consideration and approval" duplication of point 3.	
		<ul> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
		<ul> <li>Moved diagram to following page, refer to 7   106 of the</li> </ul>	
		updated document	
34	N/A	Updated boundary as per Bayside West Precincts 2036	7 108
		Added Arncliffe Park open space	
		<ul> <li>Added SWSOOS Linear Park</li> </ul>	
		<ul> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
35	N/A	Updated – 4.2 Street Wall Heights (formatting updated to reflect	7 109
		Rockdale DCP 2011)	
		<ul> <li>Removed "Street wallswithin the building envelope"</li> </ul>	
		<ul> <li>Added "Objectives</li> </ul>	
		A. To coordinate building massing along streets and across	
		blocks	
		B. To ameliorate the effects of existing unevenly scaled and	
		massed buildings and,	
		C. In addition to the boundary setback requirements, "Figure	
		7.7.38 Street Wall Heights" on page 7 108 provides	
		additional information on building form, establishing the	
		permissible building envelope and articulation zone within	
		the building envelope."	
		Added figure reference "New development within the Arncliffe and Rapkeis Procings is to provide street well beingtonia."	
		and Banksia Precincts is to provide street wall heights in accordance with "Figure 7.7.38 Built Form and Character -	
		Street Wall Heights" on page 7 108; and"	
		Street wall rielgitts on page 7   108; and	

		<ul> <li>Updated figures to be consistent with Rockdale DCP 2011</li> </ul>	
		<ul> <li>Updated formatting to be consistent with the Rockdale DCP</li> </ul>	
		2011	
36	N/A	Updated boundary as per Bayside West Precincts 2036	7 110
		Added Arncliffe Park open space	
		Added SWSOOS Linear Park	
		Updated figures to be consistent with Rockdale DCP 2011	
		Updated figures to be consistent with the Rockdale DCP  Updated formatting to be consistent with the Rockdale DCP	
		2011	
		2011	
37	N/A	Updated – 4.3 Active Frontages (formatting updated to reflect	7 111
	,	Rockdale DCP 2011)	ļ ·
		Added figure reference "1. New development is to provide an	
		active street frontage in accordance with "Figure 7.7.42 Active	
		Frontages""	
		Added "3. A building has an 'active street frontage' if all	
		premises on the ground floor of a building facing the street or	
		other public domain are used for the purposes of business	
		premises or retail premises, or community amenities and	
		present to the street or public domain to achieve the objectives	
		in this section;"	
		Added "4. Development consent must not be granted to the	
		erection of a building, or a change of use of a building, on land	
		to which this clause applies unless the consent authority is	
		satisfied that the building will have an active street frontage	
		after its erection or change of use;"	
		<ul> <li>Added "5. Despite sub clause (4), an active street frontage is not</li> </ul>	
		required for any part of a building that is used for any of the	
		following:	
		<ul> <li>entrances and lobbies (including as part of mixed use</li> </ul>	
		development),	
		<ul> <li>access for fire services,</li> </ul>	
		<ul><li>vehicle access."</li></ul>	
		<ul> <li>Added "6. b. Locate ground levels at grade with finished</li> </ul>	
		footpaths;	
		c. Reinforce corner frontages on primary streets with	
		shop front windows;	
		d. Openable shop fronts for restaurants and cafes are	
		encourage;	
		f. Residential lobbies are permitted off street frontage;	
		Updated point d. to point g.	
		Updated point e. to point h.	
		Updated gramma and sentence structure	
		Updated figures to be consistent with Rockdale DCP 2011	
		Updated figures to be consistent with Nockdale DCP 2011      Updated formatting to be consistent with the Rockdale DCP	
		2011	
		Moved diagram to following page, refer to 7   110 of the     windsted decomposit.	
		updated document	
38	N/A	Updated boundary as per Bayside West Precincts 2036	7 112
55		Added Arncliffe Park open space	/   1112
		- Added Afficilite Park Open space	

_	Added SWSOOS Linear Park	
_	Updated figures to be consistent with Rockdale DCP 2011	
_	<b>Updated</b> formatting to be consistent with the Rockdale DCP	
	2011	
		1



Prepared for the Office of Open Space and Parklands Department of Planning and Environment | 26 September 2018



GREEN PLAN | Arncliffe and Banksia

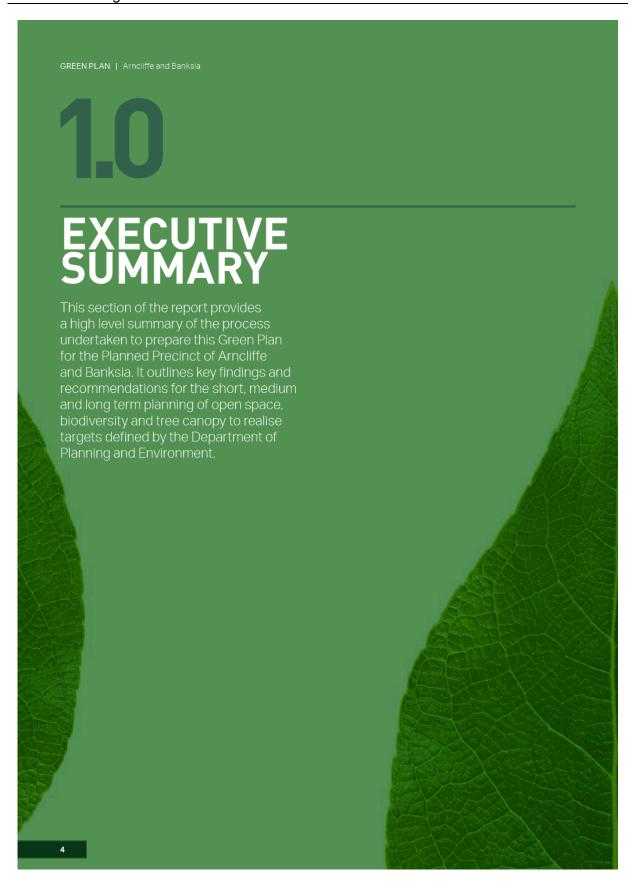
## Quality Information

Document Name	Reference	Revision	Prepared for	Prepared by	Date	Reviewed by
Green Plan - Arncliffe and Banksia	60563041	С	Department of Planning and Environment	AECOM	26 September 2018	Office of Open Space and Parklands

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The population of the Arncliffe and Banksia Planned Precinct is expected to significantly increase by 2036. This growth, combined with the introduction of new residential and mix used development, provides the opportunity to address the demands for open space and recreational activities.

The Green Plan provides a framework for the provision of the new open space, open space infrastructure, together with an integrated tree canopy network and green links will ensure these opportunities are met.

The open space infrastructure initiatives are identified in this Green Plan and classified into one of two categories:

- Committed Initiatives
- Initiatives for Investigation

These aspirational opportunities have been identified to future proof the ability to be realised through acquisitions, negotiations or various other funding opportunities.

This Green Plan process includes:

- Background study of the current urban design context.
- Data collection and analysis of the strategic planning context and existing statutory planning controls.
- Investigation on current open space and tree canopy provision.
- Inclusion of the proposed changes to zoning, new forecasted dwellings and subsequent population growth.

in assessing the background research and drawing insights from community interviews, we have identified the following key elements for Arncliffe and Banksia:

The Green Plan vision statement and guiding principles are built upon and synthesise previous planning strategies with major community needs. The overarching vision will focus on identifying new opportunities for an improved network of open space based on accessibility, quality and safety as key drivers. Moreover the vision will emphasise the role of existing and future open space as corridors for an enriched biodiversity and it will underline the importance of defining a more structured tree canopy coverage to enhance liveability, health and well-being.

- The Open Space Plan in this document proposes opportunities for improved accessibility, safety and quality of the existing open space. The proposal includes acquisition of public and private owned lands, definition of green and blue links, enhancement of existing open space and accessibility improvement to both Arnoliffe and Banksia train stations.
- The provision for new open space initiatives to accommodate a future population of 25,000 people.
   These initiatives include providing pedestrian focused streets that are comparable to linear park environments and quality laneway treatments that provide for passive recreation and high quality outdoor experiences.
- Identifies a new pedestrian and cycling connection across the Cooks River between Cahill Park and Tempe Recreation Reserve
- The Tree Canopy Plan identifies a new tree canopy strategy focusing on public land and following a set of technical assumptions. It investigates a realistic future provision of tree canopy coverage that could be achieved by planting new trees on road corridors and possible future open spaces. The Tree Canopy Plan proposes a total of 996 new trees to be added to public areas within the Precinct.

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This section of the report sets the scene in describing the existing site and context for the Arncliffe and Banksia Planned Precinct. It provides an understanding of the context and an examination of the proposed growth in the Precinct to determine how these elements will influence the provision of open space and tree canopy.



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## 2.1 INTRODUCTION

#### Overview

This Green Plan undertakes a review of the Arncliffe and Banksia Planned Precinct with respect to the provision of open space and tree canopy. The purpose of this document is to understand the desired growth of the Precinct and respond with a plan that focuses on the provision of high quality and integrated open spaces and enhanced tree canopy. In doing so, the plan addresses how the provision of open space and tree canopy meets the needs and expectations of the community in creating high quality, best practice outcomes as the Precinct undergoes significant change.

The Precinct is located 12 kilometres south of the Sydney CBD and to the west of Sydney Airport. It is identified as a priority growth area in the Greater Sydney Commission's Eastern City District Plan.

The importance of the Precinct adjoining the southern portion of the Global Economic Corridor, presents a unique opportunity for renewal and a coordinated plan. The NSW Government is looking to provide new homes and jobs located close to transport and social infrastructure such as open space and schools.

Following feedback received from the community and local council during the development of the existing planning documentation and community discussions for the Precinct, the Department of Planning and Environment (DPE) understands that the provision of open space throughout Arncliffe and Banksia is of high importance. In response, the Green Plan reviews and analyses recommendations on open space, recreation and tree canopy to date and to develop the Planned Precincts Green Plan for Arncliffe and Banksia.

## Report Structure

The Green Plan comprises four key sections:

#### Setting the Scene

This section describes the existing physical and policy context for the Arncliffe and Banksia Planned Precinct. It provides an overview of existing documentation, an understanding of the context and an examination of the proposed growth in the Precinct to determine how these elements will include the provision of open space and tree canopy.

#### · Building the Structure

This section defines a vision for the Arncliffe and Banksia Planned Precinct by defining what will be the enduring legacy for the existing and future local community. This is followed by establishing design principles that will protect and safeguard this legacy through the evolution of the Precinct

#### Defining the Place

This section prepares a design response for the Arncliffe and Banksia Planned Precinct that communicates the vision for open space and tree canopy in the Precinct. The purpose of this is to allow the community to understand what the open space and streets will look and feel like in addition to how open spaces and streets can be used.

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# 2.2 SITE ANALYSIS

This section of the report sets the scene for the Arncliffe and Banksia Planned Precinct.

The Greater Sydney Commission's Eastern City District Plan has identified the Precinct as a priority growth area. The southern end of the Global Economic Corridor adjoins the Precinct and presents a unique opportunity for renewal and a coordinated plan.

The study area Precinct is located approximately 12 kilometres south of the Sydney CBD and approximately 4km to the west of Sydney Airport. The Precinct encapsulates the area surrounding Arncliffe Train Station and a small portion surrounding Banksia Train Station.

The Precinct is dissected by four major highways. The Princes Highway defines the route from the north to the south of the Precinct. Furthermore, Marsh Street provides an additional entry route into the study Precinct. Forest Road and M5 Motorway provide a primary east / west connection into the Precinct.

The following site and context analysis has been undertaken for the Precinct:

### Site Analysis

- Existing Precinct character;
- Existing open space and tree canopy;
- Existing walking distances to open space;
- Existing street network and hierarchy including pedestrian, bicycle, public transport and vehicular movement; and
- Existing natural features including topography, waterways and vegetation.

#### **Character Zones**

There are six distinctive character zones within the green plan study boundary. These include:

- 1. Light Industrial (infrastructure and manufacturing)
- 2. Commercial Centre
- 3. Town Centre
- 4. Low Density Residential
- 5. Medium Density Residential
- 6. Highway

#### Key findings

The key findings from the analysis are:

- The Princes Highway, Forest Road, Marsh Street and M5 Motorway run across the Precinct, creating significant barriers to pedestrian and cyclist connectivity.
- Existing open spaces within the Precinct are only minor green pocket parks. Larger open spaces within 200 metre walking distance from the Precinct boundaries include Gardiner Park, Arncliffe Park, Cahill Park and Barton Park Wetlands.
- A total of 21.25 hectares of open space is currently provided in the Precinct and within 200 metre walking distance from the site boundaries. Considering the existing population of 11,000 people, this equates to 19.8 sqm of open space per person, or 2 hectares of open space per 1,000 people.
- A majority of residents live within 200 metre of open space, while all residents live within 400 metres of open space. The 200 metre accessibility gaps are mostly localised around the central area of the Arncliffe Precinct along Forest Road and Wickham Street, and around the periphery north and south of the Banksia Precinct.
- A total of 19.2% of tree canopy coverage over public and private land is currently achieved across the Precinct.
- Cycle and pedestrian connectivity is limited across the infrastructure barriers of major roads, highway and railway line.
- There are no Endangered Ecological Communities in the Precinct and there is an opportunity to strengthen biodiversity corridors through a "blue and green grid" drawing upon overland flow paths, drainage lines and nearby creeks including Wolli Creek and Muddy Creek.



Figure 1 Aerial photo of Arncliffe and Banksia Planned Precinct (Source: AECOM, 2018)

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## 2.2.1 PRECINCT CHARACTER

The overall Precinct character includes light industrial, commercial centre, town centre, low density residential, medium density residential, and major roads. The landscape neighbourhood character includes steep topography and exposed sandstone escarpment that compliments the single family period dwellings. In contrast, both the commercial centre and town centre are characterised by flat topography, formal urban grid and minimal tree canopy cover. In Arncliffe, larger parks, such as Arncliffe Park and Cahill Park, are located in close proximity to either the commercial town centre or low density residential zones. Similarly in Banksia, Gardiner Park is located within a 10 minute walk from the station.

In general, tree canopy cover throughout the Precinct study area varies and is relatively low. For example, tree canopy in the low and medium density residential zones is minimal. Tree canopy cover in the large portions of the light industrial, town centres, commercial centres and major roads is non-existent. The species found are varied and inconsistent; ranging from predominantly *Lophostemon confertus* (Brush Box) and other species such as *Tristaniopsis laurel* (Watergum) and the occasional *Jacaranda mimosifolia* (Jacaranda), *Ficus Hillii* (Hill Fig).

The topography of the precinct is relatively flat with steeper topography towards residential area in Arncliffe.

General access to open space is limited due to major roads dissecting the spaces making walkability difficult and unsafe

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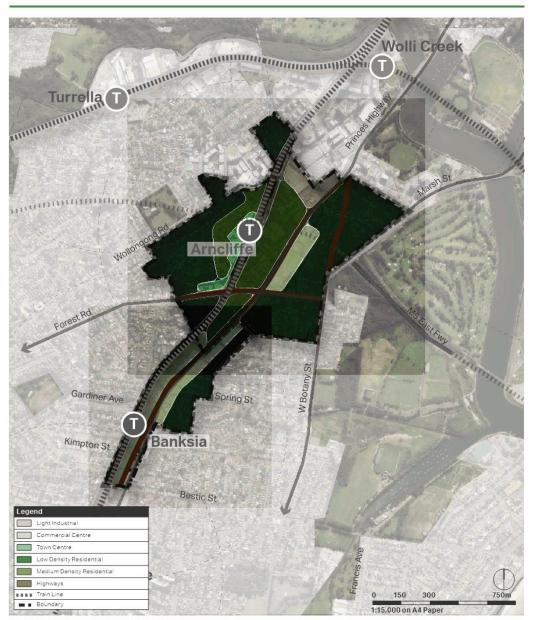


Figure 2 Precinct character zones (Source: AECOM, 2018)

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## Light Industrial (infrastructure and manufacturing)

Generally this zone consists of large format service and industrial land uses with minimal pedestrian amenity. This zone includes a mix of building typologies including industrial warehouses, car services and dealerships. The density of people on the streets is low due to the car-oriented nature of this zone. In addition, the streets are generally not safe to cross due to lack of crossings and speeding traffic. Streetscapes are generally wide encouraging higher reliance on car mobility with minimal walkability. The overall tree canopy in streets is very minimal to non-existent.

## Commercial Centre

This zone is characterised by one to two story buildings, consisting of a medium density commercial core bound by the Princes Highway, Forest Road and low density residential on adjacent sides. In addition, the public domain consists of large warehouses, car showrooms, services and other commercial services. As the zone transitions to low residential (towards Arncliffe) exposed sandstone escarpment define that transition in landscape character. The streetscapes consist of small trees with minimal and patchy tree canopy

## Town Centre

This zone consists of low rise local shops bounded by low density residential and in close proximity to high density residential to the north in Wolli Creek. The zone is easily accessible due to the adjacent Arncliffe train station and some mixed use buildings adjacent to low density residential. The public domain is underutilised due to poor amenity, narrow footpaths, cluttered street furniture and comprises an inconsistent materials palette. The streetscapes consist of patchy and disconnected tree canopy with varied tree maturity.

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# Low Density Residential

This zone consists of two distinctive neighbourhood characters, Arncliffe residential character zone (north) and Banksia residential character zone (south). The residential neighbourhood in Arncliffe includes predominantly single facility brick houses. There is an existing unresolved scale transition between recent large apartment buildings to the north and the predominantly low scale residential neighbourhood. The residential neighbourhood in Banksia is predominantly leafy and green with inconsistent tree canopy and single facility period dwellings. The streets in both zones generally include wide carriageways and some pedestrian pathways and laneways. Access to the commercial town centres and open spaces requires crossing busy roads such as the Princes Highway, Marsh Street, Wickham Street and West Botany Street.



## Medium Density Residential

This zone consists of predominantly two to three story buildings. Older apartment buildings in this zone are characterised with walk-up brick built form with a low fence at the front. More modern apartments are generally characterised with contemporary façades, above average finish with glass balconies and double height lobby. Tree canopy cover is inconsistent in type and height. In addition, majority of tree canopy cover is located within private property behind fences. Streets are wide making the public domain experience dominated by cars. In addition, the footpaths are narrow with narrow grass verge on either side.



## Highways

The overall Precinct is defined by four major roads including the Princes Highway, Forest Road, Marsh Street and M5 Motorway. These corridors limit pedestrian permeability and connectivity of neighbouring residents to open spaces. In addition, due to its arterial nature, the corridors are characterised by minimal tree canopy cover and pedestrian amenity.

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## 2.2.2 STREET NETWORK + HIERARCHY

Major infrastructure barriers characterise this Precinct.

Adjacent to Sydney Airport and dissected by the M5 East Freeway, the site is crossed by major traffic flows outward and toward the City.

A sparse network of secondary roads is supported by a more dense grid of local and minor residential streets, which generally present a wide *right of way* but poor streetscaped vegetation and sidewalk maintenance.

The T4 Illawarra train line cuts through the Precinct in a north-south direction and affects vehicles circulation.

#### **OPPORTUNITIES**

- The Precinct celebrates good accessibility to surrounding major infrastructure such as Sydney International Airport and surrounding major highways. The M5 East Freeway and Forest Road provide a primary east and west connection into the Precinct. In addition, Princes Highway defines a north and south gateway into the site.
- Generally, some portions of the residential zone within the Precinct are characterised with wide verges that lack tree canopy cover. These verges have the opportunity to include additional tree canopy.
- Both Arncliffe and Banksia train station are accessible by the surrounding community within the Precinct.

## CHALLENGES

- Hight traffic level due to strategic location within major infrastructure and lack of a well established secondary roads network affects the general accessibility to open space.
- Poor quality of internal existing roads to be enhanced through both streetscaped vegetation and urban tree canopy.
- Train line as physical barrier for vehicular, bike and pedestrian circulation.

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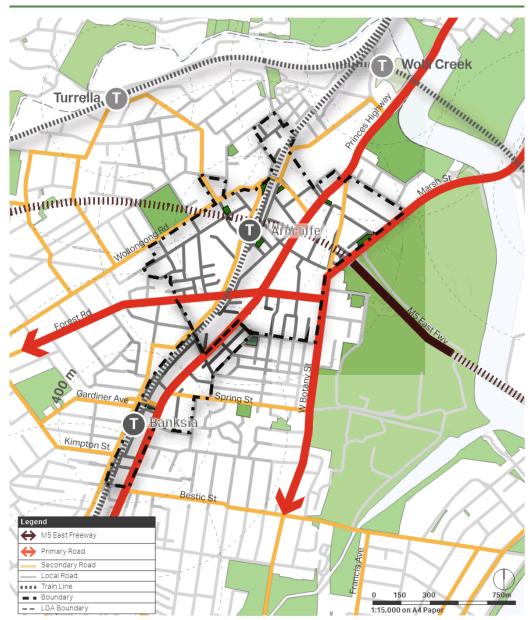


Figure 3 Street network

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## 2.2.3 TRANSPORT AND CYCLING

The east side of the train line is characterised by access to major bus routes to the Sydney CBD, Bondi Junction and Randwick, while the western side has a more local public transportation coverage.

Bicycle off road paths run only across Barton Park, the other bicycle routes are on road and distributed along the railway line and out of the Precinct Boundary along Hirst St, Lorraine Ave and nearby Wolly Creek along Hannam St. No bicycle network coverage is provided among the residential neighbourhoods of both Arncliffe and Banksia.

The T4 Illawarra rail line acts as a barrier and affects internal circulation for public transportation, bicycles and pedestrians. Several rail crossings are distributed along the Precinct but are sparse throughout the Banksia Precinct.

#### OPPORTUNITY

- Good accessibility to local and regional public transportation.
- A network of large residential roads offers the opportunity to implement bicycle routes within neighbourhoods.
- The existing Cooks River off road cycle path offers opportunities to link and expand the on and off road bicycle network through the entire Precinct.

#### CHALLENGES

- Currently poor bicycle network affected by physical barriers and site topography. The Open Space Plan will have to investigate opportunities to expand the cycling network through definition of green and blue links.
- Strong physical barriers in the southern part of the Precinct affect circulation and accessibility.

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Figure 4 Transport and cycling (Source: AECOM, 2018)

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## 2.2.4 NATURAL FEATURES

The site has a complex topography, with a ridge running south-west to north-east and steeply sloping down to the nearby Cooks River. This natural formation of the ground defines the site as a sensitive area for flooding phenomenons.

#### **OPPORTUNITIES**

 The steepness of the site allows the definition of view corridors toward both the city centre skyline and the nearby Cooks River. The Open Space Plan should take into account these corridors to further enhance their value.

#### **CHALLENGES**

- A more integrated green infrastructure network featuring WSUD strategies will provide mitigation measures against possible flooding.
- The complex topography of the Precinct will affect pedestrian and bicycle routes, bringing an additional constraint in terms of physical barriers running across the site. The Open Space Plan will have to investigate possible future opportunities for alternative green and blue links to define an extended network for bicycles and pedestrians.

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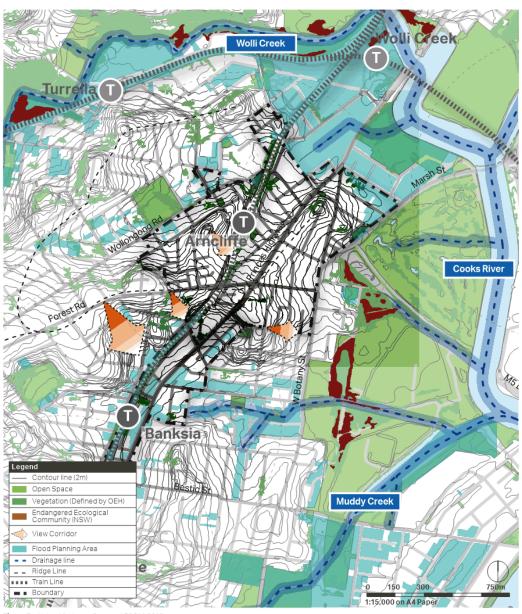


Figure 5 Natural features (Source: AECOM, 2018)

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# 2.3 OPEN SPACE AND TREE CANOPY ASSESSMENT

## 2.3.1 OPEN SPACE ASSESSMENT

Over the 97 hectares of the Arncliffe and Banksia Planned Precinct, only approximately 1 hectare is existing open space. The green areas within the boundaries have an average size not exceeding the 0.1 hectare with the exceptions of Woorona and Marsh St Reserves, respectively of 0.15 ha and 0.23 ha. However, by including the accessible open spaces within 200 metre walking distance from the boundaries, the number increases up to a total of approximately 21.9 hectares, and it comprises few major parks such as Gardiner Park, Arncliffe Park, Cahill Park and Barton Wetlands.

The existing open spaces have been classified under three categories:

- Pockets Parks, for parks smaller than 0.4 hectare and with a catchment area of 300 metres walking distance.
- Local Parks, for parks in size between 0.4 to 1 hectare and with a catchment area of 400 metres walking distance.
- Neighbourhood Parks, for parks in size between 1 to 5 hectares and with a catchment area of 800 metres walking distance

The existing open spaces do not offer a wide range of recreational activities or sport facilities, but they are mostly utilised as green open space and children's playgrounds.

Green areas, such as Almond St Reserve, Empress Reserve and Hattersley St Reserve, are frequently located on residual sites, at the edge of major infrastructure and not related to other public amenities such as schools, community halls or religious buildings.

#### **OPPORTUNITIES**

- Large green open spaces such as: Gardiner Park, Arncliffe Park, Cahill Park and Barton Park Wetlands are accessible within 200 metre radius from the Precinct boundaries and within 800 metres radius from the Arncliffe and Banksia train stations. The community's demand for suitable sized open space can be implemented including these surrounding areas within the Open Space Plan strategies.
- Proposed upgrades for existing open spaces are already setting to implement the green infrastructure network and recreational areas. Further opportunities will be investigated following and enhancing these previous strategies.

#### **CHALLENGES**

- The current Precinct boundaries do not include any major open spaces, only small green pockets mostly utilised as playgrounds or lawn. Proper recreational activities will be held in the large surrounding parks outside of the Precinct.
- Underutilisation of the existing open spaces mostly due to their marginal location and lack of amenity.

Exist	ing C	) pen Space	Size (sqm)	Size (ha)	Scale	Hierarchy	Catchment	Recreation focus
	01	Belmore St Reserve	1,100	0.11	< 0.4 ha	Pocket	300m	Passive
Within Precinct Boundaries	02	Almond St Reserve	1,300	0.13	< 0.4 ha	Pocket	300m	Passive
	03	Empress Reserve	850	0.08	< 0.4 ha	Pocket	300m	Passive
	04	46 Princes Highway	700	0.07	< 0.4 ha	Pocket	300m	Passive
	05	Hattersley St Reserve	600	0.06	< 0.4 ha	Pocket	300m	Passive
	06	Woorona Reserve	1,500	0.15	< 0.4 ha	Pocket	300m	Passive
>	07	Marsh St Reserve	2,300	0.23	< 0.4 ha	Pocket	300m	Passive
	Tot	al within Boundary	8,300	0.83				
distance	08	Gardiner Park	42,700	4.27	0.4 - 1.0 ha	Local	400m	Active
	09	Arnoliffe Park	37,900	3.79	0.4 - 1.0 ha	Local	400m	Active
	10	45 Bonar St	2,400	0.24	< 0.4 ha	Pocket	300m	Passive
g se	11	Walker Street Reserve	1,300	0.13	< 0.4 ha	Pocket	300m	Passive
walking	12	Cahill Park	49,950	4.99	1.0 - 5.0 ha	Neighbourhood	800m	Active
N Wa	13	Barton Park Wetlands	39,550	3.95	1.0 - 5.0 ha	Neighbourhood	800m	Passive
30 metre walking from Boundaries	14	Riverine Park	8,950	0.90	0.4 - 1.0 ha	Local	400m	Passive
JE E	15	Eve St Reserve	5,100	0.51	0.4 - 1.0 ha	Local	400m	Passive
Within 200 metre from Bou	16	Lynwen Crescent	4,500	0.45	< 0.4 ha	Pocket	300m	Passive
	17	Beehag Reserve	4,450	0.44	< 0.4 ha	Pocket	300m	Passive
	18	Marinea St Reserve	1,950	0.19	< 0.4 ha	Pocket	300m	Passive
$\leq$	Tot	al outside Boundary	210,500	21.05				
Total Existing Open Space		218,800 sqm	21.88 ha					

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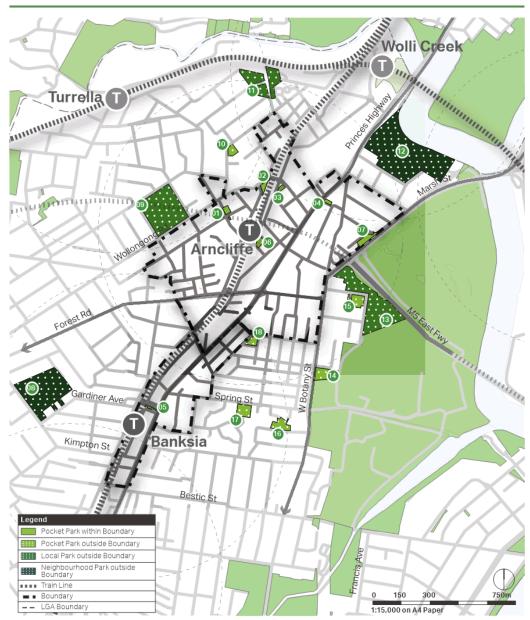


Figure 6 Existing open space (Source: AECOM, 2018)

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## 2.3.2 WALKING DISTANCE TO OPEN SPACE

There are currently 21.9 hectares of open space provided in the Precinct and within 200 metre walk from the Precinct boundaries. There are 11,000 people currently living in the Precinct, this equates to 19.8 square metres (sqm) of open space per person, or 1.98 hectares of open space per 1,000 people.

Even though the existing ratio of open space per person is relatively high, the current network of open space is not distributed uniformly across the Precinct. In addition, multiple infrastructure barriers limit the real catchment area of each park. These conditions define a significant 400 metre accessibility gap mostly concentrated around the area of Forest Road and Wickham Street.

Considering the current and future open space provision ratio, the Green Plan overarching strategy primarily focuses on the open space quality, safety and accessibility. Future possible acquisitions and embellishments of existing open space will be investigated to improve these factors rather than merely adding new open space quantity.

#### **OPPORTUNITY**

A well established network of pocket parks guarantees
a distributed coverage among the Precinct with the
exception of the area around Forest Road and Wickham
Street. The Open Space Plan will investigate future
opportunities to improve the accessibility gap in the
above mentioned area.

#### **CHALLENGES**

- The accessibility to open space for the area around Forest Road and Wickham Street has to be improved working on possible land acquisition and transform the infrastructural barriers into accessible and safe linkages.
- While parks offering playgrounds are quite well distributed among the entire Precinct, parks providing sport fields and recreational spaces are mostly located only around the periphery of the Precinct within Gardiner Park, Arncliffe Park and Cahill Park. The Open Space Plan will have to identify stronger linkages to guarantee a better accessibility towards these areas for the entire Precinct.

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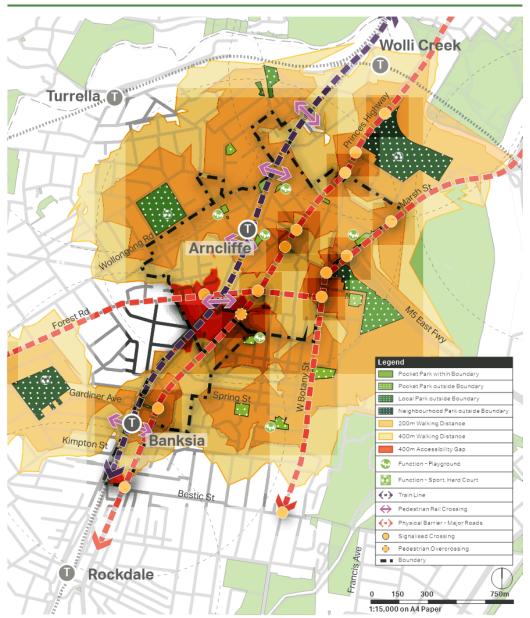


Figure 7 Walking distance to open space (Source: AECOM, 2018)

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## 2.3.3 TREE CANOPY

Well distributed tree canopy coverage characterises the residential areas of the Precinct on the west side of the railway line. These zones have a higher coverage due to generous building setbacks from street frontages allowing for trees in the private and public land.

Within areas with denser building footprint, such as the commercial area along the Princes Highway and the light industrial zones in the northern portion of the Precinct, the tree canopy coverage becomes lower.

#### **OPPORTUNITIES**

The Princes Highway Corridor Strategy (Part B) has identified general streetscape improvements to the Highway in the adjacent sections of Arncliffe and Banksia train stations. Some of these improvements include undergrounding overhead power lines and telecommunications cables. As a result, this would allow for larger tree canopy to be planted on both sides of the Highway. In addition, the Princes Highway is characterised with a wide carriageway and larger setbacks particularly near commercial areas surrounding Arncliffe and Banksia stations. Therefore, this provides the opportunity for additional trees to be added in order to balance the higher building footprint coverage.

#### CHALLENGES

The northern periphery of the Precinct is currently
undergoing major urban development. This has resulted
in an urbanised character that lacks tree canopy and
general amenity. Therefore, additional tree canopy
within streetscapes need to be provided to mitigate the
increasing density and uplift. In addition, local DCP should
include expected percentage of tree canopy cover for
future developments within the Precinct.

According to a collaborative research undertaken by AECOM, University of New South Wales, Low Carbon Living CRC and other consultancies, it has been found that tree canopy provides major benefits to the urban built environment.

The integration of tree canopy and tree canopy in our urban environments not only reduces the heat island affect, but it also provides other benefits such as:

- Improve perceived noise, smell aesthetics of streets and Precinct.
- Trees provide better shade and thermal comfort than shade structures.
- An effective cooling method is the integration of water and bushland.



#### **HEALTH BENEFITS**

- Walking and active transport is encouraged.
- · General reduced health budget costs.
- Mental and physical health improvements.



#### PROPERTY VALUE

 Potential correlation between a 5% increase in shade with a \$15,000 increase in property value.



#### ECOSYSTEM and BIODIVERSITY

- Increased habitat and biodiversity in urban area
- Air pollution improvements as a result of more CO2 absorption and fine air particulates reduction.



#### INFRASTRUCTURE DURABILITY

- Asset lifecycle increased as a result of less UV damage.
- Extended life of infrastructure (including sidewalk pavements and street asphalt).



## AMENITY VALUE

General amenity improvement and appeal of open space.



- Contributes to place character of place and strengthens community identity through social cohesion and community appreciation of open space.
- Increased buffering and privacy by defining structure to urban form.
- Reduced crime and providing cohesive green connections through city.

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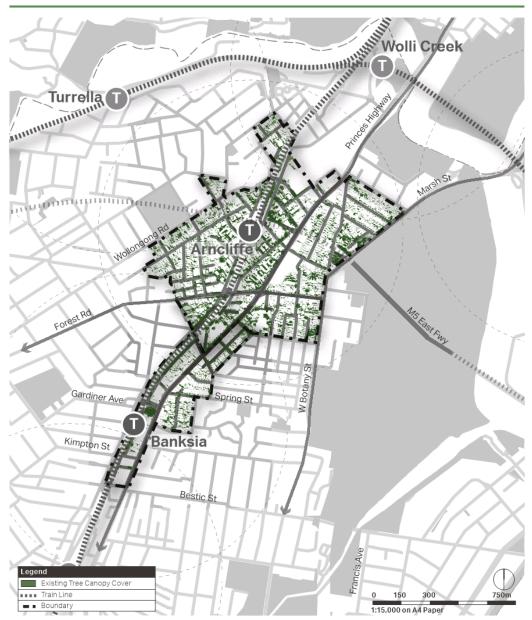


Figure 8 Tree canopy (Source: AECOM, 2018)

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## 2.3.4 TREE CANOPY ASSESSMENT

An assessment of the existing tree canopy has been undertaken to establish those areas within the Precinct where there is an opportunity to expand the tree canopy cover by using the following targets set by the Government Architect's Office:

We have calculated the amount of tree canopy currently achieved on both public and private land across each of these land use areas which is outlined in the table below.

- Tree Canopy Urban zone target of 25%
- Tree Canopy Suburban zone target of 40%

Existing Conditions	URBAN	SUBURBAN		
Land Area (ha)	55.9 ha	41 ha		
Tree Canopy Cover on both Public and Private Land (%)	18.24%	20.63%		
Tree Canopy Cover Target (%)	25%	40%		
Canopy Cover Shortfall (%)	6.76%	19.37%		

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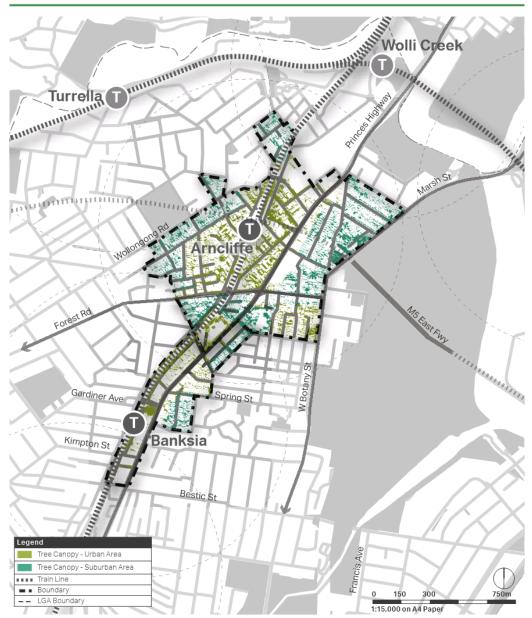


Figure 9 Existing tree canopy (Source: AECOM, 2018)

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We have also highlighted the amount of tree canopy currently achieved on public land only, noting that the public domain is where the DPE and local governments have the greatest ability to influence the tree canopy.

If we take in account only the existing tree canopy within public lands, the existing percentage of canopy coverage gets lower values and defines a bigger shortfall to achieve the target tree canopy cover.

- For the urban area the shortfall rises from 6.8% to 19.7%
- For the suburban area the shortfall rises from 19.4% to 34.8%

These numbers emphasise the role played by the tree canopy coverage on private lands and highlight how much further urbanisation will impact on the overall coverage numbers.

Existing Conditions	URBAN	SUBURBAN	
Land Area (ha)	55.9 ha	41 ha	
Tree Canopy Cover only on Public	5.3%	5.2%	
Land (%)	3.3 %	J.2 /6	
Tree Canopy Target (%)	25%	40%	
Tree Canopy Shortfall (%)	19.7%	34.8%	

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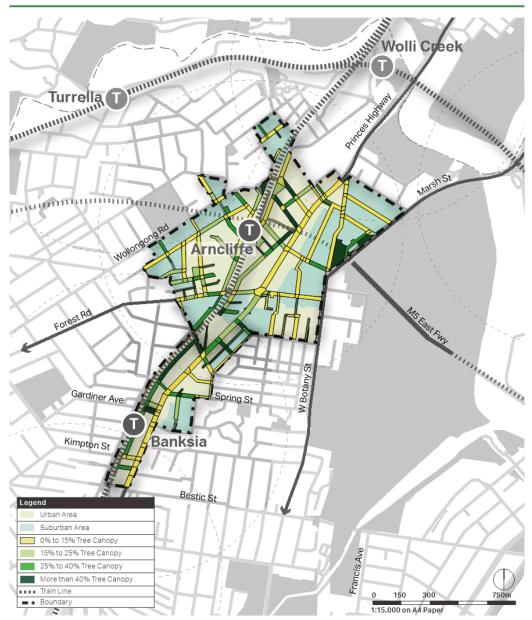
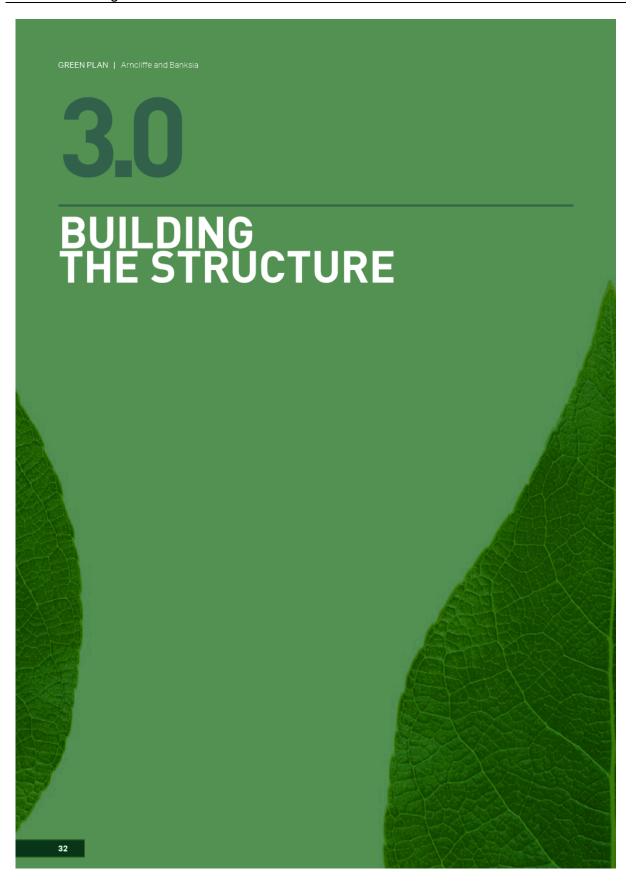


Figure 10 Tree canopy within road reserves and RE1 zoned areas (Source: AECOM, 2018)





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## 3.1 VISION STATEMENT

The vision for Arncliffe and Banksia has been developed following a review of previous strategic planning and vision setting for the Precinct and refined in consultation with the Department of Planning and Environment. The vision responds to previously articulated aspirations for the Precinct and adds a new layer focus on **open space**, **recreation**, **biodiversity and tree canopy**. Key documents

 Bayside West Precincts Draft Land Use and Infrastructure Strategy, Department of Planning and Environment (2017)

reviewed to inform the vision include:

- Arncliffe and Banksia Statio n Precincts Urban Design Report, Gallagher Studio and Architects (2016)
- Rockdale Open Space and Recreation Needs Analysis, Rockdale City Council (2015)
- Rockdale Open Space and Recreation Strategy, Rockdale City Council (2010)
- Rockdale Community Strategic Plan, Rockdale City Council (2013)
- Princes Highway Corridor Strategy, Rockdale City Council (2013)
- Rockdale City Urban Strategy, Rockdale City Council (2010)
- Rockdale Biodiversity Strategy, Rockdale City Council (2014)
- Draft Greener Places, Government Architect's Office (2017)
- Sydney Green Grid Eastern District, Government Architect's Office (2017)
- Greater Sydney Region Plan: A Metropolis of Three Cities, Greater Sydney Commission (2018)
- Eastern District Plan, Greater Sydney Commission (2018)

Arncliffe and Banksia are located within the Eastern City District as outlined in the Greater Sydney Commission's metropolis of three cities. There are Ten Key Directions for the metropolis and the Eastern City District of which three apply to this Green Plan. These include;

A City for People – Celebrating diversity and putting people at the heart of planning.

A Well Connected City – Developing a more accessible and walkable city.

A City in its Landscape – Valuing green spaces and landscapes.

Greater Sydney Commision



Department of Planning

The overarching vision is to:

"Deliver green infrastructure that provides social, environmental and economic benefits for the people of Arncliffe and Banksia."

Rockdale's recent community consultation expressed a strong interest in the retention and improvement of existing open space and the provision of more high quality Green Space.

Key findings from the Rockdale community statement are:

- Improve pedestrian and cycle links to the network of open spaces to enhance connectivity towards district and regional open space facilities.
- Upgrade local parks and playgrounds to maximise the usage of existing open spaces.
- · Plant more trees.
- · Protect natural habitat and acquire recreational spaces

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A City for People - Celebrating diversity and putting people at the heart of planning

A Well Connected City – Developing a more accessible and walkable city



A City in its Landscape – Valuing green spaces and landscapes

(Source: Eastern District Plan, Greater Sydney commission)



## **OPEN SPACE FOR** RECREATION

Establish an interconnected network of open spaces that are flexible, safe and equitable to meet the multicultural community needs for recreation and foster their values for cultural diversity and active living.



**OPEN SPACE FOR BIODIVERSITY** 

Connect Cooks River to Wolli Creek through biodiversity corridors to enhance the natural identity of the landscape and provide a range of environmental and social benefits.



TREE CANOPY

Reinforce tree canopy in the public domain to maximise comfort and enhance the liveability. health and well-being of both the community and the environment.

# 3.2 GUIDING PRINCIPLES

To support the implementation of the long term open space, recreation, biodiversity and tree canopy vision for Arncliffe and Banksia, a series of guiding principles have been identified. The guiding principles are intended to guide the decision making process in assessing and prioritising the enhancement of existing open space, the potential acquisition of new open space and the strengthening of biodiversity corridors and tree canopy across the Precinct.

The guiding principles are intentionally action-oriented. They describe what each design principle is, why it is important and how it can be achieved. Like the vision, it is recommended that the preliminary guiding principles outlined in this section of the report be tested with the existing Arncliffe and Banksia community to ensure their relevance and alignment with community needs and expectations.

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#### **PEOPLE**





# PRINCIPLE 1 COMMUNITY NEEDS

## Deliver a high quality public domain aligned with the community's needs

To achieve this:

- Confirm the specific needs and expectations of the existing and future community
- Allocate investment aligned with these needs and expectations
- Optimise existing open spaces and adapt the function to best meet the needs of the community
- Provide high quality public domain and open space commensurate with the increased density occurring in the Precinct, particularly surrounding Arncliffe and Banksia train station
- Provide better connectivity between open spaces and through major road barriers such as Forest Road, West Botany Road, and Marsh street



PRINCIPLE 2 **HUMAN SCALE** 

# Plan for people-oriented spaces and streets to prioritise pedestrians

To achieve this:

- Incorporate human comfort index, by ensuring thermal, visual and acoustic comfort in public domain
- Ensure people focused movement by emphasising streets and footpaths as part of the public domain
- Think regionally to simplify pedestrian and cyclist connections to Turrella, Tempe and the airport
- Provide enhanced pedestrian connectivity between town centres, public transport services, cycle networks and natural systems
- Consider landscape setbacks on the Princes Highway to improve amenity for pedestrians and cyclists
- Offer a diversity of spaces and streets that can be programmed to deliver a variety of active and passive open spaces



PRINCIPLE 3
LOCAL IDENTITY

## Enhance the local character and river identity to create a strong sense of place

To achieve this:

- Build upon the existing character, topography and heritage of the Precinct
- Investigate opportunities to integrate the heritage Southern and Western Sydney Ocean Outfall Sewer (SWSOOS) into the movement network
- Reinforce Arncliffe and Banksia's close proximity to the Rockdale Wetlands Open Space Corridor, Cooks River and Muddy Creek
- Create destinations that are unique to the people and the place of Arncliffe and Banksia
- Consider street tree planting species that support the local character and assist in delivering an increased tree canopy

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### **NATURE**



# PRINCIPLE 4 NETWORK

## Create a network of open space to enhance biodiversity and connectivity

To achieve this:

- Deliver an integrated and coordinated "green and blue grid" of open space, biodiversity and water sensitive urban design corridors across the Precinct
- Enhance and sustain biodiversity through a connected network of bushland, wetland and foreshore habitats
- Establish clear connections to nearby open space and natural amenity, such as the Cooks River and Rockdale Wetlands Open Space Corridor, which are currently difficult to access
- Provide high amenity connections for pedestrians and cyclists through the Precinct and along the Cooks River
- Reinforce visual connections between open spaces, including Gardiner Park, Arncliffe Park and Cahill Park



## PRINCIPLE 5

#### QUALITY

### Maintain and improve the open space quality within the Precinct

To achieve this:

- Quantify existing open space provision in the Precinct
- Assess quality of existing open space in the Precinct
- Determine the future quantity and quality required based on the forecast growth and demographics
- Acknowledge the relationship between increased density and increased need for open space
- Apply a "maintain and improve" approach aligned with the existing landscape character
- Improve, upgrade and embellish existing open spaces including Wooroona Reserve, Arncliffe Park and Gardiner Park
- Investigate opportunities to create new open spaces at Allen Street, Eden Street, Burrows Street, Kyle Street, the RMS site and the LaHC



## PRINCIPLE 6

#### RESILIENCE

## Demonstrate leadership in resilience to align with Council's aspirations

To achieve this:

- Address NSW Government priorities including health, climate resilience, biodiversity loss, rapid population growth, changing lifestyles and demographics, infrastructure and urban renewal
- Respond to climate change through action and adaption
- Preserve, protect and promote the Precinct's natural resources
- Minimise natural area fragmentation and promote corridor and habitat linkages
- Prioritise tree canopy above overhead wires in the long term
- Improve air and water quality throughout the Precinct
- Investigate opportunities to mitigate climate change and urban heat island effect
- Contribute to the community's environmental awareness

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#### HEALTH





## PRINCIPLE 7 **EQUITY**

# Ensure equitable access to open space to increase its usage and functionality

To achieve this:

- Mitigate the existing physical barriers of the elevated railway line, Princes Highway, West Botany Street, Marsh Street, Forest Street and the M5 Motorway to improve connectivity to open space
- Incorporate universal access principles into open space design for people of all ages and abilities
- Facilitate inclusive design and accessibility to all active transport and public transport facilities
- Imoprove connectivity and accebility to open space by increasing signalised crossings through green and blue links
- Deliver accessible open space within 200-400m walking distance for all residents and workers in the Precinct
- Provide active open space or an active recreational facility within 1km for all residents and workers in the Precinct

PRINCIPLE 8

#### **SAFETY**

# Provide a safe, comfortable environment to encourage activation and vibrancy

To achieve this:

- Integrate Crime Prevention Through Environmental Design (CPTED)
- Design open spaces that allow for passive surveillance
- Encourage day and night time, weekday and weekend activation of public domain
- Ensure walking and cycling networks that are safe and well lit at all times
- Provide safe pedestrian and cycle crossing points across major infrastructure barriers such as the elevated railway line and busy roads within the Precinct
- Reinforce pedestrian and cycle connections with the general future streetscape improvements identified for Princes Highway and adjacent sections of Arncliffe and Banksia train stations

## PRINCIPLE 9 WELLNESS

### WLLLINLSS

# Promote active and healthy living to contribute to well being of the community

To achieve this:

- Adopt a "maintain and improve" approach for the provision of sport and recreation facilities for the existing and future community of Arncliffe and Banksia
- Deliver continuous, user-friendly networks for on-road and off-road local and regional cycling
- Improve footpath quality, width and continuity
- Maintain and improve street trees to provide a high amenity environment for walking and cycling particularly on the Princes Highway and identified green / blue links
- Reduce car dependency especially for short trips within the Precinct
- Integrate end-of-trip facilities into commercial buildings
- Facilitate and enhance access to foreshore, natural and bushland areas

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#### **ECONOMY**





# Design for flexibility and adaptability to cater for the future population

To achieve this:

- Optimise open space provision, design and delivery through flexible design
- Deliver robust open spaces that are flexible in their programming and capable of responding to change
- Expand the diversity of open space and recreation facilities available
- Increase the provision of multipurpose, multifunctional, shared and co-located sports and recreation facilities including shared school grounds and repurposed golf courses
- Reassess the community's needs on a regular basis and respond accordingly



PRINCIPLE 11 **DELIVERY** 

#### Facilitate a coordinated, strategic delivery and provision of open space

To achieve this:

- Identify land for short term and long term acquisition to assist in the provision of additional open space for the Precinct
- Provide facilities, services and open space in an efficient manner to support future changes in development
- Make the most of limited resources through designing facilities and open space as multi-purpose, co-located and capable of accommodating shared or multiple use arrangements
- Investigate partnership opportunities with other public or private organisations to identify shared delivery models
- Prepare a long term open space and recreation master plan for the Precinct to streamline delivery



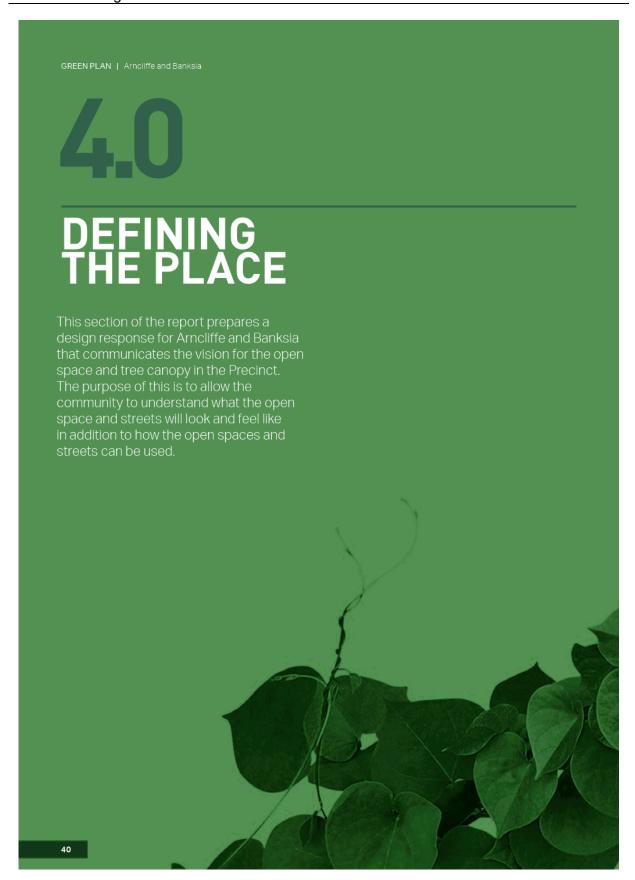
PRINCIPLE 12

#### **FUNDING**

#### Optimise funding of open space through innovative financing models

To achieve this:

- Build in efficient measures that send the right price signals and avoid significant dead-weight loss
- Maximise effectiveness by raising funds when needed and growing funds as the economy grows
- Ensure horizontal equity where levy payers with similar characteristics are treated equally and costs are allocated to those that both generate the demand and receive the benefit
- Provide a mechanism that is reconciled with the full funding spectrum and appropriate in infill situations where infrastructure provided supports a regional catchment



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## 4.1 OPEN SPACE PLAN

The Open Space Plan responds to the vision and guiding principles articulated in the previous section of the Green Plan. It also addresses the need to integrate the current open space provision when considering the proposed growth in the Precinct. It includes the new re-zoning proposal developed by DPE and identifies infrastructure initiatives, which are classified into one of two categories (in line with regional NSW policy). The categories are as follows:

Committed Initiative (0-10 year timeframe)	•
Investigation Initiative (Up to 20 years timeframe)	•

The Open Space Plan identifies opportunities to enhance and activate existing open spaces and better connecting these open spaces to the community living and visiting the precinct. Below are the key infrastructure initiatives and their respective classification:

#### **Committed Initiatives**

- The Department is delivering a new park next to Arncliffe Station on the corner of Arncliffe Street and Burrows Street. This park will be at least 7,000 square metres in size and includes recreation space, childrens play areas, an off-leash dog area and opportunities for community facilities. The park will be masterplanned in collaboration with Bayside Council and the local community to ensure it meets local needs.
- The Department has contributed \$3 million to Bayside Council through the Precinct Support Scheme funding to develop a Public Domain Plan and Technical Manual that will deliver street works and guide any future development applications in Arncliffe town centre and along the Princes Highway.
- The Department has committed to upgrading two parks through the Precinct Support Scheme funding. The funding will see a \$4.5 million upgrade to Arncliffe Park and \$2.5 million allocated for Gardiner Park improvements, these include the installation of synthetic playing fields which are much needed by the local sporting community and lighting and safety upgrades.
- Wooroona Reserve, Marinea Reserve and Marsh Street Reserve have been identified as parks to be improved.
- The Department (through the Draft SIC) will provide funding towards the integration of the heritage Southern

- and Western Suburbs Ocean Outfall Sewer (SWSOOS) into the pedestrian network which could include the creation of a linear park.
- Funding towards a new shared pedestrian and cycle path following the Cooks River, through the Cooks Cove area.
   This link will provide the missing link to the Botany Bay to Homebush Bay regional cycle network. The location for this path will be subject to detailed design as part of future investigations.
- Funding towards improved pedestrian and cycling crossings across Marsh Street and Princes Highway to provide better access between Cooks Cove and the Wolli Creek railway station.
- Footpath connections throughout the Precincts so that they are safe, well-lit and have pedestrian crossings at key locations.
- New on-road cycleways connecting the railway stations to the Eve Street Cycleway and Wolli Creek to form part of a new east-west cross regional route.
- Funding towards the construction of a new pedestrian and cycling connection across the Cooks River between Cahill Park and Tempe Recreation Reserve.
- Improving the existing north-south on-road cycleway between Banksia and Arnoliffe stations.

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#### Initiatives for Investigation

In addition, the redevelopment of areas within the Precincts provides an opportunity to open up private sites for public open space as large sites redevelop. The following potential sites have been identified and are subject to further investigation through the development assessment process:

- Eden Street Park a new park (up to 0.4ha) could be provided close to the Arncliffe town centre, to the east of the railway station, between Eden Street and the Princes Highway as part of any future redevelopment of the social housing estate.
- Allen Street Park a new park (up to 0.5ha) could be located adjoining the boundary with Wolli Creek incorporating the heritage listed SWSOOS as part of any future development of the Ford Service Centre. This park could provide playground facilities and passive recreation opportunities.

The Open Space Plan proposes an enhanced interlinked network of green infrastructures composed by a mix of new open spaces and embellished existing parks better connected through a system of linear parks and green and blue links. It balances the future developments and answers to the current demand for recreational spaces and green pockets.

The Open Space Plan defines a preferred network of green and blue links. This network of selected roads will connect each open space within a continuous walkable network of footpaths, laneways, pedestrian bridges and undercrossing. These links will define the major routes for bikes, pedestrians and biodiversity, therefore, possible further enhancement of streetscape amenity, verge vegetation and setback treatment should be encouraged.

Adding approximately 2.12 hectares of open space guarantees 9.5 sqm of open space per person in the scenario of 25,000 future population.

Note: All additional new open spaces proposed are subject to future investigation and feasibility testing with stakeholders.

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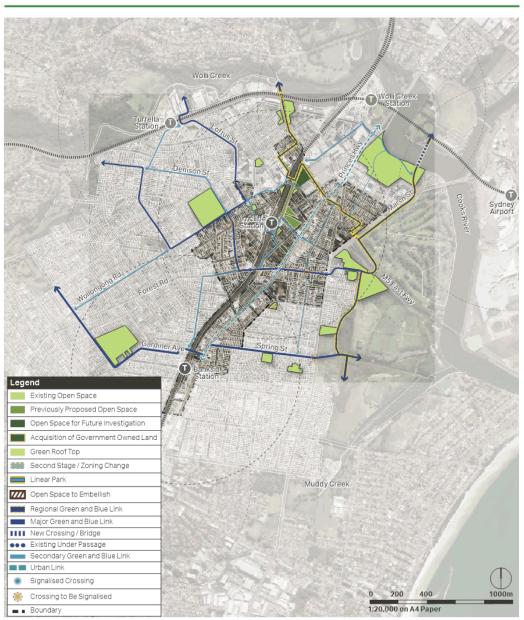
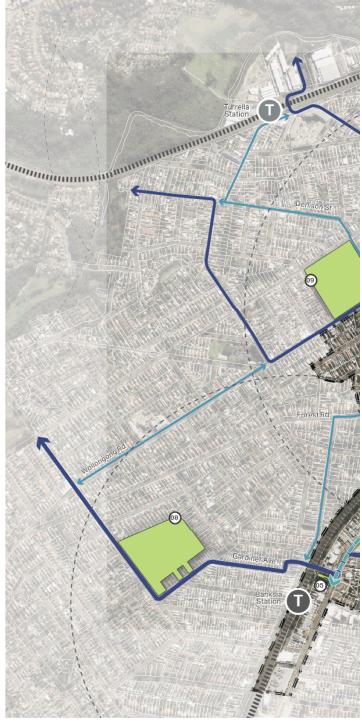


Figure 11 Overview of open space plan (Source: AECOM, 2018)

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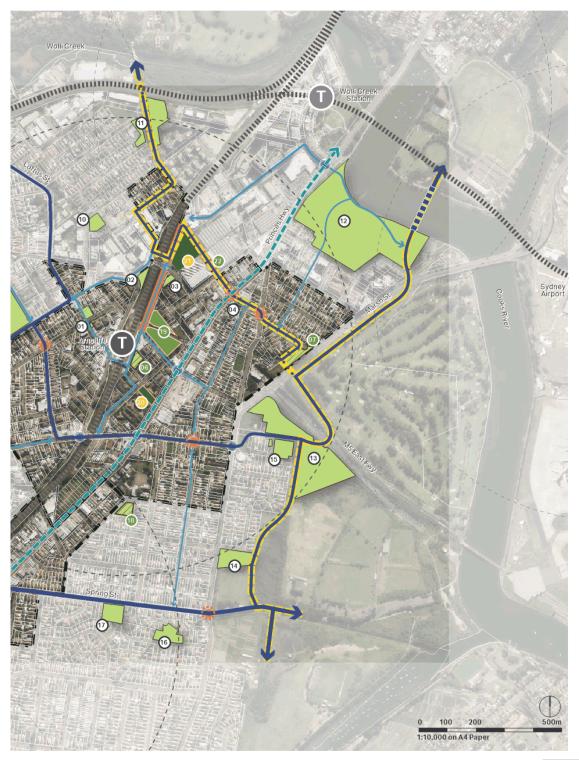
Exi	sting Open Space	Ha	CIV
	hin Precinct		
1	Belmore St Reserve	0.11	
2	Almond St Reserve	0.13	
3	Empress Reserve	0.08	
4	46 Princes Highway	0.07	
5	Hattersley St Reserve	0.06	
6	Woorona Reserve	0.15	•
7	Marsh St Reserve	0.23	•
Tot	al within Precinct	0.83	
Witi	hin 200 metre walking from Boundaries		
8	Gardiner Park	4.27	
9	Arncliffe Park	3.79	
10	45 Bonar St	0.24	
11	Walker St Reserve & Lusty St Open Space	0.67	
12	Cahill Park	4.99	
13	Barton Park - Wetlands	3.95	
14	Riverine Park	0.90	
15	Eve St Reserve	0.51	
16	Lynwen Crescent	0.45	
17	Beehag Reserve	0.44	
	Marinea St Reserve	0.19	•
	al within 200 metre walking from Bdy	19.87	
Tot	al Existing Open Space	21.25	
	posed Open Space		
	RMS Site on Arncliffe St / Burrows St	0.70	•
	al Previously Proposed Open Space	0.70	
	en Space for Future Investigation		
	Eden St Park	0.40	
21	Allen St Park - Currently Rockdale Mazda	0.50	•
	SWSOOS Linear Park	0.52	•
Tot	al Open Space for Future Investigation	1.42	
Tot	al Open Space	23.65	
Op	en Space Plan Summary	Ha	
	sting Open Space	21.25	
	posed Open Space	0.70	
	en Space for Future Investigation	1.42	
Tot		23.65	
Cor	mmitted Initiative		
	estigation Initiative	_	





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## 4.2 TREE CANOPY PLAN

The Tree Canopy Plan responds to the current shortfall of tree canopy cover in the Precinct. It is intended as a long term framework to identify where and how investment should be prioritised to achieve the tree canopy targets identified for urban (25%) and suburban (40%) land uses. While the Tree Canopy Plan focuses on tree canopy in the public domain, it must be noted that the private domain also plays a significant role in contributing to the overall tree canopy in the Precinct, whether it be the backyards of detached dwellings or shared private open space in apartment developments. The Tree Canopy Plan takes into account the land rezoning proposed changes and therefore it shows an updated zoning between the urban and suburban areas substituting the existing suburban portion into urban.

The Tree Canopy Plan, in order to propose a feasible number of additional plantings, makes the following assumptions:

- All new trees assume a 4 metres radius tree canopy, resulting in a canopy cover of 50 sqm per tree and a planting distance of 15 metres between one tree and the next
- No additional trees within roads with a right of way less than 5.5 metres wide.
- One row of trees within all the roads with a right of way included between 5.5 and 8.5 metres wide.
- Two rows of trees within all the roads with a right of way greater than 8.5 metres wide.
- Three rows of trees within the proposed linear parks with the exception of the one on the SWSOOS site because of a lack of soil available and operational infrastructure restrictions.
- All proposed new open spaces will be counted with an average tree canopy coverage of 45%, as per the average

tree canopy coverage over previous case studies.

 15 metres planting distance will not necessary reflect the actual planting distance. This number has been adopted as a conservative average distance able to accommodate possible site-specific issues such as private lot driveway entrance, bus stop, facilities box and others factors

Street trees need to be considered in the context of the other existing or proposed grey infrastructure within the Precinct. This includes consideration of the underground infrastructure, surface infrastructure and aerial infrastructure. In order to realise an effective canopy strategy the aesthetic and wider benefits need to be considered in the context with the existing infrastructure.

The following information would assist in informing a further detailed stage for street tree planning:

- Sydney Water infrastructure (potable, non-potable, sewerage and storm water).
- RMS roads and council roads (different standards for clearances apply) and the curb to curb dimensions and driveways and setbacks.
- Councils footpath and cycle paths (existing and proposed cycle paths).
- Storm water drainage layer
- Electricity infrastructure.
- · Gas infrastructure (mains, and distribution).
- Communications infrastructure (Telstra, Optus and NBN).
- TfNSW bus infrastructure (bus stops, bus shelter and proposed bus stops / shelters).
- · Street signage and appropriate sight lines.
- Street lights and appropriate light spill.

	ORBAN
Land Area (ha)	96.9 ha
Existing Tree Canopy over Private Land (ha)	13.6 ha
Existing Tree Canopy on Roads (ha)	4.3ha
Maximum Tree Canopy on Roads (ha)	8.3 ha
Additional Tree Canopy on Roads (ha)	4 ha
Trees added on Roads	800 trees
Tree Canopy on Existing Open Spaces (ha)	0.4 ha
Tree Canopy on New Open Space (ha)	0.98 ha
Trees added on New Open Spaces	196 trees
Total Additional Tree Canopy (ha)	4.98 ha
Total Trees added	996 trees
Overall Tree Canopy (ha)	23.28 ha
Overall Tree Canopy (%)	24%
Tree Canopy Target (%)	25%
Tree Canopy Shortfall (%)	1%

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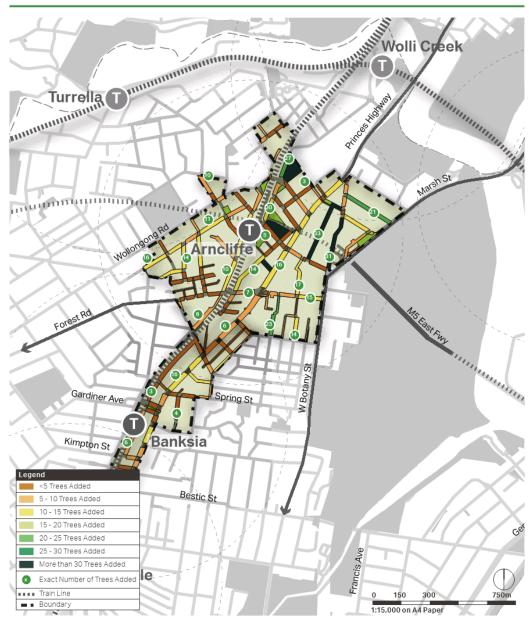


Figure 12 Overview of tree canopy plan (Source: AECOM, 2018)

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## 4.3 CONCEPT PLANS

The Open Space Plan proposes an enhanced, interlinked network of green infrastructure by identifying embellishments to existing open space and suggesting additional open space throughout the Precinct. It addresses future demand and enhances the quality of living for the projected growth in the Precinct.

The Open Space Plan comprises a series of links and interconnected open spaces. In addition, the Plan identifies new medium to large parks and linear parks. The proposed open space provides an opportunity for multifunctional, passive and active recreation that caters for the projected population growth in the Precinct. In addition, according to the social infrastructure study undertaken by Elton Consulting, in order to meet the increasing population, existing facilities need to be upgraded.

For the purpose of this report we have illustrated two future typologies of the possible function of proposed open spaces. The two Concept Plans are:

- Concept Plan 1: Burrows Street Park
   Located on the corner of Burrows Street and Arncliffe
   Street with the M5 tunnel cutting the site in half. The
   park's location celebrates high accessibility from both
   local residents and visitors via nearby Arncliffe station.
   The park is bounded by future mixed use and residential
   development on one side, on road carpark spaces and
   a mosque to the south. The primary purpose of the park
   is to provide a multifunctional open space and activate
   street for both the surrounding and wider community.
- Concept Plan 2: SWSOOS Linear Park
   The park is located on the heritage listed pipe and adjacent to the previously proposed park on Allen Street.
   The park provides a link from the proposed urban link on Princes Highway (south) and the northern portion of Arncliffe Precinct through the underpass for the railway line. In addition, it provides a continuation of Allen Street Park. The primary purpose of the park is to enhance and utilise the currently neglected space. The concept highlights the unique character this site provides.
- Concept Plan 3: Bridge to Tempe Reserve

The proposed new bridge investigates the opportunity to link Cahill Park with Tempe Recreation Reserve. This new connection will enhance Arncliffe and Banksia relationship with Cooks River and will allow a better connectivity for bikes and people leveraging on the existing landscape infrastructure.

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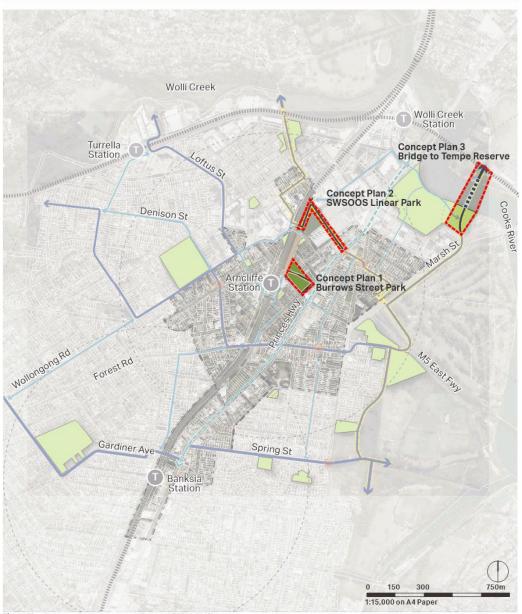


Figure 13 Overview of open space plan (Source: AECOM, 2018)

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#### CONCEPT PLAN 1 - BURROWS STREET PARK

The Open Space Plan highlights the importance of providing open space that meets the community needs for recreational and gathering space that is accessible and safe. Burrows Street Park, is located within a 2 minute walk from Arncliffe station and is aligned with the existing open space network.

The overall design builds on existing facilities and relatively flat topography that equips the park with various future uses and opportunities. The existing adjacent mosque to the south has strong community benefits. Therefore, the park includes a large flexible kick about space adjacent to the mosque to highlight its significance to the surrounding community. The large kick about space can be used for sporting and other active uses for the community such as various festivities and gatherings. In addition, the park provides a large children's play area and an adjacent barbecue space. Previous social infrastructure studies highlighted the need for more community facilities such as a library, therefore a community centre addresses this need.

The concept design also highlights the importance of future surrounding developments facing the park with active frontage and cafes spilling onto Burrows Street.

Burrows Street Park is composed of the following main components:

- Community facility (e.g. library)
- · Connection to Wooroona Reserve
- Large kick about space
- Large children play area
- Medium / small kids bike racing track / skate park
- Barbecue facilities

Note: All additional new open spaces proposed are subject to future investigation and feasibility testing with stakeholders. All Concept Plans are indicative only and are subject to community and stakeholder feedback and detailed design.



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Figure 14 Burrows Street Park Concept Plan (Source: AECOM, 2018

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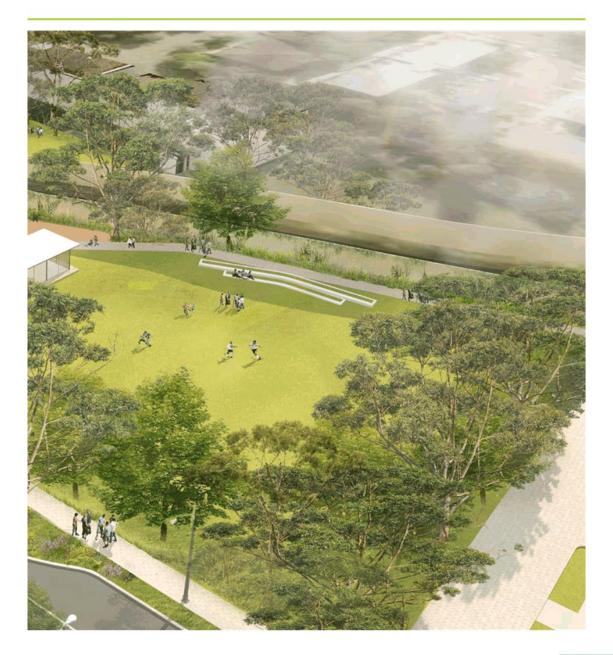
PERSPECTIVE 1 - BURROWS STREET PARK (BIRD-EYE VIEW)



Figure 15 Burrows street park perspective 1 (Source: AECOM, 2018)

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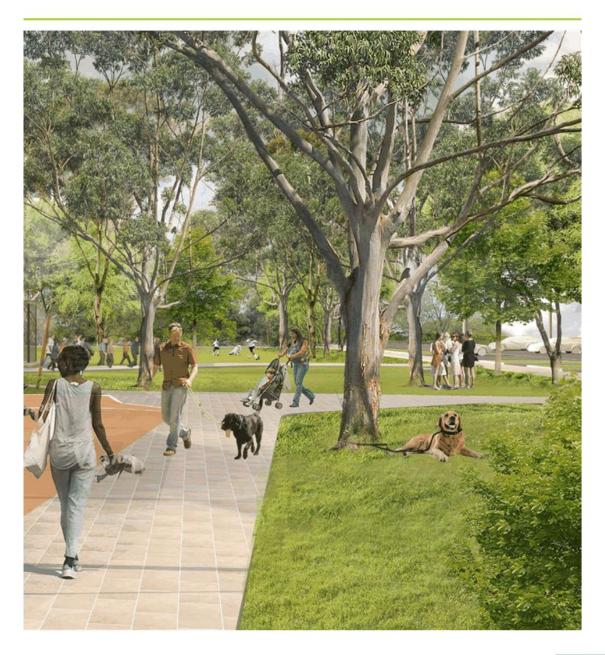
PERSPECTIVE 2 - BURROWS STREET PARK (VIEW)



Figure 16 Burrows street park perspective 2 (Source: AECOM, 2018)

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#### CONCEPT PLAN 2 - SWSOOS LINEAR PARK

The Open Space Plan highlights the importance of providing open space linkages to encourage walkability by enhancing open space connectivity. Therefore, the primary purpose of the park is to provide a connection from the proposed urban link on Princes Highway (south) and the northern portion of Arncliffe Precinct through the railway underpass. In addition, the park provides a continuation of Allen Street Park; a park previously proposed to address the shortage of recreation within the Precinct. The primary purpose of the park is to enhance and utilise the currently neglected linear space. In addition, improved access by providing connections to the wider neighbourhood. The concept highlights the unique character this site provides and provides a distinctive character for Allen Park.

 $\ensuremath{\mathsf{SWSOOS}}$  Linear Park is composed of the following main components:

- · Two major gateways (north and south)
- Three secondary access points to perpendicular streets and Allen Park
- Amphitheatre and other passive seating opportunities
- Linear corridor with varying width and minimal width of 2.5 metres

Note: All additional new open spaces proposed are subject to future investigation and feasibility testing with stakeholders. All Concept Plans are indicative only and are subject to community and stakeholder feedback and detailed design.



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Figure 17 SWSOOS Linear Park Concept Plan (Source: AECOM, 2018)

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#### CONCEPT PLAN 3 - TEMPE RESERVE BRIDGE

The Open Space Plan highlights the importance of providing linkages and connections that encourage walkability between open spaces. Currently, Cooks River performs as a barrier disconnecting adjacent open spaces. This results in underutilising the adjacent large parks and restraining locals from using them to the full potential.

Therefore, the primary purpose of the bridge is to provide a pedestrian and cycle connection from the existing northern open space (Tempe Recreation Reserve) and the southern open space (Cahill Park). In addition, the bridge provides a connection to the proposed green and blue links and eventually to the wider network of open space to the south. By introducing the bridge and providing a connection, the wider community will celebrate access to a broader range of recreation. The curvature of the bridge allows for desired viewing corridors to be reinforced as well as reflecting the curved form of the river. In addition, the geometry; by introducing viewing platforms and nodal points along the bridge to encourage meeting and lingering, the bridge becomes a destination in itself inviting visitors to explore and enjoy.

Tempe Reserve Bridge is composed of the following main components:

- Viewing platforms facing east (views to airport) and west (views to Wolli Creek)
- Refuge / resting area for cyclists and pedestrians; this includes water fountain seats and shelter
- River front picnic / barbecue area

Note: All additional new open spaces proposed are subject to future investigation and feasibility testing with stakeholders. All Concept Plans are indicative only and are subject to community and stakeholder feedback and detailed design.









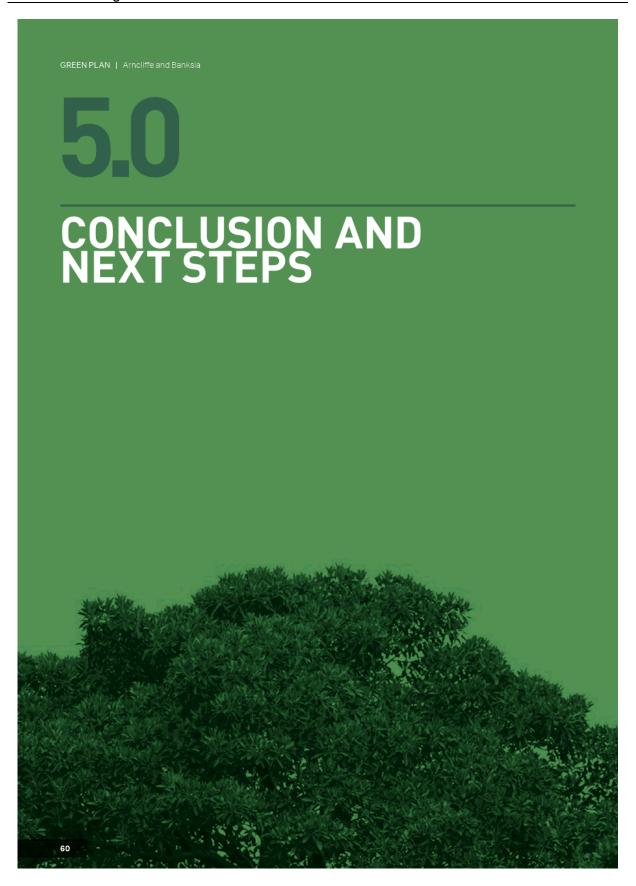


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Figure 18 Tempe Reserve Bridge Concept Plan (Source: AECOM, 2018)



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This section of the report summarises the outcomes of the Green Plan for the Arncliffe and Banksia Planned Precinct. It also outlines implementation of the outcomes identified in the Green Plan.



GREEN PLAN | Arncliffe and Banksia

## 5.1 CONCLUSION AND NEXT STEPS

#### **OPEN SPACE**

During the study process for the definition of the Green Plan we have determined that the existing public open space provision serving the current Precinct population equates to 19.8 sqm per person.

The Open Space Plan proposes a total of 2.12 hectares of new open spaces to be added to the 21.25 hectares existing open space, achieving **23.65 hectares of overall open space** within the Precinct of Arncliffe and Banksia and within 200 metres walking distance from its boundary.

Assuming a future population growth of 25,000 people, this new provision of open space will equate to 9.5 sqm of open space per person.

#### TREE CANOPY

The following assumptions have been considered to develop the Tree Canopy Plan:

- The Precinct has been subdivided within two areas; urban and suburban; and within each area has been targeted a minimum tree canopy of 25% and 40% respectively.
- The Tree Canopy Plan suggests possible interventions on public land only under the control of public agencies but measures tree canopy in private domain as well.

The current tree canopy covers:

- · 18.2% of the urban area.
- 20.6% of the suburban area.

The Tree Canopy Plan takes into account the land rezoning proposed changes and therefore it shows an updated zoning between the urban and suburban areas substituting the existing suburban portion into urban.

The Tree Canopy Plan **proposes a total of 996 new trees** to be added to public areas within the Precinct in order to achieve:

24% tree canopy in public and private areas in the urban area

#### **CONCEPT PLANS**

The concept plans provide an aspirational platform for implementing strategies outlined in the Green Plan report. General consensus require further development into more detail design to accommodate recommended function and park attributes.

The general approach to the design of the concept plans is underpinned by celebrating the existing landscape character, such as:

- Topographic constraints as opportunities;
- · Designing around existing trees;
- · Provide deep soil areas to allow for large canopy;
- Incorporate flexible open spaces that evolve overtime to community needs.

It is recommended that further developed concept plans adopt the above to meet Green Plan's vision.

#### **NEXT STEPS**

Suggested next steps to be taken by the Department are:

- Undertake detailed analysis of viability for the areas selected as future parks and green and blue links including acquisition, public ownership and right of ways/access, costing, detailed planning and design and method for delivery.
- Public agency engagement for whole of government problem solving to facilitate delivery.
- Long term strategic planning by agencies, e.g. services to enable tree canopy delivery or to open up public land for open space and access.
- Investigating mechanism for upgrading existing open space.
- Apply for funding for 5 million trees towards the implementation of increased tree canopy to fast track delivery
- Review DCPs to coordinate control of tree canopy in the private domain to ensure existing tree canopy is retained and enhanced especially when land use change is proposed e.g. suburban to urban land use.
- Review of Council's street tree policy to enable canopy planting.
- Undertake a review of the planning controls (LEP and DCP), civil works standards, development contributions (Section 94 plans) and voluntary planning agreement (VPA) policies to encourage creation of public open space and tree canopy within the study area.

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# **5.8 KM** OF PROPOSED NEW LINKS = 4.4KM (GREEN AND BLUE LINKS) + 1.4 KM (URBAN LINKS)

# 24 HECTARES TOTAL AREA OF OPEN SPACE

**996** PROPOSED NEW TREES

GREEN PLAN | Arncliffe and Banksia

## 5.2 GLOSSARY

А

**Accessibility:** ease of access is critical to the community to enjoy and use public open and recreation facilities.

В

**Biodiversity:** is the foundation of ecosystem services to which human well-being is intimately linked.

**Biodiversity corridors:** are areas of vegetation that allow animals to travel from one patch of native forest to another.

**Built Environment:** comprises the extent of our humanmade environment, as distinguished from the natural environment. It includes all aspects of our surroundings made by people that provide the place for human activity. The built environment can be understood to include cities and towns, neighbourhoods, parks, roads, buildings and even utilities like water and electricity.

C

**Canopy:** the layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

**Connectivity:** creating an interconnected network of open space.

**Context**: the physical, social, cultural, economic, environmental and geographic circumstances that form the setting for a place or building.

 $\Box$ 

**Diversity:** the range of open space setting types within a given area will determine the diversity of recreation opportunity for a community.

**Distribution:** the spread of supply of open space and tree canopy.

Ε

**Equitable:** a built environment that is fair and accessible for all citizens

G

**Green Plan**: The framework assessing open space and tree canopy proposed in Precinct.

Greater Sydney: is defined as the 33 local government areas of Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Bankstown, Cumberland, Fairfield, Georges River, Hawkesbury, Hornsby, Hunters Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool, Mosman, Northern Beaches, North Sydney, Parramatta, Penrith, Randwick, Ryde, Strathfield, Sutherland, and The City of Sydney.

**Green and blue link:** selected path connecting several open spaces within a continuous walkable network of footpaths, laneways, pedestrian bridges and undercrossing. This link will define a major route for bikes, pedestrians,

water management and biodiversity, therefore, possible further enhancement of streetscape amenity, verge vegetation, water sensitive urban design strategies and setback treatment will be encouraged.

**Green Grid:** strategic planning document for the greater Sydney region, and a precursor to the Greener Places policy comprising a cohesive map of green assets across metropolitan Sydney.

**Green Infrastructure:** describes the network of parks, trees and water systems that deliver multiple environmental, economic and social values and benefits to urban communities. Refer to Section 1.1 of this document for entire definition.

**Green Space:** an area of grass, trees, and other vegetation set apart for recreational or aesthetic purposes in an urban environment.

**Grey Infrastructure**: refers to the human-engineered infrastructure for water resources such as water and wastewater treatment systems, piped drainage and reservoirs.

Н

**Healthy:** a place or space that promotes positive social, emotional and physical health for its people.

High Performing Green Space / High Quality Green Space: are multifunctional spaces designed to produce concurrent ecological, social, environmental and economic benefits.

**Integration:** combining green space with urban development and grey infrastructure.

**Liveable:** a built environment which supports and responds to people's patterns of living, and is suitable and appropriate for habitation, promoting enjoyment, safety and prosperity.

М

Master Plan: a framework document showing how development will occur in a given place and includes building parametres like height, density, shadowing and environmental concerns. It is a visual document that details a clear strategy or plan for the physical transformation of a place, supported by financial, economic, and social policy documents which outline delivery mechanisms and implementation strategies.

**Multifunctionality:** the ability of Green Infrastructure to deliver multiple ecosystem services simultaneously, providing added value, and improved health and well-being.

0

**Open space:** land that has no buildings or other built structures, which is accessible to the public, including green

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space.

Р

**Park - Pocket:** defines parks with maximum area 0.4 hectare and with a walking catchment area of 300 metres.

**Park - Local:** defines parks with areas varying from 0.4 to 1 hectare and with a walking catchment area of 400 metres.

**Park - Neighbourhood:** defines parks with areas varying from 1 to 5 hectare and a walking catchment area of 800 metres.

**Participation:** the involvement of stakeholders in the development and implementation of neighbourhood, local, district and regional Green Infrastructure policies and actions.

**Place:** is a social and a physical concept –a physical setting, point or area in space conceived and designated by people and communities. In this sense, place can describe different scales of the built environment – for example, a town is a place, as well as a building can be a place.

Place Making: proposes a multi-faceted approach to the planning, design and management of public spaces. 'Place Making' looks at understanding the local community with the intention of creating public spaces that promote health and well-being

**Precinct:** a designated area within real or perceived boundaries of a specific building or place. A Precinct can be of different scales and usually responds to a study area of a particular place.

**Priority Growth Areas:** The Priority Growth Areas Greater Sydney are identified by the NSW Government as major greenfield development areas. Information about Priority Growth Areas is available at http://www.planning.nsw.gov.au/

Priority Precincts: areas that have a wider social, economic or environmental significance for the community or have redevelopment potential on a scale that is important in implementing the State's planning objectives. Priority Precincts are envisaged as larger areas, usually made up of multiple land holdings, capable of delivering significant additional growth and requiring coordination from State and local governments to realise their potential.

**Public Realm:** is the collective, communal part of cities and towns, with shared access for all. It is the space of movement, recreation, gathering, events, contemplation and relaxation. The public realm includes streets, pathways, rights of way, parks, accessible open spaces, plazas and waterways that are physically and visually accessible regardless of ownership.

C

**Quality:** the standard of something, measured comparatively against things of a similar kind.

**Quantity:** the amount or number of open space or abstract thing not usually estimated by spatial measurement.

R

**Recreation - Active:** activities that require physical exertion and considerable expenditure of energy; such as football and soccer.

**Recreation - Passive:** activities that require minimum physical exertion; such as reading and relaxing.

**Resilient:** place or space that can withstand or recover from difficult conditions.

S

**Scale:** the relative size or extent of something – scale is a device used to quantify objects in a sequence by size; for example a city scale, or a building scale. In architecture, scale is also used to describe a ratio of size in a map, model, drawing, or plan.

State Environmental Planning Policy (SEPP): is a statutory plan, typically prepared by the Department of Planning and Environment and endorsed by the Minister for Planning. It can be a spatial plan for particular land in NSW, and/or it can set policy which applies to particular land or all land in NSW.

**Strategic Plan:** document that guides the implementation of a strategy for a particular area.

**Statutory Plan:** is part of the planning process that is concerned with the regulation and management of changes to land use and development.

**Sustainable:** relates to the endurance of systems, buildings, spaces and processes – their ability to be maintained at a certain rate or level, which contributes positively to environmental, economic and social outcomes.

Suburban: Low density residential.

Τ

**Tree Canopy:** the layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

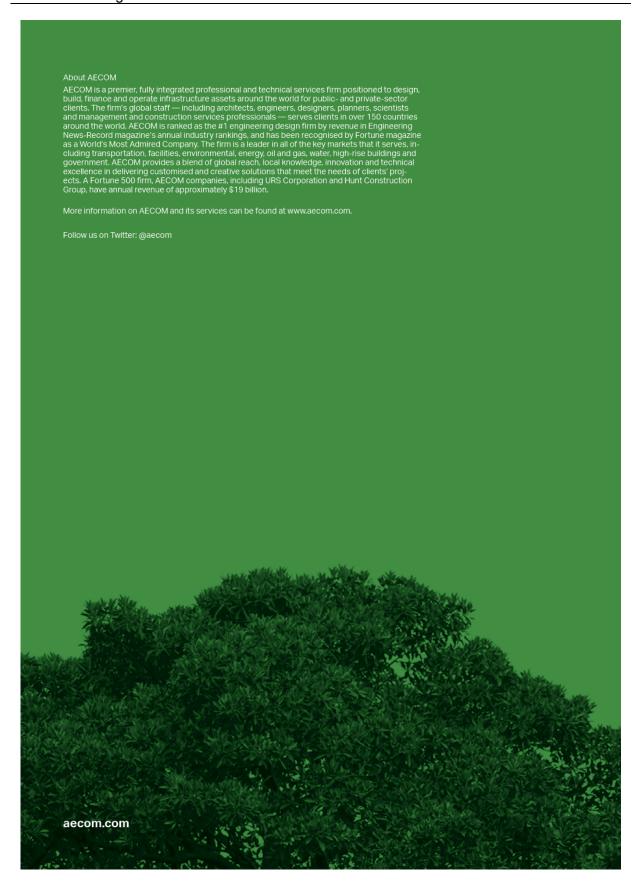
U

**Urban Forest:** the layer of trees and tree populations that exist in urban settings.

**Urban Zone:** High density residential, commercial and mixed use

W

Water Sensitive Urban Design (WSUD): is the sustainable integration of water cycle management into planning, design and construction of the built environment. It is the term given to the replication of natural processes into treatment of water in an urbanised environment and is relevant to all built environments from highly urbanised to rural settings.





# **Bayside West Precincts**

Draft Land Use and Infrastructure Strategy
Draft Arncliffe & Banksia Rezoning Proposal

# Community Consultation Report

April 2017



Consultation Report – Bayside West Precincts

To view an electronic version in PDF format, visit www.planning.nsw.gov.au

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Department of Planning and Environment

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Consultation Report - Bayside West Precincts

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#### 1. Executive Summary

This document provides an overview of the community and stakeholder feedback received to date in relation to the draft Land Use and Infrastructure Strategy (draft LUIS or draft Strategy) and draft Rezoning Proposals for Arncliffe and Banksia. It summarises the main issues raised through both the public exhibition of the draft documents and an online survey. A detailed response to submissions will be released by the Department at a later date.

The Department has worked closely with Bayside Council (previously Rockdale City Council), government agencies, stakeholders and the community to prepare the draft LUIS and Rezoning Proposals.

The draft Strategy aims to create:

- · connected town centres for Arncliffe, Banksia and Cooks Cove,
- better transport connections,
- · more housing choices,
- · a vibrant Princes Highway corridor, and
- · new areas of open space.

The Plans have been prepared to provide a framework to guide the development within the precincts and identify infrastructure needs to support this growth.

A draft LUIS, draft Rezoning Proposal for Arncliffe and Banksia precincts and a Development Control Plan were exhibited between 27 November 2016 and 28 February 2017.

During the exhibition period an online survey was also released to seek feedback from the community about the plans. Almost 900 surveys were completed.

Written submissions to the draft LUIS and Rezoning Proposals were accepted by the Department over the course of the public exhibition period. In total, 194 submissions were received during exhibition.

Four 'pop-up' information events at key community sites and three workshops were held during the exhibition period. Around 500 community and other stakeholders attended one or more of these sessions.

The results of the consultation to date has been summarised in this report, including the survey results and the issues raised during exhibition. It is important to note that this report is not a final response to submissions, but is an overview of consultation to date, issues raised and the next steps to finalise the draft Strategy and Rezoning Proposals.

#### 2. Engagement Approach

To ensure Council, stakeholders and the local community were informed about the draft Land Use and Infrastructure Strategy (LUIS) and Rezoning Proposals, a range of communication tools and techniques were used to promote the project and seek feedback. The approach set out how we proposed to carry out consultation to ensure it was transparent, accessible and targeted.

The following sections provide an overview of the engagement approach and includes a summary of how information was made available, in addition to the results that came from the:

- Social media advertising campaign which invited participants to complete the online survey and promoted the public exhibition
- Online survey analysis
- Participation during the public exhibition period from 27 November 2016 to 28 February 2017
- Formal submissions received to the draft Land Use and Infrastructure Strategy and draft Rezoning Proposals.

#### 2.1. Consultation snapshot

The table below provides a snapshot of the different consultation activities used to raise awareness about the draft Strategy and Rezoning Proposals.



#### 2.2. Public exhibition

The draft LUIS and Rezoning Proposal was released on 27 November 2016 and was publicly exhibited for 13 weeks until the 28 February 2017.

The exhibition documents were made available to view at the following locations:

- Department of Planning and Environment, 320 Pitt Street, Sydney
- · Department of Planning and Environment website, www.planning.nsw.gov.au/baysidewest
- Arncliffe Library
- Rockdale Library
- Rockdale Council Chambers

#### 2.3. Exhibition package

The following documentation was publicly exhibited:

- an overarching draft LUIS for Bayside West Precincts, including Arncliffe Precinct, Banksia Precinct and Cooks Cove Precinct
- Land Use and Infrastructure Strategy Technical Documents including:
  - Cooks Cove Urban Design Report
  - Cooks Cove Transport Study
  - Cooks Cove Flood Impact Assessment
  - Cooks Cove Planning Report
  - Arncliffe Precinct Demographic Profile
  - Banksia Precinct Demographic Profile
  - Transport Plan
  - Aeronautical Assessment
  - Social Infrastructure Study for Arncliffe
  - Social Infrastructure Study for Banksia
- Arncliffe and Banksia Rezoning Proposal and supporting technical documents

#### 2.4. Raising public awareness

The exhibition provided an opportunity for Council, key stakeholders and the community to provide feedback on the draft LUIS and Rezoning Proposals to ensure the community was informed about the exhibition, information was circulated through a number of mechanisms including:

- Ministerial media release on 28 November 2016
- Department Media releases to the local papers on 20 and 25 January 2017
- Media briefings on 2 February, 8 February and 6 March 2017
- Media stories in the local St George and Sutherland Leader newspapers, on 27 November 2016 and 25 January 2017
- Ministerial launch announcement on Channel 7
- Advertisements in the St George and Sutherland Leader on 6 January 2017
- Mailout to 7,000 landowners within the precinct boundary

Consultation Report - Bayside West Precincts

- 1300 number and email address which was made available for those with questions or comments
- A5 community postcard with information about the public exhibition period and how to get involved
- Project brochure with information about the public exhibition period and how to get involved.
   Published in in 5 languages: English, Chinese, Macedonian, Greek and Arabic
- Written notification of the exhibition period to Council, relevant agencies and key stakeholders.

#### 2.5. Online/digital engagement

- Website updates and registration option for those wanting to be kept informed about the consultation; www.planning.nsw.gov.au/baysidewest
- Social media advertising campaign including translated ads into Macedonian, Greek, Arabic, Bengali and Chinese
- Tweets via the Department's Twitter account.
- Facebook updates via the Departments FB account
- Email notifications to 330 subscribers at key milestones, sent to residents and community
  groups who registered on the Department's website and to a database of known community
  groups and organisations.

#### 2.6. Social media advertising campaign

A social media campaign consisting of 5 ads, targeted **778,259 Facebook users** in Arncliffe, Banksia. Paid social media advertisements were translated into Arabic, Macedonian, Greek and Chinese.

This campaign resulted in **8,654 "light" engagements** (Facebook likes/reactions; shares and website click throughs) and nearly **1,800 "deep engagements"** (Facebook comments, survey responses and submissions). To view a copy of the social media campaign ads, see Appendix B.

#### 2.7. Face to face engagement

- Four public drop-in community information sessions
- Three community workshops to seek feedback on how the Priority Precinct Support Scheme Funding should be spent
- Inspection copies and public exhibition materials made available at the Department, council
  and local libraries.

#### 2.8. Providing feedback

The community could provide feedback by:

- Completing an online survey
- Providing formal feedback online or by mail.

To view copies of the public engagement collateral produced see Appendix A.

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#### 2.9. Media coverage

The Draft LUIS received media coverage during the exhibition period on 27, 28, 30 November 2016 and 25 January 2017 in the St George and Sutherland Shire Leader, the Australian Financial Review and on Channel 7 tv news. Copies of the articles can be found in Appendix C.

#### 2.10. Community information sessions

During the public exhibition period the Department held four community drop-in sessions. Department and Council staff were available and over 400 people attended the four sessions.

The sessions were held on the following dates:

- Arncliffe Train Station 13 December 2016
- Wolli Creek Woolworths 14 December 2016
- Wolli Creek Discovery Markets 4 February 2017
- Rockdale Library 13 February 2017

The drop-in sessions were open events, where members of the public could view copies of the documents, talk with project staff from the Department and find out how they could provide formal feedback. The exhibition boards displayed information in a way that was engaging and informative.



Figure 1 Display Boards at Wolli Creek Markets – 4 February 2017

#### 2.11. Community workshops

During the public exhibition period the Department held three community workshops. The facilitated workshops sought feedback from the community about how to spend \$10 million in Priority Precinct Support Scheme funding. Attendees were asked to provide input on what local community infrastructure improvements could benefit from this additional funding.

Approximately 80 people attended the three sessions. The sessions were held on the following dates:

- Rockdale Town Hall 21 February 2017
- Rockdale Town Hall 23 February 2017
- Rockdale Seniors Centre 27 February 2017

The workshops were free ticketed events open to the public. A separate Workshop Outcomes Report will be available on the Department's website once the Department has discussed it with Council. <a href="https://www.planning.nsw.gov.au/baysidewest">www.planning.nsw.gov.au/baysidewest</a>



Figure 2 Rockdale Town Hall Workshop – 23 February 2017

#### 3. Online Survey

The Department launched an online survey to seek community feedback about the draft plans for Banksia, Arncliffe. Respondents were asked to select which area they wanted to comment on, either **Arncliffe** or **Banksia**. There was also an option for respondents to comment on both areas and one question covering Cooks Cove.

The feedback will play an important role in helping the Department to finalise the plans and ensure they can meet the needs of the local community.

The online survey was publicised in several ways:

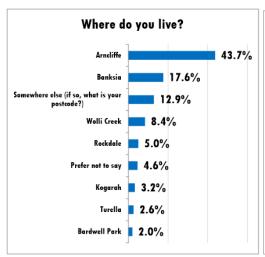
- Media release
- Mailout to 7,000 landowners within the precinct boundary
- Social media campaign: refer to social media advertising campaign and online/digital engagement sections above
- Directly emailing 330 subscribers who had registered for updates at key milestones during the
  exhibition
- Tweets via the Department's Twitter account.

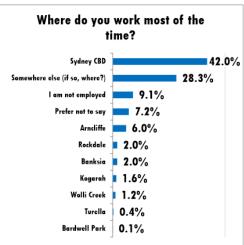
In total, 896 people completed the online survey.

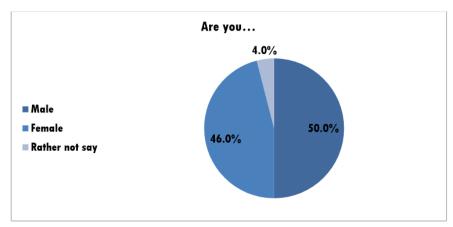
The largest number of respondents who completed the survey lived in Banksia and Arncliffe precincts. A summary of the feedback received is outlined in the following pages.

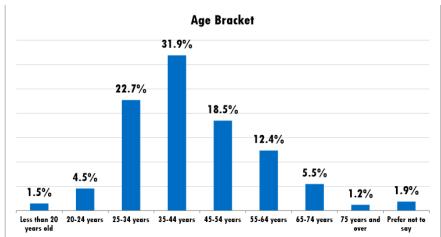
#### 3.1. Demographic information of survey participants

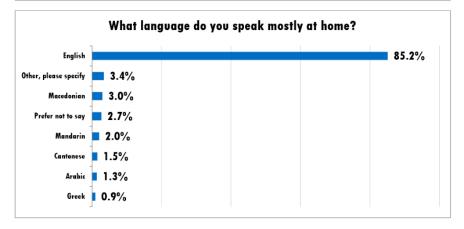
The demographic information of the 896 survey participants is summarised below.







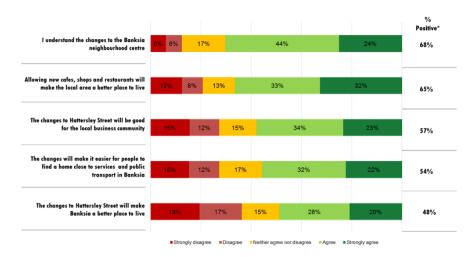


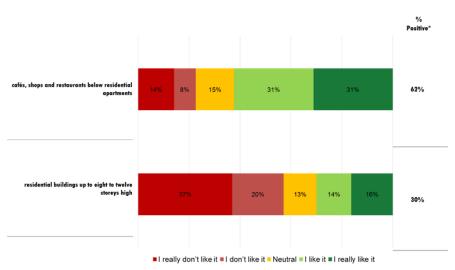


#### 3.2. Summary of findings: Banksia Precinct

Survey participants were asked to respond to a series of questions about Banksia neighbourhood along the Princes Highway near Hattersley Road. Between 48 and 64 percent of participants agreed that proposed changes would be positive. Between 13 and 17 percent neither agreed or disagreed, with the remainder (20 to 36 percent) disagreeing that the changes in the Banksia town centre would be positive.

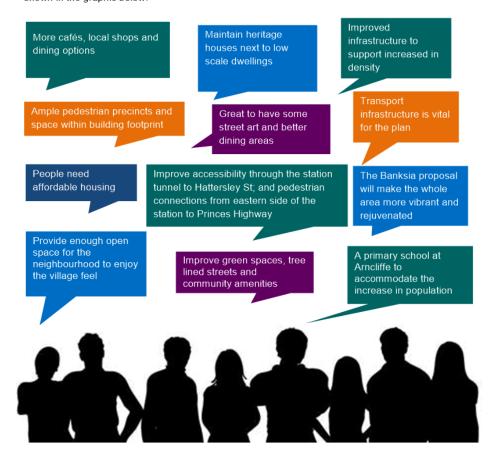
#### How respondents feel about changes to Banksia Precinct.





#### 3.3. Snapshot of qualitative feedback received - Banksia Precinct

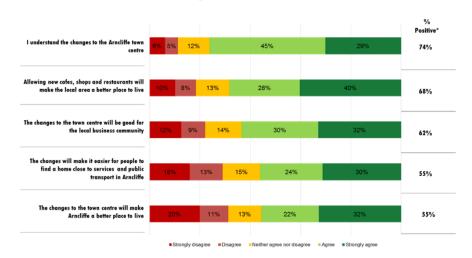
In the online survey, participants were asked if there was anything else they would like to add about the proposed changes to the Banksia neighbourhood centre. A snapshot of the responses received is shown in the graphic below.

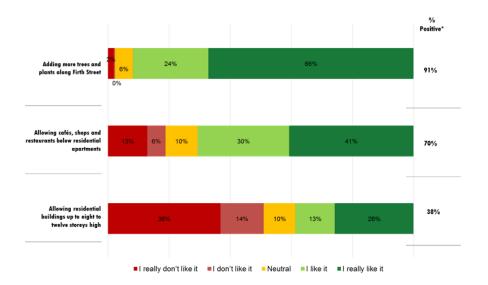


#### 3.4. Summary of findings: Arncliffe Precinct

Survey participants were asked about changes to the Arncliffe town centre along Firth Street. Over 90 percent liked the idea of improved landscaping along Firth Street and about 70 percent liked the idea of cafes, shops and restaurants beneath residential buildings. Only about 38 percent supported the development of eight to 12 storey buildings, with about 10 percent neutral on higher buildings.

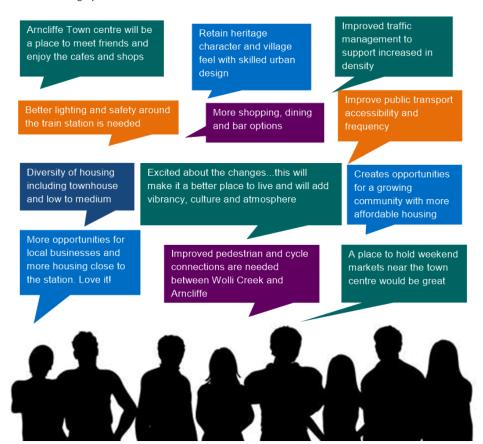
#### How respondents feel about changes to Arncliffe Precinct.





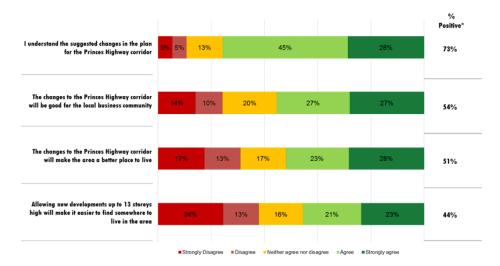
#### 3.5. Snapshot of qualitative feedback received – Arncliffe Precinct

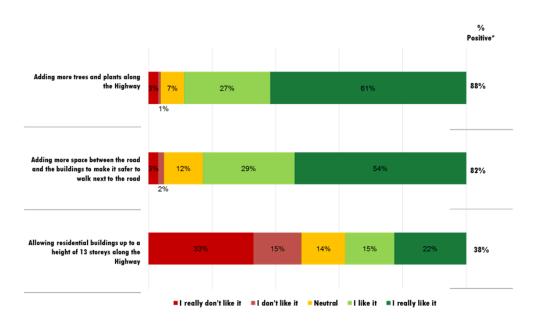
In the online survey, participants were asked if there was anything else they would like to add about the proposed changes to the Arncliffe neighbourhood centre. A snapshot of the responses received is shown in the graphic below.



#### 3.6. Summary of findings: Princes Highway

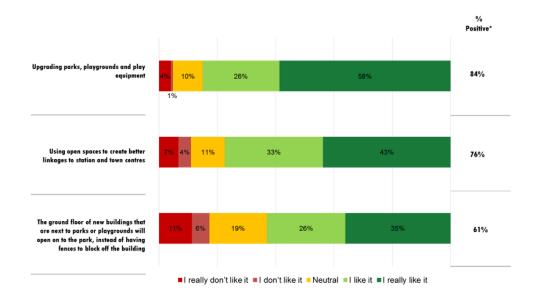
Survey participants were asked two questions about improving the streetscape and increasing pedestrian areas along the Princes Highway. They were also asked whether buildings up to 13 storeys high should be permitted along Princes Highway. Over 82 percent of participants responded positively to the concept of improved space and streetscape along Princes Highway. However, only 38 percent liked the idea of buildings up to 13 storeys high along the Princes Highway, with 14 percent neither liking or disliking it.

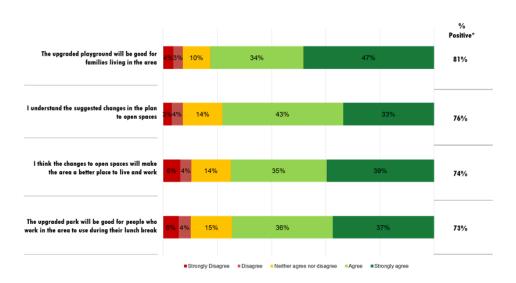




#### 3.7. Summary of findings: Open Space

The survey included a series of questions about open space including whether parks and playgrounds should be upgraded; open space linkages between town centres and stations should be improved, and whether better ground floor design for buildings should be incorporated which would provide openings to adjacent parks. Over 76 percent of survey participants liked the idea of upgraded parks and improved open space linkages between the town centre and stations. Over 73 percent of participants also agreed improved open spaces and playgrounds would make it better place for families, workers and the community.





#### 3.8. Summary of findings: Cooks Cove

The survey included a question about how land in Cooks Cove should be used in the future. Over 63% percent of survey participants would like the area to include more parks, playgrounds and other outdoor public spaces.

How would you like land to be used in Cooks Cove in the future (select all that apply)?

63.9%

37.2%

20.0%

20.0%

15.6%

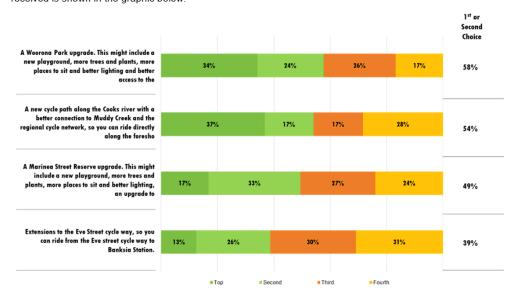
10.4%

5.1%

Parks, playgrounds and other A new town centre, including shops and offer a sound as shops and offer a sound as shops and offer a sound as shops and offer a sew setter as shops as shops and offer a sew setter as shops as shops and offer a sew setter as shops as shops

#### 3.9. Summary of findings: Priority Precinct Support Scheme Funding

In order of preference, participants were asked to tell us which community facilities they would most like the Priority Precinct Support Scheme funding to be spent on. A snapshot of the responses received is shown in the graphic below.



#### 4. Summary of Public Exhibition Submissions

A total of 194 submissions were received in response to the exhibition of the draft LUIS and draft Rezoning Proposal for Arncliffe and Banksia. Where multiple submissions were received from an individual person these were considered as a single submission.

Submissions were broken down as follows:

- 11 submissions were received from Government agencies, Bayside Council and other organisations
- 38 submissions focussed specifically on issues regarding the Cooks Cove precinct and associated developments (e.g. relocation of Kogarah Golf Course)
- 46 submissions were from developers or property owners who were seeking changes in proposed zonings or planning controls to increase the density of residential development on specific sites
- 98 submissions were from the general community.

Issues raised by Bayside Council and other agencies are summarised separately in Section 4.2 and 4.3 of this report.

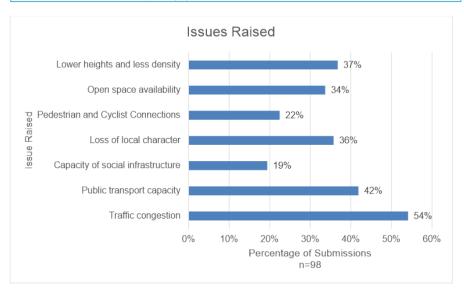
Submissions on Cooks Cove and Barton Park are not included in the summary below because it is Bayside Council's responsibility to rezone and consider any development regarding the Cooks Cove Precinct and changes to Barton Park. Generally, submissions on Cooks Cove either supported the development or were concerned about impacts on wetlands and open space in Barton Park. These submissions were provided to Council for their further consideration.

Developer and property owner submissions have not been included in the summary below. Generally, developer and property owner submissions supported the rezoning; sought increases in maximum building heights and Floor Space Ratios (FSR), and/or an extension to the precinct boundaries.

The 98 submissions received from the general community raised issues about the Banksia and Arncliffe Rezoning Proposal and Draft LUIS. These key issues are summarised in Section 4.1.

# 4.1. Key issues raised by the community

	Ť	
Theme	Key Issues	
Traffic congestion	<ul> <li>The local and regional road network is already congested and increasing the population in Arncliffe and Banksia would result in worse congestion</li> </ul>	
Capacity of public transport network	Trains servicing Arncliffe and Banksia in peak periods are already full and will not cope with the projected increase in population unless there is an upgrade to services	
Density and height of new development	The height and density of new development proposed by the rezoning is too high and should be reduced	
Provision of social infrastructure	Schools in the area would be unable to cope with the additional enrolments from the increased population	
Local character and amenity	The local character and amenity of the area would be adversely affected by the redevelopment from the rezoning	
	<ul> <li>Views from certain locations would be impacted by new buildings</li> </ul>	
Pedestrian and cyclist paths and connectivity	There needs to be improved pedestrian and cyclist facilities including links to Barton Park, to schools, across the Princes Highway and to railway stations	
The quality of built form and urban environment	The Wolli Creek precinct is not a good example of high quality urban design	
Open space	<ul> <li>There is insufficient open space to support an increase in population</li> </ul>	



# 4.2. Bayside Council submission

Bayside Council provided a detailed submission on the Draft LUIS and Rezoning Proposals. Overall their submission supported the Rezoning Proposals, however they requested further clarification on several issues which are presented in the table below.

Topic	Key Issues
Infrastructure funding	Better coordination of infrastructure identification and delivery.     Section 94 Contribution Plans – limitations and issues with existing guidelines and cap.  Contribution Plans – several force sixtens with
	<ul> <li>Section 94 Contribution Plans – request for assistance with preparation.</li> <li>Further information on the Precinct Support Scheme.</li> </ul>
Transport	An integrated holistic approach to traffic assessment and planning needs to be undertaken.
	<ul> <li>The existing and known future rail and bus services do not provide adequate capacity to cater for population growth.</li> </ul>
	<ul> <li>Further investigation of traffic management is required around the Cahill Park neighbourhood.</li> </ul>
	<ul> <li>Relevant Government Agencies and Departments must actively participate in the development of any future precinct planning.</li> </ul>
	<ul> <li>DPE revisits its Transport Strategy to include viable transport alternatives, including additional bus services. Such initiatives will, in the short to medium term provide current and future residents with an improved transport service until a longer-term solution is identified.</li> </ul>
	<ul> <li>DPE engages with the RMS prior to the finalisation of the Rezoning Proposal. This will ensure intersection, road and pedestrian movement improvements proposed in the LUIS and Arncliffe and BanksiaProposal are supported by RMS and will be able to be delivered.</li> </ul>
Open Space	<ul> <li>Comments on the objectives of the Draft LUIS and Precinct Plan</li> <li>A needs based assessment for open space does not appear to have</li> </ul>
	been undertaken.
	<ul> <li>There is insufficient open space for the projected increase in population.</li> </ul>
	<ul> <li>The proposed reduction in open space from the Cooks Cove development and associated other modifications (e.g. relocation of Kogarah Golf Course) needs to considered.</li> </ul>
Rezoning	<ul> <li>General comments on the objectives of the Draft LUIS and Precinct Plan.</li> </ul>
	Status and funding for investigation of future opportunity areas.
	Difference in R3 zones between DPE and Council definitions.
	Review precinct boundaries around Arncliffe Park.
Urban design	<ul> <li>Clarification of the mechanisms for assessing Design Excellence.</li> <li>Specification of minimum lot sizes to ensure that through site links do not result in excessively bulky buildings, other poor design outcomes and excessive numbers of driveway accesses.</li> </ul>
	<ul> <li>Shared lot driveway accesses should be encouraged to minimise the loss of parking for driveway accesses.</li> </ul>

Topic	Key Issues
	<ul> <li>Access issues may result from the redevelopment of narrow lots in the Banksia Centre.</li> </ul>
	<ul> <li>There is insufficient information on the process and responsibility for further investigations into the Future Opportunity Areas.</li> </ul>
	<ul> <li>Consideration should be given to changing the zoning and development controls for the Marinea Street and Arncliffe School Neighbourhood to provide a better transition to low density areas.</li> </ul>
	<ul> <li>A lack of building envelope modelling makes it difficult to comment on the visual impacts of the rezoning</li> </ul>
	<ul> <li>Consideration of the implementation of such benchmarks as detailed in the Parramatta Road Corridor Urban Transformation: Planning and Design Guidelines (section 3.10 Sustainability and Resilience) developed by UrbanGrowth NSW as part of the Bayside West Precincts.</li> </ul>
Environmental	<ul> <li>Make additional information available, that appropriately and clearly addresses the responsibility of owners and proponents when it comes to the determination of contamination impact on a site.</li> </ul>
	<ul> <li>Issue guidance to owners and proponents in the Bayside West Precincts detailing the potential impacts of aircraft noise and air quality issues.</li> </ul>
	<ul> <li>Review the boundary of the Precinct, particularly around Arncliffe Park and address the likely measures which need to be implemented from a floodplain management point</li> </ul>
	<ul> <li>Draft LUIS should have included a detailed flora and fauna assessment of the Cooks Cove Precinct and rezoning of areas containing important vegetation as environmental conservation zones.</li> </ul>
Heritage	<ul> <li>Undertake a strategic approach to heritage that identifies the appropriate building interface between new buildings and heritage items.</li> </ul>
	<ul> <li>Consider the potential for the integration of pedestrian movement along heritage items. This would allow future residents to appreciate the items, but, more importantly, strengthen the items significance in the area.</li> </ul>

# 4.3. Other agencies submissions

Eight agencies provided submissions on the Draft LUIS and Rezoning Proposal. Many of the issues raised were about the Cooks Cove Precinct. A summary of key issues raised by these agencies is presented in the table below.

Agency	Key Issues
Department of Primary Industries (DPI) Water & Fisheries	DPI (Water) raised concerns about locating a shared pedestrian and cyclist path along the banks of the Cook River estuary as it was contrary to DPI Water Guidelines for Controlled Activities on Waterfront Land (2012) (Guidelines) and the NSW State Rivers and Estuaries Policy.
	<ul> <li>DPI (Fisheries) noted that Cooks River and Muddy Creek were designated as Type 1 key fish habitat and consequently DPI(Fisheries) were required under the Fisheries Management Act to ensure that there was no net loss of habitat. They recommended that a 40-metre-wide vegetated riparian zone should be established along watercourses, preferably consisting of saltmarsh and mangrove communities.</li> </ul>
	<ul> <li>They also recommended that Water Sensitive Urban Design (WSUD) principles and requirements be adopted in the design of any new developments in the precincts.</li> </ul>
Office of Environment & Heritage	<ul> <li>Green and Golden Bell Frogs, other threatened species and Ecologically Endangered Communities (EECs) have been recorded in the Cooks Cove Precinct, Barton Park and associated wetlands. The assessment and protection of these species, communities and habitats needs to addressed any development assessment and Precinct Plans for Cooks Cove</li> </ul>
	<ul> <li>Floodplain risk management needs to be addressed further for Cooks Cove Precinct.</li> </ul>
	<ul> <li>Climate change adaption measures should be included in the Development Control Plan (DCP). This includes consideration of the Urban Green Cover in NSW Technical Guidelines (OEH 201) and the draft Central District Plan Sustainability Priorities and particularly Priority 7 and 10.</li> </ul>
	<ul> <li>A full archaeological and cultural Aboriginal heritage assessment should be undertaken before the rezoning of the Banksia and Arncliffe precincts occurs.</li> </ul>
State Emergency Service	The State Emergency Service (SES) requested that further assessment of the Probable Maximum Flood (PMF) should be undertaken and used to inform planning controls and the viability of rezoning flood affected areas. It was particularly concerned about flooding impacts on the Cooks Cove Precinct and the "shelter in place" flood safety approach for the Cooks Cove Precinct. The SES requested a flood evacuation route up to the PMF be provided for Cooks Cove Precinct.
Land and Housing Corporation	<ul> <li>Land and Housing Corporation (LAHC) expressed support for the rezoning proposal and specifically in regard to their site on Eden Street Arncliffe. In a separate submission, LAHC proposed changes to the DCP to cater for the specific requirements of social housing.</li> </ul>

Department of Education	<ul> <li>No issues raised – however discussed potential increases in enrolments and school cluster plans.</li> </ul>
Sydney Airport	Various assessment issues for the Cook Cove Precinct.
Transport for NSW	<ul> <li>No issues raised – however provided further information on transport and traffic issues.</li> </ul>
APA Group	<ul> <li>Noted that the Moomba to Sydney Ethane Pipeline is located to the north of the Arncliffe Precinct. A Safety Management Study needs to be undertaken to ensure that potential hazards of the pipeline can be assessed and appropriate planning controls identified and implemented.</li> </ul>

#### 4.4. Next Steps

#### **Priority Support Scheme Funding**

The Workshop Outcomes report will be available on the Department's website once the Department has shared it with Council. Once it is finalised, the Department and Bayside Council will work together to review the shortlisted projects and reach agreement on the projects to receive funding.

#### Land Use and Infrastructure Strategy and Arncliffe and Banksia Rezoning Proposal

The Department will review submissions and revise the draft Strategy and Rezoning Proposal as necessary. The Department will then provide a recommendation to the Minister for Planning for decision to amend the Local Environment Plan and issue the final Land and Use and Infrastructure Strategy.

#### **APPENDIX A: Public Engagement Collateral**

#### Advertisement and Postcard





#### New plans for Bayside West Have your say

The Department of Planning and Environment is working with Bayside Council to develop new plans for Arncliffe, Banksia, Cooks Cove and the Princes Highway.

A draft Land Use and Infrastructure Strategy has been developed to identify opportunities for new homes, shops and businesses, open space and community infrastructure.

A draft Rezoning Proposal has also been prepared for areas within Arncliffe and Banksia, which identifies opportunities for renewal.

#### The draft plans aim to:



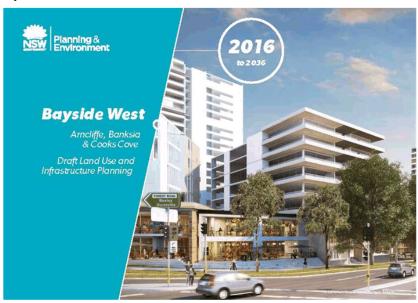




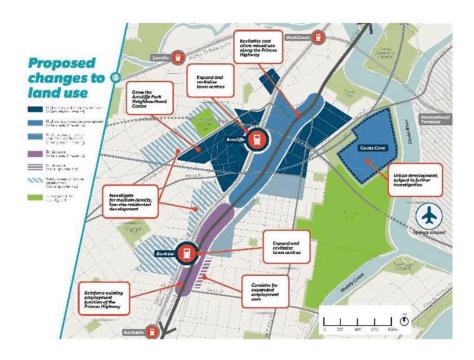


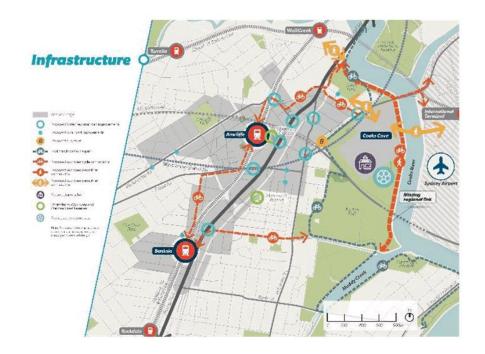
翻译和传译服务处。请敦电 131450。 要一位你的语言的传译员,然后请他 们帮你转接 1300730550。

#### **Project Brochure**



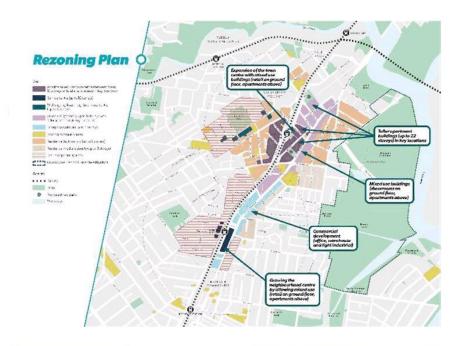






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#### **APPENDIX B: Social Media Advertising Campaign**

















#### **APPENDIX C: Media Articles**





# 'Double whammy' for Arncliffe and Banksia residents under **Bayside West Precincts plans**

29 Nov 2016, 6:51 a.m.









Urban dasis: Artist's impression of an enhanced Wooroona Reserve at Arnoliffe East, surrounded by new apartment blocks. Picture

The release of maps showing which areas of Arnoliffe and Banksia are proposed for rezoning will remove uncertainty for some residents.

However, Bernie Sharah, the convener of community group Rockdale Residents Unite, found that to be of little consolation in the plans announced this week for 10,000 new homes for the area.

He said existing residents would experience a "double whammy" with the loss of a major greenspace area and an enormous increase in population.

Planning Minister Rob Stokes announced on Sunday development would take place over the next 20 years, with potential for 4100 new dwellings at Arnolffe and 1000 at Banksla.

In addition, 5000 new apartments are proposed for adjoining Cooks Cove.

Mr Sharah said, "I don't want to be bleak, but I can't see much that is

"We are losing 35 hectares of greenspace [Barton Park] for the Cooks Cove project and getting an enormous increase in population.

"What we need is more greenspace, not less.

"There will be a lot of negative impacts, including traffic congestion."

"We have seen what Wolli Creek is like – a permanent construction zone and a traffic nightmare."

Mr Sharah said there would also be a loss of community feeling.

"High-rise creates fairly anonymous spaces, with very little community

"Another aspect will be the loss of heritage that will occur as the area

WHAT'S HAPPENING IN ST GEORGE & SUTHERLAND

Great new local hairdresser

I tried the new halrdresser on Saturday and they were wonderful, very reasonable...

Know a good market? I've just moved here and looking for a market to get my weekly fruit and vege fr...

Anyone tried the new bar?

Help with bee hive removal is any one interested or know some one who would remove a very large bee hive fr...

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They b

Mr Sharah said said residents in high rise zones, who wished to remain in their homes, would continue to live with the uncertainty that their neighbours could sell to developers.

#### EARLIER STORY

Arnoliffe and Banksia are to be redeveloped with more than 5000 new homes, mostly high rise apartments, with sections of the Princes Highway "transformed into tree-lined boulevards".



Amciffe centre: Artist's impression of the Firth Street shopping strip, next to the railway station, under the proposed zoning changes. Picture: supplied

Draft plans have been released for the Bayside West Precincts, including Cooks Cove, where a proposal for 5000 homes was announced earlier this month.

The combined total of 10,000 homes in the three precincts will make it one of Sydney's biggest new housing areas.

Exhibition of the draft plans for public comment comes two years after Arnoliffe and Banksia were declared priority precincts for urban renewal.



Areas to be rezoned.

Planning Minister Rob Stokes said the development would take place over the next 20 years, with potential for 4100 new dwellings at Arnoliffe and 1000 at Banksia.

Up to 5000 new dwellings were being investigated at Cooks Cove, he said.

included in the "vision" are new shops and businesses to create 4400 extra jobs and new community facilities, including pedestrian-cycle paths and greenspace.

Mr Stokes said sections of the Princes Highway would be "transformed into tree-lined boulevards".

The state government would provide up to \$10 million for community infrastructure, he said.

High density residential and mixed use development will be concentrated at Amoliffe, on both sides of the railway line between West Botany Street and Wollongong Road.

The rezoning of these areas has been declared a priority.

Banksia town centre, adjoining the station, will be "expanded and revitalised", which would include developments next to the station with shops below and apartments above.

However, unlike Arnoliffe, Banksla will not have large pockets of high-rise.

The eastern side of Banksia station is designated for employment, and the western side for medium density low-rise homes.

Cooks Cove is marked "subject to further investigation", but a new school is included in diagrams.

The government will investigate imposing a levy on developers to contribute to upgrading infrastructure.

Mr Stokes encouraged members of the community to view the draft plans and give their feedback to help shape the final vision for the area.

"The draft plans show how good planning can make people's lives better as suburbs grow and change into the future," he sald.

Minister for Social Housing Brad Hazzard said the draft plans allowed for the rejuvenation of the Land and Housing Corporation site in Eden Street at Arncliffe.

Mr Hazzard said the site would accommodate a mix of new private and affordable housing, boosting social housing by 30 per cent from 142 to 184 homes.

"We have tired old estates and we are redeveloping them, at no cost to taxpayers, to make brand new homes and brand new opportunities for our tenants," he said.

Bayside Council administrator Greg Whight welcomed the draft plans as the next step in realising the former Rockdale Council's vision when it nominated the areas for urban renewal.

"I am pleased this project will deliver improved pedestrian and cycle connections," he

The Department of Planning and Environment will hold community drop-in sessions on the draft plans, and conduct an online survey. The department will finalise the plans once feedback has been considered.

The plans will be on exhibition until February 10. Visit: planning.nsw.gov.au/baysidewest



30 Nov 2016 St George & Sutherland Shire Leader, Sydney

Author, Jacob Saulwick Kahlia Beichert - Section: St George Edition Article type : News Item - Classification : Suburban - Audience : 147,639 - Page: 8 Printed Size: 436.00cm - Market: NSW - Country: Australia - ASR: AUD 3,118 Words: 383 - Item ID: 692918927

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Page 1 of 2



# **Push for Bayside housing**

BY JACOB SAULWICK, KAHLIA BEICHERT
THE next five years will feature the biggest housing construction boom in Sydney's history, according to forecasts released by the state government.

They predict almost 165,000 new houses and apartments will be added to the city by 2021 – about 85 per cent more properties than were built in the previous five years.

Parramatta will be home to the largest increase in dwellings, with another 21,450 properties added to the council area, according to the forecasts by the Dopartment of Planning and the Environment.

The next largest increases are in the City of Sydney council area, with 18,250 new dwellings. Blacktown, with 13,600 new properties; and Canterbury-Bankstown, with 12,200 new dwellings.

Bayside Council will add another 10,000 homes.

Those will mostly be situated in Wolli Creek, Cooks Cove, the Arncliffe and Banksta priority precincts (see story Pages 1 and 6), Mascot Station precinct and casts released by the state government.

They predict almost 185,000 new houses and apartments will be added to the city by 2021 - about 85 per cent more properties than were built in the previous five years.

Parramatta will be home to the largest increase in dwellings, with another 21,450 properties added to the council area, according to the forecasts by the Department of Planning and the Environment.

The next largest increases are in the City of Sydney council area, according to the forecasts by the Department of Planning and the Environment.

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However, local residents Unite member Bernie Sharah said dere needed to be a better.

Tquestion the accelerated push for housing when some of the statistics don't think some of the push is speculative rather than the accelerated push for housing when some of the statistics don't think some of the push is speculative rather than the accelerated push for housing when some of the statistics don't think some of the push is speculative rather than the accelerated push for housing when some of the statistics don't think some of the push is speculative rather than the accelerated push for housing when some of the statistics don't the push of the push is speculative rather than the accelerated push for housing when some of the statistics don't the needed to be a better.

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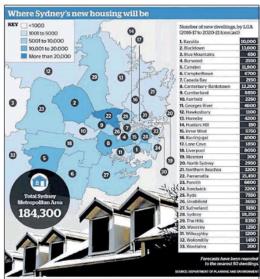
esidential purposes. Planning Minister, Rob

Stokes, said the spread of the new dwellings meant the problem of creating new properties only on the fringes of the city was finally being addressed. "When you look at the top areas, it is Parramata, it is the City of Sydney, it's



Bernie Sharah





HOUSING BOOM: Number of new dwellings by local government area.



#### Bayside West plan on show

Bayside West plan on show

The draft plan for the Bayside West Precincts in Sydney has been placed on public exhibition. The new vision is for the suburbs of Arncliffe, Banksia and Cooks Cove, with the potential for up to 10,000 new homes, 4400 new jobs and \$10 million in funding for community infrastructure. New homes are expected to be built over the next 20 years, with potential for 4000 new dwellings are Arncliffe and 1000 at Banksia. Up to 5000 dwellings are being investigated at Cooks Cove. Planning Minister Rob Stokes encouraged people to view the plan and give feedback to help shape the final vision. "This shows how good planning can make people's lives better as suburbs grow and change into the future." Mr Stokes said.

MATTHEW CRANSTON

#### **APPENDIX D: Landowners Notification**



Dear Resident

#### Help shape the future of Banksia, Arncliffe and Cooks Cove

The Department of Planning and Environment is working with Bayside Council to help bring more jobs, greater housing choice and better community services to Arncliffe, Banksia and Cooks Cove.

We have developed a new draft plan for these areas, which is currently out for consultation.

The draft plan aims to create vibrant, attractive and connected communities with good access to public transport, community facilities, open space, shops and cafes.

Community engagement is a vital part of the planning process, and we would like to invite you to have your say.

Visit www.planAmcliffeBanksia.nsw.gov.au to:

- view the draft planfill out our online survey
- lodge a formal submission

Residents, landowners, and anyone else interested in the future of Banksia, Arncliffe and Cooks Cove will also be able to attend community information sessions, to be held in January and February 2017.

Staff from the Department of Planning and Environment and Bayside Council will be on hand to discuss the plans with you and answer questions that you may have.

Please visit www.planArncliffeBanksia.nsw.qov.au for details of these sessions as they come to

If you can't make a community information session but would like to speak to someone about this project, please call 1300 305 695. If you require a translating and interpreting service, please call 131 400.

We look forward to your feedback before 28th February 2017.

Best regards,

Ann-Maree Carruthers Director, Urban Renewal

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

# **APPENDIX E: Public Exhibition Information Boards**

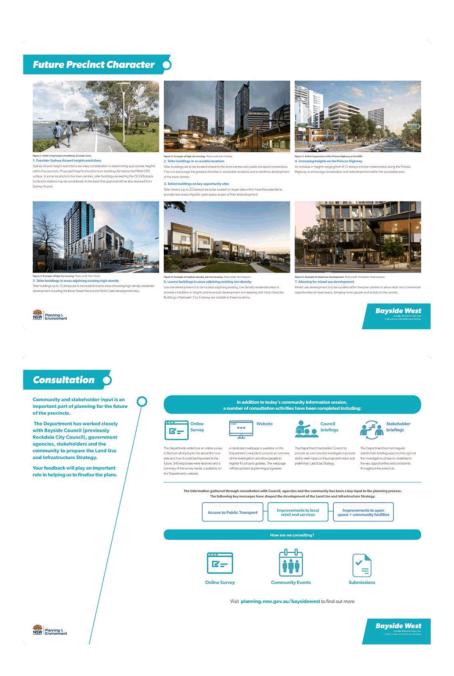


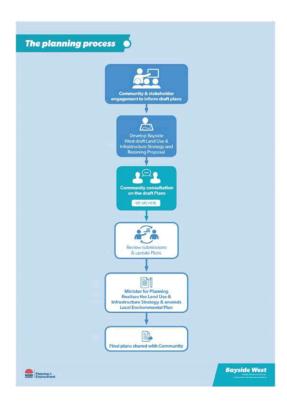


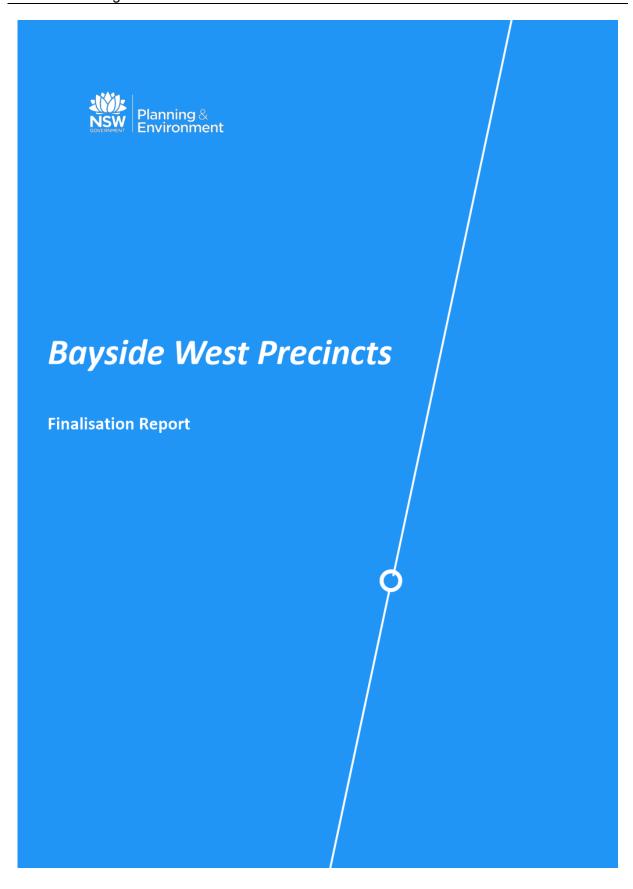


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Bayside West | Finalisation Report August 2018



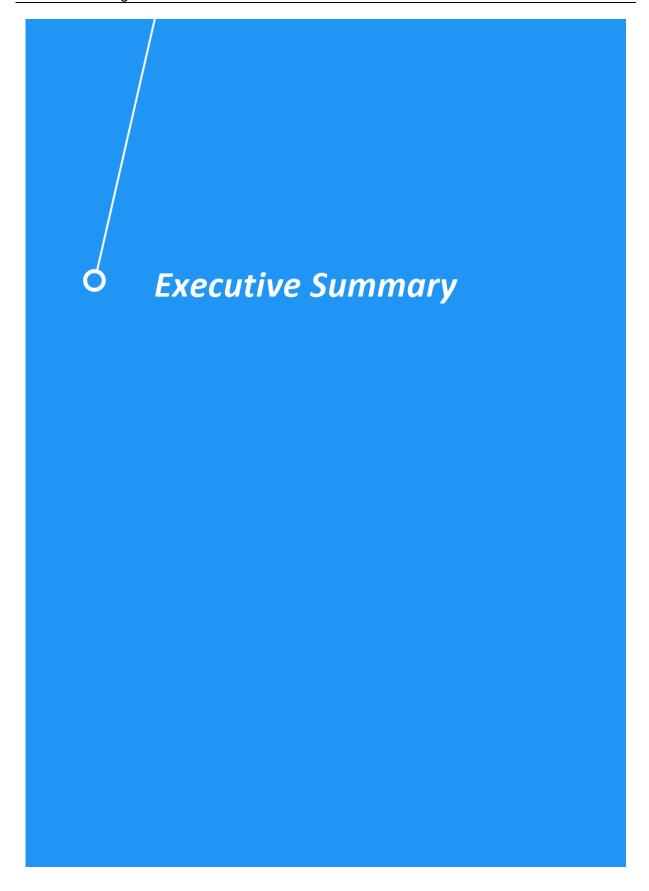
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## **Executive Summary**

The Department of Planning and Environment (the Department) has undertaken detailed investigations into the opportunities and constraints of the Arncliffe, Banksia and Cooks Cove Precincts. Based on these investigations, the Department have prepared the following:

- Bayside West Precincts 2036 a land use and infrastructure plan for Arncliffe, Banksia and Cooks Cove (previously exhibited as a Land Use and Infrastructure Strategy (LUIS)).
- The Arncliffe and Banksia rezoning.

The rezoning of the Cooks Cove Precinct is subject to a separate assessment and approval process to be progressed by Bayside Council.

The draft LUIS (now *Bayside West Precincts 2036*) and Arncliffe and Banksia rezoning were publicly exhibited between 27 November 2016 and 28 February 2017. The community, government agencies and other organisations were provided the opportunity to comment on these documents. A total of 198 submissions were received during the exhibition period.

This Finalisation Report (the report) has been prepared to provide responses to issues raised in submissions and includes:

- A summary of the number, type and issues raised by submissions;
- Detailed responses to issues raised in the submissions by the community, organisations, agencies and Bayside Council; and
- Changes made to the Arncliffe and Banksia rezoning in response to public submissions.

There was a range of views expressed in community submissions received, with some property owners and residents supporting the rezoning, while others raised concerns about road and public transport capacity, loss of local character, loss of views, urban design quality of new development, school capacity and lack of open space. Responses to these common concerns are presented in this report.

There was also a substantial number of submissions commenting on the future redevelopment of Cooks Cove. While *Bayside West Precincts 2036* includes a future planning vision and nine planning principles for Cooks Cove, rezoning and redevelopment of this area will be subject to assessment by Bayside Council and these submissions were supplied to Council.

There were 46 submissions from developers and property owners seeking an increase in maximum building height and/or floor space for specific sites. Many of the submissions did not contain sufficient detail and justification for the request in uplift to be assessed. The Department considers

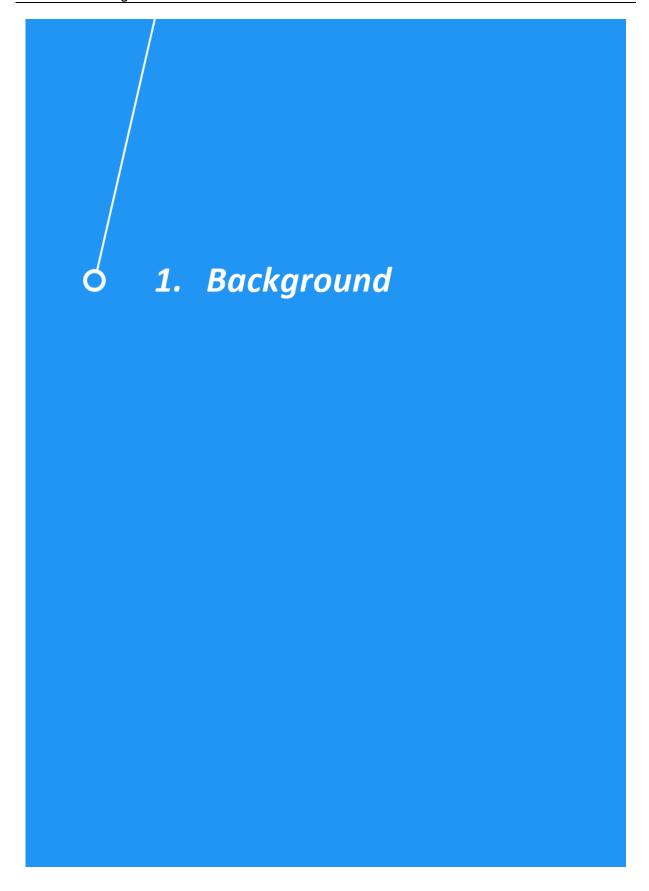
that the exhibited Arncliffe and Banksia rezoning is the correct balance between increased density and feasibility of redevelopment.

Bayside Council provided a detailed submission which raised similar issues to the community with roads, public transport, open space and infrastructure provision their main concerns. However, Bayside Council was largely supportive of the Arncliffe and Banksia rezoning. The Department will continue to work with Bayside Council to address their concerns and assist them in the development of other planning documentation.

Bayside Council are in the process of preparing a Development Control Plan (DCP) for the Arncliffe and Banksia Precincts. The DCP will provide design guidelines for new developments within the Precincts, such as urban design principles for street network and design, through site links, active frontages, building and landscape setbacks, street wall heights and the open space network. It will be the responsibility of Council to make the DCP for the Arncliffe and Banksia Precincts.

The following key changes to the exhibited Arncliffe and Banksia rezoning have been made:

- A site on the corner of Arncliffe Street and Burrows Street has been rezoned to RE1 Public Recreation to provide a new park for the community.
- An area west of Arncliffe station will be deferred from the rezoning of the Arncliffe and Banksia Precincts. This area will be the subject of further investigation to consider opportunities for greater master planning and high quality urban design outcomes.
- A small area south of Banksia railway station on the Princes Highway, bordered by B4 mixed
  use zones on either side, was changed from a B6 Enterprise Corridor zone to a B4 Mixed use
  zone, to address fragmentation, and to provide a continuous extension of the Banksia town
  centre.
- Fix errors in the exhibited draft height and FSR maps.



# 1.1. Background

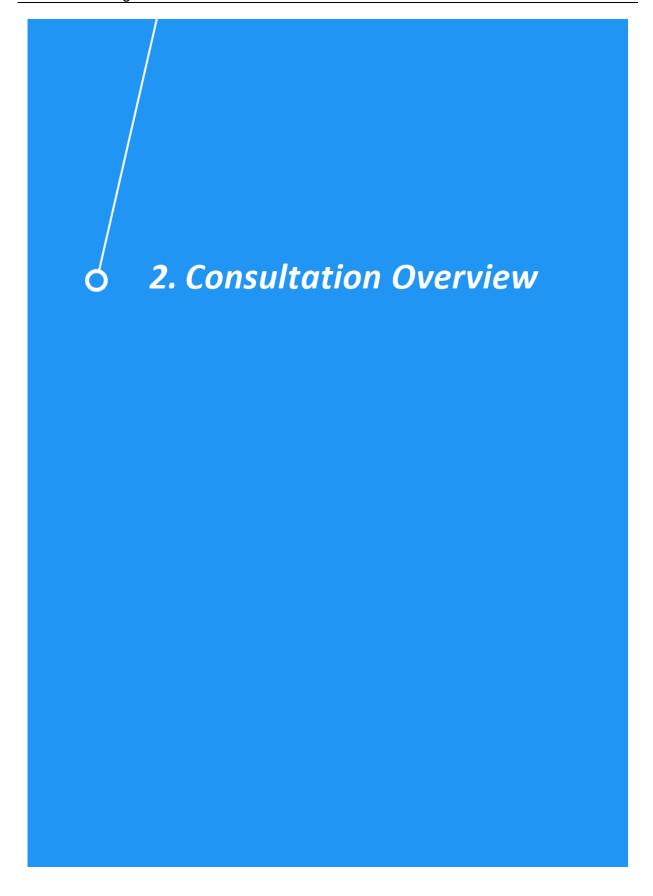
The Arncliffe and Banksia Precincts were designated as Planned Precincts in 2014 and Cooks Cove later in 2015. Planned Precincts are areas with good access to existing or planned transport infrastructure and that have the potential to provide for significant growth in housing and jobs with a focus on providing priority infrastructure, including schools, parks, transport, hospitals and road upgrades. The purpose of the Planned Precincts Program is to ensure that these precincts are strategically planned and that the required infrastructure is delivered in a coordinated manner. It is a NSW Government led program based on collaboration with local councils and local communities.

In collaboration with Bayside Council (previously Rockdale City Council), the Department have developed a detailed land use and infrastructure plan for the Bayside West Precincts (*Bayside West Precincts 2036*). This area includes the Arncliffe Precinct, Banksia Precinct and the Cooks Cove Precinct. Figure 1 depicts the location of the three (3) precincts.



Figure 1 Arncliffe, Banksia and Cooks Cove Precincts Location Map

Bayside West Precincts 2036 aims to create connected town centres for Arncliffe and Banksia, better transport connections, more housing choices, a vibrant Princes Highway corridor and new areas of open space. A rezoning proposal for the Banksia and Arncliffe Precincts have also been prepared. The rezoning of the Cooks Cove Precinct is subject to a separate assessment and approval process that would be managed by Bayside Council.



## 2.1. Introduction

The Department engaged in an extensive program of consultation throughout the preparation and exhibition of both the draft LUIS (now known as *Bayside West Precincts 2036*) and the Arncliffe and Banksia rezoning. The consultation process is described in detail in a separate consultation report available on the Department's website:

http://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Bayside-West Precincts/~/media/87B2D901E7E5480AAC24761DE905BA19.ashx.

The details of the consultation program undertaken, and the outcomes are set out in this report.

#### 2.2. Public exhibition

The draft LUIS, Arncliffe and Banksia rezoning and associated technical studies were publicly exhibited between 27 November 2016 and 28 February 2017.

Letters notifying the community of the public exhibition were distributed to 7,000 properties in and adjacent to the precincts and 9 government agencies, including Transport for NSW, Roads and Maritime Services, Office of Environment and Heritage and Department of Primary Industry (Water and Fisheries). Four 'pop-up' information events at key community sites and 3 workshops were held during the exhibition period. Around 500 community and other stakeholders attended at least one of these sessions.

A dedicated Bayside West Precincts page was established on the Department's website, and additional hard copies of the exhibition material were made available at Council libraries.

# 2.2.1. Submissions overview

A total of 198 formal submissions were received during the exhibition period. Where individuals or groups made more than one submission, these were collated and considered as a single submission. There were no form letters submitted however ten (10) submissions were identical.

Submissions were received from the following:

- 11 submissions were received from Government agencies, Bayside Council and regulatory organisations;
- 38 submissions focussed specifically on issues regarding the Cooks Cove precinct and associated developments (e.g. relocation of Kogarah Golf Course);

 46 submissions were from developers or property owners who were seeking changes in proposed zonings or planning controls to increase the density of residential development on specific sites; and

103 submissions were received from individuals or community organisations.

#### 2.2.2. Submission location by area

Of the 103 individual/community submissions received, approximately 70% were from residents/organisations within Arncliffe and about 20% were from residents/organisations within Banksia.

The remainder of the submissions were largely from neighbouring suburbs including Wolli Creek, Rockdale, Tempe, Turrella, Marrickville and Kogarah.

#### 2.2.3. Issues raised in submissions

The views represented in the 98 individual/community submissions were varied. However, the following key issues were common throughout. Traffic was the predominant issue with 54% of submissions raising this concern, followed by public transport capacity (42%). Other concerns raised in submissions related to the height and density of new development proposed (37%), open space availability (34%) and the loss of local character (36%). It is noted that many submissions raised multiple issues and therefore totals do not equate to 100%.

# 2.3. Additional consultation

After considering the issues raised in the submissions, the Department undertook further consultation with a specific group of local community members from Arncliffe Heights (located in the western section of the Arncliffe Precinct) to better understand the key issues raised, including loss of views, height transition and loss of local character.

The Department also attended a community meeting at Rockdale Town Hall on 17 April 2018 to better understand the requested changes to parts of the Princes Highway sought by land owners. This is addressed is more detail at Section 3.7.

# 2.4. Online Survey

#### 2.4.1. Introduction

A survey was developed to seek community feedback about the draft LUIS and Arncliffe and Banksia rezoning. The survey was available on the Department's website for the duration of the exhibition period and promoted to the community through a media release, social media campaign, direct email to over 330 subscribers; and a mailout to 7,000 landowners within the precinct boundary.

Survey participants were asked to rate, on a sliding scale, how they felt about some aspects of the draft plans. Participants also had the opportunity to provide "free form text" comments. "Free form text" comments were also reviewed and where they raised additional issues, they have been addressed. A total of 896 people responded to the survey during the exhibition period. Not all survey participants answered every question and therefore the number of responses for each question was less than 896. A summary of the survey participants includes:

- Approximately 32% of participants were interested in the Banksia Precinct and 60% were interested in the Arncliffe Precinct. About 8% did not express a specific interest in either precinct.
- The majority of all survey participants, were between 25 and 54 years of age, which account for approximately 73%.
- Approximately 44% of survey participants were from Arncliffe, 14% from Banksia and 21% from surrounding suburbs. Five percent (5%) declined to identify where they were from and another 14% were from outside the local area.
- Approximately 50% of survey participants were male and 46% were female, with 4% declining to declare their gender.
- Approximately 89% of survey participants used English as their first language. The remaining 15% used Cantonese, Mandarin, Arabic, Macedonian or Greek as their first language.
- Approximately 42% of survey participants worked in the Sydney CBD, 13% worked locally and 28% worked in other suburbs.

# 2.4.2. Arncliffe

Survey participants were asked about changes in Arncliffe town centre along Firth Street, including improved landscaping; allowing cafes, shops and restaurants beneath residential buildings, and the development of 8 to 12 storey buildings. Over 90% liked the idea of improved landscaping along Firth Street and about 70% liked the idea of cafes, shops and restaurants beneath residential

buildings. Only about 38% supported the development of 8 to 12 storey buildings, with about 10% neutral on higher buildings.

Survey participants were then asked whether the proposed changes in Arncliffe would make it better for local business, a better place to live, and easier to find a somewhere to live in the local area. Between 55% and 68% of participants agreed that the proposed changes would make Arncliffe a better place for local businesses, to live and to be able to find accommodation.

#### 2.4.3. Banksia

Survey participants were asked to respond to a series of questions about the potential town centre development along Hattersley Street in Banksia. Between 48% and 64% of participants agreed that proposed changes would be positive. Between 13% and 17% neither agreed or disagreed, with the remainder (20% to 36%) disagreeing that the changes in the Banksia town centre would be positive.

Survey participants were then asked whether they liked 'cafes, shops and restaurants below residences' and 'residential buildings 8 to 12 storeys high'. About 62% of participants liked the idea of cafes, shops and restaurants below residences and 22% expressed a dislike. Only 30% liked the concept of residential buildings 8 to 12 storeys high, with 57% disliking the idea.

## 2.4.4. Princes Highway

Survey participants were asked two questions about improving the streetscape and increasing pedestrian areas along the Princes Highway. They were also asked whether buildings up to 13 storeys high should be permitted along Princes Highway. Over 82% of participants responded positively to the concept of improved space and streetscape along Princes Highway. However, only 38% liked the idea of buildings up to 13 storeys high along the Princes Highway, with 14% neither liking or disliking it.

Survey participants were then asked whether the proposed changes along the Princes Highway would make it better for local businesses; a better place to live, and if it would make it easier to find a somewhere to live in the local area. Just over 50% of participants agreed that the proposed changes would make the Princes Highway a better place for local businesses and for people to live. About 25% to 30% disagreed that the proposed changes would make Princes Highway a better place. About 44% of participants agreed that it would be easier to find somewhere to live with the proposed changes, whereas 38% disagreed with this statement.

## 2.4.5. Open space

Survey participants were asked a series of questions about open space including whether parks and playgrounds should be upgraded; open space linkages between town centres and stations should be



improved, and better ground floor design for buildings should be incorporated providing openings to adjacent parks. Over 76% of survey participants liked the idea of upgraded parks and improved open space linkages between the town centre and stations. Over 73% of participants also agreed improved open spaces and playgrounds would make it a better place for families, workers and the community.

## 2.4.6. Community facilities

The survey included a question about how the Precinct Support Scheme (PSS) funding could be used. A shortlist of potential projects was provided, and participants were asked to rank their preference as to which one the money should be spent on. Survey participants could also nominate other potential community projects. The four projects identified in the survey and the percentage of survey participants that ranked them as their first or second choice were:

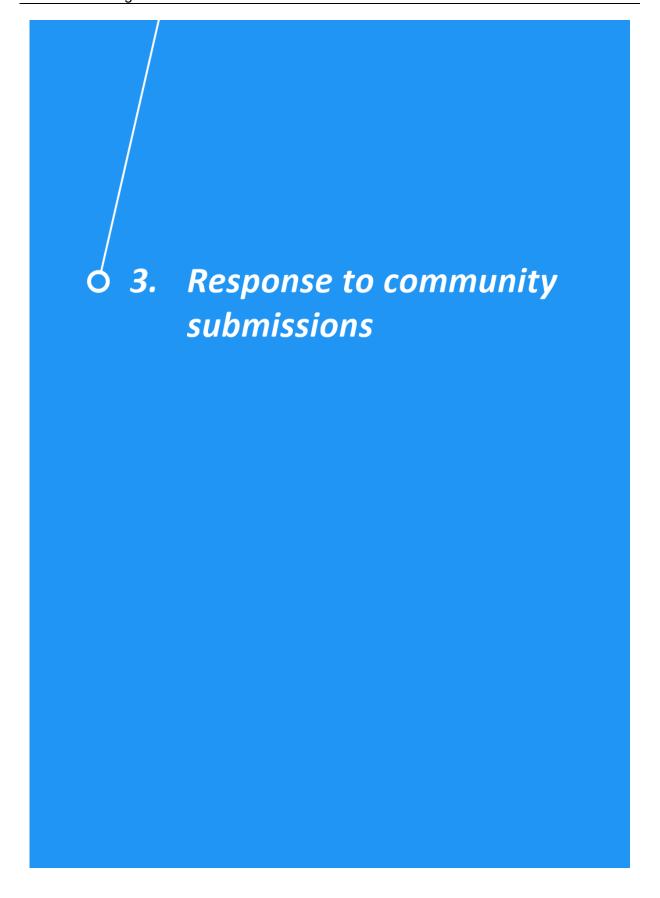
- A Woorona Park upgrade (58%);
- A new cycle path along the Cooks River (54%);
- A Marinea Street Reserve upgrade (49%); and
- Extensions to the Eve Street cycle way (39%).

Other potential community facilities identified by survey participants included dog parks; a swimming pool; community gardens; alternative pedestrian and cycle paths; upgrades to Arncliffe Park, Gardiner Park and Cahill Park; new parks; additional lighting and security cameras; commuter parking; bike lockers at stations, and improved streetscapes.

# 2.5. Support for the project

The submissions received in support of the plans for the Bayside West Precincts included:

- Support for the proposed land use zones and the proposed increase in density; and
- Support for the future redevelopment of the Cooks Cove Precinct.



# 3.1. Introduction

This section provides a response to issues raised in the 98 community submissions received. The response is set out by the key issues raised as follows:

- Increased traffic generation and congestion
- Inadequate car parking
- Loss of open space
- Public transport capacity
- Inadequate cycle and pedestrian paths and links
- Potential loss of wetlands
- Excessive heights and scale of proposed development
- · Insufficient local school capacity
- Development of the Cooks Cove Precinct

# 3.2. Traffic impacts

# Issues raised

One of the most common concerns raised was traffic congestion, particularly during peak periods. Submissions noted that the proposal would result in a considerable rise in traffic volumes on the local and regional road network, and would exacerbate existing congested roads.

Particular concerns were raised about the following:

- the existing congestion along Arncliffe Road, particularly in the morning peak.
- traffic and parking issues in Charles, Kyle and Duncan Streets in Arncliffe.
- the existing congestion and intersection performance along M1 Princes Highway.
- the existing congestion of the local and arterial road network.
- the adequacy of the proposed intersection upgrades to alleviate existing traffic congestion.
- further investigation of traffic management is required around the Cahill Park neighbourhood.

Council's submission also raised a number of traffic issues that are addressed in Section 4 of this report.

#### Response

The rezoning proposal enables higher density urban development within a 10-minute walk of Banksia and Arncliffe Stations and would provide future residents with alternative options for travelling to work, shops and services by means other than driving. The precincts are well serviced by public transport with:

- existing train services on the T4 Illawarra Railway Line and the T2 Airport Railway Line which links the stations to the Sydney CBD, western Sydney and Southern Sydney; and
- existing bus services located east of the railway line providing connections to Central Sydney,
   Bondi Junction, and Randwick (routes 442, 400 and 410).
- existing bus services located west of the railway line which meanders through the residential areas (route 473).

A review of traffic and transport in the precincts identified a series of local and regional road improvements required to support the future growth of the precincts (refer to Appendix A of *Bayside West Precincts 2036*) and supplement major road investment. Regional road improvements would be partially funded through the Special Infrastructure Contribution (SIC) plan which has been developed in parallel to the rezoning proposal. Local road improvements would be funded through Bayside Council's Section 7.11 (formally Section 94) contribution plan which currently being developed. Both contribution plans would contain thresholds or triggers for the implementation of the road improvements to ensure they are delivered in line with major increases in population.

The F6 extension (Stage 1), a southern connection from Arncliffe to President Avenue at Kogarah, is currently being investigated by the NSW Government to connect the M5 to the southern suburbs of Sydney and the Illawarra. This proposed road connection would further reduce through traffic in the precincts

Access from Arncliffe Street to the Princes Highway was identified by a number of respondents as a major issue in the AM peak. The proposed road improvements – intersection upgrades at Allen and Burrows Streets, included in the regional infrastructure upgrades identified at Appendix A of *Bayside West Precincts 2036*, will address access to the Princes Highway from Arncliffe Street. The northern access to the Princes Highway from Arncliffe Street via Brodie Spark Drive is outside the precinct area and no road improvements are proposed in this area as part of the 2036 Plan. Bayside Council has recognised traffic issues at this location and will investigate additional works to address congestion.

The parking and traffic issues identified in Charles, Kyle and Duncan Streets were reviewed. It is recommended to consider realigning Charles Street to create a north-south connection with Duncan Street – with improved potential to redirect local traffic off parallel trunk roads. Further parking improvements would be the responsibility of Bayside Council to manage as the precincts are delivered. Local area traffic management such as for Cahill Park neighbourhood are a responsibility of Bayside Council.

## 3.3. Parking

#### Issues raised

Parking was raised in submissions in conjunction with traffic impacts. The key concern was that existing parking issues would be exacerbated by the proposed rezoning and that there was insufficient on-street parking to cater for current demand. Other submissions suggested that a resident parking scheme should be introduced to reduce parking demand.

#### Response

There are no changes proposed to the on-site parking rates currently specified in the existing Rockdale Development Control Plan (DCP) 2011 (Parking rates for multi dwelling residences are shown in Table 1). Council's existing DCP rates are to be adopted for any new development in the Arncliffe and Banksia Precincts. It is considered that these on-site parking rates are adequate to accommodate parking demand. The rezoning is focussed in areas near existing railway stations to encourage increased patronage of the existing public transport infrastructure. The rezoning will also improve opportunities for people to work close to home and close to public transport. The growth of local jobs should also promote greater self-containment and less reliance on private cars and the road network.

Table 1 – Multi Dwelling Housing/ Residential Flat Buildings/Shoptop Housing on-site parking rates (Rockdale DCP 2011)

Type of Use	Car parking rate	Bicycle parking rate	Motorcycle parking rate
Multi Dwelling Housing/ Residential Flat Buildings/ Shoptop Housing	<ul> <li>1 space for studio, 1 and 2 bedrooms apartments</li> <li>2 spaces for 3 bedrooms apartments or more</li> <li>Visitor parking: 1 space for every 5 dwellings</li> </ul>	1 space for every 10 dwellings	1 space for every 15 dwellings

The number of on-street parking locations is likely to increase with redevelopment of the precincts as a result of multiple lots, each with their own access, being amalgamated and a single or dual access servicing the new larger lot and development. This would create more opportunities and street frontage for the provision of on-street parking.

However, it is recognised that there would also be increased demand for on-street parking with the increase in population from the rezoning. Bayside Council would be responsible for specifying and approving on-street parking and monitoring demand for parking as development of the precincts occurs. Any resident parking schemes are the responsibility of Bayside Council.

# 3.4. Pedestrian and cycle connectivity

#### Issues raised

Many submissions identified that existing pedestrian and cyclist facilities and routes were inadequate and identified the need for new and improved facilities. Specific issues identified in submissions included:

- Safety of pedestrians and cyclists trying to cross the Princes Highway and Forest Road.
- The need for improved local and regional connections to cycle paths.
- Need for improved pedestrian access to and from railway stations and schools.
- Need for a pedestrian and cycleway along the Cooks River foreshore.
- Need for a pedestrian and cycleway connection to the airport.
- Need for a pedestrian and cyclist connection from the Cooks Cove Precinct to Wolli Creek Railway Station.
- Need for review of the proposed cyclist and pedestrian routes.

# Response

*Bayside West Precincts 2036* seeks to improve connections for pedestrians and cyclists through the following initiatives:

The Department has contributed \$3 million to Bayside Council through the Precinct Support
Scheme funding to develop a Public Domain Plan and Technical Manual that will deliver
street works and guide any future development applications in Arncliffe town centre and
along the Princes Highway.

Funding towards a new shared pedestrian and cycle path following the Cooks River, through
the Cooks Cove area. This link will provide the missing link to the Botany Bay to Homebush
Bay regional cycle network. The location for this path will be subject to detailed design as
part of future investigations.

- Funding towards improved pedestrian and cycling crossings across Marsh Street and Princes
   Highway to provide better access between Cooks Cove and the Wolli Creek railway station.
- Footpath connections throughout the Precincts so that they are safe, well-lit and have pedestrian crossings at key locations.
- Funding towards a new pedestrian and cycling connection along a section of the heritage listed Southern and Western Suburbs Ocean Outfall Sewer.
- New on-road cycleways connecting the railway stations to the Eve Street Cycleway and Wolli
  Creek to form part of a new east-west cross regional route.
- Funding towards the construction of a new pedestrian and cycling connection across the Cooks River between Cahill Park and Tempe Recreation Reserve.
- Improving the existing north-south on-road cycleway between Banksia and Arncliffe stations.

The Plan will inform updates to the Rockdale Development Control Plan 2011 and relevant Section 7.11 Development Contributions Plan by Bayside Council to ensure the upgrades proposed for pedestrian and cycling infrastructure are provided for as the area develops. Bayside Council will undertake further investigation and consultation to identify needs, optimal routes and funding for pedestrian and cyclist routes in the precincts.

# 3.5. Public transport

## Issues raised

Limited bus options and the existing overcrowding of peak train services were raised by many respondents as reasons for not increasing the density of development in the precincts. Specific issues that were raised include:

- Peak period trains on the T4 Illawarra Railway Line were already overcrowded and would not be able to cater for the substantial increases in population that rezoning would enable.
- Peak period trains on the T2 Airport Railway Line were approaching full capacity and would
  not be able to cater for the substantial increase in population that rezoning would enable.

 Public transport options for Cooks Cove were limited to buses because of the distance of the development to nearby railway stations.

- Public transport improvements should be clearly identified.
- Additional bus and train services are required to service the predicted increase in population.

## Response

As part of the planning for Bayside West, the capacity of the existing public transport services for the Precincts has been reviewed with regard to State future planning for public transport (*NSW Future Transport 2056*). The traffic and transport assessment identifies that a review of current public transport services, operating procedures and potential upgrades to rail infrastructure is a key requirement to support growth.

Transport for NSW is currently investigating opportunities to increase available rail capacity for southern Sydney, including for the Arncliffe and Banksia Stations. The increased capacity would assist in accommodating increased travel demand resulting from the proposed growth.

Transport for NSW, Roads and Maritime, the Greater Sydney Commission and Department of Planning and Environment are working together to coordinate land use and transport planning so new transport meets the needs of customers including residents, workers and industry. This process will consider which transport mix would best respond to long term growth challenges.

Bus services changes are recommended for consideration as part of the Transport Plan that would assist with capacity issues:

- a new route between Bondi and Miranda;
- extensions to routes 422 and 425;
- increasing bus frequencies in response to demonstrated demand; and
- investigate needs for bus priority infrastructure.

The privately-delivered planning proposal for Cooks Cove will need to consider bus improvements to ensure continued bus customer service outcomes, such as consideration of constructing a new bus stop on Marsh Street to cater for the Cooks Cove Precinct.

# 3.6. Height and scale of proposed development

#### Issues raised

A large number of submissions considered the proposed heights and density to be excessive and inconsistent with the character of the surrounding area. Key concerns were:

- The proposed 8 to 22 storey heights are too high.
- Maximum building heights should be limited to four (4) storeys.
- Maximum building heights should be reduced at interfaces with residential areas that are not proposed to be rezoned.
- The buildings would adversely affect surrounding residential amenity.
- The buildings would cause unacceptable overshadowing of neighbouring properties and public open space.
- Existing views from some residential areas would be adversely impacted.
- The topography of the precincts was not considered in sufficient detail when determining maximum building heights.
- · Schools should not be surrounded by high rise development.

## Response

In response to concerns raised about the height and density of buildings from the proposed rezoning of land, the Department has undertaken further investigations to assess specific issues raised in submissions and to review the proposed maximum building heights and FSRs. This included sourcing more accurate topographical data to model the impact of proposed maximum building heights on overshadowing and views.

In the Arncliffe Precinct, buildings up to 22 storeys high have been limited to the area between the railway line and Princes Highway and on the eastern side of the Princes Highway north of the Forest Road and Princes Highway intersection. The rezoning provides a graduated development density and height to surrounding suburban areas not proposed to be rezoned.

In the Banksia Precinct the area between Banksia Railway Station and on both sides of the Princes Highway has been proposed for buildings six to eight storeys in height. The remainder of the rezoning would limit buildings to 4 storeys.

The Department recognises that local residents have raised concerns about the height of buildings especially west of Arncliffe Railway Station where buildings up to 8 storeys would be allowed. Some of the proposed rezoning areas will interface with existing residential and commercial areas that are not proposed to be rezoned as part of the current rezoning proposal. In response to specific issues raised by residents west of the Arncliffe Railway Station in their submissions, the Department held an additional workshop on the 7 June 2017 with invited residents from Arncliffe Heights.

Based upon the feedback from the workshop and further investigation of the impacts of the proposed rezoning in the western area of Arncliffe, this area has been deferred from the rezoning proposal.

The western area of Arncliffe will be the subject of further investigation to consider opportunities for greater master planning and high quality urban design outcomes. The Department will work closely with Bayside Council throughout its comprehensive local environmental plan (LEP) review to further investigate the area west of Arncliffe Station for rezoning.

Assistance will be provided to the Council through a recent \$2.5million offer by the NSW Government to support the Council's strategic LEP review, with a commitment that the area be rezoned on or before 2020.

# 3.7. Zoning, FSR and heights controls

## Issues raised

A number of submissions requested that the Department consider changes in the proposed zoning, FSR and/or heights for specific sites. These requested changes are summarised in Table 2 and generally include an increase to the FSR controls, an increase to the maximum building height controls and a change in proposed zoning. All the requested changes are for large lots or amalgamated smaller lots where multiple buildings would be able to be constructed. These sites are located along or near the Princes Highway.

Accompanying the majority of the requests were preliminary site layouts which were used to justify the request for changes in zoning, FSRs and/or maximum building heights. Where there were multiple buildings proposed on a site, the preliminary site layouts suggested that the increase in maximum height only applied to one or two of the buildings, rather than all the buildings. However, it is recognised that if increased FSRs and building heights are allowed for a site or area, it would be difficult to ensure that these new controls would only apply to one or two buildings rather than all buildings unless additional more complex planning controls were included.



Also, many of the requested changes were in areas where an Enterprise (B6) zoning had been proposed. Many of the submissions suggested that the Enterprise zoning was not economically feasible and would not result in the redevelopment of this land.

Table 2 – Requested changes in zoning, FSR or building height control

		Exhibited	Exhibited	Exhibited	Requested	Requested	Requested
Address	Summary of issue	Zone	Height	FSR	Zoning	Height	FSR
	Wants to build serviced						
299-307 Princes Highway Banksia	apartments on unused hotel land.	В6	18m	1.5	В4	31m	2.5
52-54 Eden St	Increase FSR and		24	2.5	8.4	70	
Arncliffe	building heights	B4	31m	2.5	B4	70m	4
4-20 Booth St Arncliffe	Increased height and FSR	R4	22m	2	R4	28m	3
3-17 Booth Street and 79-93 Bonar							
Street	Increase in FSR	R4	22m	2			3
240 264 P-t	la constala de la con				B4 or B6 with		
240-264 Princes Highway Arncliffe	Increased height and FSR	B6	18m	1.5	"shop top housing"	31m	2.5
381-391 Princes Highway,	Change in zoning from						
Rockdale	Enterprise to Mixed Use	В6	18m	1.5	B4	28m	2.5
272 - 288 Princes Hwy Banksia	Change in zoning from Enterprise to Mixed Use	B6	18m	1.5	B4	31m	2.5
130 - 140 Princes Highway, 2-22 Wickham Street	Increased height and						
and 1-13 Charles Street, Arncliffe	Increased height and FSR - large site development	R4 and B4	26.5m & 31m	2.2 & 2.5	R4	Max 70m	3.65
96 - 102 Princes Highway, Arncliffe	Increased height and FSR	B4	31m	2.5	Mixed use	37m	3.5
235-253 Princes Highway & 6-10					B6 with		
Hattersley Street, Arncliffe	Increased height and FSR + shop top housing	B6	18	1.5	"shop top housing"	40m	3.5
345 Princes Highway Banksia	Increased height and FSR for site and whole town centre	B4	28m	2.5	Mixed use	31m	3

Address	Summary of issue	Exhibited Zone	Exhibited Height	Exhibited FSR	Requested Zoning	Requested Height	Requested FSR
96-102 Princes Highway, Arncliffe	Increased height and FSR + height bonus for design excellence	B4	31m	2.5	Mixed use	37m	3
Station St Arncliffe	Increase FSR	B4	22m	2		22m	3
137a Princes Hwy, Wolli Creek	Increase FSR	B4	31m	2.5	Mixed use	31m	4
1-17A Marinea Street, Banksia	Similar zoning to Princes Highway	R3	12m	1.2	B6	18m	1.5
282 Princes Highway Banksia	Change from Enterprise to residential zoning	B6	18m	1.5	Mixed Use		
North of Banksia Train Station	Change from Enterprise zoning to Mixed use	B6			Mixed use or residential		

#### Response

The Department's response to rezoning in the Princes Highway Corridor is consistent with Bayside Council's *Princes Highway Corridor Strategy 2013*. The changes to land use zoning and built form controls are proposed to maintain the employment function of the corridor, respond to the changing structure of employment uses and accommodate the demand for new residential and mixed-use areas in accessible locations.

Importantly, consistent with the more recent *Greater Sydney Region Plan* and *Eastern City District Plan*, the *2013 Strategy* also emphasises the importance of revitalising the Princes Highway enterprise corridor and promoting the employment function of the corridor through broadening the mix of land uses along the Princes Highway in suitable areas. This will set up the evolution of the economic and employment profile for the corridor to better meet the needs of a growing community.

The Department presented at a community meeting at Rockdale Town Hall on 17 April 2018, attended by around 100 people. The purpose of the meeting was to discuss the concerns of landowners who submit that changes to land use zoning and built form controls are further required (more than those proposed by the Department) along parts of the Princes Highway to allow residential uses and increased densities in the existing employment corridor.



On 23 May 2018, Council resolved that it will initiate a review of the B6 Enterprise Corridor zone along parts of Princes Highway as part of a wider review for the preparation of Council's new Bayside Local Environmental Plan and Bayside Development Control Plan.

Council's resolution identified a number of technical investigations that would be undertaken by Council as part of the review, including traffic and transport, built form analysis, open space and market demand investigations. Council resolved to write to all relevant owners in the investigation area to advise them of Council's resolution.

The Department supports Council's position. Assistance will be provided to Council through a recent \$2.5million offer by the NSW Government to support Council's strategic review of its LEP to align with the priorities of the Eastern City District Plan.

On this basis, no extension to the precinct boundaries or increase in FSR or maximum building heights from that contained in the Arncliffe and Banksia rezoning have been undertaken. Property owners and developers can submit planning proposals seeking changes to planning controls where general consistency with *Bayside West Precincts 2036* can be demonstrated.

# 3.8. Urban design

#### Issues raised

Some respondents raised concerns about the urban design aspects of new developments. Key concerns were:

- The heritage character of shopfronts in Banksia.
- · Loss of trees along the railway line at Banksia.
- Potential of repetition of urban design mistakes made in Wolli Creek.
- The appearance and quality of new developments.
- Energy performance of new buildings.
- Waste management including reducing waste, vacuum systems for building, waste collection and bins.

## Response

# Heritage and trees

The area of Banksia impacted by the proposed rezoning does not contain any heritage items apart from Banksia Railway Station. The current development along the Princes Highway and adjacent

roads in Banksia is characterised by predominately modern commercial buildings, with some older buildings interspersed. Shop fronts and streetscapes with heritage character are generally found further south and west of the railway station - these are outside the areas currently proposed for rezoning.

Trees along the railway line in Banksia are generally within the rail corridor and therefore would not be affected by the rezoning proposal.

## Urban design quality and sustainability

Design excellence is a key consideration for future development in the Arncliffe and Banksia precincts. A new clause is introduced to the Rockdale LEP 2011 that requires future development in the precincts to exhibit design excellence. All new residential development would be designed and assessed against a set of criteria to ensure the highest standard of architectural, urban and landscape design is delivered. A Design Review Panel (with members approved by the Government Architect's Office) would be convened to ensure that all new developments over three storeys meet the urban design standards required by the LEP. For residential developments over 12 storeys in height, a higher level of design excellence would be achieved through a mandatory design competition.

It is also noted that the western area of Arncliffe has been deferred from the rezoning and will be the subject of further investigation to consider opportunities for greater master planning and high quality urban design outcomes.

Sustainability performance criteria have been proposed by Bayside Council (refer Section 4) for all new development in the precinct. The Department supports their inclusion in the DCP and associated local development guidelines.

## Waste management

One respondent suggested that vacuum waste management systems for buildings should be investigated and potentially mandated for all new development.

Other respondents identified waste minimisation and the plethora of bins outside residential blocks on garbage collection day as an issue.

Waste management and approval of individual buildings is the responsibility of Bayside Council and these issues would be addressed in the DCP.

# 3.9. Open space

### Issues raised

A large number of submissions raised concerns there would be insufficient open space to cater for the new population and/or there would be a substantial loss of existing open space with the Cook Cove development and the associated changes in land use in Barton Park.

#### Response

'Open space' may include private and public open space, roof gardens, pedestrian access and dedicated land. Improving access to existing open space was a key recommendation of the Open Space and Recreation Needs Analysis undertaken by Urbis on behalf of the Department, Urban Growth and Council in 2015. This analysis found that in 2011 the Rockdale LGA had an open space provision rate of 3.7 hectares per 1,000 people, with 91% of residents being able access to local, district and regional open space.

The Department commissioned the preparation of a Green Plan for the Arncliffe and Banksia Precincts, prepared by AECOM. The Green Plan provides:

- A vision statement and guiding principles which build upon and synthesise previous planning strategies with major community needs.
- Investigation of opportunities for possible future open spaces and embellishments to existing open space.
- Identification of a new tree canopy strategy focusing on public land.

Through the precinct planning process, a vacant site was identified next to Arncliffe Station on the corner of Burrows Street and Arncliffe Street. The site has the potential for the provision of a new park located in the centre of the Arncliffe Precinct, near Arncliffe Station. During consultation of the Bayside West Precincts, more than three-quarters of the survey respondents said they wanted more and improved open space. That finding was a key driver to deliver a new park in a convenient and accessible location.

The new recreational park will be at least 7,000sqm, and will be available at the end of existing leases by 2020. The Green Plan includes indicative concept plans for the Burrows Street Park. However, this park will be master planned in collaboration with Bayside Council and the local community to ensure it meets local needs. The new park could include embellishments such as a community facility, connection to Wooroona Reserve, kick about space, children play area, park benches, barbeque facilities and landscaping for community enjoyment. Community input will play a key part in

designing the park. It is proposed that Special Infrastructure Contribution (SIC) funds will contribute towards land acquisition and embellishment of the new park.

Based on feedback from the community and Bayside Council the following additional open space works are provided for in *Bayside West Precincts 2036*:

- The Department has committed to upgrading two parks and a revamp of the Arncliffe town
  centre through the Precinct Support Scheme funding. The funding will see a \$4.5 million
  upgrade to Arncliffe Park and \$2.5 million allocated for Gardiner Park improvements, these
  include the installation of synthetic playing fields which are much needed by the local
  sporting community and lighting and safety upgrades.
- Wooroona Reserve, Marinea Reserve and Marsh Street Reserve have been identified as parks to be improved.
- The Department will provide funding towards the integration of the heritage Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) into the pedestrian network which could include the creation of a linear park.
- The Plan has also identified opportunities to improve physical and visual connections to
  these new and existing open space areas. This includes planning for new pedestrian
  connections throughout the Precincts and implementing improvements to existing walking
  and cycling links which would improve access to local, district and regional open spaces.
- Eden Street Park a new park (up to 0.4ha) could be provided close to the Arncliffe town
  centre, to the east of the railway station, between Eden Street and the Princes Highway as
  part of any future redevelopment of the social housing estate.
- Allen Street Park a new park (up to 0.5ha) could be located adjoining the boundary with
  Wolli Creek incorporating the heritage listed Southern and Western Suburbs Ocean Outfall as
  part of any future development of the Ford Service Centre. This park could provide
  playground facilities and passive recreation opportunities.

The proposed development of the Cooks Cove Precinct and any subsequent changes in open space due to the development of this precinct is subject to assessment by Bayside Council.

The Department will work with Bayside Council and the community on the design and delivery of open space in the precincts using Precinct Support Scheme funds, other funding sources (such as Section 7.11 contributions) and/or developer agreements.

# 3.10. Protection of wetlands and market gardens

#### Issues raised

A substantial number of submissions expressed concern that existing wetlands and the heritage listed market gardens in Barton Park, would be impacted by development of the Cooks Cove Precinct and the associated changes such as the relocation of Kogarah Golf Course. Wetlands identified in submissions as being potentially impacted include the Eve Street, Spring Street and Landing Lights wetlands.

## Response

The development of the Cooks Cove Precinct and any associated changes to Barton Park including the wetlands and the heritage listed market gardens are the responsibility of Bayside Council to assess potential impacts and make recommendations.

State Regional Environmental Policy 33 - Cooks Cove identifies the wetlands and market gardens as environmentally sensitive areas which should be protected. There is also other legislation, polices and guidelines which provide protection to the wetlands and market gardens such as the Threatened Species Conservation Act 1995 and the Heritage Act 1977.

All submissions which have raised impacts on and the protection of wetlands and market gardens have been provided to Bayside Council for their consideration in any development applications or planning proposals relating to Cooks Cove.

## 3.11. Social impacts

# Issues raised

Key issues raised include:

- The loss of local businesses and facilities used by elderly and less mobile residents.
- Construction impacts.
- Affordable housing needs to be provided.
- The approach to affordable housing targets across NSW and in Sydney is ad hoc and before
  any target is proposed for Arncliffe and Banksia, a coherent policy should be developed in
  conjunction with the community, government agencies and private developers.
- · Loss of local character.



 Justification for why thousands of existing residents will need to move away to make way for others, and details on what arrangements are to be made to accommodate us in other suburbs.

## Response

#### Affordable housing

Due to limited economic viability, it is not intended to mandate the provision of affordable housing within the Arncliffe and Banksia Planned Precincts. It has been decided to focus available NSW Government funds on the delivery of the infrastructure required to support the planned growth in the area. Bayside Council may consider inclusion in State Environmental Planning Policy 70 (Affordable Housing), a mechanism that allows specified councils to prepare an affordable housing contribution scheme for certain precincts, areas or developments within their local government area to support the provision of affordable housing. Council could consider this as part of their wider Local Environmental Plan review.

The NSW Land and Housing Corporation (LAHC) site on Eden Street within the Arncliffe Precinct also presents a unique opportunity to provide more social/affordable housing. There are currently 142 social housing dwellings on the site. The proposed rezoning could enable around 600 social, affordable and private dwellings on the site, as well as new open space.

## Loss of local businesses

While there would be a temporary loss of some local businesses and services during the redevelopment of specific sites, overall the long-term expectation would be an increase in the number and type of businesses and services available for local residents. With an increased population there would be increased demand for the types of services currently available and opportunities for new businesses and facilities. The proposed "mixed use" zoning around the railway stations encourages the retention of the existing businesses and facilities and provides opportunities for new businesses to service the local area.

## Changes in local character

There were conflicting opinions about the potential impacts of the rezoning on the local character of the area. Some respondents were against the rezoning because they were concerned that the perceived family orientated, village and heritage character of the local areas could be potentially lost. Other respondents considered local areas to be underdeveloped, dirty, crime-ridden and lacking a specific local character. While the local character of the areas away from the Princes Highway are generally suburban in nature, apart from buildings along Firth Street near Arncliffe Railway Station,



small pockets and individual buildings, there is no coherent heritage landscape, with buildings ranging from the turn of the 20th century to more modern structures from the past 40 years.

With the proposed rezoning there would be a change in the local character of the area, with an increase in population and a change in the size and architectural style of buildings. However, this change in the local character would be gradual as complete development of the precincts would occur over 20 years and would also involve positive changes such as increased open space, improved pedestrian linkages and greater opportunities for employment and establishment of a variety of local businesses.

Other mitigation measures such a design excellence clause in the LEP, and local and regional infrastructure upgrades would ensure that any negative impacts on the local character of the proposed rezoning are minimised.

#### Construction impacts

With redevelopment of the precincts some construction impacts will be unavoidable. However, substantial development of the precincts would be very unlikely to occur at the same time and consequently significant construction impacts would not be expected. Bayside Council would be responsible for including construction mitigation measures in development approvals and the monitoring and enforcement of mitigation measures during construction.

## 3.12. Community consultation

## Issues raised

Key consultation concerns raised were:

- The extent of consultation for rezoning of this scale has been inadequate.
- Many local residents were unaware or have only recently become aware of the rezoning process.
- The consultation period should have been extended because of the Christmas period.
- The exhibition material was complex and not appropriate for consultation.
- The local community is culturally diverse and the consultation should have taken this into account.
- The survey asked leading questions and appeared biased.
- Conflicting FSRs presented in different planning documents.

#### Response

The Department considers the consultation measures undertaken for the precincts to be satisfactory. The draft LUIS and Arncliffe and Banksia rezoning were placed on exhibition for three months and this duration was considered adequate for the local community to familiarise themselves with the proposed changes and to lodge submissions.

## Complexity of information

The complexity and detail of the documentation and information prepared to support the Arncliffe and Banksia rezoning must meet certain statutory and policy requirements. Wherever possible this has been presented in a format which can be understood by the community, however for some aspects this is not entirely possible. Summary documents that were less technical were also prepared and used to support the community consultation. Similarly, the Department offered translations of all documents if requested and key communications material was produced in common local languages including Arabic, Chinese, Greek and Macedonian.

## Survey

The survey was designed to provide community feedback to the Department on certain aspects of the draft planning. While the survey questions were focussed, there were opportunities in the survey for the respondent to provide "free form text" which many respondents used to comment on other aspects of the draft documentation. The community also had the opportunity to make a formal detailed written submission in addition to the survey.

## Mapping

The Department acknowledges that there were some discrepancies in the FSRs and maximum building heights shown in the Arncliffe and Banksia rezoning documentation. The difference between the FSRs and building heights was minor, confined to specific areas and has been corrected in the final plans.

# 3.13. Social infrastructure

# Issues raised

Key issues raised included:

- Lack of capacity of regional social infrastructure including hospitals, emergency services and other services to handle increased population growth.
- · Lack of capacity of local social infrastructure including community centres and libraries.

 Local schools and particularly Arncliffe Public School are already at capacity and cannot cope with the precinct's increased population.

#### Response

## Community services

The Social Infrastructure Study for each precinct considered existing social infrastructure in the area, such as medical centres and hospitals, aged care facilities, libraries, preschools and schools. It assessed the needs of the new community in the precinct, and the capacity of existing community infrastructure. A summary of the findings is provided in *Bayside West Precincts 2036*.

To accommodate the growing communities of the Bayside West Precincts, additional social infrastructure is required to support the population needs. Future local community facilities can be accommodated in the increased development capacity of sites throughout the Precincts and will be subject to future planning by Bayside Council.

The Department is satisfied with the analysis and recommendations of the Social Infrastructure Study for each precinct. They are found to be appropriate for rezoning purposes and have been incorporated into the precinct planning where required. Funding for social infrastructure would be provided via Section 7.11 contributions, Special Infrastructure Contributions and the Precinct Support Scheme.

#### Schools

The Department of Education (DoE) submission advised that increases in future enrolments generated by the precinct redevelopments would be considered during the preparation of school cluster plans for the district. DoE noted the potential provision of land at Cooks Cove for a new school and the need for this would be determined in the school cluster planning process. It would also require the consideration of environmental issues such as aircraft noise, contamination, flooding and traffic. DoE's submission is discussed in greater detail in Section 5.

The Draft SIC provides funding for the Department of Education to provide for additional student spaces to support the growing population.

# 3.14. Cooks Cove

## Issues raised

Many of the submissions raised issues on the Cooks Cove Precinct including:



 Support for the development of the Cooks Cove Precinct including the relocation of the Kogarah Golf Course.

 Opposition to Cooks Cove Precinct redevelopment due to potential impacts on wetlands, open space, heritage listed market gardens, traffic and other environmental features.

#### Response

Cooks Cove is one of the three Bayside West Precincts. Precinct planning for Cooks Cove is limited to improvements to pedestrian, cycling and vehicle connections and leveraging off the publicly accessible riverfront. The planning undertaken in *Bayside West Precincts 2036* will ensure Cooks Cove is well connected to the local catchment to support this Precinct for any future planning.

The planning for Cooks Cove does not include a rezoning stage and future development at Cooks Cove is subject to assessment by Bayside Council. All submissions relating to Cooks Cove, Barton Park and associated wetlands have been provided to Council for consideration.

## 3.15. Other matters

#### Issues raised

Key concerns raised include:

- The rezoning proposal is driven by developers and has been instigated by the NSW Government on behalf of the developer's lobby.
- The Department is an unelected body and has no rights to rezone land. These changes were
  not flagged before the last State election and people should have a right to vote on them.
- The rezoning should be postponed until local government elections are held in September 2017.

## Response

The Arncliffe and Banksia Precincts were nominated as Planned Precincts by the former Rockdale Council in 2013. Cooks Cove Precinct was nominated as a Planned Precinct by the former Rockdale Council in 2015. While the NSW Government accepted the nomination of these areas as Planned Precincts, they did not originally nominate them for consideration. Since the nomination of Arncliffe and Banksia as Planned Precincts there has been a State election and a local government election. For the Cooks Cove Precinct, there has been a State election since its nomination. While it is

recognised that local government elections were scheduled in September 2017, residents still had the opportunity to lobby their local council administrator.

The Department is a NSW Government agency with the responsibility of developing and implementing planning and land development policies of the elected NSW Government. The Planned Precinct process has been developed to ensure that any major rezoning proposals have merit, comply with regional and State plans and policies, and most importantly, infrastructure requirements are identified and coordinated across local government and all State government agencies.

# 3.16. Changes in precinct boundaries and planning controls

#### Issues raised

There were a number of submissions which suggested that the Arncliffe Precinct boundary be modified including:

- Expanded to include additional commercial premises on the northern side of Wollongong Road. The current boundary has a small number of properties on the northern side of Wollongong Road identified for rezoning.
- Expanded to include 14-22 Loftus Street, Turrella.
- Expanded to include 85-105 Wollongong Street, Arncliffe.

# Response

Due to various constraints, particularly traffic and transport capacity limitations, the precinct boundaries have not been modified to include additional areas.

# 3.17. Ethane pipeline

## Issues raised

APA, a pipeline, energy supplier and manager, identified that the Moomba-Sydney Ethane Pipeline is located immediately north of the Arncliffe Precinct and within the Cooks Cove Precinct. They requested that the potential hazards associated with the failure of the pipeline be considered before rezoning any land.



#### Response

The development of the Cooks Cove Precinct and any hazards associated with the ethane pipeline is the responsibility of Bayside Council to assess.

APA have identified that any land within 590 metres of the Moomba-Sydney Ethane Pipeline located within a rupture zone. This distance is determined by the design criteria and maximum operating pressure of the pipeline. It does not consider any mitigating circumstances such as the pipeline protection measures, lower operating pressures, topography or existing development. Areas of the northern section of the Arncliffe Precinct are within 590 metres of the Moomba-Sydney Ethane Pipeline, with the closest location in the Booth Street area, being approximately 220 metres from the pipeline. APA has recommended that a Safety Management Study (SMS) be undertaken to quantify the risks and identify potential mitigation measures to minimise any unacceptable risks. The Department's hazard guideline, specifically for land use planning, namely HIPAP No. 4 - Risk Criteria for Land Use Planning, establishes a process and risk criteria for land uses near hazardous facilities.

A SMS which complies with AS2885.3 Safety Management Study was undertaken in June 2017 with representatives from the Department and APA. Outcomes from the study included:

- The ethane pipeline is in excellent condition and was built to a higher standard than would be currently required;
- APA's procedures, plans and program to monitor, manage, maintain and protect the pipeline are appropriate and compliant, all required audits and reviews have been undertaken;
- Apart from a 300-metre length of pipeline in Kogarah Golf Course, the pipeline has been
  classified as being in close proximity to higher density residential areas. This classification
  requires APA to more actively monitor, manage, maintain and protect the pipeline in
  comparison to less developed areas. APA has indicated that it will reclassify the remaining
  300 metres of pipeline;
- The proposed rezoning areas are not over or adjacent to the ethane pipeline and consequently there would be no direct impacts or risks on the ethane pipeline as a result of the rezoning;
- The permissibility of sensitive land uses such as schools or nursing homes in the potential area of impact of a full-bore rupture of the pipeline should be reviewed; and
- More detailed consideration and assessment of the ethane pipeline would be required for the development of the Cooks Cove Precinct.

The Department also undertook an assessment of potential individual and societal risks associated with the rezoning and the Ethane pipeline. This was undertaken using the methodology and risk

criteria detailed in Hazardous Industry Planning Advisory Paper No 10 - Land Use Safety Planning (DPE, 2011). The assessment concluded that the rezoning would be below recommended risk criteria for individuals and societal risk and no additional planning controls would be required.





#### 4.1. Introduction

Bayside Council raised a number of issues in their response to the exhibition of the Draft LUIS and Arncliffe and Banksia rezoning. Council's key issues include:

- Local and State infrastructure funding and delivery.
- Provision of open space.
- Transport strategy including public transport, pedestrians and vehicles.
- Built form and character including heritage considerations, minimum lot size and design excellence.
- Sustainability benchmarks for new development in the precinct.
- Impacts of the Cooks Cove development.
- Environmental considerations in new developments.

Overall Bayside Council was supportive of the draft LUIS and Arncliffe and Banksia rezoning. Council's main concerns were related to infrastructure and open space required to support development of the precincts and the design guidelines for future developments

These issues are discussed in the following sections.

#### 4.2. Infrastructure delivery and funding

#### Issues raised

Council raised infrastructure issues relating to:

- The need for a detailed infrastructure plan that clearly identifies responsibility for providing infrastructure, including associated funding streams.
- Resources and time required for Council to complete a new Section 7.11 (formally Section 94) contributions plan and the adequacy of Council's existing contributions plan to raise levies for infrastructure associated with the proposal.
- Limitations of the existing practice note for Section 7.11 (formally Section 94) contributions
  plan and the \$20,000 per lot cap on Section 7.11 contributions, especially regarding urban
  renewal projects.
- Lack of information on the SIC and its impacts on development costs.
- The use and administration of the Precinct Support Scheme (PSS) funds.

#### Response

Infrastructure strateay

Council requested the formation of a working group of government agencies and Council to complete investigations into and planning of the infrastructure strategy. The Department has consulted and worked with relevant NSW Government agencies on the infrastructure strategy for the Precincts including undertaking further investigations, determining thresholds for delivery and developing detailed costs. A more detailed infrastructure strategy has been prepared and is used as the basis for determining the Draft SIC for the precincts. This enables Council to plan and fund its local infrastructure strategy. Based on the work already completed a more formal working group is not required.

Council is responsible for preparing and obtaining approval for their local infrastructure strategy and Section 7.11 contribution plan. The Department will continue to work collaboratively with Council to ensure a comprehensive and appropriate new Section 7.11 contribution plan is developed in a timely manner.

Section 7.11 contributions restrictions and caps

The Department notes Council's concern that the existing Revised Local Development Contributions Practice Note does not allow Council to use Section 7.11 contributions to fund social infrastructure capital works and the \$20,000 per lot cap on Section 7.11 contributions. Council's request that the Practice Note be modified as soon as possible to allow Section 7.11 contributions to fund social infrastructure capital works, including the removal of the \$20,000 per lot cap on Section 7.11 contributions is beyond the scope of this project.

However, the Department finalised a Ministerial direction and associated guidance to give effect to the Government's announcement of changes to the Section 7.11 infrastructure contributions cap. This clarifies arrangements for Section 7.11 contributions in transitional areas where Local Infrastructure Growth Scheme (LIGS) funding is currently in place. Changes were made to the Ministerial direction so that infrastructure is fully funded even in areas where LIGS funding is no longer available. The cap on contributions increased by \$5,000 on 1 January 2018 to \$35,000 in greenfield areas and \$5,000 to \$25,000 in infill areas, and from 1 July 2018, apply an annual \$5,000 increase to the caps each year for two years. The caps will be removed entirely in these areas on 1 July 2020. Other areas will no longer be able to apply for LIGS subsidies. Instead, contributions plans which propose rates above the cap will be able to seek assessment by IPART against the Department's Essential Works List, after which development will be able to charge the full apportioned amount.



Precinct Support Scheme (PSS) funds have been committed for social infrastructure capital works, including significant upgrades to Arncliffe Park and Gardiner Park, and the preparation of a Public Domain Plan and Technical Manual for the Arncliffe Town Centre and streetscape improvements.

Council also raised concerns that the high quality urban domain images presented in the draft documentation created community expectations that could not be achieved with the current allocation of Section 7.11 contributions. With the appropriate planning controls in place, a new Section 7.11 contribution plan, the new design excellence clause and a collaborative approach between developers and Council, these urban domain outcomes could be achieved.

#### 4.3. Transport

#### Issues raised

Key issues raised include:

- · An integrated holistic approach to traffic assessment and planning needs to be undertaken.
- The existing and known future rail and bus services do not provide adequate capacity to cater for population growth.
- Relevant NSW Government agencies and departments must actively participate in the development of any future precinct planning.
- The Department should include viable transport alternatives, including additional bus services. Such initiatives will, in the short to medium term provide current and future residents with an improved transport service until a longer-term solution is identified.
- The Department should engage with RMS to ensure intersection, road and pedestrian movement improvements proposed are supported by RMS and can be delivered.

#### Response

Scope of Transport Assessments

The Department has prepared separate transport assessments for the Arncliffe/Banksia Precincts and the Cooks Cove Precinct to respond to the different statutory pathways for the two areas. For Arncliffe and Banksia, these precincts are proceeding to rezoning, requiring a separate transport study. For Cooks Cove, further work is required by private industry to reach a level of assessment suitable for a rezoning, which is also dependant on investigations for the F6 extension. This would include more detailed traffic studies for the Cooks Cove redevelopment, to assess the cumulative impact of the redevelopment of Cooks Cove including the Arncliffe and Banksia Precincts.

Public Transport Congestion

The transport assessments indicated that the T4 Illawarra Railway Line and the T2 Airport Railway Line are capacity constrained.

Transport for NSW is currently investigating opportunities to increase available rail capacity for southern Sydney, including for the Arncliffe and Banksia Stations. The increased capacity would help to accommodate increased travel demand resulting from the proposed growth.

Several bus services are proposed in the transport plan for Arncliffe and Banksia to address capacity issues and improve service coverage. Further to these recommendations, TfNSW regularly reviews bus services to respond to growth, and will continue to do so as these precincts are delivered.

In the medium to long term, congestion increases on the rail network may result in demand shifting to parallel bus routes such as Route 422. Increases in service frequencies are proposed to the 422 to address these growths in demands.

RMS and TfNSW consultation

RMS and TfNSW have been consulted during the preparation of the transport studies. The input received has assisted in responding to submissions and the development of the Draft SIC.

#### 4.4. Open space

#### Issues raised

Council identified the following issues regarding open space:

- A needs-based assessment for open space does not appear to have been undertaken.
- There is insufficient open space for the projected increase in population.
- The proposed reduction in open space from the Cooks Cove development and associated other modifications (e.g. relocation of Kogarah golf course) need to be considered.

#### Response

There have been 4 recent and relevant open space needs analyses undertaken including:

- Green Plan Arncliffe and Banksia (AECOM 2018) prepared for the Department;
- Open Space and Recreation Needs Analysis (Urbis 2015) prepared for the Department, the former Rockdale City Council and UrbanGrowth NSW;

- Sydney's Open Spaces Vol 5: South Subregion Audit (2014) prepared by the Office of Government Architect (OGA); and
- Open Space & Recreation Strategy (2010) prepared by the former Rockdale City Council.

Within the Arncliffe and Banksia Precincts, it is recognised that there is an existing lack of open space and provision of large new areas of additional open space is impractical due to the cost and availability of land and the footprint of existing development. To provide open space for residents in the Precincts, the Department has adopted the following approaches:

- The Department will deliver a new park next to Arncliffe Station on the corner of Arncliffe Street and Burrows Street. This park will be at least 7,000 square metres in size and includes recreation space, children's play areas, and off-leash dog area and opportunities for community facilities. The park will be masterplanned in collaboration with Bayside Council and the local community to ensure it meets local needs. It is proposed that Special Infrastructure Contribution (SIC) funds will contribute towards land acquisition and embellishment of the new park.
- The Department has committed to upgrading two parks and a revamp of the Arncliffe town
  centre through the Precinct Support Scheme funding. The funding will see a \$4.5 million
  upgrade to Arncliffe Park and \$2.5 million allocated for Gardiner Park improvements, these
  include the installation of synthetic playing fields which are much needed by the local
  sporting community and lighting and safety upgrades.
- Wooroona Reserve, Marinea Reserve and Marsh Street Reserve have been identified as parks to be improved.
- The Department will provide funding towards the integration of the heritage Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) into the pedestrian network which could include the creation of a linear park.
- The Plan has also identified opportunities to improve physical and visual connections to
  these new and existing open space areas. This includes planning for new pedestrian
  connections throughout the Precincts and implementing improvements to existing walking
  and cycling links which would improve access to local, district and regional open spaces.
- Eden Street Park a new park (up to 0.4ha) could be provided close to the Arncliffe town
  centre, to the east of the railway station, between Eden Street and the Princes Highway as
  part of any future redevelopment of the social housing estate.
- Allen Street Park a new park (up to 0.5ha) could be located adjoining the boundary with
   Wolli Creek incorporating the heritage listed Southern and Western Suburbs Ocean Outfall as

part of any future development of the Ford Service Centre. This park could provide playground facilities and passive recreation opportunities.

Precinct planning for Cooks Cove is limited to improvements to pedestrian, cycling and vehicle connections and leveraging off the publicly accessible riverfront to ensure Cooks Cove is well connected to the local catchment to support this precinct for any future planning. The planning for Cooks Cove is subject to assessment by Bayside Council. Additional community consultation would be undertaken by Council as part of any rezoning proposal and development application in relation to the redevelopment of Cooks Cove.

#### 4.5. Vegetation protection

#### Issues raised

Council suggested that the draft documentation should have included a detailed flora and fauna assessment of the Cooks Cove Precinct and rezoning areas containing important vegetation as environmental conservation zones.

#### Response

Bayside West Precincts 2036 is supported by a number of technical studies and the identification of environmental conservation areas within the Cooks Cove Precinct would occur during the rezoning of the whole precinct when the full range of detailed issues would be considered such as the design and offset measures of the Cooks Cove redevelopment. Bayside Council is responsible for assessing the redevelopment of the Cooks Cove Precinct and therefore would be responsible for identifying areas with important vegetation that would be protected with an environmental conservation zoning.

There are other mechanisms and processes to protect important remnant vegetation such as the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*.

#### 4.6. Built form and character

#### Issues raised

Overall Council had no significant objection to the built form and character aspects of the proposed rezoning. However, Council requested further consideration to a number of matters including:

- Clarification of the mechanisms for assessing design excellence.
- Specification of minimum lots sizes to ensure that through site links do not result in excessively bulky buildings, poor design outcomes and excessive numbers of driveway accesses.



 Shared lot driveway accesses should be encouraged to minimise the loss of parking for driveway accesses.

- Access issues may result from the redevelopment of narrow lots in the Banksia Centre.
   Minimum lot sizes and minimum depth controls should be implemented to reduce the risk of access issues.
- Consideration should be given to changing the zoning and development controls for the Marinea Street and Arncliffe School Neighbourhood to provide a better transition to low density areas.
- Consideration of the implementation of such benchmarks as detailed in the Parramatta Road
  Corridor Urban Transformation: Planning and Design Guidelines (Section 3.10 Sustainability
  and Resilience) developed by UrbanGrowth NSW as part of the Bayside West Precincts.

#### Response

#### Design Excellence

Since the exhibition of the draft LUIS and Arncliffe and Banksia rezoning further consultation has been undertaken with Council and the Government Architects Office on an appropriate design excellence clause and process for the precincts. The new clause is included in the Arncliffe and Banksia rezoning package and further discussed in Section 3.8 of this report.

#### Planning controls

The proposed FSR and maximum building heights will influence minimum lots sizes. Additional minimum lot size provisions are not required. Other matter such as shared driveways will be considered by Council at the development application stage.

Proposed zoning and development controls for the Marinea Street and Arncliffe School Neighbourhood were reviewed and were found appropriate for the local context.

#### Sustainability target

The sustainability targets in the *Parramatta Road Corridor Urban Transformation: Planning and Design Guidelines (section 3.10 Sustainability and Resilience)* are based around minimising energy and water use, reducing the urban heat island affect and reducing the impacts of stormwater discharge. These types of targets are generally specified in either the DCP or associated technical guidelines and therefore are the responsibility of Council to draft, adopt and implement. The Department supports the inclusion of these types of targets in the DCP and associated technical guidelines.



#### 4.7. Environmental impacts

#### Issues raised

The main environmental issues raised in Council's submission were:

Make available additional information that appropriately and clearly addresses the
responsibility of owners and proponents when it comes to the determination of
contamination impact on a site.

- Issues guidance to owners and proponents in the Bayside West Precincts detailing the
  potential impacts of aircraft noise and air quality issues. This should include the type and
  level of information that may be required as part of any planning proposal or development
  application.
- Reviews the boundary of the Precinct, particularly around Arncliffe Park and addresses the likely measures which need to be implemented from a floodplain management point.

#### Response

Contamination, aircraft noise and air quality

The Department recognises that assessment and consideration of contamination, air craft noise and air quality are essential in any development applications in the precinct areas. The most appropriate mechanism for detailing assessment requirements for these issues is through the relevant State Environmental Planning Policies (SEPPs), such as the Remediation of Land SEPP 55; and the DCP (to be prepared by Council)

Adjustment of precinct boundaries to reflect stormwater catchments

Precinct boundaries have not been modified to reflect stormwater catchments as this would have implications for other aspects such as the Infrastructure Strategy and contributions plans. However, it is noted that the western area of Arncliffe, including the area adjacent to Arncliffe Park, has been deferred from the rezoning and will be the subject of further investigation to consider opportunities for greater master planning and high quality urban design outcomes.

The Department will continue to work with Council to identify an appropriate mechanism to enable stormwater improvements to be funded.

#### 4.8. Heritage

#### Issues raised

Council raised the following issues with regards to heritage:

 Undertake a strategic approach to heritage that identifies the appropriate building interface between new buildings and heritage items.

Consider the potential for the integration of pedestrian movement adjacent to heritage
items. This would allow future residents to appreciate the items, but, more importantly,
strengthen the items significance in the area.

#### Response

Building interfaces

*Bayside West Precincts 2036* identifies three State heritage items in or adjacent to the development precincts, namely the Southern Suburbs Ocean Outfall Sewer (SWSOOS), Arncliffe Railway Station and the Market Gardens (Cooks Cove).

The section of the SWSOOS in the Arncliffe Precinct is a square concrete and brick above ground structure which has been modified and repaired over time. Currently it is partially covered with fill material. While it has undoubted heritage significance, it is a visually unattractive. The SWSOOS is located along the boundary of the Arncliffe Precinct. Different design and planning principles would apply to land either side of the SWSOOS and can be covered in the Bayside Council's DCP.

Arncliffe Railway Station is separated from potential development lots by roads and public domain areas. Active frontages have been specified for lots around Arncliffe Railway Station and this, combined with standard considerations for development adjacent to heritage items would provide opportunity for Council to develop a consistent and sympathetic approach to building interfaces around Arncliffe Railway Station.

Building interface requirements around local heritage items would be the responsibility of Council to develop and enforce in any future Development Control Plan.

Pedestrian access

The Department supports the concept of utilising pedestrian accesses adjacent to heritage items to improve the appreciation of such heritage items.

A through site pedestrian linkage between Arncliffe Street and Princes Highway has been identified along the SWSOOS corridor, including the potential for a linear park, within the Arncliffe Precinct and is subject to further investigation.

A number of new and upgraded through site pedestrian links around Arncliffe Railway Station have been identified.

Any pedestrian accesses around the Market Gardens would be considered as part of the Cooks Cove and Barton Park redevelopment.

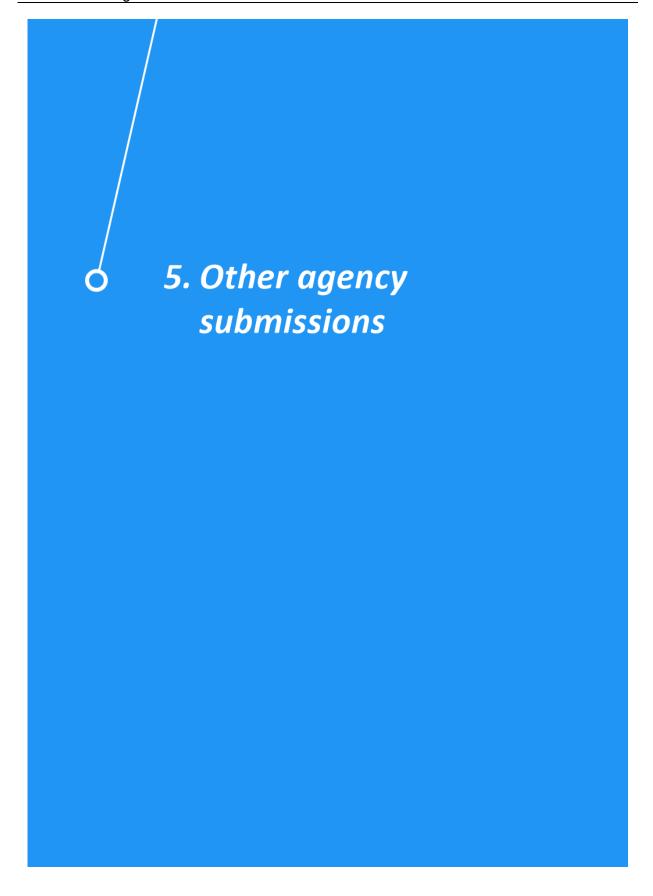
#### 4.9. Further consultation with Council

Subsequent to the exhibition of the draft documentation, further consultation has been undertaken with Council including a review of the proposed Arncliffe and Banksia rezoning. Based upon this review, an area of B6 Enterprise Corridor zoning south of the Banksia Railway Station along the Princes Highway has been amended to B4 Mixed Use.

This is on the basis that the land immediately north and south of the B6 Enterprise Corridor zoning has been rezoned to B4 mixed use zoning to ensure a continuous extension of the Banksia town centre. This would have potentially resulted in fragmentation of land uses, poor development feasibility and urban design outcomes.

No other areas were identified by Council as requiring a modification to their proposed rezoning.

5



#### 5.1. Introduction

The Department consulted with various government agencies throughout the planning for the Arncliffe, Banksia and Cooks Cove Precincts. The Department also formally consulted nine government agencies during the exhibition of the draft LUIS and Arncliffe and Banksia rezoning. Submissions received from government agencies have been summarised and are discussed below.

#### 5.2. Department of Primary Industries

#### Issues raised

The Department of Primary Industries (DPI) submission incorporated comments from:

- DPI Water
- DPI Fisheries

DPI (Water) raised concerns about locating a shared pedestrian and cyclist path along the banks of the Cook River estuary as it was contrary to DPI Water Guidelines for Controlled Activities on Waterfront Land (2012) (Guidelines) and the NSW State Rivers and Estuaries Policy. These guidelines and the policy recommend that a 40-metre-wide vegetated riparian zone should be established along watercourses.

DPI (Fisheries) noted that the Cooks River and Muddy Creek were designated as Type 1 key fish habitat and consequently DPI (Fisheries) were required under the Fisheries Management Act to ensure that there was no net loss of habitat. They recommended that a 40-metre-wide vegetated riparian zone should be established along watercourses, preferably consisting of saltmarsh and mangrove communities. They also recommended that Water Sensitive Urban Design (WSUD) principles and requirements be adopted in the design of any new developments in the precincts.

#### Response

The location, extent and design of any pedestrian and cyclist path along the Cooks River or Muddy Creek would be subject to separate approvals and assessment process. The rezoning and development of any foreshore land would be responsibility of Bayside Council and no foreshore land is included in the Arncliffe and Banksia rezoning. It should also be noted that pedestrian and cyclist pathways are permitted in riparian zones under *Controlled Activities on Waterfront Land - Guidelines for Riparian Corridors on Waterfront Land* (DPI 2012).

The Bayside Council's stormwater policy and requirements are detailed in Technical Specification – Stormwater Management (Rockdale City Council 2011). The technical specification is based upon

WSUD principles and would be used to guide and assess the design of new development in Arncliffe, Banksia and Cooks Cove Precincts.

#### Recommendation

The Department has provided Bayside Council with DPI's submissions to ensure that DPI's concerns are considered in any development of the Cooks River foreshore.

#### 5.3. Department of Education

#### Issues raised

The Department of Education (DoE) estimates that the growth proposed in Bayside West would result in increased enrolments in government schools of 300 - 400 primary school students and 180 - 210 high school students. This would require up to 29 additional classrooms and associated facilities such as libraries, halls, sports grounds and canteens.

DoE is currently developing school cluster plans which would assess future government school demands and a strategy for their timing and delivery. This process would be used to determine the strategy for the potential increased demand from Bayside West Precincts.

DoE requested consideration of improved pedestrian and cyclist facilities to existing schools such as Athelstane Public School, Kyeemagh Infants School and Arncliffe West Infants School. It also suggested that road improvements be considered nears schools such as increasing the capacity and safety of intersections such as Wollongong Road/Athelstane Road and Wollongong Road/Dowling Street.

DoE also noted the potential development of Cooks Cove and the potential for provision of a new school within the precinct. However, notes that the school cluster plan is yet to be developed and other potential constraints to be considers. DoE proposes to work through these matters with the Department.

#### Response

The Department notes that the solution to cater for additional government school enrolments for the Precincts would be determined as part of the school cluster plan process for the area. DoE has already provided input into the development of the Draft SIC plan for the precincts and consequently funds would be available to deliver on the outcomes of the school cluster plan for the area. Specifically, the Draft SIC provides funds to provide for additional student spaces to support the growing population.



The provision of a school in Cooks Cove is not included in *Bayside West Precincts 2036* as it is acknowledged that the relevant school cluster plan has not been developed and further consultation with DoE is required.

Athelstane Public School, Kyeemagh Infants School and Arncliffe West Infants School are outside the Precinct area and consequently no specific pedestrian and cycle links to these locations have been considered. However, the improved pedestrian and cyclist links proposed as part of *Bayside West Precincts 2036* would improve access and safety for students from these schools.

The intersection of Wollongong Road/Dowling Street has been identified for an upgrade as part of local road improvements. Additional local road improvements would be considered during the investigations of additional areas in the precinct.

#### 5.4. State Emergency Services

#### Issues raised

The State Emergency Service (SES) requested that further assessment of the Probable Maximum Flood (PMF) should be undertaken and used to inform planning controls and the viability of rezoning flood affected areas. The SES are particularly concerned about flooding impacts on the Cooks Cove Precinct and the "shelter in place" flood safety approach for the Cooks Cove Precinct. The SES requested a flood evacuation route up to the PMF be provided for Cooks Cove Precinct.

#### Response

For the Cooks Cove Precinct flood design criteria and mitigation measures such as evacuation routes would be determined by Bayside Council during the consideration of any urban development application for the precinct. SES's submission will be provided to Bayside Council. The flooding assessment undertaken was a preliminary assessment to determine the viability of development in the Cooks Cove Precinct and was not intended to fully assess potential impacts and identify mitigation measures.

The flood assessment for the Arncliffe and Banksia Precincts conformed to recognised planning principles and assessed flood impacts up to the 0.5% AEP (equivalent to the 1 in 200-year flood). A floor level criteria for residential property of a minimum 500 millimetres freeboard above the 1% AEP flood level is considered reasonable and conforms to relevant flood mitigation guidelines.

The Department recognises that further flooding assessment and mitigation needs to be undertaken for the Cooks Cove Precinct and will be subject to assessment by Bayside Council.

#### 5.5. NSW Land and Housing Corporation

#### Issues raised

NSW Land and Housing Corporation (LAHC) expressed support for the rezoning proposal, specifically regarding their site on Eden Street, Arncliffe. In a separate submission, LAHC proposed changes to the standard planning controls for the Eden Street site to cater for the specific requirements of social housing.

#### Response

The Department held further discussions with Council and LAHC regarding planning controls at the Eden Street site. Any site-specific development controls for the Eden Street site would be included in DCP controls. It will be the responsibility of Council to update and manage the DCP for the precinct.

#### 5.6. Office of Environment and Heritage

#### Issues raised

The Office of Environment and Heritage (OEH) raised the following issues:

- Green and Golden Bell Frogs, other threatened species and Ecologically Endangered
   Communities (EECs) have been recorded in the Cooks Cove Precinct, Barton Park and
   associated wetlands. The assessment and protection of these species, communities and
   habitats needs to address any development assessment and Precinct Plans for Cooks Cove.
- Floodplain risk management needs to be addressed. For the Arncliffe and Banksia Precincts, studies already undertaken and the Rockdale City Council existing flood planning development controls are sufficient to manage flood risk. Further works need to be undertaken for the Cooks Cove Precinct.
- Climate change adaption measures should be included in the DCP. This includes
  consideration of the Urban Green Cover in NSW Technical Guidelines (OEH 201) and the
  Sustainability Priorities set out in the Eastern City District Plan.
- A full archaeological and cultural Aboriginal heritage assessment should be undertaken
  before the rezoning of the Banksia and Arncliffe precincts occurs. Options for conserving
  areas of heritage significance should be developed in consultation with the local Aboriginal
  community.



#### Response

The Department notes OEH's comments about the threatened species, communities and habitats in the Cooks Cove and Barton Park areas. Bayside Council is responsible for assessment of any redevelopment of Cooks Cove and any associated development, such as the relocation of the Kogarah Golf Course. The Department will provide Bayside Council with OEH's submission for their consideration.

The Department recognises that further flooding assessment and mitigation needs to be undertaken for the Cooks Cove Precinct and will be subject to assessment by Bayside Council. The Department concurs with OEH that the current flooding assessment and mitigation for the Banksia and Arncliffe Precincts is adequate. Additional drainage works have been identified in Appendix A of *Bayside West Precincts 2036* to address current flooding issues in the precincts. These could be funded through Section 7.11 contributions from new developments in the precincts.

The Department agrees that climate adaption measures could be included in the DCP. Bayside Council is responsible for approving the DCP and any climate change adaption measures in the DCP would require their concurrence and approval.

Aboriginal archaeological and cultural heritage assessments for individual sites would be required through the development application process.

#### 5.7. Sydney Airport

#### Issues raised

The Sydney Airport Corporation Limited (SACL) raised the following issues:

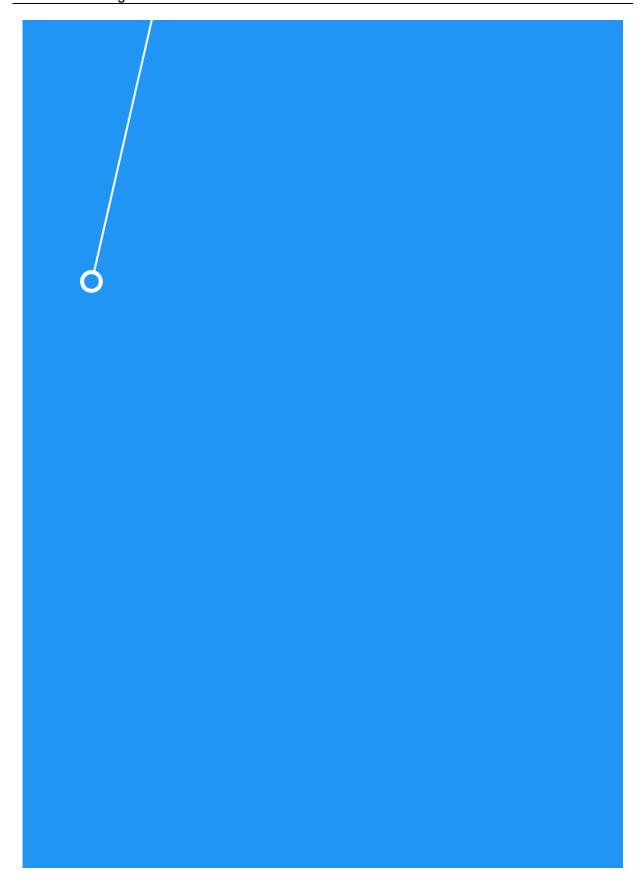
- Support for the development of Cooks Cove including residential development and some aviation and airport related activities.
- Impacts of aircraft and airport noise on Cooks Cove Precinct.
- Airspace protection requirements around Sydney Airport.
- Pedestrian and cycle links between Cooks Cove and the airport.
- Landscaping and lighting plans for Cooks Cove to minimise risks to aircraft.
- Potential traffic impacts along Marsh Street.
- Consultation during the development of the Cooks Cove Precinct.

#### Response

SACL's submission primarily concerned the Cooks Cove Precinct and future potential development within this precinct. Bayside Council is responsible for assessment of any future development in the Cooks Cove Precinct and SACL's submission will be provided to Bayside Council for their consideration.

Some issues raised in SACL's submission also apply to the Arncliffe and Banksia Precincts including airspace protection requirements and noise impacts from aircraft and airport operations. These issues may require specific design responses for new developments in these precincts, such as height limitations or noise mitigation. Any new design responses in this regard would need to be included in the amended DCP for the precincts.







Item No 8.9

Subject Proposed Amendment to State Environmental Planning Policy No.

70 (SEPP 70) - Affordable Housing (Revised Schemes) - State Wide

**Application** 

Report by Michael McCabe, Director City Futures

File F10/47

#### **Summary**

The Department of Planning and Environment have placed amendments to State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70) on public exhibition from 30 November until 19 December 2018.

SEPP 70 was introduced in 2002 to:

- Permit local councils to investigate the need for affordable housing.
- Develop an affordable housing scheme.
- Levy contributions for the provision of affordable housing.

Currently the only councils to which SEPP 70 applies are City of Sydney, Willoughby, Randwick, Inner West, Canada Bay, Ryde and Northern Beaches Council.

The NSW government now proposes that SEPP 70 will apply to all local government areas.

It is proposed that Council make a submission to the Department of Planning and Environment which identifies issues specific to the Bayside local government area. Council has commenced background work for the Bayside Housing Strategy as part of the LEP Review. We will be exploring housing affordability, issues and trends in the Bayside LGA. If the Housing Strategy identifies a need for additional affordable housing in the LGA we will prepare a Housing Affordability Contribution Scheme, which under the proposed changes to SEPP 70 will be able to be introduced as part of an LEP amendment.

If the proposed changes to SEPP 70 are introduced Council will have the opportunity to implement affordable housing delivery mechanisms that do not rely on a Voluntary Planning Agreement.

#### Officer Recommendation

That Council delegate authority to the General Manager to make a submission to the Department of Planning and Environment in relation to State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).

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#### **Background**

SEPP 70 currently defines affordable housing as housing for very low income, low income or moderate-low income households with ABS data being used to calculate median household income. Affordable housing is priced so that the household must not pay more than 30 percent of gross income in rent.

The proposed changes (refer attachments 1 and 2) do not automatically mean that Councils will be able to immediately start providing conditions of consent for the provision of affordable housing if the amendment is made. The amendment will, however, remove an administrative step in the process by identifying all Councils as being able to prepare and apply an affordable housing contribution scheme.

Councils will need to identify if there is a need for affordable housing in their area by preparing an Affordable Housing Contribution Scheme which includes a needs analysis of affordable housing, areas and types of affordable housing and how payments are made under the scheme. A housing contributions scheme must be referenced in Councils Local Environmental Plan (LEP) through an LEP amendment before a development contribution for affordable housing can be required. Housing contributions scheme currently do not exist in both the Botany Bay 2013 and Rockdale 2011 LEPs.

An Affordable Housing Contribution Scheme will need to be informed by a Local Housing Strategy and relevant strategic plans. A Local Housing Strategy is being developed as part of the Bayside LEP.

Implementation of a scheme by a council will not limit the application of other local and state infrastructure contributions being applied to the same site.

If the proposed changes to SEPP 70 are introduced Council will have the opportunity to implement affordable housing delivery mechanisms that do not rely on a Voluntary Planning Agreement.

#### **Financial Implications**

Not applicable.

#### **Community Engagement**

Amendments to the State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) have been placed on public exhibition by the Department of Planning and Environment until 19 December 2018. Information can be accessed at: <a href="http://planspolicies.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9776">http://planspolicies.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9776</a>

#### **Attachments**

- 1 FAQs proposed Statewide expansion of SEPP 70 to all NSW J.
- 2 Explanation of Intended Effect Proposed Amendments to SEPP 70 Affordable Housing (Revised Schemes) U

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Frequently asked questions

November 2018

#### What has been announced?

- The Department is exhibiting an Explanation of Intended Effect to amend SEPP 70 to include all local government areas in SEPP 70.
- The changes will ensure a consistent approach to developing affordable housing contributions schemes and provide certainty to councils and the development industry.
- It is proposed to:
  - expand SEPP 70 to apply to all local government areas;
  - amend the definition of affordable housing, so that the definition of household income for the rest of NSW will also apply for LGAs outside of Sydney; and
  - amend one of the affordable housing principles in SEPP 70 to clarify that affordable housing is to be made available for very low, low and moderate-income households or any combination of these households.
- The Department is also exhibiting a draft Guideline for Developing an Affordable Housing Contribution Scheme. The
  draft Guidelines are intended to assist councils by clearly identifying the requirements for developing an affordable
  housing contribution scheme. This will provide for a consistent approach to developing an affordable housing
  contributions plan, and provide certainty to the development industry. Central to the development of a contributions
  plan is the need for a contribution rate to be set at a level which will not impact on development viability.

#### What is SEPP 70 and what does it do?

- State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes) (SEPP 70) permits councils of local government areas listed in the Policy to:
  - investigate the need for affordable housing;
  - o develop an affordable housing contribution scheme; and
  - levy contributions for the provision of affordable housing.
- An affordable housing contribution scheme is developed by a council and typically includes a needs analysis of
  affordable housing, areas and types of affordable housing covered by the scheme, and how payments are made under
  the scheme.
- An affordable housing contribution scheme must be referenced in a council's Local Environmental Plan (LEP) through an LEP amendment before a development contribution for affordable housing can be required.
- Currently, the City of Sydney, City of Willoughby, Canada Bay, City of Ryde, Inner West, City of Randwick and Northern Beaches local government areas are included in SEPP 70.

#### Why is the NSW Government considering expanding SEPP 70 to the State?

- A priority of the NSW Government is facilitating increased housing affordability, including affordable rental housing.
- The Government recognises that affordable housing has significant benefits for NSW. Affordable housing can act as a
  safety net for households who would otherwise rely on social housing, and can act as a transitional step out of social
  housing towards normal market housing.
- Affordable housing can also support people on lower incomes to live near where they work.
- The proposed amendment to SEPP 70 removes an administrative step in the process of levying development contributions. All councils will have the option to develop an affordable housing contribution scheme, without seeking the Minister's approval to be included in SEPP 70.

### Can a council immediately start requiring conditions of consent for the provision of affordable housing if this amendment is notified?

- No. This amendment simply removes the first administrative step in the process to be a council area identified in SEPP 70.
- Once identified in SEPP 70, councils need to prepare an affordable housing contribution scheme, including
  identifying the affordable housing need in the LGA, identify areas for residential uplift and calculating a viable
  affordable housing contribution rate/s for the identified areas.







Frequently asked questions

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- Once an affordable housing contribution scheme has been developed, councils need to prepare a planning proposal
  to refer to the affordable housing contribution scheme in its local environmental plan.
- If the Department issues a Gateway determination enabling a planning proposal to proceed to public exhibition, the
  community and stakeholders will be able to comment on the proposed affordable housing contribution scheme.
- Once the amendment to the local environmental plan to reference the affordable housing contribution scheme is
  finalised, councils can require contributions for the provision of affordable housing in conditions of consent for
  development where identified in the affordable housing contribution scheme.

#### Are all Councils required to prepare an affordable housing contribution scheme?

- · No. The development of an affordable housing contribution scheme will be optional.
- The proposed amendment removes an administrative requirement for a local government area to be identified in SEPP 70 before the councils can start preparing an affordable housing contribution scheme.
- Councils cannot levy development contributions for affordable housing unless it has prepared an affordable housing contribution scheme which is referred to in its local environmental plan.

#### Where will an affordable housing contribution scheme apply?

- An affordable housing contribution schemes applies to developments that are facilitated by upzonings . This ensures that contributions are drawn from the increase in land value generated by the upzoning.
- Council's first step in establishing an affordable housing contribution scheme is to identify the areas which may be subject to a significant or large scale upzoning. A proposed affordable housing contribution scheme should be informed by a council's local housing strategy and relevant strategic plans.
- The areas subject to an affordable housing contribution will be identified in a Council's LEP.

#### How will the affordable housing contribution be calculated?

- Councils will be required to demonstrated that a proposed affordable housing contribution rate is viable.
- The affordable housing contribution rate, will be required to take into account costs such as construction costs, average profit margin and risk margin, and other state and local infrastructure charges that may be in place or are being considered in the area.

#### How will viability be addressed?

- The Government is committed to ensuring that affordable housing contribution rates set by council do not impact on development viability.
- An affordable housing contribution scheme for certain precincts, areas or developments within their local government area will be applied at the same time an area is being rezoned.
- The rezoning increases the value of the land, which in turn gives the Council an opportunity to levy for affordable rental housing, if it is viable to do so.
- The Department is developing a tool to assist councils to develop an affordable housing contribution scheme and rate.

#### How is an affordable housing contribution scheme assessed?

- An affordable housing contribution scheme can only be used if it is referred to in a local environmental plan. This
  requires an amendment to a relevant local environmental plan.
- An amendment to a local environmental plan is required to be submitted to the Department of Planning and Environment for approval.
- The Department will review Council's Affordable Housing Contribution Schemes as part of a planning proposal to amend its relevant local environmental plan. As part of the planning proposal, councils are required to demonstrate that the proposed affordable housing contribution rate is viable.







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- The Department may seek an independent peer review of any affordable housing contribution scheme to ensure the
  proposed contribution rate is viable.
- If the Department issues a Gateway determination enabling the planning proposal to proceed, the community and stakeholders will be able to make a submission during the public consultation process.

#### Can a VPA be applied where an AHCS is applied?

While the EP&A Act does not prevent the use of SEPP 70 and a VPA at the same time, a Ministerial Direction will be
developed which will require Councils to justify the use of a VPA for affordable housing in addition to contributions
under SEPP 70. The request will need to demonstrate a requirement for affordable housing, over and above that being
met through the SEPP 70 affordable housing contribution. Further it will need to be shown, that the use of a VPA for
affordability housing is appropriately referenced in the Council's Local Strategic Planning Statement and Local
Housing Strategy, and that development feasibility would not be impacted.

#### Can other mechanisms also be applied to the same site to enable contributions for affordable housing?

- No. Contributions for the provision of affordable housing can only be applied under one mechanism.
- Other local and State Infrastructure contributions may be applied to the same site, however, contributions for affordable housing can only be sought by one mechanism.

#### Will all new developments be levied a contribution for affordable housing?

- No. Only developments which are in an approved affordable housing contribution scheme area may be subject to a
  development contribution. An approved affordable housing contribution scheme will be referred to in a council's
  Local Environmental Plan.
- Affordable housing contribution schemes can only be developed for areas which have not already been unzoned.
  Therefore, the viability of development to contribute to affordable housing will already have been investigated and assessed by the relevant council, and also have been subject to community consultation.
- Ensuring that the supply of new housing is not affected by an affordable housing contribution rate is paramount.
   During the assessment of an affordable housing contribution rate consideration will be given to the cumulative impact
   of all fees and charges on the proposed new development to ensure the contribution rate is viable. This ensures that
   the contribution rate is known as early as possible so that no unanticipated costs are imposed on the developers or
   new home purchasers.

#### What is affordable housing?

- The SEPP currently defines affordable housing as housing for very low income, low income or moderate-income
  households. Median household incomes data for Greater Sydney (Greater Capital City Statistical Area) (according to
  the Australian Bureau of Statistics) is used to calculate eligibility.
- Affordable housing is priced so that the household must pay not more than 30 per cent of that gross income in rent, so
  that these households are also able to meet other living costs such as food, clothing, and public transport.
- With the expansion of SEPP 70 to apply across NSW, it is also proposed to amend the definition of affordable housing
  for local government areas outside Greater Sydney. For local government areas outside Greater Sydney the median
  household income data for the Rest of NSW (Rest of NSW Statistical Area)(according to the Bureau of Statistics) will
  apply.

#### Who is eligible for affordable housing?

- Households eligible for affordable housing must meet the income criteria prescribed in SEPP 70. Councils in
  partnership with a registered community housing provider may prescribe additional criteria and allocate housing
  according to council's local housing strategy and the needs of their respective communities.
- For a full list of registered community housing providers, or to find further information on how to apply for affordable housing please visit the Family and Community Services website, at https://www.facs.nsw.gov.au/providers/housing/community
- To apply for affordable housing, applicants contact the managers of affordable housing properties directly.







Frequently asked questions

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 More information on applying for affordable rental housing, please visit the Family and Community Services website at https://www.facs.nsw.gov.au/housing/help/ways/renting-affordable-housing

#### How does this amendment relate to the work of the Greater Sydney Commission?

- Action 5 of the Sydney Region Metropolitan Plan A Metropolis of Three Cities is to implement Affordable Rental Housing Targets.
- In the Greater Sydney region, the proposed expansion of SEPP 70 will assist councils in meeting its affordable housing targets set by the Greater Sydney Commission in the Greater Sydney Regional Plan – A Metropolis of Three Cities (action five) and the District Plans.
- The Greater Sydney Commission's Affordable Rental Housing Targets will be applied to new rezonings. It will work
  alongside the operation of existing planning controls that address housing affordable housing including SEPP 70.
- The Greater Sydney Region Plan also identifies low and very-low households as eligible for housing secured by
  Affordable Rental Housing Targets. Consistent with the recommendations in the Greater Sydney Region Plan,
  affordable housing principle 3 in schedule 2 are being amended to clarify that affordable housing is to be made
  available to any combination of very low, low and moderate income households. The Greater Sydney Commission will
  release further guidance to assist Greater Sydney councils meet their Affordable Rental Housing Targets.

#### How do I comment on the proposal?

 Submissions on the exhibition of the Explanation of Intended Effect (EIE) and draft Guideline will close on 19 December 2019.

You can view and make a submission at www.planning.nsw.gov.au/sepp70 or you can write to:

Director, Housing Policy

Department of Planning and Environment

GPO Box 39, Sydney, NSW 2001

All submissions will be made public in line with the Department's objective to promote an open and transparent
planning system. If you do not want your name published, please state this clearly at the top of your submission. Before
making a submission, please read our privacy statement at: planning.nsw.gov.au/privacy

#### Where can I find out more?

- Call on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au







# Explanation of Intended Effect

Proposed
amendment to State
Environmental
Planning Policy No
70 – Affordable
Housing (Revised
Schemes) - Statewide application

November 2018

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# **Explanation of Intended Effect**

This Explanation of Intended Effect (EIE) has been prepared under section 3.30 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

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## **Part 1 - Executive summary**

The State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70) commenced on 1 June 2002. SEPP 70 identifies a need for affordable housing in certain local government areas, describes the kinds of households for which affordable housing may be provided, and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

SEPP 70 included the former City of South Sydney, City of Sydney, Leichhardt and City of Willoughby Local Government Areas (LGAs) when it was made.

A recent amendment to SEPP 70 to include five additional LGAs (City of Randwick, Inner West, Northern Beaches, City of Ryde, and City of Canada Bay) was made on 20 April 2018.

The Department has received submissions that suggest:

- SEPP 70 should be available to all councils to accelerate the provision of affordable housing in their local government areas; and
- the existing requirement for councils to prepare a detailed analysis demonstrating a need for affordable housing prior to inclusion in SEPP 70 is onerous and provides no additional benefit.

It is proposed to:

- 1. expand SEPP 70 to apply to all local government areas as there is a need for affordable housing in all local government areas;
- amend the definition of affordable housing for areas outside Greater Sydney, so that a
  definition of median household income for the rest of NSW will apply. A separate
  median household income is proposed outside the Greater Sydney, as the median
  household income for the rest of NSW is less than the median household income in
  Greater Sydney; and
- 3. amend the affordable housing principles in SEPP 70 to clarify that affordable housing is to be made available for very low, low and moderate-income households or *any combination* of these households.

By including all LGAs in SEPP 70, individual councils will not be required to prepare a detailed analysis of the need for affordable housing in their local government area prior to being included in SEPP 70.

However, councils will be required to identify that a need for affordable housing exists in parts of their local government area in accordance with the provisions of SEPP 70, and to demonstrate that the contributions for affordable housing in an area do not make development unviable.

This will take effect through the preparation of an affordable housing contributions scheme, which will accompany a planning proposal to amend a local environmental plan. As is currently the case, the planning proposal process will continue to provide for community input and feedback on a proposed scheme. An affordable housing contribution scheme must be prepared in accordance with the Department's Guideline for Developing an affordable housing contribution scheme, which will ensure a consistent and transparent approach by councils across NSW.

#### Have your say.

The Department of Planning and Environment is seeking your feedback on the proposed amendments to SEPP 70 and the draft Guideline for Developing an affordable housing contribution scheme.

The proposals are on exhibition from 30 November to 19 December 2018. To make a submission, visit planning.nsw.gov.au/onexhibition

# Part 2 - Planning context, rationale, and intended outcomes

#### **Planning context**

A priority of the NSW Government is facilitating increased housing affordability, which includes affordable rental housing. Measures to improve housing affordability are included in Regional Plans across the State and District Plans in Sydney. The Greater Sydney Commission's District Plans provide for Affordable Rental Housing Targets that are generally in the range of 5–10 per cent of new residential floor space, subject to viability.

District Plans set out the need for councils to consider the demand for affordable rental housing through housing diversity for those on moderate incomes and affordable rental housing for low and very low-income households. District and Regional Plans also require councils to prepare a local housing strategy. Local housing strategies respond to the directions set out by the strategic plans, including any directions for affordable housing.

State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) (SEPP 70), State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are three key planning instruments that facilitate the provision of affordable housing in NSW.

SEPP 70 provides the link between the *Environmental Planning and Assessment Act 1979* (EP&A Act) and a council collecting affordable housing contributions or the dedication of affordable dwellings in accordance with its local environmental plan (LEP) (Figure 1). The aims of SEPP 70 are to identify the need for affordable housing in a local government area, describe the kinds of households that affordable housing may be provided for and provide the mechanism for the imposition of affordable housing provisions.

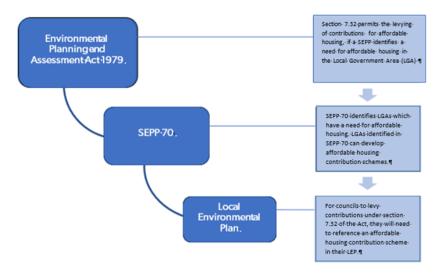


Figure 1: Relationship between SEPP 70, the EP&A Act, and LEPs

SEPP 70 allows specified councils to prepare an affordable housing contribution scheme for certain precincts, areas or developments within their local government area. If a specified council identifies a need for affordable housing in parts of its local government area it can develop an affordable housing contribution scheme. The adoption of an affordable housing contribution scheme is delivered through an amendment to a council's local environmental plan. Figure 2 outlines the planning context for affordable housing contribution schemes.

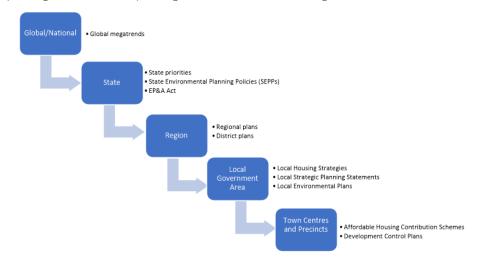


Figure 2: Planning context for affordable housing contribution schemes

Explanation of Intended Effect | Proposed amendment to State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) - State-wide application

#### Affordable housing contribution schemes

A council's proposed affordable housing contribution scheme will be set out in a planning proposal and will be subject to the provisions of Part 3 of the EP&A Act. The planning proposal process, in conjunction with the Department's 'Guideline for Developing an affordable housing contribution scheme' will ensure that the methodology used by councils to prepare affordable housing contribution schemes is transparent and consistent. The planning proposal will require the Department's endorsement through a Gateway determination prior to being publicly exhibited. An amendment to a local environmental plan will provide the legal mechanism to allow councils to collect affordable housing contributions.

In preparing an affordable housing contribution scheme (Figure 3), councils will be required to undertake an analysis of the local housing market, including an analysis of the need for affordable housing in the local government area. The proposed scheme will need to include an appropriate affordable housing contribution rate. This should be based on the area's affordable housing needs, the projected cost of providing affordable housing and the feasibility of development in the area.

An affordable housing contribution scheme will apply to land that is subject to upzoning, a change of land use to residential or an increase in permissible residential density. It is not proposed to apply an affordable housing contribution scheme retrospectively to land that has already been rezoned. The relevant planning authority will identify an area or areas where upzoning is proposed and determine a viable affordable housing contribution.

When schemes apply to multiple areas, the council should develop a separate contributions rate for each area. A council's draft scheme, which will form part of a planning proposal, will be assessed by the Department through the planning proposal process. The planning proposal process provides the Department the opportunity to ensure proposed schemes are consistent with Guidelines, do not adversely impact the overall supply of housing, and provide the statutory mechanism to include an affordable housing provision in a local environmental plan.

The EP&A Act prevents the application of an affordable housing contribution scheme applying to an area which is identified as a special contributions area, where affordable housing has been listed under the schedule of infrastructure works within the scheme for the special contributions area.

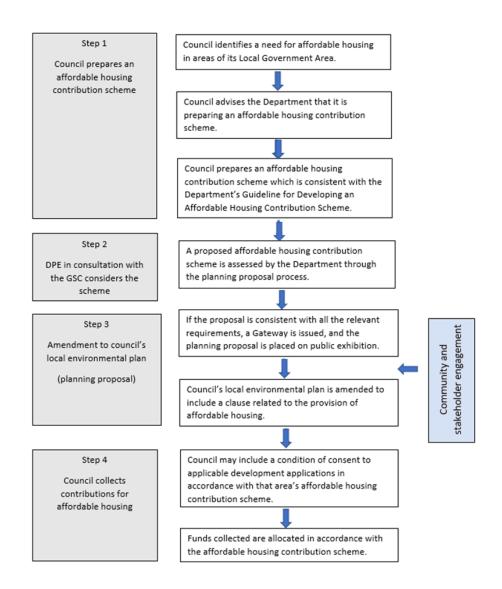


Figure 3: Process for preparing and implementing affordable housing contribution scheme

#### **Rationale**

The proposed amendment will permit councils to immediately commence investigating how an affordable housing contributions scheme can work in specific areas of their local government area. It will remove an administrative step and support delivery of affordable housing.

The EP&A Act requires that a SEPP must identify a need for affordable housing within a local government area to enable councils to require contributions from developers for the provision of affordable housing. This requirement will be satisfied by the proposed amendment. Councils will still need to prepare an affordable housing contribution scheme to support planning proposals where contributions for affordable housing are required.

SEPP 70 currently applies only to some specified LGAs within the Greater Metropolitan Region. The Greater Metropolitan Region includes the local government areas in Greater Sydney, southward to Kiama and northward to Port Stephens (A full list of local government areas is identified in Appendix 1). As the proposed expansion will result in SEPP 70 applying across the State, the definition of affordable housing within SEPP 70 (which currently relates to median household incomes in Greater Sydney) will also need to be amended.

#### **Intended outcomes**

#### State wide application

The proposed State-wide expansion of SEPP 70 will remove an administrative step which currently exists for councils to be included in SEPP 70, and will strengthen the role of councils in facilitating affordable housing.

The proposed changes will also support Greater Sydney councils to meet the Greater Sydney Commission's affordable rental housing targets.

Amendment to SEPP 70 Affordable housing principle 3

Currently, Principle 3 of Schedule 2 of SEPP 70 sets out that 'Affordable housing is to be made available to a mix of very low, low and moderate-income households.' However, the District Plans identify only the most vulnerable households (the low to very low-income households) as being eligible for housing secured by Affordable Rental Housing Targets. It is proposed to amend Principle 3 to clarify that affordable housing can be made available to very low, low and moderate-income households or any combination of these households. This amendment adds flexibility and ensures that councils' affordable housing contribution schemes can better meet the needs of their communities.

Explanation of Intended Effect | Proposed amendment to State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) - State-wide application

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#### Definition of "Affordable Housing"

The proposed amendments to the SEPP will include an updated definition of affordable housing in SEPP 70, to expand it to cover the State. SEPP 70 defines affordable housing with reference to Greater Sydney median household incomes. This will be updated to also include median household income level for the rest of NSW

For areas within Greater Sydney, the Greater Sydney definition will continue to apply. For areas outside of Greater Sydney, where the median household income level is identified as less than the median household income of the Greater Sydney area, the median household income for the 'Rest of NSW' (according to the Australian Bureau of Statistics) will apply. The application of a median household income level for 'Greater Sydney' and 'Rest of NSW' will enable affordable housing contribution schemes to more accurately reflect the affordable housing needs of the relevant local government area. This is intended to ensure that that the policy is appropriately applied across the State.

# Part 3 - Proposed SEPP 70 clause amendments

It is proposed to amend the SEPP 70 clauses as set out below:

#### **Clause 8 - Definition of Affordable Housing**

It is proposed to amend Clause 8 so that for areas outside of Greater Sydney (Greater Capital City Statistical Area), the median household income for the 'Rest of NSW' (according to the Australian Bureau of Statistics) will apply. For areas within Sydney, the Greater Sydney median household income definition will continue to apply.

#### Clause 9 - Identification of a need for affordable housing

It is proposed to amend Clause 9 so that the provisions of SEPP 70 will apply to all local government areas in NSW. The requirement for individual local government areas to be listed will be removed.

#### Schedule 2 - Affordable housing principles

Principle 3 will be amended to include affordable housing for very low, low and moderate-income households or any combination of these households. This amendment adds flexibility and ensures that councils' affordable housing contribution schemes can better meet the needs of their communities. This amendment also enables the Greater Sydney Commission's affordable rental housing targets to be facilitated by affordable housing contribution schemes developed under SEPP 70.

Explanation of Intended Effect | Proposed amendment to State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) - State-wide application

Council Meeting

# **Appendix 1:**

#### **The Greater Metropolitan Region**

Ashfield Hornsby Port Stephens

Auburn Hunters Hill Randwick Bankstown Hurstville Rockdale

Baulkham Hills Kiama Ryde

Blacktown Shellharbour Kogarah

Blue Mountains Ku-ring-gai South Sydney

Botany Lake Macquarie Strathfield

Burwood Lane Cove Sutherland

Camden Leichhardt Sydney

Campbelltown Liverpool Warringah

Canterbury Maitland Waverley

Cessnock Manly Willoughby

Marrickville

Wollondilly

Fairfield Newcastle Woollahra

Mosman

Gosford North Sydney Wyong

Hawkesbury Parramatta

Penrith Holroyd

Concord

Drummoyne

(pursuant to Government Gazette - Friday 11 October 1991 (No. 142), page 8758. The then Minister for Planning and Minister for Energy declared land within the schedule (as outlined above) to be a region for the purposes of the Environmental Planning and Assessment Act 1979, and the region to be called the Greater Metropolitan Region.) Please note this list does not reflect local government areas amalgamations pursuant to Local Government (Council Amalgamations) Proclamation 2016.

Explanation of Intended Effect | Proposed amendment to State Environmental Planning Policy No 70 – Affordable Housing (Revised

Wollongong



Item No 8.10

Subject Proposed Amendments to State Environmental Planning Policy

Affordable Rental Housing 2009 (AH SEPP)

Report by Michael McCabe, Director City Futures

File F10/47

### **Summary**

The Department of Planning and Environment have placed an amendment to the State Environmental Planning Policy Affordable Rental Housing (AH SEPP) on exhibition from 28 November to 19 December 2018.

The proposed amendment to the AH SEPP limits the number of Boarding House rooms to a maximum of 12 boarding rooms in the R2 Low Density Residential Zone.

The proposed amendment is considered reasonable as it will assist in the management of amenity impacts of existing character in low density residential areas whilst continuing to make provisions for some affordable rental housing to be developed in the R2 Low Density Residential zone.

#### Officer Recommendation

That Council delegate authority to the General Manager to make a submission in support of the proposed amendment to the State Environmental Planning Policy Affordable Rental Housing.

#### **Background**

The AH SEPP was introduced in 2009 to increase the supply and diversity of affordable rental housing throughout NSW. The AH SEPP promotes the development of certain affordable housing types including infill affordable housing, secondary dwellings, boarding houses and group homes.

Boarding houses are defined as a rental dwelling:

- Wholly or partly let as lodgings
- Provides lodges with a principal place of residence for three months or more
- May have shared facilities such as common areas,
- bathrooms, kitchens and laundries

There are two types of Boarding Houses - Boarding Houses that provide access to shared facilities (Traditional Boarding Houses) and Boarding Houses that provide internal kitchen and/or bathroom facilities (New Generation Boarding Houses).

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In June 2018 the AH SEPP was amended to increase the car parking requirements for Boarding Houses in response to concerns about the impact of Boarding House developments on on-street car parking.

The Department of Planning and Environment has received feedback from stakeholders, including Councils in relation to:

- compromised built form outcomes for boarding houses in R2 Low Density Residential areas
- large scale Boarding House developments not complying with the objectives of the R2 Low Density Residential zoned land.

The NSW government proposes to amend the AH SEPP to limit the number of Boarding House rooms to a maximum of 12 boarding rooms in the R2 Low Density Residential Zone. The proposed amendment is to assist in ensuring that amenity impacts of Boarding House developments on adjoining properties such as overlooking/overshadowing and car parking impacts are better managed. Refer attachment 1 – Explanation of Intended Effect.

No other provisions of the AH SEPP are proposed.

### **Community Engagement**

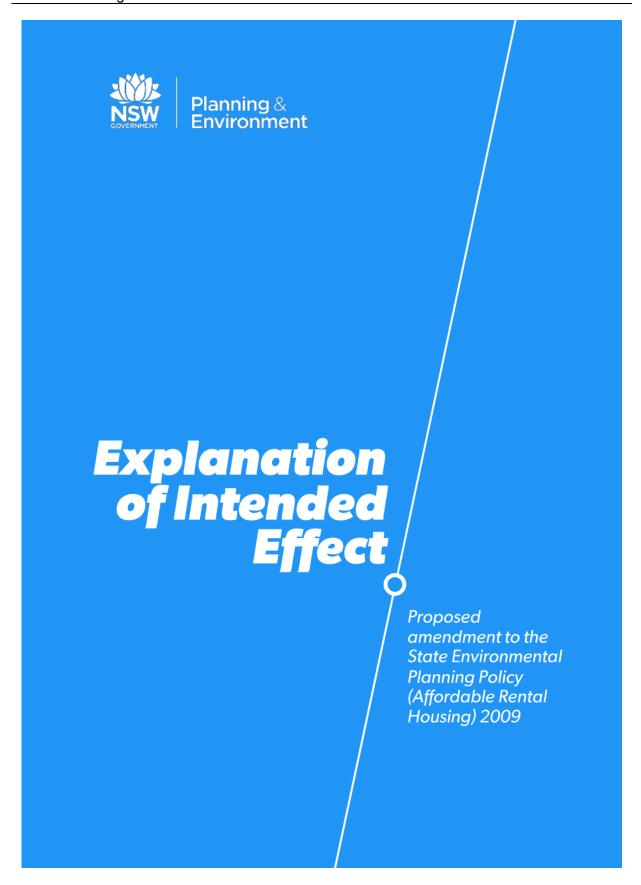
Amendments to the AH SEPP have been placed on public exhibition by the Department of Planning and Environment until 19 December 2018. Information can be accessed at:

http://planning.nsw.gov.au/Policy-and-Legislation/State-Environmental-Planning-Policies-Review/Draft-amendment-to-the-Affordable-Rental-Housing-SEPP

#### **Attachments**

Proposed amendments to the State Environmental Planning Policy (Affordable Rental Housing) 2009 - Explanation of Intended Effect  $\underline{\mathbb{J}}$ 

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#### November 2018

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Council Meeting

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# **Executive summary**

Clause 30A of the Affordable Rental Housing SEPP states a consent authority must not consent to boarding house development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Some councils and communities have advised the Department of Planning and Environment that the built form of larger boarding house proposals can be fundamentally incompatible with the typical and expected built form in a R2 Low Density Residential zone (R2 zone), regardless of whether a proposal complies with other controls such as height of building limits and floor space ratios.

As a result, the Department has reviewed recent boarding house development applications, Land and Environment Court judgements and undertaken targeted consultation with local government.

To facilitate the development of boarding houses in the R2 zone that are compatible with the character of residential density that is typically expected in that zone, it is proposed to amend the boarding house provisions in the Affordable Rental Housing SEPP so that a boarding house in the R2 zone can consist of no more than 12 boarding rooms.

This EIE supports an amendment to the Affordable Rental Housing SEPP in recognition of the role that boarding house development plays in contributing to the diversity and affordability of housing, while ensuring that the built form of boarding house development in the R2 zone is responsive to the character of the local area.

## Have your say.

The Department of Planning and Environment is seeking your feedback on the proposed changes to the boarding houses provisions in the Affordable Rental Housing SEPP

This Explanation of Intended Effect is available on the Department of Planning and Environment's website: www.planning.nsw.gov.au/onexhibition.

Submissions can be made at the website or by writing to:
Director, Housing and Infrastructure Policy
Department of Planning and Environment
GPO Box 39 Sydney NSW 2000

Proposed amendment to State Environmental Planning Policy (Affordable Rental Housing) 2009 Explanation of Intended Effect

# **Explanation of Intended Effect**

#### State Environmental Planning Policy (Affordable Rental Housing) 2009

This Explanation of Intended Effect (EIE) has been prepared for the purposes of Section 3.30 of the Environmental Planning and Assessment Act 1979 to explain the intended effect of a proposed amendment to the State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP)

This EIE provides an overview and background to what is proposed to be included in an amendment to the Affordable Rental Housing SEPP.

 $Proposed\ amendment\ to\ \textit{State Environmental Planning Policy}\ (Affordable\ \textit{Rental Housing})\ 2009 \ |\ Explanation\ of\ Intended\ Effect$ 

# **Background and Planning Context**

The Affordable Rental Housing SEPP was introduced in 2009 to increase the supply and diversity of affordable rental and social housing throughout New South Wales. The SEPP provides a consistent, Statewide planning framework for the assessment of certain affordable housing developments including in-fill affordable housing, secondary dwellings, boarding houses and group homes.

#### **Boarding houses**

Boarding houses cater to a diverse range of residents which can include retirees, students, people with additional needs and people working in key local service industries.

The Standard Instrument (Local Environmental Plans) Order 2006 defines a boarding house as a building that:

- is wholly or partly let in lodgings
- provides lodgers with a principal place of residence for three months or more
- may have shared facilities, such as a communal living room, bathroom, kitchen or laundry
- has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.

but does not include backpackers' accommodation, a group home, hotel or motel accommodation seniors housing or serviced apartments.

The Affordable Rental Housing SEPP facilitates two key types of boarding house developments, namely a boarding house that provides access to shared facilities (traditional boarding house) or provides self-contained kitchen and / or bathroom facilities (new generation boarding house).

The Affordable Rental Housing SEPP makes boarding houses permissible in the following zones: R1 General Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; B1 Neighbourhood Centre; B2 Local Centre and B4 Mixed Use.

Under clause 27 (2) and (3) of the Affordable Rental Housing SEPP, boarding houses can only be approved within the R2 zone in locations:

- close to public transport services where the location is situated within the Sydney region (that is, in defined accessible areas), or
- within 400 metres walking distance of a B2 Local Centre or a B4 Mixed Use zone where the location is situated outside the Sydney region.

Clause 29 of the Affordable Rental Housing SEPP includes the standards for boarding houses that, if met, cannot be used as grounds on which a consent authority could refuse consent to a boarding house development. Clause 30 of the Affordable Rental Housing SEPP includes the standards for boarding houses that must be met before consent can be granted by a consent authority for a boarding house development.

Proposed amendment to State Environmental Planning Policy (Affordable Rental Housing) 2009 Explanation of Intended Effect

Clause 30A of the Affordable Rental Housing SEPP states a consent authority must not consent to boarding house development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

#### **Review of boarding houses provisions**

The Affordable Rental Housing SEPP has been instrumental in facilitating the provision of diverse affordable rental housing across NSW. The Department continues to review the Affordable Rental Housing SEPP to ensure that provisions appropriately respond to the changing needs of residents of affordable rental housing, councils, the community and developers.

On 1 June 2018 car parking standards for boarding houses were amended in response to concerns around the impact of boarding houses on on-street car parking as a result of varied car ownership rates among boarding house residents. This amendment increased the car parking requirement for boarding houses in all circumstances to 0.5 spaces per boarding house room. The previous car parking rates of 0.2 spaces and 0.4 spaces in accessible and non-accessible locations respectively were retained for social housing providers in response to feedback that social housing providers should be supported in providing boarding houses for lower income earners and other groups.

As part of its ongoing SEPP review, feedback from key stakeholders including councils has raised the following key issues:

- built form outcomes of boarding houses in R2 zoned areas, particularly if they have a large number of rooms, can be incompatible with the low-density nature of surrounding development.
- large scale boarding house developments do not comply with the R2 zone objective of the Standard Instrument (Local Environmental Plans) Order 2006, which is to provide for the housing needs of the community within a low density residential environment.

The Department has prepared this EIE in response to these concerns around the built form of boarding houses in low density residential areas.

As noted above, boarding houses are only permissible in the R2 zone if they are in accessible locations within the Sydney region, that is close to public transport, or near certain commercial zones in areas outside the Sydney region. The Department would welcome feedback about whether these locational restrictions are facilitating the development of boarding houses in the right locations.

# **Proposed change**

### Limit on number of boarding houses rooms for development in the R2 Low Density Residential zone

The proposed amendment to the Affordable Rental Housing SEPP will provide for a new provision that limits the number of boarding rooms in a boarding house development in the R2 zone to a maximum of 12 boarding rooms.

The intention of the proposed amendment is to ensure that the built form of boarding house development in the R2 zone is compatible with the built form of other development in the local area.

The proposed introduction of a maximum room number for boarding houses is considered to assist in ensuring that amenity impacts of boarding house development on adjoining and nearby properties, such as overlooking, overshadowing and car parking impacts, are able to be better managed.

This EIE does not propose to amend any other provisions of the Affordable Rental Housing SEPP.



Item No 8.11

Subject Eastlakes Shopping Centre MOD 4 - Council Submission

Report by Michael McCabe, Director City Futures

File F18/679

### **Summary**

The NSW Department of Planning and Environment (DPE) recently exhibited a proposed modification (MOD 4) to the Major Project approval for Eastlakes Shopping Centre. At the November 2018 meeting Bayside Council considered information in relation to the proposed Modification Application and resolved:

- 1 That Council notes that an application to amend MP 09\_0146 MOD 4 Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential) has been placed on public exhibition by the NSW Department of Planning and Environment until 14 December 2018
- 2 That Council authorises the General Manager to prepare a submission in relation to MOD 4 based on the body of this report.
- 3 That Council includes the submission on the agenda for the GM Briefing session in the first week of December to receive Councillor feedback prior to lodgement.
- 4 That the Member for Heffron be invited to attend the General Manager's Briefing Session.
- 5 That the draft submission be submitted to the Council Meeting of 12 December 2018 for consideration and resolution.
- 6 That Council implements a public awareness campaign immediately to encourage residents to make submissions.

The Council report and minutes from the 14 November 2018 Council meeting relating to this item are included as **Attachment 1** to this report.

The purpose of this report is to:

- highlight the key changes proposed by the modification; and
- seek Council's endorsement for the attached submission.

Council staff have prepared a draft submission on the proposed Modification Application, for Council's consideration and endorsement (refer **Attachment 2**).

#### Officer Recommendation

That Council endorses the attached submission, in relation to MP 09\_0146 MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential), for consideration by the NSW Department of Planning and Environment.

### **Background**

### **Major Project Approval**

In 2009 Botany Bay Council adopted the *Botany Bay Strategy 2031* which nominated the Eastlakes Town Centre for investigation in the medium term. The Strategy noted that a:

more comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses.

Further intensification at Eastlakes depends on:

- · coordinated and managed approach to renewal,
- future investment in public transport connections and improvement of the poor configuration of the centre.
- Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding stratatitled residential apartments are major challenges for renewal.

At the March 2011 Council meeting Botany Bay Council noted:

Council restates forcefully the need for a proper Master Planning process to ensure that any redevelopment of the shopping centre encompass a holistic approach which integrates the adjoining sites, establishes a planning vision for Eastlakes including improved traffic flow; modern day shopping with civic amenity, improved pedestrians and cyclists, high quality of public space and street amenity and integration of a variety of land use functions, including improved residential amenity.

In November 2011, Crown Group lodged a Part 3A Major Project under Section 75 of the Environmental Planning & Assessment Act 1979 (EPAA).

On 19 September 2013 Eastlakes Shopping Centre Major Project was approved under Section 75 of the EPAA (refer to **Attachment 2**).

On the 16-18 July 2014, the former City of Botany Bay Council appealed the determination in the NSW Land and Environment Court (NSWLEC) (Botany Bay City Council v Minister for Planning and Infrastructure & Ors [2015] NSWLEC 12 at 4).

On the 10<sup>th</sup> February 2015, the NSWLEC dismissed the proceedings.

Subsequent to the approval four modifications have been lodged under the Section 75W modification applications of the EP&A 1979.

In September 2017, prior to lodging the current modification, the proponent met with Council officers to discuss concept plans for a potential Planning Proposal at the south site (being to the south of Evans Avenue) of the Eastlakes Shopping Centre. The development shown in the concept plans was of a similar scale and nature to that currently proposed in MOD 4 (discussed in detail below). At the meeting, Council's technical officers advised that intensification of the shopping centre on the scale proposed would require broader strategic planning and further investigation in the context of the broader Eastlakes Local Centre.

On the 9 November 2017, the proponent met with Council officers to present a proposed scope for an Urban Context Analysis that would inform the potential Planning Proposal at the south site. Following the meeting, the proponent was issued with the following advice:

Council will soon commence a review of the Botany Bay LEP 2013. The Revised Draft Central District Plan identifies Eastlakes as a 'Local Centre' and therefore will be the subject of strategic planning by Council as part of the preparation of a new LEP.

......In this context we consider a major Planning Proposal for the Eastlakes Shopping Centre premature.

On the 29 November 2017, the proponent forwarded a proposed scope of works for the Urban Context Analysis for Council's review and comment. The proponent was advised that Council officers had not requested an Urban Context Analysis to inform strategic planning for the Eastlakes Local Centre; and previous advice reiterated that a major Planning Proposal was considered premature given that strategic planning for a new LEP was about to commence, and the necessary strategic studies and analysis undertaken at that time. The proponent did not proceed to lodge a Planning Proposal for the south site.

In 2018 the Greater Sydney Commission released the *Eastern City District Plan* which nominates Eastlakes Town Centre as a Local Centre and identifies a Local Centre to be

Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live. (p. 48)

As required under the Eastern City District Plan (2018), the NSW Department of Planning and Environment Guidelines for Local Environmental Plan Reviews and the preparation of Local Strategic Planning Statements Council is required to prepare evidence based assessments and place-based planning for local centres that address:

- Open space and natural environment.
- Local infrastructure requirements.
- Active transport networks.
- Commercial and retail floor space.
- Expand employment opportunities.
- Local culture and heritage.

 Parking that is appropriate for future use and takes into account public transport and active transport networks.

In early 2018 Council commenced the preparation of a comprehensive Bayside Local Environmental Plan and Development Control Plan. Eastlakes Local Centre has been nominated as a Local Centre requiring a Master Plan to determine future development capacity, improvements to streetscape and open space, private and public transportation strategies, and a cohesive development approach.

On the 13<sup>th</sup> April 2018, the DPE wrote to Bayside Council requesting comments on the draft Secretary's Environmental Assessment Requirements (draft SEARs). Council responded to the draft SEARs in a letter dated 27<sup>th</sup> April 2018 (refer **Attachment 2**). On the 8<sup>th</sup> May 2018, the DPE issued the final SEARs (refer **Attachment 2**).

On 26 July 2018 the Government Architects Office held a State Design Review Panel (SDRP) session to assess MOD 4. Council staff made representation to the Government Design Review Panel. The Panel observed that:

The scheme proposed is a significant departure from the current approval, which was granted in 2013. The approved scheme is characterised by articulated, medium density residential buildings that create a streetscape and buffer to a set-back retail podium. The podium includes a supermarket, throughsite links and small footprint retail. The proposed scheme retains the podium but introduces a 14 storey linear apartment tower to the east along the frontage with Eastlakes Reserve, and three seven storey residential blocks. Overall there is a significant increase in height, bulk and scale, apartment numbers and parking. The proposed modification offers fewer, larger individual retail units, less activated street frontage and a compromised east-west public pedestrian link.

The Panel expressed concerns about the Proposal including:

- overall lack of value placed in public benefit, with commercial imperatives overriding other concerns - an appropriate balance between public benefit and private drivers was not felt to have been achieved.
- Increased GFA the proposed modification seeks to increase residential yield on the site
  by approximately 50% with resultant impacts arising from increased bulk, height and scale
  of the development, impacts on streetscapes, increased car traffic, and the limited access
  to public transport in this area.
- Urban design and built form the 14 storey linear building presents as a long, visually dominant wall to Eastlakes Reserve. The height and un-broken bulk of this element were considered unacceptable by the panel.
- the eastern elevation and the southern elevation of the podium are not activated and offer little obvious amenity or outlook to the adjacent residential buildings.
- the set back of the apartment buildings from the podium edge (required to address overshadowing issues) has meant that opportunities for visual activation and surveillance of the street have been reduced.
- the reduced number of retail units, and lack of a dedicated through-site link Greater permeability through the site, ideally with natural light and air is strongly recommended.

Further detail is required on the 'market -place' as a means to support existing retail tenants to remain in the centre.

- concerns about safety given the impact of increased traffic.
- the north-south ramp from Barber Ave cuts off direct access to the park from the southern retail units which are accessed via a service corridor.
- The proposed community library space and childcare are located on the podium level.
   These spaces are only accessible via a residential core and are not visible or accessible from the public domain. Also, any community facility must be informed by engagement with the local council to ensure uses align with needs.
- concerns as to whether the 'town square' adjacent to the parking entry could be expected to work as a public space given the traffic impacts noted above.
- Level of amenity to be achieved in residential apartments as the linear western building overshadows the lower block buildings in the afternoon while appearing to offer fewer naturally ventilated apartments
- absence of ESD strategies or ratings targets which may have offered an improvement on the approved scheme.

The State Design Review Panel has provided a copy of its findings and recommendations to Council (refer to **Attachment 1**). The Panel noted also that:

The panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study.

In October 2018, subsequent to confirmation of allocation of a \$2.5M grant to Bayside Council for the preparation of an accelerated LEP 2018 Council sought quotes from suitably qualified consultants to prepare a Town Centre Masterplan. The study will establish a vision and principles for future development and is being progressed in response to the strategic framework established by the NSW Government and the recommendations of the State Design Review Panel. The study area is identified in **Figure 1**.



Figure 1: Eastlakes Town Centre is bound by Gardeners Road to the North, Mascot Drive to the South, Maloney Street to the West and Southern Cross Drive to the East

In October 2018 the Crown Group lodged the current modification (MOD 4) which is a significant departure from the current approval seeking the following:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m2 to 71,815m2;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium; and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the Exhibition of MOD 4. The Exhibition period began Thursday 1 November 2018, and concluded Friday 30 November 2018. However, the DPE granted Council an extension to 14 December 2018 to provide a submission, in order to allow Council to consider the submission as part of this Council report. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9169

#### MP 09 0146 MOD 4

The proposed modification relates to the south site, bounded by Evans Avenue, Barber Avenue and Eastlakes Reserve; and seeks, in summary, the following changes to the project approval:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m2 to 71,815m2;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys (71 metres) above the podium; and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

Following a review of the exhibited information, Council's submission has been prepared, and is included as **Attachment 2** to this report.

#### **Strategic Planning Framework**

Under section 3.9 of the *Environmental Planning and Assessment Act 1979* (EPAA), and with guidance from the Greater Sydney Commission, Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP.

The Master Plan will be undertaken in consultation with the Eastlakes Community and supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre.

It is therefore considered premature that the proposed modification should be considered ahead of Council's strategic planning for this locality.

#### **Eastern City District Plan**

The proposed Modification is not consistent with the principles for local centres and housing strategies in the Eastern City District Plan. The submitted Environmental Assessment is not supported by a local and district wide housing strategy; retail/ commercial analysis; infrastructure plan etc. to provide the necessary evidence base for the scale of intensification proposed in the modification.

#### **Botany Bay Planning Strategy 2031**

The proposed modification does not propose works to improved connections to public transport and has not proposed a strategy for the reconfiguration of the broader centre as required by Strategy 2031.

As noted above, a Master Plan will be undertaken in consultation with the Eastlakes Community as part of the new LEP and will be supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre.

It is therefore considered premature that the proposed modification should be considered ahead of Council's strategic planning for this locality.

#### **Future Transport Strategy 2056 (Strategy 2056)**

Strategy 2056 deals with how Sydney will manage growth precincts and the economy with a focus on ensuring sustainable transport options are designed into development.

Few items are identified in the modification to enhance or improve the active transport network. Public domain upgrades surrounding the site will only facilitate improvement to the amenity for the proposed modification site itself, little consideration has been given to promoting connections to sustainable transport options.

#### **Statutory Planning**

# State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)

The Modification is considered inconsistent with SEPP 65, as a strategic planning process has not been undertaken to (i) inform an appropriate planning framework for the growth and renewal of the centre; and (ii) to determine the desired future character for the Eastlakes Local Centre.

#### Botany Bay Local Environmental Plan 2013 (Botany Bay LEP 2013)

#### **Zoning**

The current zoning of the land is B2 Local Centre. The intended function of the B2 Local Centre is retail and commercial development.

The modification will enable approximately 75% of the total gross floor area to be dedicated to residential development and this is not consistent with the intended purpose of the B2 Local Centre zoning.

#### **Building Height**

In relation to building height, the height of buildings map in Botany Bay LEP 2013 stipulates a height of 14 metres for the site. A building height of 71.70 metres is proposed. Introducing a building of this height and scale is radically inconsistent with the overall/established character of Eastlakes, which predominantly comprises 3-4 storey walk-up residential flat buildings.

### Floor Space Ratio (FSR)

In relation to FSR, the proposal to increase FSR from the approved 2.04:1 to 2.75:1 is considered a significant overdevelopment of the site, given that the Botany Bay LEP 2013 stipulates a FSR of 1.5:1.

#### Botany Bay Development Control Plan 2013

#### Car Parking

The modification results in a shortfall of 365 car spaces. The modification appears to rely on public transport options to allow for the shortfall in car parking for the development but does not appear to provide a strategy to improve connections to public transport. However, Strategy 2031 and Council's Urban Design and Transport officers identify the site as having poor connection to public transport.

#### **Other Considerations**

#### State Design Review Panel

On the 26 July 2018, the State Design Review Panel (SDRP) considered the Modification Request. In conclusion, the SDRP provided the following summary recommendation:

The Panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study.

#### <u>Urban Design</u>

The key impacts of MOD 4 are as follows:

- height and scale
- building bulk
- visual impacts
- interface
- overshadowing
- active transport network

For detailed comments in relation to these issues, please refer to the submission included as **Attachment 2** to this report.

#### Open Space and Recreation

The modification proposal relies on Council's asset, Eastlakes Reserve, to provide significant amenity to the residents and visitors to the centre. Such a proposal gives the community unrealistic expectations on what Council can deliver and the outcomes identified in the proposal may not meet the requirements of the community given Council is yet to undertake a LGA wide open space and recreation needs analysis.

Council is in the process of preparing the new LEP which will be informed by an Open Space and Recreation Needs Analysis and Social Infrastructure Strategy to inform how equitable access to open space for the Eastlakes Local Centre and broader Bayside LGA is to be provided and managed.

#### **Voluntary Planning Agreement**

The Offer of Public Benefit has been reviewed and comments are contained in Council's submission to the DPE (refer **Attachment 2**). Bayside Council acknowledge the offer associated with Crown Group's proposed Modification Application, which is included in the table below:

Item	Description	Crown Groups Estimated public Benefit	Comment
1	Public Domain upgrades surrounding site	\$100,000	Not agreed. Public domain upgrades would form part of any standard condition of development consent particularly with a development of this size. These works would be necessary on all frontages and would be uncapped and in accordance with Councils public domain requirements
2	Affordable Housing (10% of housing)	\$8,100,000	The assessment of public benefit for AFH should be in accordance with the perceived net impact on development margins for the life of the development. The provided reports supporting value are simplistic in approach and referencing errors undermine the methodology. We note the proportion and unit mix would be a decision for council and a Community Housing Provider. The preference at this point in time given the small number of units in a large development complex would be accept (\$8,100,000) in Council's trust fund established under s411 of the LG Act to be applied towards reinvestment in the provision of Affordable Housing in the Council's area.
3	Community Wall	\$100,000	Not agreed. This is not a defined need in the public domain plan. May have design merit however developer risk to deliver
4	Community Centre Fitout Budget	\$350,000	There is no identified community need, council will direct the \$350,000 to identified community benefit in the section 7.11 plan or in negotiations with the developer
5	Community Centre Fitout Budget	\$2,300,000	There is no identified community need, council will direct the \$2,300,000 to identified community benefit in the section 7.11 plan in negotiations with the developer
5.1	Gazebo	\$35,000	Redirect to Eastlakes Reserve Landscaping S.7.11 plan 2016
5.2	2 <sup>nd</sup> Fitness Station	\$50,000	As above
5.3	Senior Play Items	\$150,000	As above
5.4	Basket Ball Court	\$16,935	As above
5.5	Irrigation to Park from development	\$308,000	As above
5.6	Lights in park	\$55,000	As above
5.7	Remove and make good seating to South Easterly corner Reserve	\$30,000	As above
5.8	50 * Electrical Bikes (council owned)	\$141,000	Council does not operate or maintain and electrical bike fleet. Council will direct the funds to upgrades to cycle networks in the Eastlakes area as identified in the S7.11 plan 2016

#### Conclusion

The proposed modification, MOD 4, is considered premature in the context of the preparation of the new comprehensive LEP, DCP, and the Local Strategic Planning Statements, and the Masterplan for the Eastlakes Local Centre that is also currently under preparation.

Financial Implications						
Not applicable	$\boxtimes$					
Included in existing approved budget						
Additional funds required						

### **Community Engagement**

The Exhibition period began Thursday 1 November 2018, and concluded Friday 30 November 2018. However, the DPE granted Council an extension to 14 December 2018 to provide a submission, in order to allow Council to consider the submission prepared by Council officers.

#### **Attachments**

- 1 Agenda & Minutes of Council Meeting 14/11/2018 &
- 2 Draft Bayside Council Submission Eastlakes Shopping Centre MOD 4 Application <a href="#">J</a>



Council Meeting 14/11/2018

Item No 8.7

Subject Up date - Eastlakes Town Centre

Report by Michael McCabe, Director City Futures

File F18/667

#### **Summary**

In October 2018 the Crown Group lodged an application to modify a Part 3A Concept Plan Approval for the Eastlakes Shopping Centre (MOD 4). It is a significant departure from the current approval seeking:

- · Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m2 to 71,815m2;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- · Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium; and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the Exhibition of MOD 4. The Exhibition period will be from Thursday, 1 November 2018 to 14 December 2018. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9169

Council staff will undertake an analysis of the MOD 4 documentation in light of Councils' previous position in relation to the centre, the findings and recommendations of the State Design Review Panel and the relevant strategic planning framework including the Eastern City District Plan. A submission will be prepared and lodged with the Department of Planning and Environment.

Information about the public exhibition of the proposal has been placed on Council's Facebook page and website.

#### Officer Recommendation

1 That Council notes that an application to amend MP 09\_0146 MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential) has been placed on public exhibition by the NSW Department of Planning and Environment until 14 December 2018

Council Meeting 14/11/2018

2 That Council authorises the General Manager to prepare a submission in relation to MOD 4 based on the body of this report.

- 3 That Council includes the submission on the agenda for the GM Briefing session in the first week of December to receive Councillor feedback prior to lodgement.
- 4 That delegated authority be given to the Mayor and General Manager to make the submission in relation to MOD 4, capturing the feedback from Councillors to the draft prepared by staff and the presentation at the GM's Briefing Session.

#### **Background**

In 2009 Botany Bay Council adopted the *Botany Bay Strategy 2031* which nominated the Eastlakes Town Centre for investigation in the medium term. The Strategy noted that a "more comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses. Further intensification at Eastlakes depends on:

- · coordinated and managed approach to renewal,
- future investment in public transport connections and improvement of the poor configuration of the centre.
- Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal."

At the March 2011 Council meeting Botany Bay Council noted:

Council restates forcefully the need for a proper Master Planning process to ensure that any redevelopment of the shopping centre encompass a holistic approach which integrates the adjoining sites, establishes a planning vision for Eastlakes including improved traffic flow; modern day shopping with civic amenity, improved pedestrians and cyclists, high quality of public space and street amenity and integration of a variety of land use functions, including improved residential amenity."

In November 2011 the Crown Group lodged a Part 3A Major Project under Section 75 of the Environmental Planning & Assessment Act 1979 (EP&A 1979). On 19 September 2013 Eastlakes Shopping Centre Major Project was approved under Section 75 of the EP&A 1979. Subsequent to the approval four modifications have been lodged under the Section 75W modification applications of the EP&A 1979.

In 2018 the Greater Sydney Commission released the Eastern City District Plan which nominates Eastlakes Town Centre as a local Centre and identifies a Local Centre to be Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live. (p. 48)

As required under the Eastern City District Plan (2018), the NSW Department of Planning and Environment Guidelines for Local Environmental Plan Reviews and the preparation of Local Strategic Planning Statements Council is required to prepare evidence based assessments and place-based planning for local centres that address:

- Open space and natural environment;
- Local infrastructure requirements;

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- Active transport networks;
- Commercial and retail floor space;
- Expand employment opportunities;
- Local culture and heritage; and,
- Parking that is appropriate for future use and takes into account public transport and active transport networks.

In early 2018 Council commenced the preparation of a comprehensive Bayside Local Environmental Plan and Development Control Plan. Eastlakes Town Centre has been nominated as a local centre requiring a master plan to determine future development capacity, improvements to streetscape and open space, private and public transportation strategies, and a cohesive development approach.

On 26 July 2018 the Government Architects Office held a State Design Review Panel (SDRP) session to assess MOD 4. Council staff made representation to the Government Design Review Panel. The Panel observed that:

"The scheme proposed is a significant departure from the current approval, which was granted in 2013. The approved scheme is characterised by articulated, medium density residential buildings that create a streetscape and buffer to a set-back retail podium. The podium includes a supermarket, through-site links and small footprint retail. The proposed scheme retains the podium but introduces a 14 storey linear apartment tower to the east along the frontage with Eastlakes Reserve, and three seven storey residential blocks. Overall there is a significant increase in height, bulk and scale, apartment numbers and parking. The proposed modification offers fewer, larger individual retail units, less activated street frontage and a compromised east-west public pedestrian link."

The Panel expressed concerns about the Proposal including

- overall lack of value placed in public benefit, with commercial imperatives overriding
  other concerns an appropriate balance between public benefit and private drivers
  was not felt to have been achieved.
- Increased GFA the proposed modification seeks to increase residential yield on the site by approximately 50% with resultant impacts arising from increased bulk, height and scale of the development, impacts on streetscapes, increased car traffic, and the limited access to public transport in this area.
- Urban design and built form the 14 story linear building presents as a long, visually
  dominant wall to Eastlakes Reserve. The height and un-broken bulk of this element
  were considered unacceptable by the panel.
- the eastern elevation and the southern elevation of the podium are not activated and
  offer little obvious amenity or outlook to the adjacent residential buildings.
- the set back of the apartment buildings from the podium edge (required to address overshadowing issues) has meant that opportunities for visual activation and surveillance of the street have been reduced.
- the reduced number of retail units, and lack of a dedicated through-site link Greater permeability through the site, ideally with natural light and air is strongly recommended. Further detail is required on the 'market-place' as a means to support existing retail tenants to remain in the centre.
- · concerns about safety given the impact of increased traffic.
- the north-south ramp from Barber Ave cuts off direct access to the park from the southern retail units which are accessed via a service corridor.

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The proposed community library space and childcare are located on the podium level.
 These spaces are only accessible via a residential core and are not visible or accessible from the public domain. Also, any community facility must be informed by engagement with the local council to ensure uses align with needs.

- concerns as to whether the 'town square' adjacent to the parking entry could be expected to work as a public space given the traffic impacts noted above.
- Level of amenity to be achieved in residential apartments as the linear western building overshadows the lower block buildings in the afternoon while appearing to offer fewer naturally ventilated apartments
- absence of ESD strategies or ratings targets which may have offered an improvement on the approved scheme.

The State Design Review Panel has provided a copy of its findings and recommendations to Council. Refer to **Attachment 1**). The Panel noted also that:

The panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study.

In October 2018, subsequent to confirmation of allocation of a \$2.5M grant to Bayside Council for the preparation of an accelerated LEP 2018 Council sought quotes from suitably qualified consultants to prepare a Town Centre Masterplan. The study will establish a vision and principles for future development and is being progressed in response to the strategic framework established by the NSW Government and the recommendations of the State Design Review Panel. The study area is identified in Figure 1.



Figure 1: Eastlakes Town Centre is bound by Gardeners Road to the North, Mascot Drive to the South, Maloney Street to the West and Southern Cross Drive to the East

In October 2018 the Crown Group lodged the current modification (MOD 4) which is a significant departure from the current approval seeking the following:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m2 to 71,815m2;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;

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Increase in the building height from 3-6 storeys to 4-14 storeys above the podium;

 Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the Exhibition of MOD 4. The Exhibition period will be from Thursday, 1 November 2018 to 14 December 2018. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9169

Council staff will undertake an analysis of the MOD 4 documentation in light of Councils' previous position in relation to the centre, the findings and recommendations of the State Design Review Panel and the relevant strategic planning framework including the Eastern City District Plan.

#### **Financial Implications**

Not applicable	$\boxtimes$		
Included in existing approved budget			
Additional funds required			

#### **Community Engagement**

The Eastlakes Town Centre MOD 4 has been placed on public exhibition by the NSW Department of Planning and Environment until 14<sup>th</sup> December 2018. Council staff have included information about the exhibition on the Bayside Council Facebook page and Councils website.

#### **Attachments**

Eastlakes MOD 4 Letter of Advice State Design Review Panel J.

Council Meeting 14/11/2018



05 August 2018

Michael Romano Development Director, Crown Group

Via email – Michaelromano @crowngroup.com.au PROJECT: MP 09\_0146 MOD 4 - Modification to Eastlakes Shopping Centre

Mixed Use Development
RE: SDRP First Review – 26.07.18

Dear Michael,

Thank you for attending the State Design Review Panel (SDRP) session on Wednesday, July 26. Please note this and subsequent letters relating to the SDRP will be distributed to the meeting attendees listed below.

The scheme proposed as Modification 4 is a significant departure from the current approval, which was granted in 2013. The approved scheme is characterised by articulated, medium density residential buildings that create a streetscape and buffer to a set-back retail podium. The podium includes a supermarket, through-site links and small footprint retail. The proposed scheme retains the podium but introduces a 14 storey linear apartment tower to the east along the frontage with Eastlakes Reserve, and three seven storey residential blocks. Overall there is a significant increase in height, bulk and scale, apartment numbers and parking. The proposed modification offers fewer, larger individual retail units, less activated street frontage and a compromised east-west public pedestrian link.

Whilst the proposed modification does appear to in some ways improve the address to the neighbouring park with regards to the design of the public domain, the panel considered that overall there was a lack of value placed in public benefit, with commercial imperatives overriding other concerns. Whilst the panel understand that development must be viable, an appropriate balance between public benefit and private drivers was not felt to have been achieved. Consequently, the panel is not able to support the proposal. The following commentary is provided:

#### Increased GFA

The proposed modification seeks to increase residential yield on the site by approximately 50%. While the panel recognise the need for increased housing supply and appreciated the thorough presentation of the planning and urban design context, they remained concerned at the impacts of the proposed increases in terms of increased bulk, height and scale of the development, impacts on streetscapes, increased car traffic, and the limited access to public transport in this area.

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Item 8.7 - Attachment 1

Council Meeting 14/11/2018

Urban design and built form

The 14 story linear building presents as a long, visually dominant wall to Eastlakes Reserve, broken with a single penetration described as necessary for cross ventilation. The height and un-broken bulk of this element were considered unacceptable by the panel. The proposed 5.5m high (plus) podium provides an activated street frontage to Evans Avenue to the north and half of Barber Avenue to the east. This was supported. However, the southern half of the eastern elevation and the southern elevation of the podium are not activated and offer little obvious amenity or outlook to the adjacent residential buildings. The panel note that the extent of active street frontage has reduced from the approved scheme. This was not supported.

Whilst it as noted that the podium addresses the scale of neighbouring development on Barber Avenue, the set back of the apartment buildings from the podium edge (required to address overshadowing issues) has meant that opportunities for visual activation and surveillance of the street have been reduced.

Whilst the panel support the shopping centre use in principle as consistent with the approved design, the reduced number of retail units, and lack of a dedicated throughsite link was not supported. Greater permeability through the site, ideally with natural light and air is strongly recommended. Further detail is required on the 'market -place' as a means to support existing retail tenants to remain in the centre.

The proposed parking entry is consistent with the approved scheme. Increased setback of development in this location is supported however the panel raised concerns about safety given the impact of increased traffic.

Public domain and community uses

Whilst the proposal does increase the setback of the podium and residential development from the park edge, and introduce a generously scaled awning (both of which the panel support), the north-south ramp from Barber Ave cuts off direct access to the park from the southern retail units which are accessed via a service corridor. A reconsideration of the arrangement of the ramp and steps to improve access is recommended.

The proposed community library space and childcare are located on the podium level. These spaces are only accessible via a residential core and are not visible or accessible from the public domain. While the panel support the provision of childcare and community facilities is it recommended that the community space be relocated to a more visible and accessible area on the ground floor. Any community facility must be informed by engagement with the local council to ensure uses align with needs.

The panel raised concerns as to whether the 'town square' adjacent to the parking entry could be expected to work as a public space given the traffic impacts noted above. Relocation of the parking entry would benfit the functioning of this space.

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Item 8.7 - Attachment 1

Council Meeting 14/11/2018

#### Residential apartments

Whilst noting that a detailed analysis of ADG compliance was not undertaken, the panel were not convinced that the proposed modification offers improved amenity for apartments. The linear western building overshadows the lower block buildings in the afternoon while appearing to offer fewer naturally ventilated apartments. The proposed modification provides 5 lift cores which in one cases services up to 17 apartments. This was not considered unacceptable. The southern block building has no ground floor entry lobby. The panel are concerned at the absence of ESD strategies or ratings targets which may have offered an improvement on the approved scheme.

#### Summary recommendations:

The panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study. Additionally, the panel recommends the following with respect to the proposed Modification:

- Indicate how the proposal will balance public benefit with commercial considerations, for example through innovation in improved public domain or public access, sustainability, residential amenity, provision of affordable housing or other innovation:
- Reduce the height, bulk and scale of towers to reduce overshadowing, visual impacts and traffic load;
- Adopt a finer grained, articulated response for street elevations and ensure that Barber Avenue to the east does not feel like a 'back door':
- Increase permeability of the site and re-establish a visible through-site link with access to natural light and air, which supports diverse, independent retail:
- Ensure terraces to the park support a mix of community and food and beverage business;
- Reconsider the arrangement of the ramp and steps to improve access to retail areas and the park;
- Review the location of the parking entry and the design of the public square in this location to ensure usability and safety;
- Provide detail supporting the market square concept and how this will support
  existing businesses in staying in the precinct;
- Detail VPA commitments with Council and ensure community facilities are visible to and have direct access from the park;
- Increase the active street frontage on Barber Avenue facing east. Detail strategies for mitigating loading dock impact on neighbours;
- Ensure apartments meet ADG requirements and are serviced by an adequate number of cores, and generous, visible and accessible residential lobbies;
- Detail ESD strategy and green-star commitments.

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Item 8.7 - Attachment 1

> Council Meeting 14/11/2018

> > I trust that this information is helpful and look forward to seeing this project as it progresses. Please contact Emma Kirkman if you have any queries in regards to this letter.

Sincerely,

Olivia Hyde

Director of Design Excellence - Government Architect NSW

Chair, Kent Road SDRP

on that

NSW SDRP Panel members

Matt Davis, Adam Haddow, Garth Paterson, Oi Choong (Bayside City Council nominee), Olivia Hyde (Chair – GANSW

GANSW Design Advisor Nic Moore DPE

Anthony Witherdin

Bayside Council: Alison Phillips Crown Group Michael Romano, Suzan Oktay

FJMT Don Albert, Sean McPeake URBIS Stephen White, Madonna Locke



Item 8.7 - Attachment 1

Council Meeting 14/11/2018

#### 8.7 Update - Eastlakes Town Centre

RESOLUTION

Minute 2018/257

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council notes that an application to amend MP 09\_0146 MOD 4 -Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential) has been placed on public exhibition by the NSW Department of Planning and Environment until 14 December 2018
- 2 That Council authorises the General Manager to prepare a submission in relation to MOD 4 based on the body of this report.
- 3 That Council includes the submission on the agenda for the GM Briefing session in the first week of December to receive Councillor feedback prior to lodgement.
- 4 That the Member for Heffron be invited to attend the General Manager's Briefing Session.
- 5 That the draft submission be submitted to the Council Meeting of 12 December 2018 for consideration and resolution.
- 6 That Council implements a public awareness campaign immediately to encourage residents to make submissions.

#### 8.8 Banksmeadow Town Centre

Councillor Morrissey had previously declared a Significant Non-Pecuniary Interest, and left the chamber for consideration of, and voting on, this item.

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

RESOLUTION

Minute 2018/258

Resolved on the motion of Councillors Curry and McDougall

- 1 That Council adopts the Banksmeadow Public Domain Masterplan for the Town Centre as attached to the report.
- 2 That Council endorses the construction scope for the works to commence construction in May 2019 in the Banksmeadow Town Centre and to be funded through the s7.11 (s94) funding collected for this purpose.
- 3 That Council allocates an additional \$337,500 as collected through s7.11 (s94) funding for traffic, pedestrian mobility and cycle ways in the 2019/2020 financial

# BAYSIDE COUNCIL COMMENTS MP 09\_0146 MOD 4 - EASTLAKES SHOPPING CENTRE

#### **Introduction**

In October 2018, Crown Group lodged an application to modify a Part 3A Concept Plan Approval for the Eastlakes Shopping Centre (MOD 4). It is a significant departure from the current approval seeking:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m² to 71,815m² (including an additional 1,704m² of non-residential floor space);
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium; and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the Exhibition of MOD 4. The Exhibition period is from Thursday, 1 November 2018 to 14 December 2018. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9169

Council staff have undertaken an analysis of the MOD 4 documentation in light of Councils' previous position in relation to the centre, the findings and recommendations of the State Design Review Panel and the relevant strategic planning framework including the Eastern City District Plan.

#### **Background:**

In 2009 Botany Bay Council adopted the *Botany Bay Strategy 2031* which nominated the Eastlakes Town Centre for investigation in the medium term. The Strategy noted that a "more comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses. Further intensification at Eastlakes depends on:

- coordinated and managed approach to renewal,
- future investment in public transport connections and improvement of the poor configuration of the centre.
- Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal."

At the March 2011 Council meeting Botany Bay Council noted:

"Council restates forcefully the need for a proper Master Planning process to ensure that any redevelopment of the shopping centre encompass a holistic approach which integrates the adjoining sites, establishes a planning vision for Eastlakes including improved traffic flow; modern day shopping with civic amenity, improved pedestrians and cyclists, high quality of public space and street amenity and integration of a variety of land use functions, including improved residential amenity"

#### **History of Lodgements - Major Project**

In November 2011, Crown Group lodged a Part 3A Major Project under Section 75 of the Environmental Planning & Assessment Act 1979 (EPAA).

On 19 September 2013 Eastlakes Shopping Centre Major Project was approved under Section 75 of the EPAA (refer **Appendix 1**)

On the 16-18 July 2014, the former City of Botany Bay Council appealed the determination in the NSW Land and Environment Court (*Botany Bay City Council v Minister for Planning and Infrastructure & Ors* [2015] NSWLEC 12).

On the 10<sup>th</sup> February 2015, the NSWLEC dismissed the proceedings.

Subsequent to the approval, four modifications have since been lodged under the Section 75W modification applications of the EPAA.

#### **Local Centre status**

In 2018 the Greater Sydney Commission released the *Eastern City District Plan* which nominates Eastlakes Town Centre as a Local Centre and identifies a Local Centre to be

Local Centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While Local Centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live. (p. 48)

As required under the Eastern City District Plan (2018), the NSW Department of Planning and Environment Guidelines for Local Environmental Plan Reviews and the preparation of Local Strategic Planning Statements, Council is required to prepare evidence based assessments and place-based planning for Local Centres that address:

- Open space and natural environment;
- Local infrastructure requirements;
- Active transport networks;
- Commercial and retail floor space;
- Expand employment opportunities;
- Local culture and heritage; and,
- Parking that is appropriate for future use and takes into account public transport and active transport networks.

#### **State Design Review Panel**

In early 2018 Council commenced the preparation of a comprehensive Bayside Local Environmental Plan and Development Control Plan. Eastlakes has been nominated as a Local Centre requiring a Master Plan to determine future development capacity, improvements to streetscape and open space, private and public transportation strategies, and a cohesive development approach.

On 26 July 2018 the Government Architects Office held a State Design Review Panel (SDRP) session to assess MOD 4. Council staff made representation to the Government Design Review Panel. The Panel observed that:

"The scheme proposed is a significant departure from the current approval, which was granted in 2013. The approved scheme is characterised by articulated, medium density residential buildings that create a streetscape and buffer to a set-back retail podium. The podium includes a supermarket, through-site links and small footprint

retail. The proposed scheme retains the podium but introduces a 14 storey linear apartment tower to the east along the frontage with Eastlakes Reserve, and three seven storey residential blocks. Overall there is a significant increase in height, bulk and scale, apartment numbers and parking. The proposed modification offers fewer, larger individual retail units, less activated street frontage and a compromised eastwest public pedestrian link."

The Panel expressed concerns about the Proposal including:

- overall lack of value placed in public benefit, with commercial imperatives overriding other concerns - an appropriate balance between public benefit and private drivers was not felt to have been achieved.
- Increased GFA the proposed modification seeks to increase residential yield on the site by approximately 50% with resultant impacts arising from increased bulk, height and scale of the development, impacts on streetscapes, increased car traffic, and the limited access to public transport in this area.
- Urban design and built form the 14 storey linear building presents as a long, visually dominant wall to Eastlakes Reserve. The height and unbroken bulk of this element were considered unacceptable by the panel.
- the eastern elevation and the southern elevation of the podium are not activated and offer little obvious amenity or outlook to the adjacent residential buildings.
- the set back of the apartment buildings from the podium edge (required to address overshadowing issues) has meant that opportunities for visual activation and surveillance of the street have been reduced.
- the reduced number of retail units, and lack of a dedicated through-site link Greater permeability through the site, ideally with natural light and air is strongly recommended. Further detail is required on the 'marketplace' as a means to support existing retail tenants to remain in the centre.
- concerns about safety given the impact of increased traffic.
- the north-south ramp from Barber Ave cuts off direct access to the park from the southern retail units which are accessed via a service corridor.
- The proposed community library space and childcare are located on the podium level. These spaces are only accessible via a residential core and are not visible or accessible from the public domain. Also, any community facility must be informed by engagement with the local council to ensure uses align with needs.
- concerns as to whether the 'town square' adjacent to the parking entry could be expected to work as a public space given the traffic impacts noted above.
- Level of amenity to be achieved in residential apartments as the linear western building overshadows the lower block buildings in the afternoon while appearing to offer fewer naturally ventilated apartments
- absence of ESD strategies or ratings targets which may have offered an improvement on the approved scheme.

The State Design Review Panel has provided a copy of its findings and recommendations to Council (refer **Appendix 2**). The Panel noted also that:

"The panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study."

In October 2018, subsequent to confirmation of allocation of a \$2.5M grant to Bayside Council for the preparation of an accelerated LEP 2018, Council sought quotes from suitably qualified consultants to prepare a Town Centre Masterplan. The study will establish a vision and principles for future development and is being progressed in response to the strategic

framework established by the NSW Government and the recommendations of the State Design Review Panel. The study area is identified in **Figure 1**.



• Figure 1: Eastlakes Town Centre is bound by Gardeners Road to the North, Mascot Drive to the South, Maloney Street to the West and Southern Cross Drive to the East

### **Secretary's Environmental Assessment Requirements**

On the 13<sup>th</sup> April 2018, the DPE wrote to Bayside Council requesting comments on the draft Secretary's Environmental Assessment Requirements (draft SEARs). Council responded to the draft SEARs in a letter dated 27<sup>th</sup> April 2018 (refer **Appendix 3**). On the 8<sup>th</sup> May 2018, the DPE issued the final SEARs (refer **Appendix 4**).

### MP 09 0146 MOD 4

In October 2018 the Crown Group lodged the current modification (MOD 4) which is a significant departure from the current approval seeking the following:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m<sup>2</sup> to 71,815m<sup>2</sup>;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium;
   and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the exhibition of MOD 4. The exhibition period was from Thursday, 1 November 2018 to 30 November 2018. Council subsequently requested an extension, in order to provide Council with an opportunity to review the submission prepared by Council officers. The DPE granted an extension until 14 December 2018. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view\_job&job\_id=9169

#### MP 09 0146 MOD 1

A previous modification to the Eastlakes Shopping Centre (DPE Ref: MP 09\_0146 MOD 1) for the north site, was approved by the Department of Planning and Environment on 28 June 2018. In summary, Council did not support the proposed modifications as a Masterplanning process to inform the centres growth had not been undertaken by Council. A copy of Council's submission to the DPE is provided as **Appendix 5**.

### **Potential Planning Proposal:**

On the 4 September 2017, Council officers met with the proponent to discuss concept plans for a potential Planning Proposal at the south site of the Eastlakes Shopping Centre. The development shown in the concept plans was of a similar scale and nature to that currently proposed in MOD 4. At the meeting, Council's technical officers advised that intensification of the shopping centre on the scale proposed would require broader strategic planning and further investigation in the context of the broader Eastlakes Local Centre.

On the 9 November 2017, the proponent met with Council officers to present a proposed scope for an Urban Context Analysis that would inform the potential Planning Proposal at the south site. Following the meeting, the proponent was issued with the following advice:

"Council will soon commence a review of the Botany Bay LEP 2013. The Revised Draft Central District Plan identifies Eastlakes as a 'Local Centre' and therefore will be the subject of strategic planning by Council as part of the preparation of a new LEP."

".....in this context we consider a major Planning Proposal for the Eastlakes Shopping Centre premature."

On the 29 November 2017, the proponent forwarded a proposed scope of works for the Urban Context Analysis for Council's review and comment. In a letter dated 18 December 2017 (refer **Appendix 6**), the proponent was advised that Council officers had not requested an Urban Context Analysis to inform strategic planning for the Eastlakes Local Centre; and previous advice was reiterated that a major Planning Proposal was considered premature given that strategic planning for a new LEP was about to commence, and the necessary strategic studies and analysis undertaken at that time.

Following a review of the information as exhibited, Council's response has been formulated below. The response includes some of the pertinent issues associated with both the proposal and the site.

### **Strategic Planning**

#### General

Under section 3.9 of the *Environmental Planning and Assessment Act 1979* (EPAA), and with guidance from the Greater Sydney Commission, Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP. The Master Plan will be undertaken in consultation with the Eastlakes Community and supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre. It is therefore considered premature that the proposed

modification should be considered ahead of Council's strategic planning for this locality.

### Greater Sydney Region Plan

Objective 12 – Great places that bring people together emphasizes on using a place-based planning approach be applied to 'streets, neighbourhoods, Local Centres and larger scale urban renewal.' Place-based planning involves a collaborative process involving:

"...the community, local businesses, residents, State and local governments and other stakeholders to produce a shared vision. The shared vision and spatial framework for a place provide the basis for future development, governance and allocation of responsibilities."

The scale of intensification proposed is considered to have a significant impact on the Eastlakes Local Centre, however, as noted above, a strategic planning process to establish the shared vision and basis for the growth and renewal of the Eastlakes Local Centre has not yet been undertaken by Council.

Objective 22 - Investment in business activity in centres establishes Principles for Greater Sydney's Centres and provides for how Local Centres are to be managed:

"The management of Local Centres is best considered at a local level. Developing a hierarchy within the classification of Local Centres should be informed by a place-based strategic planning process at a council level including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses."

Council notes that a new comprehensive LEP is under preparation and will be informed by a strategic planning process supported by studies and community and government stakeholder consultation to inform the managed growth of the Eastlakes Local Centre.

### Eastern City District Plan:

Eastlakes Local Centre is identified as a Local Centre in the Eastern City District Plan, to be informed by a place-based strategic planning approach driven by Council.

The Modification Report notes that Eastlakes is 'positioned as a transitional area between the urban renewal precincts of Rosebery and Mascot – both of which have undergone significant urban renewal over the past 5 years...'.

It is important to note that Mascot Local Centre is centred on a public railway station and was subject to a Masterplanning process to inform its growth and renewal.

### **Planning Priority E5**

The SEARs required the proponent to specifically address the 'principles for Local Centres and housing strategies contained in Planning Priority E6 of the Eastern City District Plan'.

Whilst the proponent has addressed the Eastern City District Plan in the Modification Report, the report does not specifically address the proposals consistency with the principles for Local Centres. In addition, the submitted Environmental Assessment is not supported by a local and district wide housing strategy; retail/ commercial analysis; infrastructure plan etc. to provide the necessary evidence base for the scale of intensification proposed.

Council considers that significant redevelopment of the centre without evidence based assessments to inform the growth and renewal of the Eastlakes Local Centre is premature and inconsistent with the principles for Local Centres.

The Department has been advised that Council is currently preparing the new LEP that will be informed by the relevant studies, including the Local Centre Master Plan and stakeholder consultation as noted previously.

### **Planning Priority E6**

The SEARs required the proponent to specifically address the 'principles for Local Centres and housing strategies contained in Planning Priority E6 of the Eastern City District Plan'.

Whilst the proponent has addressed the Eastern City District Plan in the Modification Report, the proposals consistency with the principles for Local Centres has not been specifically addressed. In addition, the submitted Environmental Assessment is not supported by a local and district wide housing strategy; retail/ commercial analysis; infrastructure plan etc. to provide the necessary evidence base for the scale of intensification proposed.

Council considers that significant redevelopment of the centre without evidence based assessments to inform the growth and renewal of the Eastlakes Local Centre is premature and inconsistent with the principles for Local Centres.

The Department is advised that Council is currently preparing the new LEP that will be informed by the relevant studies and stakeholder consultation.

### • Future Transport Strategy 2056 (Strategy 2056)

Strategy 2056 deals with how Sydney will manage our growth precincts and our economy with a focus on ensuring sustainable transport options are designed into development.

A review of the Modification Request indicates an understanding of the issues, however few items have been identified to enhance or improve the active transport network in the Offer of Public Benefit. Public domain upgrades surrounding the site will only facilitate improvement to the amenity for the proposed modification site itself, little consideration has been given to promoting connections to sustainable transport options.

#### Botany Bay Planning Strategy 2031

The SEARs required the proponent to address the relevant planning provisions, goals and strategic planning objectives in the *Botany Bay Planning Strategy* 2031 (Strategy 2031).

### Managing Growth in the Eastern Centres Objectives and Actions

Objective 3.2 – Create an urban environment and public domain capable of accommodating additional residential development in the eastern centres in the medium to long term.

Strategy 2031 recognises the potential role the eastern centre of Eastlakes plays in the provision of residential and employment growth. However, Strategy 2031 notes the following in relation to the Eastlakes centre:

"Further intensification at Eastlakes depends on a coordinated and managed approach to renewal, future investment in public transport connections and improvement of the poor configuration of the centre. Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal."

"More comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential units."

"Enhancement of public transport should be considered as part of a comprehensive Transport Management Plan which capitalises on opportunities to extend public transport corridors in adjoining LGAs."

"More comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses."

"....The Eastern centres (including Eastlakes) of the LGA, though not as affected by aircraft noise, are poorly serviced by efficient public transport. Eastlakes has a high proportion of strata-titled subdivision in the core area within the centre and poor centre configuration. Additional development potential may be created in the medium term following investment in public transport, site assembly and public domain upgrades."

As noted above, an identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP. The Master Plan will be undertaken in consultation with the Eastlakes Community and supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre. It is therefore considered premature that the proposed modification should be considered ahead of Council's strategic planning for this locality.

#### Better Placed

The Urban Context Report attempts to address the broader context of the Eastlakes Local Centre. It is also noted that some community consultation was undertaken as part of the proposed modification. However, there is a lack of assurance that the proposed modification addresses the design objectives contained in *Better Placed* (2017):

Objective 1. Better Fit

The bulk and scale and transitioning of the building does not respond to a strategic direction for the Local Centre, or respond to the character and typology of the Local Centre.

Objective 2. Better Performance

The proposed modification does not respond to the current constraints of the Local Centre in redeveloping, and therefore is not considered to facilitate an overall

improved performance of the Local Centre. Of particular concern is active transport networks, vehicular access and movement, servicing, parking, open space needs and overall consideration of appropriate built form outcomes.

Objective 3. Better for Community

Bayside Council is undertaking the comprehensive LEP and DCP review for the LGA, including the Eastlakes Local Centre Master Plan. Without thorough placed based planning for the Local Centre there is no indication that the proposed modification would result in a better outcome for the community.

Objective 4. Better for People

As per response to Objective 3, above.

Objective 5. Better working

As per response to Objective 2, above.

Objective 6. Better Value

Considering the demographics of the area, it is not considered that the proposed modification is a place based response. Such gentrification of the Local Centre could follow in the displacement of current residents. It is not considered that the proposal, above providing new facilities, is adding value to the current community and broader Local Centre. Any value added should be subject to further strategic planning undertaken by Council.

Objective 7. Better Look and Feel

Whilst the proposal is an improvement in aesthetic and design it does not respond to place nor does it consider the existing character of the area. Desired future character will be developed in consultation with the community during the Eastlakes Local Centre Master Plan.

The Policy notes that community cohesion can be eroded, and problems of social inequity can be reinforced when a lack of tenure types creates social separation and exclusion. In terms of social inequity, the following provides a snapshot of the socio-economic profile of the Eastlakes suburb utilising Profile ID:

- Income:

'Overall, 13.1% of the households earned a high income and 28.3% were low income households (less than \$650 per week), compare with 28.3% and 15.1% respectively for Greater Sydney.'

- Household mix:

'Overall, 59.0% of households were in dwellings with 2 bedrooms or less, and 9.5% of household were in dwellings with 4 or more bedrooms, compared with 31.5% and 29.3% for Greater Sydney respectively.'

- Ownership:

'Overall, 23.1% of the population owned their dwellings; 18.7% were purchasing, and 49.6% were renting, compared with 27.7%, 31.5% and 32.6% respectively for Greater Sydney.'

#### - Rents:

'Analysis of the weekly housing rental payments of households in Eastlakes compared to Greater Sydney show that there was a smaller proportion of households paying higher rental payments (\$450 per week or more), and a larger proportion of households with low rental payments (less than \$250 per week).

'Overall, 24.4% of households were paying high rental payments, and 38.1% were paying low payments, compared with 48.1% and 16.0% respectively in Greater Sydney.'

Given the socio-economic profile of the Eastlakes suburb, it is considered premature to intensify development of the centre without the preparation of the appropriate socio-economic studies to inform the centres growth and renewal. As noted under the sub-heading 'Principles for housing strategies', above, Bayside Council does not have an adopted housing strategy for the Bayside Local Government Area, which includes the Eastlakes Local Centre, to determine an appropriate housing density and profile for the centre.

### **Statutory Planning**

### Environmental Planning and Assessment Act 1979

Under Section 3.9 of the Environmental Planning and Assessment Act 1979 (EPAA) Council is required to prepare a local strategic planning statement (LSPS).

As noted under the heading 'Strategic Planning', Council is currently preparing the LSPS that will be used to inform the growth and management of Eastlakes.

### State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)

Clause 28 (2) (c) of SEPP 65 requires a consent authority to take into consideration the Apartment Design Guide (ADG).

### Part 1 – Identifying the context

Guidance for identifying the context is provided in Part 1 of the ADG:

"... the importance of understanding the context, setting, local character, size and configuration of a development site. It is to be used primarily during the design stage of a development and during the strategic planning process when preparing planning controls."

The current planning controls in the Botany Bay Local Environmental Plan 2013 (Botany Bay LEP 2013) are based on a strategic planning process undertaken when the Botany Bay Local Environmental Plan 1995 was replaced by the standard instrument Botany Bay LEP 2013. The controls proposed in MOD 4 are not based on a strategic planning process informed by studies and consultation with the community and government stakeholders.

As noted above under the heading 'Strategic Planning – General', Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP and will be focused on engagement with the Eastlakes Community, evidence based studies and testing to inform place specific outcomes.

### Part 1B - Local character and context:

Guidance for determining local character and context, including desired future character, is provided in Part 1B of the ADG:

### Desired future character:

"The desired future character can vary from preserving the existing look and feel of an area to establishing a completely new character based on different uses, street patterns, subdivisions, densities and typologies.

Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls."

Currently the desired future character for the 'Eastlakes Precinct', in which the Eastlakes Shopping Centre is located, is detailed in the Botany DCP 2013. As noted previously in this response, neither Council nor the community has undertaken a strategic planning process to update the desired future character for the Eastlakes Local Centre and inform an appropriate planning framework for the growth and renewal of the centre.

### **Practice Note PS 18-001**

# Stepping up planning and designing for better places: respecting and enhancing local character

Additional guidance for establishing desired future character is provided in PS 18-001:

"Good planning should ensure all places share a future desired character and once this has been established the planning framework can be used to guide the degree of change needed to achieve that vision."

Neither Council nor the community has undertaken a strategic planning process to establish a desired future character vision for Eastlakes to inform an appropriate planning framework for the growth and renewal of the centre.

### Part 2: Developing the controls

Part 2 of the ADG states 'This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls.'

Neither Council nor the community has undertaken a strategic planning process to establish a desired future character vision for Eastlakes to inform an appropriate planning framework for the growth and renewal of the centre.

### Part 3: Site the development

Part 3 of the ADG states: 'This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.'

The proposal is considered inappropriately over-scaled development that does not respond to the existing character or contextual positioning of the Local Centre.

### Part 4: Designing the Building

Part 4 of the ADG states: This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.

Council refers to the comments as noted in the State Design Review Panel's (Panel) consideration of MP 09\_0146 \_MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development:

"Detailed ADG compliance was not undertaken, the Panel were not convinced that the proposed modification offers improved amenity for apartments."

Through undertaking a comparison of the approved scheme and the proposed MOD4 scheme, the proposed modification does not appear to offer significantly improved amenity. There appears to be no overwhelming increase in apartments receiving solar access or natural ventilation above the requirements. There is also no indication of an increase in dual aspect apartments providing Council with no certainty as to whether the proposed modification provides increased amenity for the residents.

### Botany Bay Local Environmental Plan 2013 (Botany Bay LEP 2013)

#### Land Zoning

Whilst Section 75R(3) of the EPAA states that the provisions of the Botany Bay LEP 2013 do not apply in respect of an approved project, the Secretary's Environmental Assessment Requirements (SEARs) nevertheless require the proponent to demonstrate the proposals consistency with the objectives of the B2 – Local Centre zone.

The objectives of the B2 Local Centre zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

### **Practice Note PN 11-002**

### Preparing LEPs using the Standard Instrument: standard zones

For each zone, the Standard Instrument (SI) sets out 'core' objectives for development, and certain mandated permitted or prohibited land uses.

Related Practice Note *PN 09-005 – Local environmental plan zone objectives*, provides that 'mandatory zone objectives set out the purpose of the zone and reflect the intended strategic land use direction.'

The core zone objectives for the B2 Local Centre zone in the Botany Bay LEP 2013 are primarily focussed on the provision of retail, business, entertainment and community uses. Whilst residential accommodation in the form of *residential flat buildings* and *shop top housing* are permissible with consent, residential development is not included as a core objective.

However, the primary land use proposed by the modification is residential. The total gross floor area for the centre (north and south combined) is proposed to be increased from the approved 50,818.5sqm to 66,154.5sqm with 49,859.8sqm of residential floor area (gross) and 16,294.7sqm of non-residential floor area (gross). Accordingly, the modification will enable approximately 75% of the total gross floor area to be dedicated to residential development.

The zone objectives also seek to maximise public transport patronage and encourage walking and cycling. Refer to the heading 'Transport', 'Urban Design', 'Botany Bay Planning Strategy 2031' and 'State Design Review Panel' below for further discussion in this regard.

### **Building height**

In relation to building height, the height of buildings map in Botany Bay LEP 2013 stipulates a height of 14 metres for the site. A building height of 71.70 metres is proposed. Introducing a building of this height and scale is not consistent with the overall/ established character of Eastlakes which predominantly comprises 3-4 storey walk-up residential flat buildings.

#### Floor space ratio (FSR)

In relation to FSR, the proposal to increase FSR from the approved 2.04:1 to 2.75:1 is considered a significant overdevelopment of the site given that the Botany Bay LEP 2013 stipulates a FSR of 1.5:1.

In summary, the Modification Request is considered inconsistent with the strategic direction of the zoning which is determined by a strategic planning process. As noted by McClellan, J in the Planning Principle 'Zones' (specific aspect 'Weight to be given to the zoning') established in the case *BGP Properties Pty Limited v Lake Macquarie City Council* [2004] NSWLEC 399 revised - 05/05/2005 at 115-119:

"Part 3 of the EP&A Act provides complex provisions involving extensive public participation directed towards determining the nature and intensity of development which may be appropriate on any site. If the zoning is not given weight, the integrity of the planning process provided by the legislation would be seriously threatened."

An identified priority project as a part of the preparation of the Local Strategic Planning Statement process under Part 3 of the EPAA is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic

Planning Statements (LSPS) and built form controls for the revised LEP and DCP and will be focused on engagement with the Eastlakes Community, evidence based studies and testing to inform place specific outcomes.

### Botany Bay Development Control Plan 2013

### Car parking

The conditions of determination attached to the original approval, require the provision of car parking to be provided at the following rates, which are reduced from the rates required under the Botany Bay DCP 2013:

- 1 space per studio/ 1 bedroom/ 2 bedroom unit
- 2 spaces per 3 bedroom/ 4 bedroom unit
- 1 visitor space per 5 residential units
- 3.5 spaces per 100m<sup>2</sup> of gross lettable retail area.

Based on the above, car parking for the Eastlakes Shopping Centre (north and south combined) is proposed to be provided at the following rate:

```
    52 x Studio = 52 x 1 = 52
```

- 184 x 1-bed = 184 x 1 = 184
- 172 x 2-bed = 172 x 1 = 172
- 59 x 3-bed = 59 x 2 = 118
- $-1 \times 4$ -bed =  $1 \times 2 = 2$
- Visitor = 468/ 5 = 94
- Retail = 12,786/ 100 = 127.86 x 3.5 = 448

Car parking required: 1070 Car parking provided: 1077

However, the Botany Bay DCP 2013 requires car parking at the following rate:

- 1 space/ studio or one (1) bedroom dwelling
- 2 spaces / two (2) or more bedrooms dwelling
- 1 designated visitor space / 5 dwellings
- 6 per 100m<sup>2</sup> of GLA
- 52 x Studio = 52 x 1 = 52
- $184 \times 1$ -bed = 184
- 172 x 2-bed = 172 x 2 = 344
- 1 space per 5 dwelling = 468/5 = 94
- 12,786/ 100 = 127.86 x 6 = 768

Total car parking required under the Botany Bay DCP 2013 = 1442 Car parking provided = 1077

Car parking shortfall = 365 spaces

Whilst it is noted that the draft SEARs states that "the Department supports supressed car parking in areas with good access to services and transport", part 8.1 of the Botany Bay DCP 2013 notes the following about the Existing Local Character for the Eastlakes Character Precinct which should be taken into consideration when determining the amount of car parking to be provided:

"The function of the road network within and around Eastlakes however is congested due to significant on-street parking, especially within the high density residential area surrounding the Eastlakes Shopping Centre. The parking issue is the result of the lack of off-street parking provided within the residential flat buildings that were constructed in the period 1960 - 1970."

"Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal. Furthermore, public transport to the centre is poor. Enhancement of public transport should be considered as part of a comprehensive Transport Management Plan which capitalises on opportunities to extend public transport corridors in adjoining LGAs."

The Traffic and Transport Assessment submitted with the Modification Request states that 'such modest increase in traffic during peak period would not affect the operation of the surrounding road network'.

As noted above, the site is identified as having poor connection to public transport. However, the proposal appears to rely on public transport options to allow for reduced car parking for the development but does not appear to provide a strategy to improve connections to public transport.

#### Other considerations

### **State Design Review Panel**

On the 26 July 2018, the State Design Review Panel (SDRP) considered the Modification Request. A copy of their advice is provided as **Appendix 2**.

In conclusion, the SDRP provided the following summary recommendation:

'The Panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study.'

### **Urban Design**

Height and Scale

The proposed built form is considered inconsistent in its bulk and scale with the established character of the Eastlakes Local Centre which is characterised by 3-4 storey walk-up residential flat buildings. The increase of building heights from 2-8 storeys to 2-14 storeys above the podium is a significant departure from the approved Part 3A proposal and is a significant departure from the architectural character and scale of the Eastlakes Local Centre.

Bulk and proposed increase GFA

The proposal does not address the human scale, and presents as far too linear and bulky. Additional breaks should be provided between towers and built form to reduce the overall bulk of the development.

An increase of gross floor area (GFA) from 35,743 sqm to 51,3079 sqm (south site) does not address the current capacity of Eastlakes Local Centre to cater for such density. The increase in floor space by 15,336 sqm has led to a much bulkier

building, impacting on the interface with adjoining residential and Council's open space asset. The impacts of such an increase in density on the Eastlakes Local Centre's open space, public domain, access and movement including increased traffic and pedestrian movement conflicts is of considerable concern. Such a departure from the approved modification is not supported.

#### Visual Impacts

The visual implications of the proposed from various viewpoints is identified in the Visual Context Analysis. The proposed built form overwhelms the views from the north, west and immediate south of the site. The approved schemes impacts are very minimal, whilst the proposed modification dominates and alters the skyline of the Eastlakes Local Centre. Such a departure from the approved modification is not supported.

#### Interface

The linear built form response to address the park is not considered appropriate. The linear form overwhelms the western elevation, whilst the approved proposal supported a stepping form transitioning to lower density to the south of the site and a break in form to relieve such bulk and scale. Such a departure from the original principles as approved (including breaks in bulk and street wall and stepping of the form) cannot be supported.

The Eastern elevation provides enhanced design elements and increased visual interest however the increase in the height of these buildings is not supported.

### Overshadowing

Whilst shadow diagrams have been provided, there has been no solar access studies identifying in elevation format on adjoining developments to indicate hours of solar access. The overshadowing diagrams as provided do not give the assurance that the existing dwellings will receive the ADG specifications for required solar access.

### Active Transport Network

Few items have been identified to enhance or improve the active transport network in the Offer of Public Benefit, public domain upgrades surrounding the site will only facilitate improvement to the amenity for the proposed modification site itself, little consideration has been given to the broader requirements of the Local Centre.

It is noted that a total of \$100,000 is identified in the Offer of Public Benefit and given works being undertaken across the LGA, little benefit could be offered to the Eastlakes community in improved public domain or by way of moving to and from the Local Centre.

### Offer of public benefit

Reference is made to letter dated the 25 August 2018 by Crown Group to Bayside Council in relation to the above modification. Council notes there appears to be no record of the Public Benefit offer, however takes the opportunity to provide feedback to the offer that was published.

In summary the offer includes:

1.Provision of Public Domain upgrades including new Paving and street plantings for council owned land immediately adjacent to the proposed development capped to \$100,000 (extend agreed with council) to improve safety and amenity to residents;

- 2. A commitment to an affordable Housing Contribution equivalent to 10% of the total number of additional apartments proposed to the Modification Application, equivalent to an estimated market value of \$8,1000,000.
- 3. Dedication of a wall along Barber Avenue to the community for Public art or similar. Crown Group will facilitate additional; community consultation to determine a use for the wall in response to local resident preferences, and will deliver the Brief capped at \$100,000
- 4. The dedication of a 330sqm Commercial tenancy shell with essential service utility points, located in the south western corner of the proposed development at ground level, with a market value of \$2,300,000. In addition, Crown Group will contribute up to \$350,000 towards the design and fitout of the tenancy to council satisfaction.
- 5. Provision of embellishment works to Eastlakes Reserve capped to \$786,685 following feedback from the local community. This includes but is not limited to:
- Upgrades to paths;
- New gazebo/shelter/rotunda;
- Provision of second fitness station;
- Additional senior play items; and
- Basketball court renewal.
- Irrigation of the park using recycled water from the development lighting of the park lights using the solar panels from the development Upgrades to seating in south eastern corner
- Installation of 50 electric bicycles
- Crown Group as the developer would be responsible for the delivery of the
  proposed public domain improvements in their entirety. The detailed design of the
  upgrades and embellishment works will be subject to negotiations with Bayside
  Council as part of the assessment of the Modification Application.
- Council would be willing to continue negotiating to finalise the public beneficial pursuant to section 7.4(1)(a) of the Environmental and Planning Assessment Act 1979 if the proposal is successful in the Modification Application. For the avoidance of any doubt, the Council's willingness to continue negotiations does not in any way constitute its endorsement of the planning modification.

The monetary contribution associated with the value uplift arising from your client's planning proposal should be consistent with Council's general commitment to seek approximately 50% of the value uplift in a planning amendment.

Council would generally assess the uplift in value on a before and after analysis either on a Gross Building Area or unit comparison sale rate and this would be an instruction to an independent valuer.

We refer to recent sales data in the immediate area below;

 671 Gardeners Road Mascot sold in February 2017 for \$67m with approval for 242 apartments. Site area is 0.7 hectares equating to \$9,336/sqm and \$277,000 per apartment

• 563 Gardeners Road Mascot sold in December 2016 for \$7m with approval for 25 apartments equating to \$280,000 per apartment.

In this case the proposed uplift in units No's is 176 units. If the purported 50% value uplift is \$11,736,000 this provides a total estimated value of the development uplift at \$133,363 per unit site which appears comparatively low in the immediate market. Bayside Council acknowledge the offer of Crown Groups proposed modification and table responses below;

Item	Description	Crown Groups Estimated public Benefit	Comment
	Public Domain upgrades surrounding site	\$100,000	Not agreed. Public domain upgrades would form part of any standard condition of development consent particularly with a development of this size. These works would be necessary on all frontages and would be uncapped and in accordance with Councils public domain requirements
2	Affordable Housing (10% of housing)	\$8,100,000	The assessment of public benefit for AFH should be in accordance with the perceived net impact on development margins for the life of the development. The provided reports supporting value are simplistic in approach and referencing errors undermine the methodology. We note the proportion and unit mix would be a decision for council and a Community Housing Provider. The preference at this point in time given the small number of units in a large development complex would be accept (\$8,100,000) in Council's trust fund established under s411 of the LG Act to be applied towards reinvestment in the provision of Affordable Housing in the Council's area.
3	Community Wall	\$100,000	Not agreed. This is not a defined need in the public domain plan. May have design merit however developer risk to deliver
4	Community Centre Fitout Budget	\$350,000	There is no identified community need, council will direct the \$350,000 to identified community benefit in the section 7.11 plan or in negotiations with the developer
5	Community Centre Fitout Budget	\$2,300,000	There is no identified community need, council will direct the \$2,300,000 to identified community benefit in the section 7.11 plan in negotiations with the developer
5.1	Gazebo	\$35,000	Redirect to Eastlakes Reserve Landscaping S.7.11 plan 2016
	2 <sup>nd</sup> Fitness Station	\$50,000	As above
	Senior Play Items	\$150,000	As above
	Basket Ball Court	\$16,935	As above
	Irrigation to Park from development	\$308,000	As above
	Lights in park	\$55,000	As above
	Remove and make good seating to South Easterly corner Reserve	\$30,000	As above
5.8	50 * Electrical Bikes (council owned)	\$141,000	Council does not operate or maintain and electrical bike fleet. Council will direct the funds to upgrades to cycle networks in the Eastlakes area as identified in the S7.11 plan 2016

The offer includes a component of affordable housing, which appears to be offered in perpetuity. Council would need to decide an appropriate timeframe in the event that the affordable housing was not to be offered in perpetuity.

### **Transport**

The SEARs required the Modification Request to:

'include an updated traffic and transport assessment, taking into account any changes to improve public transport use and accessibility (in particular given the site's location in relation to public transport opportunities) and 'incorporate a streetscape to promote people walking and cycling locally (wide footpaths, wayfinding signage) and high quality public transport facilities).'

It is hoped that urban design (wide footpaths/ open space etc) attractive to pedestrian amenity will be extended well beyond the Local Centre, to local schools, recreation areas and public transport."

Improvements to bus stop and shelter facilities will be required on both sides of Gardeners Road, in-line with the projected increased volume of users. Merely having a stop nearby is not enough. The stops will need to be upgraded to ensure public transport is a desirable option for residents and workers.

The Local Centre is within 2-3kms to regional employment, education, health precinct and connections need to be enhanced to ensure active and public transport is a viable option. In-line with Greater Sydney Commission 30-minute city.

The SDRP's review also raised concerns about the sites limited access to public transport (refer to the heading 'State Design Review Panel, above).

A review of the Modification Request indicates an understanding of the issues, however, improvements to pedestrian amenity to the bus stops do not appear to have been identified.

### **Open Space and Recreation**

The SEARs required the Modification Request to address public domain and open space requirements for the proposal.

As previously noted in Council's response to the draft SEARs, Strategy 2031 found that whilst the former Botany LGA has a relatively high open space provision, access for the wider public is often alienated, resulting in an overall undersupply of open space (37 ha of open space and 11 ha for active sports (Botany Bay Open Space & Recreation Needs Analysis 2012).

The need for open space is predicted to increase as the population increases within the LGA. Population predictions in the 2016 Section 94 Plan predicted a population growth of 1255 persons per year, however a review of current Development Applications and Planning Proposals suggests a growth of 5,378 per year until 2022. Open space provision per 1000 residents is predicted to fall from 2.41 ha/ thousand residents in 2016 to 1.5 ha per thousand residents by 2021.

The existing Eastlakes Local Centre is characterised by high density housing with the majority of open space being provided by a number of pocket parks.

It is evident that the modification proposal relies on Council's asset to provide significant amenity to the residents and visitors to the Centre. Such a proposal gives the community unrealistic expectations on what Council can deliver and the outcomes identified in the proposal may not meet the requirements of the community given Council is yet to undertake a LGA wide open space and recreation needs analysis.

Given Council's current engagement in the development of its Social Infrastructure Strategy, it would be premature for Council to have a strict view on the provision of open space areas proposed by the applicant.

Council is in the process of preparing the new LEP, which will be informed by an Open Space and Recreation Needs Analysis and Social Infrastructure Strategy to inform how equitable access to open space for the Eastlakes Local Centre and broader Bayside LGA is to be provided and managed.

### **Landscape Architect**

Generally the landscape conceptual proposal is acceptable and seeks to improve amenity and privacy. The landscape master plan prepared by Taylor Brammer landscape architect Pty ltd, dated 31st August 2018, and architectural drawings prepared by FJMT Studio dated 29th August 2018 are not consistent. Landscape plan provide planter boxes and dense planting where architectural drawings area showing paved areas. The provision of landscape areas on podium is essential in this development that is not providing deep soil.

Interface with Reserve doesn't deliver an integrated landscape design. Landscape improvements to the reserve may be necessary in the public accessed ground level area. Further detail shall be develop to ensure integration. Further planting in the reserve and in private land on slab along the interface will be beneficial.

Buffer planting around perimeter in planters with a mix of trees and shrubs can provide an excellent buffer and amenity. Planters shall allow to have a proper depth for the growth of trees and or shrubs as needed to provide screen buffer in each area.

Further planter boxes with planting in the interface of the development with adjacent residential area can be included in upper levels to provide more privacy, add streetscape value and break the built form.

Buffer planting is essential to provide wind break, visual buffer, and amenity and shall be maximised in the perimeter of all the proposal, especially around common use areas.

#### Conclusion

The proposed Eastlakes Local Centre Master Plan has been identified as a priority project as a part of the preparation of the Bayside Comprehensive LEP and DCP. The Master Plan will also aid in the formulation of the Local Strategic Planning Statements required under section 3.9 of the EPAA, which will inform the built form controls for the Comprehensive LEP and DCP.

The Master Plan will be undertaken in consultation with the Eastlakes Community, and be supported by evidence-based studies and testing to inform place-specific

outcomes. This evidence base will guide any future development, including access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre.

Council's position, as outlined in each of the detailed sections in this submission, is that the proposed modification is premature when considering Council's strategic planning for the Eastlakes Local Centre. The proposed modification would result in development that significantly exceeds current development standards within Eastlakes Local Centre. The proposal would undermine the Master Planning work currently being undertaken to inform the Comprehensive LEP and DCP for the broader Eastlakes Local Centre, which will determine whether there is any planning merit in amending current planning controls for the site.

In their consideration of the proposed modification, the State Design Review Panel (SDRP) arrived at a position that is consistent with Council's position on the proposal. This position from the SDRP demonstrates support - from this key independent body of experts appointed by the NSW Government Architect's Office - that the proposed modifications are premature, and that strategic planning should first be undertaken for Eastlakes Local Centre to determine whether there is any planning merit in amending the current planning controls for the site.

Council requests that the DPE rejects the Modification Request, for the detailed strategic planning and environmental planning reasons outlined in this submission.



Item No 8.12

Subject F6 Extension Stage 1 (New M5 Motorway at Arncliffe to President

Avenue at Kogarah) - Environmental Impact Assessment Draft

Submission

Report by Michael McCabe, Director City Futures

File SF12/172

### **Summary**

An Environmental Impact Statement is currently on public exhibition for the F6 Extension (Stage1). The EIS provides information in relation to the construction and operation of:

- Twin tunnels linking the New M5 Motorway at Arncliffe to President Avenue at Kogarah
- Ramps between the motorway tunnel and the surface intersection at President Avenue
- Tunnel stubs for a future connection south to extend the F6 Extension
- Provision of new shared cycle and pedestrian pathways.

The draft Bayside Council submission (Refer Attachment 1) identifies the key issues as:

- Impacts on local open space and community assets during construction and operation
- Impacts on the local road network
- Air quality impacts
- Loss of tree canopy and impacts on wetlands
- Impacts of construction activity and construction traffic
- Urban design impacts

#### Officer Recommendation

That Council endorse **Attachment 1** as the Bayside Council submission in relation to the F6 Extension Stage 1 (New M5 Motorway at Arncliffe to President Avenue at Kogarah)

### **Background**

In October 2017 the NSW government announced that it would proceed with the F6 extension between Arncliffe and President Avenue, Kogarah.

In December 2017 NSW Roads and Maritime Services (RMS) applied to the Department of Planning and Environment for the project to be declared a State Significant Infrastructure Project.

In response in December 2017, Bayside Council responded to the NSW Department of Planning and Environment draft Secretary's Environmental Assessment Requirements (SEARs) for the proposed F6 Stage 1 extension. This submission highlighted a number of Council's concerns including:

- Traffic and parking congestion
- · Impacts on community recreation space
- Sustainability Impacts

In June 2018 NSW Roads and Maritime Services (RMS) provided project information to the community, including identification of areas which may be impacted by construction and operation of the motorway, location of ventilation facilities and primary construction sites. Bayside Council made a submission to the Department of Planning and Environment (Council Meeting 8 August 2018 Item 8.3) which identified a number of issues including:

- the need for Section B works (a tunnel from President Avenue, Kogarah to Taren Point) to be brought forward
- the need to connect Stage 1 of the F6 Extension to Sydney Airport and the Port Botany road freight route to alleviate traffic issues
- · impacts on sporting fields
- provision and safety of active transport
- biodiversity, flooding, water quality and contamination
- proposed land acquisitions
- traffic impacts
- impacts on local businesses
- community construction fatigue
- urban design considerations
- consultation on legacy projects.

On 7 November 2018 the Department of Planning and Environment placed an Environmental Impact Statement (EIS) for the project on public exhibition for a period of 35 days.

The EIS for the F6 Extension (Stage1) addresses technical and social considerations in relation to the construction and operation of the project including:

- Twin tunnels linking the new M5 Motorway at Arncliffe to President Avenue at Kogarah
- Ramps between the motorway tunnel and the surface intersection at President Avenue
- Tunnel stubs for a future connection south to extend the F6 extension
- A new intersection at President Avenue including the widening and raising of President Avenue at this location

 The upgrade of President Avenue/ Princes High way intersection to improve capacity and network integration

- Shared cycle and pedestrian pathways connecting Bestic Street, Brighton-Le-Sands to Civic Avenue, Kogarah including new bridge over President Avenue
- Motorway support infrastructure including tunnel ventilation systems and motorway control centre
- New service utilities including a permanent power supply line
- Minor adjustments to local roads in the project area.

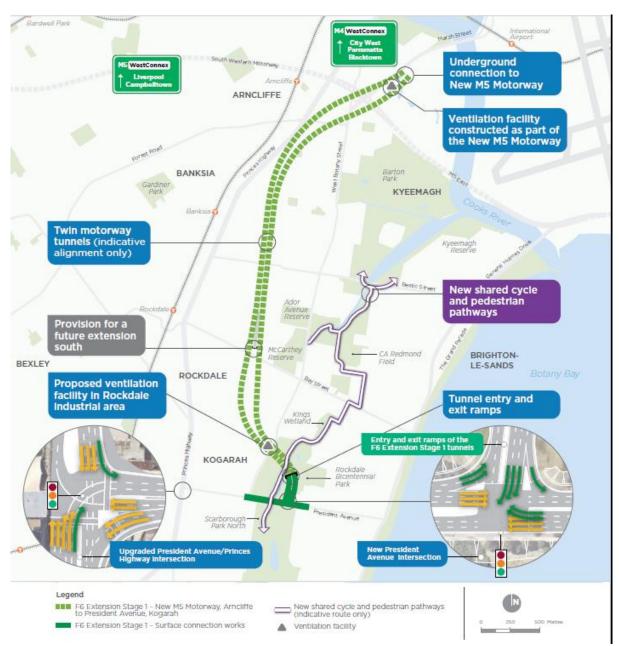


Figure 1: Map of F6 Extension Stage 1 (Source:F6 Overview Document)

An assessment of the EIS has been undertaken and identified key issues as:

- No commitment to the F6 Stage 2 Extension from Kogarah to Taren Point
- No connection to Port Botany for freight traffic
- No certainty over a direct connection to Sydney Airport, with the Sydney Gateway project planning in the early stages
- Impact on Bicentential Park and the need for ongoing collaboration with RMS to minimise impact both prior and during construction and then with reinstatement
- Design and route of the shared cycle and pedestrian pathways both on and off road
- Construction activities
- Traffic impacts during and post construction, changed access arrangements and proposed design/surface works
- Air quality and need for additional air quality monitoring stations
- Noise impacts both during the construction and operational phases for sensitive recievers
- Impacts on biodiversity, wetlands and the loss of tree canopy
- Impact on council owned properties and the need for consultation with RMS
- The need for a flood management strategy to be preared and provided to Council
- Potential impacts of dewatering and settlement and water quality
- Sustainability
- Opportunities to collaborate with RMS in relation to developing a master plan for Brightonle-Sands.

Additional information about these issues is provided in the draft Submission.

Financial Implications	
Not applicable Included in existing approved budget Additional funds required	

### **Community Engagement**

RMS have undertaken community consultation as part of the release of *F6 Extension Stage* 1 New M5 Motorway at Arncliffe to President Ave at Kogarah Project Overview documentation. Council has actively promoted this information to the community.

In addition, the RMS has also convened a Stakeholder Liaison Group which is comprised of representatives from Bayside Council, local sporting clubs and other stakeholders. The group will focus on identifying ways to minimise construction impacts and provide a lasting legacy of improved sporting fields and better cycle and pedestrian facilities.

### **Attachments**

Draft Bayside Council Submission F6 Extension Stage 1 (New M5 Motorway at Arncliffe to President Avenue, Kogarah) Environmental Impact Assessment  $\underline{\mathbb{J}}$ 

date

Our Ref: File Number

Contact: Michael McCabe 9562 1689

NSW Department of Planning and Environment Attn: Secretary GPO Box 39 Sydney NSW 2001

Re: Bayside Council Submission - F6 Extension Stage 1 (New M5 Motorway at Arncliffe to President Avenue at Kogarah – Environmental Impact Assessment)

Thank you for the opportunity to comment on the Environmental Impact Statement (EIS) for the F6 Extension Stage 1 to President Avenue, Kogarah. The proposed F6 Extension is a complex project that will have a significant impact on the Bayside Local Government Area (LGA). Bayside Council acknowledges the preliminary planning and consultation that Roads and Maritime Services (RMS) has undertaken with Council and the community, including the establishment of the RMS Stakeholder Liaison Group and RMS and Council Staff Technical Working Groups.

On 19 December 2017, Bayside Council responded to the NSW Department of Planning and Environment draft Secretary's Environmental Assessment Requirements (SEARs) for the proposed F6 Stage 1 extension. This submission highlighted a number of Council's concerns including:

- 1) Traffic and parking congestion
- 2) Impacts on community recreation space
- 3) Sustainability Impacts

In August 2018, Bayside Council responded to the Overview documentation, with the submission highlighting the following Council concerns:

- 1) Priority for Section B works (Motorway Kogarah to Taren Point)
- 2) Ensure connection of the F6 extension to Sydney Airport
- 3) Investigate connection of the Port Botany road freight route to the F6 extension
- 4) Impact on sporting fields
- 5) Impact on open space
- 6) Provision and safety of active transport
- 7) Environmental (including biodiversity, flooding, water quality and contamination) consideration

- 8) Land acquisition considerations
- 9) Traffic impacts
- 10) Impacts on local business
- 11) Community construction fatigue
- 12) Urban Design considerations

The EIS comprises seven volumes which provide detailed information and complex data requiring analysis. Council wrote to the Department of Planning and Environment (DPE) 19 September 2018 requesting a longer exhibition period, with a proposed exhibition period of 28 days insufficient for both Council and the Bayside LGA community to review and respond to the EIS. The DPE in their response of 24 September 2018 did not commit to an extended exhibition period. In October 2018 Council again resolved to request an extension to the public exhibition period.

Whilst the exhibition period was extended for a further 7 days, the 35 day exhibition period is still inadequate to allow for proper consideration of the many and significant issues. This is further shortened by the need to meet the Council meeting cycle. Council has, therefore, been unable to undertake a detailed analysis of the EIS and means that Council has not provided detailed comment on all areas of the EIS including air quality, noise and traffic modelling.

If approved the F6 project would be undertaken generally in accordance with the description in this EIS and any conditions issued upon approval of the project.

This submission largely follows the structure of the EIS.

### **Overview Comment**

This project does not include Stage 2 (to connect to Taren Point) nor does it provide a direct link to Port Botany, both of which are key priorities for Bayside Council. This omission is therefore reflected in Council's response to Project Benefits, Consistency with Strategic Planning, Corridor Analysis Options and the F6 Extension Staging Options sections of the EIS.

Furthermore Council requests that it is part of any decision making by the State Government for deciding the future of the F6 open space corridor, particularly in light of increased population projections for the Bayside LGA.

# 1. F6 Project Strategic Context and Project Need

As noted in the EIS

 Across Sydney traffic growth is forecast to increase by 1 million extra road users in the next decade and nearly twice the number of freight movements by 2031. In Sydney's south district over 50% of journeys are made by car.

- There is a missing Regional Link with no motorway between the existing M1 Princes
  Motorway south of Waterfall and the Sydney motorway network. All local and through traffic
  is required to use the arterial roads network including the A1 Princes Highway, the A3 King
  Georges Road and the A6 Heathcote Road/New Illawarra Road.
- Traffic congestion reduces capacity for freight vehicles to move from and to the gateways of Sydney Airport, Port Botany and Port Kembla.
- The proposed F6 extension project is stage 1 of the F6 Extension from Arncliffe to Kogarah.

At the local level, President Avenue to St Peters interchange corridor is congested resulting
in long journey times and Grand Parade experiences high volumes of traffic including
heavy vehicles. This through traffic between Bay Street and the M5 East also impacts on
pedestrian and cycle safety and amenity of the area.

- By 2036 the population of the South District will grow by 204,000 and the Eastern City District by 325,000. With over 50% of journeys by car there will be continued growth in traffic on Sydney's roads.
- Future trends anticipate increasing use of public transport, however, there will be a continuing need to make provision for growth in commercial and freight travel and to reduce congestion.
- This project would form a key component of existing and committed Sydney Motorway network a direct link with the WestConnex motorways, through to the proposed Sydney gateway and Western harbour Tunnel projects. It would also include stub tunnels to connect to future stages of the F6 Extension.

### Council response

- The large volume of southbound motorway traffic expected to exit the tunnel onto President Avenue will likely result in traffic congestion in southern Sydney. Council maintains that it is imperative that the announcement and planning for Stage 2 (Kogarah to Taren Point) occurs as part of Stage 1.
- The EIS does not include a motorway connection to Australia's busiest port, where road
  container movements are expected to triple in over the next 20 years. Bayside Council
  strongly advise that investigations begin into direct Port Botany access at/or near the
  Marsh Street interchange as a high priority
- In addition to the proposed F6 motorway Council strongly advocates for improved public transport options and active transport routes to reduce ongoing demand on roads.

# 2. Project Benefits

#### As noted in the EIS

A business case completed for the F6 Extension Stage 1 indicated:

- It would reduce travel time, improve reliability and safety for road users and provide better connectivity for active transport
- It would make it easier for people to get to jobs, for businesses to access their markets and for heavy vehicles to move more efficiently through southern Sydney
- It would result in easier access for residents when through traffic is reduced from local centres.
- Would contribute to the Greater Sydney Commission's 30 minute city concept.
- The project would provide opportunities for place making with the implementation of the Better Placed policy at key locations along The Grand Parade and the Princes Highway with reduced traffic.
- The Rockdale Wetlands Open Space Corridor (part of the Sydney Green Grid identified in the Eastern City District Plan) would be protected with the Motorway predominantly underground.

### Council response

• The F6 project aims to improve personal motor vehicle accessibility and in doing so seeks to complement the NSW Governments '30-minute city' paradigm. This concept of accessibility and productivity must also be addressed with sustainable transport options incorporated into the greater project scope. That being, ensuring the provision of high

quality, desirable public transport amenity (such as shelters, expanded bus services, last mile options) are included as part of a regional vision for community movement. Council therefore seeks RMS, Transport NSW in collaboration with Bayside Council investigate options of priority public transport options be part of the planning for the F6 extension.

 RMS work and provide funding to Bayside Council to implement Better Placed policy at key locations along Grand Parade and Princes Highway.

### 3. Consistency with Strategic Planning

### As noted in the EIS:

- Australian Infrastructure Plan F6 Identified as a priority project to connect Wollongong with the Sydney CBD
- NSW State priorities –improving road travel reliability.
- NSW State Infrastructure Strategy F6 extension identified as a priority.
- Future Transport 2056 F6 Extension Stage 1 identified as a committed initiative for the 0-10 year years. Future stages identified as a visionary motorway for investigation.
- Greater Sydney Region Plan listed as a committed initiative for immediate details planning.
- Eastern City District Plan identifies the F6 extension as improving motorway access and freight movement from the Eastern City across Greater Sydney and to Port Kembla/Illawarra and improve amenity and liveability in local centres of Brighton–Le-Sands and Rockdale.
- South District Plan notes planning underway for the F6 Extension linking the new M5 Motorway near Sydney Airport with the Princes High Way at Waterfall.
- NSW Freight and Ports Strategy with freight forecast to double over the next 20 years, this project would expand capacity on the motorway network to the significant gateways of Sydney Airport, Port Botany and Port Kembla through network efficiency, increasing network capacity and improving network sustainability by removing a large number of heavy freight vehicles using The Grand parade and Princes Highway.

### Council response

- Certainty is sought by Council and indeed the local community with reference to an
  expected completion date for the entire F6 extension project from Arncliffe to Loftus (also
  note Council's comments in relation to the F6 Staging Options). Guarantees are sought
  for extending detailed design for the next stages providing a timeline for the completion
  of the project will go some way to alleviate concerns that the F6 Stage 1 extension is
  merely moving a traffic bottleneck 4kms to the south, replicating issues that were present
  previously.
- Council considers that the project will not adequately benefit the efficient /productive movement of Port-orientated freight traffic from both Port Botany and Port Kembla travelling through the Bayside LGA. The EIS does not include a motorway connection to Australia's busiest port, where road container movements are expected to triple in over the next 20 years. The project instead remains reliant on the utility of General Holmes Drive as its southern thoroughfare, detracting from any future vision of local centre amenity and liveability, while creating considerable safety concerns for the residents and visitors of this beachside destination. This is exacerbated by the Sydney Gateway project which does not provide a motorway link to Port Botany.
- Council is undertaking the development of a Master Plan for Brighton-Le-Sands. The lack
  of a motorway connection to Port Botany is a significant impediment to Council's work to
  enhance the liveability of this area, as a reduction in traffic on The Grand Parade is
  critical to improving amenity in this important destination for Sydneysiders and visitors.

### 4. Project Alternatives

As noted in the EIS:

The EIS identifies four project alternatives.

- The base case or do nothing/do minimum the currently planned and funded transport infrastructure improvement would not meet the forecast traffic needs.
- Pinch Point program such as the Pinch Point program (including increasing capacity at intersections along the Princes Highway (Forest Road and Wickham Road at Arncliffe, Rockdale Plaza, Rockdale and Gray Street and Rocky Point Road Kogarah) and at The Grand Parade and President Avenue.
- Sydney Clearway program corridors for investigation in southern Sydney include
  - Princes Highway through Blakehurst, Kogarah, Rockdale and Wolli Creek
  - Rocky Point Road from Kogarah to Sans Souci
  - General Holmes Drive, The Grand Parade and Sandringham Street from Kyeemagh to Sans Souci.

These are being investigated separately to the F6 Extension project.

- Bus Priority Infrastructure Program improve bus services with integration of connections to existing train services, including upgrades to Arncliffe and Kogarah and a new high frequency route between Miranda and Sydney Airport.
- Arterial road improvements by 2036 traffic modelling predicts key arterial roads will be operating above or at capacity in peak periods.
- Rail Infrastructure Improvements a number of initiatives have been identified for investigation. However road travel is still forecast to grow and public transport initiatives could partially contribute to relieving congestion. The project would not preclude rail infrastructure improvements from occurring.
- Motorway Option (development of the F6 Extension) this option is preferred as it will improve:
  - Journey times for travellers between the Illawarra, Southern Sydney and strategic centres in greater Sydney.
  - Support the future growth and productivity of southern Sydney and the Illawarra by improving connectivity between these regions and strategic centres in greater Sydney.
  - Support urban renewal at key centres on arterial roads by reducing through traffic along corridors that perform a key place function.

### Council response

- Bayside Council does not support the proposed clearway extensions along Princes
  Highway, Rocky Point Road and The Grand Parade as Council believes that any
  expansion of the clearways program would impact local business and the ability of
  residents to access local destinations. As outlined in the Mayoral Letter (March 2018)
  Council has requested consultation with Council, residents and community groups be
  undertaken before any consideration for extending the operation of clearways in Bayside
  LGA. NSW Government must substantiate the need for clearways, qualify the economic
  impact to local business and demonstrates how the public domain along these roadways
  will be improved for residents, businesses and visitors to the area before any such
  program is considered to be implemented.
- Council supports investigation of public transport options, with public transport already at capacity.
- Council maintains that it is imperative that the announcement and planning for Stage 2
  (Kogarah to Taren Point) occurs as part of Stage 1, as without this there will be significant
  congestion in the Bayside local area.

### 5. Corridor analysis options

### As noted in the EIS:

There are four motorway corridor options identified which are described as:

- F6 option broadly aligned with land previously reserved for F6
- A1 option broadly aligned with existing A1/A36 arterial road (Princes Highway)
- A3 option broadly aligned with existing A1/A3 arterial road ( Princes Highway, King Georges Road)
- A6 option broadly aligning with existing A6 arterial road (Heathcote Road, New Illawarra Road, Alfords Point Road, Davies Road and Fairford Road.

### The F6 corridor is preferred as it:

- Would cater for the eastern distribution of future traffic demand
- Provide a motorway solution without removing arterial roads
- Have a greater impact on reducing congestion for north-south traffic
- Create in conjunction with the New M5 Motorway and other projects a new north-south motorway through Sydney, completing a missing connection in the national highway.

### Council response

### Northern Connection

- Bayside Council have requested as part of its August 2018 submission that the northern connection (Marsh St) should include access roads that enable direct Port Botany (Foreshore Rd) access. The EIS does not include these access roads. Port freight container volume (TUE units) is predicted to triple from 2.5 million units (2018) to 7.0 million by the year 2040. It is forecast that approximately 80% of that container freight will be serviced by the road network.
  - Considering the adverse impact to the community and strategic value of the Brighton-Le-Sands town centre if Grand Parade remains a main freight route, Bayside Council strongly advise that investigations begin into direct Port Botany access at/or near the Marsh Street interchange.
  - The Level of Service on the surrounding road network be monitored post completion of the M5 East and Sydney Gateway projects
- The Sydney Gateway project (adjacent RMS motorway project) has detailed Airport
  access only from the St Peters Interchange, with no direct connections that would
  otherwise provide Port Botany freight to otherwise access the F6 and bypass BrightonLe-Sands. In the absence of a direct motorway connection, General Holmes Drive and
  the local town centre of Brighton-Le-Sands will continue to be burdened by the movement
  of south-bound freight traffic volume into the future.
- Brighton-Le-Sands is a local, regional and international destination in its own right and
  the attractiveness of the option of downgrading of General Holmes Drive away from a
  freight passage route (movement corridor) to that functioning as destination (place)
  should be acknowledged by the RMS as part of this project. As highlighted earlier this
  potential future road function of General Holmes Drive aligns with Bayside Council master
  planning for Brighton-Le-Sands and seeks to enable foreshore accessibility to the
  residents of the Kyeemagh, Brighton-Le-Sands and nearby suburbs.

### Southern Connection

 Request Stage 2 progress through to Taren Point (be accelerated) and not terminate at President Avenue (also refer to Staging Options comments).

### **Overall Comment**

Given the existing F6 corridor is no longer required for its original purpose, Council
requests that it is part of any decision making by the State Government for deciding the
future of the F6 open space corridor, particularly in light of increased population
projections for the Bayside LGA.

### 6. F6 Extension Staging Options

### As noted in the EIS

- A multi-criteria analysis of staging and incremental works was undertaken to confirm the most appropriate area to commence construction. Six options were identified being:
  - New M5 Motorway to President Avenue (Section A) plus arterial upgrades
  - New M5 motorway to Taren Point Road (Section A + B)
  - New M5 Motorway to Port Hacking Road (Section A + B+ C)
  - New M5 Motorway to President Avenue (Section A) plus Taren Point to Loftus (Section C)
  - Taren Point to Kingsway (Section C)
  - Taren Point to Loftus (Section C)

Section A was identified in the EIS as the preferred first stage, providing both improvements regarding congestion and a link to the motorway network. The EIS notes that that this project is the first stage of the F6 extension but is considered as a standalone project given its own objectives and project benefits.

### Council response:

• The large volume of southbound motorway traffic expected to exit the tunnel onto President Avenue will likely result in traffic congestion in southern Sydney. The Infrastructure Australia Priority list released in July 2018 identifies the construction of the F6 corridor from Arncliffe to Waterfall as a priority initiative. Council maintains that it is imperative that the announcement and planning for Section B works occurs as part of Stage 1. As such Option 2 - New M5 motorway to Taren Point Road (Section A + B) should be the preferred option or Option 3 - New M5 Motorway to Port Hacking Road (Section A + B+ C).

### Connection to Sydney Airport and Port Botany

- Council Minute 2018/110 (13 June Council Meeting) expressed "That a connection to Sydney Airport for those coming from the south be included in this project." This connection is a key issue for Council, with a record 43.3 million passengers passing through Sydney Airport and these numbers are projected to increase to 74.3 million passengers as well as 1 million tonnes of freight entering Sydney by Sydney Airport. It is acknowledged that the proposed Sydney Gateway project could provide a connection to the airport via the St Peters Interchange, however this is still in the planning stage.
- As highlighted previously, the EIS does not address port access and the proposed Sydney Gateway project only provides access into the airport and not to Foreshore Drive. Council requests the RMS investigate a direct motorway connection from Port Botany to the F6 via an access point at the Arncliffe interchange.
- Bayside Council are aware of current limitations placed on the transport of dangerous and hazardous goods through tunnel structures. Any further discussion surrounding prospective modifications to these controls will be welcomed in an effort to understand the impact to the community.

### 7. Bicentennial Park Reinstatement

The impact of the project on Rockdale Bicentennial Park is significant during both the construction and operation phases. It will be essential for alternative facilities to be planned and delivered prior to commencement of works and the reinstatement of open space post construction. It is noted RMS is funding a Recreation Needs Assessment and working with Council to ensure the best outcome for the Bayside community.

#### As noted in the EIS

- Sporting fields and recreational facilities within Rockdale Bicentennial Park would be directly impacted.
- Prior to construction commencing some of these facilities would be offset with new facilities.

### Council response

- The impact of the project on Bicentennial Park Brighton-Le-Sands is significant. The
  planning and management for the relocation of facilities and infrastructure, both
  temporarily and permanently needs to be prioritised.
- To better understand the potential impacts of the F6 on the community assets in Bicentennial Park precinct the RMS has agreed to fund a Recreation Needs Analysis and will be jointly managed by Council and RMS. This study has commenced and will identify ways in which the impacts can be mitigated and compensated. Interim feedback has been provided to RMS on temporary impacts and permanent impacts. The Recreation Needs analysis will be provided to the Department of Planning and Environment when complete.
- As previously noted, a detailed scope and program will need to be agreed by Council and the RMS, ensuring relocation works are completed prior to construction of the site compound at Bicentennial Park.
- As highlighted in Bayside Council report (14 November 2018) Item 8.3 Council has identified a number of options for compensation including:
  - Certainty of land tenure for Council where temporary and permanent assets are to be located
  - Transfer of ownership to Council (or care and control) of residual land at Bicentennial East soccer fields
  - Exploring permanent community recreation opportunities on land that it held in Trust for road and recreation purposes or on other Council land.

It is requested this November 2018 Council report is considered as part of Council's submission.

- The scope and delivery for the re-instatement of Bicentennial Park needs to be agreed by Council and RMS, including a program for completion. The construction of playing fields at Brighton Memorial playing fields will need to be considered to cater for the permanent loss of a playing field at Bicentennial Park. These works would be completed on behalf of council by the appointed contractor.
- The F6 tender documents should include a performance specification associated with the replacement of the sporting facilities with detailed design and development consent approval, either in a new proposed location or reinstated back on the existing site.

# 8. Shared Cycle and Pedestrian Pathways

Bayside Council supports the provision of active transport into this project. However, Council has identified the need for further consideration of route alignment and consultation.

#### As noted in the EIS

• The preferred shared cycle and pedestrian pathway route is via a shared bridge over President Avenue between Bestic Street and Civic Avenue. It would connect:

- Bestic Street and cycleway north of Bestic, along Muddy creek
- West Botany Street, opposite Ador Avenue Reserve
- Bruce Street, Francis Street, Bay Street and England Street, Brighton-Le-Sands
- West Botany Street next to Rockdale Bicentennial Park
- Civic Avenue, Kogarah
- Detailed design to be developed in consultation with stakeholders, including Bayside Council.

### Council Response

- A separated 3.0m (cycle) + 1.5m (pedestrian) path width is preferred for the main cycle/pedestrian facility where space allows in the interest of user safety, desirability and overall quality.
- Secondary feeder paths to the main corridor are sought to be incorporated into the design, this will enable greater community access and accessible east/west movement. Bayside Council cycleway maps can provide guidance on the preferred east/ west connections.
- Shared Paths are requested on the main east/west roads (Bay and President) enabling
  access between town centres of Rockdale and Brighton-Le-Sands (Bay St) and Kogarah
  and Botany Bay Foreshore (President Avenue) the widths are requests to be at a
  minimum of 3.0m and designed to be of high quality.
- It is requested that the project incorporate a shared path signalised crossing point at the southern portal entrance (on the northern side of President Avenue). The pedestrian and cycle access is critical to both the employment and education centre of Kogarah, but also to allow local community foreshore and sporting field access. A diversion to a crossing point 200m m to the north is an undesirable outcome.
- It is advised that the cycleway (north-south) be that of a separated facility as opposed to
  a shared path, i.e. an active transport corridor that is separated from traffic, with
  pedestrians separated from cycle traffic where space allows. Separation of users on such
  an active travel corridor is designed to enhance user safety and encourages equitable
  community participation with a safe and desirable transport link as both a commuter and
  recreation cycleway.
- The active transport route needs to moved out of the wetland/endangered ecological communities, particularly at Scarborough Park.
- The Active Transport facility is requested to be within open space corridor and is firmly
  requested to not re-enter the road network at England/Crawford Street. Doing so would
  act to render the facility undesirable for path users. Investigations should be made to
  ensure the active transport path is direct, safe and efficient in the effort to maintain the
  path's considerably high quality in a north/south direction within the Rockdale wetlands
  corridor.
- Council requests RMS to undertake a Road Safety Audit of the existing Commuter Cycleway along Crawford Road, O'Connell Street and Chuter Avenue as the F6 EIS indicates that traffic volumes will increase along these streets and this may endanger cyclists using this route.
- RMS upgrade the commuter cycleway in O/Connell Street and Chuter Avenue between President Avenue and Barton Street as part of the proposed works to encourage non vehicle transport options.

Dedicated Cycle and Pedestrian Bridge

 The shared path bridge over President Avenue requires a southern connection, i.e. to Barton Street or further to San Souci, particularly as the current bridge facility proposed in the EIS will not enable a southern access to the wider network.

- A southern active transport corridor should be extended to Riverside Drive, San Souci along the open space / green grid corridor.
- The bridge (if proposed on the western side of the interchange) would enable access to the eastern / foreshore as a path option, in addition to a southerly route.
- Construct a cycle path on the eastern side of Scarborough Ponds between President Avenue and Barton Street
- RMS works closely with Bayside Council in finalising the active transport/shared pathway route as part of the F6 project

### 9. Construction

Council has a number of concerns in relation to the construction ancillary facilities, the need to minimise the impact from heavy truck movements, parking and Council land.

As noted in the EIS

The Construction Strategy would utilise six key construction sites:

- Arncliffe construction ancillary facilities at Kogarah Golf Course (C1)
- Rockdale construction ancillary facility within an RMS depot at West Botany Street (C2)
- President Avenue construction ancillary facility within Bicentennial Park and part of Scarborough Park North and a site west of Botany Street (C3)
- Shared cycle and pedestrian pathways at Brighton-Le-Sands within the recreation area between West Botany Street and Francis Avenue near Muddy creek (C4 and C5)
- Princes Highway construction ancillary facility on the north east corner of the President Avenue and Princes Highway intersection (6).

### Council Response:

Arncliffe construction ancillary facility

- Council would like to work with RMS on the design, orientation and location of the ventilation and water re-use facility. Council will be aiming to minimise the area of community land to be acquired by RMS and the impacts of the facility to park users in the future
- For correct identification Council request that 7.3.2 Arncliffe construction ancillary facility in the EIS clearly define the boundaries between the Kogarah Golf Course lands at Marsh Street and those lands owned by Bayside Council.
- Kogarah Golf Club had leased a portion of Council land for their golf course, prior to RMS' current occupation for the M5 project. Council requests that the proposed design of the Arncliffe Ancillary facility show the proposed built form as it straddles the boundaries of RMS/Council and the Kogarah Golf Course.
- Council has provided previous commentary to RMS in relation to the potential spoil opportunities and Council requests the proponent prior to the engagement of contractors to engage fully with council on the potential opportunities for the management of spoil.

### Rockdale construction ancillary facility

- Council has no objection to the use of the existing RMS depot located on West Botany Street, other than consideration of traffic impacts of increased truck movements on West Botany Street.
- The use of the Rockdale facility impacts on the local community with heavy truck vehicular movements and noise. It is not isolated and does not have barriers or main roads that would provide a buffer zone to the residents similar to the Arncliffe site. Council's preference is that the main spoil removal occurs at the Arncliffe facility.

President Avenue connection, construction ancillary facilities

- As noted, there will be an impact on existing recreation facilities.
- The relocation of the Skate Park, playground and sporting fields will need to be completed prior to commencement of construction of this facility, to ensure minimal impact on current users of this space. As noted above the Recreation Needs Analysis jointly managed by Council and RMS has commenced and will identify ways in which the impacts can be mitigated and compensated. Interim feedback has been provided to RMS on temporary impacts and permanent impacts.
- Council will require a performance brief for the appointed contractor which demonstrates a program to relocate works at the cost of the F6 extension.

### Princes Highway construction ancillary facility

- Location of Princes Highway and President Avenue intersection upgrade works. Council
  will require further details of the location and impact on traffic or adjacent land uses to be
  able to comment on this.
- Ingress and egress of vehicles needs to be managed appropriately within the current transport networks and consideration should be given to the proximity to the local school and technical college as part of this.

### Ancillary facility for the shared cycle and pedestrian pathways

 Council will require detailed design and consultation in relation to access to either side of Muddy Creek Recreation Area.

### **General Comment**

- Most construction sites are located where demand for street parking is high and Council
  anticipates parking concerns will be further exacerbated when construction commences.
  Council must be provided with a copy of the Construction Traffic and Access
  Management Plan (CTAMP) with details for shuttle bus services to and from these sites.
- Bus companies must be contacted for changes to bus stops and bus zone locations and provided with an opportunity to comment on any proposed changes. Compliance with Disability Discrimination Act (DDA) may require provisions of temporary bus pads at the new locations. Council should be consulted and provided with details prior to these changes occurring.
- Council seeks consultation with where those boundaries intercede with Council owned properties.
- RMS should demonstrate to Council appropriate environmental management of the ancillary facilities (listed at 7.3.1 7.3.8). This includes (but is not limited to) Environmental Management Plans (EMP), Standard Operating Procedures (SOPs), Safe Work Method Statements (SWMS), Remediation Action Plans (RAP)(where appropriate) for all activities planned to be undertaken upon these sites, including (but not limited to) storage of spoil, water treatment, excavation of land etc.
- Geotechnical testing to ascertain the condition of the land prior to works will need to be undertaken and equivalent testing prior to handing back the land.
- RMS will be required to accept the land in its current condition.
- Given the potential for significant onsite contamination associated with former land uses, council requires detailed environmental reports and remediation action plans in relation to any construction works involving the excavation of soil from the areas.
- Bayside Council requests mechanisms which requires the F6 proponents to engage with Council in terms of these and additional construction sites, transport impacts and potential land use sites.

### **Project Construction Activities**

• A detailed program and scope for preparatory investigations will need to be provided to Council, to ensure we can mitigate impacts on users where possible.

- Council will be the first point of contact for the community should issues arise and it is
  essential that Council understands the scope and timing of these works to notify users
  and engage with the contractor or contractors if issues are identified by the community.
- Council would also request that in terms of environmental site testing and geotechnical works, that council is extended the ability to both rely and use work that is undertaken as part of the F6 project.
- The Council has previously requested that clean stock pile spoil be reused to enhance local recreation areas and minimise impacts on local transport networks. Council has significant land holdings where the reuse of spoil would achieve a significant community benefit. Council seeks a Spoil Management Plan which identifies spoil locations and necessary approvals

### Construction of permanent operational infrastructures (7.4.5) Ventilation Facility

The Rockdale ventilation facility will be constructed on the west side of West Botany
Street and is located within close proximity to existing residential properties including
high-density residential and traditional housing. Council requests that there is further
consultation on the impact of these ventilation facilities in terms of air quality, size and
structure and ongoing noise given proximity to the community in general.

Permanent Power Supply Connection Heading.

 Council notes that there is a proposed new permanent power supply connection that will be trenched and run along significant parts of the new F6 extension. Council has large areas of currently un-serviced land that forms part of the recreational facility and that there may be opportunities for small independent substations to be situated along the route to enable connection to the power and provide for other community facilities within the parks that may not be existing.

## 10. Spoil Storage, Transport and Disposal Options

The over one million tonnes of spoil that will be generated will require to be removed from the project sites. Bayside Council supports the use of clean spoil to be used locally and that reuse options should be determined upfront to ensure that public benefit is maximised.

#### As noted in the EIS

- 1.4 million cubic metres of spoil will be removed with spoil stored at each of the three construction ancillary facilities.
- Spoil removal by heavy vehicles is the preferred transport option for the project. Other options, such as removal by barge will be considered at the detailed design stage.
- There will be opportunities to use uncontaminated spoil within the project.

### Council response

### **Spoil Transport Options**

- Council has reviewed the proposed spoil transport options including heavy rail and
  potentially barge transport. Council understand both of those options were considered for
  the previous WestConnex project and neither option was feasible. The obvious
  disadvantage of heavy transport to relocate spoil is:
  - Impact on existing road networks.
  - Noise and fume pollution from heavy truck movements on residents.

- Damage to existing road network.
- Traffic congestion associated with large transport truck movements.
- Bayside Council notes that several spoil management sites have been identified in Chapter 21 as part of the waste management, which range from 40 to 70 kilometres from the project. Council has previously engaged with Roads and Maritime Services in relation to feasible spoil management options located within the council (Bayside Council area), with a clearly demonstrable public benefit in terms of the reductions of truck movements on the local street network and associated impacts and to provide a public benefit by using the spoil for the rehabilitation of dilapidated lands most notably used as former tip sites.
- The EIS should extend to consider feasible options within the Bayside municipality and include them in the assessment of the project for the spoil disposal. Any approvals for the project should extend to include the disposal of large amounts of material on land requiring capping layers or potential stabilisation through extracted quality sandstone materials.

There is a demonstrable public benefit both in terms of:

- Cost savings for transport or material away from the project site.
- The saving or net benefit of not needing to import spoil at a later date for projects.
- Potential public benefit through minimal expenditure in relation to the total project size.
- The alternative or additional spoil reuse options should not be left for the construction contractor to negotiate or progress given that the proposed 1.4 million cubic meters of spoil becomes a designated development under the EPA Act, and requires specific approvals for placing the material and requires specialist strategic planning and engineering advice to enable it's reuse in surrounding land areas. The use of these areas, the identification of these lands should be a key criteria for spoil disposal as an option for the F6 extension to maximise the public benefit that can be achieved and minimising the impact on surrounding communities.
- Council notes the waste management levy is a significant consideration in relation to the storage and use of spoil in a project of this size.

# 11. Traffic Impacts

The project will redistribute traffic on the road network, with over 10,000 cars exiting onto President Avenue in Kogarah. There are numerous proposed changes to the local road network/access, some of which Council does not support and further consultation is sought with RMS.

**President Avenue** 

As noted in the EIS:

The proposed changes to local access along President Avenue include:

- O'Neill Street converted to a cul-de-sac at President Avenue with access gained via Crawford Road.
- Lachal Avenue converting from a one-way northbound to a two-way operation.
- Traynor Avenue right turn in removed so left in only. Alternate access via Lachal Avenue.
- Oakdale Avenue no change.
- Moorfield Avenue to become a cul-de-sac with access to Moorfield estate via Civic Avenue or Oakdale Avenue.
- Civic Avenue right turn option to/from President Avenue removed. Left in/left out only.

Council Response

 O'Neill Street conversion to a cul-de-sac has not been presented to Council for discussion. A left in and left out access would be preferred to be maintained for O'Neill Street but it is acknowledged that the changes in level may not allow for this to be possible. Access to memorial playing fields, tennis courts, and car park through Sybil Lane will be impacted. Local residents and Brighton-Le-Sands Public School must be consulted on the proposed change by RMS and Council be involved as an interested party in the process.

- Lachal Avenue's proposed 2-way conversion in not supported as it will lead to loss of all
  parking in the street due to its narrow width of only 7.2m. This is a loss of amenity for
  residents in addition to extra traffic movements. Access for Moorefield Estate for
  residents turning right out is not considered safe or adequate from Lachal Avenue as the
  opportunity to make the right turn with the proposed F6 increase in traffic will be
  extremely limited.
- Moorefield Avenue's conversion to a cul-de-sac is not supported. Left in-left out access must be maintained to avoid unnecessary circulation of local traffic along Annette Avenue. Council sees no safety benefit derived from preventing left in and left out movement.
- Civic Avenue's proposed left in/left out only is not supported by Council. The preferred option is for a signalised intersection to accommodate safe right turning movements into and out of Moorefield estate. A right turn holding lane can be provided to minimise impact on traffic along President Avenue. Civic Avenue is sufficiently wide for this treatment and will have minimal impact on residents, parking and amenities and provide access to residents. Along with traffic signals, Council would also like additional traffic calming measures installed in Civic Avenue and Marshall Street to make this route less attractive as a shortcut for southbound vehicles between President Avenue and Rocky Point Road.

#### Moorefield Estate - RMS Community Traffic Meeting Outcome

- Council supports the consultation held 28 November 2018 for the Moorefield Estate, St George School, TAFE, James Cook High School and Moorefield Girls School.
- The RMS intersection designs for the President Avenue Option B discussed at the meeting should consider the following:
  - Allow access to the F6 extension tunnel from the Moorefield Estate.
  - Design the right turn holding bay from Civic Avenue into President Avenue travelling east with sufficient length to allow vehicles to merge safely.
  - Community consultation should be undertaken if there is any proposed loss of parking on Civic Avenue.
  - Community consultation, including with the businesses, should be undertaken regarding the loss of parking on President Avenue with the future introduction of morning and afternoon peak hour clearways.
  - Load limit restrictions should be considered for the Moorefield Estate streets to prevent heavy vehicle through traffic.
  - Bus access into Lachal Avenue for St George School students should be maintained and considered in future road network designs.
  - The change in level at the intersection of Traynor Avenue/Annette Avenue should be considered in future road network designs.
  - Consider the uses of 'Keep Clear' markings on President Avenue at Lachal Avenue under the Option B proposal.
  - The footpath width at President Avenue/Princes Highway intersection must not be reduced to allow road widening. The local schools and TAFE in the local area means there is high pedestrian traffic using these footpaths.

- Community consultation process by RMS/F6 project managers must be undertaken with local residents affected by proposed changes.
- Investigate opportunities to increase safety at the Marshall Road/Rocky Point Road for vehicles exiting the Moorefield Estate.
- Investigate the current change "no right turn" from Rocky Point Road southbound.
- A similar RMS Community Traffic Meeting needs to be made available for residents in the Chuter/O'Connell precinct area.

# Princes Highway/President Avenue Intersection

As noted in the EIS:

 Surface works include an additional right turn lane from Princes Highway northbound into President Avenue

#### Council Response

- No improvement works are proposed for westbound/southbound traffic. Council has
  concerns about the delays and queue lengths at the intersection of the Princes
  Highway/President Avenue and the potential use of Civic Avenue/Marshall Street as a
  thoroughfare by traffic if the existing intersection configuration performs at less than
  optimum to cater to the increased traffic from F6. Traffic modelling must provide a
  comparison for time taken to use the Princes Highway/President Avenue intersection with
  the existing cycleway vs using Civic Avenue/Marshall Street to travel to Rocky Point
  Road
- There are safety concerns with accessing Marshall Street at Rocky Point Road with the
  existing left-in/left-out arrangement. Marshall Street is too close to the fork of Princes
  Highway and Rocky Point Road with a sharp left in and an equally difficult left turn out
  movement due to traffic coming at speed. Expected increase in traffic flow at the
  intersection will exacerbate current safety concerns. Council wants improvements to this
  intersection to make it safe for all road users.

#### F6 Exit to President Avenue

As noted in the EIS:

- A tunnel portal and slot structure would be located north of President Avenue within the current Rockdale Bicentennial Park East. The slot structure would consist of north facing ramps with two lanes in each direction.
- Widening of President Avenue to three lanes east and west bound.
- Raising President Avenue about three metres at the location of the intersection with the proposed tunnel ramps.
- Consolidation of street access as previously noted.

#### Council response:

Pedestrian facilities have not been provided at the entry/exit of the tunnels at President Avenue. Council has concerns about pedestrian safety, accessibility and connection to Bicentennial Park, Memorial Playing Fields and O'Neill Street without these facilities and Footpath design and construction must provide suitable connection on southern side including additional pedestrian phase on President Avenue at O'Connell Street (on western side).

- A pedestrian phase at traffic signals would be required across Civic Avenue as part of Council's preferred option of Civic Avenue traffic signals.
- Pedestrian phase on President Avenue on the eastern side of West Botany Street traffic signals is required to facilitate access to Bicentennial Park

A number of properties have driveways east of O'Neill Street on President Avenue. The
extent of embankment currently encroaches along these properties and must ensure that
their vehicles do not scrape at the bottom and driveway accesses are maintained or
reconstructed at no cost to Council or residents if they are adversely impacted.

- Impacts of the proposal on O'Connell Street and Chuter Avenue have not been addressed. Council is concerned about an increase in traffic along this route between Sandringham Street and President Avenue in both directions to access the F6. Council request the speed limit in O'Connell Street/Chuter Avenue to be reduced to 50kmph. Council would also like the provision of traffic calming scheme along the entire length of this route including treatments at the intersections with side streets to make this route less attractive for use as a thoroughfare. The traffic calming scheme designed as part of the delivery of F6 must be in consultation with Council's traffic team.
- RMS are requested to undertake post completion surveys to monitor how the predicted traffic impacts transpire and whether the proposed mitigation measures are effective. These counts are to be undertaken at 12 monthly intervals post completion, for a period of 5 years, with RMS required to implement treatment measures if the traffic conditions have deteriorated.
- RMS are is requested to monitor and remediate the road surface impacted during the proposed construction period.

#### General Comment

- Council requests that detailed traffic management plans be prepared that identify:
  - Impacts on local streets
  - Proposed intersection upgrades
  - Proposed clearways
  - Impacts of parking demand and proposed parking offset
  - Impacts on parking for the neighbouring industrial areas
  - Impacts on safety and access to and from the Moorefield Estate precinct
  - Pedestrian and Active Transport Management Plan

# 12. Air Quality

Both the construction and operational phases of the project will impact on air quality. These impacts will impact local residents, users of the sporting facilities and people in the vicinity of the stacks. Council is requesting additional air monitoring stations adjacent to the ventilation stacks and also at O'Connell Street, Monterey.

#### As noted in the EIS:

- The reports conclude that all air and odour will meet the NSW impact assessment criterion and NSW Environmental Protection Authority (EPA) Approved Methods for air and odour quality.
- The EIS states that the provision of a tunnel filtration system does not present a feasible
  and reasonable mitigation measure and is not being proposed. If in-tunnel air quality level
  could not be achieved with the proposed ventilation system, the most effective solution
  would be the introduction of additional ventilation outlets and additional air supply
  locations. This is a proven solution and more sustainable and reliable than tunnel filtration
  systems.
- Three ventilation outlets are proposed:
  - Outlet E F6 Extension Stage 1 Location Arncliffe Exhaust from the northbound F6
     Extension Stage 1 Tunnel (Kogarah to Arncliffe)

 Outlet F F6 Extension Stage 1 - Location Rockdale - Exhaust from the south bound tunnel of the F6 extensions Stage 1

- Outlet G F6 Extension Section B Location Rockdale Exhaust from the northbound tunnel of the F6 Extension Section B (future Kogarah to Taren Point Road stage)
- With both the construction and operation of Stage 1 there will be an impact on local air.

#### Council response:

- Council seeks additional air quality monitoring stations. These should be provided adjacent to the two proposed ventilation stacks. These monitoring stations should be located at an appropriate elevation to reflect the elevated ventilation outlets design.
- An additional air quality monitoring station should also be located close to O'Connell St, Monterey to reflect the likelihood of significant increase of traffic on this roadway as a result of the proposed motorway.
- Ilinden Sports Fields should be idendtified as a senstive receptor in terms of air quality if this site has not yet been included
- RMS to provide details of mitigation measures if there is found to be poor air quality adjacent to the tunnel entry/exit and also next to the Illinden Sports Fields.
- RMS should investigate the creation of micro climates around ventilation stacks and senstive receptors through tree planting to reduce flow of pollutants.
- RMS to develop a Development Control Plan amendmen for Council consideration to include design parameters to minimise adverse air quality impacts on potential future development immediately around stacks
- RMS to provide details on what it has learnt from air quality monitoring for WestConnex and the new M5 projects and how these lessons learnt will be implemented for the F6 project.

#### 13. Noise and Vibration

During both the construction and operation phases of the project there will be an impact on sensitive receivers, including many which have been identified as highly noise affected. It is important that all affected sensitive receivers have an opportunity to request mitigation measures.

#### As noted in the EIS:

During the construction phase;

- A large number of noise level exceedances are associated with the Arncliffe construction facility (C1) and these will be for a period of two years.
- The Rockdale construction facility (C2) would result in exceedances at nearby receptors, some of which can be categorised as highly noise affected. This will last for around 6 months.
- President Avenue construction facility (C3) would result in exceedances due to the close proximity of residential receptors. Those closest have the potential to be highly affected, with construction lasting up to 27 months.
- Princes Highway construction facility (C6) would result in noise exceedance levels, with
  most impacted receptors being highly affected, including being affected by noise awaking
  events. Construction is programmed to last for up to 27 months.

#### Operational phase

 There will be exceedance of the day time road traffic noise levels for 148 sensitive receptors, of which 105 sensitive receptors are considered eligible for the consideration of feasible and reasonable noise mitigation measures.

 Night time road traffic noise levels will be exceeded for 135 sensitive receptors, of which 90 sensitive receptors are considered eligible for the consideration of feasible and reasonable noise mitigation measures.

 Combined impacts during the day and night time period noise levels will be exceeded at a total of 159 sensitive receptors, of which 107 sensitive receptors are considered eligible for the consideration of feasible and reasonable noise mitigation measures.

#### Council response

- Noise mitigation measures need to be identified for the construction phase and all affected sensitive receivers have an opportunity for the installation of mitigation measures.
- The 159 receptors that will exceed both day time and night time noise levels at the
  operational phase should all have an opportunity for the installation of mitigation
  measures. A process for organisations/sensitive receivers to request mitigation measures
  needs to be in place.
- At the operational phase clarity is required as to what the meaning of *feasible and* reasonable is and who determines this? This requires further consultation to ensure that this is an acceptable definition and process.
- Council requests that all affected sensitive receivers have an opportunity to request mitigation measures.
- RMS to provide regular updates to the community of upcoming noise impacts.

# 14. Biodiversity

The project has the potential to have an adverse impact on biodiversity including the ecological significant wetland corridor through Bicentennial Park and Scarborough. Council seeks further consultation with RMS to consider alternate designs and mitigation measures.

#### Vegetation

As noted in the EIS:

- The project would require the removal of native vegetation, including 237 native trees of which 41 trees that have high retention value.
- The project would involve the removal of 20 adult Magenta Lilly Pillys, an identified NSW
  Threatened Species. These are planted in lines within landscape plantings at the
  Rockdale Bicentennial Park and they would not be offset in accordance with BAM as they
  are not part of a known naturally occurring population.

#### Council's response

- Removal of trees (particularly hollow bearing) will result in habitat loss for numerous fauna species in an area already lacking tree canopy. Delivering biodiversity offsets do not take into account the fragmentation of habitat and does not prevent the ongoing decline of biodiversity values within the LGA.
- RMS must work with Bayside Council to identify a replacement program that can increase urban tree canopy and enhance biodiversity connectivity within the LGA.
- In relation to the Magenta Lilly Pilly, the Rockdale Biodiversity Strategy has identified other Magenta Lilly Pilly species around Hawthorne Street Natural Area and Bardwell Valley Golf Course. As a result Bayside Council requests RMS to include a biodiversity offset of these Magenta Lilly Pillys.
- In relation to the management and mitigation strategies to protect biodiversity within Scarborough and Bicentennial Parks note Council's mapping has identified within the Bicentennial Park and Scarborough Park North precinct:
  - Vegetation communities inclusive of:

- Alluvial bangalay forest
- · Revegetation areas
- Swamp paperbark scrub
- Threatened fauna habitat for:
  - Green and golden bell frog
  - Potential for grey-headed flying fox
- Significant flora location for:
  - Bangalay sand forest
  - Estuarine reed land
  - Swamp oak floodplain forest
  - Swamp sclerophyll forest
  - Sydney Freshwater Wetlands
- Key fish habitat
- Therefore the RMS needs to works closely with Bayside Council to identify and implement mitigation measures to reduce the impact to these biodiversity traits

#### Terrestrial Fauna

As noted in the EIS:

- Approximately 4.45 hectares of potential foraging habitat for the Grey-headed flying fox (which is listed as vulnerable under the Biodiversity Conservation Act 2016 and the Environmental Protection and Biodiversity Conservation Act 1999) will be removed.
- Approximately one hectare of native vegetation would be offset through the ecosystem credits
- The monitoring undertaken for the Green and Gold Bell Frog (listed both at the State and National as a threatened species) population at Arncliffe indicates the population is in decline since 2016. The project would delay the reinstatement of habitat at the Arncliffe construction site facility (part of the new M5 Motorway requirements, which includes a program of captive breeding and new habitat creation at Marsh Street)

#### Council response

- The project will remove 4.45 hectares of habitat it is requested that all loss of potential habitats be reinstated for the Grey-headed Flying-fox within the local area with a focus on winter food species. This is to be undertaken in collaboration with Bayside Council.
- Given that the region already has vulnerable populations of the Green and Golden Bell Frog, it is requested that pilot habitats be established and managed by RMS similar to the Eve Street, Arncliffe undertaken for the new M5. This is to be undertaken in collaboration with Bayside Council. Bayside Council has the expectation that RMS will install an environmentally appropriate (including outside of endangered ecological communities/wetlands) shared pathway within Scarborough and Bicentennial Parklands that showcases the biodiversity values of the area including signage and viewing points.
- The project does not adequately identify mitigation strategies to minimise / prevent disturbance or physical impact to waterbirds.

#### **Aquatic Biodiversity**

As noted in the EIS:

- There would be potential temporary impacts on Wetlands within the Rockdale Bicentennial Park through Rockdale Wetlands and Scarborough Park North.
- Minor impacts are expected to Muddy Creek upstream of Bestic Street due to a small increase in impervious area and through the removal or requirement for shading of Common Reed around stormwater channels leading to Muddy Creek.

 The Cooks River would be directly impacted as the water treatment plant at Arncliffe would discharge to the Cooks River. However, this is unlikely to alter the hydrological character as it is a large tidal river.

• Species currently inhabiting the pond are likely to be those tolerant of urban pressures, such as poor water quality.

#### Council response:

- RMS as part of its consultation with Bayside Council discussed the Kings Road Wetland
  and its restoration. This issue is not addressed in the EIS. Council therefore requests the
  EIS needs to address how the F6 Project will improve the environmental condition of
  Kings Rd Wetland as well as improve community access to this open space
- Further information is required from the RMS on the proposed F6 works t will improve or at a minimum maintain water quality within the Bicentennial and Scarborough park wetlands, particularly in light of the key fish habitat at Tonbridge Creek which is recognised as important fish breeding habitat for Botany Bay. This is particularly important given that no mitigation measures have been proposed, nor any plans to at ensure that the aquatic environment remains habitable. It is expected that RMS will liaise with Bayside Council to address these issues.
- As a minimum Council requests that a Wetland Environmental Management and Maintenance Plan is developed for this project and to include details on
  - Protection of threatened species and endangered ecological communities
  - Protection of other native vegetation communities, and flora and fauna
  - Protection of terrestrial and aquatic habitat
  - Protection of migratory species
  - Inter-relationship between the motorway and the surrounding natural area
  - Impact of development on ecological significance of the area
  - Measures to reduce adverse environmental impact
  - Management of pest species (plant and animal) during and post construction

## **Ground Water Dependent Ecosystems**

As noted in the EIS:

 Ground water modelling indicates there will be long term surface water draw down for the Rockdale Wetlands and that the tunnel construction will result in lowered water tables.
 The EIS considers that the potential impacts will be low.

#### Council response:

Bayside Council seeks further clarification from RMS to provide details across all the
groundwater dependent ecosystems, including details on the methodology and relevant
management strategies to mitigate the impacts on the natural environment including
Landing Lights Wetlands, Marsh St and Bicentennial and Scarborough Ponds which
contain number of endangered ecological communities and threatened species habitat.

# 15. Landscape and Visual

The project will have an impact on the landscape character and visual amenity and a number of sites, including the loss of 449 trees. Council seeks further consultation with RMS to ensure an agreed strategy to minimise this impact both during and post construction.

#### As noted in the EIS:

Construction phase:

• The northern surface works (Arncliffe area) will have a minimal impact on landscape character and also minimal day and night time visual impacts.

The southern surface works (Rockdale, Kogarah and Brighton-Le Sands) will have a
high-moderate impact on the landscape character of Rockdale Bicentennial and
Scarborough Parks and moderate to low impact on the Princes Highway commercial
centre and Muddy Creek open space. There will only be a low impact on the remaining
landscape characters.

• The southern surface works will have a high-moderate visual impact on views to the tunnel portal, entry and exit ramps and the President Avenue intersection. Moderate visual impacts include views north from Colson Crescent, view south from open space at Brighton-Le- Sands public school, views east along president Avenue from Princes Highway and view south from West Botany Street.

#### Operational phase:

- The northern surface works will have negligible to moderate-low (this being the view north from Eve Street Cycleway) impact on landscape character and visual impact.
- The southern surface works will have a high-moderate impact on the landscape character for Rockdale Bicentennial and Scarborough Parks and a moderate –low impact on the Muddy Creek open space.
- The southern surface works will have a high-moderate visual impact on views to the tunnel portal, entry and exit ramps and the President Avenue intersection. Moderate visual impacts include views north from Colson Crescent, view south from open space at Brighton-Le- Sands public school, views east along president Avenue from Princes Highway and view south from West Botany Street.

#### Council response

Landscape character and visual mitigation strategy

Northern surface works - Landscape character impacts:
 A further View point location for consideration would be that from Valda St Reserve at the end of Valda St adjoining Marsh St where a local hierarchy playspace is currently located.
 An analysis of this area should be undertaken.

#### Southern surface works - Landscape character impacts:

 View from the Brighton -Le-Sands Public School, Brighton Memorial Reserve fields and playspace are considered to be affected by the degree of loss of trees including significant /high value trees within Bicentennial Park despite the retained vegetation to the west of the fields. An analysis of this area should be undertaken.

NOTE - Rockdale Memorial Fields frequently referred to in the EIS is named Brighton Memorial Fields /Reserve.

#### Southern surface works area (President Avenue)

Further current passive recreation use areas /Viewpoint locations (Figure 13-22) which
could be affected are the existing off-leash dog area off Civic Avenue, Colson Avenue
playspace, Moorefield Reserve playspace and Victory Avenue playspace (Beach St,
outside of the F6 construction footprint). A view analysis of these areas should be
undertaken.

#### Landscape Comments

 Figure 13-40 of the EIS shows 'Trees that would potentially be removed and their assessed value – southern surface works'. The EIS does not identify how the trees within Bicentennial Park are to be protected throughout the construction period and subsequent close down of Bicentennial Park precinct. Council therefore requests RMS collaborate with Council and provide information on the proposed tree protection zones.

The EIS identifies the loss of 449 trees in total. Many of these have been recorded as
having a HIGH assessed value. No discussion has been held with Council on this matter,
with such high number of trees to be removed to have an adverse impact on tree canopy
cover. Collaboration with Council is required and replacement must be planned in
consultation with Council.

- Landscape treatments Supplementary tree planting and screening to be provided along President Ave to offset tree removal and re-establish a visual screen along the corridor and also at tunnel portal and entry and exit ramps to comply with dot pints provided below
- It is considered that preparation of any comprehensive tree report should be conducted by an independent team of highly experienced and qualified arborists in consultation with Bayside Council.
- All endeavour should be made to protect trees through the construction period for retention ongoing, particularly in respect of significant /high value trees on the site.
- Replacement of any trees lost should be at a ratio of no less than 1:5 to ensure succession.
- Reinforcement plantings of canopy trees along the construction footprint early in the project would assist both succession and screening of the work site.
- Any replacement plantings should target an increase in tree canopy and aim to enhance Bayside Council's position in respect of the Sydney Green Grid.
- A minimum 1 year maintenance defect period to be established post project completion to ensure establishment of new plantings.
- Consideration of strata vault systems or similar where plantings are likely to impact over long term on other assets.
- Future maintenance of landscape works to be considered in the design process to ensure ongoing maintenance is minimised.
- Issue is raised as to how reconstruction of section of the wetland system at completion of F6 works will affect the remainder of the wetland system and its environmental stability also the construction period will affect the wetland system?
- Key active recreational facilities within Bicentennial Park to be impacted by the works
  also include a large community events open space area, picnic and BBQ facilities and car
  parking, to be acknowledged in re-instatement of level of amenity.

#### Options for relocation of assets from Bicentennial Park

- As highlighted previously to better understand the potential impacts of the F6 on the
  community assets in Bicentennial Park precinct the RMS has agreed to fund a Recreation
  Needs Analysis and will be jointly managed by Council and RMS. This study has
  commenced and will identify ways in which the impacts can be mitigated and
  compensated. Interim feedback has been provided to RMS on temporary impacts and
  permanent impacts. The Recreation Needs analysis will be provided to the Depart of
  Planning and Environment when complete.
- President Avenue Pedestrian Bridge Design to promote public art and community ownership of our public infrastructure, it is requested that public art be included in the design of the Bridge.
- Council would like further information on the future design on President Avenue. Council
  requests RMS to provide street sections (building line to building line) to understand the
  location of the indicated tree planting, the width of the footpath, front setback to provide
  further comments.
- Both the proposed construction and final infrastructure of the motorway (including ventilation stacks) will impact on the visual amenity, connectivity and functionality of the local area. Consequently:

 The F6 project should take into consideration urban design from the early planning stages, concept designs to the details of the final infrastructure, such as pedestrian bridges.

- The architectural design of the proposed ventilation facilities on West Botany Street should be well integrated with the surrounding built form and streetscape. The proposed development should refer to Council's Design Review Panel and the Council's Strategic Planning department for comments.
- The design of the tunnel portals should see as an opportunity to create a significant landmark. The design principles should include creativity, innovation but should respect the wetland context and be legible and straightforward in form.
- The design of the President Avenue Shared Cycle and pedestrian Bridge should see an opportunity to create a piece of functional as well as a significant visual feature which sits within the built and natural landscapes. The design principles should include capitalising the views to the Bay, enhancing the visual connections between the green wetland and Scarborough Park North, which will add visual interest and identity to the environment.
- Council request the establishment of an Urban Design Panel to review design of temporary and permanent infrastructure.

# 16. Property and Land Use

RMS has notified Bayside Council of intended land acquisitions and the timing and of these acquisitions need to be discussed with Council to ensure the required works are undertaken in a timely manner. Council also seeks to collaborate with RMS on the future planning for the F6 corridor.

#### As noted in the EIS

- The project traverses the suburbs of Arncliffe, Banksia, Rockdale, Kogarah and Brighton-le-Sands.
- The project will impact a number of Bayside Council owned properties

#### Council response

- Bayside Council has been impacted by the F6 corridor since 1951. The future of this
  corridor is of the utmost importance, given the significant amount of open space
  contained within it.
- Council notes the comments in the EIS regarding decision to be made in collaboration with Bayside Council and re-iterates the need for its involvement in planning for the future of the land affected by the corridor.

#### Existing and future use of the F6 corridor (14.4.1)

- The form of acquisition of Council owned properties, and timing of these acquisitions should be discussed and negotiated as a first priority.
- It is important that both Council and RMS understand timing and form of acquisitions, to enable works associated with these acquisitions to be undertaken and completed prior to acquisition.
- Council recommends that the first acquisitions be leasehold acquisitions, and the freehold acquisitions occur post construction, to enable the acquisition to accurately capture the as built location of the road/facility.
- Council requests that RMS consider access licences and variation of existing leases, as an alternative to compulsory acquisition for the Arncliffe facility.
- Council note the impending termination of the existing lease for open space at Bicentennial East between Bayside Council (Lessee) and RMS (Lessor). Council

seeks assurance that post construction, RMS intend to issue a new lease in perpetuity or transfer this land to Council for ongoing use of the land for open space.

#### Impacts to utilities

- RMS to minimise impacts that service location within Scarborough Park will have. The
  freehold acquisition of this space should only occur upon completion of the works, to
  ensure it captures built form.
- RMS to work with Council on the programming of this acquisition, and management of impacts to parking, existing sporting clubs etc.

#### Management of Impacts

- Council requires to understand what the impacts will be on the Bardwell Valley Golf Course parcel of land. This land is owned by Council, and will need to be consulted as part of the planning for these works.
- Council requires to know what form of acquisition this will be, i.e. compulsory acquisition of easement.

#### **Environmental Risk Analysis**

 As noted previously, Environmental Management upon Council land occupied by RMS is required. RMS will be required to demonstrate environmental management through geotechnical condition assessments undertaken prior to and prior to hand back of the land.

#### 17. Social and Economic

Social and economic impacts have been identified. It is therefore important for Council to have continuing consultation with RMS in the preparation of a Business Management Plan, Community Communication Strategy, Construction Fatigue Protocol and the Community and Social Management Plan. Construction fatigue in particular is a matter of concern as it is known to have a detrimental impact on human health.

#### As noted in the EIS:

- 12 full property acquisitions and three partial acquisitions will be required.
- Direct impacts on social infrastructure include acquiring a partial strip of TAFE NSW St George for road widening, 1.1 hectares of Bicentennial Park, 0.5 hectares of Scarborough Park North and 0.7 hectares of Kogarah Golf Course.
- Temporary partial leases during construction include Kogarah Golf Course, Rockdale Bicentennial Park (468 West Botany Street, Rockdale), 17 Bermill Street and Scarborough Park North (112-132 President Avenue and 137 President Avenue).
- During construction there will be:
  - Traffic impacts on the socio-economic environment range from low to medium-low for all construction sites.
  - Noise and vibration impacts on the socio-economic environment have been identified as high (the exception being in the vicinity of the Arncliffe construction site).
  - Air quality and odour impacts on the socio-economic environment have been identified as high (the exception being in the vicinity of the Arncliffe construction site).
  - Urban design and visual amenity impacts on the socio-economic environment range from low to high (construction site C3 at President Avenue).
  - Impacts on local businesses relying on passing trade and parking are considered moderate. Impact on servicing and deliveries could be high-moderate. Impact on amenity is variable depending on the nature of the business.

• Construction fatigue is likely to be experienced in the areas around the Arncliffe construction site (C1), the Rockdale construction facility (C2), President Avenue construction facility (C3), pedestrian and cyclist path east (C4) and west (C5), and the Princes Highway/President Avenue intersection upgrade.

- Operational impacts on the socio-economic environment is likely to be low to moderate with the exception of the President Avenue intersection site where the impact has been identified as high.
- It is noted that RMS will be undertaking condition assessments of properties that may be impacted by tunnelling.

#### Council Response

- Council seeks to review the proposed measures to be implemented by RMS to mitigate
  the impacts the F6 project will have on businesses, residents and the community (traffic
  calming, parking, noise, air quality etc.).
- Council supports the preparation of a Community and Social Management Plan, however
  this plan should be prepared prior to the construction phase rather than the operation
  phase of the project. The local community will be impacted by the project during the
  construction phase, it is therefore necessary to prepare the Community and Social
  Management plan at this point in the project.
- Council seeks the opportunity to provide input to the development of the Business
  Management Plan, Community Communication Strategy, Construction Fatigue Protocol
  and the Community and Social Management Plan when they are developed. The
  Community Communication Strategy should include measures that update residents and
  local businesses about any changes to the project (for example delays) and provide them
  with an opportunity to seek further information about the project.
- Construction fatigue has been identified in the EIS for communities around most of the construction sites. Council seeks:
  - A requirement for a utilities manager with enforcement powers be appointed to coordinate project and utilities works so that cumulative construction impacts on residents around worksites are minimised.
  - Measures to require the dissemination of community information, adequate lead times for notices and immediate availability of all notices on the proponents website.
- That all Council assets within the identified zone have a condition assessment undertaken. Bayside Council is to have the opportunity to have input into the assessment of Council assets.
- That Council is kept updated of the number and location of properties that are found to be impacted by tunnelling.
- That all property owners are regularly informed of the process and support that will be provided by RMS

#### Kogarah Golf Course

- RMS are to demonstrate how they plan to work with the Kogarah Golf Club (KGC) to mitigate the impacts of the project, considering noise, air quality, ongoing loss of part of their course, loss of membership.
- RMS to work with Council on the re-instatement of the Council community land post works. This land is currently affected by a 'Charitable Trust', permitting the usage upon the land to being road over recreation. Council would like to work with RMS to have the road purpose removed post completion of the proposed leasehold in late 2024. This will enable the land to be used for open space and recreation into perpetuity.

#### Bardwell Valley Golf Course

• Council request a detailed scope of works to be undertaken upon this land, including the form of acquisition required, i.e. easement.

#### Access and connectivity impacts

- Parking spaces will be lost as a result of the F6 project. This will impact on remaining sporting fields, such as Bicentennial South.
- Council would like to review and comment on the Construction Traffic and Access
  Management Plan (CTAMP) to ensure we are across the management of these parking
  issues and the mitigation of the issues.

#### Social infrastructure

- Council will work with RMS on the concept design for urban design and landscaping works at Bicentennial Park.
- Council would like to include works upon Brighton Memorial playing fields to ensure reinstatement of all playing fields. We would like to work with RMS on finalising the concept plan for this site.

#### Muddy Creek Ground Settlement

- The ground settlement of Muddy Creek concrete channel is a concern, given the Sydney Water project commencing concurrently with the F6 project.
- Council would like for RMS/Sydney Water and Council to talk about the impacts the F6 project may have on the stormwater channel and to develop strategies to mitigate these impacts.

#### Management of Impacts – Community and Wellbeing Amenity

• Council to provide feedback on the Site Establishment Management Plan, prior to being adopted to ensure appropriate measures have been considered

#### Social Infrastructure

- Council would like a detailed scope and program of works to be delivered, showing the establishment of relocated sporting fields prior to construction.
- Council to provide feedback on the Community and Social Management Plan prior to adopting

#### Community consultation

 Council to provide feedback on the Community Consultation Strategy, prior to being adopted.

#### Impacts on Business

• Council to provide feedback on the Business Management Plan prior to adopting

# 18. Surface Water, Flooding and Ground Water

The construction of the F6 project will increase the potential for flooding and impacts to water quality, surface water and ground water. It is important that Council is provided with the requested information at the detailed design stages and that further assessment of the issues raised is undertaken.

#### As noted in the EIS:

- Potential construction impacts on surface water have been identified including the
  potential displacement of water due to blocking effects of the construction sites and the
  potential increase in peak flood levels at 32 properties.
- Potential impacts on surface water at the operational phase include:

- Increase in base flow and water quality for the Cooks River
- Increase in storm water runoff volume for Rockdale Wetland and Northern Scarborough Pond
- Mobilisation of sediment and scour to Rockdale Wetland, Northern Scarborough Pond and Cooks River
- Impacts to the hydrological regime for Rockdale Wetland and Northern Scarborough Pond
- Impacts to water quality (increased turbidity, lower dissolved oxygen levels and nutrient increases in toxicant concentration, increased alkalinity).
- Potential operational impacts on flooding include:
  - Potential increase in peak levels in the open space of the Kogarah golf course and the road reserve of marsh Street by 11mm.
  - Potential increase in peak levels in two residential properties in West Botany Street by 120mm.
  - Potential increase in peak levels along West Botany Street by a maximum of 20mm.
- Potential impacts at both the construction and operational phases on the groundwater include reduced ground water recharge, tunnel groundwater inflow, groundwater level decline in groundwater quality and ground settlement.

# Council's response Flooding

- Council requests the flood management strategy which will be completed as part of the detailed design stage shall be provided to Council. Detailed design of the mitigation measures shall be provided.
- All flood mitigation measures (construction and operational stages) shall be incorporated
  in the flood model and flood mapping shall be updated once this information is available.
  Revised flood maps shall be provided to Council in GIS (grid/Asci) file format for review.
- Section 6.1.4 indicates that compensatory flood storage can be provided to offset the
  combined effect of the President Avenue tunnel portal and surface works, Princes
  Highway and President Ave intersection upgrade. These storage areas shall be included
  in the updated flood model at detailed design stage.
- Section 6.1.4, Table 6 3 stated that proposed transverse drainage XD01 will increase the 1%AEP flow by 5.7m2/sec. While Council supports the increased capacity of the transverse drainage under President Avenue, an appropriate energy dissipation outlet structure shall be designed to avoid downstream erosion.
- There is an opportunity to provide new drainage network along President Lane and connect it to the proposed new drainage infrastructure (adjacent to the proposed water quality basin). This has potential to reduce flooding in O'Neill Street. We seek that RMS investigates this option.
- It is indicated that the cumulative impact of the new M5 motorway, F6 Stage 1 and future stages of the F6 extension may have a significant effect on flooding. It is recommended that a concept future F6 extension around President Avenue be considered to identify cumulative impacts and future flood mitigation measures.
- Ensure where Council stormwater infrastructure is modified by the works during and post construction alternative infrastructure is constructed that mitigates any increase in flooding. Council shall be consulted on the detailed design of this stormwater infrastructure.
- Ensure the existing major stormwater pipes on the eastern side of the Bicentennial Park Ponds are retained or alternate measures installed during the construction to maintain stormwater flows.

 Identify in collaboration with Council opportunities to improve water quality which may include the installation of a deep curtain wall along the eastern boundary of the Bicentennial Park to stop leachate flowing into the ponds.

#### Surface Water

- The surface water balance in Table 6-1 and 6-2 preliminarily indicates the impact to the surface discharge volume due to the proposed new M5 Motorway and F6 stage 1 construction. Detailed assessment of the surface water management and discharge system shall be forwarded to Council once designed.
- Detailed design of water treatment facility and monitoring system and maintenance schedule shall be forwarded to Council once available.
- The impact of adding treated ground water into wetlands should consider the risk of this
  addition impacting the thermal stratification. Groundwater may require thermal
  adjustment and addition to the top or bottom of the wetlands to minimise the risk of
  negative impacts.
- Where constructional and operational plans require discharge via Council's stormwater network system, an assessment of the drainage system shall be undertaken to identify the capacity of the system to avoid local flooding and erosion. There may be an impact on asset capacity and the condition of the asset should be considered by RMS prior to assumption that the asset has capacity.
- Council notes installation of new GPTs and seeks clarification that these will be maintained by RMS or funding provided to Council for ongoing maintenance.

#### **Ground Water**

•	Council requests that as part of the detailed design information is provided to Council on settlement associated with dewatering. Of particular interest is how settlement will impact on the Council stormwater asset, Spring Street Drain, (a concrete lined channel) located above the area with the greatest expected groundwater drawdown and settlement.
	Council requests survey and monitoring of the Spring Street open channel to evaluate if settlement is impacting the condition of the asset. Remediation will be sought from RMS if an impact is observed.
	The draw down associated with Rockdale / Scarborough ponds, Landing Lights wetland and Marsh St wetland and should be monitored. This will require surveying the wetland wetted area extent prior to works and following construction. The extent of the potential draw down should be plotted (rather than just a depth provided) to better identify the impact (reduced area of shallow ponds may have large impact on pond extent with only small decrease in groundwater level). This will have a large visual impact and impact on biodiversity that relies on the ponds.
	Council supports the appropriate reuse of treated groundwater on sports fields and open spaces to increase return to ground water and reduce the impact on stormwater system.
	Council requests to be informed of the final arrangements for treatment and reuse during the detailed design.

 Council notes that the pH sampling was impacted by cement grout in bores and this should be resolved prior to works commencement to ensure accurate baseline water

quality samples are available.

Council requests to be informed of discharge water quality by way of exception reporting.
Drainage blanket design at President Avenue, Council is interested in the detailed design which should consider the impact on trees in the park not being able to access groundwater.
Recommend closer spacing of groundwater flow meters than 1km centres. Assessment of the issues will be difficult to determine with such a distance between flow meters.
Note risks associated with potential acid sulfate soils, which will be managed under a Construction Soil and Water management Plan. Forward to Council detail once available.
Council has provided RMS with a detailed report on water quality for Bicentennial Park Ponds and Scarborough Ponds and seeks to work closely with RMS to identify works to improve water quality as part of these works.

# 19. Non-Aboriginal heritage

The F6 project will have an impact on two heritage items. It is considered that they can be managed appropriately.

As noted in the EIS:

- There will only be an impact upon two items heritage items within the vicinity of the proposed F6 extension. These being:
  - The Patmore Swamp, which is part of Scarborough Park, will be lost through the construction of a shared cycle and pedestrian pathway.
  - The Kings Wetland through the removal of part of the vegetation to create a haul road during construction. The affected area has been modified since 1940 and is not considered to be the most significant part of Kings Wetland. The pathway will provide access to the park and is considered to be an acceptable impact. The impact to significance will be mitigated by rehabilitating the site after the construction works are completed.

#### Council response:

A Statement of Heritage Impact has been submitted which meets the statutory requirements.

• Chapter 7 of the Statement of Heritage Impact contains a number of management recommendations and should be adopted as the minimum standards for management.

# 20. Aboriginal cultural heritage

There has been consultation with the Metropolitan Local Aboriginal Land Council and no objections have been raised.

As noted in the EIS:

• No Aboriginal archaeological sites or objects or areas of potential were found during an archaeological field survey of the study area. It was acknowledged that the area of the swamps would have been utilized as a resource by Aboriginal people in the past. The high degree of disturbance has removed any archaeological potential. The Metropolitan Local Aboriginal Land Council prepared a report as part of the consultation process which indicated that whilst the area had been previously well used by Aboriginal people they had no objection to the development.

#### Council response:

 Ongoing consultation with the Metropolitan Local Aboriginal Land Council should occur throughout the F6 project.

# 21. Climate change and greenhouse gas

The F6 project will result in increased energy consumption. It is considered that the EIS has not adequately considered opportunities to increase the use of green sourced energy and measures to reduce the heat island effect.

#### As noted in the EIS:

- The above ground infrastructure, including tunnel interchanges, surface road upgrades and project buildings are likely to be subject to a number of climate impacts such as solar radiation, rainfall, storm events (flooding) and urban heat island. The sub surface infrastructure will not be as impacted.
- Electricity consumption on site has been identified as a significant portion of its Green House Gas emissions.

#### Council response:

- Council requests RMS use green sourced energy during construction and operation phases.
- The EIS should indicate opportunities where the project could be using alternative sources of energy (solar lights, signage) and GHG emissions reduction opportunities that arise from the project construction.
- Information as to whether modelling of the soil ground and surface temperature with and without F6 being built has been modelled and how any impacts can be mitigated.
- RMS has not identified measures to ensure associated surface infrastructure, including tunnel interchanges and project buildings, have minimal impacts on the heat island effect. Bayside Council would propose that these measures should include an increase in tree canopy within the project boundary and tree canopy increase along President Avenue as per the Eastern District Plan for Sustainability in relation to increasing urban tree canopy cover and delivering Green Grid connections

# 22. Sustainability

#### As noted in the EIS:

 The Future Transport Strategy 2056 as a 40-year vision to use transport to contribute to long-term economic, social and environmental outcomes as well as contribute to the NSW Government's aspirational target to achieve net-zero emissions by 2050.

#### Council response:

- Bayside Council would like to understand how NSW Government with Transport for NSW and RMS aim to adopt more sustainable construction methods over that period of time in order to achieve net-zero emissions by 2050.
- The EIS needs to identify the measures to ensure associated surface infrastructure, including tunnel interchanges and project buildings, will support the NSW Government's goal of achieving a pathway towards net-zero emissions by 2050 as per Eastern City District Plan for Sustainability.

## 23. Brighton-Le-Sands Masterplan

Council is preparing a draft Brighton-Le-Sands Masterplan in order to holistically consider a range of issues and the relationships between them to inform the future planning and design of the area. The Brighton-Le-Sands masterplan will provide a vision, a spatial framework and strategies to guide the future development and public domain improvements of the area. It also allows incremental change that is aligned with the current and future needs of the community. The draft Masterplan is anticipated to be released for public exhibition in early 2019. The key goals of this project will:

- Review the existing urban planning framework (i.e. land use and urban design specifications) for the area, and where necessary recommend changes to reflect current government, Council and community aspirations. F6 Extension project
- Discuss with the community and stakeholders opportunities/expectations for the Brighton-Le-Sands public domain, tourism, and future developments.
- Holistically consider a range of issues and the relationships between them to inform the planning and design of the area, including:
  - economic vitality, businesses and tourism
  - a variety of transport modes including pedestrians, cycling, public transport and vehicles
  - amenity, safety in the public domain area
  - urban character and identity of Brighton-Le-Sands
  - environmental issues such as flooding, WSUD and biodiversity
  - social inclusion and equity
  - form based plan

Similar opportunities have been identified in F6 project so that Council would like to work with RMS to further develop the dot points below.

- The Grand Parade The proposed F6 Extension aims to divert existing heavy traffic away from The Grand Parade. The Grand Parade is currently classified as State Road, owned and managed by RMS. Council would like further information about the vision for the future Grand Parade. Council requests that RMS scope the opportunity to reduce traffic lanes, extend footpath on the western side, provide and transform The Grand Parade into a pedestrian-friendly, green, increased access point to the beach and vibrant beachside Avenue.
- Bay Street The proposed F6 Extension aims to divert existing heavy traffic away from Bay Street. It is currently the main shopping street at Brighton-Le-Sands. However, the centre suffers from a high volume of traffic and noise. Bay Street is presently classified as a state road, owned and managed by RMS. Council would like to discuss with RMS their vision for Bay Street. In particular Council requests that RMS scope the opportunity to reduce traffic lanes, extend footpath, provide a separated cycle lane, provide and transform Bay Street into a pedestrian/cycle friendly, urban and main street character type of streetscape.
- Opportunity for amenity improvements for East-West Streets Council supports the
  opportunity identified (Appendix C page 96) to facilitate a comfortable shaded
  environment for bicycle and pedestrian east-west links to connect Botany Bay and other
  major centres. It also aligns with the opportunity that Council has identified in the
  Brighton-Le-Sands Masterplan. This might include zoning changes and funding
  mechanisms. Council requests a meeting with RMS to further discuss the nominated
  amenity improvements/ possible delivery methodology for East-West streets.

I would like to acknowledge the consultation already undertaken by RMS in regard to the F6 Project, with the establishment of the RMS Stakeholder Liaison Group, Council Technical Working Groups and with the community. This submission has identified a wide range of matters that require further assessment and Council seeks to work collaboratively with RMS to address these matters prior to any determination of the F6 Project by DPE.

Yours faithfully

Bill Saravinovski **Mayor** 



Item No 8.13

Subject Planning Proposal - 119 Barton Street, Monterey: Outcome of

**Rezoning Review** 

Report by Michael McCabe, Director City Futures

File F17/902

## **Summary**

A Planning Proposal relating to 119 Barton Street, Monterey was reported to Council on 11 July 2018. The Planning Proposal proposed the following amendments to the Rockdale Local Environmental Plan 2011 (RLEP):

- Rezone the land from RE2 Private Recreation to R3 Medium Density Residential;
- Introduce a Floor Space Ratio control of 0.6:1;
- Introduce a Height of Building control of 8.5m; and
- Introduce a Minimum Lot Size of 450sq.m.

The report to Council recommended that the Planning Proposal proceed to a Gateway Determination. Council resolved not to support this recommendation.

Following Council's resolution, the proponent lodged a request with the Department of Planning and Environment (the DPE) for a Rezoning Review. The matter was referred to the Sydney Region Eastern Planning Panel for the Rezoning Review on 8 November 2018. The Panel unanimously decided that the proposal should be submitted for a Gateway Determination.

The DPE notified Council of the Panel's decision on 9 November 2018. In its letter, the DPE invited Council to continue to be the Relevant Planning Authority (RPA) for the Planning Proposal. This report examines issues relevant to Council retaining the role of RPA for the Planning Proposal.

#### Officer Recommendation

That Council resolve to retain its role as the Relevant Planning Authority for the Planning Proposal at 119 Barton Street, Monterey, subsequent to the decision of the Sydney Region Eastern Planning Panel that the Planning Proposal be submitted for a Gateway Determination.

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## **Background**

#### The Site

The site is located on the eastern section of Barton Street, approximately 125m from its intersection with The Grand Parade. It has a battle-axe shape with a total area of 7218sq.m. and a frontage along Barton Street of approximately 35m. The site currently accommodates a single-storey building on its southern boundary, two bowling greens along both the western and northern boundaries, and a car park along the eastern boundary. The site was once the location of the Francis Drake Bowling Club, which has since closed. Currently the land is occupied by the St Pope Kyrillos VI and St Habib Girgis Coptic Orthodox Church.

The land is currently zoned as RE2 Private Recreation and is privately owned by Monterey Equity Pty Ltd. The surrounding land is zoned RE3 Medium Density Residential.

#### The Planning Proposal

'On 10 August 2017, a Planning Proposal (see **Attachment 1**) was lodged, proposing the following amendments to the RLEP 2011:

- Rezoning the subject site from RE2 Private Recreation to R3 Medium Density Residential;
- Introducing a Floor Space Ratio control of 0.6:1;
- Introducing a Height of Building control of 8.5m; and
- Introducing a Minimum Lot Size of 450sq.m.

The proposed zoning and development standards are consistent with those already applicable in the immediate surrounding area.

On 13 June 2018, the Planning Proposal was reported to Council for the first time. On this occasion, it was deferred to allow it to be presented to a General Manager's Briefing on 4 July 2018. The proposal was then presented again to Council on 11 July 2018 (see **Attachment 2**). On this occasion, Council resolved not to support the Planning Proposal for a Gateway Determination (see **Attachment 3**).

#### The Rezoning Review

Following Council's resolution, the proponent lodged a request with the DPE for a Rezoning Review. A Rezoning Review is a mechanism by which the proponent can request that a Planning Proposal be reviewed by an independent body if Council has confirmed that it does not support the Planning Proposal.

The matter was referred to the Sydney Region Eastern Planning Panel (as the independent body) on 8 November 2018. The Panel unanimously decided that the proposal should be submitted for a Gateway Determination (see **Attachment 4**). The Panel found that:

'... the proposal has strategic merit as it contributes to housing supply and diversity in an area supported by social infrastructure and public transport.'

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'As a medium-density development, it is appropriately located within an area similarly zoned for R3 and also intended for medium-density development.'

#### Invitation to be the Relevant Planning Authority

The DPE notified Council of the Panel's decision on 9 November 2018. In its letter, the DPE invited Council to continue to be the RPA for the Planning Proposal.

Remaining as RPA would allow Council to continue to influence the outcome of the Planning Proposal. Council can also enter into negotiations in relation to a Voluntary Planning Agreement (VPA) to secure some form of public benefit from the proposal. Remaining as RPA would also allow Council to undertake the public exhibition process to obtain the opinions of the community on the Planning Proposal. The outcome of the public exhibition would be reported back to Council at an appropriate time, where Council could once again decide whether it will or will not support the planning proposal.

If Council confirms that it does not want to continue to be the RPA for the Planning Proposal, then the Sydney Region East Planning Panel will be appointed in its place. The responsibilities as RPA would then be removed from Council, including the ability to negotiate a VPA.

## **Next Steps**

Council has until 21 December 2018 to confirm its intention to remain as RPA. Should Council endorse the recommendation to remain as RPA for the Planning Proposal, officers will then immediately advise the Planning Panels Secretariat of Council's desire to remain as RPA. Council will then have a further 42 days to submit the Planning Proposal for a Gateway Determination.

Financial Implications	
Not applicable Included in existing approved budget	
Additional funds required	
Community Engagement	
Not applicable	

#### **Attachments**

- 1 Planning Proposal August 2017 <a href="#">J</a>
- 2 Council Report 11.07.18 U
- 3 Minutes of Council Meeting 11.07.18 U
- 4 Rezoning Review Decision 08.11.18 U

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Planning Proposal - Rezoning of land at 119 Barton St, Monterey for medium density residential

# **Planning Proposal**

# Rockdale Local Environmental Plan 2011 Rezoning of land at 119 Barton Street, Monterey to R3, Medium Residential Density



August 2017

Record number (trim file)

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Part 1	Objectives and Intended Outcomes	
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#### Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan 2011 (Rockdale LEP 2011)*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

#### **Background**

Comprising the former Francis Drake Bowling Club, the site is a large battle axe lot at 119 Barton Street, Monterey. With a northern frontage of approximately 35 metres to Barton Street, the site has a total area of 7.218 sqm.

The site is proximate to commercial centres at Brighton-Le-Sands, 1.6km to the north, Ramsgate commercial centre 1.2km to the south and Kogarah commercial centre 1.5km to the north west. It is also 1.5km from the St George Hospital precinct which has been designated for major education/health development with employment of up to 10,000.

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within an R3 Medium Density Residential zone that surrounds it on all four sides.

This Planning Proposal seeks to amend the current zoning under RLEP 2011 from Private Recreation (RE2) to Medium Density Residential (R3) to make permissible the redevelopment of the subject land at 119 Barton Street.

Planning Proposal will be achieved by:

- Amending the Rockdale LEP 2011 Land Use Map for the former Sir Francis Drake Lawn Bowls
  Club at 119 Barton Street in accordance with Part 4 of this report.
- Establishing a Building Height that is consistent with the existing land uses of the subject area, i.e.
- Establishing an FSR that is the same as the surrounding area, currently 0.6:1 in the Rockdale LEP 2011.

An analytical study conducted by Rothelowman has produced a model for potential development yield and building typology. By way of example, this concept illustrates the capacity of the subject site to accommodate 28 two and three-bedroom townhouses under a fully compliant proposal with Council current guidelines for R3.

Rezoning of the site will not deprive the community of open space. The site was a private open space with its use limited to club members. Additionally, there is considerable open space 400m to the west at Scarborough Park, and 150m to the east, at Cook Park on the bay front.

The objective of the current scheme is to increase the number and diversity of dwellings in the subject area which is within proximity to an identified strategic centre. The relevant objectives of the Planning Proposal are as follows:

- To provide increased housing consistent with the surrounding residential zoning of the locality
- To provide quality housing choices that are consistent with the existing zoning of the neighbourhood.
- Provide a feasible and sustainable economic use of the subject site.

The proposal is compliant with all relevant SEPPs and the Minister's s117 Directions under the EPA Act.

#### Part 1 - Objectives and Intended Outcomes

Currently, the subject site is underutilised and does not meet its full development potential. Located on the site is a redundant lawn bowls facility with a low capacity for improvement. Changes to the land use zoning and development standards identified below, will allow the site to potentially accommodate a residential development of high quality design. It is intended that the Planning Proposal form a site-specific amendment to the RLEP 2011.

The intended outcomes of the Planning Proposal are to amend Rockdale LEP 2011 as follows:

- Rezone the subject land to R3 Medium Density Residential (as is the land surrounding the site to all sides);
- Establish a site-specific maximum building height of 8.5 m (as is the land surrounding the site to all sides); and
- Establish a site-specific maximum floor space ratio (FSR) of 0.6:1 (as is the land surrounding the site to all sides).

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within a R3 Medium Density Residential zone that surrounds it on all four sides.

Census statistics shows that houses in Monterey are dwellings primarily occupied by older people who are likely to be empty nesters remaining in family homes which are now larger than their needs in terms of bedroom numbers.

Regarding accessibility to modes of public transport for residents, the subject land lies within easy walking distance of bus services along Chuter Ave (270m west) and the Grand Parade (130m east). The Grand Parade is serviced by bus routes travelling north, Route 303 (Sans Souci to Circular Quay), and south, Route 478 (Ramsgate to Rockdale). An express service, Route X03, operates between Sans Souci and Circular Quay during peak periods Monday to Friday providing access to the city (Central Station) within 30 mins. Chuter Ave is serviced by Route 947 (operated by Transdev NSW), which runs between Hurstville to Kogarah.

The draft District Plans support the increase of housing across the Bayside LGA by monitoring the delivery of the five-year housing target of 10,150 dwellings while recognising significant growth in infill areas. Housing diversity and affordability are also major considerations in the strategic direction of LGAs located in the Central District. An increase in the proportion of people that are ageing and/or disabled has highlighted a need for the delivery of diverse housing which includes smaller homes, group homes, adaptable homes and aged care facilities.

A Plan for Growing Sydney (the Plan) anticipates that 664,000 new homes will be needed by 2031. The Plan highlights the importance of facilitating the movement of Sydney residents between their homes, their jobs. commercial centres and open spaces.

The proposal is consistent with the Plan as it will accelerate the delivery of housing to contribute to the State Government target of 664,000 homes by 2031 (direction 2.1). These homes will be provided within established centres supported by public transport, utilities, social infrastructure and employment opportunities within the Kogarah strategic centre, which lies approximately 1.6km from the subject site. The Kogarah priority health and education precinct is planned to provide at least 10,000 jobs (direction 2.2). The proposal will permit infill medium density development to meet the needs of growing number of small households within a locality otherwise dominated by detached dwelling houses (direction 2.3).

The proposal will provide an opportunity to revitalise an existing suburb through the redevelopment of a disused facility to create an improved streetscape (direction 3.1). Redevelopment of the site has the potential to encourage a healthy community through the provision of communal open space, sustainable design and end of journey facilities that encourage cycling in this relatively flat area (direction 3.3).

#### **Section 117 Directions**

#### Direction 3.1 Residential Zones

The first relevant s117 Direction is 3.1 – Residential Zones whose objectives are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

The development of townhouses on the subject site will be consistent with the planning for the area which seeks medium density housing, will increase the choice of housing which is currently and predominantly single dwellings, and will make good use of existing open space and public transport infrastructure. Services such as water, sewerage and electricity are available in the street. No adverse impact on the environment at large will result from the infilling of residential development on the subject site.

#### Direction 3.4 Integrating land use and transport

The objective of Direction 3.4 is to:

ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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

A planning proposal must include provisions that are consistent with the principles of *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, and *The Right Place for Business and Services – Planning Policy*<sup>1</sup>.

As mentioned above, the subject site is serviced by a number of bus services, along Chute Avenue and the Grand Parade. The proposal satisfies the objectives of Direction 3.4.

Though the planning proposal does change the existing RE2 – Private Recreation zoning to R3 - Residential, it will provide an increased and diverse supply of housing within approximately 2km of the Kogarah Strategic Health Centre. The proposal makes use of existing transport infrastructure and, therefore, it is consistent with the policy.

#### Direction 7.1 Implementation of A Plan for Growing Sydney

Direction 7.1 applies to land within the former local government area of Rockdale. Its objective is to:

give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

Refer to discussion regarding consistency with strategic direction under Part 3-B below.

<sup>&</sup>lt;sup>1</sup> Department of Planning and Environment. Policy Directions for Plan Making. (Page 17)

#### Part 2 - Explanation of Provisions

#### A - Provisions that are shown on control maps

#### 2.1 - land use zoning

The subject site is zoned RE2 Private Recreation under the Rockdale Local Environmental Plan 2011, the objectives of the RE2 Zone are as follows:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Permissible and prohibited uses within the zone are summarised in Table 2 below. The former Francis Drake Bowling Club constituted development for the purpose of a registered club (outdoor). Residential development is prohibited within the RE2 zone.

TABLE 1: DEVELOPMENT STANDARDS UNDER ROCKDALE ENVIRONMENTAL PLAN 2011 - Part 2 Permitted or Prohibited Development		
CONTROL	PROPOSAL	
Clause 2 Permitted without consent	Roads	
Clause 3 Permitted with consent	Boat launching ramps; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Water supply systems	
Clause 4 Prohibited	Any development not specified in item 2 or 3	

As mentioned above, the subject site is currently zoned RE2 – Private Recreation with the surrounding area being R3 – Medium Density Residential. Residential development under the current zoning is prohibited. Notwithstanding, this Planning Proposal is for the change in land use zoning from RE2 to R3, which is justified as it is consistent with the surrounding zoning and will accommodate a townhouse-style development such as the neighbouring site at 125 Barton Street.

#### 2.2 - Height of Building

Building height for the subject site is not currently prescribed under clause 4.3 in the RLEP 2011. Though the site is excluded from the Height of Buildings Map, the immediate area has a maximum height of 8.5m. The objectives of this clause are as follows:

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

The Planning Proposal will establish a maximum building height of 8.5m, which is consistent with the prevailing height limit for the subject area. Amending the map referred to in clause 4.3 to include the subject site meets the above objectives.

#### 2.3 - Floor Space Ratio (FSR)

FSR for the subject site is not currently prescribed under clause 4.4 in the RLEP 2011. Though the site is excluded from the FSR Map, the immediate area has a maximum FSR of 0.6:1. The objectives of this clause are as follows:

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

Currently, the subject site is exempt from the RLEP 2011 Floor Space Ratio map (see figure 6). Amending the FSR of the site to a density that is consistent with the surrounding area will have no unreasonable adverse impact on the amenity, extent of overshadowing or privacy of the adjoining properties.

#### **B** – All provisions

Development standards applicable to the subject land are summarised in Table 3 below.

CONTROL	PROPOSAL
Clause 4.1 Minimum subdivision lot size	Not relevant. No amendment of Clause 4.1 is proposed.
Clause 4.3 Building Height	<b>Not applicable.</b> The subject land is not identified on the Floor Space Ratio Map (Sheet HOB_005).
	A site-specific maximum building height of 8.5m, consistent with that permissible within the surrounding R3 medium density zone, is proposed to be applied to the subject land. Refer section <b>4 Mapping</b> below.
Clause 4.4 FSR	<b>Not applicable.</b> The subject land is not identified on the Floor Space Ratio Map (Sheet FSR_005).
	A site-specific maximum floor space ratio of 0.6:1, consistent with that permissible within the surrounding R3 medium density zone, is proposed to be applied to the subject land. Refer section <b>4 Mapping</b> below.
Clause 5.9 Preservation of trees or vegetation	Not relevant. No amendment of Clause 5.9 is proposed.

CONTROL	PROPOSAL
Clause 5.10 Heritage conservation	No amendment of Clause 5.10 is proposed.
	Subject land is not identified as a heritage item under this instrument nor does it li within a conservation area identified on the RLEP 2011 Heritage Map (Sheet HER_005). The subject land does, however, lie within 150 metres of Cook Park along the Grand Parade to the east, which is identified as an item of local heritage significance (I168) under schedule 5 of RLEP 2011.
Part 6 Additional Local Provisions	Not relevant. No amendment of Part 6 is proposed.

#### **Control Maps**

Tile 005 of *Rockdale LEP 2011* control maps shows land use zoning, FSR and Height of Building for the subject site. Proposed changes and the amended development control maps are provided under Part 4 'Mapping' below.

#### Part 3 - Justification

#### A Need for the planning proposal

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

As noted below, the proposal meets many strategic objectives but the site is too small to have been featured in any strategic plans for the area.

#### Cook Park Plan of Management and Masterplan 2010

Cook Park is a large public recreation area that spans approximately 8 kilometers along the Botany Bay foreshore from the Cooks River to the mouth of the Georges River. Due to its size and local significance, Cook Park is the focal point for a number of suburbs on the western shore of Botany Bay. The Cook Park Plan of Management and Masterplan sets out the strategic direction for the park and minimising impacts from surrounding areas.

Part 5 of the Plan outlines the strategy for conserving the park's environment, heritage and character. This is relevant to the proposal as views of Botany Bay, through the park, are available along Barton Street. The proposed change of use will be consistent with the values of this section which outline the conservation of heritage, social and natural value, visual quality, and recreational space.

As a part of this proposal, the site will have a maximum building height of 8.5m with an FSR of 0.6:1. Strategies identified in the Plan, such as establishing green links and maintaining view corridors, have been recognised and are encompassed in the objectives, **Section 4.1**, below.



Figure 1: Extract – Cook Park – Plan of Management and Masterplan

#### Open Space & Recreation Strategy 2010

In 2010, Rockdale City Council released a strategy to enhance the quality of open space and recreational areas. The Open Space & Recreation Strategy set goals that are consistent with the key strategic direction of The Rockdale City Plan 2009-2018. These goals are:

- A City with a Sense of Pride
- A Liveable City with Lifestyle Qualities
- A Connected and Accessible City
- A City with Viable Business and Employment Opportunities

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

Due to the very restrictive nature of the current zoning, RE2 Private Recreation, there is no other way to achieve economic and orderly use of the site other than by a rezoning.

#### B Relationship to strategic planning framework

B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There are no detail strategies of sufficient detail to state that the proposal has been brought into existence following the adoption of such strategies. However, all of the more generalised strategies, such as the exhibited draft district plans, support a conversion of the subject site into a minor residential development (potentially 28 dwellings). It is completely consistent with surrounding zoning.

#### **Draft District Plans**

The draft District Plans were put on exhibition by the Greater Sydney Commission (GSC) in November 2016 and follow the direction set by *A Plan for Growing Sydney*. Goals set out by the GSC have included the strategy of providing integrated and effective land use, transport and infrastructure over the next 20 years. The draft plans will also act as an intermediary plan between state and local policies. More specifically, the draft plans aim to manage the growth of the region by enhancing the local liveability and productivity of the six districts. Provisions for Bayside Council are outlined in the draft Central District Plan, which includes targets for housing and employment.

For the Central District, opportunities for job growth should be supported by facilitating the needs of innovative and creative industries. Consideration should be given to the full spectrum of economic activity including small start-ups which should incorporate efficient working arrangements that are in close proximity to home<sup>2</sup>.

Though Monterey is located within the Central District, it is situated approximately 1.5 km east of Kogarah which lies within the South District. The Kogarah strategic centre has been identified in the South District Plan as a health and education super precinct (Action P1 – South District)<sup>3</sup>. Development in Kogarah,

<sup>&</sup>lt;sup>2</sup> Greater Sydney Commission. Draft Central District Plan (p. 42-55, Rep.)

according to the draft plan, is apparently more important for Monterey than development further north around Sydney Airport. Objectives for managing the growth of the health and education precinct are as follows:

- promote synergies between the St George Hospital and other health and education related activities
- encourage land use that will support the growth of the Kogarah health and education super precinct and will cater for specialised housing demands from staff, students and health visitors (our emphasis)

The draft District Plans support the increase of housing across the Bayside LGA by monitoring the delivery of the five-year housing target of 10,150 dwellings while recognising significant growth in infill areas. Housing diversity and affordability are also major considerations in the strategic direction of LGAs located in the Central District. An increase in the proportion of people that are ageing and/or disabled has highlighted a need for the delivery of diverse housing which includes smaller homes, group homes, adaptable homes and aged care facilities.

#### A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) anticipates that 664,000 new homes will be needed by 2031. The Plan highlights the importance of facilitating the movement of Sydney residents between their homes, their jobs, commercial centres and open spaces. Goals established by the Plan include the following (emphasis added):

- A competitive economy with world-class services and transport;
- A city of housing choice with homes that meet our needs and lifestyles;
- A great place to live with communities that are strong, healthy and well connected; and
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The proposal is consistent with the Plan as it will accelerate the delivery of housing to contribute to the State Government target of 664,000 homes by 2031 (direction 2.1). These homes will be provided within established centres supported by public transport, utilities, social infrastructure and employment opportunities within the Kogarah strategic centre, which lies approximately 1.6km from the subject site. The Kogarah priority health and education precinct is planned to provide at least 10,000 jobs (direction 2.2). The proposal will permit infill medium density development to meet the needs of growing number of small households within a locality otherwise dominated by detached dwelling houses (direction 2.3).

The proposal will provide an opportunity to revitalise an existing suburb through the redevelopment of a disused facility to create an improved streetscape (direction 3.1). Redevelopment of the site has the potential to encourage a healthy community through the provision of communal open space, sustainable design and end of journey facilities that encourage cycling in this relatively flat area (direction 3.3).

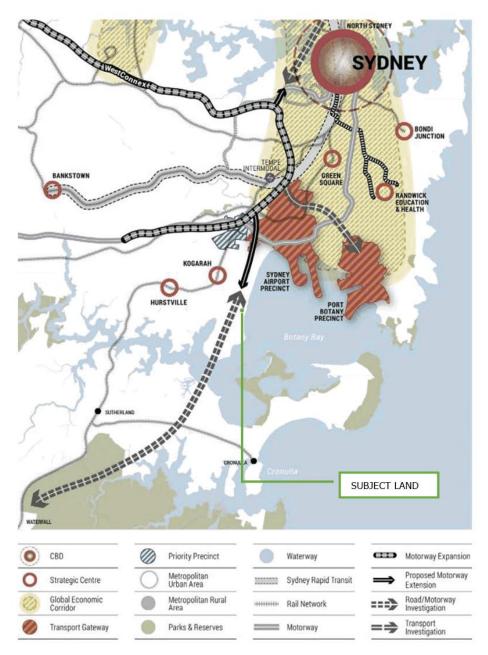


Figure 2: Extract from NSW Department of Planning's Sydney Metropolitan Strategy: A Plan for Growing Sydney 2015 (p. 58).

#### B2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

To the extent possible for such a minor proposal, it is consistent with the former Rockdale's local strategy under which all of the surrounding land has been zoned Residential, R3, as is proposed in this case. There is no reason to believe that the strategy has changed following amalgamation of the Rockdale and Botany Bay City Councils into the Bayside Council.

#### Community Strategic Plan 2013-2025

The Community Strategic Plan's aim is to guide growth in the Rockdale LGA over a 12-year span. It will provide a strategic planning framework for a number of community outcomes that have been identified as council aspirations. The plan also provides a vision for how Rockdale City will encourage diverse development with effective housing choice and enhance opportunities for business growth.

Outcome 2 - Quality natural and built environment

TABLE 3 – Rockdale Community Strategic Plan 2013-2025		
STRATEGY	PROPOSAL	COMPLIANCE
2.1.1 Protect, preserve and promote the City's natural resources	The proposal and related development will be consistent with the existing features of the subject area and complement significant City resources such as the foreshore and Cook Park.	Complies
2.1.2 Demonstrate leadership in responding to climate change through action and adaptation	Rezoning of the site has the potential to accommodate 28 townhouse units which will include an efficient design, compliant with building sustainability requirements.	Complies
2.2.1 Ensure planning enables the provision of quality affordable housing	Does not apply to the subject development. Not proposed	N/A
2.2.2 Promote high quality, well designed and sustainable development and places that enhance the City	Proposed design of the dwellings will respond to contemporary SEPP 65 principles even though the project does not fall under SEPP 65. Design of the dwellings will be provided at a later DA stage.	Complies
2.3.1 Ensure waste minimisation to reduce the impact on the environment	Waste management plan will be provided at DA stage.	Can comply
2.4.1 Ensure that Rockdale's natural and built heritage and history is respected, protected and well maintained reflecting the rich and diverse past of both Aboriginal and European settlement	The subject site has not been identified as a heritage item and is not situated in a conservation area. The closest heritage item is Cook Park (I168), which is located approximately 200m to the west.	N/A
2.5.1 Ensure that the City's transport networks and infrastructure are well planned, integrated and maintained	As mentioned in section 2.3, the subject area is serviced by a number of bus routes along Chuter Ave toward the CBD and is situated approximately 2 km from Kogarah train station. Public transport is currently underutilized in the Monterey locality as 62.5% of residents use private vehicle as a mode of transportation.	Can comply

TABLE 3 – Rockdale Community Strategic Plan 2013-2025		
STRATEGY	PROPOSAL	COMPLIANCE
2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living.	As above.	N/A

# B3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

No SEPPs are contradicted by the planning proposal for the rezoning of the subject land that is totally encompassed by the existing low density residential development designated for conversion to medium density development. There is no inconsistency with the SEPPs.

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

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by RLEP 2011)
14	Coastal Wetlands	Not Applicable
15	Rural Landsharing Communities	Not Applicable
19	Bushland in Urban Areas	Not Applicable
21	Caravan Parks	Not Applicable
22	Shops and Commercial Premises	Not Applicable
26	Littoral Rainforests	Not Applicable
29	Western Sydney Recreation Area	Not Applicable
30	Intensive Aquaculture	Not Applicable
32	Urban Consolidation (Redevelopment of Urban Land)	(Repealed)
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
39	Spit Island Bird Habitat	Not Applicable
44	Koala Habitat Protection	Not Applicable
47	Moore Park Showground	Not Applicable
50	Canal Estate Development	Not Applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
55	Remediation of Land	The proposal will be assessed at the DA stage as there is no indication that site requires remediation.
59	Central Western Sydney Regional Open Space and Residential	Not Applicable
60	Exempt and Complying Development	(Repealed by RLEP 2011)
62	Sustainable Aquaculture	Not Applicable
64	Advertising and Signage	Not Applicable
65	Design Quality of Residential Flat Development	Not Applicable
70	Affordable Housing (Revised Schemes)	Not Applicable
71	Coastal Protection	Not Applicable
	(Affordable Rental Housing) 2009	Not Applicable
	(Building Sustainability Index: BASIX) 2004	The proposal will comply with the relevant

	requirements at the DA stage.	
(Exempt and Complying Development Codes) 2008	Not Applicable	
(Housing for Seniors or People with a Disability) 2004	Not Applicable	
(Infrastructure) 2007	Not Applicable	
(Kosciuszko National park Alpine Resorts) 2007	Not Applicable	
(Kurnell Peninsula) 1989	Not Applicable	
(Major Development) 2005	Not Applicable	
(Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	
(Miscellaneous Consent Provisions) 2007	Not Applicable	
(Penrith Lakes Scheme) 1989	Not Applicable	
(Rural Lands) 2008	Not Applicable	
(SEPP 53 Transitional Provisions) 2011	Not Applicable	
(State and Regional Development) 2011	Not Applicable	
(Sydney Drinking Water Catchment) 2011	Not Applicable	
(Sydney Region Growth Centres) 2006	Not Applicable	
(Three Ports) 2013	Not Applicable	
(Urban Renewal) 2010	Not Applicable	
(Western Sydney Employment Area) 2009	Not Applicable	
(Western Sydney Parklands) 2009	Not Applicable	

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

No.	Title	Consistency with Planning Proposal
8	(Central Coast Plateau Areas)	Not Applicable
9	Extractive Industry (No.2 – 1995)	Not Applicable
16	Walsh Bay	Not Applicable
18	Public Transport Corridors	Not Applicable
19	Rouse Hill Development Area	Not Applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not Applicable
24	Homebush Bay Area	Not Applicable
26	City West	Not Applicable
30	St Marys	Not Applicable
33	Cooks Cove	Not Applicable
	(Sydney Harbour Catchment) 2005	Not Applicable

#### B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The first relevant s117 Direction is 3.1 – Residential Zones whose objectives are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

As noted above, the rezoning of the subject site to R3:

- will be consistent with the planning for area which seeks medium density housing,
- will increase the choice of housing which is currently and predominantly single dwellings, and
- will make good use of existing open space and public transport infrastructure.

Services such as water, sewerage and electricity are available in the street. No adverse impact on the environment at large will result from the infilling of residential development on the subject site.

The objectives of Direction 3.4, Integrating Land Use and Transport, are to:

ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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

Through changing the existing RE2 – Private Recreation zoning to R3 - Residential, the proposal will provide an increased and diverse supply of housing within approximately 2km of the Kogarah Strategic Health Centre. As mentioned above, the subject site is well serviced by a number of bus routes, close to the site, along Chute Avenue and the Grand Parade. The proposal satisfies the objectives of Direction 3.4

Direction 7.1 - Implementation of A Plan for Growing Sydney, applies to land within the former local government area of Rockdale. Its objective is to:

give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

As noted elsewhere in this report, the proposal is entirely consistent with the strategic direction sought for its locality.

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

Table 6 - Consistency with applicable Ministerial Directions

#### 1. Employment and Resources

No.	Title	Consistency with Planning Proposal	
1.1	Business and Industrial Zones	Not Applicable	
1.2	Rural Zones	Not Applicable	
1.3	Mining, Petroleum Production & Extractive Industries	Not Applicable	
1.4	Oyster Aquaculture	Not Applicable	
1.5	Rural Lands	Not Applicable	

#### 2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Not Applicable
2.4	Recreation Vehicle Areas	Not Applicable

#### 3. Housing, Infrastructure and Urban Development

5. Hodanig, initiastructure and orban beveropment			
No.	Title	Consistency with Planning Proposal	
3.1	Residential Zones	It is consistent, see above.	
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable	
3.3	Home Occupations Not Applicable		
3.4	Integrating land use and Transport	It is consistent, see above.	
3.5	Development near Licensed Aerodromes	Not Applicable	
3.6	Shooting ranges	Not Applicable	

#### 4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Not Applicable
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	Not Applicable
4.4	Planning for Bushfire Protection	Not Applicable

#### 5. Regional Planning

No.	Title	Consistency with Planning Proposal	
5.1	Implementation of Regional Strategies	Not Applicable	
5.2	Sydney Drinking Water Catchments	Not Applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	
5.4	Commercial and Retail Development along the Pacific	Not Applicable	
3.4	Highway, North Coast	Not Applicable	
5.5	Development on the vicinity of Ellalong	Not Applicable	
5.6	Sydney to Canberra Corridor	Not Applicable	
5.7	Central Coast	Not Applicable	
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable	

#### 6. Local Plan Making

No.	Title	Consistency with Planning Proposal	
6.1	Approval and Referral Requirements	Not Applicable	
6.2	Reserving land for Public Purposes	Not Applicable	
6.3	Site Specific Provisions	It is consistent, see above.	

#### 7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal	
7.1	Implementation of A Plan for Growing Sydney	It is consistent, see above.	

#### C Environmental, social and economic impact

C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and does not accommodate any critical habitat, threatened species, etc.

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

No other environmental effects, other than those reported above, have been identified.

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

No other social or economic effects, other than those reported above, have been identified.

#### D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

As noted above, the locality is rich in public infrastructure, especially public transport and open space.

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

State and Commonwealth public authorities have not yet been consulted.

#### E Conclusions

#### E1 Economic and orderly use of the site

The objectives of the EPA Act include, at S5(a)(ii),

the promotion and co-ordination of the orderly and economic use and development of land ...

Formerly used as a bowling club which included a registered club encompassing the service of alcohol and a small number of gambling machines, the site use never-the-less fell into financial difficulties due to changing community preferences. This situation has been repeated in many locations throughout both Sydney and the nation as old pastimes give way to new and different choices. If the site could not make an economic return, even with its associated registered club, it is clear that no other similar use (tennis courts, croquet, etc) will be more successful.

If the economic and orderly use of the site is to be achieved, a rezoning to some other use than private recreation is required. The most obvious use is one that is the same as the area surrounding the site, Residential R3 with the same Building Height and FSR.

As noted above, there is strategic planning support for the provision of housing in the general area of the now Bayside City (formerly Rockdale City) and this site meets the necessary strategic imperatives of proximity to transport and the designated growth centres.

#### E2 Impact of the proposal

As may be seen from the proposal's architectural drawings, the very acceptable and not unreasonable impact of the proposal will fall upon those surrounding houses which have enjoyed the twin benefits of adjoining private open space and lack (thus far) of medium density redevelopment for which the locality has been designated. Development of the site as currently proposed may create minor privacy impacts, from the upper bedroom storeys of the proposed townhouses (subject to detailed design). Such an impact is within the range of that expected in any transition to medium density development. It will be no worse than if new development occurred next door rather than behind the existing houses.

Distances between windows of the proposed new and the existing will exceed the old AMCORD standard of 9m and the equivalent under the Apartment Design Guide of SEPP 65 (which itself is not applicable to the development). Adopting the development standards of the surrounding area will make all medium density housing in the area equal in impact and within the bounds framed by the zoning controls.

Based on the potential concept design, overshadowing will not be a general issue due to the favourable orientation of the site, the separation distances between new and proposed buildings and the limited building height of 8.5m.

#### E3 Summary conclusions

- The proposal aligns exactly with the zoning surrounding the subject site on all four sides in terms of land use, density expressed in FSR, building height.
- Rezoning of the site will not deprive the community of open space. The site was a private open space with its use limited to club members. Additionally, there is considerable open space 400m to west at Scarborough Park, and 150m to the east, at Cook Park on the bay front.
- Demonstrably, as shown in the proposed architectural plans appended, development of the site is
  possible in accordance with all planning controls contained in the Rockdale LEP and DCP. This
  means that the impact of the proposal is within the acceptable bounds prescribed in the LEP and
  DCP.
- Development of the site will not give rise to unacceptable or unreasonable impacts on surrounding housing which is slated for redevelopment as medium density residential.
- Located between Chuter Avenue and The Grand Parade, the site is well served by bus routes. It is
  also proximate to the St George Hospital precinct which has been designated as a major
  health/education precinct under A Plan for Growing Sydney.
- The proposal is compliant with all relevant SEPPs and the Minister's s117 Directions under the EPA Act.

## Part 4 - Mapping

To assist the community in understanding the proposed amendment(s), the following maps are provided as part of this application:

Site context map – this should identify the site(s) subject to the Planning Proposal;



Figure 3: Site and its surrounds. Extract from 'Urban Design Analysis' report prepared by Rothe Lowman, January 2016.

Figures 4 to 9 below illustrate the current control maps as well as proposed controls. The control maps that need to be amended subject to this planning proposal are land use zoning, height of building and floor space ratio.



Figure 4: The land use zoning map as per RLEP 2011



Figure 5: The proposed land use zoning map as amended

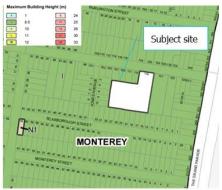


Figure 6: The height of building map as per RLEP 2011

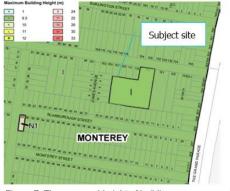


Figure 7: The proposed height of building map as amended



Figure 8: The floor space ratio as per RLEP 2011

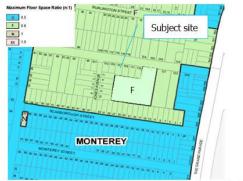


Figure 9: The proposed floor space ratio map as amended

Planning Proposal – Rezoning of land at 119 Barton St, Monterey for medium density residential

## Part 5 - Community Consultation

Community consultation process will be defined post submission in consultation with Council's 'Place Outcomes' team.

## Part 6 - Project Timeline

The project timeline will be completed in consultation with Council's 'Place Outcomes' team after submission of the Planning Proposal.

The table below provides a proposed timeframe for the project.

Table 7- Approximate Project Timeline

Task	Timing
Date of Gateway determination	Will be discussed post submission
Anticipated timeframe for the completion of required technical information	Will be discussed post submission
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Will be discussed post submission
Commencement and completion dates for public exhibition period	Will be discussed post submission
Dates for public hearing (if required)	Will be discussed post submission
Timeframe for consideration of submissions	Will be discussed post submission
Timeframe for the consideration of a PP following exhibition	Will be discussed post submission
Consideration of PP by Council (Council Meeting)	Will be discussed post submission
Date of submission to the department to finalise the LEP	Will be discussed post submission
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	Will be discussed post submission
Anticipated publication date	Will be discussed post submission

Record number (trim file)

# Appendix 1 - Supporting environmental assessment, design and engineering studies

The Planning Proposal is supported by the urban design study and the following schematic master plan drawings prepared by Rothelowman:

Drawing No.	Issue/Rev	Description	Date
SK00.02	P2	Ground floor / level 1 masterplan	21/01/2016
SK00.03	P2	Level 2 masterplan	21/01/2016
SK00.04	P1	Solar analysis – Mar, Sep, Dec	21/01/2016
SK00.05	P1	Solar analysis – June	21/01/2016
SK01.01	P2	Townhouse Type A – Floor plans	21/01/2016
SK01.02	P2	Townhouse Type B – Floor plans	21/01/2016

The following relevant documents are appended to this Proposal:

- Survey plan prepared by Project Surveyors dated 26 August, 2015;
- Geotechnical assessment report prepared by Douglas Partners dated 4 March, 2016;
- Stormwater management overview report and drawings prepared by ADG dated 9 March 2016;
- Traffic impact assessment prepared by Colston Budd Rogers & Kafes Pty Ltd dated February 2016

#### Appendix 2 - Subject site, locality and regional context

#### 2.1 Site description

The subject land, comprising the former Francis Drake Bowling Club, is a large battle axe lot known as 119 Barton Street, Monterey. It has the legal description of Lot 2 DP 857520. With a northern frontage of approximately 35 metres to Barton Street, the site has an eastern (side) boundary shared with the part one- part two-storey 'Oak Flats' townhouse development at 121 Barton Street. The irregular western (side) boundary measures approximately 155 metres and adjoins the rear yards of residential development at Nos. 107-115 Barton Street and Nos. 2-10 Jones Avenue. The southern (rear) boundary, approximately 95 metres in length, abuts the rear yards of residential development at 13-29 Scarborough Street. The total area of the site is approximately 7,218 sqm. The location and context of the site are shown in the aerial photograph below.



# Subject land, 119 Barton Street Cook Park, The Grand Parade (1168) Adjoining medium-density residential development

The Francis Drake Bowling Club ceased operations on March 23, 2015. Remaining on the site is a single-storey building comprising club/event space. Also on the site are two bowling greens and an atgrade parking area accommodating 53 parking spaces as well as a loading zone. Soft landscaping within the site is limited, confined for the most part to the south west corner of the site. There are no significant trees existing on the site. The property is currently occupied by St Pope Kyrillos VI & St Habib Girgis Coptic Orthodox Church.

The land is zoned **RE2 Private Recreation** under the *Rockdale Local Environmental Plan 2011* (*RLEP 2011*). It is not identified as a heritage item under this instrument nor does it lie within a conservation area identified on the RLEP 2011 Heritage Map (Sheet HER\_005). The subject land does, however, lie within proximity of Cook Park along the Grand Parade 150 metres to the east, which is identified as an item of local heritage significance (I168) under schedule 5 of RLEP 2011.

#### 2.2 Surrounding development and land uses

A site-specific zoning of RE2 Private Recreation applies to the subject land. However, the land lies within a R3 Medium Density Residential zone that surrounds it on all four sides. Surrounding the R3 zone is an area zoned R2 Low Density Residential. In spite of the R3 zoning, residential development in the immediate context of the subject land is dominated by single and two-storey detached dwellings with the exception of medium density developments at 123 Barton Street and 125 Barton Street, east of the subject site, comprising the Oaks Flats townhouse development and a seven-villa development, respectively. There are some newer houses on Grand Parade but those in the streets away from the bay front are generally older and less changed.

150m to the east of the subject land is Cook Park, which provides accessible public green space adjoining Lady Robinsons Beach and the foreshore of Botany Bay. Public open space is also located 400m to the west at Scarborough Park and the AS Tanner Reserve. The latter parks surround Scarborough Ponds and the Toomevara Lane Chinese Market Gardens.

Nearby commercial centres include the Brighton-Le-Sands commercial centre 1.6km to the north, Ramsgate commercial centre 1.2km to the south and Kogarah commercial centre 1.5km to the north west. Isolated commercial uses such as cafes and other eateries are scattered along Chuter Avenue and the Grand Parade.



#### Legend

Subject land

R3 Medium Density Residential zone

Cook Park, The Grand Parade (I168)

Public Open Space

Early education facilities, Bambino's Kindergarten and the Montessori By-the-Bay

#### 2.2.1 Development typical of the locality



Two-storey dweling at 115 Barton St, Image: Googlemaps



Single-storey dweling at 126 Barton St, Image: Googlemaps



Townhouse development at 121 Barton St, Image: Googlemaps

#### 2.3 Regional context and transport

#### 2.3.1 Population and census statistics

Monterey is a small suburb in southern Sydney, 15 km south of the Sydney CBD in the local government area of Bayside City and is part of the St George area. Monterey extends to President Avenue in the north and Emmaline Street to the south. The mostly residential suburb is bounded by the shores of Botany Bay to the east and Scarborough Park to the west. Commercial uses are scattered along Chuter Avenue and the Grand Parade. At the time of the 2011 census, Monterey had a population of 4,344 persons with a median age of 40 years compared to a median age of 35 years in the metropolitan region<sup>4</sup>.

At 2011, Monterey contained a total of 1,943 dwellings with an average household size of 2.43 persons compared to 2.7 persons across Metropolitan Sydney (as per ABS, Sydney – Significant Urban Area). There is a greater proportion of single person households in Monterey relative to New South Wales, 28.2% and 22.3% respectively (refer TABLE 1 below). Notwithstanding, Monterey has less than half the number of single-bedroom dwellings compared with Greater Sydney.

TABLE 8: COMPARISON OF HOUSEHOLD COMPOSITION (MONTEREY/ METRO SYDNEY)				
HOUSEHOLD COMPOSITION MONTEREY % METRO SYDNEY %				
Family households	68.8	73.2		
Single person households	28.2	22.3		
Group households	2.9	4.5		

TABLE 9: COMPARISON OF DWELLING COMPOSITION (MONTEREY/ METRO SYDNEY)		
DWELLING COMPOSITION	MONTEREY %	METRO SYDNEY %
0 bedroom (includes bedsitters)	0.9	1.0
1 bedroom	2.6	7.0
2 bedroom	41.1	25.9
3 bedroom	34.4	36.2
4 bedroom	19.1	28.0
Not stated	1.9	1.8

The conclusion we draw from the statistics and the characteristics of the houses in Monterey is that dwellings tend to be occupied by older people who are likely to be empty nesters remaining in family homes which are now larger than their needs in terms of bedroom numbers.

#### 2.3.2 Transport

The subject land lies 2.4 km from Kogarah Railway Station to the north west, well outside of the 800m (ten minute) pedestrian catchment relevant for considerations of modal split<sup>5</sup>.

However, the subject land lies within easy walking distance of bus services along Chuter Ave (270m west) and the Grand Parade (130m east). The Grand Parade is serviced by bus routes travelling north, Route 303 (Sans Souci to Circular Quay), and south, Route 478 (Ramsgate to Rockdale). An

 <sup>&</sup>lt;sup>4</sup> Australian Bureau of Statistics, 2011 Census QuickStats: Monterey (NSW), accessed 07 Oct, 2015, at
 http://www.censusdata.abs.gov.au/census\_services/getproduct/census/2011/quickstat/SSC11578?opendocument&navpos=220
 <sup>5</sup> NSW Department of Planning, 2004, Planning Guidelines for Walking and Cycling, accessed
 http://www.planning.nsw.gov.au/plansforaction/pdf/guide\_pages.pdf

express service, Route X03, operates between Sans Souci and the Circular Quay during peak periods Monday to Friday providing access to the city (Central Station) within 30 mins. Chuter Ave is serviced by Route 947 (operated by Transdev NSW), which runs between Hurstville to Kogarah.

At the 2011 Census, the most common method of travel to work for employed residents of Monterey was by car, 62.5% as driver and 5.2% as passenger. The location of bus and train services, as discussed above, is not reflected in greater usage by Monterey residents of bus services in combination with train services compared with Metropolitan Sydney as a whole (refer figure 3 below). 15.5% of employed people in Monterey travelled to work on public transport compared with 21.4% across the Sydney region.

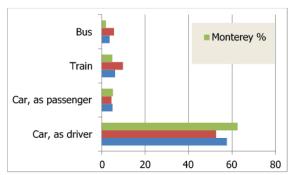


Figure 3: Comparison of journey to work modal split – Monterey, Metro Sydney and NSW

# Appendix 3 – 3D study model

An analytical study conducted by Rothelowman has produced a model for development yield and building typology. This concept illustrates the capacity of the subject site to accommodate 28 two and three-bedroom townhouses, as shown in Figures 10 and 11 below.



Figure 10 – 3D study model, looking south – north



Figure 11 – 3D study model, looking north – south

# Appendix 4 – Rockdale Development Control Plan 2011

TABLE 10 – Rockdale Development Control Plan 2011		
CONTROL	PROPOSAL	COMPLIANCE
4.3.1 (8) Landscape Area Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates: Low and medium density residential – 25% of site area  Required: 3 Bedroom dwellings – 219 sqm x 0.25 = 56 sqm 2 Bedroom dwellings – 121.5 sqm x 0.25 = 30.4 sqm	Proposed landscaped areas have been provided in accordance with the relevant requirements for two and three bedroom dwellings under the Rockdale DCP. 2 bedroom dwellings will have a minimum of 40.5 sqm per unit, while 3 bedroom dwellings will provide a generous minimum of 108 sqm per unit.	Complies
4.3.2 Private Open Space Each dwelling must be provided with a minimum private open space area as specified in the following table: Multi Dwelling Housing 2 bedroom – 40m <sup>2</sup> 3 bedroom – 50m <sup>2</sup>	Private open space, in accordance with the requirements of this section, is considered for the proposed new dwellings on the subject site.  See drawing SK00.02 of proposed schematic masterplan by Rothelowman architects.	Complies
4.3.3 Communal Open Space The development must provide a communal area for the benefits of its residents at the rate of 5m² for each dwelling within the development. 28 dwellings x 5m²/dwelling = 140m²	A recreation area, located adjacent to the visitor car parking, is proposed to provide approximately 175m² of communal open space.	Complies
4.6 Car parking, access and movement		
Parking Rates Development is to provide on-site parking in accordance with the following rates:	Provision of car parking per dwelling is compliant with DCP requirements.	Complies
• 1 space/studio, 1 and 2 bedrooms apartments – 15 x 1 = 15 spaces • 2 spaces/3 bedrooms apartments or more - 13 x 2 = 26 spaces • Visitor parking: 1 space/5 Dwellings – 41/5 = 8.2 spaces	Visitor car parking is non-compliant by 2 spaces.  6 visitor spaces provided 8 visitor spaces required	Does not comply
Total spaces required: 49.2		



Council Meeting 11/07/2018

Item No 8.2

Subject Planning Proposal - 119 Barton Street, Monterey

Report by Michael McCabe, Director City Futures

File F17/902

#### **Summary**

Council resolved on 13 June 2018 to defer the consideration of this matter until a General Manager's Briefing had taken place. Now that this Briefing has occurred, the matter is once again before Council for consideration.

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:
  - o apply a maximum Floor Space Ratio (FSR) development standard of 0.6:1;
  - o 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.

Council Meeting 11/07/2018

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 Lot 2 DP 857520

Proposal:

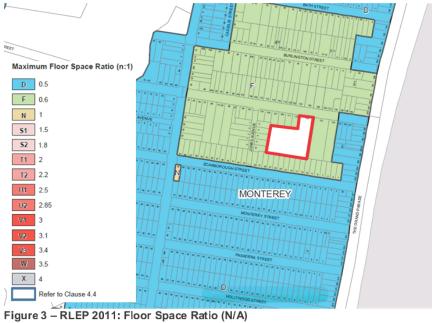
The subject site previously accommodated the Sir Francis Drake Bowling Club. The site incorporates a total land area of approximately 7,218m². An aerial photo (Figure 1) and relevant *Rockdale Local Environmental Plan 2011* extracts (Figures 2-5) for the site describe the current planning controls. The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



Figure 1 - Aerial Photo of Subject site



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



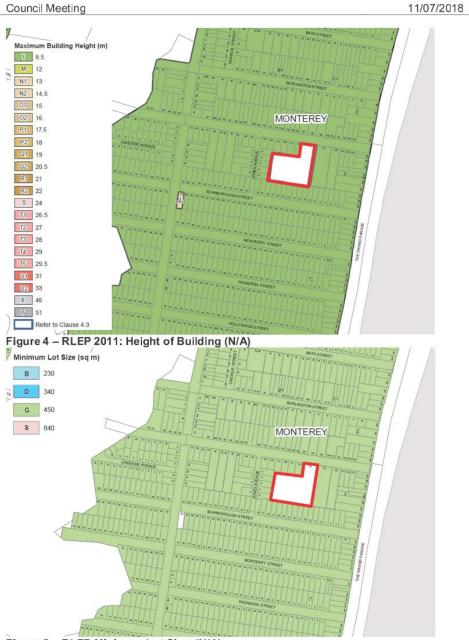


Figure 5 - RLEP Minimum Lot Size: (N/A)

#### 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

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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 <sup>2</sup>	450m <sup>2</sup>

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.

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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	What a RPA must do: The RPA must include provisions that broaden the	YES
	choice of building types, encourage the provision of housing that will make more efficient use of existing infrastructure and services.	
	Comment:	
	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.	
3.4 Integrating	What a RPA must do:	YES
Land Use and Transport	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).	
	Comment:	
	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.	

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Ministerial Direction	Planning Proposal Consistency with Direction	Consistent
7.1	What a RPA must do:	YES
Implementatio n of A Plan for Growing	A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney.	
Sydney	Comment:	
	Direction 2.1: Aims to provide more housing and a diverse choice of housing as population growth accelerates.	
	<b>Direction 2.2:</b> Aims to facilitate urban infill projects, and urban renewal around transport corridors providing diverse housing close to jobs.	
	<b>Direction 2.3:</b> Aims to improve the choice of housing, as the needs of the population changes.	
	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.	
	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.	

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	(1) Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal	YES
Policy No 55 – Remediation of Land (SEPP	(2) (1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the	
55)	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:	

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Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
	(3) (a) the planning authority has considered whether the land is contaminated, and	
	(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	
	(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.	
	Comment: 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.	

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 Regional Plans	Directions, priorities, objectives and actions	Consistency – Yes/No
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

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Name of Strategic	Directions, priorities, objectives and actions	Consistency – Yes/No
Sydney - Central Subregion		
Greater Sydney Region Plan	Objective 10: Aims to have greater housing supply.	YES
	Objective 11: Aims to offer more diverse and affordable housing stock	
	Comment: 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.	
District Plans		
Eastern City District Plan	Planning Priority E5 Aims to increase housing stock, and offer great choice in housing.	YES
	Comment: 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.	
Local Strategies		
Rockdale Urban Strategy	Strategy Principles:  Residential Character: Aims to ensure that precincts and streets are developed in ways that are consistent with and reinforce the overall character of their neighbourhood.  Comment: 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.	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.	

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Name of Strategic Plan	Directions, priorities, objectives and actions	Consistency – Yes/No
	4.2 Streetscape and Site Context	
	Comment: 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.	
	4.3 Open Space and Landscape Design	
	<u>Comment:</u> The site is compatible with the DCP controls relating to the use of appropriate landscaping to both provide privacy and enhance the streetscape.	
	4.4.2 Solar Access	
	Comment: 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.	
	4.6 Car Parking, Access and Movement	
	Comment: 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.	
	5.1 Low and Medium Density Residential	
	Comment: 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.	

setbacks from the street.

Table 4: Strategic Planning Framework

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#### 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	$\boxtimes$	
Included in existing approved budget		
Additional funds required		

#### **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* &

> Council Meeting 11/07/2018

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**

- Planning Proposal (under separate cover)
- Traffic Report (under separate cover)
- 2 3 4 Contamination Assessment (under separate cover)
  Urban Design Report (under separate cover) 
  ⇒⇔⇔

Council Meeting 8/08/2018

#### 8 Reports

# 8.1 Development of a Bayside Local Environmental Plan, Local Strategic Planning Statements and Development Control Plan

RESOLUTION

Minute 2018/148

Resolved on the motion of Councillors Tsounis and Nagi

- That Council supports the preparation of the Bayside Local Environmental Plan, Local Strategic Planning Statements and Development Control Plan in accordance with the requirements of the recently amended *Environmental Planning and Assessment Act 1979* and the Eastern City District Plan.
- 2 That Council prepares and implements a comprehensive Stakeholder Engagement Plan to inform the preparation of Bayside Council's new planning framework.

Division called by Councillors Tsounis and Nagi

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

The Motion was carried.

#### 8.2 Planning Proposal - 119 Barton Street, Monterey

MOTION

Motion moved by Councillors Macdonald and Tsounis

- 1 That Council endorse the Planning Proposal for Gateway Determination based on the recommendation of the Bayside Planning Panel dated 1 May 2018.
- 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).

Division called by Councillors Macdonald and Tsounis

For: Councillors Tsounis and Macdonald

Against: Councillors Saravinovski, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Barlow and Awada

The Motion was lost.

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Council Meeting 8/08/2018

#### FORESHADOWED MOTION

Foreshadowed Motion moved by Councillor Nagi and Poulos

That the Planning Proposal for Gateway Determination not be supported.

The Foreshadowed Motion became the Motion.

MOTION

Motion moved by Councillor Nagi and Poulos

That the Planning Proposal for Gateway Determination not be supported.

Division called by Councillors Nagi and Poulos

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

The Motion was carried.

RESOLUTION

Minute 2018/149

Resolved on the motion of Councillors Macdonald and Tsounis

That the Planning Proposal for Gateway Determination not be supported.

#### 8.5 Stronger Communities Fund Reporting Major Projects

RESOLUTION

Minute 2018/150

Resolved on the motion of Councillors Nagi and Tsounis

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January – 30 June 2018 to be submitted to the NSW Office of Local Government.

#### 8.6 Lever Street Reserve Landscape Masterplan

RESOLUTION

Minute 2018/151

Resolved on the motion of Councillors Nagi and Sedrak

That Council endorses the Lever Street Reserve Landscape Masterplan as attached to this report.

Item 5.1



# REZONING REVIEW RECORD OF DECISION

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DECISION	Thursday 8 November 2018
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Sue Francis
APOLOGIES	Ron Bezic
DECLARATIONS OF INTEREST	Ed McDougall, Michael Nagi, Joe Awada and Andrew Tsounis were all conflicted on this matter having voted on the proposal at a council meeting on 11 July 2018.

#### **REZONING REVIEW**

2018SCL069 - Bayside - RR\_2018\_BSIDE\_001\_00 at 119 Barton Street Monterey (AS DESCRIBED IN SCHEDULE 1)

Reason	for	Rovious	, .
Reason	1()[	Review	U

$\boxtimes$	The council has notified the proponent that the request to prepare a planning proposal has not been
	supported
	The council has failed to indicate its support 90 days after the proponent submitted a request to
	prepare a planning proposal or took too long to submit the proposal after indicating its support

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

$\boxtimes$	should be submitted for a Gateway determination because the proposal has demonstrated strategic	
	and site specific merit	
	should not be submitted for a Gateway determination because the proposal has	
	not demonstrated strategic merit	
	has demonstrated strategic merit but not site specific merit	

The decision was unanimous.

#### REASONS FOR THE DECISION

In the Panel's view, the proposal has strategic merit as it contributes to housing supply and diversity in a location supported by social infrastructure and public transport. As a medium-density development, it is appropriately located within an area similarly zoned R3 and also intended for medium-density development.

The proposal also has site-specific merit as the proposed controls are consistent with those in other areas zoned for medium density in the Rockdale Local Environmental Plan 2011 and specifically the adjoining land. Based on the urban design analysis of the supporting schematic design, the proposal's impact on surrounding land will be reasonable.

The Panel notes that the council's planning officers and the Bayside Local Planning Panel recommended that the proposal be submitted to the Department for Gateway determination. The Panel also notes that the elected council's refusal to proceed with the planning proposal was based on a general reluctance to lose any land zoned for private recreation rather than on any strategic or site-specific considerations.

PANEL MEMBERS		
Carl Sully (Chair)	John Roseth	
fue fr.		

	SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018SCL069 – Bayside – RR_2018_BSIDE_001_00 119 Barton Street Monterey	
2	LEP TO BE AMENDED	Rockdale Local Environmental Plan 2012	
3	PROPOSED INSTRUMENT	The proposal seeks to rezone from RE2 Private Recreation to R3 Medium Density Residential and introduce a maximum floor space ratio, a maximum building height and a minimum lot size control for the site.	
4	MATERIAL CONSIDERED BY THE PANEL	Rezoning review request documentation     Briefing report from Department of Planning and Environment	
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site inspection & Briefing with Department of Planning and Environment  Planning and Environment (DPE): 8 November 2018 at 9.30am  Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis  Department of Planning and Environment (DPE) staff in attendance: Laura Locke, Alexander Galea, Lewis Demerezi  Briefing with Council & Proponent: 8 November 2018 at 11.30am  Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis  Department of Planning and Environment (DPE) staff in attendance: Laura Locke, Alexander Galea, Lewis Demerezi  Council representatives in attendance: Clare Harley  Proponent representatives in attendance: Kate Bartlett, Shari Lowe	



Item No 8.14

Subject 5, 9 and 9A Bryant Street, Rockdale - Property Acquisition from the

**Churches Of Christ Property Trust** 

Report by Michael McCabe, Director City Futures

File F13/461

## **Summary**

The Churches of Christ Property Trust have approached Council to purchase their properties being 5, 9 and 9A Bryant Street, Rockdale with a total site area of approximately 1,245 square metres.

The subject properties comprise 3 contiguous lots situated near the corner of Bryant Street and Market Street, Rockdale. The land is regular in shape, and adjoins existing Council properties, as shown at Attachment 1. The properties are marked for acquisition for public open space under the Rockdale Local Environmental Plan 2011 and land reservation map.

#### Officer Recommendation

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:
  - With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with, or (d)(ii) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with .
- That Council endorse the acquisition of the properties at 5, 9 and 9A Bryant Street, Rockdale from the Churches of Christ Property Trust on terms outlined in Confidential Attachment 4 to this report.
- That Council authorises the General Manager to finalise the commercial terms associated with the acquisition of the properties and execute all documentation to affect the purchase of the properties on the terms outlined in this report.
- That Council classifies the land as operational Land in accordance with Section 31 of the Local Government Act 1993.
- That Council publically notifies that 'The Council has acquired the land, subject to this report and classify the acquired land, as operational land in accordance with the local Government Act 1993.
- That Council notes that a further report, to inform the Council of the outcome of the notification and recommendation on the land classification, will follow the notification period.

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## **Background**

#### **The Council Property**

Council is the owner of 1 Market Street, Rockdale (the Council property), which has a total site area of approximately 5,950 square metres, including a small pocket park (King Lane Garden) to the north-western edge that adjoins the properties that are the subject of this report. The Council property improvements comprise a large structured car park with retail ground floor premises, as shown at Attachment 1.

The Council property was constructed in the 1970s. The retail component is currently leased to City Freeholds, expiring in November 2024. Council owns and operates the public car park located within the property.

#### **Rockdale Town Centre Masterplan**

In 2012, the Rockdale Town Centre Masterplan, acknowledged the strategic nature of the Council property and surrounding properties, by reserving four properties to the northern end of the site, between Bryant Street and 1 Market Street as public recreation land. This land reservation ensured the 'town heart' would not only be commercially revitalised but include civic recreation spaces adjoining the existing King Lane Garden.

See Attachment 1 – Location Plan

The properties at this northern interface included the Churches of Christ buildings, the subject of this report, numbered 5, 9, and 9A Bryant Street in addition to a small retail and residential terrace at 11 Bryant Street Rockdale.

Council in 2015 engaged actively with City Freeholds to accelerate the delivery of the town centre master plan, with Council resolving to progress the redevelopment of the site to provide a substantial development that was reflective of the town centre master plan, including the acquisition of the properties from the Churches of Christ to incorporate into the total development site. This plan did not proceed.

The Churches of Christ have now approached Council to purchase their properties.

The opportunity to acquire the three Church properties provides Council a unique strategic acquisition within the town centre. The advantage of acquiring the properties at this point includes:

- The complexity of dealing with multiple owners when considering the redevelopment of the Council properties will be simplified, as Council will be the sole land owner, aside from the owner of 11 Bryant Street, Rockdale.
- 2. Commercially in the current property cycle, the value of the properties is subdued and it is an ideal time to purchase.
- 3. The properties are currently leased and will provide a holding income prior to Council considering the redevelopment of the town centre.

#### **Subject Properties**

The subject properties comprise 3 contiguous lots situated at the corner of Bryant Street and Market Street. The land is regular in shape, and adjoins existing Council properties, as

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shown at Attachment 1. The properties are marked for acquisition for public open space under the Rockdale Local Environmental Plan and land reservation map.

The land is described as follows:

- 5 Bryant Street, being lot 15, in deposited plan 6362, having an area of 474.2 square metres and owned by the Churches of Christ Property Trust.
- 9 Bryant Street, Rockdale. Being lot 16 in Deposited Plan, 6362, having an area of 474.2 square metres, and owned by the Churches of Christ Property Trust.
- 9A Bryant Street, being lot A in Deposited Plan 414614, having an area of 297.2 square metres. Owner being Churches of Christ Property Trust.

Total site area is approximately 1,245 square metres.

The properties are zoned RE1 public recreation. Whilst the land can be only used for public recreation, the acquisition must be in accordance with the Land Acquisition (Just Terms Compensation) Act, such that the land needs to be valued at its highest and best use, or valued as if the public purpose was not applicable to the property.

Surrounding development for the main is zoned B2 Local Centre. Therefore the properties were valued in accordance with the adjacent land zoning.

#### **Improvements**

The subject properties as described include:

- 1. Retail shop with residential premise above.
- 2. A freestanding Church hall.
- 3. A freestanding Church building.

#### Retail Shop

The retail shop includes two interconnecting retail shopfronts and incorporates at the rear, residential accommodation including lounge, kitchen and bathroom with an upstairs area, including two bedrooms and bathroom area.

The condition of the building is fair to poor.

#### Church Hall

The Church hall is a substantive brick building with entry vestibule, incorporating public amenities. There is a large multi-function open plan hall area, and at the rear of the building, a kitchen and storage areas.

The Church Hall is in fair to poor condition.

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#### The Church Building

The church building is the newest of the structures with an 'A-frame design' and includes a front entry vestibule area, a typical Church hall or room where services are conducted, and to the rear a small stage and storage facility.

The condition of the Church Building is fair.

#### Leases

All of the properties are leased and are sold subject to the tenancies, with the details summarised below.

- Licence The Harvest Church (Church and Church Hall) \$22,880 p.a (expired)
- Retail Lease \$15,084 p.a (expired)
- Residential Lease \$18,204 p.a (expired)

See Confidential Attachment 2 – Tenancy Details and Leases

The Churches of Christ have asked that the Church Lease be retained for a period of 24 months, post-acquisition. Given the timing of the lease between Council and City Freeholds upon the current Council property (expiring November 2024), this is being considered, however it would be desirable to be able to co-locate other community groups within the church hall on weekdays.

## **Valuation Advice**

Council retained Rockworth Valuation Advisory to undertake a valuation of the properties, with the assessment date, the 10th of October 2018. The valuer was instructed to undertake the valuation as an assessment of compensation in accordance with Section 55 of the Land Acquisition (Just Terms Compensation) Act 1991.

The acquisition was by agreement and the valuer considered the highest and best use of the property and their consideration of value. The considerations included: the proximity to the town centre; the redevelopment that has occurred in the B2 zone; an approximate floor space ratio of 3.5:1, resulting in a gross floor area of about 4,979 square metres, which would potentially yield 6 retail units, and about 50 residential apartments on the upper levels.

We refer you to Confidential Attachment 3 - Draft Valuation Rockworth Advisory

We note that the total valuation figure is inclusive of the properties at 5, 9, 9A and number 11 Bryant Street Rockdale. The balance between the valuation and the agreed price, provides an indicative value for No.11 Bryant Street Rockdale.

#### **Council Offer**

Upon receipt of the valuation, Council on the 15 October 2018, provided a letter of offer and terms to the Director of Churches of Christ, New South Wales.

See Confidential Attachment 4 – Terms sheet.

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The Churches of Christ (New South Wales) responded to Council's offer to purchase through their appointed consultant, Augusta Advisors on the 6th of November 2018, accepting the acquisition price as outlined in our offer to purchase, subject to minimum lease back terms that would provide security to existing long term tenants.

See Confidential Attachment 4 – Terms sheet

Given the extended time frames for the redevelopment of the Town Centre, we do not see these lease terms as an impediment to the acquisition, however we will engage with the Harvest Church on opportunities to better utilise their facilities with other community groups.

#### **Land Classification**

It is proposed that the subject properties be classified as operational land upon transfer to Council. The operational land classification is appropriate at present, given the incumbent leases upon the subject land, and the timing to realise the town centre. The proposed uses are not all permitted upon community land.

Upon realisation of the Rockdale Town Centre, recreation land can re-classified as community land under the Local Government Act 1993.

## **Next Steps**

Post the adoption of this report, the following outlines the next key steps to affect acquisition of the properties at 5, 9, 9A Bryant Street, Rockdale.

- Full commercial terms will be finalised via the drafting of contract documentation by the legal representatives.
- Notification of operational land classification after Contracts exchanged
- Negotiate lease terms with sitting tenants in accordance with the agreed offer price and terms, see Confidential Attachment 4 – Terms sheet.

## **Financial Implications**

Not applicable		
Included in existing approved budget		
Additional funds required	$\boxtimes$	Council requires funding for the purchase price, including associated costs, as per the table at Confidential Attachment 5.
		The property would be classed as either a commercial property or vacant land, so GST is payable on the sale. The prices/values profiled excluded GST, and therefore the final settlement amount will need to be grossed-up to include GST.
		As the recipient of the sale proceeds the Churches of Christ Property Trust would pay

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the GST collected to the ATO, and Bayside Council would claim the GST back as an input tax credit, so zero net effect on both parties.

# **Community Engagement**

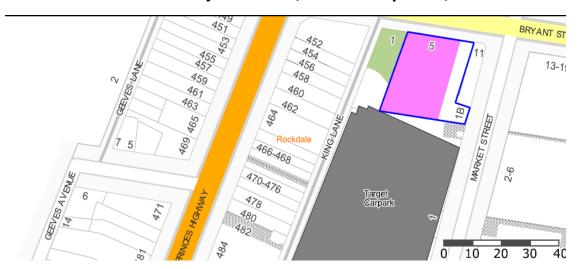
Not applicable.

## **Attachments**

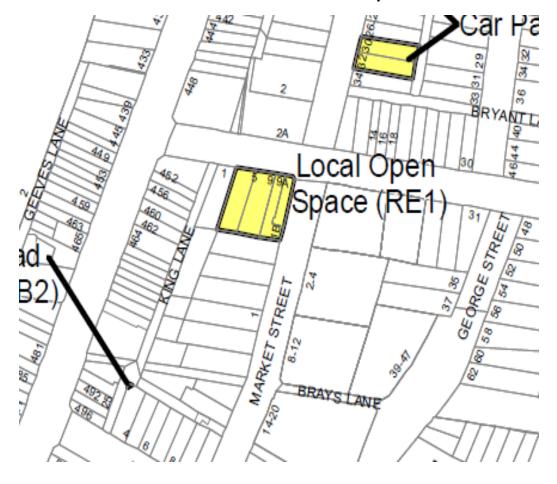
- 1 Location Plan <a>J</a>
- 2 Lease and Licence Details <a href="#">J</a>
- 3 Draft Valuation Report Rockworth Advisory (confidential)
- 4 Terms Sheet 4
- 5 Costs summary (confidential)

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# Location of Subject Land- 5,9 and 9A Bryant St, Rockdale



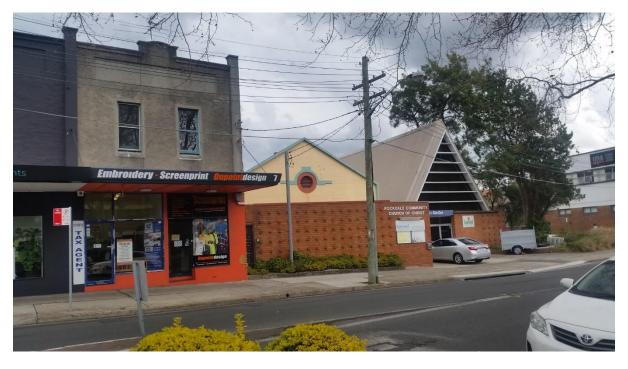
# **Reservation Map**



# **Zoning Map**



Photo of subject land





Fresh Hope Level 1, 3 Rider Boulevard P.O. Box 3561 Rhodes, NSW, 2138

T/ +61 2 8719 2600 F/ +61 2 8719 2601 W/ www.freshhope.org.au

FY 18	Rental Income	Expenses	
Rockdale Property		Management fees	Utilities
Harvest Church	22,880.04	-	
Gardner-9a Bryant Street Rockdale(Residential)	18,200.04	- 910.00	- 1,295.38
Gardner-9-9a Bryant Street Rockdale(Shop)	15,079.92	- 754.00	
TOTAL	56,160.00	- 1,664.00	- 1,295.38

Transforming communities and lives with fresh hope

h Hope is nitiative of riches of Christ SW

2 9 JUL 2011

#### LICENCE AGREEMENT

THIS LICENCE made

1 JULY 2011

BETWEEN:

THE CHURCHES OF CHRIST PROPERTY TRUST (ABN 73 068 989 953) on behalf of Churches of Christ

in NSW Conference Executive Level 1, 3 Rider Boulevard RHODES NSW 2138 of the first part (the "Licensor")

AND:

HARVEST INDONESIAN CHURCH

(ABN 56 989 491 304)

209 Noble Ave Greenacre NSW 2190

of the second part (the "Licensee")

#### WHEREAS:

The Licensor is the owner of the Property as described in Item 1 of the Reference

B. The Licensor has agreed to allow the Licensee to occupy the Licensed Area as described in Item 2 of the Reference Schedule on the terms and the conditions of this Agreement.

#### IT IS AGREED as follows:

#### **DEFINITIONS**

- "Authority" means the Commonwealth, the Crown in the right of the (a) Commonwealth, the State of New South Wales, any local council and any person or any of them with power to issue Statutory Notices or to regulate, govern, impose conditions on, impose requirements in respect of, or determine:
  - (i) what activities may be undertaken on the Property; or
  - any of the activities under, or contemplated by, this Agreement; or (ii)
  - the manner in which the activities referred to in (a) and (b) must be undertaken; or
  - (iv) any other matter touching upon, or related to, the performance of this
- "Commencement Date" means the date specified in Item 6 of the Reference (b) Schedule.
- (c) "Item" means an item specified in the Reference Schedule.

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(d) "Law" means any statute, ordinance, regulation, by-law or other form of secondary or delegated legislation in force at the commencement date or which comes into force at any time during the term.

- (e) "Licence Fee" means the amount specified in Item 4(a) of the Reference Schedule hereto.
- (f) "Licence Period" means the period specified in Item 3 of the Reference Schedule hereto.
- (g) "Licensed Area" means the area referred to in Item 2 of the Reference Schedule hereto
- (h) "Licensee" means and includes the Licensee, its successors and where not repugnant to the context also means and includes the employees, agents and contractors of the Licensee to the extent that they are under the effective control of the Licensee. Where two or more Licensees are parties to this Licence, it means and includes the Licensees jointly and severally and each of their successors and permitted assigns jointly and severally.
- (i) "Licensor" means and includes the Licensor, its successors and where not repugnant to the context also means and includes the employees, agents and contractors of the Licensee to the extent that they are under the effective control of the Licensor. If the Licensor comprises two or more persons, those persons have entered into this Licence severally and jointly and their liabilities and obligations as Licensor under this Licence are several and not joint liabilities and obligations.
- "Permitted Use" means the use described in Item 5 of the Reference Schedule hereto.
- (k) "Property" means the property described in Item 1 of the Reference Schedule hereto.
- (I) "Reference Schedule" means the schedule headed "Reference Schedule" which forms part of this Agreement.
- (m) "Relevant Authorities" means any government department, local council or other statutory authority having jurisdiction in respect of the Licensor, its use, and the conduct of its occupants.
- (n) "Statutory Notices" means each and every notice approval, authority, consent, licence, order, permit, permission, instrument or other like determination pertaining to the Property or required to be obtained under any legislation or, by, or from, any Authority, or otherwise, to enable the Property to be used which is required to lawfully and properly carry out any activity under this Agreement the Licensee desires to carry our or to carry out any activity under, or to give effect to or to implement any provision of, this Agreement.
- (o) "Termination Date" means the date specified in Item 7 of the Reference Schedule hereto.

#### LICENCE

Subject to the terms and conditions of this Licence, the Licensor grants to the Licensee, a licence for the non-exclusive use of the Licensed Area for the Permitted Use during the

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Licence Period commencing on the Commencement Date and terminating on the Termination Date.

#### 3. RIGHT TO OCCUPY

Provided that the Licensee complies with its covenants and obligations pursuant to this Licence, the Licensor will allow the Licensee reasonable access to, and the right to occupy, the Licensed Area during the License Period.

#### 4. COVENANTS BY THE LICENSEE

The Licensee covenants and agrees with the Licensor:

- (a) To pay the Licence Fee by equal successive monthly installments each of the amount stated in Item 4(b) of the Reference Schedule in advance on the first day of each month. The first payment must be made on the Commencement Date referred to in Item 6 of the Reference Schedule
- (b) To comply with all Laws and Statutory Notices.
- (c) To only use the Licensed Area in accordance with the Permitted Use.
- (d) To enter the Licensed Area by such means as the Licensor may, from time to time, direct. The Licensee may seek access outside of those hours from the Licensor. The Licensor may, at the absolute discretion of the Licensor, refuse access, or grant access unconditionally, or on such conditions as it sees fit.
- (e) To keep and maintain all fixtures, fittings and other goods in the Licensed Area in a good condition and without limiting the generality of this Clause, ensuring the Licensed Area remains clean at all times and that the Licensed Area is free from garbage, litter or other waste.
- (f) To remove all rubbish and keep and maintain the Licensed Area in a clean condition and neat and attractive appearance as the Licensee's cost. The obligation is to clean both the inside and outside of the buildings which comprise the Licensed Area. All Graffiti must be removed within twenty four (24) hours of it being applied.
- (g) Not to inhibit, restrict or obstruct the free movement of people outside the Licensed Area.
- (h) To ensure that the permitted occupants of the Licensed Area, comply with all Laws requirements of Authorities (Statutory Requirements) and Statutory Notices and without limitation the Licensee must comply with all Statutory Requirements and Statutory Notices which effect the Licensee's activity and obtain all consents and approvals that may be required under any Law and the Statutory Requirements and produce the same to the Licensor on demand.
- (i) Without limiting the generality of clauses 4(a) to 4(h), comply with and ensure that its employees, agents, and contractors comply with all occupational health and safety legislation and applicable codes, standards and guidelines while using the Licensed Area and any other areas in the Property. The Licensee acknowledges that it has control over the Licensed Area as a workplace for the purposes of such legislation. If required by the Licensor, the Licensee will provide the Licensor with a work safety plan in respect of the Licensed Area.

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(j) To obtain all necessary consents and approvals regarding the conduct of the Licensee's activities and the use of the Licensed Area for the Permitted Use to satisfy the Statutory Requirements and to produce to the Licensor upon demand copies of any such consents and/or approvals.

- (k) on termination or expiry of this Agreement, to remove any fit out, fixtures and fittings installed by it on the Licensed Area unless the Licensor gives notice otherwise. The Licensee must repair any damage caused to the Licenses Area by the removal of those items including, without limitation, damage to ceilings, walls and common areas and leave the Licenses Area in a clean, tidy and safe condition.
- (I) To keep the Licensed Area in a fit and proper condition.
- (m) To conduct the Licensee's activities and use the Licensed Area so as to ensure that the use and enjoyment of the Property by the Licensor and by other occupants and users of the Property (if any) will not be prevented, interfered with, or adversely affected.
- (n) Not to deface or alter the Licensed Area in any manner at all.
- (o) To maintain all equipment contained within the Licensed Area to a proper and safe standard acceptable to the Licensor.
- (p) That if at any time any Authority has requirements or imposes conditions (including changes to any such conditions or requirements) which pertain to the Licensed Area and/or the activities of the Licensee in the Licensed Area, then the Licensee will observe, conform and comply with all such requirements and conditions.
- (q) Not to use the Licensed Area as a residence or for any activity that is dangerous, offensive, noxious, illegal or immoral or that is or may become a nuisance or annoyance to the Licensor or occupier or user of the Property (if any) or any occupant of any property in proximity to the Property.
- (r) To maintain to a reasonable standard, all gardens and landscaping forming part of the Licensed Area at the Licensees cost.
- (s) To ensure that the Licensed Area is kept secure at all times.
- (t) To ensure that there is no smoking in any part of the Licensed Area.
- (u) To ensure that all trades people and contractors engaged to do work on the Licensed Area shall be licensed and must provide a copy of their Insurances in compliance with OH&S Laws and Workcover. The Insurances will include but not be limited to Public Indemnity and Public Liability.

#### 5. MAINTENANCE & REPAIR

- (a) The Licensee shall keep the Licensed Area in good repair.
- (b) The Licensor may serve notice on the Licensee specifying any repairs which it requires the Licensee to carry out. If the repairs are not commenced within twenty one (21) days of the service of the Licensor's notice, the Licensor may, through its agents, servants, contractors or officers, carry out the repairs and recover the costs from the Licensee.

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(c) The Licensor will not be responsible to reimburse any expense incurred in undertaking any redecoration, costs spent on any construction work (permitted or otherwise) and the maintenance of the Licensed Area.

#### 6. OCCUPANCY AT RISK OF LICENSEE

The Licensee will occupy, use and keep the Licensed Area at the risk of the Licensee and the Licensor will not be liable for any damage the Licensee or any person or any property may suffer by reason in whole or in part of anything occurring within the Licensed Area.

#### 7. INTERRUPTION OF SERVICES

The Licensor will not be responsible or liable to the Licensee or to any person claiming by, through or under the Licensee for the failure of any equipment or machinery in the Licensed Area or in the Property or for their ineffectual operation or for any damage or loss caused by or arising out of them or for the interruption of any services, or connections including, without limiting the foregoing, the supply of electricity, gas, water, telephone or the internet.

#### 8. INDEMNITY

The Licensee agrees to keep the Licensor, indemnified against all or any losses, damages, claims, actions, suits, proceedings, demands, costs and expenses for which the Licensor is or may be or become liable arising out of any breach by the Licensee of any obligation under this Agreement and in respect of all or any of the matters referred to in Clauses 6 and 7. The Licensee's indemnity will not extend to any liability resulting from the negligence of the Licensor.

#### 9. INSURANCE

#### (a) Acknowledgment

The Licensee agrees that for the Licensee Period and any other time the Licensee occupies the Licensed Area the Licensee shall obtain and maintain Public Liability Insurance at a value of not less than ten million (\$10,000,000.00). The Licensee must also insure its own property.

The Licensee must comply with the covenants in Clause 11(c).

### (b) Workers' Compensation

During the Licence Period and any other time that the Licensee occupies the Licensed Area, the Licensee shall take out appropriate workers' compensation insurance in respect of its employees, agents and contractors.

#### (c) Insurance Covenants

- (i) The Licensee shall, before taking up use of the Licensed Area and thereafter annually and within ten (10) days of the policy commencement or renewal, deliver the certificates of currency of insurance policies required under this clause to the Licensor.
- (ii) The Licensee shall not at any time do allow or suffer to be done anything which may render the insurances referred to in this Clause or any part thereof void or voidable or which may increase the premium on any such insurances.

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(iii) The Licensee shall pay an extra insurance premium and statutory charges of insurance on the Licensed Area or any part thereof due to extra risk caused or suffered by the use to which the Licensed Area is put by the Licensee.

- (iv) The Licensee shall comply with the insurance, sprinkler and fire alarm regulations as they relate to the use of the Licensed Area. The Licensee shall pay to the Licensor the cost of any alterations to the sprinkler or fire alarm installation which may become necessary by reason of the noncompliance by the Licensee with the Regulations of the Insurance Council of Australia or the requirements of the Licensor's insurer.
- (v) The Licensee agrees the Licensor shall not be liable for, and the Licensee shall not claim any damages or indemnity for, any loss or damage to the property or person of the Licensee or any other person arising out of the Licensee or any other person entering, leaving or being at the Licensed Area, whether or not in connection with the Licensee's business, use or occupation of the Licensed Area, however caused.
- (vi) The Licensee indemnifies the Licensor from all claims or demands in respect of any such loss or damage of the Licensee and any other person as described in sub-clause (v).
- (vii) If the Licensee fails to take or maintain the policies specified in this Licence, the Licensor may (but is not obliged to) do all things necessary to effect or maintain such policies and any moneys expended by the Licensor shall be repayable by the Licensee on demand.
- (viii) The Licensee shall notify the Licensor of any damage to property or of any event which may give rise to a claim under any public risk policy or workers compensation insurance policy.

#### (d) No Hazardous Substances

The Licensee must not bring on to or keep on the Licensed Area any article or thing of a inflammable, dangerous or hazardous nature nor without the written consent of the Licensor bring or keep any article or thing or do any act, matter or things upon the Licensed Area which increases or is likely to increase the rate of premium payable by the Licensor under any policy of insurance taken out by the Licensor in respect of the Property.

#### 10. TERMINATION OF LICENCE BY LICENSOR

The Licensor may terminate the licence in the following situations:

- (a) If the Licensee breaches, or does not comply with, any provision whether expressed or implied in this Licence; or
- (b) If repairs required by any notice given by the Licensor pursuant to this Licence are not completed within the time specified in the notice; or
- (c) If the Licensee is a corporation an order is made or a resolution is passed for the winding up of the Licensee (except for the purpose of reconstruction or amalgamation with the written consent of the Licensor which consent will not be unreasonably withheld); or

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- (d) If the Licensee is a corporation and ceases or threatens to cease to carry on business or goes into liquidation whether voluntary or otherwise or is wound up or if a liquidator or receiver (in both cases whether provisional or otherwise) is appointed; or
- (e) If the Licensee is a corporation and is placed under official management or enters into a composition or scheme of arrangement; or
- (f) If the interest of the Licensee under this Licence is taken in execution; or
- (g) If the Licensee is a natural person and the Licensee commits an act of bankruptcy.

#### 11. NOTICE OF TERMINATION

Before the Licensor exercises any right of termination based on clauses 10(a) and 10(b) the Licensor must give the Licensee notice of the breach alleged and allow the Licensee seven (7) days from the date of the service of the notice to remedy the breach. If the breach is satisfactorily remedied any right of termination based on that breach will be extinguished.

#### 12. RECTIFICATION OF BREACH BY LICENSOR

When the Licensee fails to observe any obligation under this Agreement and does not remedy any breach (after being required to do so by the Licensor) the Licensor may, without being obliged to do so, remedy the breach and the costs incurred by the Licensor in doing so shall be borne by the Licensee.

#### 13. ASSIGNMENT AND SUB-LICENSING

- (a) The Licensee shall not assign transfer or otherwise dispose of any of its rights pursuant to this Agreement.
- (b) The Licensee may sub-license any part of the Licensed Area provided it obtains the prior written consent of the Licensor (which consent will not be unreasonably withheld) on the basis that it remains responsible for the conduct of its sublicensees.

#### 14. COSTS

- (a) The Licensee covenants to pay to the Licensor on demand:
  - (i) All stamp duty, if any, (including penalties and fines) from time to time payable in connection with this Licence;
  - (ii) In case of any default or breach by the Licensee in observing and performing any of the covenants, terms and conditions of this Licence, all legal and other costs, charges and expenses for which the Licensor becomes liable in consequence of or in connection with such default or breach;
  - (iii) All costs and expenses incurred by the Licensor in giving any consent required under this Licence including the costs and expenses of any consultants or other specialists; and

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(iv) In connection with the approval of any plans and specifications, the reasonable and proper fees or any architect or consultant employed by the Licensor to approve the same.

(b) Each party shall pay its own legal costs of and incidental to the preparation, engrossing and completion of this Agreement.

#### 15. EQUIPMENT AND FITTINGS

- (a) The Licensor will permit the Licensee to use the equipment and fittings, set out in Annexure A to this Agreement, for the Licence Period without any further charge.
- (b) The Licensee shall be responsible for all repairs, replacements, maintenance and servicing of the plant, equipment, furnishings and fittings supplied or provided by the Licensor during the Licence Period
- (c) The Licensee acknowledges that it has inspected the equipment and fittings and it has satisfied itself that the equipment and fittings are satisfactory for the purposes of the Licensee.

#### 16. DAMAGE & DESTRUCTION OF PREMISES

- (a) If the Licensed Area is at any time damaged or destroyed by an event in respect of which the Licensor has insured (including fire, lightning, flood, storm and tempest) so as to make it unfit for the occupation and use of the Licensee and the Licensee has not caused or contributed to the damage or destruction or has done or has failed to do anything which voids or allows the insurer to avoid the Licensor's insurance then the Licence Fee according to the nature and extent of the damage sustained will abate until the Licensee Area is rebuilt or made fit for the occupation and use of the Licensee or until the Licence is terminated pursuant to this Licence.
- (b) If the Licensor notifies the Licensee in writing that the Licensor considers that the damage to the Licensed Area is such as to make its repair impractical or undesirable, either party may terminate this Licence by giving not less than seven (7) days notice in writing to the other.
- (c) Nothing in this Licence will impose on the Licensor any obligation to rebuild either the Licensed Area or the Property or to make either of them fit for the use and occupation of the Licensee.
- (d) Any termination pursuant to the provisions of this Clause will be without prejudice to the rights of the Licensor for any prior breach by the Licensee of, or failure of the Licensee to comply with, a provision of the Licence.

#### 17. LICENCE

The Licensee acknowledges that:

- (a) This is a Licence only.
- (b) The right of the Licensee is in contract only.
- (c) This Licence shall not confer any estate or interest in the Licensed Area or the Property.
- (d) The Licensee does not have exclusive possession of the Licensed Area.

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- (e) The rights created by this Licence are personal to the Licensee.
- (f) This Licence does not create the relationship of landlord and tenant between the parties. Any such implication or inference is hereby expressly negatived.

#### 18. OUTGOINGS AND UTILITIES

- (a) During the Licence Period the Licensee must pay, or reimburse to the Licensor, all Outgoings. Outgoings means all costs and expenses incurred by the Licensor in relation to the ownership, management, operation, maintenance, use and occupation of the Licensed Area (including the cost of all water usage charges and insurances effected by the Licensor but does not include the cost of structural changes or the cost of items of a capital nature). Outgoings are payable from the Lease Commencement Date.
- (b) The Licensee will be responsible for and pay all charges and expenses for electricity, gas, telephone and other utilities consumed on the Licensed Area or by the Licensee.

#### 19. DISPUTES

- (a) If a dispute arises in relation to the terms of this Licence, in the first instance, the party asserting the dispute (the "Complainant") must notify the other party (the "Respondent") in writing of:
  - (i) The nature of the dispute;
  - (ii) The outcome the Complainant wishes to achieve; and
  - (iii) The action the Complainant considers would resolve the dispute.

The parties must then endeavour to agree on a resolution of the dispute.

- (b) If the parties cannot resolve the dispute within seven (7) days of written notification to the Respondent (or such further period as agreed by the parties) then the Licensee (or an authorized representative of the Licensee) and an authorised representative of the Licensor must use their best endeavours to resolve the dispute.
- (c) The preceding sub-clauses do not affect the rights of the parties to take legal proceedings under this Licence.

#### 20. ACCESS BY LICENSOR

The Licensee must give the Licensor (or anyone authorised by the Licensor) access to the Licensed Area at any time for the purpose of:

- (a) Inspecting the condition of the Licensed Area and how it is being used; or
- (b) Doing anything that the Licensor must do under this Licence or must do to satisfy any Law.

#### 21. OPTION

(a) If the Licensee desires to have a licence of the Licensed Area for the further term specified in Item 8 of the Reference Schedule ("New Licence") to commence on

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the day following the expiration of the Licence Period hereof, being the date set out in Item 8 of the Reference Schedule; and

- the Licensee serves on the Licensor written notice of such desire not later than three (3) months prior to the expiration of the Licence Period of this Agreement; and
- (ii) provided that at the date of giving such notice, and at the expiry of the Licence Period the Licensee is not in default under the provisions hereof,

then the Licensor shall grant to the Licensee a new licence of the Licensed Area by way of a further licence for the term specified in **Item 8** of the Reference Schedule commencing on the date following the expiration of the Licence Period hereby granted. For the purpose of this clause, the Licensee shall be deemed to be not in default under the provisions of this Agreement if it has complied with all proper notices given to it requiring it to remedy any breach of the covenants, terms and conditions contained or implied herein within the time specified or a reasonable time if none is specified.

(b) If the Licensor grants the Licensee a New Licence the number of options in Item 8(a) shall be reduced by one and if the number is "nil" then this clause 21 shall not be included in the New Licence. The New Licence shall contain clauses substantially similar to this Agreement. The licence fee for the New Licence shall be \$100.00.

#### 22. HOLDING OVER

If the Licensor allows the Licensee to continue to occupy the Licensed Area after the end of the Licence Period (other than under a New Licence) then:

- (a) The Licensee will be a quarterly Licensee and will occupy the Licensed Area on the same terms and conditions as this Licence on a quarter of a year to quarter of a year basis except that the amount payable by way of the licence fee for each month is to be the amount agreed by the parties, but failing agreement that amount equal to the Monthly Installment specified in Item 4(b) of the Reference Schedule increased by five percent (5%);
- (b) Either the Licensor or Licensee can end the quarterly Licence by giving, at any time, ninety (90) days written notice to the other party expiring on any date;
- (c) Where a notice is given under the preceding sub-clause the quarterly licence will end at the expiry of the notice;
- (d) Anything that the Licensee must do by the end of this Licence must be done by the end of the quarterly Licence; and
- (e) In this clause "quarter" does not mean a calendar quarter but a period commencing on a date in the relevant month and ending on the date immediately preceding that date three calendar months later.

#### 23. LICENSEE WORKS

(a) The Licensee may decorate the Licensed Area. It may not undertake any structural alterations or undertake any work for which any statutory consent is required before obtaining, and without, the consent of the relevant authority and the Licensor.

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(b) At, or as soon as reasonably practicable after, the Commencement Date, the Licensee shall cause all existing external locks to be re-keyed and the Licensee must provide a complete set of keys to the Licensor.

- (c) The Licensee may undertake painting to the internal and external surfaces of the Licensed Area in colours pre approved by Licensor. All painting should be undertaken in accordance with all relevant OH&S and Risk Assessment procedures. Painting undertaken by the Licensee must be at its cost with no right of reimbursement from the Licensor.
- (d) At, or as soon as reasonably practicable after, the Commencement Date the Licensor must undertake the removal of carpet and underlay from the Main Church Hall and make good any repairs. The final finish should be polished timber floors. All removal and polishing should be undertaken in accordance with all relevant OH&S and Risk Assessment procedures. Such works undertaken by the Licensor must be at its cost with no right of reimbursement from the Licensor.

#### 24. SECURITY DEPOSIT

- (a) On or before the commencement date of this Agreement, the Licensee will deliver a security deposit of \$1,000.00 Licensor.
- (b) The Licensor is entitled to deduct from the security deposit an amount equal to any monies due but unpaid by the Licensee to the Licensor under this Agreement.
- (c) The security deposit (or so much of it as is then held by the Licensor) will be returned to the Licensee on the later of:
  - (i) the terminating date of this Agreement;
  - (ii) the expiry date of any holding over under this Agreement; and
  - (iii) the date that the Licensee has no further obligations under this Agreement or at law.

#### 25. NOTICES

- (a) Notices required by this Licence must be in writing.
- (b) Either party may serve a notice on the other by delivering, posting or faxing it to the relevant address specified in this Licence or any other address notified by the relevant party to the other.
- (c) Any notice by either party shall be valid and effectual if signed by that party or any person authorised from time to time by that party.
- (d) The following provisions apply in relation to service by post or facsimile:
  - (i) Any notice sent by post must be sent by registered mail;
  - (ii) Any notice sent by post is deemed to have been given on the third Business Day after the date of posting;
  - (iii) Any notice sent by facsimile is deemed to have been given upon completion of any apparently successful transmission;

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(iv) Notwithstanding the foregoing, in case of a facsimile, if a notice is not sent on a Business Day or is sent after 4:00 pm on a Business Day, the same is deemed to have been given on the following Business Day.

(v) In this Clause, the expression "Business Day" means a day other than a Saturday, Sunday or public holiday in the place of receipt or intended receipt of a notice.

#### 26. COUNTERPARTS

The parties acknowledge and agree that this Licence may be executed in any number of duplicate originals or counterparts.

#### 27. NO VARIATION

The parties acknowledge and agree that this Licence may not be varied except by written instrument executed by the parties.

#### 28. FURTHER ASSURANCES

The Licensee covenants that at its own cost and expense at any time upon the Licensor's request do all things and execute all documents necessary to effect the purposes of this Licence.

#### 29. REPRESENTATIONS

- (a) Each party represents and warrants to and covenants with the other party that it has full power to enter into and perform its obligations under this Licence and this Licence constitutes valid and binding obligations of each party enforceable in accordance with the terms of this Licence.
- (b) In entering into this Licence, the Licensor has relied upon the accuracy of the information provided by the Licensee in respect of the Licensee's knowledge and experience in the relevant industry and the capabilities of the Licensee's equipment.

#### 30. SEVERANCE

- (a) The parties acknowledge and agree that all the provisions of this Licence must be construed so as not to be invalid illegal or unenforceable in any respect but if any such provision on its true interpretation is illegal invalid or unenforceable that it be read down to such extent as may be necessary to ensure that it is not illegal, invalid or unenforceable and as may be reasonable in all the circumstances so as to give it a valid operation of a partial character.
- (b) In the event that any such provision or part cannot be so read down the parties acknowledge and agree that such provision will be deemed to be void and severable and the remaining provisions of this Licence will not in any way be affected or impaired.

#### 31. NON-MERGER

The parties acknowledge and agree that each representation covenant and obligation under this Licence continues in full force and effect until such representation, obligation or covenant is satisfied or completed.

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#### 32. RULES & REGULATIONS

The Licensor may make rules and regulations which are not inconsistent with the Licensee's rights under this Licence and which in its judgment are prudent for the safety, care, access of the patrons of the Property. The Licensee will observe, perform and comply with all such rules and regulations.

#### 33. WHOLE AGREEMENT

This Licence comprises the whole of the agreement between the parties.

#### 34. GOODS AND SERVICES TAX

In this Agreement:

- (a) "GST" has the meaning given in the GST Law;
- (b) "GST Law" means the legislation entitled A New Tax System (Goods and Services Tax) Act 1999; and
- (c) "Tax Invoice" has the meaning given in the GST Law.

To the extent that the payment of monies payable by the Licensee to the Licensor under this Agreement are the subject of the GST Law, which imposes a liability on the Licensor to pay any GST, in relation to, or arising out of, the receipt, by the Licensor, of monies under this Agreement the Licensee must pay to the Licensor, upon receipt of a Tax Invoice from the Licensor, in addition to any other monies payable under this Agreement an amount equal to the GST payable by the Licensor.

#### 35. LIMITATION OF LIABILITY

The parties acknowledge and agree that:

- the Licensor enters into this Agreement in its capacity as trustee on behalf of the Churches of Christ in NSW Conference Executive;
- (b) a liability arising under or in connection with this Agreement is limited to, and can only be enforced against the Licensor to the extent to which it can be satisfied from the Property out of which the Licensor is indemnified for the liability;
  - (i) the Licensee may not sue the Licensor in any capacity other than as trustee on behalf of the Churches of Christ in NSW Conference Executive:
- (c) this clause 35 does not preclude the Licensee seeking to enforce any obligation or liability of the Licensor under this Agreement where the Licensor has no right of indemnification out of the Property as a result of the Licensor's fraud, negligence, breach of trust or wilful default;
- (d) except in the case of any liability of the Licensor under or in respect of this Agreement resulting from the Licensor's fraud, negligence, breach of trust or wilful default, the recourse of the Licensee in respect of any obligations and liabilities of the Licensor, under or in respect of this Agreement, is limited to the Property; and
- (e) this clause 35 applies despite any other provision of this Agreement or any principle of equity or law to the contrary.

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#### 36. AUTHORITY OF LICENSEE

The Lessee must provide the Licensor with a certified copy of the resolution of the Licensee which authorises the entering into this Agreement.

#### 37. INTERPRETATION

In this Licence unless the context indicates or requires otherwise:

- (a) a reference to a person includes a company, partnership, joint venture, association, corporation or other body corporate and any government or governmental agency;
- (b) a reference to any thing includes a part of that thing;
- (c) a reference to a section, party, annexure, appendix or schedule is a reference, as the case may be, to a section, party, annexure, appendix or schedule to this Licence:
- a reference to a document includes all amendments or supplements or replacements or novations of that document;
- (e) a reference to a party includes that party's successors and permitted assigns;
- unless the time for doing anything is expressed to be of the essence or essential the time for doing anything is fixed but not essential;
- (g) if the time for something to be done is not stated it is to be done or to happen in a reasonable time;
- (h) if the time for something to be done or to happen is a day that is not a Business Day the time is extended to the next Business Day. "Business Day" means any day which is not a Saturday, Sunday or public holiday in the State of New South Wales: and
- (i) if the time for something to be done is the 29th, 30th or 31st of the month, and the date does not exist, the time is instead the last day of the month.

REFERENCE SCHEDULE			
Item 1	Property:	Lots 15 and 16 in DP 6362 being 3-5 Bryant Street, Rockdale	
Item 2	Licensed Area:	The Chapel and Hall on the Property	
Item 3	Licence Period:	Two (2) years	
Item 4	(a) Licence Fee:	\$20,800.00 per annum plus GST	
	(b) Monthly Installment:	That amount equal to 1/12 <sup>th</sup> of the annual Licence Fee	
Item 5	Permitted Use:	Church and associated uses	
Item 6	Commencement Date:	1 July 2011	
Item 7	Termination Date:	30 June 2013	
Item 8	Renewal Option:	(a) Number of Options: one (1)	
		(b) Length: two (2) years	
		(c) Commencement Date: 1 July 2013	
		(d) Date option must be exercised in writing: 31 March 2013	

#### **EXECUTED AS A LICENCE**

IN WITNESS WHEREOF the parties hereto have hereto set their hands and seals on the day and year hereinbefore specified.

THE COMMON SEAL OF THE CHURCHES OF CHRIST PROPERTY TRUST was affixed pursuant to a valid resolution of the said Trust in the presence of three of its Members whose signatures appear below:

JOHN ALFRA

Member [print name]

Member [sign]

Member [print name]

COMMON

DAID BARRY BERTHAL
Member [print name]

SIGNED for and on behalf of the

LICENSEE by VICTOR TEE

the presence of:

Witness [signature]

TOSEPH
Witness [print name]

Licensee [signature]

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## RESIDENTIAL TENANCY AGREEMENT

Residential Tenancies Regulation 2010

This Agreement is in 2 parts:

PART 1 PAGE 1

Part 1 – sets out the terms of the Agreement

Part 2 – contains in the Condition Report in respect of the residential premises.

IMPORTANT NOTES ABOUT THIS AGREEMENT

 The tenant is entitled to have time to read this agreement (and completed condition report referred to in this agreement) and to obtain appropriate advice if necessary

The landlord or the landlord's agent must give the tenant a copy of "new tenant's checklist

TERMS OF THE AGREEMENT

This agreement is made on 9 May 2013 at Rockdale NSW 2216

BETWEEN

LANDLORD: The Churches of Christ Property Trust

C/- Martin Hill Gardner Real Estate Pty Ltd

11 Bryant St, Rockdale NSW 2216

**LANDLORDS** 

AGENT: Martin Hill Gardner Real Estate Pty Ltd ABN: 60 003 655 543

Trading As Martin Hill Gardner 11 Bryant St, Rockdale NSW 2216

AND TENANT: Hitesh & Neena Nandha

**PREMISES** 

The landlord gives the tenant the right to occupy the premises at

9A Bryant St, ROCKDALE NSW 2216 and the following parking space No 33

The premises are unfurnished

No more than 5 persons may ordinarily live in the premises at any one time.

RENT:

The rent is \$1300.00 payable every 11th of each month starting on 11/05/13. The tenant must pay in advance on OR before the 11th of each month

The rent must be paid:

(a) To the landlord's agent by Money order or Bank Deposit (No cash)

(b) At any other reasonable place the landlord names in writing: or with Reconnect one card or Into Martin Hill & Company Property management trust BSB 182 222 ACC 3001 49184 Ref NANDHA

**Note:** The landlord or landlord's agent must permit the tenant to pay the rent by at least one means for which the tenant does not incur a cost (other than bank or other account fees usually payable for the tenant's transactions) (see clause 4.1) and that is reasonably available to the tenant.

TERM: 104
The term of this agreement is (製) weeks beginning on 11/05/13 and ending on 11/05/機 15

RENTAL BOND (Cross out if there is not going to be a Bond)

A rental bond of **\$NIL** must be paid by the tenant to the landlord or the landlord's agent on or before signing this agreement.

#### **Urgent repairs**

Nominated tradespeople for urgent repairs

Electrical repairs: Peter 0429 450 110

Plumbing repairs: Ian 0418 293 454

Other repairs: Locksmith 9567 8686

Water usage

Will the tenant be required to pay separately for water usage? **Yes No** If yes, see clauses 11 and 12. **Strata by-laws** 

Are there any strata or community scheme by-laws applicable to the residential premises? **Yes No** If yes, see clause 35.

#### Condition report

A condition report relating to the condition of the premises must be completed by or on behalf of the landlord before or when this agreement is signed.

#### Tenancy laws

The Residential Tenancies Act 2010 and the Residential Tenancies Regulation 2010 apply to this agreement. Both the landlord and the tenant must comply with these laws.

# LEASE

NSW Retail Leases Act 1994

**PREMISES** 

Two adjacent lock-up shops fronting Bryant Street, on Ground

Floor, 9-9A BRYANT STREET, ROCKDALE NSW 2216

TORRENS TITLE Part of Lot A in Deposited Plan 414614, Folio Identifier A/414614

**LESSOR** 

Name

THE CHURCHES OF CHRIST PROPERTY TRUST

Address

Level 1, 3 Rider Boulevard, RHODES NSW 2138

**LESSEE** 

Name

NANDHA & CO. PTY LTD

ABN 21 100 464 953

Address

Unit 511, 3 Tower A Rockdale Plaza Dr. ROCKDALE NSW 2216

**TERM** 

25 Calendar Months

**STARTING** 

Saturday, 1st June 2013

**ENDING** 

Tuesday, 30th June 2015

**OPTION** 

To Renew Not applicable

To Purchase Not applicable

**OPTION** 

includity

RENT

\$1,256.66 Plus GST per Calendar Month

"A" Lessor & Lessee Disclosure Statements

"B" Certificate under section 16 Retail Leases Act 1994 NSW Retail Tenant's Guide "C"

**EXECUTION** 

**ANNEXURES** 

This Agreement is made on the

PRIER WARM Mornie Authorised Officer's Name

Executed on behalf of the LESSOR by an Authorised Officer

pursuant to s. 5A of the Churches of Christ In New South Wales Incorporation Act 1947 Authorised Officer's Name

Executed on behalf of the LESSEE corporation named below by the authorised person whose signatures appears below pursuant to the authority specified.

Corporation:

NANDHA & CO. PTY LTD, ABN 21 100 464 953

Authority: Section 127 of the Corporations Act

Executed by TARUN NANDHA Sole Director & Secretary

PAGE 1 OF 13

> We (the Lessor) will lease to You (the Lessee) the Shop which comprises two adjacent shops fronting Bryant Street, located at Ground Floor, 9-9A BRYANT STREET, ROCKDALE NSW 2216, for the Term of this Lease and at the Rent and on the Conditions set out in this Agreement.

#### CONDITIONS OF THIS AGREEMENT

#### 1. DICTIONARY

The words or phrases set out in bold at the beginning of each section of this chapter have the meanings set out in the rest of that section.

Act:

Retail Leases Act 1994

Land:

any building comprising the shop including our equipment, and the land on

which the building is built or the equipment is situated.

Outgoings:

(a) unless the Act says otherwise, all stamp duties, taxes and rates and any similar charges levied by a government, a council or an authority in respect of this agreement, or the land or any part of it, as well as insurance premiums for damage and public risk additional Insurance risks listed in item 11

(b) any special outgoings mentioned in item 9

CPI:

Consumer Price Index Published by the Australian government Statistician

under the heading all groups for Sydney.

CPI review date: not applicable

Guarantor:

the person named in item 3

Our equipment: anything we install, either fixed or movable, on the land such as air conditioning equipment, fire equipment or outdoor furniture whether on shop or in some other part of the land, and any particular pieces listed in item 12

Permitted Use:

means any lawful use subject to the relevant permits or licences being held which are consistent with local planning schemes, other than, if any, a use set

out in schedule item 10 as being a non-permitted use.

Rent:

the amount in item 6 varied according to this agreement.

Start date:

1 JUNE 2013 181 JULY 1013

Shop:

the shop described in item 4 together with our fixed improvements and our

equipment.

Term:

the period stated in item 5

We and similar grammatical terms:

the person named in item 1, or any person who buys the shop from us, or anyone who otherwise becomes the owner of it during the term.

You and similar grammatical terms:

the person named in item 2, or any person to whom the rights and obligations

under this agreement are transferred.

Your equipment: anything you install, either fixed or movable, to the shop.

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#### 2. OTHER IMPLIED MEANINGS

2.1. You are responsible for everything your employees, contractors, tradespeople,

customers and visitors ("agents") do on the land.

The Act applies to this agreement. In the event of any inconsistency between the Act and this agreement, the Act modifies and prevails over the terms of this agreement. 2.2

2.3. This agreement includes the schedule.

This agreement including all guarantees and indemnities is delivered and operates as a deed.

2.5.

This agreement is governed by NSW law. Use of one gender includes all others and use of the singular includes the plural. 2.6.

2.7.

- GST expressions have their common meaning

  Amounts payable under this agreement must be increased by GST as varied from time 2.8. to time, (currently 10%). Every receipt we issue will be in the form of a tax invoice. You don't have to pay rent for any month (except the first one of the term of the Lease )
- unless we have given you a tax invoice for the last month
  Everyone who has signed this agreement (or their legal personal representative) must
  sign every change to this agreement. Everyone who is obliged to do something under 2.9. this agreement is obliged as an individual, as well as being obliged jointly with any or all
- of the other persons to whom the obligation applies.

  Every word or phrase not specifically defined in this agreement means what it usually means, but if a word or phrase has more than one reasonable meaning in the context, then in this agreement it has the meaning most favourable to you.

2.11. Every year, the rent will be reviewed according to chapter 10.

- If we nominate a real estate agent, or a manager, then you must follow the directions of that person as if they were our directions, and you must correspond with that person instead of corresponding with us. We can change real estate agents or managers whenever we want to.
- 2.13. Notices, requests and consents under this agreement must be in writing.

#### WHAT DO YOU HAVE TO DO?

You must:

- pay us the rent when and how item 7 says you have to pay it even if we haven't asked for it, without deducting any amount. We can write to you to change the method of payment at any time. show us receipts for outgoings within 7 days of us asking; pay your own gas, phone, power and water bills; regularly remove all of your rubbish and waste from the land.
- 3.1.2.

3.1.3.

3.1.4.

- if we pay outgoings for the land, including owners' corporation fees, or expenses for a number of shops of which the one you occupy is only one, reimburse us the appropriate proportion of outgoings according to item 9 and chapter 5, together all increases in insurance premiums we have to pay if the way you use the shop puts our insurance premiums up. 3.1.5.
- 3.1.6. pay upon request interest at a rate equivalent to the general interest charge on any money which You haven't paid us, or paid according to this agreement, within 7 days of the due date, compounded daily from the due date and until the overdue money is paid;
- pay within 7 days of us asking you, our reasonable expenses in respect of 3.1.7. changing this agreement, or the names of the parties to it, transferring it, or allowing subletting, if you request that change, transfer or sub-letting whether or not it actually occurs;
- pay within 7 days of us asking you, our reasonable expenses in respect of considering or acting on your request for consent or approval, whether or not 3.1.8. consent or approval is given,
- 3.1.9. pay within 7 days of us asking you, our reasonable expenses in our exercise or attempted exercise of any right or remedy against you, but, if the Act applies, only to the extent to which the Act permits recovery.

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3.1.10. comply with our reasonable requirements in relation to the use of our

- equipment and any services provided by us. comply with the laws and requirements of relevant authorities relating to 3.1.11. essential safety measures.
- give the shop back at the end of the period of time in a clean condition and having removed your equipment;
- repair any damage you have done to the shop other than fair wear and tear: 3.1.13.
- allow us as your agent to remove any equipment or any other items you have left in the shop which we may either sell to recover our costs of doing so if we reasonably believe that it is worth doing so, or dispose of at your expense if 3.1.14. we think otherwise. You must pay us our costs of so doing (less anything we get when we sell any equipment or other items) when we ask you to.
- 3.2. You must not, and must not let anyone else -
  - 3.2.1. use the shop for any illegal purpose, or contrary to any law, or for a use other than for the permitted use. (This includes putting up signs without council
  - carry on any dangerous noxious or offensive activity on the shop except keeping chemicals in the ordinary course of your ordinary business, subject to provision 3.2.6.
  - do anything which might cause nuisance, damage or disturbance to the
  - occupier or owner of any adjacent property.

    3.2.4. Not to put anything harmful down any sink, toilet or drain or do anything likely to cause a blockage or damage to the plumbing. You further agree to pay the cost of repairs for any damage or blockage caused by your negligence. use sound-producing equipment at a volume that can be heard outside the
  - 3.2.5.
  - do anything which might affect any insurance policy relating to the shop.

  - interfere with safety measures we have taken.

    install any fixtures or fittings, except those necessary for the permitted use, make any alteration or addition to the shop without our written consent. Consent is entirely at our discretion.
  - bring onto the shop any object, including a chemical, which by its nature or weight might cause damage to the shop, without our written consent
  - 3.2.10. except in an emergency, interfere with any of the our equipment in the shop or in any property of which the shop form part.

#### 3.3. You must -

- 3.3.1. take out and keep current an insurance cover in your name and noting our interest, for public risk for any single event for \$10 million, and show us satisfactory evidence on our written request.
- take out and keep current an insurance cover in your name for business risks including stock in trade and contents, plant and equipment, and plate glass, and show us satisfactory evidence on our written request.
- 3.3.3. maintain the insurance covers with an insurer or insurers approved by us.
- ensure that each insurance policy requires the insurer to give 21 days' written notice of cancellation to us before cancelling or refusing to renew the policy.
- Subject to provision 3.5, You must 3.4.
  - 3.4.1. keep the shop in the same condition as at the start of this agreement, except for fair wear and tear; and
  - comply with all notices and orders affecting the shop which are issued during
  - the period of time.
    refinish all finished surfaces in a workmanlike manner with as good quality materials as previously at the end of the 25-calendar month period immediately replace glass which becomes cracked or broken with glass of the
  - same thickness and quality.
  - immediately repair defective windows, light fittings, doors, locks and fastenings, and replace missing or inoperative light-globes and fluorescent tubes, keys and keycards.

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> 3.4.6. maintain in working order all plumbing, drainage, gas, electric, solar and sewerage installations.

promptly give written notice to us of -3.4.7.

- 3.4.7.(a). damage to the shop or of any defect in the structure of, or any of the services to, the shop,
- 3.4.7.(b). receipt of a notice or order affecting the shop,
- 3.4.7.(c). any hazards threatening or affecting the shop, and
- 3.4.7.(d). any hazards arising from the shop for which we might be liable.
- 3.4.8. immediately make good damage caused to adjacent property by You or your agents.
- permit us, its agents or workmen to enter the shop during normal business hours, after giving reasonable notice (except in cases of emergency) 3.4.9. 3.4.9.(a). to inspect the shop,
  - 3.4.9.(b). to carry out repairs or agreed alterations, and
  - 3.4.9.(c). to do anything necessary to comply with notices or orders of any relevant authority.
- 3.4.10. carry out repairs within 14 days of being served with a written notice of any defect or lack of repair which You are obliged to make good under this agreement, or otherwise pay us the cost of carrying out those repairs.

If you get the repairs done, you can only use persons who are suitably qualified. Other than basic maintenance, you can't do them yourself.

- 3.4.11. comply with all our reasonable directions as to the prevention, detection and control of fire.
- 3.4.12. on vacating the shop, remove all signs and make good any damage caused
- by installation or removal.
  3.4.13. take reasonable precautions to secure the shop and their contents from theft, keep all doors and windows locked when the shop is not in use and comply with our directions for the use and return of keys or keycards.
- 3.4.14. pay any stamp duty and registration fee applicable to this lease
- 3.4.15. maintain any grounds and gardens of the shop in good condition, tidy, free from weeds and well-watered, including use of grey-water where a system is
- 3.4.16. maintain and keep in good repair any of our equipment exclusively serving the shop .
- 3.5. You are not obliged -
  - 3.5.1. to repair damage against which we must insure under this agreement unless we lose the benefit of the insurance because of acts or omissions by you or your agents.
  - to carry out structural or capital repairs or alterations or make payments of a capital nature unless the need for them results from something you or your agents did, or didn't do, contrary to this agreement.
- 3.6. You:
  - occupy and use the shop at your own risk; 3.6.1.
  - indemnify us against and release us from any claims resulting from any 3.6.2. incident on the land except one to which we, or someone working on our instruction, is responsible.

#### TRANSFERRING THIS AGREEMENT, MORTGAGES AND SUBLETTING

- You must not transfer this agreement or sublet the shop or grant a concession in it 4.1. without our written consent..
- We 4.2.
  - subject to sub-provision 4.2.2, must not unreasonably withhold consent to a transfer of this agreement or a sublease of the shop if you have complied with

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the requirements of provision 4.3. If the Act applies, we may only withhold

- consent to a transfer of this agreement in accordance with the Act.
  4.2.2. may withhold consent at our discretion if the Act does not apply, and a transfer of this agreement would result in the Act applying, or applying if this agreement is renewed for a further term.
- To obtain our consent to a transfer or sublease you must -
  - 4.3.1. ask us in writing to consent to the transfer or sublease,
  - give us -4.3.2.
    - in relation to each proposed new tenant or sub-tenant, such 4.3.2.(a). information as we reasonably require about its financial resources and business experience and if the Act does not apply, any additional information reasonably required by us to enable it to make a decision, and
  - 4.3.2.(b). copy of the proposed document of transfer or sublease, and 4.3.3. fix any of your breaches of this agreement which have not been fixed and about which we have written to you.
- about which we have written to you.

  We must, and you must, and any sub-tenant must, and any guarantor you originally had must, sign any sub-lease. We must, and you must, and any new You must, and any new guarantor must, sign any transfer. Without a document signed pursuant to this provision, you can't allow anyone to occupy the shop other than in the ordinary course of your ordinary business without our consent.

  You can't mortgage this agreement without our consent.
- 4.5.
- If you transfer this agreement with our consent then your obligations to us end at the
- time we sign the transfer documents
  You must pay the stamp duty and the registration fee (if applicable) for the transfer at 4.7. the time we consent to the transfer.
- 4.8. You must reimburse our reasonable legal costs and other expenses incurred in connection with granting our consent to the transfer

#### **OUR OBLIGATIONS TO YOU**

- We must give you quiet possession of the premises without any interruption by us or anyone connected with us, as long as you do what you must do under this agreement.
- We must take out at the start of the term and keep current policies of insurance 5.2. against
  - damage to and destruction of the shop or any building of which it is a part, for 5.2.1. its replacement value,
  - removal of debris,
  - 5.2.3. breakdown of our equipment, (except air conditioning system), and
  - 5.2.4. any of the additional risks mentioned in item 11
- We must keep the structure (including roof and the external faces, but excluding plate 5.3. glass) of the building and our equipment in a condition consistent with their condition at the start of this agreement. We are solely responsible for repairs to the outside of the shop, and the building of which it is part, building unless you have damaged it. If the freehold of the shop (or the land) is transferred, the transferor landlord is released from all obligations under this agreement falling due for performance on or
- 5.4. after the date of the instrument of transfer.
- We will account to you for outgoings (if any) in respect of any building of which the shop is a part and not seek to recover from you more than the proportion of outgoings equivalent to the proportion which the lettable area of the shop bears to the total lettable area of the building of which it is a part. We will supply this account no later than the 1st December and 1st June in each year during the term. We can do it more than twice a year if we wish. Once we have accounted to you, you must pay your share within 14 days. An appropriate adjustment must be made in relation to an outgoing incurred in respect of a period beginning before the start of the period of time or extending beyond the end of the term. You do not have to pay outgoings before we incur them.

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#### EVENTS OF DEFAULT AND LANDLORD'S RIGHTS

- We may terminate this agreement, by re-entry or notice of termination, if: 6.1.1. the rent is unpaid for 14 days after becoming due for payment,

  - you do not meet your other obligations under this agreement, you as an individual or corporation suffer, or any guarantor, suffers a material adverse change in your financial position including but not limited to a default on any debt to any person valued at more than three months' rental under this agreement.
  - you are a corporation and without our written consent, the person in effective control of you is not the same person as was in effective control when this agreement was signed, as a result of changes in ownership of or membership of the company or its holding company, or of shares in either of
- Termination by us ends this agreement, but we retain the right to sue you for unpaid money or for damages (including damages for the loss of the benefits that we would have received if this agreement had not been terminated early) for breaches of your obligations under this agreement.

  For the purpose of the Conveyancing Act 1919 (NSW),14 days is fixed as the period
- 6.3. within which you must remedy a breach capable of remedy and pay reasonable compensation for the breach.
- 6.4.
- We must give you, before terminating this agreement under provision 6.1 for non-payment of rent, notice under section 129 of the Conveyancing Act 1919; Breach by you of any of your obligations under chapter 3 of this agreement (whether positive or negative) is a breach of an essential term of this agreement and 6.5. constitutes repudiation. If you transfer or attempt to transfer this agreement or your rights and obligations under it or sublet the shop without our written consent you also commit a breach of an essential term of this agreement and that breach also constitutes repudiation. This is not a complete list of your essential obligations..

  Before terminating this agreement for repudiation (including repudiation consisting of
- 6.6. the non-payment of rent), we must give you written notice of the breach and a period of 14 days in which to remedy it and to pay reasonable compensation for it. A notice given in respect of a breach amounting to repudiation is not an affirmation of the
- Even though we do not exercise our rights under this agreement on one occasion, we 6.7 may do so on any later occasion.

#### DESTRUCTION OR DAMAGE

- If the shop or the building are damaged so that the shop cannot be practically used for the permitted use
  - a fair proportion of the rent and building outgoings is to be suspended until the shop is again wholly fit and accessible for the permitted use, and
  - the suspended proportion of the rent and building outgoings must be proportionate to the nature and extent of the damage or inaccessibility.
- If the shop or the building are partly destroyed, but not substantially destroyed, we must reinstate the shop or the building as soon as reasonably practicable. If the shop or the building are wholly or substantially destroyed -7.2.
- 7.3.
  - we are not obliged to reinstate the shop or the building, but subject to provision 7.4 can't charge you rent until we do; and if the reinstatement does not start within 2 months, or is not likely to be
  - completed within 6 months, we or you may end this agreement by giving the other written notice.
- You will not be entitled to suspension of rent or building outgoings under sub-7.4. provision 7.1.1 nor to end the agreement under sub-provision 7.3.2 and we will not be obliged to reinstate the shop or the building under provision 7.2 if payment of an insurance claim is properly refused in respect of the damage or destruction because of any act or omission by you or your agents. This provision overrides other provisions in this chapter.

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#### CONSENTS AND WARRANTIES BY THE PARTIES

- We must not unreasonably withhold its consent or approval to any act by you or 8.1. matter which needs consent or approval unless any other provision provides
- 8.1.1. we may impose reasonable conditions on any consent or approval, and
  8.1.2. you must reimburse our reasonable expenses resulting from an application for its consent or approval, including fees paid to consultants.

  This agreement, together with the disclosure statement, contains the whole agreement of the parties. Neither party is entitled to rely on any warranty or statement 8.2. which is not contained in those documents.

#### 9. RENT

The Lessee must pay the amount of rent in item 6, varied according to this agreement, in advance and in equal monthly instalments

#### RENT ADJUSTMENT

10.1. The rent will not be reviewed or adjusted during the Term of this Lease

#### 11. DISCLOSURES

You hereby acknowledge that:

- at least 7 days prior to the signing of this agreement you received a lessor's disclosure statement in the Schedule 2 of the Act providing information about the matters set out in the Schedule; and
- at least 7 days prior to the signing of this agreement you received a copy of this agreement with names and schedule items completed; and 11.2.
- at least 7 days prior to the signing of this agreement you received a copy of the Retail
  Tenancy Guide produced by or on behalf of the Retail Tenancy Unit of the
  Department of State and Regional Development; and
- prior to the signing of this agreement you completed a lessee's disclosure statement in the form of Schedule 2A of the Act providing information about the matters set out in the Schedule.

#### **FURTHER TERM**

12.1. You do not have an option to renew this agreement for any further term, as stated in item 8

#### 13. SECURITY BOND

13.1. You are not required to pay a security deposit or a bank guarantee

#### OVERHOLDING

At the end of this agreement or any period of optional renewal, you may (unless we have objected before the end of any such period) stay in possession of the shop subject to this chapter as a monthly tenant according to the conditions of this agreement but so modified as to apply to a monthly tenancy. In that case:

14.1. the rent increases each three months in accordance with the last quarter's published

- CPI: and
- either you or we can give a month's notice on any day of the month and the tenancy ends on the expiry of that notice. 14.2.

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#### ABANDONMENT

- If you vacate the shop during the period of time, whether or not you cease to pay rent, we may -
  - 15.1.1. accept the keys,
- 15.1.1. accept the keys,
  15.1.2. enter the premises to inspect, maintain or repair them, or
  15.1.3. show the premises to prospective tenants or purchasers, without this being
  re-entry or an acceptance of repudiation or a waiver of our rights to recover
  rent or other money under this lease.
  15.2. This agreement continues until a new tenant takes possession of the premises,
- unless we -
  - 15.2.1. accept a surrender of this agreement, or
  - 15.2.2. notify you in writing that we accept your repudiation of this agreement, or 15.2.3. end this agreement in accordance with chapter 7.

#### 16. NOTICE

- A document under or relating to this agreement is 16.1. served if it is served in any manner provided in section 170 of the Conveyancing Act
- served on You if it is left at the shop .

#### WHAT ARE OUR RIGHTS OF ACCESS TO THE SHOP?

- You must give the landlord (or anyone authorised in writing by the landlord) access to the shop at any reasonable time for the purpose of-17.1.1. inspecting the condition of the shop , or how it is being used; or 17.1.2. doing anything that the landlord can or must do under this lease or must do by

  - 17.1.3. viewing the shop as a valuer, prospective buyer or mortgagee; or
  - 17.1.4. fixing a notice in a reasonable position on the outside of the shop saying that it is for sale; or
  - 17.1.5. viewing the shop as a prospective tenant not earlier than 6 months before the term of the lease ends; or
  - 17.1.6. fixing a notice not earlier than 6 months before the term of the lease ends in a reasonable position on the outside of the shop saying that it is to let; or
  - 17.1.7. inspecting, cleaning or repairing another property or any services to another
- property.

  We must give You at least 2 days written notice for access (except in an emergency). The day of the giving of the notice and any Saturday, Sunday or public holiday on 17.2. which the shop is not open for business are not counted.
- We must promptly make good any damage caused to the shop and to any of Your belongings which results from exercising these rights.

#### 18. GENERAL

- 18.1.
- This lease is subject to any legislation that cannot be excluded. If we want you to pay outgoings or costs of repairs we must either issue a tax invoice or supply a copy of the tax invoice we received in respect of them, at the time of asking you to pay them.
- 18.3.
- We must ensure that this lease is registered.

  If a consent is needed for this agreement, from someone such as a mortgagee or head landlord of the building (or the shop if you are only leasing part of a shop), then 18.4. we must get the consent.
- You must give us a copy of any notice relating to the shop or relating to any neighbouring property immediately after receiving the notice.

  There are two parts to this agreement a lease form in form 07L and this annexure. This agreement is a deed even if it is not registered. 18.5.
- 18.6.
- 18.7.
- for the avoidance of any doubt, if You default under this Agreement, you must pay our 18.8. reasonable legal costs relating to the default;

PAGE 9 OF 13

18.9. Any additional provisions set out in on this page under this paragraph:
18.9.1. bind the parties, and
18.9.2. if inconsistent with any other provisions of this agreement, but consistent with the Act, override the other provisions of this agreement.

Execution page follows

PAGE 10 OF 13

Executed as a Deed on the	day of
Executed by THE CHURCHES OF CHRIST	T PROPERTY TRUST, the Lessor
by an Authorised Officer pursuant to s. 5A of the Churches of Christ In New South Wales Incorporation Act 1947  Authorised Officer's Name	Witness Signature John And School Hopping TO Wattle Road Jamesli Witness Address 2216
Executed by NANDHA & CO. PTY LTD, All	BN 21 100 464 953, the Lessee,
by TARUN NANDHA Sole Director & Secretary pursuant to s. 127 of the Corporations Act	Witness Signature  Witness Full Name CHANDRA JAMNADAT  21/20 Macquaric St. Panamada  Witness Address

PAGE 11 OF 13

## The Schedule

Item 1	We and similar grammatical terms (the Lessor)	THE CHURCHES OF CHRIST PROPERTY TRUST ABN 73 068 989 953 Level 1, 3 Rider Boulevard, RHODES NSW 2138	
		Phone No – 8719 2610	
		E-mail Peter.Cipollone@freshhope.org.au	
		The Lessor is registered for Goods and Services Tax (GST)	
Item 2	You and similar	NANDHA & CO. PTY LTD ABN 21 100 464 953	1
	grammatical terms	Unit 511, 3 Tower A Rockdale Plaza Dr ROCKDALE NSW 2216	
	(the tenant)	Phone No. 9599 9047, 0405 491 316	
		E-mail sales@onpointdesign.com.au	
		The Lessee is registered for Goods and Services Tax (GST)	
Item 3	Guarantor	Not Applicable	
Item 4	Shop	TWO (2) ADJACENT LOCK-UP SHOPS FRONTING BRYANT ST., ON GROUND FLOOR, AT 9-9A BRYANT STREET, ROCKDALE NSW 2216	
Item 5	Term of Lease 25 Calendar Months	Lease begins 1 <sup>ST</sup> DAY OF J <del>UNE</del> 2013 July and remains in force until <del>20</del> <sup>TH</sup> DAY OF J <del>UNE</del> 2015	
Item 6	Rent	A MONTHLY rental of \$1,256.66, PLUS GST, is payable in advance	たし
		and in equal monthly instalments starting on 1 <sup>st</sup> day of June 2013 (Rent).	
Item 7	How is rent paid?	The Rent must be paid to the Lessor, or the Lessor's agent, at Martin Hill Gardiner Real Estate, 11 Bryant Street, ROCKDALE NSW 2216, or at any other reasonable place the Lessor names in writing; or	
		into the following account	
		or any other account nominated by the Lessor.	
Item 8	Further term or terms	No further term applies	

PAGE 12 OF 13



# Item 9 Additional Outgoings Tenants Responsibility

Outgoing	Frequency	Average amount
\$10 Million (Minimum) Public Liability Insurance	Yearly	
Plate Glass Insurance	Yearly	
Business Insurance including Stock & Contents	Yearly	
Maintenance and Repairs	as necessary	unascertained

Item 10 Non Permitted uses

Any use other than:
Retail embroidery, screen printing and design business;
and Tax returns

Item 11 Additional Insurance Risks

Not Applicable

Item 12 Our Equipment

Not Applicable

Item 13 House Rules

Not Applicable

PAGE 13 OF 13

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ANNEXURE "A"

# LESSOR AND LESSEE DISCLOSURE STATEMENTS Schedule 2 Retail Leases Act 1994

## NOTE

This statement and a copy of the lease is to be completed by the Lessor and should be provided to the Lessee at least 7 days before entering into a retail lease. The Information Brochure about retail leases published by the Department of State and Regional Development should be given to the prospective Lessee as soon as lease negotiations begin.

- Before signing the lease agreement, the parties should ensure they fully understand the documents and the obligations imposed.
- 2. If there is any doubt, it is prudent that all prospective lessees obtain both independent legal and financial advice about the viability of the proposed business and the terms of the Lease.
- If the Lessee has exercised or is entitled to exercise an option to renew a retail premises lease, the Lessor is required to provide this statement to the Lessee at least 21 days before the end of the current term.
- 4. In the situation where all of the parties to a retail premises lease enter into an agreement to renew the lease, the Lessor is required to provide this statement to the Lessee at least 14 days after the entering into of the agreement.
- The Lessee has remedies including termination of a lease under the Retail Leases Act 1994 if information in this statement is misleading, false or materially incomplete.
- Information contained in this statement is correct as at the date of this statement but may change after the date of this statement and during the term of the lease.
- 7. If there is insufficient space on this form please attach additional sheets.



## PART 1 LESSOR'S DISCLOSURE STATEMENT ADVICE TO LESSEE

#### THE LESSOR

Lessor:

THE CHURCHES OF CHRIST PROPERTY TRUST

Lessor's address: Lessor's Agent: Level 1, 3 Rider Boulevard, RHODES NSW 2138 MARTIN HILL GARDINER REAL ESTATE

Agent's address:

11 BRYANT STREET, ROCKDALE NSW 2216

## THE LESSEE

Lessee:

NANDHA & CO. PTY LTD

ABN 21 100 464 953

Lessee's address:

Unit 511, 3 Tower A Rockdale Plaza Dr ROCKDALE NSW 2216

#### SHOP DETAILS

The shop is not in a Retail Shopping Centre as defined by the Retail Leases Act 1994.

Address of Shop

Two (2) adjacent shops fronting Bryant Street, on Ground Floor, at 9-9A BRYANT STREET, ROCKDALE NSW 2216

,

What is the lettable area of the Shop?

Permitted use of premises: Embroidery, screen printing and design business.

Tax returns

## TERMS AND FURTHER TERMS

Under the section 16 of the Retail Leases Act 1994, Lessees have the right to a minimum five-year tenancy. The Lessee may waive this right after the Lessee receives independent legal advice and obtains a section 16 certificate.

The Term of the Lease will be 25 Calendar Months Commencing on 01 JUNE 2013 ending on 30 JUNE 2015

Does the Lessee have a right to renew or extend the term of the lease? NO List details of Options for further term/s (if applicable) Not applicable

#### RENT

The rent payable by the Lessee for the term of the Lease is as follows:

- (a) Monthly rent is \$1,256.66 Plus GST, per each calendar month payable in advance in equal instalments.
- (b) Annual rent payable is \$15,079.92 Plus GST.
- (c) Rent is not subject to review
- (d) Date for first payment of rent under the Lease: 01 JUNE 2013
- (e) The Lessee is not required to pay any rent based on turnover.

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## FITOUT FIXTURES and FITTINGS

Does the Lessee have to pay for the finishes, fixtures, fittings, equipment or services provided by the lessor? No

The shop will be available for occupation by the lessee on 01 JUNE 2013  $\,$ 

## **OUTGOINGS TO BE PAID BY THE LESSEE**

The estimated outgoings for the building in which the Premises are located for the current outgoings year are set out below. This estimate of outgoings only relates to the Lessor's outgoings that are recovered from the Lessee and does not include any separately metered outgoings incurred by Lessees.

Outgoings category	Estimate per annum (including GST)	
Water usage	\$ 400	
Total prescribed outgoings	\$ 400	
Other outgoings (if any)	\$ O	
Total outgoings	\$ 400	

Additional Outgoings to be borne by the Lessee

Outgoings category
\$10 Million (Minimum) Public Liability Insurance
Plate Glass Insurance
Business Insurance including Stock & Contents

## **DETAILS OF THE LESSORS INTEREST**

The Lessor is the Owner of the shop

## DETAILS AS TO AGREEMENTS OR ADDITIONAL REPRESENTATIONS

Give details of any other agreements between lessor and lessee, or representations made by lessor or lessee including those relating to exclusivity or limitations on competing uses.

Neither the lessor or the lessor's agents have made any statements or representations to the lessee relating to exclusivity or limitations on competing uses, sales or customer traffic. The lessor has made no business projections for the lessee's business.

x	x
Lessor	Lessee
-	

## DECLARATIONS BY THE LESSOR

I acknowledge that this Statement contains all representations in relation to the proposed lease by the Lessor and the Lessor's Agent and I am satisfied that all agreements are fully reflected in this Statement.

I have not knowingly withheld information that is likely to have an impact on the Lessee's proposed business.

Signed by the Lessor

Authorised Officer under s. 5A of the Churches of Christ In New South Wales Incorporation Act 1947 Authorised Officer's Name

DATE

... 2013

ANDREW BILLING

MENBER

Alexander

## PART 2 LESSEE'S DISCLOSURE STATEMENT

Note. Section 11A of the Retail Leases Act 1994 requires a lessee's disclosure statement to be provided to the lessor within 7 days (or any agreed further period) of the lessee receiving the lessor's disclosure statement. The lessee may be liable to a penalty for an offence under that Act if the lessee's disclosure statement is not so provided.

#### **ADVICE TO THE LESSOR**

- The lessee acknowledges that the attached Part 1, Lessor's Disclosure Statement, was received from the lessor prior to entering into the lease.
- The lessor has made available to the lessee a copy of the proposed retail shop lease. This was done on
- The lessee has sought independent advice in respect of the commercial terms contained in the Lessor's Disclosure Statement and the obligations contained in the proposed retail shop lease.
- 4. The lessee believes that the lessee will be able to fulfil the obligations contained in the lease, including the payment of the proposed rent, outgoings and other amounts, based on the lessee's own business projections for the business.
- 5. In entering into the retail shop lease, the lessee has not relied on any statements or representations made by the lessor or the lessor's agents relating to exclusivity or limitations on competing uses, sales or customer traffic. The lessor has made no business projections for the lessee's business.
- 6. Apart from the statements or representations set out above, no other promises, representations, warranties or undertakings (other than those contained in the lease) have been made by the lessor to the lessee in respect of the premises or the business to be carried out on the premises.

Signed by the Lessee

TARUN NANDHA Director & Secretary NANDHA & CO. PTY LTD ABN 21 100 464 953

DATE ...... 2013

ANNEXURE "B"



**Retail Tenancy Unit** 

## Certification under section 16 Retail Leases Act 1994 (NSW)

Section 16 (1) of the *Retail Leases Act 1994* (NSW) sets the term of a retail shop lease (including extensions or options) as not less than 5 years. Shorter lease terms are allowed if a lawyer or licensed conveyancer, not acting for the lessor (landlord), at the request of the prospective lessee (tenant) certifies in writing that they have explained subsections (1) and (2) of section 16 and that giving this certificate will result in those subsections not applying to the lease.

giving this certificate will result in those subsections not applying to the lease.
Prospective lessee: NANDHA & CO. PTY LTD ABN 21 100 464 953
Two adjacent lock-up shops fronting Bryant Street, on Ground Floor, Premises: 9-9A BRYANT STREET, ROCKDALE NSW 2216
I CHANDLA JAMNADAS being a lawyer / Heensed conveyancer_certify that, at the request of the prospective lessee, I have explained subsections (1) and (2) of section 16 and that giving this certificate will result in those subsections not applying to the lease.
I have explained the above before I within a months after the lease was entered into.
Dated: 26 June 2013
Signature: C . J a
Name: CHANDRA JAMWADAT



Department of State and Regional Development



#### ANNEXURE "C"

Retail Tenancy Unit 1300 795 534 www.retail.nsw.gov.au

## **NSW Retail Tenant's Guide**

This guide will help tenants understand the key aspects of leasing a retail shop. The landlord must give a prospective tenant this guide as soon as they start negotiating a lease The guide does not replace professional, legal or business advice or try to explain every aspect of the law.

A retail lease is covered by different law from a residential lease. In NSW the Retail Leases Act 1994 (the Act) sets out legal arrangements between landlords and tenants for shops selling and supplying goods and services, where the shop is less than 1,000 square metres and is used for a retail business.

More information and a list of retail businesses covered by the Act is available on www.retail.nsw.gov.au.

The Act covers what you must do when:

- starting a lease
- changing the rent
- transferring a lease
- you are in dispute with your landlord.

## KNOWING THE FACTS UP FRONT

At least seven days before the lease begins the landlord must give the tenant a landlord's disclosure statement. This statement sets out important facts about the shop and the lease. Within seven days of receiving this statement, the tenant must give the landlord a tenant's disclosure statement.

Standard forms of these statements are available on www.retail.nsw.gov.au.

If the shop is in a shopping centre, look for extra items that must be included in the landlord's disclosure statement, if they are available to the landlord. These include:

- the annual sales of the centre
- turnover for specialty shops per square metre, using at least three categories (food, non-food and services)
- centre traffic count
- details of fitout construction standards
- details of when the leases for major tenants end.

Read the landlord's disclosure statement carefully. Check that it includes all the agreements you reached during negotiations and any promises made. Make a note in the tenant's disclosure statement of all verbal commitments made to you by the landlord or the landlord's agent.

Tell the landlord immediately if you don't understand or don't agree with their statement. If you need to, ask the landlord for a new disclosure statement.

The tenant's disclosure statement must say if:

you have received the landlord's disclosure statement

- you have a draft lease
- you have had any professional advice about your lease obligations
- you can meet your obligations, and
- the landlord has made any other agreements or representations to you and the details of them.

Be sure to write in the tenant's disclosure statement anything the landlord has said about the premises that you think is important, such as their comments about:

- the level of passing trade
- the tenancy mix
- any works they intend to do
- your right to be the only retailer selling certain products or services.

Shops leased from the Rail Corporation New South Wales and at the Sydney (Kingsford-Smith Airport) have special rules under the Act.

## What you must do

- Carefully read the landlord's disclosure statement and consider taking legal and financial advice to ensure you understand it.
- Give the landlord your tenant's disclosure statement no later than seven days after you receive the landlord's disclosure statement.
- Ask detailed questions about the impact on your business of any expected development of the building or shopping centre, if the landlord's disclosure statement only covers it in broad terms.

- See a business advisor for help with location and business planning.
- If you are leasing in a shopping centre, ask to see all possible locations.
- Write a report on the condition of the shop before the lease begins that both tenant and landlord sign. This can include photos.
- Include an agreement on fair wear and lear in the lease.

#### SETTING UP THE LEASE

A lease is a legal agreement between a landlord and tenant for the use of the shop where the tenant conducts their business. A lease cannot override the requirements of the Act.

A lease typically commences when both parties sign it. However, a lease is valid even if an agreement has not been signed, if:

• the tenant takes possession of the shop, or

the tenant begins to pay rent.

It is good business practice for a tenant not to pay rent or open for business before signing the lease. Once a lease is signed, the landlord and the tenant usually cannot end it without the other's consent.

A lease should include:

- the date that it starts and ends
- a description of the shop
- how much the rent is
- how the rent can be changed
- the type of business
- any outgoings the tenant must pay
- what bond, other security or guarantee is needed
- who repairs and who maintains the property and equipment
- core trading hours, when shops must be open for business.

#### The lease period

The lease period is the length of time you rent the shop. The lease must include the lease period, and it may also include an option to renew or extend the lease. A lease with fair terms and a long lease period is a valuable asset for both landlord and tenant. It helps improve the landlord's investment in the property, and the tenant's investment in the retail business.

Under the Act, the minimum lease runs for five years, made up of the original term and any options. You can agree to a shorter lease period by giving the landlord a notice called a section 16 certificate signed by your lawyer or conveyancer saying that you agree to the shorter lease period. You can do this within six months of starting the lease.

## What you must do

- Take advice from legal and financial experts to make sure you understand the lease and the costs of running the business.
- Protect yourself with a section 16 certificate if you want a lease term of less than five years.

#### Permitted use

Permitted use describes the type of business that you can run from the shop.

Before signing the lease, you must check that the shop can be used for the business you want to run. You cannot use the shop for any other type of business without the landlord's and council's consent.

If you are taking over a lease when buying a business, you should personally check with the council to make sure that approvals are in place, as well as receiving this assurance from the seller and the landlord. Avoid disputes and unnecessary loss by getting the approvals you need in writing

The kind of things to consider about permitted use:

- for a hairdresser, does it include beauty treatments?
- for a take-away shop, can meals be served on re-usable plates, or can the type of take-away food be changed?
- your future plans for the business.

#### What you must do

- Make sure the lease and the landlord's disclosure statement describe the shop's permitted use and that this description is broad enough so you can:
  - expand the business; and/or sell the business.
- Check that council approvals are in place for the business you plan to conduct.

### Shopping centre leases

A shopping centre is defined in the Act as a cluster of shops:

- owned by the same person where at least five shops are used for retail business; and
- regarded or promoted as a centre, mall, court or arcade.

Some of the special issues to be aware of when setting up a lease in a shopping centre are:

- turnover information the tenant agrees to provide under the lease must be kept confidential and generally needs consent to be disclosed
- you may be required to contribute to the cost of advertising and promotion of the shopping centre
- you cannot be required to advertise or promote your own business you cannot be stopped from conducting
- business outside the centre
- the landlord cannot change the centre's core trading hours without a majority of shops agreeing to this in writing.

Retail Tenancy Unit 1300 795 534 www.retail.nsw.gov.au

- Make sure the lease period is long enough for you to recover your investment. make a profit, and sell the business if you wish.
- If you want a five year lease, but don't know if you should make that financial the landlord for a shorter lease period with everal options Check the rent you will pay for each option period.

#### THE COSTS OF LEASING

#### Lease preparation

The landlord pays the cost of preparing the lease, unless the tenant asks for it to be changed after the tenant's disclosure statement has been returned to the landlord.

The tenant pays stamp duty on the lease and registration fees, if the lease is to be registered. Leases with a lease period of more than three years, including any option period should be registered to protect your interests.

#### Fitout

You will usually be responsible for the costs of installing fixtures and fittings in the shop (the fitout). In shopping centres there is usually a standard of construction required for fitouts.

You may also be responsible for some or all of the landlord's costs of preparing the shop for the fitout, known as landlord's works. The landlord's disclosure statement must state whether you pay these costs. You must agree to the maximum cost of landlord's works in writing before beginning the lease.

#### What you must do

- Make sure you know what expenses you will have in preparing the shop to trade and that you follow the fitout standard required by the lease.
- Check whether the landlord has nominated you as principal contractor for any fitout works in the shop and understand the occupational health and safety and responsibilities you are undertaking.

#### Rent

Rent is one of your largest ongoing costs and is normally paid monthly in advance.

Even if you have financial problems, you still must pay the rent and use the shop only for the business stated in the lease. If you sign a lease saying that you will keep actively trading in the lease period, you cannot close your shop.

### What you must do

 You must pay the rent on time. If you don't pay it, the landlord may lock you out or end the lease without warning or notice.

#### Changing the rent

The lease must state when and how the rent can be changed.

If the lease says the rent is set at current market value, and the tenant and the landlord cannot agree, then the Act provides a process for a specialist retail valuer to determine the rent. An independent body, the Administrative Decisions Tribunal appoints the valuer, and the tenant and the landlord share the costs equally.

#### Outgoings

Outgoings are expenses of the landlord the tenant has agreed to pay under the lease. The Act states that outgoings must be:

- directly and reasonably related to the shop being leased; and
- attributable to the operation, maintenance or repair of the building or shopping centre in which the retail shop is located.

Lease-related outgoings are usually major costs for the tenant. You need to understand these costs before signing a lease, and make plans to meet these payments.

#### Key money

Taking key money for a lease is illegal and a landlord may receive a heavy penalty if they ask for it. Key money is either money or a benefit the landlord asks for to grant, renew, extend or assign the lease. Key money does not include paying a cash bond or giving a guarantee.

#### Security

The landlord may ask you for some form of security when negotiating the lease. This security may be:

- a cash bond
- a third party guarantee, which is a promise by an individual to pay the landlord if you break the terms of the lease
- a bank guarantee, which is a promise by your bank to pay the landlord an amount up to an agreed limit if you break the terms of the lease. You usually have to give the bank some security to obtain a bank guarantee.

#### Cash bond

If you agree to give the landlord a cash bond as security, the landlord must deposit the bond with the NSW Government's retail bond scheme within 20 business days after they receive the bond. The scheme holds the money in trust and invests the bond in a special account. Forms for lodging the bond are available by calling 1300 795 534.

If a tenant begins a lease before 1 January 2006 and has paid a cash bond, the landlord must lodge the bond with the scheme by 1 April 2006.

Here are the main advantages of giving the landlord a cash bond:

- it is held by the NSW Government
- there are no fees involved, so the amount is secured
- it is for a specified amount, unlike most third party guarantees
- it cannot be called on before the lease ends without your agreement, unlike most third party and bank guarantees
- there are legal procedures for paying out bond money at the end of the lease and for disputes, which can help keep costs down.

Retail Tenancy Unit 1300 795 534 www.retail.nsw.gov.au

- Check the market rent with local real estate agents and valuers, other retailers or industry bodies.
- Negotiate in a reasonable way.
- Before beginning the lease, talk to your advisor/s or contact a retail or industry group to find out the outgoings for similar shops.
- Agree in writing what fitout items can stay and what must be removed, and how the premises will be "made good" at the end of the lease.
- Make sure your cash bond, if given, is lodged with the NSW Government scheme by the landlord, and that you receive a bond number from the scheme.
- If you have given a bank guarantee as security, agree in writing when it will end, such as three months after the shop is vacated.

#### KEY LEASE ACTIONS

When you find a shop you want to rent. Read the draft lease. Get advice.

Seven days before you begin either a new lease or renew a lease. Get a disclosure statement from the landlord.

Seven days after you receive the landlord's disclosure statement. Give the landlord your disclosure statement, unless you have both agreed you will supply it later.

Before you sign the lease.
The landlord must tell you in writing whether they expect to do any works that may disrupt your business.

After you sign the lease. You can waive the right to a five year lease term by giving a section 16 certificate in the first six months.

You can end the lease in the first six months if the landlord did not give you a disclosure statement before you began the lease.

If the landlord wants to move your shop due to building works, they must give you a relocation notice.

#### UPS AND DOWNS

#### Relocation

If the lease has a relocation clause, the landlord must give you at least three months' notice in writing when they ask you to move to another shop. You have one month to tell the landlord that you don't want to move to the new shop when you get the relocation notice. If you do not accept the new shop, the lease finishes at the end of the notice period.

#### What you must do

- Check that the relocation is necessary and the landlord has complied with the Act.
- Get a relocation notice if the landlord wants you to move out of your shop to do building works.
- Decide promptly if you wish to terminate the lease instead of accepting the new shop, and advise the landlord within one month of receiving the relocation notice.

#### Demolition

If the lease has a demolition clause, the landlord can end the lease to demolish the building or shopping centre. Demolition includes any major repair, renovation or reconstruction.

The landlord must give at least six months' notice that the lease will end because of demolition. You can end the lease during that time by writing to the landlord and giving at least seven days' notice.

#### What you must do

- Check whether the lease has a demolition clause and if the landlord has to compensate you for reasonable costs.
- Make sure the rent reflects the potential loss of your business if the lease includes a demolition clause and a notice is likely to be given to you.

#### Disruptions

The Act states that the landlord must take all reasonable steps to avoid disrupting your business, and that you may be compensated unless you were told about the disruption before starting the lease.

The landlord must give you two months notice if they want to do any works in the building or shopping centre that may interfere with your business, unless it is an emergency.

If the landlord told you about any planned works in writing beforehand, such as in the disclosure statement or the lease, you may not be entitled to compensation, or only get part-compensation because you had the chance to consider the works and make them part of the negotiation for the rent and terms of the lease.

Retail Tenancy Unit 1300 795 534 www.retail.nsw.gov.au

- It is wise to have insurance for damage that you may do to the shop or the building it is in.
- Keep detailed records of any disruptions or damage so you can be specific about their impact and have a better chance of getting fair compensation if your business staffected.

Repairs and damage

Leases usually state that you must keep the shop and equipment in good repair. But leases often do not state who must replace equipment when it breaks down and cannot be repaired. This is the cause of many disagreements. To avoid this, the lease should clearly state the tenant's or the landlord's obligations to repair or replace equipment that the landlord supplies.

If a tenant has to replace equipment, they need to be sure that their lease is long enough for them to recover their investment.

If your shop or its building is damaged, tell the landlord in writing immediately that you want it repaired. Also tell them when the damage happened. You can ask for compensation if you write to the landlord asking them to clean, replace or fix something that they are responsible for and they do not do so as soon as possible.

If you can't use your shop at all, you do not have to pay rent until it is repaired.

#### What you must do

 Tell the landlord in writing as soon as possible about any damage, or subsequent repairs that are required.

#### Ending the lease for breach

Nearly all leases have a clause allowing the landlord to end the lease if the tenant breaches or breaks it. Normally, before a landlord can do this, they must give the tenant:

- a notice describing the breach; and
- reasonable time to fix the breach.

In some cases, if the landlord does not meet the requirements of the lease, you may have the right to end the lease. Always get legal advice before taking this step, because if you get it wrong there could be financial consequences.

## Improper conduct

Neither the tenant nor the landlord may engage in unconscionable conduct. This includes using bargaining power unfairly or using unfair tactics.

See the Australian Competition and Consumer Commission's website www.accc.gov.au for examples of unconscionable conduct.

The Administrative Decisions Tribunal may award damages to someone who has suffered loss because of unconscionable conduct. This is a complex matter that usually requires legal advice to make a successful claim.

As well as unconscionable conduct, neither the landlord nor the tenant can engage in misleading or deceptive conduct. Generally, this is behaviour that:

- creates a false impression
- hides information
- makes false claims.

## Dispute resolution

The Act says that the Registrar of Retail Tenancy Disputes provides mediation services for disputes between the landlord and tenant of a retail shop lease.

The Registrar will use mediation to try and resolve the dispute. Mediation is an effective and cost efficient way of resolving disputes. A neutral mediator helps both parties try to negotiate a solution. There is a cost for both landlord and tenant for using the services of a mediator.

The Administrative Decisions Tribunal If mediation is not successful, the next step to resolve the dispute is to go the Tribunal. Unlike mediation, the Tribunal strictly focuses on legal matters and solutions. You can represent yourself at the Tribunal or engage a lawyer.

If you want to represent yourself, get legal advice before the hearing so you know exactly how to put your arguments to the Tribunal and improve your chances.

The monetary limit of the Tribunal's jurisdiction is \$400,000.

Retail Tenancy Unit 1300 795 534 www.retail.nsw.gov.au

- Try to resolve disagreements by discussion and negotiation.
- Contact industry bodies to see if they can help.
- Talk to the Retail Tenancy Unit about issues as they arise, to avoid or manage disputes.
- Having an option may add value to your business.
- Ask the landlord for an updated disclosure statement before you exercise the option
- If you are vacating the shop, leave enough time to remove your property and restore the shop to the state agreed in the

#### AT THE END OF THE LEASE

When the lease ends, the landlord can rent the shop to someone else. The landlord should give you a notice stating whether they plan to offer you a new lease or not.

If the landlord does not issue a notice telling you whether there will be an offer of a new lease, write to them before the lease ends to ask for this notice. The lease can be extended by up to six months from the time they do give you the notice.

If the landlord offers you a new lease and you do not accept it within one month, they can withdraw the offer.

The landlord does not have to negotiate a new lease or an extension and they can stop negotiations at any time. They must tell you in writing that they have finished the negotiations before they can advertise the shop for lease.

The landlord can allow you to stay in the shop after the lease ends. This is usually on a month-to-month basis, which either of you can end with one month's notice.

If you want to hold over on a month-to-month basis, ask the landlord for their consent in writing well before the lease ends.

#### What you must do

- If no extension is offered you must vacate the shop. Unless you have a different arrangement with the landlord, by the end of the lease you must:
  - remove all your property
    return the shop to the state required
    by the lease.

#### If the lease has an option

Check your lease to see what you need to do to exercise the option and when it needs to be done. You must tell the landlord in writing before the end of the option period stated in the lease, whether you want to take up this option. If the option says that the lease is to be renewed or extended at the current market rent, ask the landlord in writing what the new rent will be. You have up to 21 days after they reply to exercise the option.

If you miss these dates, you lose the right to the option.

## Selling the business

If you decide to sell your business, you will usually want to transfer (assign) your lease to the buyer, or assignee. You should seek advice about the special requirements in the Act for asking the landlord to agree to the assignment, which involves giving information to the landlord and to the new tenant in order to be released from the financial obligations of the lease. Check www.retail.nsw.gov.au for more information.

#### **Useful** websites

- Administrative Decisions Tribunal: Retail Leases Division (link) www.lawlink.nsw.gov.au
- Australian Retailers Association www.ara.com.au
- The Department of State & Regional Development www.smallbiz.nsw.gov.au
- Law Society of NSW www.lawsocnsw.asn.au
- Retail Leases Act, 1994 (link) www.retail.nsw.gov.au

#### KEY DATES TO REMEMBER

These dates apply if your landlord uses a 1 July to 30 June financial year. If they do not use this financial year accounting system these dates will be different.

#### By 31 May

If you pay outgoings the landlord must give you an estimate for the upcoming accounting period.

If you are in a shopping centre and pay advertising and promotion expenses, the landlord must give you a written marketing plan of the proposed advertising and promotion expenses during that accounting period.

#### By 30 September

The landlord must give you a written statement which has been audited, detailing the outgoings for the previous accounting period.

The landlord must give you a sinking fund statement, where this applies.

If you are in a shopping centre and you contribute to a marketing plan or an advertising and promotion plan, the landlord must give you a written and audited statement with details on advertising and promotion costs.

#### By 31 January

If you are in a shopping centre and you contribute to a marketing plan or an advertising and promotion plan, ask to examine a written statement with details of advertising and promotion costs for the previous accounting period.

#### By 31 October

The tenant and landlord should settle any under-payment or over-payment to adjust the actual outgoings for that financial year. Retail Tenancy Unit 1300 795 534 www.retail.nsw.gov.au

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RTU@business.nsw.gov.au Retail Tenancy Unit GPO Box 5477 Sydney NSW 2001 Ph: 1300 795 534

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DSRD-REU/005 0705

# TERMS SHEET FOR THE PURCHASE OF PROPERTIES FROM THE CHURCHES OF CHRIST ROCKDALE BEEN LOT 15 IN DP 6362, LOT 16 IN DP 6362, LOT A DP 414614, BRYANT STREET ROCKDALE

This terms sheet sets out the commercial terms agreed on an in-principle basis between Bayside Council and Churches of Christ regarding the purchase of the above lots

Vendor	Churches Of Christ Property Trust				
Purchaser	Bayside Council				
Land	Lot 15 in DP 6362, Lot 16 in DP 6362, Lot A DP 414614				
Price	\$7,450,000 Excluding of GST				
GST	Price including GST \$8,195,000				
Deposit	5% of the purchase price				
Completion	60 Days				
Disturbance Costs	TBC (allowance) \$60,000				
Lease (Church and Church Hall) lease period	Minimum 24 months from the date of settlement				
Shop and residence lease period	Minimum 90 day notice period from the date of settlement				
Conditions	Completion of legal documentation to the satisfaction of the of the Purchaser				
	Formal resolution of council to purchase the properties				

## State of Repair

## The purchaser:

- (a) acknowledges that it does not rely on any representation made by or on behalf of the vendor to the purchaser in respect of the property, the improvements and inclusions other than as stated in this contract;
- (b) accepts the property, including all improvements and inclusions, in its present condition and state of repair, and subject to all faults and defects both latent and patent, including any contamination or hazardous substances;
- (c) cannot make a claim, requisition, delay completion, delay the performance of any of its obligations under this contract or rescind or terminate this contract because of any contamination or hazardous substances found in or on the property; and
- (d) waives any existing and future claims or redress of any kind which it may have against the vendor because of contamination or hazardous substances or any other environmental damage to the property.



Item No 8.15

Subject Sale of 429 Princes Highway Rockdale

Report by Michael McCabe, Director City Futures

File F13/461

## Summary

Council is the owner of 429 Princes Highway, Rockdale (Council property), which comprises a 625 sqm land parcel with an existing commercial premises leased to the Rockdale Community Centre, with the lease expiring in September 2021. While the site enjoys a B4 Mixed Use and permissible 22 meter height limit, there is little opportunity to redevelop the site on a stand-alone basis, as it does not meet the minimum standards for development.

Council on the 12 April 2017 resolved to sell the Council property to the adjoining owner to the South, being the Anglican Church Property Trust at 431 Princes Highway, as a premium could be achieved for the property based on an amalgamated site bonus.

The Anglican Church Property Trust (ACPT) has not been able to secure a development partner and has withdrawn their offer to purchase the property. The adjoining owner on the northern boundary has now approached Council to either acquire their property or sell in one line (together), such that both owners can enjoy the premium attached to an amalgamated site and the bonuses available under the LEP.

This report seeks approval to sell the Council property in line with 427 Princes Highway, Rockdale.

## Officer Recommendation

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:
  - With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with, or . That Council endorses direct dealings for the sale of 429 Princes Highway, Rockdale in a combined offering with the owner of the property at 427 the Princes Highway (Blakeland Pty Ltd);
- That Council endorses direct dealings for the sale of 429 Princes Highway, Rockdale in a combined offering (sell in line) with the owner of the property at 427 Princes Highway, Rockdale (Blakeland Pty Ltd);
- That Council authorises the General Manager to finalise the terms associated with the sale of the property in conjunction with the adjoining owner;
- That a further report is presented to Council prior to the sale, to establish a minimum reserve or sale price for the property dependent on the appropriate sales method; and

That Council appoint a probity advisor to prepare an engagement and probity plan to undertake the sale for both parties.

## **Background**

Council is the owner of 429 Princes Highway, Rockdale (the Council property) with a total site area of 625 square meters. The Council property is leased to Rockdale Community Services until September 2021. The lease contains a provision allowing a lessor (Council), to terminate the lease after 1 October 2019 if there is a substantial repair or renovation or reconstruction of the building.

The Council property is bound to the north by 427 Princes Highway, Rockdale (circa 1,260 square meters), owned by Blakelands Pty Ltd and to the south by 431 to 431A Princes Highway, Rockdale (circa 1,220 square meters), owned by The Anglican Church Property Trust (ACPT).

Clause 4.3 of the Rockdale Local Environmental Plan 2011, provides a height incentive of 12 meters for sites that exceed 1,500 square meters in area C, for areas nominated within the Rockdale Town Centre. Both the Council property and adjoining properties fall within the height incentive area.

In 2017 the ACPT sought Council's interest in acquiring, disposing or developing its property in conjunction with Council, including the Anglican Church Property Trust and Blakelands Pty Ltd (with former development 'partner' SHRIK), in order to benefit from the height bonus permissible in the Rockdale Local Environmental Plan.

After protracted negotiations and offers from both the southern and northern owners, Council on the 12 April 2017 resolved to sell the property at 429 Princes Highway to ACPT, with the resolution including provisions to provide accommodation for the Rockdale Community Services Centre, and introduction of a laneway to extend Geeves Lane on the Western boundary, refer to Item 8.5 at the link below:

https://www.bayside.nsw.gov.au/sites/default/files/2017-11/Council%20Business%20Paper%20-%2012%20April%202017.pdf

Subsequent to the resolution, ACPT was not able to secure a development partner to conclude the acquisition, and has subsequently withdrawn their offer, they will not engage further with Council on the acquisition sale or redevelopment of the land at this time. As a result Council has not been able to conclude the sale transaction with ACPT in accordance with the previous resolution.

## **Options**

Given the inability for Council to complete the sale to ACPT at this time, Council has a number of options available to it in relation to 429 Princes Highway, including;

- 1. Do nothing.
- 2. Sell (on a standalone basis).
- 3. Consolidate with the adjacent land owner to the north (Blakelands Pty Ltd), and either:

- a. sell the properties in one line (together); or
- b. Council purchase 427 Princes Highway.

Council presented these options for consideration at a General Manager briefing on the 29 November 2018

See Confidential Attachment 1 – Councillor Presentation at the General Manger Briefing 29 November 2018

The owner of 427 Princes Highway (Blakeland Pty Ltd) has acknowledged that either possibility in option 3, would be acceptable to maximise their own realisation of the site, which in its own site area does not qualify for the bonus height under the LEP. Blakeland Pty Ltd is an active seller.

See Attachment 2 – Current Company Extract Blakelands Pty Ltd

Subject to Council Resolution to sell in line with Blakeland Pty Ltd, Council will undertake appropriate due diligence, to determine the value of both the Council property and 427 Princes Highway, considering latent site conditions.

## The Laneway Requirement In Accordance With Previous Council Resolutions

Further traffic investigations in the vicinity of 429 Princes Highway, have concluded that a rear laneway dedication is no longer required, and that vehicular access can be achieved to the south through the northern boundary of 433 Princes Highway (current development approval condition) and to the north via Waines Crescent.

Ideally, Council would support a total traffic solution to be implemented to facilitate and benefit all development between Geeves Avenue and Waines Crescent, including the consideration of the closure of Waines Crescent for an alternate traffic solution.

## Accommodation/Rockdale Community Services

Finding an acceptable accommodation solution for the Rockdale Community Services was a key principle of the April 2017 report. Given the termination of negotiation with ACPT, which included a lease back in new premises for the Rockdale Community Services, any consideration by Council to sell or redevelop the sites with the adjoining owner will displace the Rockdale Community Services.

Rockdale Community Services in all discussions to date have expressed a strong interest in retaining a presence in the Rockdale town centre, and prior to Council engaging with the adjoining owner or agreeing to sell the property, alternative accommodation strategy for the Rockdale Community Services will need to be identified and agreed in principle with the tenant.

## Probity

Given the complexity of a potential sale to the adjoining owner, Council will undertake to complete a negotiation protocol and probity plan between parties to ensure appropriate transparency in the sale of the properties in the open market.

## **Next Steps**

Post the adoption of this report, the following outlines the next key steps to affect the sale of the Council property.

- Full commercial terms will be finalised via the drafting of a contract document by each party's legal representatives.
- Appropriate due diligence by the owner of 427 Princes Highway on environmental contamination which will form part of the contract documentation.
- Both owners have to agree on an appropriate time table, valuation and value share prior to the properties being offered to the market.
- An expression of interest to appoint agents to undertake the sale.
- Discussions to continue with Rockdale Community Services to ensure continuity of service and alternative accommodation strategy is an identified.

Financial Implications	
Not applicable	
Included in existing approved budget	
Additional funds required	Funding of up to \$100,000 from the Strategic Priorities Reserve to undertake due diligence will be required. A further report to Council will talk to the sale price of the land.
Community Engagement	

Not Applicable

**Attachments** 

- 1 Confidential Options Paper (confidential)
- 2 Company Extract Blakelands Pty Ltd <a href="#">J</a>
- 3 Valuation 429 Princes Hwy Rockdale (confidential)

# Current Company Extract for BLAKELANDS PTY LTD

Extracted from ASIC database on 02 December 2018 09:49 PM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

### **Organisation Details**

Name:	BLAKELANDS PTYLTD
A.C.N:	001933151
A.B.N:	87001933151
Status:	Registered
Registered In:	NSW
Registration Date:	12/06/1980
Review Date:	12/06/2019
Name Start Date:	01/12/1980
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	01/12/1980
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Previous State Number:	24737727
Registered charity:	No
Document Number:	

#### **Organisation Address**

Status	Address Type	Address	Start Date	Doc Number
Current	Registered Office	VINCENT J DIBELLA & ASSOCIATES PTY LTD LEVEL 4 44 MILLER STREET NORTH SYDNEY NSW 2060	12/07/2005	021412829
Current	Principal Place of Business	49 WENTWORTH STREET RANDWICK NSW 2031	19/10/1998	0E2375936

#### **Organisation Officers**

Role	Officer Details	Address	Appointment Date	Court Details	Doc Number
Director	HELEN FAY CALLANDER Date of Birth: 15/04/1947 Place of Birth: SYDNEY NSW	49 WENTWORTH STREET RANDWICK NSW 2031	02/02/1989		0E1978912
Director	KENNETH JAMES CALLANDER Date of Birth: 09/12/1944 Place of Birth: SYDNEY NSW	49 WENTWORTH STREET RANDWICK NSW 2031	02/02/1989		0E1978912
Secretary	HELEN FAY CALLANDER Date of Birth: 15/04/1947 Place of Birth: SYDNEY NSW	49 WENTWORTH STREET RANDWICK NSW 2031	02/02/1989		0E1978912

## **Share Structure**

Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
ORD ORDINARY	8	\$8.00	\$0.00	0E0159944 (AR 1994)

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

#### Shareholders

Class	No. Held	Beneficially	Fully Paid	Shareholder Details	Document Number
-------	----------	--------------	------------	---------------------	-----------------

ORD	4	Yes	Yes	HELEN FAY CALLANDER 49 WENTWORTH STREET RANDWICK NSW 2031	0E2402000 (AR 1998)
ORD	4	Yes	Yes	KENNETH JAMES CALLANDER 49 WENTWORTH STREET RANDWICK NSW 2031	0E2402000 (AR 1998)

## Pre-ASIC Documents

State	Received Date	Form Code	Status
NSW	31/01/1990	66	RCVD
NSW	19/04/1990	55B	RCVD
NSW	15/05/1990	150A	RCVD
NSW	31/12/1990	M'FICHE	

## **Documents**

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484B Change to Company Details Change of Registered Address	2	05/07/2005	06/07/2005	06/07/2005	021412829
316	316L Annual Return Annual Return - Proprietary Company	3	31/05/2002	31/05/2002	27/05/2002	0E7302023 (AR 2002)
316	316L Annual Return Annual Return - Proprietary Company	3	12/06/2001	12/06/2001	05/06/2001	0E5897069 (AR 2001)
316	316L Annual Return Annual Return - Proprietary Company	3	20/06/2000	20/06/2000	09/06/2000	0E4546884 (AR 2000)
316	316L Annual Return Annual Return - Proprietary Company	3	01/06/1999	01/06/1999	01/06/1999	0E3149425 (AR 1999)
316	316L Annual Return Annual Return - Proprietary Company	3	28/10/1998	28/10/1998	28/10/1998	0E2402000 (AR 1998)
203	203A Notification of Change of Address	1	27/10/1998	27/10/1998	27/10/1998	0E2394096
203	203 Notification Of 203A Change of Address 203G Change of Address - Principal Place of Business	1	21/10/1998	21/10/1998	19/10/1998	0E2375936
304	304C Notification of Change of Name or Address of Officeholder	1	31/03/1998	31/03/1998	31/03/1998	0E1978912
316	316L Annual Return Annual Return - Proprietary Company	4	19/01/1998	19/01/1998	08/12/1997	0E1738273 (AR 1997)
316	316L Annual Return Annual Return - Proprietary Company	4	05/02/1997	08/02/1997	31/01/1997	0E1063523 (AR 1996)
304	304A Notification of Change to Officeholders of Australian Company	1	15/04/1996	15/04/1996	25/03/1996	0E0455462
316	316L Annual Return Annual Return - Proprietary Company	4	23/01/1996	23/01/1996	31/12/1995	0E0363426 (AR 1995)
316	316L Annual Return Annual Return - Proprietary Company	4	27/01/1995	31/01/1995	31/12/1994	0E0159944 (AR 1994)
316	316L Annual Return Annual Return	5	02/02/1994	15/02/1994	31/12/1993	005361024 (AR 1993)
316	316L Annual Return Annual Return	4	04/01/1993	13/01/1993	15/12/1992	00193315C (AR 1992)
316	316 Annual Return 316E Corrections 316L Annual Return	4	02/04/1992	23/04/1992	02/04/1992	00193315B (AR 1991)
316	316 Annual Return 316E Corrections 316L Annual Return	4	25/02/1991	11/04/1991	25/02/1991	0193315A (AR 1990)

## Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Address	Start Date	Doc Number
PO BOX 1660	05/07/2005	

NORTH SYDNEY NSW 2059



Item No 8.16

Subject 141 Coward Street, Mascot - Leasing Campagin Update and Offers

Received

Report by Michael McCabe, Director City Futures

File SF18/758

## **Summary**

Council at its meeting of 11 April 2018 established resolutions to advance short term leasing options for three properties situated at 141 Coward Street, Mascot, 1011 Botany Road, Mascot and 1007 Botany Road, Mascot.

The short term use options centred upon commercial tenancies for 141 Coward Street, Mascot and 1011 Botany Road, Mascot, with community tenancies for 1007 Botany Road, Mascot.

This report provides an update on the marketing campaigns for each of the three properties and addresses offers received for both 141 Coward Street, Mascot and 1007 Botany Road, Mascot.

This report seeks endorsement to undertake further negotiations, and if suitable terms are met, an agreement will be entered into over the subject buildings.

## Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:
  - With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- That Council endorse further negotiations with the two parties referred to in the Confidential Annexure for a proposed lease over 141 Coward Street, Mascot, guided by the minimum terms noted in Section 3 of the Confidential Annexure.
- That Council endorse further negotiations with the preferred applicant to be undertaken for a proposed licence or use agreement over 1007 Botany Road, Mascot, guided by the minimum terms noted in Section 4.2 of the Confidential Annexure.
- That Council delegate to the General Manager to proceed to finalise any lease/s or licence/s, including the execution of any documentation that may be determined by the General Manager.

Item 8.16 597

## **Background**

Council owns three buildings located at 141 Coward Street, Mascot, 1011 Botany Road, Mascot and 1007 Botany Road, Mascot. All three buildings formerly supported the administrative functions of the City of Botany Bay Council.

Council, at its meeting of 11 April 2018, established resolutions to prepare the above three properties to allow for an advertising campaign to secure lease/use proposals aligning with:

- Commercial tenancies for 141 Coward Street, Mascot and 1011 Botany Road, Mascot; and
- Community tenancies for 1007 Botany Road, Mascot (Coronation Hall).

Post the April Council report, considerable work was undertaken to decant the buildings to prepare them to be advertised.

## **Marketing Campaign Update**

## 1011 Botany Road, Mascot

Advertising for 1011 Botany Road, Mascot commenced on 30 August 2018, via appointed agents Commercial Property Group and Jones Lang LaSalle.

To date, Council has not received a formal leasing offer for 1011 Botany Road Mascot, and Commercial Property Group and Jones Lang LaSalle continue to market the property for lease.

## 1007 Botany Road, Mascot (Coronation Hall & Suites)

An expressions of interest campaign for 1007 Botany Road, Mascot commenced on 2 October 2018 and closed on 5 November 2018.

Council received three submissions from community groups, all proposing beneficial community outcomes, as detailed in Section 4 of the Confidential Annexure.

The submissions were assessed against the evaluation criteria, via an internal selection panel.

Salient aspects of the submissions received are tabled in Section 4 of the Confidential Annexure to this report.

## 141 Coward Street, Mascot (Mascot Administration Building)

Advertising for 141 Coward Street, Mascot commenced on 30 August 2018, via appointed agents Commercial Property Group and Jones Lang LaSalle.

To date Council has received 2 lease offers and these are tabled in Section 1 of the Confidential Annexure to this report. Analysis of the offers is addressed in Section 2 of the same Annexure.

Item 8.16 598

## **Response to Offers and Next Steps**

The following addresses the recommended position on the current offers.

## 141 Coward Street, Mascot

The current offers (tabled in the Confidential Annexure) require further negotiation and to this end, it is proposed that further discussions be undertaken with the two parties.

These negotiations are proposed to be in line with the minimum terms, in order of preference (based on commercial merit), as outlined in Section 3 of the Confidential Annexure. Pending minimum terms are met, a lease would be effected over the building.

## 1007 Botany Road, Mascot (Coronation Hall)

It is proposed that further discussions and negotiations are undertaken with the preferred applicant in order to advance a licence agreement with the organisation. These negotiations are proposed to be in line with Section 4.2 within the Confidential Annexure. Pending minimum terms are met, a licence or other suitable use agreement would be effected over the building.

Financial Implications	
Not applicable	
Included in existing approved budget	
Additional funds required	
Community Engagement  Not applicable	

## **Attachments**

Mascot Centres - Summary of Offers (confidential)

Item 8.16 599



Item No 8.17

Subject Proposed Lease to Bay City Church - Elizabeth Hall, 23-25 Barden

Street, Arncliffe

Report by Michael McCabe, Director City Futures

File F08/381P02

## **Summary**

Council owns the facility at 23-25 Barden Street Arncliffe, this is situated on operational land. Within the facility is Elizabeth Hall which is currently vacant.

This report deals with a proposed lease to Bay City Church to operate their food care program from Elizabeth Hall. The lease would be for a term of two years.

## Officer Recommendation

- That Council endorse the grant of a two (2) year lease to Bay City Church over Elizabeth Hall, within 23-25 Barden Street, Arncliffe for operation of their food care program; and
- 2 That the Mayor and General Manager be authorised to sign, and seal where required, any documentation to finalise the lease to Bay City Church.

## **Background**

Council owns the premises situated at 23-25 Barden Street, Arncliffe, which comprises of a number of areas known as:

- · Arncliffe Meeting Room
- Arncliffe Seniors Centre Coronation Hall
- Arncliffe Playgroup
- Elizabeth Hall

Attachment 1 shows the lease plan of the premises, the proposed lease area is cross hatched and referred to as 'gymnasium' (known as Elizabeth Hall) and 'office'. Elizabeth Hall and the office are currently not in use and are in fair condition.

Bay City Church food care program services 120 families per week in the Arncliffe area, relying upon volunteers and donations. The food care program currently operates from a premises occupied by Bay City Church at 7 Hattersley Street, Arncliffe.

The existing Bay City Church premise is currently situated adjacent to a construction site for a mixed used development and the Arncliffe Youth Centre. The construction activities upon this site are having an adverse impact on the operation of the program.

In consultation with Council, Elizabeth Hall was determined to be a suitable site to continue the service. To this end, this report proposes to grant a lease to Bay City Church for their food care program for a period of two (2) years.

## Valuation and the Rental Assistance Subsidy Policy (RASP)

A valuation was carried out on behalf of Council to assess the market rent for Elizabeth Hall. This was assessed at \$30,000.00 per annum excl GST.

An assessment was undertaken in line with Council's Rental Assistance Subsidy Policy (RASP), whereby it was determined that Bay City Church were eligible for a 96% rental subsidy.

## **Proposed Terms**

Table 1 below outlines the salient terms for proposed Lease to Bay City Church.

Table 1 - Proposed Lease Terms

Term	Condition
161111	
Term	2 Years
Option Term	N/A
Market Rent	\$30,000 per annum (excl GST)
Rent Subsidy	\$28,800 per annum (excl GST) - equivalent to 96%
Commencement Rent	\$1,200 per annum (excl GST)
Annual Rent Review	3% per annum
Outgoings:	100% payable by the Lessee
Permitted use:	Service for those in need of emergency relief, food hampers, electricity vouchers, phone vouchers and other basic needs.
Lease Area	156.7 sqm, as per the lease plan at Attachment 1
Proposed Hours of Use	Elizabeth Hall
	Monday 11:00 am to 6:00 pm (allows for set up and clean-up)

Term	Condition
	Tuesday 10:00 am to 9:00 pm (volunteers training after program regularly)
	Wednesday 8:30 am to 9:00 pm (to allow for extra stock work and volunteers training and clean-up)
	Thursday 9:00 am to 9:00 pm (allows for setup and pack up around Open to Public Hours)
	Administration Office
	Monday to Sunday, as required.

## **Proposed Works**

To accommodate the proposed service at Elizabeth Hall, Bay City Church propose to undertake works aligning with installation of new internal plasterboard partition walls, new double doors, locks, door closers and painting. These works are estimated to be circa \$11,000. In addition, Bay City Church would supply chattels (fridges, shelving etc) which are to be relocated from their existing premises.

Work will need to be undertaken to the electrical system within the building and it is proposed that Council will attend to these works as it is a base building service. These works are estimated to be circa \$3,000.

## **Legal and Statutory Considerations**

Elizabeth Hall is situated on land that is classified as operational land in accordance with the Local Government Act 1993. To this end, no statutory advertising is required prior to granting the lease.

The lease to be drafted is to be based on the proposed terms above and incorporate standard lease principles applied to community facilities.

Given the length of the lease term proposed (2 years) and the disruption to service currently being experienced at the existing location at Hatterley Street, it was deemed that no expressions of interest or similar campaign was warranted prior to considering the proposed lease.

## **Financial Implications**

The financial implications arising from this report relate to an estimated \$3,000 in expe	nditure
on electrical services and the receipt of a net rent of \$1,200 per annum.	

Not applicable	
Included in existing approved budget	

Additional funds required

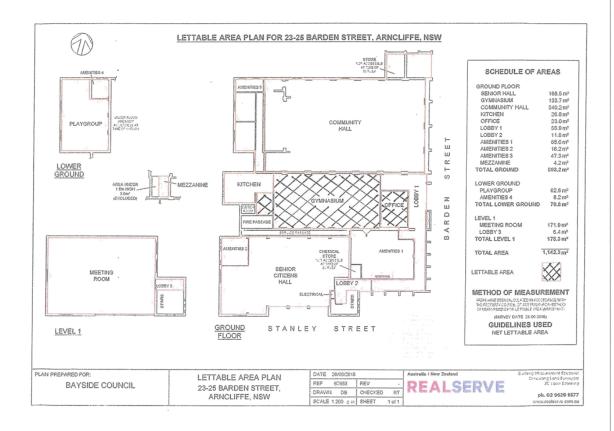
# **Community Engagement**

N/A

## **Attachments**

Annexure 1 - Floor Plan Elizabeth Hall <a href="#">J</a>

## Annexure 1.





Item No 8.18

Subject Voluntary Planning Agreement 13-19 Baker Street Banksmeadow

(post notification)

Report by Michael McCabe, Director City Futures

File DA-17/1126

## **Summary**

Leda Holdings owns 13-19 Baker Street, Banksmeadow, and on the fourth of August 2017, they lodged a development application 2017/1126 with Council to develop the land. The development application was determined in Notice of orders made on 15 October 2018 (2017/0037/1046).

As a deferred commencement condition, the developer was to enter into a Voluntary Planning Agreement (VPA) with Council to provide a monetary contribution of \$70,000 towards traffic management improvements in the Banksmeadow industrial estate.

The draft VPA has been placed on exhibition and the purpose of this report is for Council to finalise the agreement between the developer Leda Holdings and Bayside Council.

## Officer Recommendation

- 1 That Council endorses the completion of the draft Voluntary Planning Agreement as notified between Leda Holding and Bayside Council for 13-19 Baker Street Banksmeadow.
- 2 That the General Manager be authorised to negotiate the final terms of the agreement and execute the required documentation.

## **Background**

The development application sought approval for the demolition of an existing factory building on the land and the construction of a new two storey level structure comprised of 29 warehouse units and 74 self-storage spaces with ancillary access and manoeuvring areas.

On 2 October 2018, as part of a section 34 conference, the developer made a written offer to enter into a VPA with Council to provide a monetary contribution of \$70,000, towards improvements to access in the Banksmeadow industrial estate including, upgrade works in the area, land acquisition for road purposes and designs that improves the movement of traffic in the Banksmeadow Industrial estate, parking and signage, including upgrades to the intersection at Wentworth Avenue and Baker Street.

See Attachment A – Explanatory Note and explanatory note as exhibited.

See Attachment B – Draft Voluntary Planning Agreement as exhibited

Item 8.18 605

Regardless of whether a VPA is offered through a court decision or section 34 conference, all VPAs, have to go on exhibition for community comment. After the exhibition period a report is prepared for Council to consider the community comment, if any, and whether to complete the VPA.

## **Exhibition**

The planning agreement VPA and explanatory note went on exhibition on the 12 November 2018 and closes on 10 December 2018, including notification of neighbours. There were no public objections to the notification of the VPA as exhibited as at the date of finalising (4<sup>th</sup> December 2018) this report. Any responses received between 4 and 10 December will be forwarded to Councillors prior to consideration on this report on 12 December.

## **Voluntary Planning Agreement**

The current VPA exhibited and as amended provides a maximum benefit to Council of approximately \$70,000, towards improvements to access in the Banksmeadow industrial estate including, upgrade works in the area, land acquisition for road purposes and designs that improve the movement of traffic in the Banksmeadow Industrial estate, parking and signage, including upgrades to the intersection at Wentworth Avenue and Baker Street.

Council has finalised the drafting of the VPA between Bayside Council and Leda Holdings.

Financial	Impl	licati	ons
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Not applicable	$\boxtimes$	\$70,000 monetary contribution to council for traffic management improvements
Included in existing approved budget Additional funds required		

# **Community Engagement**

The planning agreement VPA and explanatory note went on exhibition on the 12 November 2018 and closes on 10 December 2018, including notification of neighbours. There were no public objections to the notification of the VPA as exhibited as at 4<sup>th</sup> December. Any responses received between 4 and 10 December will be forwarded to Councillors prior to consideration on this report on 12 December.

## **Attachments**

- 1 Explanatory Note for Baker Street Banksmeadow <a href="#">J</a>
- 2 Draft Voluntary Planning Agreement Baker Street Banksmeadow J.

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## **Explanatory Note**

## **Planning Agreement**

Under cl 25E of the Environmental Planning and Assessment Regulation 2000

## 1. Parties

Bayside Council (Planning Authority)

anc

Leda Holdings Pty Ltd (ACN 001 404 557) of Level 11, 5 Hunter Street, Sydney, New South Wales 2000 (Developer)

#### 2. Description of Subject Land

The land is Lot 471 DP752015 known as 13-19 Baker Street, Banksmeadow, New South Wales (Land).

#### 3. Description of Development

The development of the Land is for the demolition of the existing factory buildings, construction of a new 2-storey building, comprising twenty-six (26) warehouse units in a 2-storey mixed use development.

## 4. Summary of Objectives, Nature and Effect of the Planning Agreement

#### Objectives of the Planning Agreement

To provide a proportionate monetary contribution to the upgrade of Council's road infrastructure by improving vehicular access to Wentworth Avenue.

#### Effect of the Planning Agreement

The monetary contribution of \$70,000 will be used by Council towards the upgrade of the area's access to Wentworth Avenue. The material public benefit of the access upgrade will be in terms of both safety for all road users and convenience of better traffic flows.

## 5. Assessment of the Merits of the Planning Agreement

## The Planning Purposes Served by the Planning Agreement

The Planning Agreement protects the rights and interests of the Parties and the public by ensuring a monetary contribution to fund nearby road and other public infrastructure works.

The Planning Agreement enables the economic and orderly development of the Land to proceed, with a proportionate contribution to the upgrade of the local road infrastructure.

## How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by enabling the development of the Land to proceed in circumstances where any additional traffic generated by the development itself shares, with other development in the area, in the reasonable funding of the upgrade of Council's local roads infrastructure.

## For Planning Authorities:

(a) <u>Development Corporations - How the Planning Agreement Promotes its Statutory Responsibilities</u>

N/A

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(b) Other Public Authorities – How the Planning Agreement and Promotes the Objects (if any) of the Act under which it is Constituted

N/A

(c) <u>Councils – How the Planning Agreement Promotes the Elements of the Council's Principles</u>

The Planning Agreement allows Council to provide the best value for residents and ratepayers in providing a targeted road infrastructure upgrade for the local community.

(d) All Planning Authorities – Whether the Planning Agreement Conforms with the Authority's Capital Works Program

N/A

The Impact of the Planning Agreement on the Public or any Section of the Public

The upgrade of the local road infrastructure will benefit all road users in the locality. The Council will be wholly responsible for the implementation of the infrastructure works in a timely manner.



Doc ID 598145803/v1

# Voluntary Planning Agreement

13-19 Baker Street, Banksmeadow NSW 2019

Bayside Council
ABN 80 690 785 443 Branch 003

Leda Holdings Pty Ltd ACN 001 404 557

2 December 201826-October 2018 Doc ID: 593194853v1

# Contents

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# Agreement

Date October 2018

**Parties** 

First party

 Name
 Bayside Council (Council)

 ABN
 80 690 785 443 Branch 003

Contact General Manager

Address PO Box 21, Rockdale NSW 2216

**Telephone** 1300 581 299

Email council@bayside.nsw.gov.au

Second party

Name Leda Holdings Pty Ltd (Developer)

ACN 001 404 557

Contact Robert Ell / Wayne Holborow

Address Level 11, 5 Hunter Street, Sydney 2000

Telephone (02) 8226 4400

Email reception@ledaholdings.com.au

## **Background**

- A. The Developer owns the Land at 13-19 Baker Street, Banksmeadow.
- B. On 4 August 2017, the Developer lodged development application 2017/1126 with Council to develop the Land.
- C. The Development Application sought approval for the demolition of the existing factory building on the Land and the construction of a new two (2) level structure comprised of a 29 small warehouse unit complex together with a self-storage facility for 74 storage spaces and ancillary access loading bays, manoeuvring areas, car parking and landscaping.
- D. On 2 October\_2018, the Developer made a written offer to enter into a planning agreement with the Council to provide a monetary contribution for a material public benefit being money towards the improvement of access to Wentworth Avenue, Banksmeadow.
- E. The Developer and the Council agreed to enter into a Development Consent to the Development.
- F. The Development Consent requires the Parties to enter into a planning agreement in accordance with the Developer's offer.
- G. The planning agreement requires the Developer to make a Monetary Contribution of \$70,000.00.

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H. The Council agrees to expend all of the Monetary Contribution towards improvement of access in the Banksmeadow industrial estate including for street upgrade works in the area, land acquisition for road purposes and design that improves the movement of traffic in the Banksmeadow industrial estate, parking and signage, including upgrade of the intersection at Wentworth Avenue and Baker Street..

## Operative part

## 1 Definitions

In this agreement, unless the context indicates a contrary intention:

Act means the Environmental Planning and Assessment Act 1979 (NSW);

Address means a party's address set out in the Notices clause of this agreement;

**Business Day** means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

**Development** means the demolition of the existing factory building and the construction of a new two (2) level structure on the Land in accordance with the Development Consent;

Development Application has the same meaning as in the Act;

**Development Consent** has the same meaning as in the Act and as ordered by the Land and Environment Court pursuant to the s34 agreement entered into in (Case Number 2017/00371046) before the Land and Environment Court;

GST has the same meaning as in the GST Law;

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST:

Land means Lot 471 DP752015 known as 13-19 Baker Street, Banksmeadow;

## Law means:

- any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

**Monetary Contribution** means the monetary contribution payable by the Developer under clause 6 of this agreement;

**Upgrade Works** means works to improve access in the area including any street upgrade works in the area, land acquisition for road purposes and design that improves the movement of traffic in the Banksmeadow industrial estate, parking, signage and upgrade of the intersection at Wentworth Avenue.

## 2 Interpretation

In this agreement, unless the context indicates a contrary intention:

 (documents) a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;

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(b) (references) a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement:

- (c) (headings) clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;
- (d) (person) a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) (party) a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) (president, CEO, general manager or managing director) the president, CEO, general manager or managing director of a body or Authority includes any person acting in that capacity;
- (g) (requirements) a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) (including) including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) (corresponding meanings) a word that is derived from a defined word has a corresponding meaning;
- (j) (singular) the singular includes the plural and vice-versa;
- (k) (gender) words importing one gender include all other genders;
- (parts) a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) (rules of construction) neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) (legislation) a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it:
- (time and date) a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in, Australia, even if the obligation is to be performed elsewhere;
- (p) (joint and several) an agreement, representation, covenant, right or obligation:
  - in favour of two or more persons is for the benefit of them jointly and severally; and
  - (ii) on the part of two or more persons binds them jointly and severally;

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- (q) (writing) a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (replacement bodies) a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) (Australian currency) a reference to dollars or \$ is to Australian currency;
- (t) (month) a reference to a month is a reference to a calendar month; and
- (u) (year) a reference to a year is a reference to twelve consecutive calendar months.

### 3 Planning Agreement under the Act

- (a) The parties agree that this agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 2 of this agreement summarises the requirements for planning agreements under section 7.4 of the Act and the way this agreement addresses those requirements.
- (c) This agreement applies to the Development.

### 4 Operation of this agreement

### 4.1 Operation

- (a) The Developer is to enter into a planning agreement under s7.4 of the Act with the Council generally in accordance with the terms of the "Offer to Enter into a Voluntary Planning Agreement" from the Developer dated 2 October 2018 which constitutes the Developer's offer for the purposes of s7.4(3) of the Act.
- (b) The executed planning agreement must be provided to Council in accordance with the terms of the Development Consent.

### 4.2 Termination

This agreement will remain in force until all obligations are performed or satisfied and the agreement is executed by the parties.

# 5 Application of sections 7.11, 7.12 and 7.24 of the Act to the Development

- (a) This agreement does not exclude the application of section 7.11 of the Act to the Development.
- (b) This agreement does not exclude the application of section 7.12 of the Act to the Development.
- (c) This agreement does not exclude the application of section 7.24 of the Act to the Development.
- (d) The benefits under this agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.

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### 6 Contributions to be made under this agreement

### 6.1 Monetary Contribution for Upgrade Works

- (a) The Developer will pay to Council a Monetary Contribution of \$70,000.00 being the whole material public benefit provided for under this agreement.
- (b) The Monetary Contribution must be provided to Council on exchange of copies of the planning agreement executed by both parties when the agreements are exchanged and the \$70, 000 paid, Council must notify the developer of the satisfaction of the deferred commencement condition.

### 7 Review of this agreement

No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.

#### 8 Enforcement

#### 8.1 General Enforcement

- (a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this agreement prevents:
  - a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and
  - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

### 9 Approvals and consents

- (a) Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated by this agreement to give its reasons for giving or withholding consent or for giving consent subject to conditions.
- (b) This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council.

### 10 Notices

- 10.1 Notices to be sent by post or email:
  - (a) Any notice given under or in connection with this agreement (Notice):
    - (i) must be in writing and signed and dated by a person duly authorised by the sender:
    - must be addressed and delivered by post or email, at the address provided on page 3 of this agreement.
  - (b) Any Notice by email must:
    - (i) include a signature block specifying:

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- (A) the name of the person sending the Notice; and
- (B) the sender's position within the relevant party;
- state in the body of the message or the subject field that it is sent as a Notice under this agreement;
- (iii) contain an express statement that the person sending the Notice has the authority to serve a Notice under this agreement;
- (iv) be sent to the email address on page 3 of this agreement or the email address last notified by the intended recipient to the sender.
- (b) The recipient of a Notice served under this clause must:
  - (i) promptly acknowledge receipt of the Notice; and
  - (ii) keep an electronic copy of the Notice,
- (c) Failure to comply with clause does not invalidate service of a Notice under this clause.

### 11 General

### 11.1 Relationship between parties

- (a) Nothing in this agreement:
  - (i) constitutes a partnership between the parties; or
  - except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
  - (i) bind another party; or
  - (ii) contract in the name of another party.
- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

### 11.2 Time for doing acts

- (a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

### 11.3 Joint and individual liability and benefits

Except as otherwise set out in this agreement, any agreement, covenant, representation or warranty under this agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

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### 11.4 Counterparts

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

### 11.5 Entire agreement

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

### 11.6 Representations and warranties

The parties represent and warrant that they have the power and authority 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.

### 11.7 Severability

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. 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.

### 11.8 Invalidity

- (a) A word or provision must be read down if:
  - (i) this agreement is void, voidable, or unenforceable if it is not read down;
  - this agreement will not be void, voidable or unenforceable if it is read down; and
  - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
  - despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and
  - (ii) this agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this agreement has full effect even if clause 11.8(b) applies.

### 11.9 Waiver

- (a) A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) 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. 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. It is not to be taken as an implied

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wavier of any other obligation or breach or as an implied wavier of that obligation or breach in relation to any other occasion.

### 11.10 GST

- (a) Words and expressions which are not defined in this agreement, but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.
  [?]
- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this agreement, the Developer indemnifies the Council for the amount of any such payment is required to make.

### 11.11 Governing law and jurisdiction

- (a) The laws applicable in New South Wales govern this agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

### 12 Costs

- 12.1 The Developer must pay to the Council within seven (7) days of a written demand, the Council's reasonable legal costs (assessed on an indemnity basis) and out of pocket disbursements in relation to of negotiating, executing and stamping of this Agreement.
- 12.2 The Developer must pay to the Council within 7 days of written demand, a contribution of \$500 towards administration costs incurred by the Council in relation to negotiation and execution of the Agreement.

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### Schedule 1 Dispute Resolution

### 1. Reference to Dispute

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this Schedule, except where a party seeks urgent interlocutory relief.

#### Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

The nature of the dispute,

The alleged basis of the dispute, and

The position which the party issuing the Notice of Dispute believes is correct.

### 3. Representatives of Parties to Meet

The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.

The parties may, without limitation:

- (a) resolve the dispute during the course of that meeting,
- (b) agree that further material or expert determination in accordance with this Schedule about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
- (c) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

### 4. Further Notice if Not Settled

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Determination Notice**) by mediation or expert determination under this Schedule.

### 5. Mediation

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) The parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;

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- (c) The mediator appointed pursuant to this Schedule must:
  - Have reasonable qualifications and practical experience in the area of the dispute; and
  - Have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
  - The mediator shall be required to undertake to keep confidential all
    matters coming to his or her knowledge by reason of his or her
    appointment and performance of his or her duties;
- (d) The parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 5 Business Days of the resolution);
- (e) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (f) In relation to costs and expenses:
  - Each party will bear its own professional and expert costs incurred in connection with the mediation; and
  - The costs of the mediator will be shared equally by the parties unless the
    mediator determines that a party has engaged in vexatious or
    unconscionable behaviour in which case the mediator may require the
    full costs of the mediation to be borne by that party.

### 6. Expert determination

If the dispute is not resolved under clauses 3 or 5 of this Schedule, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
  - (i) Agreed upon and appointed jointly by the parties;
  - (ii) In the event that no agreement is reached, or no appointment is made within 20 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;

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- (e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs;
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
  - (i) Within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
  - (ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

### 7. Litigation

If the dispute is not *finally* resolved in accordance with this Schedule, then either party is at liberty to litigate the dispute.

8. No suspension of contractual obligations

Subject to any interlocutory order obtained under clause 1 of this Schedule, the referral to or undertaking of a dispute resolution process under this Schedule does not suspend the parties' obligations under this agreement.

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

#### Summary of requirements (section 7.4) Schedule 2

Subject and subsection of the Act		Planning Agreement		
Planning instrument and/or Development Application – Section 7.4(1)				
The D	eveloper has:			
(a)	Sought a change to an environmental planning instrument	□ Yes ⊠ No		
(b)	Made, or propose to make a Development Application	⊠ Yes □ No		
(c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies		□ Yes ⊠No		
	ription of the land to which the planning ment applies – Section 7.4(3)(a)	See the definition of Land in Clause 1.		
The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(c)		See clause 6.		
	cability of section 7.11 of the Act $-$ on 7.4(3)(d)	Not excluded. See Clause 5.		
	cability of section 7.12 of the Act $-$ on 7.4(3)(d)	Not excluded. See Clause 5.		
Applicability of section 7.24 of the Act $-$ Section $7.4(3)(d)$		Not excluded. See Clause 5.		
Mechanism for dispute resolution – Section 7.4(3)(f)		See Schedule 1.		
Enforcement of the Planning Agreement – Section 7.4(3)(g)		See clause 8.		
	bligation to grant consent or exercise	See clause 9.		

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Executed as an agreement		
Executed for and on behalf of Bayside Council by its authorised delegate in accordance with a resolution of the Council on :	) )	
Signature of Witness		Signature of Authorised Delegate
Print name		Print name
Executed by Leda Holdings (ACN 001 404 557) in accordance with s127 of the Corporations Act 2001 (Cth):	)	
Signature of Director		Signature of Director/ Secretary
Print name		Print name

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Item No 8.19

Subject Information & Communication Protocol - Brighton Le Sands

**Unsolicited Proposal incorporating Boulevarde Carpark** 

Report by Michael McCabe, Director City Futures

File F18/182

### Summary

On 14<sup>th</sup> November it was resolved by Council that re-development of the Boulevarde carpark **(Boulevarde)** currently presents the most appropriate pathway to improve parking in line with the Parking Strategy **(strategy)** and that Council doesn't, at this time, proceed with a planned tender to redevelop the Carpark to address the Brighton Le Sands parking shortfall.

Instead, the appropriate pathway was agreed to be, in the first instance, engaging with the proponent of an unsolicited proposal **(proposal)** incorporating the carpark, to obtain further information in order to create a fully informed business case and determine appropriateness of the proposal to fulfil Council objectives.

Prior to entering into any discussions with the proponent, Councils legal and probity advisors have recommended entering into an Information and Communication Protocol Guideline **(protocol)**, to ensure due process is adhered to, with regard to any communication and dissemenation of information.

### Officer Recommendation

- That the attachments to this report be withheld from the press and public as it is confidential for the following reason:
  - With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- That the 'Information and Communication Protocol Guidelines', as shown in draft at Attachment 1 is entered into by both parties, prior to Council engaging further with the proponent.

### **Background**

Councils legal and probity advisors have prepared a protocol, which they recommend is entered into, prior to commencing discussions regarding the unsolicited proposal incorporating the Boulevarde carpark.

The protocol establishes guidelines on matters such as confidentiality, conflicts of interest and a core discussion team, with approximate timetable for discussions and key Council

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decision points, outside the parameters of which, communication or engagement is not to take place.

It is recommended that the parties enter into the protocol, prior to requesting additional information from the proponent, to determine suitability of the proposal to fulfil Councils strategic objectives.

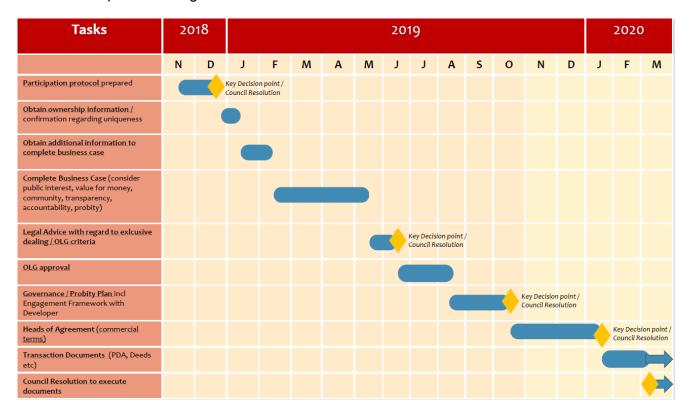
### **Next Steps**

Post execution of the 'Information and Communication Protocol Guidelines' Council will:

- obtain updated information regarding the ownership status of adjoining sites and if satisfied;
- proceed to request an extensive list of clarifications and design information required to complete its Business Case.

### **Decision Points**

The Decision points moving forward are shown in the table below:



### **Financial Implications**

Included in existing approved budget 

Preparation of document included in existing approved budget

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### **Community Engagement**

Not required at this time

### **Attachments**

Information & Communication Protocol Guidelines BLS Boulevarde Carpark Proposal  $\underline{\mathbb{Q}}$  (Confidential)

Item 8.19 626



Item No 8.20

Subject Road Pavement Rehabilitation and Renewal Program 2018-19

(Package A & B) - Award of Contract

Report by Michael McCabe, Director City Futures

File F18/876

### Summary

Council has allocated funding in its 2018/2019 Operational Plan to undertake a program of road works to renew and replace deteriorated road surfaces and underlying pavements. This is part of an on-going asset renewal program.

Tenders have been invited for the work, and this report provides a summary of the works and the submissions received in order to award the tender.

### Officer Recommendation

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

With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment 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.

- That the tender from **D&M Excavation and Asphalting Pty Ltd** to undertake Contract F18/876 Road Pavement Rehabilitation and Renewal Program 2018-2019 Package A and B for a lump sum including provisional allowances of \$2,016,869.80 (including GST) be accepted.
- That the General Manager be authorised to execute Contract F18/876 Road Pavement Rehabilitation and Renewal Program 2018-2019 Package A and B with **D&M Excavation and Asphalting Pty Ltd** under delegated authority.

### **Background**

The Road Pavement Rehabilitation and Renewal Program of local and regional roads is determined by a review of pavement modelling, and technical analysis aimed at optimising Council's Capital investment in roads.

The work under contract typically involves the removal of the existing wearing course (milling), supply of asphalt and the laying of asphalt, traffic control and associated works. The work involves the use of specialised plant, and is not a service that is offered in-house. Where required, the contract also involves heavy patching of pavement below the road surface. Tenderers were invited to submit rates and a provisional lump sum for a program of

works. The provisional lump sum is based on estimated quantities of variable items, such as tonnage of material, night shift allowance, service cover adjustment and alike.

The program of works under this contract (Packages A & B) includes the following streets:

Suburb	Streets	Scope of work
Arncliffe (Package A)	Hill Street Roach Street Thompson Street	134 lineal metres 77 lineal metres 154 lineal metres
Banksia (Package A)	Hattersley Street Kimpton Street Taylor Avenue	Total 387 lineal metres
Bardwell Valley (Package A)	Virginia Avenue	125 lineal metres
Bexley (Package A)	Albert Street Albyn Lane Westbourne Street Yeo Lane	53.50 lineal metres 95 lineal metres 76 lineal metres 88 lineal metres
Botany (Package B)	Banksia Street Bay Street Cranbrook Street Edgehill Avenue Fremlin Street	124 lineal metres 298 lineal metres 344 lineal metres 140 lineal metres 28 lineal metres
Brighton Le Sands (Package A)	O'Neill Street Princess Lane	41.10 lineal metres 96 lineal metres
Doll's Point (Package A)	Sandringham Street Oldham Crescent	60 lineal metres 100 lineal metres
Eastgardens (Package B)	Boonah Lane Fraser Avenue	75.50 lineal metres 43.50 lineal metres
Eastlakes (Package B)	Chipman Street Evans Lane Hearne Close	73.50 lineal metres 45 lineal metres 34 lineal metres
Kingsgrove (Package A)	Nairn Street Edward St	64 lineal metres 400 lineal metres
Kogarah (Package A)	Cross Street	75.80 lineal metres
Mascot (Package B)	Sutherland Street Wellington Street	251 lineal metres 315 lineal metres
Rockdale (Package A)	Brays Lane George Street	81 lineal metres 58.50 lineal metres

Suburb	Streets	Scope of work
Sandringham (Package A)	Lena Street	87 lineal metres
Sans Souci (Package A)	Campbell Street	85 lineal metres
Turella (Package A)	Knoll Avenue Reede Street Turella Street Willington Street	37.30 lineal metres 140 lineal metres 154 lineal metres 76 lineal metres

The invitation to tender was developed and advertised under the Local Government Procurement Contract 213 Bitumen, Emulsions and Asphalt Materials and Services.

In 2014, Local Government Procurement established *Contract 213 Bitumen, Emulsions and Asphalt Materials and Services* to provide a pre-qualification scheme for the supply of bitumen and asphalt and related services to provide Councils in New South Wales with a comprehensive scheme for a range of bitumen and asphalt related services and activities.

The scheme provides high levels of assurance to matters related to contractor insurances, WHS management, quality management, environmental management and financial capacity, and was therefore selected as a pre-qualified list for the select tender process. Resilience

The nature of the proposed contract is in accordance with Section 55 (3)(a) of the Local Government Act 1993, whereby the requirements for tendering under Section 55 (1) do not apply:

- (3) This section does not apply to the following contracts:
  - (a) subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified

Local Government Procurement Pty Ltd, as an agent of the Local Government Procurement Partnership (ABN 34 578 553 267), is a prescribed entity for the purposes of Regulation 163 of the Local Government (General) Regulation 2005, and thus may provide Council with exemption from Section 55 of the Local Government Act 1993 with respect to tendering in accordance.

Using the Local Government Procurement Contract 213, Council invited 8 tenders from organisations included on the pre-qualification scheme. Six conforming Tenders were received from (listed in alphabetical order):

- 1 Fulton Hogan Industries Pty Ltd
- 2 NA Group Pty Ltd
- 3 Roadworx Surfacing Pty Ltd
- 4 Downer EDI Works Pty Ltd

- 5 D&M Excavations and Asphalting Pty Ltd
- 6 Bitupave Limited T/A NSW Boral Asphalt

Tender evaluation (see Attachment A) is on the basis of **price (40% weighting)** and **non-price (60% weighting)**. Non-price criteria comprised the following:

- 1 **Construction program** readiness and ability to complete within the specified time frame (10%)
- 2 **Experience with similar projects** company has previous experience on road pavement/re-sheeting works within past 5 years (10%)
- 3 **Personnel** qualifications, experience, track record (5%)
- 4 **Management System** WHS (Contractors & sub-contractors safety management plan), Quality and Environmental Management; Inspection Test Plan for asphalt services milling, paving & compaction (including surveillance checklist); incident management, improvement notices and Non Conformance Report (15%)
- Methodology understanding the scope and deliverables; Safe Work Method Statements; Use of recycled materials; specifications; innovative approach with road pavement technology (15%)
- **Tender submission and references** comprehensive submission with all necessary documents to justify each criteria; references from past projects (5%)

### **Close or Equal Highest Scoring Tenders**

The NSW Procurement tender guidelines states that when tenders have a total score within 10% of the non-price weighting (six points in this instance) of the highest scoring tender, they will be considered as representing "equal" best value for money. Where two or more tenders are considered to represent "equal" best value for money, the "equal" tender with the lowest fee for tender evaluation will be recommended. In this case there are 4 submissions that have scored within 10% of the non-price weighting. Therefore the results for F18/876 are that the first 4 tenderers represent "equal" best value for money.

### Package A & B

Tenderer	Equal value
Fulton Hogan Industries Pty Ltd	Yes
Roadworx Surfacing Pty Ltd	Yes
D&M Excavations and Asphalting Pty Ltd	Yes
Bitupave Limited T/A NSW Boral Asphalt	Yes
NA Group Pty Ltd	No
Downer EDI Works Pty Ltd	No

The Equal Value Tenderer that represents best value for council (refer attachment B) was received from **D&M Excavation and Asphalting Pty Ltd.** The lump sum contract price, including provisional allowances is \$2,016,869.80, at the rates and lump sums in the Schedule of Rates. The lump sum was calculated based on a standardised set of assumptions for the package of works. The final contract price will be costs based on the tendered schedule of rates, and measured quantity of work completed.

Under Schedule D (Clause 10.1.2); the Standing Offer Deed for Deliverable under LGP Contract 213, Council is entitled to vary Quantity & Scope under its individual Contract with the preferred Contractor.

### **Program of Works**

The program of works submitted indicate that the recommended tenderer has the capacity to complete the works prior to the end of June 2019, dependant on timing of contract execution and favourable weather condition.

### **Company Directors**

Company Name	Name	Position
Fulton Hogan Industries Pty Ltd	C W Bruyn	Directors
	D R Hamilton	Director
	S J Smith	Director
	R J Fulton	Director
	G B Horton	Director
	R H Farrant	Director
	P J Brecht	Director
	R W Oliver	Director
	W H Johnstone	Director
	H H Johnstone	Director
	J R H Johnstone	Director
NA Group Pty Ltd	Nick Argyropoulos	Executive Director
Roadworx Surfacing Pty Ltd	Stephen Gillies	Director
	Linden Gillies	Director
Downer EDI Works Pty Ltd	Michael Harding	Chairman, Independent Non- Executive Director
	Grant Fenn	Managing Director & CEO

Company Name	Name	Position
	Annabelle Chaplain	Independent Non-Executive Director
	Philip Garling	Independent Non-Executive Director
	Grant Thorne	Independent Non-Executive Director
	Teresa Handicoff	Independent Non-Executive Director
	Nicole Hollows	Independent Non-Executive Director
D&M Excavations and Asphalting Pty Ltd	Danny Breen	Director
Bitupave Limited T/A NSW Boral Asphalt	Mike Kane	Director
	Greg Price	Director
	Dominic Milgate	Director

### **Financial Review**

A detailed Financial and Performance Assessment was undertaken by Equifax Corporate Scorecard (see attachment B).

Financial Implications	
Not applicable	
Included in existing approved budget	The Local Road Pavements & Regional Road Pavements Programs are fully funded under the Transport and Infrastructure Program.
Additional funds required	

### **Community Engagement**

It is a condition of the agreement that the selected contractor will undertake prior notification of the intention to conduct works in accordance with the works specification, including resident letter box drops and advance signage, to inform residents and businesses of the potential for traffic delays due to traffic control during the course of the works.

In addition to this notification there will be information on the extent and timing of works on Council's website.

### **Attachments**

1 Attachment A - Tender Evaluation Spreadsheet 2018-19 (Package A + Package B) with financial assessment result (FINAL) (confidential)

2 Attachment B - Memo to Councillors with extracts of financial assessment (confidential)



Item No 8.21

Subject Road Pavement Rehabilitation and Renewal Program 2018-19

(Package C & D) - Award of Contract

Report by Michael McCabe, Director City Futures

File F18/1008

### **Summary**

Council has allocated funding in its 2018/2019 Operational Plan to undertake a program of road works to renew and replace deteriorated road surfaces and underlying pavements. This is part of an on-going asset renewal program.

Tenders have been invited for the work, and this report provides a summary of the works and the submissions received in order to award the tender.

### Officer Recommendation

- 1 That Attachments A and B to this report be withheld from the press and public as they are confidential for the following reason:
  - With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment 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.
- That the General Manager be authorised to negotiate and execute Contract F18/1008 Road Pavement Rehabilitation and Renewal Program 2018-2019 Package C and D in accordance with the recommendation in Attachment B Recommendation F18/1008 Road Pavement and Renewal Program 2018-2019 (Packages C&D).

### **Background**

The Road Pavement Rehabilitation and Renewal Program of local and regional roads is determined by a review of pavement modelling techniques undertaken by technical staff aimed at optimising Council's Capital investment in roads.

The work under the contract typically involves the removal of the existing wearing courses (milling), supply of asphalt and the laying of asphalt and associated works. The work involves the use of specialised plant, and is not a service that is offered in-house. Where required, the contract also involves heavy patching of pavement. Tenders were invited to submit rates and a provisional lump sum for a program of works.

The program of works under this contract includes works in the following streets:

Suburb	Streets	Scope of work
Arncliffe	West Botany Street (Package C) Near Princes Highway	270 lineal metres
Pagewood	Page Street (Package D)	740 lineal metres

The invitation to tender was developed and advertised under the Local Government Procurement Contract 213 Bitumen, Emulsions and Asphalt Materials and Services.

In 2014, Local Government Procurement established *Contract 213 Bitumen, Emulsions and Asphalt Materials and Services* to provide a pre-qualification scheme for the supply of bitumen and asphalt and related services to provide Councils in New South Wales with a comprehensive scheme for a range of bitumen and asphalt related services and activities.

The scheme provides high levels of assurance to matters related to contractor insurances, WHS management, quality management, environmental management and financial capacity, and was therefore selected as a pre-qualified list for the select tender process.

The nature of the proposed contract is in accordance with Section 55 (3)(a) of the Local Government Act 1993, whereby the requirements for tendering under Section 55 (1) do not apply:

- (3) This section does not apply to the following contracts:
  - (a) subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified

The Local Government Procurement Pty Ltd, as an agent of the Local Government Procurement Partnership, is a prescribed entity for the purposes of Regulation 163 of the Local Government (General) Regulation 2005, and thus may provide Council with exemption from Section 55 of the Local Government Act 1993 with respect to tendering.

Using the Local Government Procurement Contract 213, Council invited eight tenders from organisations included on the pre-qualification scheme. Six conforming Tenders were received from (listed in alphabetical order):

- 1 Fulton Hogan Industries Pty Ltd
- 2 NA Group Pty Ltd
- 3 Roadworx Surfacing Pty Ltd
- 4 Downer EDI Works Pty Ltd
- 5 D&M Excavations and Asphalting Pty Ltd
- 6 Bitupave Limited T/A NSW Boral Asphalt

Tender evaluation is on the basis of **price** (40% weighting) and **non-price** (60% weighting). Non-price criteria (total 60%) comprised the following:

1 **Construction program** – readiness and ability to complete within the specified time frame (10%)

- 2 **Experience with similar projects** company has previous experience on road pavement/re-sheeting works within past 5 years (10%)
- 3 **Personnel** qualifications, experience, track record (5%)
- 4 **Management System** WHS (Contractors & sub-contractors safety management plan), Quality and Environmental Management; Inspection Test Plan for asphalt services milling, paving & compaction (including surveillance checklist); incident management, improvement notices and Non Conformance Report (15%)
- Methodology understanding the scope and deliverables; Safe Work Method Statements; Use of recycled materials; specifications; innovative approach with road pavement technology (15%)
- **Tender submission and references** comprehensive submission with all necessary documents to justify each criteria; references from past projects (5%)

### **Close or Equal Highest Scoring Tenders**

The NSW Procurement tender guidelines states that when tenders have a total score within six points (10% of the non-price weighting) of the highest scoring tender will be considered as representing "equal" best value for money. Where two or more tenders are considered to represent "equal" best value for money, the "equal" tender with the lowest fee for tender evaluation will be recommended. In this case there are 4 submissions that have scored within 10% of the non-price weighting. Therefore the results for Contract F18/1008 are that 4 tenderers represent "equal" best value for money.

### Package C & D

Tenderer	Equal Value
Fulton Hogan Industries Pty Ltd	Yes
NA Group Pty Ltd	Yes
Bitupave Limited T/A NSW Boral Asphalt	Yes
D&M Excavations and Asphalting Pty Ltd	Yes
Roadworx Resurfacing Pty Ltd	No
Downer EDI Works Pty Ltd	No

The lump sum was calculated based on a standardised set of assumptions for the package of works. The final contract price will be costs based on the tendered schedule of rates, and measured quantity of work completed.

Under Schedule D (Clause 10.1.2); the Standing Offer Deed for Deliverable under LGP Contract 213, Council is entitled to vary Quantity & Scope under its individual Contract with the preferred Contractor.

### **Program of Works**

The program of works submitted indicate that the recommended tenderer has the capacity to complete the works prior to the end of June 2019, dependant on timing of contract execution and favourable weather condition.

### **Company Directors**

Company Name	Name	Position
Fulton Hogan Industries Pty Ltd	C W Bruyn	Director
	D R Hamilton	Director
	S J Smith	Director
	R J Fulton	Director
	G B Horton	Director
	R H Farrant	Director
	P J Brecht	Director
	R W Oliver	Director
	W H Johnstone	Director
	H H Johnstone	Director
	J R H Johnstone	Director
NA Group Pty Ltd	Nick Argyropoulos	Executive Director
Roadworx Surfacing Pty Ltd	Stephen Gillies	Director
	Linden Gillies	Director
Downer EDI Works Pty Ltd	Michael Harding	Chairman, Independent Non-Executive Director
	Grant Fenn	Managing Director & CEO
	Annabelle Chaplain	Independent Non- Executive Director
	Philip Garling	Independent Non- Executive Director
	Grant Thorne	Independent Non-

Company Name	Name	Position
		Executive Director
	Teresa Handicoff	Independent Non- Executive Director
	Nicole Hollows	Independent Non- Executive Director
D&M Excavations and Asphalting Pty Ltd	Danny Breen	Director
Bitupave Limited T/A NSW Boral Asphalt	Mike Kane	Director
	Greg Price	Director
	Dominic Milgate	Director

### **Financial Review**

A detailed Financial and Performance Assessment was undertaken by Equifax Corporate Scorecard.

Financial Implications	
Not applicable	
Included in existing approved budget	The Local Road Pavements & Regional Road Pavements Programs are fully funded under the Transport and Infrastructure Program.
Additional funds required	

### **Community Engagement**

It is a condition of the agreement that the selected contractor will undertake prior notification of the intention to conduct works in accordance with the works specification, including resident letter box drops and advance signage, to inform residents and businesses of the potential for traffic delays due to traffic control during the course of the works.

In addition to this notification there will be information on the extent and timing of works on Council's website.

### **Attachments**

1 Attachment A - Tender Evaluation Spreadsheet 2018-19 (Package C + Package D) pending financial assessment (confidential)

- 2 Attachment B Recommendations Road Pavement and Renewal Program 2018-2019 (Package C&D) (confidential)
- 3 Attachment C Road Pavement Rehabilitation & Renewal Program Presentation (confidential)

# Why is this important to Council?



### Community

- Safe road network for all road users
- · Reduce wear and tear on vehicles

### **Asset Management**

- Reduce road defects, like potholes
- Reduce maintenance costs
- Maintain resilience of the road network during and after prolonged wet weather events

### Governance

- Consistent with Asset Management Strategy
- Comply with Local Government Code of Accounting Practice and Financial Reporting

### The Road Network



Infrastructure Assets include 358 kms of asphalt road

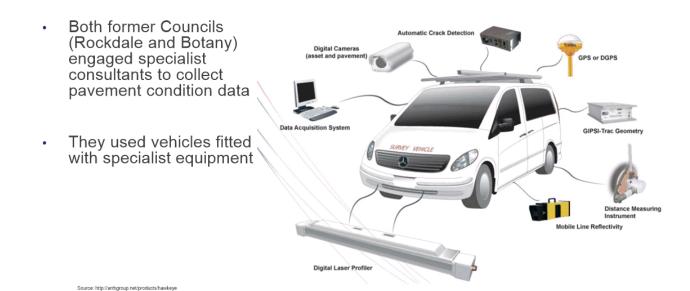
 The Road Network is divided into segments for Asset Management purposes, for example this excerpt from Intramaps



• There are 1771 segments

# **Pavement Condition Collection**





### How are the locations determined?



- Condition data is used to model and predict pavement deterioration.
- The locations are selected based on intervention levels (or triggers).

Trigger	Trigger value (at least two required)	Trigger value (only one required)
Cracking	Area >4% and <6%	Area > 6%
Roughness	IRI >4.0 and <5.7	>5.7
Rutting	>8mm	>12mm
Texture Depth	Average texture depth <0.35 mm	= 0
Surface Age	> 16 years	> 20 years

# Program of Works 2018-2019



Suburb	Streets	Scope of work
Arncliffe (Package A)  (Package C)	Hill Street Roach Street Thompson Street West Botany Street	134 lineal metres 77 lineal metres 154 lineal metres 270 lineal metres
Banksia (Package A)	Hattersley Street Kimpton Street Taylor Avenue	Total 387 lineal metres
Bardwell Valley (Package A)	Virginia Avenue	125 lineal metres
Bexley (Package A)	Albert Street Albyn Lane Westbourne Street Yeo Lane	53.50 lineal metres 95 lineal metres 76 lineal metres 88 lineal metres
Botany (Package B)	Banksia Street Bay Street Cranbrook Street Edgehill Avenue Fremlin Street	124 lineal metres 298 lineal metres 344 lineal metres 140 lineal metres 28 lineal metres
Brighton Le Sands (Package A)	O'Neill Street Princess Lane	41.10 lineal metres 96 lineal metres
Doll's Point (Package A)	Sandringham Street Oldham Crescent	60 lineal metres 100 lineal metres

# Program of Works 2018-2019



Suburb	Street	Scope of work
Eastgardens (Package B)	Boonah Lane Fraser Avenue	75.50 lineal metres 43.50 lineal metres
Eastlakes (Package B)	Chipman Street Evans Lane Hearne Close	73.50 lineal metres 45 lineal metres 34 lineal metres
Kingsgrove (Package A)	Nairn Street Edward St	64 lineal metres 400 lineal metres
Kogarah (Package A)	Cross Street	75.80 lineal metres
Mascot (Package B)	Sutherland Street Wellington Street	251 lineal metres 315 lineal metres
Pagewood (Package D)	Page Street	740 lineal metres
Rockdale (Package A)	Brays Lane George Street	81 lineal metres 58.50 lineal metres
Sandringham (Package A)	Lena Street	87 lineal metres
Sans Souci (Package A)	Campbell Street	85 lineal metres
Turella (Package A)	Knoll Avenue Reede Street Willington Street	37.30 lineal metres 140 lineal metres 76 lineal metres

# **Funding Sources**



Council funds the program using a combination of:

- Roads to Recovery funds from the Federal Government
- Regional Roads Block Grants for RMS
- SRV for former Rockdale pavements (available from 2016/2017)
- General rates revenue (minimum spend required to meet grant conditions)

# **Key Milestones**



Milestone	Date
RFQ opened – Package A & B RFQ opened – Package C & D	Wednesday 24 October 2018 Thursday 1 November 2018
RFQ advertised via Local Government Procurement (LGP), a business arm of Local Government NSW (LGNSW), has a standing offer deed for the supply and delivery of asphalt (LGP Contract No: LGP213).	LGP is a 'prescribed entity' under Section 55 of the Local Government Act 1993 (NSW) and the Local Government (General) Regulation 2005 (NSW).
RFQ closed – Package A & B RFQ closed – Package C & D	Friday 16 November 2018 Thursday 22 November 2018
Evaluation period and evaluation report completed	A & B Completed 28 November 2018 C & D Completed 30 November 2018
GM Briefing	Wednesday 5 December 2018
Council Meeting	Wednesday 12 December 2018
Establishment of Contract	Mid December 2018
Commencement on site	February 2018

# 6 x submissions received List of Company Directors



Company Name	Name	Position
1. Fulton Hogan Industries Pty Ltd	C W Bruyn D R Hamilton S J Smith R J Fulton G B Horton R H Farrant P J Brecht R W Oliver W H Johnstone H H Johnstone J R H Johnstone	Directors
2. NA Group Pty Ltd	Nick Argyropoulos	Executive Director
3. Roadworx Surfacing Pty Ltd	Stephen Gillies Linden Gillies	Directors
4. Downer EDI Works Pty Ltd	Michael Harding Grant Fenn Annabelle Chaplain Philip Garling Grant Thorne Teresa Handicoff Nicole Hollows	Chairman, Independent Non-Executive Director Managing Director & CEO Independent Non-Executive Director
5. D&M Excavations and Asphalting Pty Ltd	Danny Breen	Director
6. Bitupave Limited T/A NSW Boral Asphalt	Mike Kane Greg Price Dominic Milgate	Directors

## **Evaluation Criteria & Weightings**



#### Non-Price Criteria

**Construction program** – readiness and ability to complete within the specified time frame

**Experience with similar projects** – company has previous experience on road pavement/re-sheeting works within past 5 years (10%)

**Personnel** – qualifications, experience, track record (5%)

Management System – WHS (Contractors & sub-contractors safety management plan), Quality and Environmental Management; Inspection Test Plan for asphalt services – milling, paving & compaction (including surveillance checklist); incident management, improvement notices and Non Conformance Report

**Methodology** – understanding the scope and deliverables; Safe Work Method Statements; Use of recycled materials; specifications; innovative approach with road pavement technology

**Tender submission and references** – comprehensive submission with all necessary documents to justify each criteria; references from past projects

**Price Criteria** 

Item 8.21 – Attachment 3

## **Assessment Consideration**



#### Close or equal highest scoring tenders

- NSW Procurement tender guidelines
- Non-price criteria scoring within 10%
- Represent "equal" best value for money
- Where two or more tenders are considered to represent "equal" best value for money, the "equal" tender with the lowest fee for tender evaluation will be recommended
- 4 tenderers represent "equal" best value for money.

#### Risk to Council if program of works is delivered behind schedule

- Roads to Recovery grant funding must be spent prior to 30 June 2019
- Unspent grant funding will be forfeited

Item 8.21 – Attachment 3

## Project Timeframe – next steps



► Council Meeting: 12 December 2018

▶ Award contract: mid December 2018

Award of contract triggers programing and scheduling for 2019

Information on website from late January 2019

Commencement on Site : February 2019

Complete construction June 2019

Item 8.21 – Attachment 3 651

## Asphalt paving machine





Item 8.21 – Attachment 3 652



Item No 8.22

Subject Stronger Communities Fund - Major Projects and Community

**Grants Programs - Round One and Two Progress Reporting** 

Report by Debra Dawson, Director City Life

Karin Targa, Major Projects Unit Director

File F16/945

#### **Summary**

This report outlines progress on the projects funded by the Stronger Communities Funding for Major Projects and the Stronger Community Grants Program - Round One and Round Two. 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, the next by 31 January 2019.

#### Officer Recommendation

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 July – 31 December 2018 and the Stronger Communities Fund 6 monthly Community Grants report for the period from 1 July – 31 December 2018 for reporting to the NSW Office of Local Government.

#### **Background**

#### **Major Projects**

The major projects component of the Stronger Communities Fund involved the allocation of funds to projects that deliver large scaled, new or improved infrastructure or services to the community.

Community consultation on the major projects list was completed with the outcomes presented for endorsement by the Stronger Communities Fund Assessment Panel. An Assessment Panel was convened to review the community consultation outcomes and to recommend the allocation of the \$9m to 3 projects:

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

Approval by resolution of Council was made at the Council Meeting held 12 April 2017. Attached is the fourth 6 monthly Major Projects report for the period from 1 July – 31 December 2018. It is noted that there are two weeks remaining in the reporting period however this is the final meeting of Council for 2018 and the submission to the NSW Office of Local Government is required by 31 January 2019.

Item 8.22 653

#### Stronger Communities Fund (SCF) Community Grant Program

Bayside Council was provided with \$1 million under the Stronger Communities Fund (SCF) 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. The remaining \$516,144 or Round Two from the Community Grants Program was allocated on 13 December 2017.

Under the SCF Guidelines, approved funding is to be spent or committed by 30 June 2019 and acquitted by 31 December 2019. Extensions may be available under certain circumstances.

The Guidelines also require 6 monthly reports (by 31 July and 31 December) to the Office of Local Government on project progress.

The first progress report on Round One was provided to Council on 13 December 2017. A report on Round 1 and Round 2 was provided on 13 June 2018.

Some of the projects have now been completed. The attached tables provide information on projects in each round, funds allocated to each and the progress they have made on the project to date.

#### **Financial Implications**

Included in existing approved budget

\$10M NSW Government funding provided under the Stronger Communities Fund – Major Projects

#### **Community Engagement**

Community engagement was completed to establish the priority projects to be allocated with funding. Community engagement was also undertaken for the individual projects prior to works commencing.

#### **Attachments**

- 1 SCF Round 1 Council Reporting Dec 18 !
- 2 SCF Round 2 Council Reporting Dec 18 U
- Bayside Council Final Report Stronger Councils Fund Project Eastgardens Library and Customer Service Centre U
- 4 Major Projects Progress Report 31 Dec 2018 &

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Funded organisation	Project name	Summary	% complete	Progress update
Women's Community Shelters Ltd	New WCS Crisis Accommodation 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 LGA	90%	Bayside Women's Shelter is still preparing to open. A property was acquired and fitted out. Sponsors have supplied furniture and equipment. It is hoped the shelter will open before Christmas.
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.	100%	Exodus continues to grow in the number of students and local school partnerships. Short 3 week introductory course is a soft entry point for participants. The Prepackaged Falafel Meal business is growing with supply to a greater number of boutique delicatessens and supermarkets. Exodus supplies regularly to local households.
Sunnyfield	TechKNOWLED GE 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.	100%	All equipment has been purchased and installed. Staff trained in module content. Launch event was held and project is complete.
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%	Final works are taking place with the completion of the kitchen installation planned in the coming weeks. This will complete the project.

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, supporting homework centre, recreational and educational activities.	75%	In the process of final purchases, for IT, sound and seating for the Youth Hub.
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.	50%	Secondary CADRE training, three new Wellbeing workshops, drumming, art therapy and mindfulness sessions have been scheduled for October. Pretraining resources have been developed and distributed to participants. Two Steering Committee meetings have been conducted to plan the next phase of the funded project.
Dolls Point Football Club	Memorial Lighting Enhancement Amount \$48,400	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.	10%	Survey and testing complete. Club is proceeding with the DA which is in assessment.  Note that this project may be impacted by relocation of assets for the F6 extension as per a report to Council on 14 November 2018

Funded organisation	Project name	Summary	% complete	Progress update
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 marque for weekends and special event functions	0%	After the AGM in November 2018 the project will proceed throughout the summer (off season).
St George Children with Disabilities Fund Inc	Enhancing the Quality of Lives of Children with a Disability and Their Families Amount \$25,000	Providing support to overcome the challengers 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.	5%	Project will be commenced and completed during the January 2019 holiday break. To date quotes have been obtained.
St George Football Association	New Seating and Goal Posts – McCarthy Reserve Amount \$50,000	Installation of new seating (7x4 tier, 4 metre stands) and portable goal posts at McCarthy Reserve for football field.	15%	Portable goals purchased and equipment delivered to site. DA has been submitted and is in the assessment process.

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.	75%	The program continues with steady attendance of 10 mothers and 10 children.
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; Thesasuit 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 sunprotection sails and modern play equipment. BFCC has been located at its current premises and providing services to the local community for 38 years.	95%	The project was completed and launched. Due to a defect which is now being remedied final funds are still to be paid.
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	75%	The Bayside BEC has replaced old equipment with a new computer and other hardware.

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.	30%	Concept design completed by Council. Quotes being sought. The final location is to be determined shortly.
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.	75%	Learn the signs / Act early, train the trainer online has been completed by all playgroup and family support workers.  To date Child and Family health nurses have attended 8 playgroups. 50 blue book assessment have been completed. Children and families have been referred for additional assessments. The Speech pathologist has attended 4 playgroups. 2 Parenting programs have been facilitated by SECC including Triple P Stepping Stones, Dads and Bubs bonding.
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.	100%	Project complete.

Funded organisation	Project name	Summary	% complete	Progress update
3Bridges Community Limited	Arncliffe Men's Shed Relocation and Set up Amount \$50,000	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)	40%	Quotes for the installation of disability toilets are being sought. Work benches purchased. Storage cabinets installed. Some delay in delivery of the security front door which is expected to be installed before Christmas 2018.
The Deli Women & Children's Centre	"Standing up for our Children- Safer Home without DV" Project Amount \$26,996	Domestic Violence Groups for Mums with the key focus on strengthening safety, security and reinforcing mother/child attachment. Additional personalised parenting appointments will be offered for those needing extra support.	30%	The 5 week "Healing Together- Mothers Parenting Group for Survivors of Trauma and Abuse" was held on 30/7/18-3/9/18. Successful pilot group with 13 participants. Positive evaluations received. Second parenting group and individual parenting appointments are being planned.
Moving Forward DFV Case Management Services Incorporated	Start-up Education Assistance Program for Women Amount \$24,829.70	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	30%	The first Circle of Security parenting course has been completed as part of education support to clients. New teriary education enrolment requests will be processed and supported and a second Circle of Security parenting course held.

Funded organisation	Project name	Summary	% complete	Progress update
		community or government organisation.		
Nurses On Wheels Australia Ltd	Nurses On Wheels (NOW) Day Tripper Bus Amount \$50,000	Nurses On Wheels (NOW), Day Tripper Bus is a vital and highly successful Program which we currently run from Monday - Friday. We are seeking to buy a 22 seater bus to expand on the existing 12- seater service which takes-up to 11 frail and socially isolated clients.	10%	The most appropriate bus is still being researched. Additional funding is being sought for the purchase and modifications of the bus. It is necessary to meet accessability requirements and other practical features for the comfort of our 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.	90%	Delivering 2 forums focusing on refugee and LGBTQIA issues. The Refugee forum is scheduled for 22nd November 2018 and has been driven by a team of Young People from across the LGA. Small events have continued and expected to be sustainable.
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.		Project complete.
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.

Funded organisation	Project name	Summary	% complete	Progress update
St George Youth Services	Youth POP- UPI 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 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.	50%	4 events held with 146 participants in attendance. 3 information stalls held with 85 participants seeking information. Youth group program has commenced. Initial meetings and individual support and life coaching have been undertaken for 21 young people.



#### NCIF & SCF Untied 2015-16/2016-17

**Final Project Report** 

#### Council details

Council: Bayside Council NCIF untied grant funding received: <\$00,000,000.00> SCF untied grant funding received: \$2,500,000.00

Project details

Eastgardens Westfield new Bayside Council Project title:

**Customer Service Centre** 

Project start date: 01/07/2017 Project end date: 31/12/2017

Project location: Eastgardens Shopping Centre, Eastgardens

Project summary: The project is to establish a Bayside Council

Customer Service Centre within an operational shopping centre.

1. Establishing Of Bayside Council Project objectives:

Customer Service.

2. Replace existing customer service in previous City of Botany Bay Council Administration Centre in Mascot

3. The new customer service centre complements the refurbishment of the library.

4. A Customer Service Centre that is available for the community in a

convenient location.

Project outcomes: 1. All Project objectives achieved

Project status: Completed

Project funding and expenditure details

Grant funding source: <NCIF untied/SCF untied>

Grant funding recipient (if NGO): <NGO> Grant funding allocation: <\$0.00> \$ 2,500,000 Grant funding expenditure: Total project expenditure: \$ 3,500,000



NCIF & SCF Untied 2015-16/2016-17

**Final Project Report** 

Project progress photographs







NCIF & SCF Untied 2015-16/2016-17

Final Project Report



## Major Projects – Stronger Communities Funding Progress Report (to 31 January 2019)

Project Name	Project Summary	Project Benefits	Project Start Date	Project End Date	Total Project Income	Funding Stream	Amount	Percentage Project Completion (parameters)	Project progress Update
Eastgardens Westfield new Bayside Council Customer Service Centre	The project is to establish a Bayside Council customer service centre which will replace the existing customer service centre at the previous City of Botany Bay Council Administration Centre in Mascot.	The new customer service centre complements the refurbishment of the library. A customer service centre will be available for the community in a convenient location in a shopping centre and library near public transport, parking and amenities.	1/01/2017	31/12/2017	\$2,500,000.00	Stronger Communities Fund - Major projects	\$2,500,000.00	76-100%	COMPLETED. The new Bayside Council customer service centre replacing the existing customer service centre at the previous City of Botany Bay Council Administration Centre in Mascot is now fully operational in Eastgardens Shopping Centre.
Ramsgate - Pine Park	The car-parking area has been closed for many years with a trial conducted recently to reopen the area for public use. This proposal constructs car-parking adjacent to the Grand Parade and returns the prime foreshore area to be used as a six-metre wide promenade. Move carpark and create 6m wide promenade – to reduce scope would reduce community benefit – move carpark for what purpose without the boardwalk	The prime foreshore area will be available for the community to use and enjoy.	1/07/2017	30/06/2019	\$4,000,000.00	Stronger Communities Fund - Major projects	\$4,000,000.00	76-100%	The refined masterplan has been completed and has been endorsed by Council. Stakeholder consultation has been undertaken. The REF has been completed. Detailed design and documentation has been completed. The construction tender has been advertised, evaluated and awarded on the 9th of August 2019. Work has commenced on Site with the main works component to be completed before Christmas 2018. January / February 2019 will be used for implementation of long lead time items and decommissioning of the Ausgrid lighting.

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Project Name	Project Summary	Project Benefits	Project Start Date	Project End Date	Total Project Income	Funding Stream	Amount	Percentage Project Completion (parameters)	Project progress Update
Wolli Creek - Cahill Park	The Masterplan for Cahill Park is well supported and endorsed by the former Council. The funding will be used for the implementation of certain elements of the Masterplan including lighting and pathway connectivity.	Cahill Park is located in a high growth area and provides the open space and recreation needs in this area. The provision of lighting and pathway connectivity will improve the recreational use.	1/07/2017	30/06/2019	\$2,500,000.00	Stronger Communities Fund - Major projects	\$2,500,000.00	76-100%	The refined masterplan has been completed and has been endorsed by Council. Stakeholder consultation has been undertaken. The REF has been completed. Detailed design and documentation has been completed. The construction tender has been advertised, evaluated and awarded on the 9th of August 2019. Work has commenced on Site with the main works component to be completed before Christmas 2018. January / February 2019 will be used for implementation of long lead time items and decommissioning of the Ausgrid lighting.

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Item No 8.23

Subject Engagement on Consultation for Renewal of Alcohol-Free Zones

and Alcohol-Prohibited Areas

Report by Debra Dawson, Director City Life

File F18/681

#### **Summary**

Council engaged with the local community requesting input on the review of 4 Alcohol-Free Zones and related Alcohol-Prohibited Areas within the Bayside Local Government Area. This report outlines the engagement outcomes resulting in the recommendation to re-establish the zones and areas.

#### Officer Recommendation

That Council endorses the proposal to re-establish/renew the four Alcohol-Free Zones and two Alcohol-Prohibited Areas identified in this report.

#### **Background**

A review of the eight Alcohol-Free Zones (AFZ) and Alcohol-Prohibited Areas (APA) Zones in Bayside identified 4 which have expired or are expiring in 2018. Maps for these are attached. The AFZ and APA are established under various sections of the Local Government Act 1993.

The process for establishing or renewing an existing AFZ or APA requires endorsement by Council following exhibition to the community. The exhibition was held from 15 October 2018 – 19 November 2018. Relevant businesses, licensed premises, community organisations and residents were advised of the exhibition. NSW Police were also advised and have given their support. Feedback from licensees also indicated 100% support for renewal of the zones and areas.

The exhibition engagement was promoted through:

- A letter from the General Manager distributed to residences and business identified in the impacted area surrounding the proposed zones and areas. (450).
- Stakeholder meetings Council's Community Safety Officer met with licensees in the impacted area in October and November 2018.
- Licensees were also given a letter from the General Manager with information, contact details and maps.
- A letter from the General Manager to Local Area Commander of Police, 26 November 2018.
- An email from Brad Hodder, Superintendent Commander, Botany Bay, Police Area Command supporting the renewal on September 24, 2018.

 Advertisement - Public Notice in the Southern Courier (16 October 2018) and Leader (17 October 2018).

- Social media Facebook posted on November 2 2018.
- Bayside Council website Latest news
- Have Your Say (HYS) Bayside Council A Project Page was created and open for comment from 15 October – 19 November 2018.

#### **Have Your Say Engagement Outcomes**

103 people visited the Have Your Say project page *Alcohol-Free Zones* and 5 surveys were completed. The majority (4 of the 5) of respondents stated they live in the area.

The 4 respondents that lived in the area were interested in AFZ1 (public-roads-near-the-Lakes-Hotel,-Rosebery), and all supported the renewal. One of the 4 respondents was also interested in APA1, Sir Joseph Banks and supported the renewal.

Survey questions were not mandatory, resulting in respondents skipping questions.

There were 59 downloads of documents (maps, copies of letters) from the document library of the HYS project page.

As this was a targeted survey to people directly impacted by AFZ and APA many people engaged by viewing (103) and downloading (59) but did not complete the survey. It might be assumed that people read the information and were satisfied with the project and did not wish to comment further.

#### **Survey Responses:**

5 people undertook the online survey on Have Your Say and responses are as follows:

- Q. Which Alcohol Free Zone (AFZ's) would you like to comment on?
  - Alcohol Free Zone 1 (public roads next to the Lakes Hotel Rosebery) (5 respondents)
  - Alcohol Free Zone 2 (public roads near the Captain Cook Hotel and the Waterworks Hotel Botany) (1 respondent – 4 skipped the question)
  - Alcohol Free Zone 3 (public roads near the Newmarket Hotel, Rosebery)
  - (1 respondent 4 skipped the question)
  - Alcohol Free Zone 4 (public roads adjacent to the Sir Joseph Banks, Botany)
  - (1 respondent 4 skipped the question)

- Q. Which Alcohol Prohibited Area (APA's) would you like to comment on?
  - Alcohol Prohibited Area 1 (Sir Joseph Banks Park Botany) (2 respondents- 3 skipped the question)
  - Alcohol Prohibited Area 2 (Lever Street Reserve, Rosebery) (1 respondent 4 skipped the question)
- Q. Do you support the renewal of zones/areas? Individual area /zone responses

	Yes	No	Skipped question
Do you support the renewal of AFZ 1?	4	1	
Do you support the renewal of AFZ 2?		1	4
Do you support the renewal of AFZ 3?		1	4
Do you support the renewal of AFZ 4?		1	4
Do you support the renewal of APA at Sir Joseph Banks Park, Botany?	1	1	3
Do you support the renewal of APA at Lever Street Reserve, Rosebery?		1	3

- Q. What is your relationship with the areas/zones?
  - 4 respondents "lived in the area"
  - 1 respondent ticked "Other"

The majority of comments from HYS reiterated the importance of current Alcohol-Free Zones citing the extent of disruption endured by local residents over the weekends in the identified hot spots.

It is important to note that the 1 respondent who did not support the renewals as indicated in the table above, did not live in the area, work in the area, or visit the area and commented that Alcohol-Free Zones were a Police matter and not a Council issue and it appeared the respondent did not understand regulation around zones and areas.

# Financial Implications Not applicable □ Included in existing approved budget ⊠ Signs being redesigned under the roll out of signage across the LGA Additional funds required □

### **Community Engagement**

The engagement process is detailed above.

#### **Attachments**

Alcohol Free Zones <a href="#">J</a>

#### Attachment: Alcohol Free Zones and Alcohol Prohibited Areas

Alcohol-Free Zone Prohibited Area	Establishment Date	Streets
Alcohol-Free Zone 1: Public Roads in the vicinity of the Lakes Hotel, Rosebery:	Established 2004.  Current Period: 2014-2018.  Due for renewal in 2018	<ul> <li>The block bounded by:</li> <li>Macquarie Street (East side).</li> <li>Gardeners Road (South side between Macquarie and Maloney).</li> <li>Maloney Street (west side between Gardeners Road and Want Street).</li> <li>Want Street (North side between Macquarie Street and Maloney Street).</li> </ul>



Alcohol-Free Zone Prohibited Area	Establishment Date	Streets	
Prohibited Area  Alcohol-Free Zone 2:  Public Roads in the vicinity of the Captain Cook Hotel and the Waterworks Hotel, Botany.	Established 2005.  Current Period: 2014-2018.  Due for renewal in 2018.	Botany Road ( between Hickson Street and Hale Street).  Chegwyn Street.  Bay Street: (between Ivy Street and Chegwyn Street).  Hale Street (North side between Botany Road and Chegwyn Street).  The Botany Public Car Park.  Banksia Street (between Botany Road and James Bourke Place).  Edward Street (between Botany Road and James Bourke Place).	
		<ul> <li>James Bourke Place.</li> <li>Nilsson Lane.</li> <li>Rose Street.</li> <li>Ivy Street.</li> <li>Daphne Street (between Botany Road and Ivy Street).</li> </ul>	
Marie Carlos Car	Forest Model		

Alcohol-Free Zone Prohibited Area	Establishment date	Streets
Alcohol-Free Zone 3:	Established 2010.	The block bounded by:
Public Roads in the vicinity of the	Current Period: 2014- 2018.	Botany Road (East side)
Newmarket Hotel,	Due for renewal in 2018.	Rolfe Street (North side).
Rosebery and an Alcohol-Prohibited	Due for renewal in 2018.	Middlemiss Street (West side).
Area in Lever Street Reserve.		Gardeners Road (South side).
		Tramway Street.
		Lever Street.



Alcohol-Free Zone	Establishment date	Streets	
Alcohol-Free Zone 4:	Established 2014 Latest period:	Tupia Street (between Anniversary Street and Sir Joseph Banks Park).	
Public Roads adjacent to Sir Joseph Banks Park, Botany and an Alcohol-Prohibited Area affecting Sir Joseph Banks Park, Botany.	2015-2016.  Due for renewal in 2016.	<ul> <li>Anniversary Street.</li> <li>Waratah Road (between Anniversary Street and Sir Joseph Banks Park).</li> <li>Fremlin Street (between Anniversary Street and Sir Joseph Banks Park).</li> </ul>	
ANMVERGARY STREET  Sir Joseph Banks Park Alcohol Prohibited Area			



Item No 8.24

Subject Draft Community Grants and Donations Policy 2018

Report by Debra Dawson, Director City Life

File F09/1059
Duration 30 minutes

#### Summary

The Community Grants Policy 2016 and Financial Assistance Policy 2016 and the process for assessing applications for financial assistance from the community has recently been reviewed.

The *Draft Community Grants and Donations Policy (2018)* combines the two (2) existing policies into a single document. The categories and criteria for assistance have been updated and new administrative processes have been put in place to improve efficiency and transparency.

#### Officer Recommendation

- 1 That Council adopts the Draft Community Grants and Donations Policy 2018
- 2 That Council agrees to the increase of the Small Grant category from \$1500 to \$2000
- That Council notes any revisions to internal administrative arrangements to achieve a more streamlined Grants and Donations Program
- That Council agrees to the removal of the Australia Day Grants as a category from the program but allows individual submissions for a donation.

#### **Background**

The provision of financial assistance to the community is currently governed by the NSW Local Government Act 1993 (s356 and s377) and implemented through Council's Financial Assistance Policy 2016 and Community Grants Policy 2016.

City Life has responsibility for the administration of the policies and related programs. Council determines grants and donations with approval in certain circumstances by the General Manager.

Delegation was provided to the General Manager for the granting of financial assistance through the Local Government Amendment (Governance and Planning) Act 2016 under section 377 in the following circumstances:

(a) the financial assistance is part of a specified program

(b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given

- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year
- (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area

Financial assistance is provided through the following categories:

- community grants (including in kind) for community based programs and activities
- capped donations to eligible seniors groups
- capped donations to young people selected to represent in a sporting, academic artistic or leadership endeavour at a state or national level
- fee waivers for use of Council property and venues such as halls and parks
- general donations (including in kind) for a broad range of activities and events

#### **Review of Current Policy**

The Community Grants Program administration includes documented guidelines, information sessions, online applications and an independent assessment panel. Some donations (for example seniors and youth) have very specific criteria and are easy to process.

However, a large number of requests for financial support are received by different parts of Council and there is a lack of clarity around how these ad hoc requests are dealt with. Some of these requests are not time limited and can be appropriately referred to the website and to the Community Grants Program. Others can be addressed through the General Manager's delegation or through a report to Council. The introduction of a single policy with clear criteria and guidelines assists with transparency and decision making.

Over time it is expected that the community will become better informed about how to apply through the Community Grants Program or the Donations Program and these wide ranging requests should be picked up through that process (up to twice per year). An attempt will be made to bring other categories of donation (youth, seniors) into the same time frames.

This will give Council a much clearer picture of the full range of requests for financial assistance and to what extent Council is able to support different organisations and groups especially when grants and donations are being tracked. It will also make it easier to promote Council's investment in the community.

Both policies and the processes behind them were assessed with a view to ensuring:

- current policies reflect demand within the local community
- there is better understanding about the types of financial assistance provided by Council and how to apply through grants, donations and fee waivers
- the programs deliver support which enables Council to meet its strategic directions

 a majority of requests are processed through an identified program while still allowing unexpected general requests

- applicants understand the need for a process and take responsibility for their role in application and acquittal
- streamlined internal processes regarding application, assessment and approval which are easily understood by different parts of Council
- tracking and monitoring of fee waiver, grants and donations is available to assist in decision making by the General Manager and by Council
- a plain English document is available on the website and easily understood by the community with relevant links to forms and related policies

#### **Amendments to the Policy**

Specific changes made in the new policy are detailed below. All categories have been maintained or enhanced with the exception of the Australia Day Grants. Grant amounts can be found attached to the policy document and will form part of the Grant Guidelines to be included on the website. These changes identified below are highlighted in the new policy document:

- The two policies have been combined allowing the eligibility criteria, assessment process conditions and exclusions to be combined in the one document. Changes have been made to improve readability.
- The Small Grants category has a funding limit of \$1,500 which was set in 2011 and is not reflective of current costs. This has been increased to \$2,000. All funding amounts are included.
- Suggested projects for seeding grants have been expanded to include the possibility of
  creative and artistic groups. This is intended to create a pathway for creativity based
  programs to conduct performance and arts activities in the public domain as envisaged in
  the Community Strategic Plan and with Council's Arts Festival.
- The policy clearly spells out that a fee waiver may apply to venues and facilities like halls and parks, that this can be approved up to 50% in certain circumstances for particular groups (as per adopted Fees and Charges) and that any greater request will be treated as a general donation subject to application and referral to the General Manager.
- The criteria for General Donations has been outlined more clearly with criteria about significant benefit to the Bayside community so that recommendations can be made to the General Manager or Council.
- Australia Day Sporting Grants (or trophies) has been removed as the event to which these trophies were attached no longer occurs however groups can still make an application for a general donation.
- The Schools Academic Prizes grant category is renamed as the Bayside Council Student Excellence Award Program to provide \$200 for each school for prizes at their discretion (Mayoral Minute 8/11/2017).

• Council can still approve a grant or a donation outside the Draft Community Grants and Donations Policy (2018) when the request aligns with Council's strategic objectives. **Financial Implications** Not applicable Included in existing approved budget An amount of \$160,000 is included in the  $\boxtimes$ current 2018-2019 budget for grants and donations. Any changes will be absorbed within this amount. Additional funds required **Community Engagement** Governance and Recreation and Community Services were consulted during the revision of policy. **Procurement** Not applicable  $\boxtimes$ Applicable – procurement method П **Attachments** 1 Draft Community Grants Donations Policy 2018 <a href="#">J</a> 2 2 Community Grants and Donations Policy Funding Levels Attachment A J.



## Draft Community Grants and Donations Policy



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Enquiries: Manager Community Life

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#### 1 Background

Bayside Council supports the local community through the provision of financial assistance to not for profit organisations, community groups and individuals provided in the form of community grants, donations and fee waivers.

Funding provided through community grants and donations is to be used in a way that enhances the social, cultural, economic and environmental outcomes outlined in Council's Community Strategic Plan, Delivery Program and Operational Plan. These are allocated using transparent and accountable processes.

#### 2 Policy Statement

The Policy enables Bayside Council to provide appropriate financial assistance to eligible individuals, not for profit community organisations and groups whose activities are aligned with Council's Strategic Plan and current Operational Plan.

This policy demonstrates Council's commitment:

- To equitably provide financial assistance to community groups and individuals in accordance with Section 356 and Section 610 of the NSW Local Government Act 1993.
- ii) To build strong communities and develop community harmony and social cohesion;
- iii) To assist communities under stress;
- iv) To facilitate the fair distribution of activities and services throughout Bayside LGA.

#### 3 Scope of Policy

The Policy provides a framework for the distribution of funds under the NSW Local Government Act 1993 Section 356 and Section 610 and applies to all applications for Community Grants and Donations and the waiver of fees for use of venues and facilities where it can be seen that assistance will enhance community capacity or address community need.

It applies to any individual, organisation or community group applying for a Community Grant, Donation or fee waiver in Bayside Council area.

It does not apply to:

- 1 ClubGRANTS, which are administered by Council but are the responsibility of ClubsNSW;
- 2 Rental Assessment and Subsidies (refer Rental Assessment and Subsidy Policy 2017) for long term rental lease;
- 3 Sponsorship.

The policy does not prevent Council giving occasional small gifts to organisations, providing support for civic functions or one-off events in accordance with the Local Government Act 1993.

Council may approve grants and donations outside of this policy when they align with Council's strategic objectives.

#### 4 Principles

The Community Grants and Donations Program upholds the five (5) following principles:

- Applications for Community grants and donations will be processed fairly and impartially;
- The Community Grants and Donations Program will be administered and implemented in a transparent and open manner;
- Applications must contribute to and align with the goals and strategies outlined in Bayside Council's Operational Plan and Community Strategic Plan for the financial year in which the grant or donation is proposed;
- Information provided to Council as a community grant or donation application will be treated confidentially;
- Council staff, Grant Application Assessment Panel members and elected representatives are bound by Council's Code of Conduct to declare any conflict of interest when assessing grant applications;
- Successful grants and donations will demonstrate best value to the community.

#### 5 Categories of Assistance

Council provides several opportunities for financial assistance to community organisations and individuals where applications meet the following categories and associated eligibility criteria:

Funding Program	Category	Funding Limit	Program Availability
Student Excellence Award	School Awards	As per attached Guidelines	Annual
Community Grants	i: Small Grants ii: Seeding Grants	As per attached Guidelines	One to Two Funding Rounds per year as advertised
Donations	Youth Representation	As per attached Guidelines	All year

		As per attached	
	Seniors Groups	Guidelines	Up to 2 rounds per
			year
	General	As per attached	
		Guidelines	All year
Fee Waivers	Venues and Facilities	Fee waiver to	All year as per
		eligible community	attached Guidelines
		groups	
			Application for 50%
		Requests for fee	Fee Waiver needs to
		waivers above this	be received by Council
		must be submitted	at least 20 working
		as an Application for	days prior to the
		Donation	proposed date of hire.
			Applications for
			additional Fee Waiver
			need to be received
			30 working days prior
			to the proposed date
			of hire.

#### 6: Student Excellence Awards Program

Council supports the recognition of excellence in young people and provides an annual donation to every primary and secondary school in the Bayside area to award to a student who has made a significant and positive contribution to their school environment.

The donation is made directly to each school for use at their discretion to select the recipient and the manner in which the donation will be awarded.

There is no application process for this program. Schools will automatically receive the donation each year.

Eligibility Criteria

Primary and Secondary schools located in the Bayside Local Government area

#### 7: Community Grants Program

Council recognises the important role that local community organisations, community service providers, clubs and individuals play in the provision of community, cultural and leisure programs for local residents of Bayside Council.

Through the Community Grants Program Council provides funding for grants for initiatives that enhance the development of existing services and programs,

encourage the creation of innovative new programs and enhance community participation.

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

Local, not for profit community organisations, groups, clubs and eligible individuals are invited to apply under the following Grant categories:

**Small Grants** - for the purchase of equipment, to run specific activities or produce information resources.

Seeding Grants – to establish innovative programs that foster initiatives to address the social, cultural, creative, artistic and leisure needs of the community in line with Council's Strategic objectives.

Interested applicants are advised to read Council's *Community Grants Guidelines* before lodging their Application and attend one of the advertised scheduled community information sessions before applying.

#### Eligibility Criteria

Not-for-profit community organisations, not for profit Individuals (auspice required) and unincorporated community groups (not-for-profit only, auspice required).

Applications must align with Councils Community Strategic Plan

Applications must demonstrate that they service a significant proportion of the Bayside community

Applicants must submit an Acquittal for any previous Grant Funding before they can apply for another grant

# 8 Donations Program

There are situations where it is appropriate to respond to requests for a one off donation to an individual, or a not for profit community organisation.

Applications for donations are considered on their merit and assessed in line with the categories and criteria outlined below. The provision of financial assistance will be contingent on the availability of funds.

Categories for funding under the Donations Program are:

# a. Youth Representation

Council recognises the unique talents and skills of young people living in the area and supports their development through representation at an elite level.

Young people aged 24 years and under, who have been selected to represent NSW or Australia in a competition or event in the area of sport, academic studies, music or artistic endeavour may apply to Bayside Council for financial assistance to attend that event.

Teams may apply where the Club or Organisation is based in the Bayside local government area and 75% of their members are residents of Bayside local government area.

Interested applicants must submit the appropriate *Application Form* (link) and provide all required supporting documentation.

#### Eligibility Criteria

Individual applicants must be aged 24 years or under and be a resident of the Bayside local government area.

Eligible Clubs/ Associations must show that 75% of members reside in Bayside local government area

Only three (3) teams per Club/ Association per year may apply.

#### b. Seniors Groups

Senior's Groups play a role in maintaining the connections of older people to the community through the provision of social, leisure, wellness and educational activities.

Senior's groups located in Bayside local government area with a membership of 75% of Bayside residents may be eligible to apply for an annual donation to offset the costs associated with providing services.

Funding is available for a maximum of ten (10) seniors groups who meet the eligibility criteria. Eligible applicants must complete the relevant *Application Form* (link) and provide all required supporting documentation.

# Eligibility Criteria

Applicants must be a recognised not for profit Senior's organisation providing services/ activities to older people aged 60 years and over and located in the Bayside LGA Organisations must be able to show that 75% of membership is residents of Bayside

#### c. General Donation

Not for profit community groups, community organisations and individuals may apply for a general donation where the request does not meet the criteria for other categories outlined in this Policy. Applications must align with Council's Community Strategic Plan.

Applications may be considered where there is a demonstrated significant contribution to the social, economic and/or environmental well-being of the Bayside community.

Applications will be considered where there is a:

- i) need for essential emergency support to a community organisation where an unforeseen circumstance results in an impact on service delivery;
- an opportunity to meet identified community need that cannot be addressed in other funding programs;

 an opportunity to meet the needs of people affected by a national or international event that caused human suffering;

In applying for a General Donation applicants are encouraged to also look at the Community Grants Criteria to ascertain if this is a more appropriate form of funding. Applications for donation that are not time sensitive will be included in the next Community Grants round.

# Eligibility Criteria

Not-for-profit community organisations, not for profit Individuals (auspice required) and unincorporated community groups (not-for-profit only, auspice required).

Applications must align with Councils Community Strategic Plan

Organisations must be located in Bayside LGA, or be able to demonstrate that they provide a service to a significant proportion of the Bayside community

#### 9 Fee Waiver for Use of Venues and Facilities

Not for profit community organisations and clubs and in special circumstances, government entities, may be eligible for the waiver of 50% of the fee for use of Council operated venues and facilities, including halls and parks, in certain circumstances where the use is for the purposes of conducting a meeting, program or activity in accordance with the organisations purpose.

Requests for 100% fee waiver must be submitted as a General Donation and will be assessed in line with the Eligibility Criteria for that program (see General Donations).

Fee waivers apply to the actual cost of the hire fee and not the costs of any bonds or other administrative fees.

Eligible organisations must complete an *Application for Fee Waiver* (link) and submit it with the relevant venue booking form, along with all supporting documentation.

The cost of the fee waiver will be registered as a donation to the applicant organisation.

#### Eligibility Criteria

Not-for-profit community organisations and unincorporated community groups/Clubs

Organisations must be located in Bayside LGA, or be able to demonstrate that they provide a service to a significant proportion of the Bayside community

Government entities where there is an existing partnership agreement with Council for a general or a specific purpose

#### 10 Assessment Process

All applications for financial assistance under this Policy must be aligned with Councils Community Strategic Plan (link) and Operational Plan (link) for the financial year in which application is made.

- Applications that do not provide all requested documentation and information will not be processed.
- Applicants must clearly demonstrate how funds will benefit the residents of Bayside;
- · Applications will be considered on their merit and within budget constraints;
- Applications must be submitted in writing on the appropriate Application Form;
- Applications must attach all requested supporting documentation. Council reserves
  the right to seek additional information to assist in their assessment including
  recent financial statements with a current audited balance sheet if required.

<u>Donations Program</u> will be assessed in accordance with the eligibility criteria and will be referred to the General Manager, and if required, Council, for final approval.

<u>Community Grants Program</u> applications will be assessed by an Evaluation Panel made up of up to four (4) independent community representatives (including up to two (2) from a State government entity) and two (2) Council officers including the Manager responsible for the Community Grants program.

Recommendations from the Evaluation Panel will be submitted to a meeting of Council for consideration and approval.

Requests for Fee Waiver of 50% are assessed by the relevant Manager in line with Council's current Fees and Charges Policy.

#### 11 Exclusions

Funding will NOT generally be provided where:

- An application has been submitted retrospectively
- An application has been submitted after the publicised due date
- An application has not supplied all required documentation
- An organisation has not provided acquittal for previous funding provided by Council
- A more appropriate funding source is available;
- An application is from a political party or the use of funds is for political purposes
- Projects directly benefit an individual;
- Projects are conducted outside the Bayside LGA;
- Projects have little direct benefit to Bayside residents;
- Funds will be used to complete an accredited course of study;
- Applications submitted by Government Departments or Agencies
- Projects that carry forward a financial deficit;
- Where funds will be used to offset operating costs or staff salaries

 The program's proposed budget for the year exceeds 5% of Council's proposed income from ordinary rates levied for that year.

# 12 Statutory Obligations

Legislation governing the provision of financial assistance by councils and the delegated authority of the General Manager in relation to granting of financial assistance is outlined in sections 356 and 377 of the NSW Local Government Act 1993. Council has delegated authority to the General Manager as per the Local Government Amendment (Governance and Planning) Act No. 38 under Section 377.

# 13 Policy Implementation

#### **Policy Responsibilities**

The Manager - Community Life is responsible for the maintenance of this policy and its day to day operation.

#### 14 Definition of Terms

#### Acquittal

An acquittal is a written report submitted after the funded project is complete. It details how grant funds were administered and met the project outcomes in the funding agreement.

#### Applicant

The person whose name appears on the official applications forms for a Community Grant or Donation.

#### Auspice

An auspice is an incorporated organisation that receives, administers and acquits funding allocated on behalf of an applicant.

The auspice is required to:

- enter into a funding agreement with Council
- accept grant funds and pay the auspiced grant applicant
- be responsible for any support Council approves including all correspondence
- monitor and acquit the use of funds at the completion of the project.

#### Community Grant

A community grant is a financial award given to a community organisation to develop a project or assist in the provision of a service or activity. A grant is given with conditions about its administration and with requirements regarding reporting the acquittal of the grant.

#### Community Grants Program

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

#### Community Groups and Clubs

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

to the Bayside community.

#### **Community Service Providers**

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

#### Donation

A donation is the provision of a one-off monetary contribution to a cause, community organisation or individual that may or may not be part of an ongoing program. Generally there are no conditions attached to the provision of a donation by Council.

#### Facilities

As referenced in Council's Fees and Charges a facility refers to parks.

#### Fee Waive

An arrangement whereby Council foregoes revenue on things for which they would normally charge a fee. This may include park hire or venue hire such as halls.

#### Financial Assistance

Financial mechanisms provided to an organisation or individual to support activities that are in line with Council's Strategic Plan

#### Grant

Financial support given to an individual or organisation to assist in the delivery of identified projects and/or activities. Expenditure of funds acquitted at the end of the program

#### **Grant Applications Evaluation Panel**

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

#### Incorporated Association

An association that has been incorporated in accordance with the requirements of the Associations Incorporation Act 2009.

#### Not-for-profit

Refers to an organisation that is not carried on for the purposes of profit or gain to its individual members nor allowed to make any distribution, whether in money, property or otherwise, to its members. Any surplus made by the organisation is retained by the organisation to carry out its purposes.

#### Retrospectively

Something that has already been produced, or taken place, prior to application for assistance being made.

#### Seeding Grant

Funding to establish a new community, social, cultural or leisure program that will have a benefit to the Bayside community

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#### Small Grant

One off funding to purchase equipment, run a specific activity or event or produce an information resource

#### Sporting association/national association /governing body

An incorporated organisation or institution that has regulatory or sanctioning functions

#### **Unincorporated Community Group**

A group of people who act together for a shared interest or purpose. Unincorporated groups that are successful for funding must have an auspice willing to enter into a funding agreement on their behalf.

#### Venue

As referenced in Council's Fees and Charges, for the purposes of this policy a venue refers to a built facility such as meeting rooms, community halls, community centres and senior centres.

# 15 Document Control

#### Review

Policy to be reviewed every 4 years

#### **Related Documents**

- Bayside Council Rental Assistance Subsidy Policy 2017
- Bayside Council Community Grants Guidelines 2018
- NSW Local Government Act 1993

#### **Version History**

Version	Release Date	Author	Reason for Change
Financial Assistance Policy	2016	Karen Purser	Harmonised
Community Grants Policy	2016	Karen Purser	Harmonised
Community Grants and	2018	Maree Girdler	Above policies merged to
Donations Policy			create this Policy

(Attachment A)

# Draft Community Grants and Donation Policy 2018 Funding Levels

The following Funding Levels have been determined by Council for financial assistance as outlined in the *Community Grants and Donations Policy 2018*.

Levels of assistance may be approved as follows:

Program	Category	Funding Limit	Availability & Criteria
Student Excellence Award	School Awards \$200 per school		Automatic, annual donation to primary and secondary schools located in the Bayside Local Government area.  No application is required
Community Grants	i: Small Grants ii: Seeding Grants	i: Up to \$2000 per application ii: Up to \$5000 per application	Up to two (2) funding rounds per year may be advertised  Refer to current Community Grants Guidelines for eligibility criteria
Donations	Youth Representation	National Level:  Up to \$250 per individual or \$500 per team  International Level  Up to \$500 per individual or \$1000 per team	All year
	Seniors Groups	Up to \$500 for a maximum of ten (10) groups	All year until maximum reached

	General Donation	Dependent on available funding	All year
Fee Waivers	Venues and Facilities	50% fee waiver to eligible community groups  Requests for fee waivers above this must be submitted as an Application for Donation	All year  Applications for 50% Fee Waiver must be received by Council 20 working days prior to the proposed date of hire.  Applications for additional Fee Waiver amounts need to be received by Council 30 working days prior to the proposed date of hire.

Applications must be received on the appropriate Application Form outlined in the Policy and will be assessed in accordance with the process outlined.

Applicants are strongly advised to ensure that all requested information, along with any relevant supporting documentation is provided at the time of application.



Item No 8.25

Subject Review of Aged and Disability Services

Report by Debra Dawson, Director City Life

File F18/1070

# Summary

The attached confidential report outlines details of a review of Council's Aged and Disability Services which was conducted across 2017-2018. The services include Meals on Wheels, the Shopping Service and 2 Social Support Groups. The review was conducted following the 2016 amalgamation and in the context of a significant Commonwealth reform program *Living Longer.Living Better* which impacts these services. It addressed the need to better understand how these services were operating in the context of reform and to consider future directions for Council.

# Officer Recommendation

- That, in accordance with Section 10A(2) of the Local Government Act 1993, the attachment be dealt with in closed session of the meeting by reason that the attachment be withheld from the media and public as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Council adopts Option 1 as outlined in the body of the attached report.
- That Council notes that staff will continue to advance matters associated with this option outlined in the report.
- That Council authorises the Mayor and General Manager to undertake any relevant actions arising from these matters.

# **Background**

Councils have an important part to play in ensuring the community have an adequate supply of community services to meet needs at all ages. This may be delivered through direct service and often includes strategic planning for the community, capacity building and support for other services.

City Life provides the following services to older people over the age of 65 in the former City of Botany Bay Council area. Local people with disabilities who are under 65 are gradually transitioning from these services to the National Disability Insurance Scheme and will purchase services from registered providers in the future.

Council services have been available since 1989 and now include:

Item 8.25 694

- Meals on Wheels
- Shopping Service
- Social Support Groups

Council services are part of the Commonwealth Home Support Program and received \$218,000 block funding in the 2017-2018 financial year. Agreements require Council to deliver specific outputs for this funding.

#### The Commonwealth Reform Agenda

The Australian population is ageing and living longer. Demands on the aged care system are expected to be much greater in the future. In 2011 the Productivity Commission's report *Caring for Older Australians* described an inflexible system which was difficult to understand, inconsistent and variable in access, quality and cost, administered by 2 levels of government and poorly aligned to consumer need and choice. An understanding of the serious inadequacies of the system led to the development of a 10 year reform agenda from 2012 known as *Living Longer.Living Better*.

The entire system from entry level services through to home care packages and residential aged care is part of the 10 year review. The Commonwealth expects a streamlined integrated system in the future. Features include:

- A single point of entry to services through the My Aged Care (MAC) website and phone number
- National screening, assessment and referral through Regional Assessment Services (RAS) or Aged Care Assessment Teams (ACAT)
- A shift away from residential aged care towards much more care in the home
- A new fee framework so that user contributions are fair and equitable
- A strong Consumer Directed Care focus with a distinct policy shift away from doing things "for" people to doing them "with" them
- Considerable expansion of the Home Care Packages Program so that many more packages are available.
- More significant changes are expected up to 2022. This could include changes to the mix of individualised and block funding and broader structural and process reform involving legislative change.

The Commonwealth provided an extension to funding in May 2017 so that providers could plan and make decisions about their future business. Agreements were renegotiated in June 2018.

#### Issues raised in the Review

Most of these changes have directly and indirectly impacted Council's services. Small services like those run by Council have found the ongoing promise of reform, with staged release of concrete detail, difficult to address. This can mean they've moved on with day to day business but haven't undertaken necessary expansion or innovation.

Item 8.25 695

These issues are also being experienced by other small services and particularly by other Councils. They have been widely canvassed and discussed during the reform process.

This review brought to light a number of significant issues with aged and disability services at Bayside Council. There are options for Council which support our ageing population and which allow a continuation of different types of services to the local community. These issues and options for Council are considered in the attached confidential report.

Financial Implications		
Not applicable		
Included in existing approved budget	$\boxtimes$	Details are included in the attached report
Additional funds required		
Community Engagement  Engagement is included in the attached	report	

Bayside Council Review of Aged and Disability Services (confidential)

**Attachments** 

Item 8.25 696



Item No 8.26

Subject Disclosure of Interest Return

Report by Michael Mamo, Director City Performance

File SC18/1217

# Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interest and Other Matters Returns by Councillors and Designated Persons. It requires any Returns of Interest lodged with the General Manager to be tabled at the first meeting of Council held after the last day of lodgement of the return (which is three months after the start date of the Designated Person).

This report provides information regarding the Return recently lodged with the General Manager by a Designated Persons.

#### Officer Recommendation

That the information be received and noted.

# **Background**

Section 450A of the Local Government Act, 1993 relates to register of Pecuniary Interest Returns and the tabling of this Return, which have been lodged by Designated Persons.

Section 450A of the Act is as follows:

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449. ("Register")
- (2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:
  - (a) in the case of a return lodged in accordance with section 449(1) the first meeting held after the last day for lodgement under that subsection, ("first returns")or
  - (b) in the case of a return in accordance with section 449(3) the first meeting held after the last day for lodgement under that subsection ("annual returns"), or
  - (c) in the case of a return otherwise lodged with the general manager the first meeting after lodgement ("other returns").

With regard to Section 450A (1), a Register is kept and up-to-date as required by this part of the Act.

Item 8.26 697

In accordance with Section 450A (2) (a) the following first returns have been lodged.

Position	Return Date	Date Lodged
Senior Development Assessment Planner	20.08.2018	13.09.2018
Development Assessment Planner	10.09.2018	28.09.2018

The Returns are now tabled and are available for inspection if required.

# **Financial Implications**

Not applicable ⊠

# **Community Engagement**

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

# **Attachments**

Nil

Item 8.26 698



Item No 8.27

Subject Adoption of Amendments to Fees & Charges 2018/19 - Post

**Exhibition** 

Report by Michael Mamo, Director City Performance

File SF18/1731

# Summary

Since Council adopted its Fees & Charges 2018/19 it became apparent that some amendments were required for various reasons including changes to statutory fees. It was also an opportunity to review several other fees and charges in order to continue the harmonisation process. The Council considered various proposed amendments and resolved to publicly exhibit these changes.

This report provides feedback on the community consultation, and recommends adoption of the proposed amendments as exhibited except for addressing a typographical error in copying charges.

# Officer Recommendation

That the amendments to the current Fees & Charges 2018/19 as outlined in the table in the body of this report be adopted.

# **Background**

The current Fees & Charges 2018/19 were originally adopted by Council at its Extraordinary meeting of 28 June 2018. Since its adoption it became apparent that several amendments were required due to various reasons, including changes to statutory fees published by the State Government after the original document was compiled. Some other fees were also reviewed, and changes proposed.

At its meeting of 26 September 2018, Council resolved to place the amended fees and charges on public exhibition, with a view to considering the amendments at a future meeting.

During the exhibition period, two items of feedback were received:

- From a resident through Council's on-line Have your Say: "I support the proposed amendments to Bayside 2030 and Fees & Charges 2018/19."
- Email advice of a typographical error: the Library Photocopying item 'A3 B&W \$2.00' should be 'A3 Colour \$2.00'.

The proposed amendments, which address the typographical error mentioned above and otherwise as exhibited, are in the following areas and detailed in the table below – the page numbers refer to the current Fees & Charges document:

• Sporting fields and recreation

- Street Stalls
- Market stalls
- Library photocopying
- Development applications
- Companion animals

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason
SPORTING FIELDS (page 1) Cricket - Synthetic Wicket (Former Rockdale area) Seasonal Daily	\$321	\$85	Fee review - Original fee increase reviewed
Sporting Fields (page 1)		Night Training Fee including lights (Seasonal hire only) \$32 per night.  Night Training Programming Fee for Lights \$220	Administrative omission
Ador Reserve (page 1)		Admin Fee \$111	As above
Keys (page 2)		Key bond \$60 Cyber Keys \$220	As above
Recreational Park Hire Commercial sporting and fitness activities / personal training. (page 2)		Admin Fee (All Hirers) \$111 <b>Delete</b> Former Botany area administration charge \$262	As above.  Harmonised administration fee to be applied for all hirers \$111
Triathlon / Fun Run Permits (page 2)		Add Commercially organised triathlons, biathlons or similar events per half day \$1,322.50	Administrative omission

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason
Cross Country (page 2)		Cross Country Admin Fee \$111	Administrative omission
		Cross Country Local (Residents and Clubs) \$123	
		Cross Country Outside LGA (Clubs) \$175	
		Cross Country Commercial \$250	
Hensley Soccer Pitch & Athletic Track (pages 1-2)	Athletics track and space for athletics field events	Athletics track and outfield	Clarification - Amended heading.
	Proposed Deletion Field Night Training Mon-Fri (per hour) \$200.00	Add Soccer Field Training - Monday to Friday (per hour) \$200.00 Off Soccer Field training area - Monday to Friday (per hour) \$150.00	Clarification - Additional wording.
		<b>Delete</b> Field Night Training Mon- Fri (per hour) \$200.00	Clarification and administrative omission.
Events / Markets & Exhibitions (page 2)	Stall site fee – Fee varies based on type of event \$30-\$400 per day	Note: General Manager may waive fees for: charitable and/or Not-for-Profit organisations and Members of Parliament providing community information outside of election periods.  Exemption does not apply to Stall Equipment fee.	Fee Review - New waiver condition

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason
Library Photocopying & Printing Charges (page 8)	A4 B&W \$0.10 A4 Colour \$0.10 A3 B&W \$0.20 A3 Colour \$0.20	A4 B&W \$0.20 A4 Colour \$1.00 A3 B&W \$0.40 A3 Colour \$2.00	Cost recovery review - amendment to re- instate the copying and printing charges to the previous higher rates as a result of cost recovery review.  Implementation of the new print contract has re-assessed these fees based on full cost recovery to cover the cost of providing a printing and photocopying service at Council libraries.
Development Applications Miscellaneous Fees (page 25)	Scanning documents fees	Deletion of the various fees ranging from \$32 - \$379 associated with scanning documents for various development types	Harmonisation - all DA documents submitted are to be on USB; scanning is no longer required. If required it a scanning fee is to be applied under Customer Service (page 9)
Moveable Dwelling (Caravan) on building site Refundable Bond (page 25)		\$1,000 refundable bond	Administrative omission
Development Applications (page 26)	Integrated Development Processing Fee (per referral authority) \$144.00	\$140.00	Fee Review - Original fee increase inadvertently applied to statutory fee.
Companion Animals Cats and Dogs (page 32)	De-sexed animal TBA	\$57.00	Statutory Change - Fees for 2018/19 had not been gazetted at the time of Council's extraordinary 28 June meeting.
Companion Animals Cats and Dogs (page 32)	Non de-sexed animal TBA	\$207.00	As above.

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason		
Companion Animals Cats and Dogs (page 32)	Recognised breeder TBA	\$57.00	As above		
Companion Animals Cats and Dogs (page 32)	Desexed animal purchased from pound or shelter TBA	\$28.50	As above		
Companion Animals Cats and Dogs (page 32)	Animal enclosure compliance certificate (in accordance with Regulation No.25)	Animal enclosure compliance certificate (in accordance with Regulation 36) \$150.00	As above and reference to Regulations updated.		
Companion Animals Cats and Dogs (page 32)	Dangerous dog and restricted breed distinctive signage (Companion Animals Regulation 28)	Warning signs for dangerous, menacing and restricted breed dogs (Companion Animals Regulation 33)	Clarification - Wording changes and reference to Regulations updated.		
Companion Animals Cats and Dogs (page 32)	Dangerous dog and restricted breed distinctive collars (Companion Animals Regulation 27):-	Distinctive collars for dangerous, menacing and restricted breed dogs (Companion Animals Regulation 34):-	As above		

If adopted, the above amendments as outlined in the table above will be included in the current Fees & Charges 2018/19 document and re-published on Council's website.

# **Financial Implications**

Not applicable.

# **Community Engagement**

The proposed amendments to Fees & Charges 2018/19 have been placed on public exhibition.

# **Attachments**

Nil



Item No 8.28

Subject Statutory Financial Report for October 2018

Report by Michael Mamo, Director City Performance

File F09/605

# **Summary**

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report and the Statutory Financial Reports are presented as follows:

- Investment Performance against Benchmark
- Statement of Bank Balances
- Schedule of Investments

As at 31 October 2018, Bayside Council had \$407.5m in cash and investments with an adjusted portfolio return on investments of 2.76%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$17.4m from rates, interest, grants, GST rebate and development planning contributions.
- Expenses from operating activities totalled \$19.9m for payments for employee costs, utilities, waste, contract and infrastructure work.

The restricted cash and investments funding dissection will be included in a future report to Council.

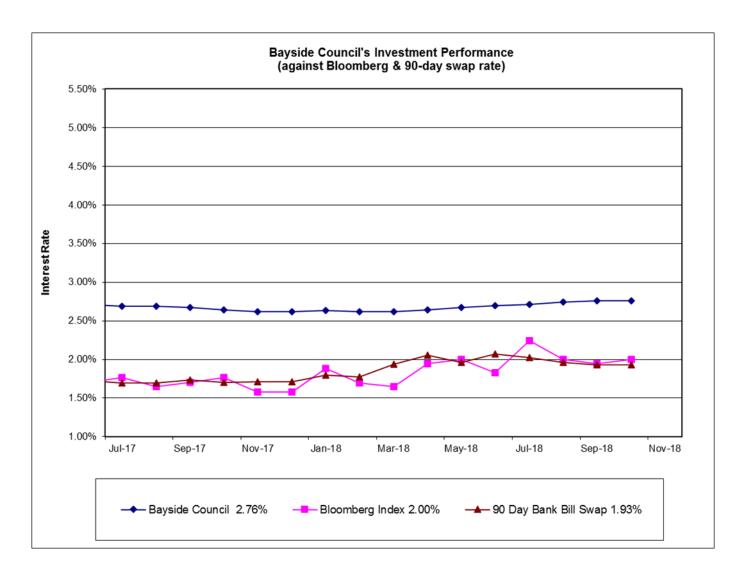
#### Officer Recommendation

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

# Background

The following table shows the performance of Council's investments since July 2017. The Bloomberg (former UBS) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance.

For the current period, Council outperformed the market by 76 basis points. As demonstrated by the investment performance graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



# **Statement of Bank Balances**

The table below shows details of movements in Council's cash at bank for October 2018.

		GENERAL FUND	
ash a	Bank (Overdraft) as per Bank Statement as at: 30/09/2018		\$1,918,68
Add:	Income from Operating Activities for the Period		
<del>raa.</del>	- Rates and other receipts*	\$2,808,645	
	- Sundry Debtor Deposits	\$1,232,908	
	- DA Fees, FCDs & Application & Construction Fees	\$725,762	
	- Interest	\$550,048	
	- Parking and Other Infringements	\$357,453	
	- Rents, Leases, Booking Fees, Certificates & Licences	\$530,781	
	- Sydney Airport Contract Income	\$797,017	
	- Legal/ Insurance Claim	\$62,000	
	- Long Service Levy	\$24,055	
	- Grants	\$271,296	
	- GST recovered from Tax Office	\$1,333,496	
	- Childcare, Pool, Golf & Library Income	\$155,991	
	- S.94 & Planning Contributions	\$8,573,167	
	Total Income from Operating Activities for the Period	\$17,422,619	
<u>.ess:</u>	Expenses from Operating Activities for the Period		
	Accounts Paid for Period (includes urgent cheques & refunds)	-\$13,528,159	
	Direct Payroll	-\$5,803,302	
	Presented Cheques	-\$573,906	
	Dishonour Cheques & E-Tag Fees	-\$753	
	Bank Charges (including Agency Fees)	-\$31,930	
	Total Expenses from Operating Activities for the Period	-\$19, <b>938,050</b>	
	Total Net Movement from Operating Activities:		-\$2,515,43°
	Investment Activities for the Period		
	- Investments redeemed	\$16,071,879	
	- Transfer from Short-Term Money Market	\$26,640,000	
	- Transfer to Short-Term Money Market	-\$23,250,000	
	- New Investments	-\$8,000,000	
	Net Investment Flows for the Period	\$11,461,879	
		Ψ,ποι,σισ	
	Funding Activities for the Period	***	
	Loan Repayments	-\$33,898	
	Net Funding Flows for the Period	-\$33,898	
	Total Net Movement from Investment & Funding Activities:	<u> </u>	\$11,427,98°
cash a	t Bank (Overdraft) as per Bank Statement as at: 31/10/2018	_	\$10,831,23
imit of	overdraft arranged at Bank for: Bayside West \$350,000 & Bayside Ea	ast \$540 000	

# **Schedule of Investments**

Bayside Council currently holds \$407.5m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD				31/10/2018				
	Credit	Purchase	Purchase	Maturity	Term	Prop	Interest	Market
	Rating	Price	Date	Date	Days	%	Rate	Value
Term Deposits								
Bank of Western Australia	A1	\$1,084,813	13/02/2018	13/11/2018	273	0.29%	2.50%	\$1,084,813
Bank of Western Australia	A1	\$1,303,640	15/02/2018	15/11/2018	273	0.35%	2.55%	\$1,303,640
Bank of Western Australia	A1	\$5,149,822	21/02/2018	20/11/2018	272	1.39%	2.55%	\$5,149,822
Bank of Western Australia	A1	\$2,081,679	13/03/2018	11/12/2018	273	0.56%	2.55%	\$2,081,679
Bank of Western Australia	A1	\$1,303,595	14/03/2018	12/12/2018	273	0.35%	2.55%	\$1,303,595
Bank of Western Australia	A1	\$2,036,247	08/05/2018	05/02/2019	273	0.55%	2.65%	\$2,036,247
Bank of Western Australia	A1	\$2,137,008	30/05/2018	29/11/2018	183	0.58%	2.65%	\$2,137,008
Bank of Western Australia	A1	\$1,208,837	13/06/2018	13/03/2019	273	0.33%	2.75%	\$1,208,837
Bank of Western Australia	A1	\$5,193,991	20/06/2018	20/03/2019	273	1.40%	2.80%	\$5,193,991
Bank of Western Australia	A1	\$1,142,737	27/06/2018	26/03/2019	272	0.31%	2.80%	\$1,142,737
Bank of Western Australia	A1	\$1,238,546	03/07/2018	26/03/2019	266	0.33%	2.80%	\$1,238,546
Bank of Western Australia	A1	\$2,500,000	10/07/2018	11/04/2019	275	0.67%	2.80%	\$2,500,000
Bank of Western Australia	A1	\$1,300,000	17/07/2018	10/04/2019	267	0.35%	2.80%	\$1,300,000
Bank of Western Australia	A1	\$5,000,000	31/07/2018	02/05/2019	275	1.35%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	09/08/2018	09/05/2019	273	1.35%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	16/08/2018	16/05/2019	273	2.69%	2.80%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	24/08/2018	23/05/2019	272	1.35%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	30/08/2018	30/05/2019	273	1.35%	2.75%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	05/09/2018	05/06/2019	273	1.35%	2.75%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	10/10/2018	10/07/2019	273	2.69%	2.70%	\$10,000,000
						19.57%	•	
Illawarra Mutual Building Society	A2	\$1,198,273	24/04/2018	07/11/2018	197	0.32%	2.65%	\$1,198,273
Illawarra Mutual Building Society	A2	\$1,206,626	16/05/2018	12/02/2019	272	0.32%	2.70%	\$1,206,626
Illawarra Mutual Building Society	A2	\$3,077,104	30/05/2018	30/05/2019	365	0.83%	2.75%	\$3,077,104
Illawarra Mutual Building Society	A2	\$2,659,570	5/06/2018	05/06/2019	365	0.72%	2.75%	\$2,659,570
Illawarra Mutual Building Society	A2	\$5,000,000	6/06/2018	06/06/2019	365	1.35%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$1,778,167	12/06/2018	12/03/2019	273	0.48%	2.68%	\$1,778,167
Illawarra Mutual Building Society	A2	\$1,500,000	16/07/2018	11/04/2019	269	0.40%	2.75%	\$1,500,000
Illawarra Mutual Building Society	A2	\$1,400,000	17/07/2018	11/04/2019	268	0.38%	2.75%	\$1,400,000
Illawarra Mutual Building Society	A2	\$5,000,000	30/08/2018	29/08/2019	364	1.35%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	5/09/2018	03/04/2019	210	1.35%	2.70%	\$5,000,000
						7.49%		
Newcastle Permanent Build Society	A2	\$6,000,000	17/10/2018	31/01/2019	106	1.62% 1.62%	2.50%	\$6,000,000
ME Bank	A2	\$3,000,000	08/03/2018	06/12/2018	273	0.81%	2.50%	\$3,000,000
ME Bank	A2	\$1,000,000	08/05/2018	08/05/2019	365	0.27%	2.75%	\$1,000,000
ME Bank	A2	\$4,000,000	11/05/2018	10/05/2019	364	1.08%	2.75%	\$4,000,000
ME Bank	A2	\$2,000,000	22/05/2018	22/05/2019	365	0.54%	2.75%	\$2,000,000
ME Bank	A2	\$1,000,000	23/05/2018	22/05/2019	364	0.27%	2.75%	\$1,000,000
ME Bank	A2	\$2,000,000	29/05/2018	26/02/2019	273	0.54%	2.72%	\$2,000,000
ME Bank	A2	\$1,000,000	12/07/2018	11/07/2019	364	0.27%	2.80%	\$1,000,000
ME Bank	A2	\$5,000,000	31/07/2018	01/08/2019	366	1.35%	2.80%	\$5,000,000
ME Bank	A2 A2	\$5,000,000	06/09/2018	06/02/2019	153	1.35%	2.65%	\$5,000,000
ME Bank	A2 A2	\$5,000,000	26/09/2018	27/02/2019	154	1.35%	2.60%	
IVIL BAIR	72	φ5,000,000	20/09/2010	21/02/2019	154	7.81%	2.00 /6	\$5,000,000
Masters	^^	#2 000 000	22/44/2047	22/44/2040	365		0.550/	#2 000 000
Westpac Westpac	AA- AA-	\$3,000,000 \$2,000,000	23/11/2017 18/12/2017	23/11/2018 18/12/2018	365	0.81% 0.54%	2.55% 2.58%	\$3,000,000 \$2,000,000
Westpac	AA-	\$5,000,000	09/02/2018	11/02/2019	367	1.35%	2.61%	\$5,000,000
Westpac	AA-	\$5,000,000	09/02/2018	09/11/2018	273	1.35%	2.50%	\$5,000,000
•	AA-				276	1.35%	2.52%	\$5,000,000
Westpac Westpac	AA-	\$5,000,000 \$5,000,000	02/03/2018 02/03/2018	03/12/2018 02/01/2019	306	1.35%	2.52%	\$5,000,000
				04/03/2019	367	1.35%		\$5,000,000
Westpac Westpac	AA- AA-	\$5,000,000 \$5,000,000	02/03/2018 23/03/2018	25/03/2019	367	1.35%	2.62% 2.72%	\$5,000,000
Westpac Westpac	AA-	\$5,000,000		01/05/2019	365		2.72%	\$3,000,000
Westpac Westpac		\$3,000,000	01/05/2018			0.81%		
•	AA-	\$5,000,000 \$3,000,000	06/06/2018	06/06/2019 11/06/2019	365 368	1.35%	2.76%	\$5,000,000
Westpac	AA- AA-		08/06/2018			0.81% 2.69%	2.76%	\$3,000,000 \$10,000,000
Westpac		\$10,000,000	31/07/2018	31/07/2019	365 365		2.76%	
Westpac	AA-	\$3,000,000	01/08/2018	01/08/2019	365 365	0.81%	2.76%	\$3,000,000
Westpac Westpac	AA-	\$5,000,000 \$5,000,000	09/08/2018	09/08/2019	365 364	1.35%	2.79%	\$5,000,000
•	AA-		30/08/2018	29/08/2019	364 366	1.35%	2.74%	\$5,000,000
Westpac AMP EPN	AA-	\$5,000,000	10/09/2018	11/09/2019	366 1278	1.35%	2.68%	\$5,000,000 \$755,040
Westpac- AMP FRN Westpac FRN	A	\$750,000 \$1,000,000	11/12/2015	11/06/2019	1278	0.20%	3.03%	\$755,040 \$1,010,180
•	AA-	\$1,000,000	11/03/2016	10/05/2019	1155	0.27%	2.96%	\$1,010,180
Westpac- Bank of QLD FRN	BBB+	\$1,000,000	18/05/2016	18/05/2021	1826	0.27%	3.44%	\$1,019,870
AMD Devil		#O 000 00°	45/05/00/15	40/44/0045	400	20.66%	0.750/	#O 000 5
AMP Bank	A1	\$2,000,000	15/05/2018	13/11/2018	182	0.54%	2.75%	\$2,000,000
AMP Bank	A1	\$3,000,000	12/06/2018	12/06/2019	365	0.81% 1.35%	2.80%	\$3,000,000

Schedule of Investments cont'd								
National Australia Bank	A1	\$2,000,000	08/02/2018	08/11/2018	273	0.54%	2.45%	\$2,000,000
National Australia Bank	A1	\$1,000,000	12/02/2018	12/11/2018	273	0.27%	2.45%	\$1,000,000
National Australia Bank	A1	\$1,000,000	21/02/2018	21/11/2018	273	0.27%	2.45%	\$1,000,000
National Australia Bank	A1	\$2,000,000	22/02/2018	22/11/2018	273	0.54%	2.45%	\$2,000,000
National Australia Bank	A1	\$2,000,000	28/02/2018	28/11/2018	273	0.54%	2.45%	\$2,000,000
National Australia Bank	A1	\$1,000,000	15/05/2018	28/11/2018	197	0.27%	2.55%	\$1,000,000
National Australia Bank	A1	\$2,000,000	24/05/2018	21/11/2018	181	0.54%	2.58%	\$2,000,000
National Australia Bank	A1	\$3,000,000	29/05/2018	27/11/2018	182	0.81%	2.60%	\$3,000,000
National Australia Bank	A1	\$1,000,000	14/06/2018	14/06/2019	365	0.27%	2.75%	\$1,000,000
National Australia Bank	A1	\$5,000,000	19/06/2018	19/03/2019	273	1.35%	2.70%	\$5,000,000
National Australia Bank	A1	\$2,000,000	11/07/2018	11/07/2019	365	0.54%	2.75%	\$2,000,000
National Australia Bank	A1	\$5,000,000	04/09/2018	04/09/2019	365	1.35%	2.65%	\$5,000,000
National Australia Bank	A1	\$5,000,000	10/09/2018	09/01/2019	121	1.35%	2.60%	\$5,000,000
National Australia Bank	A1	\$5,000,000	20/09/2018	16/01/2019	118	1.35%	2.61%	\$5,000,000
National Australia Bank	A1	\$5,000,000	26/09/2018	09/01/2019	105	1.35%	2.60%	\$5,000,000
NAB- Bank of QLD FRN	BBB+	\$1,000,000	29/10/2015	29/04/2019	1278	0.27%	3.07%	\$1,002,722
NAB FRN	AA-	\$2,000,000	25/02/2016	25/02/2019	1096	0.54%	2.93%	\$2,014,609
NAB - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	22/03/2016	22/03/2019	1095	0.54%	3.54%	\$2,013,021
NAB- Suncorp FRN	A+	\$2,000,000	12/04/2016	12/04/2021	1826	0.54%	3.32%	\$2,032,156
TVAB- Galicolp I TATV	Α,	Ψ2,000,000	12/04/2010	12/04/2021	1020	13.19%	J.JZ /0	ΨΖ,032,130
INC Direct	Α	¢4 000 000	21/00/2017	04/00/2010	724		2.750/	\$4,000,000
ING Direct ING Direct	A	\$4,000,000	31/08/2017	04/09/2019	734 730	1.08%	2.75%	\$4,000,000
		\$3,000,000	12/09/2017	12/09/2019		0.81%	2.75%	\$3,000,000
ING Direct	A	\$3,000,000	13/09/2017	18/09/2019	735	0.81%	2.75%	\$3,000,000
ING Direct	A	\$1,000,000	14/09/2017	18/12/2018	460	0.27%	2.70%	\$1,000,000
ING Direct	Α	\$2,000,000	15/09/2017	25/09/2019	740	0.54%	2.75%	\$2,000,000
ING Direct	A	\$3,000,000	15/09/2017	18/12/2018	459	0.81%	2.70%	\$3,000,000
ING Direct	Α	\$1,000,000	05/12/2017	05/12/2018	365	0.27%	2.52%	\$1,000,000
ING Direct	Α	\$1,000,000	06/06/2018	06/12/2019	548	0.27%	2.80%	\$1,000,000
ING Direct	Α	\$2,000,000	24/07/2018	04/09/2019	407	0.54%	2.53%	\$2,000,000
						5.38%		
Direct Investments (Floating Rate & Fi								
CBA- Bank of QLD FRN	A-	\$2,000,000	26/02/2016	06/11/2019	1349	0.54%	3.04%	\$2,007,580
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	26/02/2016	18/08/2020	1635	0.54%	3.06%	\$2,023,100
CBA - Rabobank FRN	A+	\$2,000,000	04/03/2016	04/03/2021	1826	0.54%	3.45%	\$2,048,780
CBA- Credit Union Australia FRN	BBB+	\$2,000,000	01/04/2016	01/04/2019	1095	0.54%	3.54%	\$2,012,580
CBA- Greater Bank FRN	BBB-	\$3,000,000	07/06/2016	07/06/2019	1095	0.81%	3.55%	\$3,024,345
CBA FRN	AA-	\$2,000,000	12/07/2016	12/07/2021	1826	0.54%	3.15%	\$2,030,740
CBA- ME Bank FRN	BBB	\$3,000,000	09/08/2016	18/07/2019	1073	0.81%	3.38%	\$3,021,210
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2016	19/09/2019	1136	0.54%	2.85%	\$2,012,120
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2016	30/08/2019	1095	0.54%	3.50%	\$2,018,940
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2016	21/02/2020	1187	0.54%	3.06%	\$2,021,400
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	0.81%	3.04%	\$3,038,100
CBA- Greater Bank FRN	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.08%	3.40%	\$4,034,220
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.54%	3.03%	\$2,029,120
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	0.74%	3.22%	\$2,771,698
CBA- Greater Bank FRN	BBB-	\$2,000,000	25/03/2017	29/05/2020	1161	0.54%	3.36%	\$2,015,210
CBA- ME Bank FRN	BBB+	\$3,000,000	06/04/2017	06/04/2020	1096	0.81%	3.18%	\$3,016,320
CBA- Greater Bank FRN	BBB-	\$1,000,000	04/08/2017	29/05/2020	1029	0.27%	3.36%	\$1,007,605
CBA- AMP FRN	Α	\$2,000,000	06/10/2017	06/10/2020	1096	0.54%	2.68%	\$1,998,160
CBA - Heritage Bank FRN	BBB+	\$2,000,000	27/11/2017	04/05/2020	889	0.54%	3.27%	\$2,007,760
CBA - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	29/11/2017	07/04/2020	860	0.54%	3.28%	\$2,013,820
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.39%	3.27%	\$1,454,483
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	08/02/2018	05/11/2018	270	1.35%	2.55%	\$5,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	13/04/2018	13/12/2018	244	1.35%	2.62%	\$5,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	18/04/2018	18/02/2019	306	0.54%	2.70%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	14/05/2018	14/11/2018	184	0.54%	2.43%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	18/06/2018	18/02/2019	245	0.54%	2.70%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	20/09/2018	17/04/2019	209	1.35%	2.58%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	02/03/2018	30/11/2018	273	1.35%	2.50%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	02/03/2018	01/03/2019	364	1.35%	2.55%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$2,000,000	19/03/2018	19/12/2018	275	0.54%	2.50%	\$2,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2 A2	\$5,000,000	24/08/2018	23/05/2019	273	1.35%	2.68%	\$5,000,000
behalge Aucialuc Balik Fixed Rate ID	AZ	φυ,υυυ,υυυ	Z4/UU/ZU 10	23/03/2019	212	22.94%	2.0070	φυ,υυυ,υυυ
FTD= Floating Rate Deposit						22.3470		
FRN= Floating Rate Deposit FRN= Floating Rate Note								
Unlisted Community Bank Shares								
NRMA/IAG Shares	Unrated	\$7,552				0.01%		
Bendigo Bank	A2	\$7,552 \$5,000				0.00%		
Total Investments	~ <u>~</u>	\$371,463,207				100.00%		
Operating Accounts		\$10,831,235				100.0070		
Cash Deposit Accounts		\$10,631,233						
AMP 31 Day Notice Account								
Total Investments and Cash		\$10,470,825 \$407,452,049						
i otai nivestinents dilu CdSII		\$407,452,049						

Investment and Cash Flows for Bayside Council:

	Sep-18	Oct-18	<b>Total Net Movement</b>
Total Investments	\$379,535,086	\$371,463,207	-\$8,071,879
Operating Accounts	\$1,918,685	\$10,831,235	\$8,912,549
Cash/Short Term Money Market	\$18,072,352	\$14,686,782	-\$3,385,570
AMP 31 Day Notice Account	\$10,451,068	\$10,470,825	\$19,757
TOTAL Investments and Cash:	\$409,977,191	\$407,452,049	-\$2,525,142

NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

MATTHEW WALKER

RESPONSIBLE ACCOUNTING OFFICER

#### Investment Translation

The following investment information is provided as translation of what the types of investments are:

- \* A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate
- \* A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on
- settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- \* A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- \* A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- \* A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- \* A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- \* Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- \* Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

#### Credit Ratings

- \* AAA Extremely strong capacity to meet financial commitments (highest rating).
- \* AA Very strong capacity to meet financial commitments.
- \* A Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- \* BBB Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- \* BB Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- \* B More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- \* CCC Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- \* CC Currently highly vulnerable.
- \* C Highly likely to default.

# **Financial Implications**

Not applicable ⊠

# **Community Engagement**

Not required.

#### **Attachments**

Nil



Item No 8.29

Subject 2018 National Local Roads & Transport Congress - Councillor

**Attendance Report** 

Report by General Manager

File F18/920

# **Summary**

Councillors attended the "Connecting Transport Networks Now and into the Future" Congress in Alice Springs. This report notes attendance and reflects on the importance of improved transport connectivity in terms of reduced transit times, less traffic congestion and reduced transport costs. These national issues are relevant to the Bayside community.

#### Officer Recommendation

- 1 That the Conference Attendance report be received and noted.
- That Councillors Nagi and Tsounis have their professional development plans updated to reflect their attendance at the "Connecting Transport Networks Now and into the Future" Congress in Alice Springs.

# **Background**

The resolution of Council (Minute 2018/050) of the 14 March 2018 Ordinary Meeting of Council, resolved Councillors Nagi and Tsounis's attendance at the 2018 National Local Roads and Transport Congress. The conference program focussed on Australia's ability to move people and freight safely and efficiently.

Bayside Council is committed to playing its role and meeting its responsibilities in terms of funding, planning, designing, operating and maintaining road networks in our local area – all of which are critical to getting people and products from door to door. Bayside has a long history with transport infrastructure and a proven record of reform including our participation in the Roads to Recovery Program and the Black Spot Program.

# **Professional Development**

# Conference Attendance Report - Councillor Michael Nagi

My attendance at the conference this year in Alice Springs, highlighted the need for Bayside Council to plan ahead to ensure the required revenue is allocated to improve our local road network. Councillors, we must ensure we allocate funding to maintain our road network to the original design standard, but also to cover the costs to upgrade our roads to accommodate modern lane widths, safety standards and load bearing capacities. This is key, given our roads provide the local links to national and state roads and the changed transport conditions currently operating within our area. Further impacts on our network by State significant

Item 8.29 710

infrastructure such as the International Airport and the Ports Authority, translates into higher productivity freight vehicles, higher traffic volumes and congestion being experienced.

Many Councils represented at the Conference, expressed the view that they are struggling to keep up with maintenance and renewal of their assets to a level that is satisfactory to their community.

It is no longer sustainable for Council to focus on the creation of new assets alone, we must recognise the long-term lifecycle costs associated with the ongoing operation, maintenance and renewal of our local roads and existing infrastructure assets.

We must partner and obtain any funding opportunities available to offset our rate payers who are often expected to fund transport networks that benefit many non-ratepayers and through traffic users of Bayside roads.

#### Conference Attendance Report - Councillor Andrew Tsounis

The conference provided an opportunity for all levels of government to come together to discuss technological advancements in transport infrastructure and the dynamic environment now before our traffic engineers and transport planning officers.

The link between the population growth in our community and the impact of traffic congestion is significant. We deal with issues such as traffic congestion, restrictions on local parking, constrained accessibility and high volumes of through traffic. There is a need for our transport planners to cater for the evolving demands of transport users while exploring and understanding emerging technologies relevant to our local economic and social context.

Autonomous vehicles and electronic charging stations are some of the emerging technologies that will affect how we manage our transport infrastructure. Smart parking and online shopping (deliveries) are providing many opportunities as well as challenges for Council to consider. A strategy to address how we will engage and partner with State and Federal governments is required to ensure we can secure any funding opportunities and explore the use of smart initiatives for our residents and visitors alike.

Financial Implications	
Not applicable Included in existing approved budget	Approved in accordance with the Councillor's
Additional funds required	Expenses and Facilities Policy.
Community Engagement	
Not applicable.	
-	

# **Attachments**

Nil

Item 8.29 711



Item No 9.1

Subject Minutes of the Botany Historical Trust Meeting - 5 November 2018

Report by Debra Dawson, Director City Life

File SF17/2831

# Officer Recommendation

That the Minutes of the Botany Historical Trust meeting held on 5 November 2018 be received and the recommendations therein be adopted.

# **Present**

Anne Slattery, President
Christopher Hanna, Vice President
Alice McCann, Senior Vice President
Robert Hanna, Secretary
Richard Smolenski, Treasurer
Clarence Jones, Committee Member
Jacqueline Milledge, Committee Member
Peter Orlovich, Committee Member
Barbara Keeley, Committee Member

#### **Also Present**

Meredith Wallace, General Manager Angela Hume, Manager Customer Experience Jenny MacRitchie, Community History Librarian

The Chairperson opened the meeting in the Mascot Library and George Hanna Memorial Museum at 6.35 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

The following apologies were received:

Barbara Simms-Keeley

# 3 Disclosures of Interest

There were no disclosures of interest.

# 4 Minutes of Previous Meetings

# 4.1 Minutes of the Botany Historical Trust Meeting - 6 August 2018

#### **Trust Recommendation**

On the motion of Peter Orlovich, seconded by Christopher Hanna:

That the Minutes of the Botany Historical Trust meeting held on 6 August 2018 be confirmed as a true record of proceedings with the following amendment:

• That the Beersheba talk and plaque unveiling item be moved from Section 5.2 Events to Section 6 General Business.

# 5 Reports

Note: The recommendations of this meeting, including the recommendations concerning the amended Constitution, were adopted by Council on 10 October 2018.

#### 5.1 Arthur Park War Memorial

#### **Trust Recommendation**

On the motion of Robert Hanna, seconded by Richard Smolenski:

- 1 That the report be received and noted.
- That contact be made (if possible) with the families of the World War II soldiers commemorated at Arthur Park with the aim of verifying the details to be replaced and to keep them informed of proposed refurbishment.
- 3 That contact also be made with the Botany RSL Sub-Branch.
- That future consideration be given to installing a plaque listing the names of the eligible servicmen and the rededication of the memorial.

Notes: The Community History Librarian gave some background to the report and research undertaken. The complexities of restoring the memorial and verifying details to be included were discussed with the acknowledgement that a perfect solution may not be possible. Robert Hanna commended the Community History Librarian for her thorough report.

# 5.2 Community History and Museum

#### **Trust Recommendation**

On the motion of Jacqueline Milledge, seconded by Richard Smolenski:

That the report be received and noted.

# 6 General Business

#### 6.1 Armistice Grant

Ms Slattery briefed the Committee that the BHT had finally received the grant for the plaques at the Light Horse Reserve, Botany and Mascot War Memorials and Arthur Park. Ms Slattery thanked Council for covering expenses until the grant came through.

# 6.2 Development Applications

Note: Ms Slattery advised that she had had some difficulty in accessing the DAs on 66 Wellington St Mascot and the Tennyson Hotel on Council's website.

#### **Trust Recommendation**

That Angela Hume checks with Development Services the reason for the difficulty Ms Slattery experienced accessing DAs.

# 6.3 Botany Town Hall

Council's Strategic Planning Team is assessing Botany Town Hall's potential use for community meetings and functions once the roof is repaired. Council plans to maintain it as a civic building with greater community use. Currently accessibility is also a problem so a lift would need to be installed, possibly through Development contributions.

# 6.4 Armistice Plaques

Note: Robert Hanna asked about the design and wording of the plaques for installation to commemorate the centenary of the Armistice of World War I. Ms Slattery explained that she and the Community History Librarian had written the text and that Ms Kaulima had organised the production and installation of the plaques. Ms Milledge asked whether letters of thanks could be forwarded to the young bugler and singer who performed at the Light Horse ceremony on 3 November.

#### **Trust Recommendation**

That the President, Ms Slattery, forward letters of thanks.

# 6.5 Light Horse Memorial

Christopher Hanna mentioned the chipping at the corners of the Light Horse Memorial. A CRM will be lodged for Council's attention. Mr Hanna also noted that Mascot RSL Sub-Branch will celebrate its centenary in 2019.

#### 6.6 Marina Theatre

Note: Mr Jones enquired as to the current development status of the former Marina Theatre on Gardeners Road.

#### **Trust Recommendation**

That a status report be provided at the next meeting of the Trust.

# 6.7 Sir Joseph Banks Park

Robert Hanna asked about the recent moves to rejuvenate Sir Joseph Banks Park, as reported in the *Southern Courier*. Ms Wallace advised that the activities included weed removal and native plantings to add to the remnant native vegetation, mostly at the western end of the park.

# 6.8 Meriton Development, Pagewood

Robert Hanna asked about the proposed changes to the Pagewood Green development. Ms Wallace advised that the new proposal includes a greater mix of housing types such as terrace housing. There is also an 'ageing in place' care facility proposed near the corner of Bunnerong Road.

# 6.9 Former Presbyterian Church, Botany

Christopher Hanna noted that the former Presbyterian Church on Botany Road had been beautifully restored as part of the current redevelopment of the site.

#### 6.10 BHT Constitution

Mr Smolenski asked about section 4.1 of the amended BHT constitution, noting that he had understood that the archives and artefacts referred to were to be stored locally. Ms Slattery advised that the constitution has been adopted by Council, however, as included in the minutes of 10 August 2018, the Executive, in conjunction with Council, could develop a policy relating to specific artefacts.

# 6.11 Botany Police Station

Note: Mr Jones asked about the current status of the old Botany Police Station.

#### **Trust Recommendation**

That a letter of enquiry be forwarded to the appropriate state agency.

# 6.12 BHT Executive meetings

Mr Robert Hanna asked whether members of the BHT were permitted to attend or observe meetings of the Executive Committee. Ms Slattery advised that they were not, unless they were invited for a specific purpose.

# 6.13 Manager Customer Experience

Ms Slattery informed the Executive that Ms Hume had tendered her resignation as Manager Customer Experience effective end January 2019.

# 7 Next Meeting

The next meeting will be held in the Mascot Library and George Hanna Memorial Museum at 6.30 pm on Monday, 4 February 2019.

The Chairperson closed the meeting at 8:09 pm.

#### **Attachments**

Nil



Item No 9.2

Subject Minutes of the Risk & Audit Committee Meeting - 22 November 2018

Report by Michael Mamo, Director City Performance

File SF17/2831

# Officer Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 22 November 2018 be received and the recommendations therein be adopted.

# **Summary**

The minutes include the following substantial recommendations:

# 5.2 Internal Audit Plan Update

That the internal audit plan dated August 2018 prepared by BDO and supplemented by the Internal Audit Position Paper dated November 2018 be endorsed.

# 5.6 Final Management Letter for Former City of Botany Bay Council (2015-16 Financial Statements)

That the final management letter for Former City of Botany Bay Council for the 2015/16 financial statements be received and noted.

# **Present**

Jennifer Whitten, Independent External Member (via skype) Lewis Cook, Independent External Member Catriona Barry, Independent External Member Barry Munns, Independent External Member Councillor Liz Barlow Councillor Scott Morrissey

#### **Also Present**

Councillor Dorothy Rapisardi
Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Fausto Sut, Manager Governance & Risk
Matthew Walker, Manager Finance
David Nolan, Director Financial Audit Services - Audit Office of NSW
Kui-Soon Tang, Senior Internal Auditor – BDO (until 7.30pm)
Stephen Horne, Independent Consultant - Institute of Internal Auditors Inc.(until 6.50pm)
Cate Trivers, Project Manager, Operation Ricochet (until 7.50pm)
Gina Nobrega, Governance Officer

The Chairperson for this meeting, Barry Munns, opened the meeting in the Pindari Room, Rockdale Town Hall at 6.25pm.

# 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

The following apologies were received:

Stephen Walker, Performance Analyst - Office of Local Government

# 3 Disclosures of Interest

There were no disclosures of interest.

# 4 Minutes of Previous Meetings

# 4.1 Minutes of the Risk & Audit Committee Meeting - 27 September 2018

#### **Committee Recommendation**

- 1 That the Minutes of the Risk & Audit Committee meeting held on 27 September 2018 be confirmed as a true record of proceedings.
- 2 That outstanding Actions from previous meetings be updated.

Item	Action	Responsible Officer
22/02/18 6.4	Committee members be invited to the Council meeting of which the Draft 2016/17 Financial Statements are presented.	Manager Governance & Risk
24/05/18 5.6	The Manager Procurement provides a copy of the Procurement Guide to all Committee members.	Manager Procurement
23/08/18 5.4	Provide a summary report of the Operational Risk Register for the November meeting.	Coordinator Risk
27/09/18 5.2	A final report of TechOne Post Implementation Review Project and roadmap be presented to the Committee at a future meeting.	Manager Finance

27/09/18 5.5	Circulate a copy of the Procurement Health Check List and example of Procurement documents to the Committee.	Manager Procurement
22/11/18 5.1	An annual report of the Risk & Audit Committee will be prepared for the February 2019 meeting.	Committee Chair

# 5 Reports

# 5.1 Independent Review of the Audit & Risk Committee

#### **Committee Recommendation**

- 1 That the draft report on the independent review of the Risk & Audit Committee be received and noted.
- That the Committee considers its next steps on the opportunities for improvement at a special meeting of the members once the final report is received and prior to 20 December 2018.

# 5.2 Internal Audit Plan Update

#### **Committee Recommendation**

- 1 That the report on the internal audit plan update be received and noted.
- That the internal audit plan dated August 2018 prepared by BDO and supplemented by the Internal Audit Position Paper dated November 2018 be endorsed.

# 5.3 Outstanding Internal Audit Recommendations List

#### **Committee Recommendation**

- 1 That the Committee notes the progress made on the Issue List's outstanding recommendations.
- 2 That the Committee continues to receive updated reports at its meetings.

# 5.4 Project Ricochet Update

#### **Committee Recommendation**

- 1 That the progress on implementation of the ICAC recommendations be noted.
- That the Council's progress update on management's agreed actions in response to the NSW Audit Office interim management letter (17 August) recommendations be noted.

# 5.5 2016/17 Financial Statements Update

#### **Committee Recommendation**

That the update on the progress of the draft 2016/17 Financial Reports, including advice that those draft reports would be completed by the end of December 2018, be received and noted.

# 5.6 Final Management Letter for Former City of Botany Bay Council (2015-16 Financial Statements)

#### **Committee Recommendation**

That the final management letter for Former City of Botany Bay Council for the 2015/16 financial statements be received and noted.

# 5.7 Strategic & Operational Risk Registers

#### **Committee Recommendation**

- 1 That the report on Council's Risk Registers be received and noted.
- 2 That the Risk Register be updated to reflect the recent advice received by Council on Kendall Street.

# 5.8 Liability Claims Performance Overview

#### **Committee Recommendation**

That the report be received and noted.

# 5.9 Committee Meeting Schedule for 2019

#### **Committee Recommendation**

- 1 That the meeting schedule be approved and endorsed by the Risk & Audit Committee.
- That 20 December 2018 be set as a tentative date for the next meeting of the Committee to consider drafting financial statements for 2016/17.

# 6 General Business

It is noted that the independent members met prior to the formal meeting and raised the issue of the current vacancies or interim positions affecting the reporting to the Committee.

# 7 Next Meeting

That the next meeting be held in the Pindari Room, Rockdale Town Hall at 6.30pm on Thursday, 20 December 2018, should the draft financial statements 2016/17 be available. Alternatively, the next meeting will be held at 6.30pm on 28 February 2019.

The Chairperson closed the meeting at 8:43 pm.

### **Attachments**

Nil

Item 9.2 721



Item No 9.3

Subject Minutes of the Sport & Recreation Committee Meeting - 19

November 2018

Report by Debra Dawson, Director City Life

File SF17/2831

#### Officer Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 19 November 2018 be received and the recommendations therein be adopted.

### **Summary**

The minutes of this Committee do not contain any recommendations that are controversial or that significantly impact on the budget.

#### **Present**

Councillor James Macdonald (Chair) Councillor Christina Curry Councillor Scott Morrissey

#### **Also Present**

Councillor Liz Barlow

Councillor Dorothy Rapisardi

Councillor Andrew Tsounis

Councillor Michael Nagi

Meredith Wallace, General Manager

Michael McCabe, Director City Futures

Debra Dawson, Director City Life

Clare Harley, Manager Strategic Planning

Samantha Urquhart, Manager Property (from 7.30pm)

Ben Heraud, Coordinator Property (from 7.30pm)

Sue Matthew, Coordinator Sports & Recreation

Alexandra Vandine, Coordinator Policy & Strategy

Debbie Fransen, Senior Strategic Asset Engineer

Gina Nobrega, Governance Officer

Ahmed Balaghe, Banksia Tigers

Hassan Chebli, Banksia Tigers

Sam Hassan, Arncliffe Aurora

Craig Kiely, St George Football Association

Ali Jouma, St George Football Association Representatives from Elton Consulting Representative from RMS

The Chairperson opened the meeting in the Level 2 Conference Room, Bayside Administration Building at 6.30pm.

## 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

The following apologies were received:

Hayla Doris, Manager Recreation & Community Services

#### 3 Disclosures of Interest

There were no disclosures of interest.

### 4 Minutes of Previous Meetings

# 4.1 Minutes of the Sport & Recreation Committee Meeting - 15 October 2018

#### **Committee Recommendation**

That the Minutes of the Sport & Recreation Committee meeting held on 15 October 2018 be confirmed as a true record of proceedings.

#### 5 Reports

#### 5.1 Arncliffe and Gardiner Park Synthetic Fields Update

#### **Committee Recommendation**

That the monthly progress report (November 2018) on Arncliffe and Gardiner Park synthetic playing fields be noted.

### 5.2 Update on the Proposed F6 Motorway

#### **Committee Recommendation**

That the Sport & Recreation Committee provides feedback on the:

- Outcomes of the latest RMS and Bayside Council staff Technical Working Group meeting.
- Development of the Recreational Needs Analysis.
- Outcomes of the community RMS Workshops.

# 5.3 Proposed Licence To St George Football Association - Ador Synthetic Facility

#### **Committee Recommendation**

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:
  - The matters in this report are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.
- That post duly considering the submission received, the Sport & Recreation Committee re-confirms its recommendation to advance a licence agreement with the St George Football Association over the Ador Avenue Synthetic Facility.
- That the terms for the proposed licence with the St George Football Association align with those within Confidential Attachment 2.

#### 5.4 Botany Aquatic Centre Options review - Update

#### **Committee Recommendation**

- That the Sport and Recreation Committee notes that Liquid Blu have been appointed to prepare the Botany Aquatic Centre Assessment of Redevelopment Options.
- That the Committee notes that the consultant fees are less than \$150,000 and a Tender process was not required in accordance with relevant legislation and the Bayside Procurement Policy.
- That the Stage 1 Options Assessment and Report will be presented to Council at a General Managers Briefing in early 2019 prior to consideration by Council.

# 5.5 Mascot Juniors Rugby League Football Club Inc. - Licence Agreement Renewal

#### **Committee Recommendation**

That the Sport & Recreation Committee endorses the grant of two five (5) year licence agreements to Mascot Juniors Rugby League Football Club Inc, pursuant to Section 46 of the Local Government Act 1993, being for; 1. The winter period for all facilities within Mascot Oval (edged red at Attachment 1); and 2. The summer season, for the Gymnasium only (edged blue at Attachment 1).

2 That the terms for the new agreements be based on those outlined within the body of this report.

#### 5.6 Botany Golf Club

#### **Committee Recommendation**

That a short term strategy for the Botany Golf Course be presented to the sport and Recreation Committee in February 2019.

#### 5.7 Bexley Golf Course

#### **Committee Recommendation**

That Council explores short term tenure options that are financially consistent and achievable.

#### 6 General Business

### 6.1 Bridget Tight Reserve

A letter from the Member for Heffron, Ron Hoenig, on behalf of a resident, was tabled at the meeting regarding concerns the lighting at Bridget Tight Reserve is not sufficient in the evenings. The Committee advised that increased lighting in the area would only encourage people to stay later in the area and potential misconduct by anti- social groups.

#### **Committee Recommendation**

That a response letter be sent to the Member for Heffron, advising the Committee's view on increased lighting in Bridget Tight Reserve.

#### 6.2 Ador Reserve Gates

The question was raised as to why gates at Ador synthetic faicility were locked when not in use. Council officers advised there had been incidences of unauthorised use and vandalism.

#### **Committee Recommendation**

1 That Council officers explore options for public use of the Ador facility, which can be made available that mitigate potential vandalism and conflict use of existing bookings of the field.

2 That the Coordinator Sport & Recreation explore what neighbouring councils use for securing their synthetic field to limit vandalism and unauthorised use.

#### 6.3 Angelo Anestis Aquatic - Traffic Issues

There was discussion about safety and parking of the carpark at Angelo Anestis Aquatic Centre.

#### **Committee Recommendation**

That the Traffic Committee investigate this matter and further on-site meetings be scheduled to discuss options in terms of safety and parking at the carpark and provide the Sport & Recreation Committee with an update.

#### 6.4 Plagues and Memorials

Requests have been made by residents to have memoral plaques and benches installed at nominated Council parks and reserves. The Committee advised that any requests for memorials were not supported but that there could be consideration given to planting memorial trees.

#### **Committee Recommendation**

That the information provided by Council officers be received and noted.

#### 6.5 Pagewood Botany Football Club (PBFC)

Councillor Curry has received a query from the Pagewood Botany Football Club regarding incorrect charges relating to the issued invoices and fees and charges for Jellicoe Park, Rowland Park and Hensley Athletic Field.

#### **Committee Recommendation**

That the Coordinator Sports & Recreation investigates and provides the Committee with an update on the fees and charges invoiced to Pagewood Botany Football Club for 2017/18 winter season allocation and usage.

#### 6.6 Pagewood Botany Football Club (PBFC)

Queries from Pagewood Botany Football Club received by Councillor Curry about fees and lease agreements at Jellicoe Park.

#### **Committee Recommendation**

That the Coordinator Sports & Recreation investigates options for Jellicoe Park surrounding lease versus permit costings and requirements.

### 6.7 Greater Sydney Sports Facility Fund

Bayside Council has apllied for a number of projects in August 2018 and it including:

- Botany Aquatic Centre upgrades.
- Upgrades to L'Estrange amenities Mascot Kings.
- · Upgrades to Hensley Athletics and football synthetic field.
- Upgrades to Rowland Park amenities South Sydney Juniors Rugby.
- Upgrades to Tonbridge Reserve approached by AFL NSW/ACT.
- Tennis courts upgrades Cahill Park, Wolli Creek, Mutch Park Eastgardens, Aloha Street Mascot.
- Synthetic field Pagewood Football Club.

Council has been advised that all projects were unsuccessful and we are unable to proceed to the second round. Council officers are seeking feedback from the Office of Sport and will consider reapplying for the next rounds of grant applications in 2019 once they are announced.

#### **Committee Recommendation**

That the information provided be received and noted.

### 6.8 Tonbridge Reserve

Councillor MacDonald has been asked to investigate options surrounding enlarging the field at Tonbridge Reserve.

#### **Committee Recommendation**

That the Manager City Infrustructure provides all recent correspondence from Councillor McDougall to Councillor MacDonald regarding this matter.

#### 6.9 Arncliffe Aurora

Arncliffe Aurora Football Club have requested Council enter into permit agreement directly with the club rather than through the St George Football Association.

#### **Committee Recommendation**

That the Committee considers the request from Arncliffe Aurora for a direct permit to be issued by Council to the club and requested further information to be considered at the next Committee meeting.

### 6.10 Update on Proposed Cricket Nets - Fry's Reserve

The Manager City Infrastructure provided the Committee with options for the relocation of cricket nets to be installed across Bayside Council parks instead of Fry's Reserve. The Committee recommended that the renewal of the cricket nets be rebuilt in the same location at Fry's Reserve.

#### **Committee Recommendation**

That the cricket nets be rebuilt in the existing location at Fry's Reserve.

## 7 Next Meeting

The next Committee meeting dates will be confirmed in January 2019.

The Chairperson closed the meeting at 9:45 pm.

#### **Attachments**

Nil



Item No 9.4

Subject Minutes of the Bayside Traffic Committee Meeting - 5 December

2018

Report by Michael McCabe, Director City Futures

File SF17/2831

#### Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 5 December 2018 be received and the recommendations therein be adopted.

#### **Present**

Councillor Ed McDougal (Convener)

Traffic Sergeant Frank Gaal, St George Local Area Command,

Senior Constable Alexander Weissel, Botany Bay Police,

James Suprain, representing Roads and Maritime Services,

George Perivolarellis, representing State Members for Rockdale and Heffron,

#### **Also Present**

Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council,

Bushara Gidies, State Transit Authority,

Lyn Moore, NSW Pedestrian Council,

Harry Haidar, St George Cabs,

Peter Hannett, St George Bicycle User Group,

Asith Nagodauithane, Transit Systems,

David Carroll, Senior Parking Patrol Officer, Bayside Council,

Malik Almuhanna, Traffic Engineer, Bayside Council,

Agasteena Patel, Traffic Engineer, Bayside Council,

Pat Hill, Traffic Committee Administration Officer, Bayside Council,

Debbie Fransen, Coordinator Asset Strategy, Bayside Council, (Item BTC18.199,

BTC18.203, BTC18.211),

Todd Perry, Frasers Property Australia, (Item BTC18.199, BTC18.203, BTC18.211),

The Convenor opened the meeting in the Rockdale Town Hall, Pindari Room, Level 1, 448 Princes Highway, Rockdale at 9.20 am 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:

Glen McKeachie, Coordinator Regulations, Bayside Council

Les Crompton, representing State Member for Kogarah Jeremy Morgan, Manager City Infrastructure, Bayside Council

#### 2 Disclosures of Interest

There were no disclosures of interest.

#### 3 Minutes of Previous Meetings

# BTC18.198 Minutes of the Bayside Traffic Committee Meeting - 7 November 2018

#### **Committee Recommendation**

That the Minutes of the Bayside Traffic Committee meeting held on 7 November 2018 be confirmed as a true record of proceedings.

### 4 Reports

#### BTC18.199 Arncliffe Street One Way Circuit Public Consultation

#### **Committee Recommendation**

- That pending discussion and resolution of the concerns of a group from Discovery Point, a one-way circuit incorporating Arncliffe Street, Guess Avenue, Mount Olympus Boulevard and Magdalene Terrace, in accordance with the design proposed in Option 2 attached to the report, subject to a final independent road safety audit, be endorsed.
- 2 That a pedestrian crossing on Arncliffe Street north of Guess Avenue be approved.
- That a pedestrian crossing on Guess Avenue west of Arncliffe Street be approved.
- That a pedestrian crossing at the southern end of Mount Olympus Boulevard be approved.
- 5 That a pedestrian crossing at the northern end of Mount Olympus Boulevard be approved.
- 6 That pedestrian crossing at the western end of Magdalene Terrace be approved.
- 7 That the pedestrian crossing at the eastern end of Magdalene Terrace be approved.
- 7 That the Committee endorse the introduction of a 40km/h High Pedestrian Activity Area in Wolli Creek town centre area incorporating Arncliffe Street north

of Allen Street, Guess Avenue, Mount Olympus Boulevard, Brodie Spark Drive and Magdalene Terrace, plus the roads within Discovery Point. That the endorsement be referred to Roads and Maritime Services for approval.

BTC18.200 Banks Street, Monterey - Community consultation results for proposed 90 degree angle parking arrangement between Cecil Street/Wycombe Avenue and O'Connell Street

#### **Committee Recommendation**

That detailed designs be prepared for 90 degree angle parking on the southern side of Banks Street between No. 11 and Cecil Street, Monterey.

BTC18.201 Church Avenue, Mascot - proposed 'No Stopping' restrictions for indented parking bay to facilitate cycle lane extension in front of No. 56 Church Avenue

#### **Committee Recommendation**

- That approval be given to install 'No Stopping' restrictions along 3 car spaces in indented parking bays outside 56 Church Avenue Mascot to facilitate the connection of cycleway in Church Avenue.
- That planter boxes or similar barriers be installed at the same time as the installation of 'No Stopping' signs until funding is available to close off the parking bays.
- BTC18.202 Delegations to Council's Officers to approve Works Zone Applications during the Christmas and New Year until 31 March 2019

#### **Committee Recommendation**

That delegated authority be given to the General Manager to approve Works Zone up to 31 March 2019 so that any applications received over the 2018 Christmas – 2019 New Year period can be determined without undue delays to applicant/builders.

BTC18.203 Discovery Place, Wolli Creek, in front of Wolli Creek Railway Station - proposed extension of marked foot crossing

#### **Committee Recommendation**

That the proposed extension of the existing marked foot crossing at Discovery Point Place to a total width of 10.5m wide outside Wolli Creek Railway Station be endorsed.

# BTC18.204 Edward Street West of Caroline Street, Kingsgrove - Proposed marked foot crossing

#### **Committee Recommendation**

That a marked foot crossing be provided at Edward Street west of Caroline Street, Kingsgrove with associated 'No Stopping' restrictions, 20m on the approach and 10m on departure side of the crossing respectively.

# BTC18.205 England Street Brighton Le Sands - Proposed 200m broken Centre Linemarking

#### **Committee Recommendation**

That a 200m broken centre line (type S1) be painted along England Street, Brighton Le Sands, between Bay Street and Kurnell Street.

# BTC18.206 No. 4 Innesdale Road Wolli Creek - Proposed 7m Works Zone for 20 weeks

#### **Committee Recommendation**

That the approval be given to the installation of 7m of 'Works Zone, 7 am - 6.30 pm, Mon - Fri- and 8 am - 3.30 pm Sat' restriction outside No.4 Innesdale Road, Wolli Creek for the duration of 20 weeks, subject to relevant conditions.

# BTC18.207 Knight Street, west of Railway Street, Rockdale - Proposed 30m broken centre linemarking in front of Nos. 23 to 29 Knight Street

#### **Committee Recommendation**

That approval be given to the painting of 30m broken dividing line (type S1) at the crest in front of Nos. 23 to Nos. 29 Knight Street, Arncliffe.

# BTC18.208 Kyle Street at Charles Street intersection, Arncliffe - signposting of statutory 'No Stopping' restrictions

#### **Committee Recommendation**

That approval be given to the installation of 'No Stopping' signs to reinforce 10m statutory restrictions in Kyle Street west of Charles Street.

# BTC18.209 Lyon Street and Wellington Street - Request for Residential Parking Scheme

#### **Committee Recommendation**

That the matter be deferred for further consultation by giving residents different parking time options in Wellington Street and Lyon Street, Mascot.

# BTC18.210 McPherson Street and Nant Place, Banksmeadow - Proposed 'No Stopping' restriction.

#### **Committee Recommendation**

That approval be given to the installation of 'No Stopping' signs to reinforce the 10m statutory 'No Stopping' restriction at the intersection of McPherson Street and Nant Place, Banksmeadow.

# BTC18.211 Magdalene Terrace, Wolli Creek - Proposed 'P5 Minute' Restriction along the northern side of Magdalene Terrace

#### **Committee Recommendation**

- That the existing '2P' 8:30am 6pm Mon-Fri, 8:30am 12:30pm Sat restriction on the northern side of Magdalene Terrace between Brodie Spark Drive and Spark Lane be converted to 'P5 Minutes' 6am -6pm Mon-Sat parking to facilitate the set down and pick up of passengers in the Wolli Creek precinct.
- 2 That 'Pick Up and Set Down' supplement signs be installed.

# BTC18.212 Nos. 89A and 89 Maloney Street, Mascot - Proposed provision of 11.5m '1P' restriction

#### **Committee Recommendation**

That an 11.5m of '1P' restriction be provided in front of 89 and 89A Maloney Street, Mascot.

# BTC18.213 Production Avenue north of Phillip Street - proposed parking area for people with disabilities at the newly built kerb ramp

#### **Committee Recommendation**

That a parking area for people with disabilities restriction be installed across two parking spaces with associated cross-hatched line marking in Production Avenue, north of Phillip Street, Kogarah.

# BTC18.214 Solander Street, Monterey, from Nos. 32-38 to O' Connell Street- Community consultation results - proposed 90 degree angle parking

#### **Committee Recommendation**

That approval be given for the installation of 90 degree angle parking along the northern kerb line of Solander Street, between O'Connell Street and the existing 90 degree parking at 32-38 Solander Street.

# BTC18.215 Wardell Street, Arncliffe - Proposed 'No Parking 8 am - 9 am 2.30 pm - 3.30 pm School Days' in the cul de sac

#### **Committee Recommendation**

That approval be given to the installation of 'No Parking 8 am – 9 am 2.30 pm – 3.30 pm School Days' in the cul de sac of Wardell Street south of View street.

#### BTC18.216 Anti-Social Driving Behaviour

#### **Committee Recommendation**

No matters were raised for consideration.

# BTC18.217 Matters referred to the Bayside Traffic Committee by the Chair

#### **Committee Recommendation**

The following matters were raised by the Chair on behalf of Mr Ron Hoenig MP and Mr Thistlethwaite MP. These items are on state roads which will be referred to the RMS for consideration.

- On Bunnerong Road coming out from Westfield Drive, East Gardens, the line and lanes marking in Bunnerong Road at the traffic lights are confusing.
- 2 Proposed pedestrian crossing in Wentworth Avenue at McBurney Road, Botany.
- 3 The poor condition of Botany Road at High Street, Mascot.

#### BTC18.218 General Business

#### BTC18.218(a)

Subject: Proposed 'KEEP CLEAR' at the driveways in Innesdale Road west of Marsh Street at the new traffic lights, raised by the RMS representative, James Suprain

#### **Committee Recommendation**

That temporary 'KEEP CLEAR' pavement marking be provided in Innesdale Road in front of 26-32 Marsh Street and 36-42 Innesdale Road driveways, west of Marsh Street.

#### BTC18.218(b)

Subject: Proposed bus zones in Smith Street near Bunnings Warehouse and in Beauchamp Road, raised by STA's representative, Bushara Gidies

#### **Committee Recommendation**

That approval be given to the installation of three bus zones as follows:

- Beauchamp Road, Hillsdale new 23.0m Bus Zone on northern side Beauchamp Road between Denison Street and Grace Campbell Circuit replacing existing unrestricted parking. Rear of Bus Zone from wooden ELP MA01645, west of driveway to premises number 24. Head of the Bus Zone on eastern side of driveway to premises number 26.
- 2 Smith Street, Hillsdale new 34.0m Bus Zone on southern side of Smith Street between Rhodes Street and Denison Street replacing existing unrestricted parking. Opposite premises of number 40. Rear of bus zone from wooden ELP MA06075.
- 3 Smith Street, Eastgardens new 18.0m Bus Zone on northern side of Smith Street, east of Rhodes Street and Denison Street replacing existing unrestricted parking. Rear of bus zone from western side of driveway to premises number 30. Head of bus zone at wooden ELP MA06080 existing 'No Stopping' for lead into roundabout at Rhodes Street commences.

The Convenor closed the meeting at 10:40 am and wished all the members a seasonal greeting and a safe holiday.

#### **Attachments**

Nil



Item No 10.1

Subject Notice of Motion - West Botany Netball Courts

Submitted by Fausto Sut, Manager Governance and Risk

File F08/669P02

## **Summary**

This Motion was submitted by Councillor McDougall.

#### **Motion**

- 1 That Council prepares a report on the maintenance backlog at the West Botany Street netball courts, including the need for court resurfacing and subsidence issues.
- That Council writes to all local State and Federal MPs seeking co-funding commitments to address the historic underinvestment in women's sport in the St George region.

### **Background**

#### **Comment by General Manager:**

This Notice of Motion is in order and can be dealt with.

#### **Attachments**

Nil

Item 10.1 736



Item No 10.2

Subject Notice of Motion - Arncliffe Aurora

Submitted by Michael Nagi, Councillor

File SF17/2831

### **Summary**

This Motion was submitted by His Worship the Mayor, Councillor Bill Saravinovski and Councillor Michael Nagi.

#### Motion

- 1 Council commence negotiations with Arncliffe Aurora football club to ensure that their tenure at Arncliffe Park is not jeopardised as a result of the installation of a synthetic field, due to be constructed in 2020.
- The negotiations take into account the current arrangements in place for Gardiner Park, Banksia.
- Council's Sport and Recreation Committee receive a report on the result of the negotiations with Arncliffe Aurora in February 2019.

### **Background**

#### **Supporting Statement by Councillors**

Arncliffe Aurora has asked Council for a direct permit for Arncliffe Park. Negotiations must commence immediately to ensure that the club is not disadvantaged when the synthetic fields are installed. The Sport and Recreation Committee have asked for background information and will consider the request at their first meeting in 2019 and a recommendation will then be provided to Council.

#### **Comment by General Manager:**

This Notice of Motion is in order and can be dealt with.

#### **Attachments**

Nil

Item 10.2 737