

## **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 10 July 2019** at **7:00 pm**.

## **AGENDA**

### **1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

### **2 OPENING PRAYER**

### **3 APOLOGIES**

### **4 DISCLOSURES OF INTEREST**

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### **7 PUBLIC FORUM**

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

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

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

Meredith Wallace  
**General Manager**

## **Council Meeting**

**10/07/2019**

Item No	5.1
Subject	<b>Minutes of the Council Meeting - 12 June 2019</b>
Report by	Fausto Sut, Manager Governance & Risk
File	SF18/3017

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## **Officer Recommendation**

That the Minutes of the Council meeting held on 12 June 2019 be confirmed as a true record of proceedings.

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## **Present**

Councillor Bill Saravinovski, Mayor  
Councillor Liz Barlow  
Councillor Ron Bezic  
Councillor Christina Curry  
Councillor Tarek Ibrahim  
Councillor Petros Kalligas (from 7.18 pm)  
Councillor James Macdonald  
Councillor Ed McDougall  
Councillor Scott Morrissey  
Councillor Michael Nagi  
Councillor Vicki Poulos  
Councillor Dorothy Rapisardi  
Councillor Paul Sedrak (from 8.01 pm)  
Councillor Andrew Tsounis

## **Also Present**

Meredith Wallace, General Manager  
Michael Mamo, Director City Performance  
Debra Dawson, Director City Life  
Michael McCabe, Director City Futures  
Colin Clissold, Director City Presentation  
Fausto Sut, Manager Governance & Risk  
Matthew Walker, Manager Finance  
Joe Cavagnino, Manager Procurement  
Clare Harley, Manager Strategic Planning  
Josh Ford, Coordinator Statutory Planning  
Alison Phillips, Urban Designer  
Christine Stamper, Acting Head of Communications & Events  
Taif George, IT Technical Support Officer  
Anne Suann, Governance Officer

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The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.05 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**

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

## **3 Apologies**

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

### **RESOLUTION**

Minute 2019/086

Resolved on the motion of Councillors Macdonald and Tsounis

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

- Councillor Joe Awada
- Councillor Petros Kalligas (late arrival)
- Councillor Paul Sedrak (late arrival)

## **4 Disclosures of Interest**

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

Councillor Nagi declared a Less than Significant Non-Pecuniary Interest in Items 8.5 and 8.6 on the basis that he is a member of the Sydney Eastern City Planning Panel which will consider the proposal, and stated he would leave the Chamber for consideration and voting on the items.

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Items 8.5 and 8.6 on the basis that he is a member of the Sydney Eastern City Planning Panel which will consider the proposal, and stated he would leave the Chamber for consideration and voting on the items.



Councillor Rapisardi declared a Significant Non-Pecuniary Interest in Item 8.17 on the basis that she is casually employed by a founding member of the organisation, and stated she would leave the Chamber for consideration and voting on the item.

Councillor Ibrahim declared a Pecuniary Interest in Item 9.4 on the basis that a family member owns a property in the area, and stated he would leave the Chamber for consideration and voting on the item.

## **5 Minutes of Previous Meetings**

### **5.1 Minutes of the Council Meeting - 8 May 2019**

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

#### **RESOLUTION**

Minute 2019/087

Resolved on the motion of Councillors Nagi and Ibrahim

That the Minutes of the Council meeting held on 8 May 2019 be confirmed as a true record of proceedings.

## **6 Mayoral Minutes**

### **6.1 Mayoral Minute - Passing of Bob Hawke, 23rd Prime Minister of Australia**

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

#### **RESOLUTION**

Minute 2019/088

Resolved on the motion of Councillors Nagi and Tsounis

That Council observes a minute's silence in memory of the late Hon. Bob Hawke.

## **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.

## 8.1 Audited 2017-18 General Purpose Financial Reports

Jennifer Whitten, Chair of the Risk & Audit Committee, speaking for the Officer Recommendation, addressed the Council.

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

### RESOLUTION

Minute 2019/089

Resolved on the motion of Councillors Ibrahim and Tsounis

That Council receives and notes the presentation of the Audited financial reports for Bayside Council for the period ended 30 June 2018.

## 8.5 Planning Proposal - BATA site - 128 & 130-150 Bunnerong Road, Eastgardens

Matthew Lennartz, Executive Manager – Planning and Government, Meriton, speaking for the Officer Recommendation, addressed the Council.

Councillor Kalligas arrived during discussion of this item at 7.18 pm.

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

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

Councillor Sedrak was absent for the voting on this item.

### RESOLUTION

Minute 2019/090

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That the Planning Proposal, for 128 and 130-150 Bunnerong Road, Eastgardens (Lot 1 DP 1187426 and Lot 24 DP 1242288 - formerly Lot 2 DP 1187426) be forwarded to the Department of Planning and Environment for finalisation, in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979 subject to the floor space being amended from 2.35:1 to 2:1.
- 2 That the Proponent be advised that in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* that a part of a site-specific DCP or Concept Development Application (including an updated Concept Master Plan) for 128 and 130-150 Bunnerong Road, Eastgardens be prepared to address the following issues at the Development Application stage:
  - (a) urban design including height transitions, setbacks, building articulation and modulation and the interface of built form with the public domain;

- (b) podium car parking options to reduce bulk and encouraging articulation;
  - (c) treatment, embellishment and functionality of public open space;
  - (d) car parking and other vehicle rates;
  - (e) revised traffic modelling to address matters raised by RMS in their submission.
- 3 That, as part of a future Development Application for the site, revised traffic modelling is submitted that:
- (a) addresses matters raised by RMS in their submission; and
  - (b) includes an analysis of the intersection of Wentworth Avenue and Baker Street.
- 4 That any additional funding to address additional traffic impacts and facilitate the upgrades of the Wentworth/Baker and Wentworth/Page intersections and Heffron Road be provided as part of a future Development Application, over and above that required by the applicable Section 7.11 Contributions Plan.
- 5 That Council again write to the Roads and Maritime Services requesting funding for the Wentworth/Page and Wentworth/Baker intersections and Heffron Road.

Division called by Councillors Tsounis and Macdonald

For: Councillors Tsounis, Saravinovski, Kalligas, Morrissey, Curry, Rapisardi, Ibrahim, Poulos, Macdonald, Bezic and Barlow

The Motion was declared carried.

## **8.6 Voluntary Planning Agreement Post Exhibition - 128-130 and 150 Bunnerong Road, Pagewood (BATA II)**

David Bower, Director of Bonnie Doon Golf Club, speaking for the Officer Recommendation, addressed the Council.

Matthew Lennartz, Executive Manager – Planning and Government, Meriton, speaking for the Officer Recommendation, addressed the Council.

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

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

Councillor Sedrak was absent for the voting on this item.

RESOLUTION

Minute 2019/091

Resolved on the motion of Councillors Tsounis and Bezic

- 1 That Council notes the outcomes of the exhibition of the Voluntary Planning Agreement (VPA) for 128 – 130 and 150 Bunnerong Road, Eastgardens (BATA II).
- 2 That the General Manager executes the VPA in accordance with Council delegations.

Division called by Councillors Tsounis and Bezic

For: Councillors Tsounis, Saravinovski, Kalligas, Morrissey, Curry, Rapisardi, Ibrahim, Poulos, Macdonald, Bezic and Barlow

The Motion was declared carried.

### **8.7 Request for Gateway Determination: Draft Planning Proposal - 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North**

Stephen McIntyre, affected neighbour, speaking for the Officer Recommendation, addressed the Council, and tabled a petition.

Leah Upcroft, interested citizen, speaking against the Officer Recommendation, addressed the Council.

Nathan Kearnes, affected neighbour, speaking against the Officer Recommendation, addressed the Council.

Simon Rabagliati, affected neighbour, speaking against the Officer Recommendation, addressed the Council.

Angela Curto, interested resident, speaking against the Officer Recommendation, addressed the Council, and tabled a petition and other documents.

Phoebe Scali, interested resident, speaking against the Officer Recommendation, addressed the Council.

Emmanuel Zoumas, affected neighbour, speaking for the Officer Recommendation, addressed the Council.

Councillor Sedrak arrived during discussion of this item at 8.01 pm.

The Mayor, Councillor Saravinovski, vacated the Chair and asked Councillor Nagi to assume the Chair.

### **RESOLUTION**

Minute 2019/092

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That Council does not support the submission of the draft Planning Proposal for 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North to the

Department of Planning and Environment for a Gateway Determination on the grounds of density, car parking, traffic issues and the lack of strategic direction in the Bexley North area.

- 2 That all sites are being considered as part of the Bayside LEP review process.

Division called by Councillors Saravinovski and Tsounis

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

Abstained: Councillor Ibrahim

The Motion was declared carried

Councillor Nagi vacated the Chair at the conclusion of this item and the Mayor, Councillor Saravinovski, resumed the Chair.

## 8 Reports

### 8.2 Draft Eastlakes Local Town Centre Master Plan

#### RESOLUTION

Minute 2019/093

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council endorses the draft Eastlakes Town Centre Master Plan for Public Exhibition.
- 2 That public exhibition of the Eastlakes Town Centre Masterplan be undertaken for a minimum 28 day period.
- 3 That a future report be prepared for Council's consideration in relation to submissions received during the public exhibition period.

### 8.3 Rockdale Development Control Plan 2011 Amendment - 7.7 Arncliffe and Banksia

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

#### RESOLUTION

Minute 2019/094

Resolved on the motion of Councillors Ibrahim and Bezic

- 1 That Council endorses the draft amendments to the *Rockdale Development*

*Control Plan 2011 Chapter 7.7 Arncliffe and Banksia* (as detailed in the attachment to the Council officer's report) for public exhibition.

- 2 That public exhibition be undertaken for a minimum 28 day period, in accordance with *Clause 18(2) of the Environmental Planning & Assessment Regulation, 2000*.
- 3 That, in accordance with *Clause 21A of the Environmental Planning & Assessment Regulation*, the amendments to the DCP Chapter relating to design quality be referred to the Bayside Design Review Panel for any comments.
- 4 That a future report be prepared for Council's consideration, in relation to submissions received during the public exhibition period, and any comments from the Bayside Design Review Panel.

Division called by Councillors Ibrahim and Bezic

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

The Motion was declared carried.

#### **8.4 Bayside Design Excellence Guidelines - Amendments**

RESOLUTION

Minute 2019/095

Resolved on the motion of Councillors Barlow and Poulos

That Council adopts the Bayside Design Excellence Guidelines dated May 2019.

#### **8.8 Classification of the Arncliffe Youth Centre and Adjoining Open Space being Lot 2 & 3 in DP1214364**

RESOLUTION

Minute 2019/096

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That Council considers the submissions received relating to the statutory advertising of its intention to classify Lots 2 and 3 in DP 1214364.
- 2 That Council reconfirms by way of resolution to classify the land, Lots 2 and 3 in DP1214364, as Operational in accordance with Section 31(2) of the Local Government Act 1993.

## **8.9 Tender for Minor Civil Works**

### **RESOLUTION**

Minute 2019/097

Resolved on the motion of Councillors Nagi and Tsounis

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

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

- 2 That Council endorse the establishment of a Minor Civil Works Preferred Supplier Panel Contract, consisting of the following companies:

- Ally Civil
- Planet Civil
- Ezy Pave
- DX Core
- State Civil
- KK Civil
- Stateline Asphalt

- 3 That Council delegate to the General Manager to finalise the contracts to be issued to the preferred suppliers outlined in recommendation 2 above.

## **8.10 Stronger Communities Fund - Major Projects and Community Grants Programs - Round One and Two Progress Reporting**

### **RESOLUTION**

Minute 2019/098

Resolved on the motion of Councillors Nagi and Macdonald

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January 2019 – 30 June 2019 and the Stronger Communities Fund 6 monthly Community Grants report for the period from 1 Jan 2019 – 30 June 2019 for reporting to the NSW Office of Local Government, in accordance with the funding guidelines.

**8.11 Councillor Fees 2019/2020**

## RESOLUTION

Minute 2019/099

Resolved on the motion of Councillors Tsounis and Ibrahim

- 1 That the annual fee for Councillors for 2019/2020 be set at the maximum for a Metropolitan Medium Council as determined by the NSW Local Government Remuneration Tribunal.
- 2 That the additional annual fee for the Mayor for 2019/2020 be set at the maximum for a Metropolitan Medium Council as determined by the NSW Local Government Remuneration Tribunal.

**8.12 Adoption of the 2018-21 Delivery Program, 2019-20 Operational Plan, 2019-20 Budget and 2019-20 Fees & Charges**

## RESOLUTION

Minute 2019/100

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That Council notes and acknowledges all feedback received from the community regarding the Draft Delivery Program 2018-2021 and Operational Plan 2019/20.
- 2 That Council adopts the Final Delivery Program 2018-2021 and Operational Plan 2019/20 (circulated under separate cover) being the exhibited Draft Delivery Program 2018-2021 and Operational Plan 2019/20 and the amendments as detailed in this report.
- 3 That Council makes the rates and charges for the period 1 July 2019 to 30 June 2020, as outlined in the Revenue Policy 2019-20 within the attached Final Delivery Program and Operational Plan (circulated under separate cover) which includes the general rate increase of 2.7% as determined by the Independent Pricing and Regulatory Tribunal (IPART).
- 4 That Council authorises the General Manager to levy the rates and charges for the period 1 July 2019 to 30 June 2020 by service of the rates and charges notices pursuant to the Local Government Act 1993 and the Regulations made there under.
- 5 That Council adopt the exhibited Schedule of Fees & Charges for 2019-2020 subject to the amendments as detailed in Attachment 2 to the Council officer's report.



### **8.13 Finance Policies - Rates Hardship, Rates & Sundry Debtors Recovery, Rating and Investment Policy.**

#### **RESOLUTION**

Minute 2019/101

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the Rates Hardship Policy be adopted.
- 2 That the Rates & Sundry Charges Recovery Policy be adopted.
- 3 That the Rating Policy be adopted.
- 4 That the Investment Policy be adopted.

### **8.14 Fraud & Corruption Prevention Policy**

#### **RESOLUTION**

Minute 2019/102

Resolved on the motion of Councillors Nagi and Macdonald

That the Fraud and Corruption Policy attached to the Council officer's report be adopted.

### **8.15 Information and Records Policy**

#### **RESOLUTION**

Minute 2019/103

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That the report be received and noted.
- 2 That Council adopts the Bayside Council Information and Records Policy (as shown in Attachment 1 to the Council officer's report) subject to the review period being one year.

### **8.16 Statutory Financial Report for April 2019**

#### **RESOLUTION**

Minute 2019/104

Resolved on the motion of Councillors Tsounis and Barlow

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

**8.17 Australian Mayoral Aviation Council (AMAC)**

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

**RESOLUTION**

Minute 2019/105

Resolved on the motion of Councillors McDougall and Curry

- 1 That Councillors' Attendance Reports be received and noted.
- 2 That the report be received and noted, and that delegation be given to the Mayor in consultation with the General Manager to negotiate with AMAC on the basis of the report.

**8.18 National General Assembly 2019 - Canberra**

Councillor Rapisardi was absent for the voting on this item.

**RESOLUTION**

Minute 2019/106

Resolved on the motion of Councillors Tsounis and Macdonald

That Council endorses, as per the Expenses and Facilities Policy adopted in July 2017, the following nominations to attend the National General Assembly in Canberra on 16-19 June 2019 - Mayor Bill Saravinovski; Deputy Mayor Joe Awada; Councillors Macdonald, Nagi, Rapisardi and Sedrak.

**8.19 Waste Conference 2019****RESOLUTION**

Minute 2019/107

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Council receives and notes the report.
- 2 That the reports by Councillors included in this summary, inform their individual professional development plan for 2019.

## **9 Minutes of Committees**

### **9.1 Minutes of the Botany Historical Trust Meeting - 6 May 2019**

#### **RESOLUTION**

Minute 2019/108

Resolved on the motion of Councillors Morrissey and Rapisardi

That the Minutes of the Botany Historical Trust meeting held on 6 May 2019 be received and the recommendations therein be adopted.

### **9.2 Minutes of the Risk & Audit Committee Meeting - 23 May 2019**

#### **RESOLUTION**

Minute 2019/109

Resolved on the motion of Councillors Nagi and Tsounis

That the Minutes of the Risk & Audit Committee meeting held on 23 May 2019 be received and the recommendations therein be adopted.

### **9.3 Minutes of the Bayside Traffic Committee Meeting - 5 June 2019**

#### **RESOLUTION**

Minute 2019/110

Resolved on the motion of Councillors McDougall and Rapisardi

That the Minutes of the Bayside Traffic Committee meeting held on 5 June 2019 be received and the recommendations therein be adopted

### **9.4 Minutes of the Brighton Le Sands Working Party Meeting - 5 June 2019**

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

#### **RESOLUTION**

Minute 2019/111

Resolved on the motion of Councillors Macdonald and Nagi

That the Minutes of the Brighton Le Sands Working Party meeting held on 5 June 2019 be received and the recommendations therein be adopted subject to the following amendment:

**Item 6.1 – The Boulevarde, Brighton Le Sands**

That front/rear to kerb on-street parking at The Boulevarde, Brighton Le Sands be referred to the Bayside Traffic Committee.

**10 Notices of Motion****10.1 Notice of Motion - Vanston Parade, Sandringham****RESOLUTION**

Minute 2019/112

Resolved on the motion of Councillors Macdonald and Nagi

- 1 That Council investigate and report back on the feasibility of installing gates at Vanston Parade, Sandringham.
- 2 That the report includes:
  - a the level of resident and police support for the overnight exclusion of vehicular access to Vanston Parade and possible traffic changes;
  - b the feasibility of closing the road between 9pm and 5am every day, similar to other Council foreshore car-parks along the waterfront;
  - c the cost of implementation and ongoing operations of the gate closure including the initial cost of the installation to create the road closure and any ongoing funding required that is consistent with other road and parks closures operating between 9pm and 5am;
  - d the likely impact this installation will have on the reported incidents of anti-social behaviour in Vanstone Parade, Sans Souci and the likelihood of this leading to further requests for road closures in Bayside;
  - e other measures or options that may be reasonable and appropriate to reduce anti-social behaviour at the location.

**10.2 Notice of Motion - Single-use Plastics: Refusing and Reducing Council's Non-recyclable Waste****RESOLUTION**

Minute 2019/113

Resolved on the motion of Councillors Rapisardi and Poulos

- 1 That Bayside Council lead by example and investigate the cost and procurement implications of phasing out, where possible, single-use plastics across all

Council departments and operations including plastic bags, non-recyclable packaging, single use plastic drink bottles, plastic straws, plates and cutlery.

- 2 That a report be produced and presented to Councillors in a GM Briefing advising of the steps that Council can take to phase out single use plastics.
- 3 That a final strategy report be brought to Councillors at an Ordinary Meeting for adoption by Council.

## **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 9.22 pm.

Councillor Bill Saravinovski  
**Mayor**

Meredith Wallace  
**General Manager**

## **Attachments**

Nil

**Council Meeting**

**10/07/2019**

Item No	6.1
Subject	<b>Mayoral Minute - Celebrating 100 Years of Sydney Airport</b>
File	F09/547.002

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**Motion**

That this Minute be adopted and a letter of congratulations be sent to the CEO of Sydney Airport Corporation Limited, commemorating 100 Years of Sydney Airport.

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**Mayoral Minute**

On 9 November 2019, Sydney Airport will mark its centenary - 100 years as one of the world's oldest continually operating airports.

As the home of Sydney Airport, the Bayside community has a unique and multi-layered history to tell, from its humble beginnings to today's partnership between Council and the Airport, for the multi-million dollar Environmental and Community Reserve Fund established in 2018.

The relationship with Bayside Council and Sydney Airport has really taken off, with some of our shared stories including a plane landing on top of a cow in the Bayside local government area whilst a Rockdale dairyman built planes in his backyard.

Our local community and broader Sydney have contributed to and witnessed the evolution of air travel over these last 100 years as Sydney Airport has grown from a simple landing strip to now handling over 43 million passengers annually with an on-airport community of more than 30,000 people.

Tonight we acknowledge the many people from the Bayside community and broader Sydney, who have contributed to Sydney Airport over the last 100 years and we look forward to continued partnerships between Council and the Airport for the betterment of our community.

Please join me in congratulating Sydney Airport CEO, Geoff Culbert and his team on this significant milestone, and we wish them every success for their wonderful celebrations of 100 years of Sydney Airport.

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**Attachments**

Nil

## **Council Meeting**

**10/07/2019**

Item No	6.2
Subject	<b>Mayoral Minute - Buy Local Campaign - Partnering with St George Chamber of Commerce</b>
Report by	Liz Rog, Manager Executive Services
File	F08/333

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## **Summary**

Council recognises the important role local business plays in supporting our local community. Encouraging local community spending in our local area will assist us to build strong economies and even stronger communities.

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## **Officer Recommendation**

That Council establishes a “buy local” campaign in partnership with the St George Chamber of Commerce as a trial opportunity, with a post evaluation report to determine extending the campaign into the other local Chamber areas.

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## **Mayoral Minute**

Council recognises the important role local business plays in supporting our local community.

Our policy is, all things being equal, to “Buy Local”, seeking to increase the number of local purchasing transactions Council makes in our day to day business.

The “Buy Local” campaign partners Council with the St George Chamber of Commerce, to shine a light on local traders and uncover some of Bayside’s hidden retail gems.

‘Buying Local’ is a fundamentally important part of creating strong economies and even stronger communities. Every dollar that leaves Bayside is largely lost to our community, whilst every dollar spent within our boundaries gets spent over and over again.

A Buy Local campaign will aim to stimulate local job creation, boost local economy and inject money directly into our communities. Our local shopping precincts are community hubs, employment hubs and meeting places, each playing a critical role in building thriving communities where people live, work and enjoy their local area.

In recognising the contribution that local businesses make to building stronger communities, I support the establishment of a “Buy Local” campaign in partnership with the St George Chamber of Commerce to support our local businesses. Post evaluation of a successful campaign, roll out the program should be discussed with our other Chambers’ retail areas.

## **Attachments**

Nil

**Council Meeting**

**10/07/2019**

Item No	6.3
Subject	<b>Mayoral Minute - International Campaign to Abolish Nuclear Weapons (ICAN) Flag flying in commemoration of Hiroshima Day and Nagasaki Day</b>
File	F19/605

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**Motion**

That the ICAN flag be flown from the Rockdale Town Hall from 6 August (Hiroshima Day) to 9 August (Nagasaki Day) as acknowledgement of the 73<sup>rd</sup> anniversary of the first use of the atomic bomb in wartime, in Japan 1945.

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**Mayoral Minute**

Councillors will recall in February 2019, we endorsed our strong support to the Australian Government to sign the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal. This crucial global agreement aims to prohibit the use, production and stockpiling of nuclear weapons and lays the foundations for their total elimination.

As part of our commitment to this pledge, Council has been asked to fly the ICAN flag from 6 August (Hiroshima Day) to 9 August (Nagasaki Day) as acknowledgement of the 73<sup>rd</sup> anniversary of the first use of the atomic bomb in wartime, in Japan 1945.

The flying of the ICAN flag will help raise awareness amongst our community of the horrific impact the use of nuclear weaponry has on humankind. More importantly, in flying the ICAN flag we will honour the 130,000 lives lost and the horrendous injuries suffered by many, many others as a result of nuclear warfare.

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**Attachments**

Nil



## **Council Meeting**

**10/07/2019**

Item No	8.1
Subject	<b>Cities Power Partnership Mayoral Joint Statement Calling for National Action on Climate Change</b>
Report by	Michael McCabe, Director City Futures
File	F13/149.002

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## **Summary**

Bayside Council is a member of the Cities Power Partnership (CPP). The CPP is run by the Climate Council and looks to celebrate and accelerate the emissions reduction and clean energy successes of Australian towns and cities. In May 2019, 15 Mayors of member councils of the CPP, signed a joint statement calling for the Federal Government to join the members of the CPP in tackling climate change. The CPP is asking if further CPP member Councils, including Bayside Council, would like to add their Mayor's signature to the joint statement.

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## **Officer Recommendation**

That Bayside Council becomes a signatory the Cities Power Partnership joint Mayoral Statement, calling for the Federal Government to act on climate change.

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## **Background**

The Cities Power Partnership (CPP) is run by the Climate Council and seeks to celebrate and accelerate emission reductions and clean energy successes of Australian towns and cities. Stage one of the CPP was launched in mid-July 2017. Bayside Council joined the program in late 2017.

In May 2019 fifteen Cities Power Partnership Mayors signed a joint statement calling for the Federal Government to join the members of the CPP in tackling climate change. The Cities Power Partnership has now requested that other CPP member Councils, including Bayside become signatories to the joint statement. A copy of the joint statement is contained in Attachment 1, for the Councillors approval.

### **Background to Cities Power Partnership**

Benefits of membership of the CPP include;

- Access to a national knowledge hub to assist with the implementation of emissions reductions projects
- Partnerships with other participating councils to knowledge share.
- Exclusive access to domestic and international experts, community energy groups, climate events and

- Access to small grants and renewable energy incentives as they become available.

As a member of the CPP, Council's commitment is to achieve five key milestones, ranging from renewable energy, efficiency, transport and advocacy actions. The milestones include projects that Bayside Council has already achieved or is working towards. The five milestones chosen for membership of the CPP and their status, are outlined in detail in Attachment 2. In summary Bayside Council is progressing the following milestones:

- Active member of the SSROC 'Our Energy Future' program
- Construction of additional solar installations
- Participant in the SSROC Street Light Improvement Program
- Signatory to the SSROC Renewable Energy Master Plan renewable energy goal of 30% of Council energy used to be from renewable sources by 2030.
- Implement sustainable procurement policy and strategies.

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## Financial Implications

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

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## Community Engagement

Not Applicable.

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## Attachments

- 1 Attachment 1 Cities Power Partnership Statement from Australian Mayors [↓](#)
- 2 Attachment 2 Bayside Council Cities Power Partnership Milestones [↓](#)

Tackling Climate Change Needs to be the Top Priority

## Statement from Australian Mayors

As members of the Cities Power Partnership local government climate alliance, we demand national action and call upon the Federal Government to join us in making tackling climate change the top priority.

At the local level we're working with our communities and with each other to develop a strong climate response, and to support Australia's shift to clean energy.

All tiers of government have a role to play in driving down Australia's greenhouse gas pollution, and we need swift action at the Federal level to address our escalating national emissions

We demand three major actions from our Federal leaders:

Strong national climate policy aligned to the science and a national commitment to rapidly transitioning to 100% clean energy

Support the rapid phase out of fossil fuel subsidies which contribute to climate change

Provide long-term finance to support implementation of clean energy and sustainable transport, such as rooftop solar, battery storage, electric vehicle charging stations, public and active transport infrastructure in council and community areas

## FULL LIST OF SIGNATORIES

- Cr Clover Moore, Lord Mayor, City of Sydney
- Cr Michael Lyon, Acting Mayor, Byron Shire Council
- Cr Julia Leu, Mayor Douglas Shire Council
- Cr Dominic King, Mayor Bellingen Council
- Cr Amanda McLaren, Mayor Strathbogie Council
- Cr Ken Keith, Mayor, Parkes Shire Council
- Cr Frank Wilkie, Acting Mayor, Noosa Council
- Cr Darcy Byrne, Inner West Council
- Cr Kathy Neilson, Mayor of Randwick Council
- Cr Pam Townshend, Shire President, Augusta Margaret River, WA
- Cr David Gill, Mayor Mornington Peninsula Mayor, VIC
- Cr Renée McLennan, Mayor, Town of Bassendean
- Cr Ann Ferguson, Mayor, Mount Barker
- Cr Natalie Abboud, Mayor, Moreland City Council
- Cr Jerome Laxale, Mayor, City of Ryde

**BAYSIDE COUNCIL CITIES POWER PARTNERSHIP MILESTONES**

1. Provide council resources to educate and support the uptake of renewable energy, such as by hiring an internal renewable energy support officer or establishing an independent body (such as the Moreland and Yarra Energy Foundations).

Bayside Council is an active member of the SSROC "Our Energy Future" (OEF) program that was officially launched on 21 June 2017 and is modelled on the Moreland Energy Foundation. The OEF program provides resources, staff, a website and educational programs to support residents and businesses in the uptake of renewable energy technologies and energy efficiencies.

2. Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, libraries, street lighting, recreation centres, sporting grounds, and council offices.

When Bayside Council joined the Cities Power Partnership, Council had four solar installations. Bayside Council now has seven solar installations for a total of 98 kilo; Bexley Depot, Bexley Community Centre, Bexley North Library, Sans Souci Library, Coronation Hall, Botany Administration Centre and Hillsdale Childcare Centre. Further solar installations are planned for the 2019/20 financial year.

3. Public lighting can use a large proportion of a city's energy budget - roll out energy efficient lighting (particularly street lighting) across the municipality.

Bayside Council is a participant of the SSROC Street Light Improvement Program (SLIP) that is working with Ausgrid to improve the efficiency of street lighting across the SSROC region by replacing old residential street lighting with efficient LED lighting. When completed in 2020 this program will have replaced over 4,000 old mercury vapour streetlights with new energy efficient LEDs that will use only 25% of the energy of the old street lights, saving many tonnes of greenhouse gases and reducing Council's costs for street lighting significantly.

4. Set city-level renewable energy or emissions reduction targets and sustainable energy policies to provide a common goal and shared expectations for local residents and businesses.

Bayside Council is a signatory to the SSROC Renewable Energy Master Plan renewable energy goal of 30% of Council energy used to be from renewable sources by 2030. Additionally Council is part of the SSROC Power Purchase Agreement (PPA) due to begin on 1 July 2019. The PPA will supply 100% renewable energy to Council's large energy using sites during daylight hours. These sites include Rockdale Administration Centre, Rockdale Town Hall and Library, Eastgardens Library, Botany Aquatic Centre and the Bexley Depot. Supplying renewable energy to these facilities will again reduce Council's greenhouse gas emissions significantly.

5. Ensure that the practices of local government contractors and financing such as banking, insurance and super are aligned with council goals relating to renewable energy, energy efficiency and sustainable transport. Set appropriate criteria for council procurement.

Council currently has a sustainable procurement policy and strategy in place, which is being embedded into the new Procurement documentation, and an alternative travel policy that offers staff an opportunity for Council to fund the purchase of a bicycle through a staff payback program.

There are several other milestones included in the CPP program that Council can work towards once the above milestones are completed.

## **Council Meeting**

**10/07/2019**

Item No	8.2
Subject	<b>Statutory Financial Report for May 2019</b>
Report by	Michael Mamo, Director City Performance
File	F09/605.002

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## **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 May 2019, Bayside Council had \$425.2m in cash and investments with an adjusted portfolio return on investments of 2.67%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$27.9m from rates, interest, grants, sale of assets and development planning contributions.
- Expenses from operating activities totalled \$18.8m 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.

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## **Officer Recommendation**

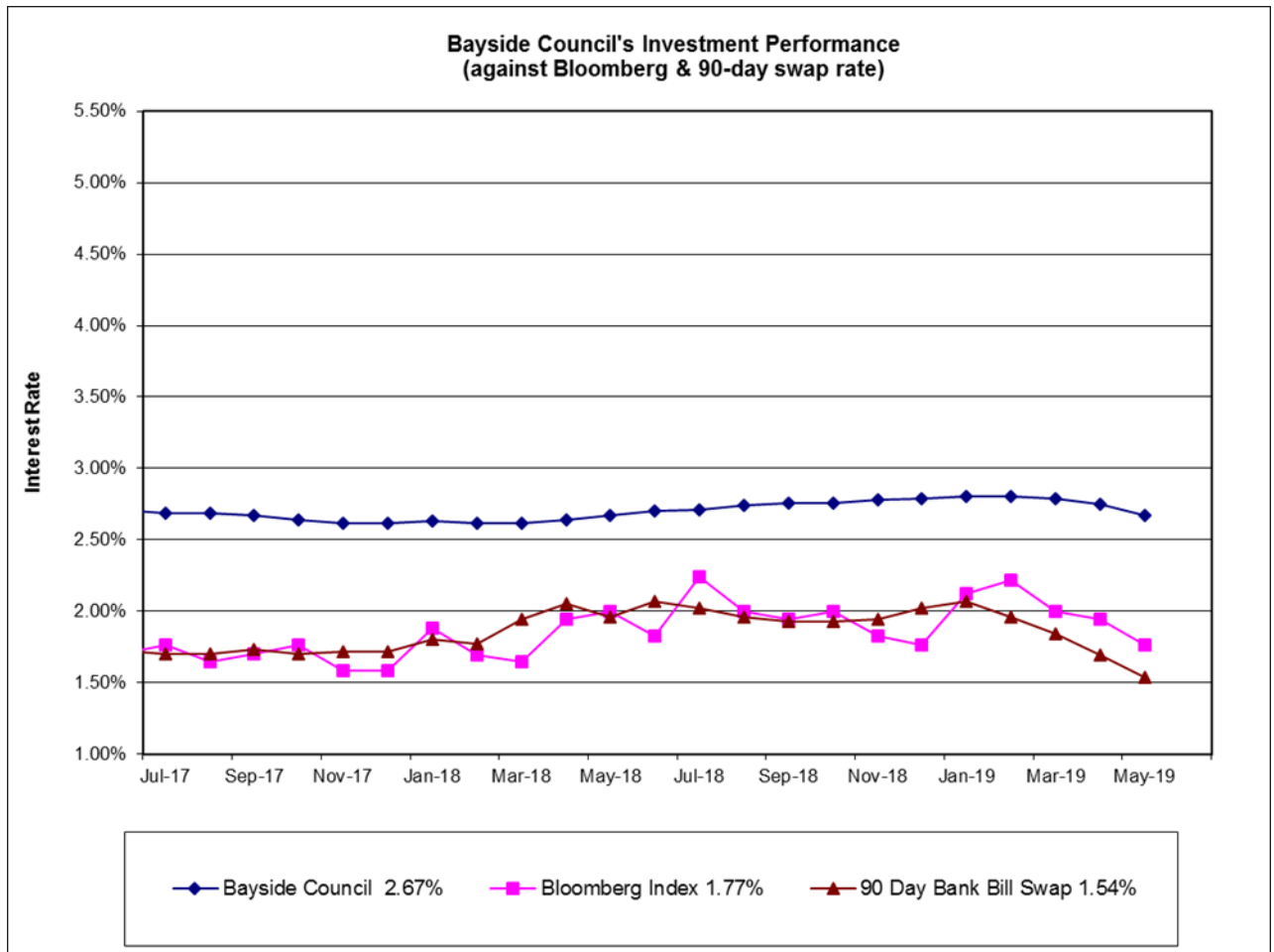
That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

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## **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 90 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 May 2019.

STATEMENT OF BANK BALANCES AS AT 31 May 2019		
	GENERAL FUND	
<b>Cash at Bank (Overdraft) as per Bank Statement as at: 30/04/2019</b>		<b>\$2,098,415</b>
<b>Add: Income from Operating Activities for the Period</b>		
- Rates and other receipts*	\$16,278,536	
- Sundry Debtor Deposits	\$844,045	
- DA Fees, FCDs & Application & Construction Fees	\$252,803	
- Interest	\$1,487,661	
- Parking and Other Infringements	\$578,653	
- Rents, Leases, Booking Fees, Certificates & Licences	\$212,125	
- Sale of Assets	\$615,822	
- Long Service Levy	\$20,414	
- Grants	\$4,563,276	
- Insurance Claim/Legal	\$515,300	
- GST Rebate from ATO	\$1,152,458	
- Childcare Income	\$217,525	
- Pool, Golf, Mutch Park & Library Income	\$261,653	
- S.94 & Planning Contributions	\$857,826	
<b>Total Income from Operating Activities for the Period</b>	<b>\$27,858,097</b>	
<b>Less: Expenses from Operating Activities for the Period</b>		
Accounts Paid for Period (includes urgent cheques & refunds)	-\$12,869,161	
Direct Payroll	-\$5,465,647	
Presented Cheques	-\$434,798	
Bank Charges (including Agency Fees)	-\$18,273	
<b>Total Expenses from Operating Activities for the Period</b>	<b>-\$18,787,879</b>	
<b>Total Net Movement from Operating Activities:</b>		<b>\$9,070,218</b>
<b>Investment Activities for the Period</b>		
- Investments redeemed	\$9,077,104	
- Transfer from Short-Term Money Market	\$28,780,000	
- Transfer to Short-Term Money Market	-\$24,400,000	
- New Investments	-\$23,000,000	
<b>Net Investment Flows for the Period</b>	<b>-\$9,542,896</b>	
<b>Funding Activities for the Period</b>		
Loan Repayments	\$0	
<b>Net Funding Flows for the Period</b>	<b>\$0</b>	
<b>Total Net Movement from Investment &amp; Funding Activities:</b>		<b>-\$9,542,896</b>
<b>Cash at Bank (Overdraft) as per Bank Statement as at: 31/05/2019</b>		<b>\$1,625,737</b>
Limit of overdraft arranged at Bank for: Bayside West \$350,000 & Bayside East \$540,000		
* other receipts include Australia Post & Bank Tape		

## Schedule of Investments

Bayside Council currently holds \$425.2m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 31/05/2019								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
<b>Term Deposits</b>								
Bank of Western Australia	A1	\$5,000,000	05/09/2018	05/06/2019	273	1.29%	2.75%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	10/10/2018	10/07/2019	273	2.60%	2.70%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	21/11/2018	13/06/2019	204	1.29%	2.65%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	20/03/2019	18/09/2019	182	1.29%	2.35%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	27/03/2019	25/09/2019	182	1.29%	2.35%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	24/04/2019	23/10/2019	182	1.29%	2.30%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	02/05/2019	30/10/2019	181	1.29%	2.15%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	09/05/2019	06/11/2019	181	1.29%	2.25%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	16/05/2019	14/08/2019	90	2.60%	2.25%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	23/05/2019	18/09/2019	118	1.29%	2.15%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	30/05/2019	25/09/2019	118	1.29%	2.10%	\$5,000,000
						<b>16.81%</b>		
Illawarra Mutual Building Society	A2	\$2,659,570	5/06/2018	05/06/2019	365	0.71%	2.75%	\$2,659,570
Illawarra Mutual Building Society	A2	\$5,000,000	6/06/2018	06/06/2019	365	1.29%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	30/08/2018	29/08/2019	364	1.29%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	28/02/2019	21/08/2019	174	1.29%	2.60%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	3/04/2019	02/10/2019	182	1.29%	2.50%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	9/05/2019	06/11/2019	181	1.29%	2.35%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	30/05/2019	25/09/2019	118	1.29%	2.20%	\$5,000,000
						<b>8.45%</b>		
Newcastle Permanent Build Society	A2	\$6,000,000	31/01/2019	30/10/2019	272	1.55%	2.50%	\$6,000,000
						<b>1.55%</b>		
ME Bank	A2	\$1,000,000	12/07/2018	11/07/2019	364	0.29%	2.80%	\$1,000,000
ME Bank	A2	\$5,000,000	31/07/2018	01/08/2019	366	1.29%	2.80%	\$5,000,000
ME Bank	A2	\$5,000,000	06/02/2019	16/10/2019	252	1.29%	2.70%	\$5,000,000
ME Bank	A2	\$5,000,000	06/02/2019	07/08/2019	182	1.29%	2.70%	\$5,000,000
ME Bank	A2	\$5,000,000	27/02/2019	27/11/2019	273	1.29%	2.65%	\$5,000,000
ME Bank	A2	\$5,000,000	15/03/2019	11/12/2019	271	1.29%	2.60%	\$5,000,000
ME Bank	A2	\$5,000,000	03/04/2019	31/07/2019	119	1.29%	2.50%	\$5,000,000
ME Bank	A2	\$5,000,000	10/05/2019	14/08/2019	96	1.29%	2.35%	\$5,000,000
ME Bank	A2	\$5,000,000	23/05/2019	24/07/2019	62	1.29%	2.12%	\$5,000,000
ME Bank	A2	\$5,000,000	23/05/2019	25/09/2019	125	1.29%	2.32%	\$5,000,000
						<b>11.90%</b>		
Westpac	AA-	\$5,000,000	06/06/2018	06/06/2019	365	1.29%	2.76%	\$5,000,000
Westpac	AA-	\$3,000,000	08/06/2018	11/06/2019	368	0.78%	2.76%	\$3,000,000
Westpac	AA-	\$10,000,000	31/07/2018	31/07/2019	365	2.60%	2.76%	\$10,000,000
Westpac	AA-	\$3,000,000	01/08/2018	01/08/2019	365	0.78%	2.76%	\$3,000,000
Westpac	AA-	\$5,000,000	09/08/2018	09/08/2019	365	1.29%	2.79%	\$5,000,000
Westpac	AA-	\$5,000,000	30/08/2018	29/08/2019	364	1.29%	2.74%	\$5,000,000
Westpac	AA-	\$5,000,000	10/09/2018	11/09/2019	366	1.29%	2.68%	\$5,000,000
Westpac	AA-	\$5,000,000	09/11/2018	06/11/2019	362	1.29%	2.76%	\$5,000,000
Westpac	AA-	\$5,000,000	28/11/2018	28/11/2019	365	1.29%	2.73%	\$5,000,000
Westpac	AA-	\$5,000,000	03/12/2018	04/12/2019	366	1.29%	2.73%	\$5,000,000
Westpac	AA-	\$5,000,000	02/01/2019	08/01/2020	371	1.29%	2.70%	\$5,000,000
Westpac	AA-	\$5,000,000	11/02/2019	11/02/2020	365	1.29%	2.41%	\$5,000,000
Westpac	AA-	\$5,000,000	04/03/2019	04/03/2020	366	1.29%	2.65%	\$5,000,000
Westpac	AA-	\$10,000,000	07/03/2019	11/03/2020	370	2.60%	2.60%	\$10,000,000
Westpac	AA-	\$5,000,000	28/03/2019	25/03/2020	363	1.29%	2.60%	\$5,000,000
						<b>20.95%</b>		
AMP Bank	A1	\$3,000,000	12/06/2018	12/06/2019	365	0.78%	2.80%	\$3,000,000
AMP Bank	A1	\$5,000,000	21/02/2019	20/11/2019	272	1.29%	2.80%	\$5,000,000
						<b>2.07%</b>		



Schedule of Investments cont'd								
National Australia Bank	A1	\$1,000,000	14/06/2018	14/06/2019	365	0.26%	2.75%	\$1,000,000
National Australia Bank	A1	\$2,000,000	11/07/2018	11/07/2019	365	0.53%	2.75%	\$2,000,000
National Australia Bank	A1	\$5,000,000	04/09/2018	04/09/2019	365	1.29%	2.65%	\$5,000,000
National Australia Bank	A1	\$6,000,000	28/11/2018	12/06/2019	196	1.55%	2.65%	\$6,000,000
National Australia Bank	A1	\$5,000,000	06/12/2018	19/06/2019	195	1.29%	2.68%	\$5,000,000
National Australia Bank	A1	\$5,000,000	09/01/2019	09/10/2019	273	1.29%	2.67%	\$5,000,000
National Australia Bank	A1	\$5,000,000	16/01/2019	17/07/2019	182	1.29%	2.67%	\$5,000,000
National Australia Bank	A1	\$10,000,000	06/02/2019	06/11/2019	273	2.59%	2.67%	\$10,000,000
National Australia Bank	A1	\$5,000,000	19/03/2019	18/12/2019	274	1.29%	2.48%	\$5,000,000
National Australia Bank	A1	\$5,000,000	24/04/2019	22/01/2020	273	1.29%	2.39%	\$5,000,000
National Australia Bank	A1	\$5,000,000	08/05/2019	13/11/2019	189	1.29%	2.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	30/05/2019	27/11/2019	181	1.29%	2.17%	\$5,000,000
NAB- Suncorp FRN	A+	\$2,000,000	12/04/2016	12/04/2021	1826	0.53%	2.80%	\$2,036,851
						15.78%		
ING Direct	A	\$4,000,000	31/08/2017	04/09/2019	734	1.02%	2.75%	\$4,000,000
ING Direct	A	\$3,000,000	12/09/2017	12/09/2019	730	0.78%	2.75%	\$3,000,000
ING Direct	A	\$3,000,000	13/09/2017	18/09/2019	735	0.78%	2.75%	\$3,000,000
ING Direct	A	\$2,000,000	15/09/2017	25/09/2019	740	0.52%	2.75%	\$2,000,000
ING Direct	A	\$1,000,000	06/06/2018	06/12/2019	548	0.26%	2.80%	\$1,000,000
ING Direct	A	\$2,000,000	24/07/2018	04/09/2019	407	0.52%	2.53%	\$2,000,000
ING Direct	A	\$5,000,000	18/12/2018	24/06/2020	554	1.29%	2.70%	\$5,000,000
						5.17%		
Direct Investments (Floating Rate & Fixed Rate Term Deposits -TDs)								
CBA- AMP FRN	A	\$750,000	11/12/2015	11/06/2019	1278	0.19%	2.96%	\$749,700
CBA- Bank of QLD FRN	A-	\$2,000,000	26/02/2016	06/11/2019	1349	0.52%	2.62%	\$2,008,980
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	26/02/2016	18/08/2020	1635	0.52%	2.65%	\$2,014,400
CBA - Rabobank FRN	A+	\$2,000,000	04/03/2016	04/03/2021	1826	0.52%	2.92%	\$2,034,440
CBA- Bank of QLD FRN	BBB+	\$1,000,000	18/05/2016	18/05/2021	1826	0.25%	3.03%	\$1,015,500
CBA- Greater Bank FRN	BBB-	\$3,000,000	07/06/2016	07/06/2019	1095	0.78%	3.46%	\$2,999,340
CBA FRN	AA-	\$2,000,000	12/07/2016	12/07/2021	1826	0.52%	2.90%	\$2,037,860
CBA- ME Bank FRN	BBB	\$3,000,000	09/08/2016	18/07/2019	1073	0.78%	3.14%	\$3,016,290
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2016	19/09/2019	1136	0.52%	2.77%	\$2,014,580
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2016	30/08/2019	1095	0.52%	2.97%	\$2,002,480
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2016	21/02/2020	1187	0.52%	2.66%	\$2,010,680
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	0.78%	2.79%	\$3,052,530
CBA- Greater Bank FRN	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.03%	2.89%	\$4,006,000
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.52%	2.50%	\$2,024,200
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	0.71%	3.12%	\$2,782,780
CBA- Greater Bank FRN	BBB-	\$2,000,000	25/03/2017	29/05/2020	1161	0.52%	2.82%	\$2,001,520
CBA- ME Bank FRN	BBB+	\$3,000,000	06/04/2017	06/04/2020	1096	0.78%	2.97%	\$3,026,520
CBA- Greater Bank FRN	BBB-	\$1,000,000	04/08/2017	29/05/2020	1029	0.25%	2.82%	\$1,000,760
CBA- AMP FRN	A	\$2,000,000	06/10/2017	06/10/2020	1096	0.52%	2.47%	\$2,001,700
CBA - Heritage Bank FRN	BBB+	\$2,000,000	27/11/2017	04/05/2020	889	0.52%	2.85%	\$2,014,940
CBA - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	29/11/2017	07/04/2020	860	0.52%	3.07%	\$2,021,500
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.37%	2.85%	\$1,460,413
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	30/11/2018	28/08/2019	271	1.29%	2.70%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	01/03/2019	04/09/2019	187	1.29%	2.60%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	18/04/2019	16/10/2019	181	1.29%	2.40%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	23/05/2019	20/11/2019	181	1.29%	2.25%	\$5,000,000
						17.32%		
FTD= Floating Rate Deposit								
FRN= Floating Rate Note								
Unlisted Community Bank Shares								
NRMA/IAG Shares	Unrated	\$7,552				0.01%		
Bendigo Bank	A2	\$5,000				0.00%		
Total Investments		\$386,622,122				100.00%		
Operating Accounts		\$1,625,737						
Cash Deposit Accounts		\$26,390,564						
AMP 31 Day Notice Account		\$10,611,507						
Total Investments and Cash		\$425,249,928						
Investment and Cash Flows for Bayside Council:								
	Apr-19	May-19	Total Net Movement					
Total Investments	\$372,699,225	\$386,622,122	\$13,922,896					
Operating Accounts	\$2,098,415	\$1,625,737	-\$472,678					
Cash/Short Term Money Market	\$30,768,606	\$26,390,564	-\$4,378,042					
AMP 31 Day Notice Account	\$10,591,484	\$10,611,507	\$20,022					
TOTAL Investments and Cash:	\$416,157,730	\$425,249,928	\$9,092,199					
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.

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**Financial Implications**

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

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**Community Engagement**

Not required.

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**Attachments**

Nil

## Council Meeting

10/07/2019

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Item No	8.3
Subject	<b>Planning Proposal - 1-3 Lord Street, Botany</b>
Report by	Michael McCabe, Director City Futures
File	F18/712

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## Summary

On 23 July 2018 The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust (the proponent) submitted a Draft Planning Proposal to Bayside Council (**Attachment 1**). The Draft Planning Proposal requests Council initiate an amendment to the Botany Bay Local Environmental Plan (BBLEP) 2013 in relation to 1-3 Lord Street, Botany (the subject site). The Draft Planning Proposal seeks to amend the maximum Floor Space Ratio (currently 1:1) and the maximum Height of Building (currently 10 metres) for the subject site as follows:

- Apply a maximum Floor Space Ratio development standard of 1.75:1, and
- Apply a maximum Height of Building development standard of 16.5 metres.

A site-specific draft Development Control Plan (DCP) has been provided (see **Attachment 2**) as part of the Draft Planning Proposal.

The Draft Planning Proposal would enable additional floorspace on the site for the purposes of employment uses, and provides an opportunity for the site to facilitate additional development to deliver on the objectives of the B7 Business Park zone under the *Botany Bay Local Environmental Plan 2013*, and the strategic directions for industrial land under the *Eastern City District Plan*.

A merit assessment of the Draft Planning Proposal indicates that the proposed amendment to the *BBLEP 2013* has strategic merit for the reasons outlined in this report, in particular:

- The proposed intensification of employment uses is consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*, in particular Objective 23 '*Industrial and urban services land is planned, retained and managed (Region Plan)*', and Planning Priority E12 '*Retaining and managing industrial and urban services land (District Plan)*';
- The proposal is consistent with the objectives and detailed requirements of Section 9.1 Directions of the Environmental Planning and Assessment Act 1979 (EP&A Act) - in particular *1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; and 7.1 Implementation of A Plan for Growing Sydney*;
- The proposal is consistent with the built form objectives of the *Botany Bay DCP 2013* including with the desired future character of the Botany Character Precinct and Lord Street Business Park Precinct; and
- The proposed change to 'Height' and 'Floor Space Ratio' development standards, in addition to the site-specific Draft DCP built form controls, will result in a building envelope

that is compatible with the subject site's surrounding context, and has an appropriate relationship with the adjacent heritage item and conservation area.

Should the Planning Proposal be supported by Council and the NSW Department of Planning and Environment, the rezoning of the land would enable Development Applications to be considered by Council in the future.

## Officer Recommendation

- 1 That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal for 1-3 Lord Street, Botany be submitted to the Department of Planning and Environment for a Gateway Determination, subject to Council being satisfied in relation to controls proposed in the Draft DCP prepared by Cityplan.
- 2 That pursuant to cl.18 of the Environmental Planning and Assessment Regulation 2000 that Council publicly exhibit the draft Development Control Plan for a minimum period of 28 days.
- 3 That, if the NSW Department of Planning and Environment issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council.
- 3 That, as part of the preparation of the Bayside Comprehensive Local Environmental Plan, Council considers the Lord Street Precinct in its strategic context, in particular, any cumulative impact which may come about as a consequence of more intensive development within the precinct.

## Background

### Applicant:

The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust.

### Site Description:

Lots subject to the Draft Planning Proposal are shown in Table 1, below:

**Table 1:** Lots subject to Draft Planning Proposal

Lot	DP	Address	Current zoning
2	593463	1-3 Lord Street, Botany	B7 Business Park
4	593463	1-3 Lord Street, Botany	B7 Business Park

The subject site is legally known as Lot 2 DP 593463 and Lot 4 DP 593463 and is located on the southern side of Lord Street, near Botany Road to the west. The 2,555 square metre site is an irregular shape, with only a short section of the site's boundaries running in parallel.

The subject site currently accommodates a two-storey building containing warehouses, a loading dock, sales centre, and offices for Marine Product Marketing. The site is accessed via Lord Street. It is reported that the site currently houses 29 full-time equivalent jobs.

An aerial photo (**Figure 1**), surrounding uses and district context (**Figures 2-5**) and relevant BBLEP 2013 development standard mapping (**Figures 6-9**) for the site are provided below.



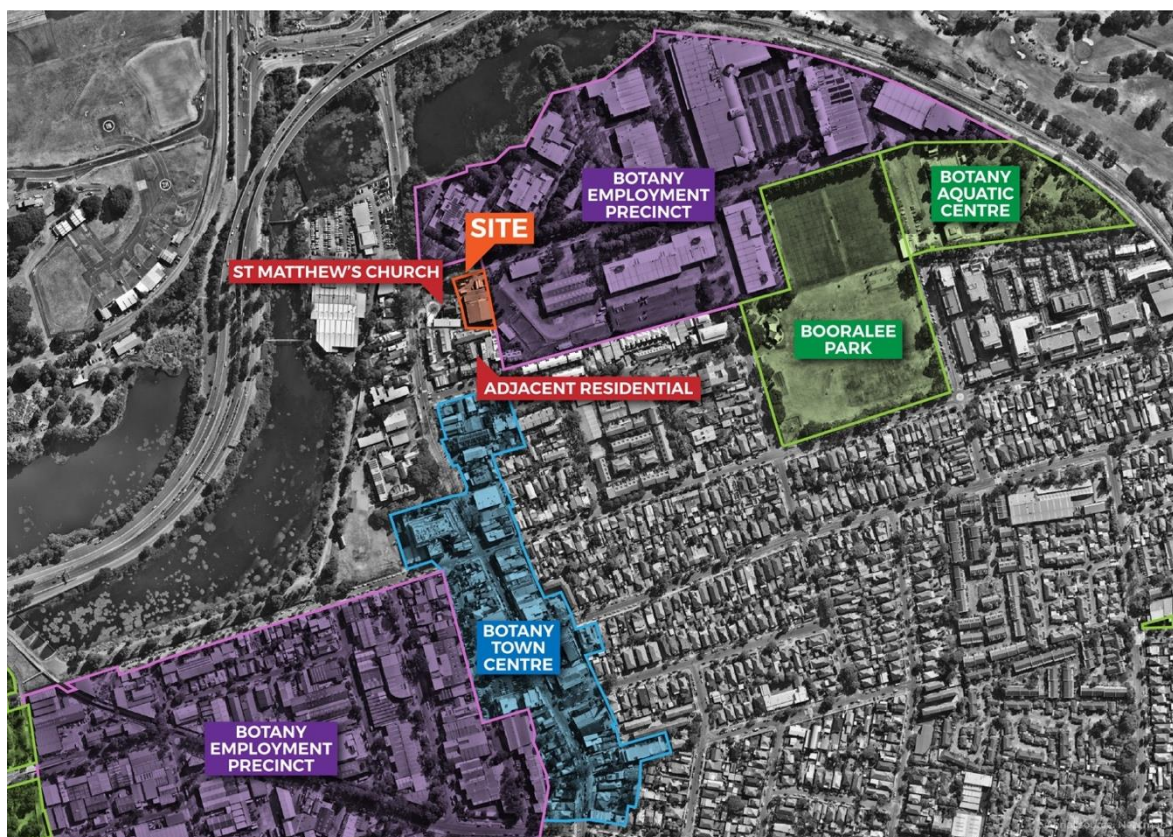
**Figure 1** – Aerial photograph  
(Source: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au), modified by Mecone)

#### Site Context:

The site is adjacent to an employment precinct referred to by the Department of Planning and Environment's (DPE) Employment Lands Development Monitor as the Botany Precinct. This precinct contains two clusters of employment lands as outlined in Figure 2. The part of the Botany Precinct adjacent to the site contains land zoned B7 Business Park. Within this precinct is a series of low rise industrial and Business Park style developments ranging from one to three storeys in height.

Adjacent to the southern boundary of the site is land zoned R3 Medium Density Residential. This land comprises two storey town houses and terraces that are accessed via Daphne Lane.





**Figure 2** – Surrounding Uses

(Source: Land & Property Information [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

To the west of the site is St Matthews Anglican Church. The Church is a heritage item listed in BBLEP 2013. The Church building itself sits close to the boundary with 1-3 Lord Street.

To date, Council have not received direct feedback from representatives of the Anglican Church in response to the draft Planning Proposal. The Anglican Church were notified on 11 February 2019 of the details of the draft Planning Proposal and its consideration at the Bayside Local Planning Panel meeting dated 19 February 2019. If the Gateway Determination is made public exhibition of the Planning Proposal will occur before further consideration by the Bayside Local Planning Panel and Council.

The Church grounds contain a multi-function centre pavilion style development one storey in height, constructed in 2016. Currently the 1-3 Lord Street cannot be accessed via the Church grounds. A Heritage Impact Statement is included with this report as **Attachment 3**.





**Figure 3** – St Matthew's Anglican Church (obscured by vegetation) viewed from corner of Lord and Botany Road, the subject site is visible on the left and residential on the right.  
(Source: Mecone)



**Figure 4** – St Matthew's Anglican Church and multi-function centre viewed from Botany Road, the subject site is visible behind the Church and residential on the right.  
(Source: Mecone)



A site survey (**Attachment 4**) has been included with the Draft Planning Proposal, which details the location of the Church close to its eastern boundary with the subject site.

The subject site is also within walking distance from the Botany Town Centre (referred to in the Eastern City District Plan as a local centre), located 200m to the south along Botany Road. The centre provides services for the surrounding residential population. Botany Town Centre and Botany Road are serviced by buses connecting to the Sydney CBD and further north. Sydney Airport and Port Botany are two and four kilometres from the site.



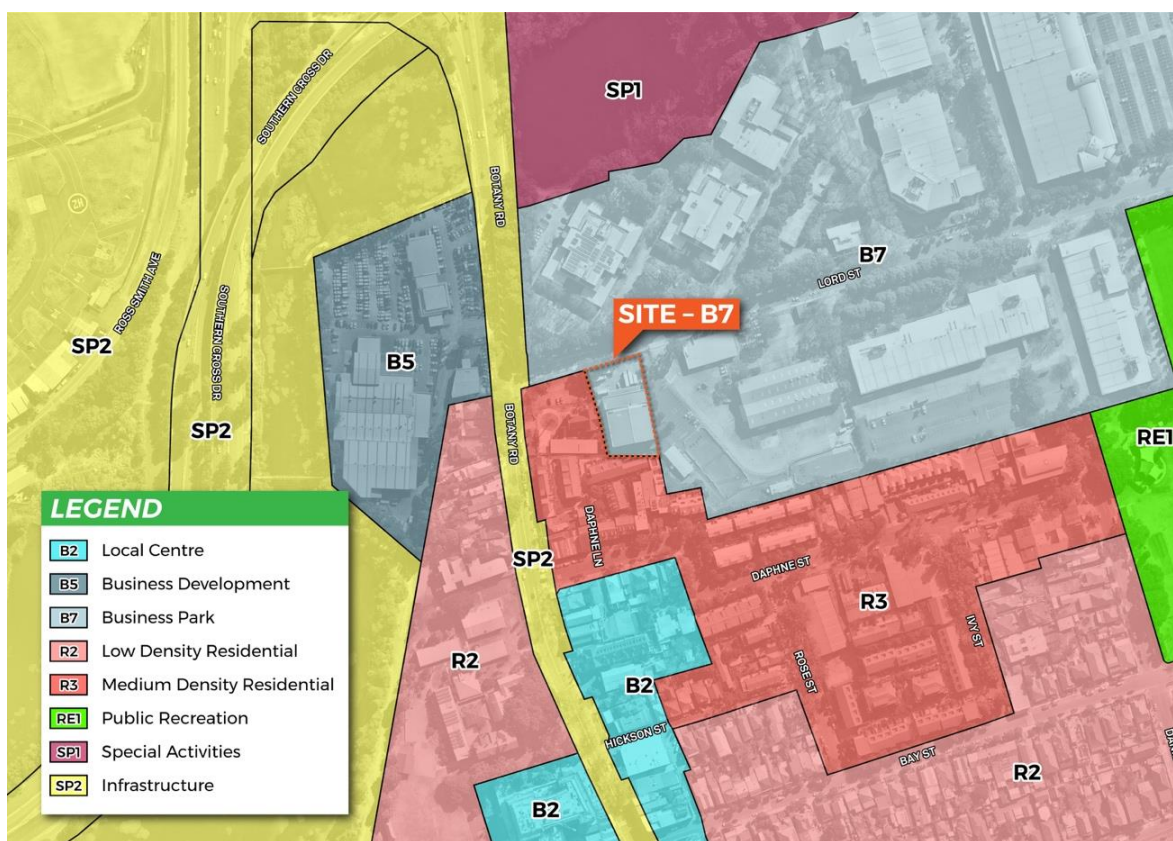
**Figure 5 – District Context**  
(Source: Land & Property Information [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

Figures 6 – 9 identify the existing planning controls from BBLEP 2013 for the subject site and immediate surrounds.

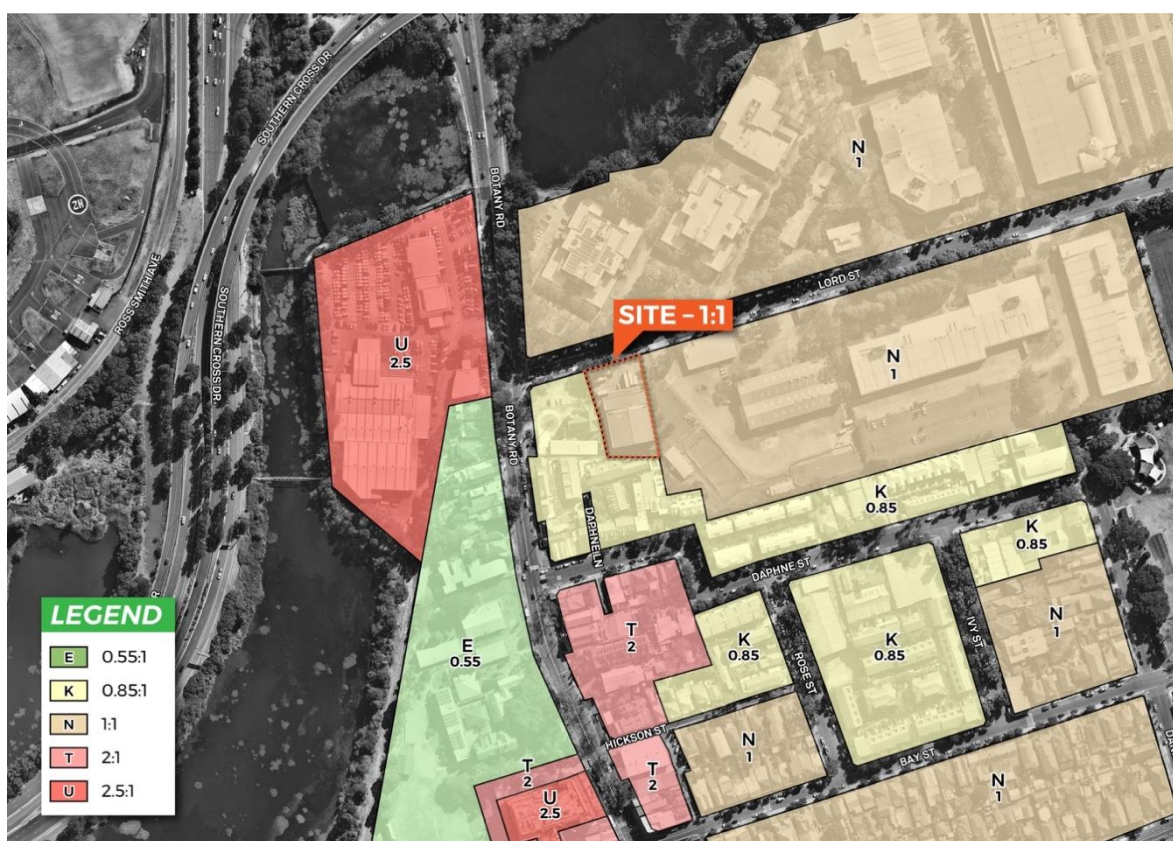
In summary, the existing statutory controls of note for the site are:

- **Land Use Zone:** B7 – Business Park
- **Maximum Floor Space Ratio:** 1:1
- **Maximum Height of Building:** 10 metres
- **Heritage:** The site is not within a heritage conservation area, nor listed as a heritage item, however, it is adjacent to a locally listed heritage item (St Matthews Anglican Church) and heritage conservation area (Botany Township Heritage Conservation Area).



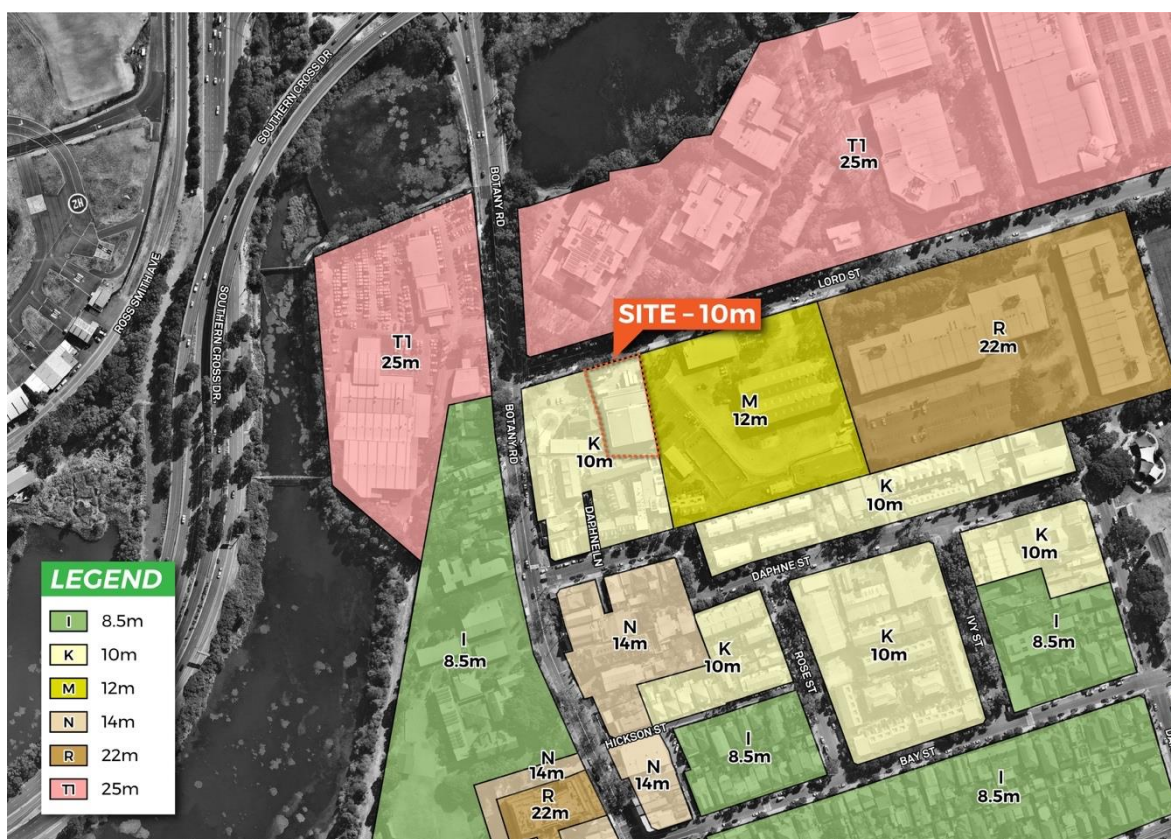


**Figure 6 – Botany Bay LEP 2013 Land Zoning Map LZN\_001 (Subject site – B7 – Business Park)**  
 (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)



**Figure 7 – Botany Bay LEP 2013 Floor Space Ratio Map FSR\_001 (Subject site – N – 1:1)**  
 (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)





**Figure 8 – Botany Bay LEP 2013 Height of Building Map HOB\_001 (Subject site – 10m)**  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)



**Figure 9 – Botany Bay LEP 2013 Heritage Map HER\_001**  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)

## Planning History

In November 2017 the proponent approached Council to discuss options for a Planning Proposal for the site. Initial discussions centred on a change to land use zoning, and other statutory controls, to allow mixed use development.

While no comprehensive proposal was tabled or discussed, Council officers indicated that rezoning from employment land uses to mixed or residential uses was unlikely to be supported, due to the strategic outlined in *A Metropolis of Three Cities*, the *Greater Sydney Region Plan* and the *Eastern City District Plan*.

The proponent noted these issues and revised their approach to prepare the Draft Planning Proposal.

## Draft Planning Proposal Assessment

A Draft Planning Proposal was lodged with Bayside Council on 23 July 2018 for land at 1-3 Lord Street Botany. The Draft Planning Proposal seeks to amend the following provisions of the BBLEP 2013:

- Increase the Floor Space Ratio (FSR) control from 1:1 to 1.75:1
- Increase the Height of Building control from 10m to 16.5m

The proponent states that the Draft Planning Proposal would enable the development of a four storey commercial building comprised of 3,750sqm of commercial floor space and 621sqm of commercial/industrial floorspace, with the potential to accommodate 167 additional jobs onsite.

A copy of the Draft Planning Proposal is included as **Attachment 1**.

A comparison of the existing and proposed development standards for the site, under the BBLEP 2013, is provided in Table 2 below:

**Table 2:** Current and proposed development standards

Development Standard	Existing	Proposed
Zoning	B7 Business Park	No change
Floor Space Ratio	1:1	1.75:1
Height of Building	10 metres	16.5 metres

The Draft Planning Proposal is accompanied by a site-specific Draft Development Control Plan (**Attachment 2**). An offer of a Voluntary Planning Agreement has not been included with the Draft Planning Proposal.

## Assessment of Draft Planning Proposal

### Environmental Planning & Assessment Act 1979 (EP&A Act)

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

### Section 9.1 Ministerial Directions (formerly known as 'section 117 directions')

Section 9.1 Ministerial directions (s9.1 directions) set out what an RPA must do if a s9.1 Direction applies to a Planning Proposal, and outlines 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 3** below:

**Table 3:** Planning Proposal consistency with s9.1 directions.

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>1.1 Business and Industrial Zones</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal:</p> <ul style="list-style-type: none"> <li>(a) Give effect to the objectives of this direction, (i.e. encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres),</li> <li>(b) Retain the areas and locations of existing business and industrial zones,</li> <li>(c) Not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) Not reduce the total potential floor space area for industrial uses in industrial zones, and</li> </ul> <p><u>Comment:</u> The Draft Planning Proposal seeks to retain employment/industrial land and provide additional capacity for employment on site (a net addition of approximately 160 jobs) through amendments to statutory floor space and building height controls.</p> <p>An Economic Impact Assessment is included as <b>Attachment 5</b> to this report.</p> <p>No inconsistencies with the terms of the Direction were identified.</p>	YES



Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>2.3 Heritage Conservation</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal contains provisions that facilitate the conservation of heritage items, places, building works or precincts of environmental heritage significance to an area.</p> <p><u>Comment:</u>  <i>The site is not within a heritage conservation area, nor does it contain a heritage listed item. However, the subject site is adjacent to a heritage conservation area known as 'Botany Township Heritage Conservation Area', and a heritage item listed in BBLEP 2013 (St Matthew's Anglican Church).</i></p> <p><i>A Heritage Impact Statement is included with the Draft Planning Proposal as <b>Attachment 3</b>.</i></p> <p><i>As outlined in the Draft Planning Proposal; site-specific Draft DCP; and supporting documentation, the proposal aims to enhance the site's relationship with St Matthew's Anglican Church through improvements to the interface of the two structures and use of appropriate materials and building design.</i></p> <p><i>Following assessment of the proposed building envelope and site-specific Draft DCP, it is considered that the Draft Planning Proposal will enable redevelopment that is contextually appropriate, and will not encroach or undermine the conservation or heritage values of the conservation area or the Church.</i></p> <p><i>No inconsistencies with the terms of the direction were identified.</i></p> <p><i>Please refer to the later section in this report that contains more detailed discussion on Heritage Conservation considerations.</i></p>	YES
<b>3.4 Integrating Land Use and Transport</b>	<p><b>What a RPA must do:</b></p> <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> (guidelines).</p> <p><u>Comment:</u>  <i>The subject site is accessible by public transport, with several bus services along Botany Road that connect the site to the Sydney CBD, Gore Hill and surrounding areas. The site is also within walking and cycling distance to Botany local centre's shops and services. As such, the Draft Planning Proposal is considered consistent with the guidelines.</i></p> <p><i>A Traffic Impact Assessment is included as <b>Attachment 6</b> to this report.</i></p> <p><i>No inconsistencies with the terms of the direction were identified.</i></p>	YES

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>3.5 Development Near Licensed Aerodromes</b>	<p>In the preparation of a Planning Proposal, a RPA must</p> <p>4(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome.</p> <p>4(b) take into consideration the Obstacle Limitation Surface (OLS) and prepare appropriate development standards such as height where the land is affected by the OLS.</p> <p>4(c) for land affected by the OLS</p> <p style="padding-left: 20px;">i. prepare appropriate development standards such as height</p> <p style="padding-left: 20px;">ii. allow permissible with consent development types that are compatible with the operation of an aerodrome,</p> <p>4(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>5(c) A planning proposal must not rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>6(c) A planning proposal that rezones land for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.</p> <p><u>Comment:</u></p> <p>4(a) Consultation with the Commonwealth Department of Infrastructure and Regional Development (DIRD) will be undertaken if the DPE determine that a Gateway Determination should be issued.</p> <p>4(b) The site is located in the 51 metre AHD OLS contour as shown on the Prescribed Airspace for Sydney Airport Obstacle Limitation Surface declared by the Commonwealth Department of Infrastructure and Regional Development map dated 20 March 2015.</p> <p>The submitted survey indicates that the site has a high point of 5.5 Australian Height Datum (AHD). The amendment to the BBLEP 2013 Building Height Map proposes a maximum height of 16.5 metres for the site. This would result in a maximum building height of 22 metres AHD. This maximum AHD is lower than the prescribed OLS Inner Horizontal Surface limitation of 51.0 metres AHD.</p>	<b>YES</b>

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>4(c) <i>The proposed maximum building height which would result in a maximum building height of 22 metres AHD is considered appropriate for the site and is within the OLS.</i></p> <p><i>The Draft Planning Proposal does not include a change to land use zoning. Current uses permissible in the B7 zone are considered compatible with the operation of an aerodrome.</i></p> <p>4(d) <i>The submitted survey indicates that the site has a high point of approximately 5.5 metres AHD. The proposed maximum building height is 16.5 metres. Accordingly, the potential built form will not penetrate the OLS of 51 metres and therefore, permission from DIRD prior to community consultation will not be required.</i></p> <p>5(c) <i>The Draft Planning Proposal does not include provisions to amend the B7 Business Park zoning that applies to the site which permits Office Premises under the BBLEP 2013. The site is located between 25 and 30 ANEF contours and as such this part of the Direction does not apply.</i></p> <p>6(c) <i>The Draft Planning Proposal does not include provisions to amend the B7 Business Park zoning that applies to the site, which permits certain commercial and industrial uses. The site is located between 25 and 30 ANEF contours and, as such, the above part of the Direction does not apply.</i></p> <p>No inconsistencies with the terms of the Direction were identified.</p>	
<b>4.1 Acid Sulfate Soils</b>	<p><b>What a RPA must do:</b></p> <p>The direction requires that a RPA must consider an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> <p><u>Comment:</u>  <i>The BBLEP 2013 Acid Sulfate Soils Map – Sheet ASS_001 identifies the site as Class 4 Acid Sulfate Soils. Clause 6.1 of BBLEP 2013 states development consent is required for the carrying out of works for more than 2 metres below the natural ground surface for Class 4 land.</i></p> <p><b>Consistency</b></p> <p>A Planning Proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a study prepared in support of the Planning Proposal.</p> <p><u>Comment:</u>  <i>Clause 6.1 of the Botany Bay LEP 2013 requires an acid sulfate soils management plan at the development application (DA) stage, before carrying out any development on the land. It is at the DA stage that Council will require appropriate investigations and possible mitigation measures with regard to acid sulfate soils. The inconsistency with this direction is therefore considered minor and justifiable.</i></p>	<b>NO - Inconsistency justified.</b>

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>4.3 Flood Prone Land</b>	<p><b>When this direction applies</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p><u>Comment:</u></p> <p><i>The BBLEP 2013 or Botany Bay DCP 2013 does not identify the site as being located within flood planning area. However, a Flood Management Study has been prepared, with investigations indicating that the site is marginally flood affected (refer <b>Attachment 7</b>).</i></p> <p><b>What an RPA must do:</b></p> <p>A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p><u>Comment:</u></p> <p><i>Floodplain Development Manual 2005 outlines that Councils are encouraged to incorporate appropriate planning provisions for floodplain risk management. It is expected that consideration and inclusion of suitable provisions will occur as part of the LEP review process Council is obliged to undertake and complete by 2021.</i></p> <p>A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p><u>Comment:</u></p> <p><i>The Draft Planning Proposal does not include a change of land use zoning.</i></p> <p>A Planning Proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p><u>Comment:</u></p> <p><i>The site is not within an identified floodway area</i></p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p><u>Comment:</u></p> <p><i>An assessment of flood behaviour accompanying the Draft Planning Proposal advises that due to the extent of flood free land in a 1% AEP event, the building footprint can be designed</i></p>	<p><b>Yes</b></p>



Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p><i>so that it doesn't impact the flood behaviour outside the site or result in significant impacts to other properties.</i></p> <p>(c) permit a significant increase in the development of that land.</p> <p><u><i>Comment:</i></u></p> <p><i>The Proposal would enable the intensification of development and provide for a fourfold increase in the employment capacity on site. The most significant issue resulting from increased development and jobs growth is the potential impact on access and evacuation from the site in a flood event.</i></p> <p><i>Preliminary analysis of the extent of flooding impact by WMA Water does not identify that this issue would preclude development of the site. Furthermore, the safe evacuation of the site can be incorporated into the site layout and driveway placement and supported by an emergency management plan, both of which will be a requirement of future detailed planning at the DA stage. As such this inconsistency is considered acceptable and of minor significance.</i></p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p><u><i>Comment:</i></u></p> <p><i>It is considered that the development resulting from the Draft Planning Proposal is unlikely to require investment or intervention from government. This is due to the capacity to incorporate design and mitigation measures so that flooding impacts are not exacerbated.</i></p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p><u><i>Comment:</i></u></p> <p><i>The Draft Planning Proposal does not propose additional forms of development to be permitted without consent.</i></p> <p>A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p><u><i>Comment:</i></u></p> <p><i>The Proposal does not apply to land that is zoned to permit residential uses.</i></p> <p>For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is</p>	

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p><u>Comment:</u> <i>The Proposal does not involve the determination of a flood planning level.</i></p>	
<p><b>5.10 Implementation of Regional Plans</b></p>	<p><b>What a RPA must do:</b></p> <p>Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p><u>Comment:</u></p> <p><i>A Metropolis of Three Cities is the Region Plan that applies to the five districts that make up the Greater Sydney Region.</i></p> <p><i>The Planning Proposal is consistent with the following objectives in the Region Plan:</i></p> <ul style="list-style-type: none"> <li>• Objective 14: integrated land use and transport creates walkable and 30-minute cities.</li> </ul> <p><i>The site is within walking distance of the Botany Town Centre. Both the site and town centre are serviced by public transport that connect to the immediate and surrounding areas of economic activity. By increasing employment densities within close proximity to a well-connected town centre, the proposal is considered to be consistent with the aims of creating a 30-minute city.</i></p> <ul style="list-style-type: none"> <li>• Objective 16 Freight and logistics network is competitive and efficient</li> </ul> <p><i>The proposal is consistent with A Metropolis of Three Cities, Objective 16: Freight and logistics network is competitive and efficient strategies and actions.</i></p> <ul style="list-style-type: none"> <li>• Objective 23 Industrial and urban services land is planned retained and managed</li> </ul> <p><i>The proposal is consistent with A Metropolis of Three Cities, the Greater Sydney Regional Plan, Objective 23: Industrial and urban services land is planned retained and managed strategies and actions.</i></p> <p><i>The Regional Plan directs Bayside Council to adopt the 'Retain and Manage' approach to the planning for industrial and urban services land. It is reasonable to adopt the Retain and Manage approach for the site due to:</i></p> <ul style="list-style-type: none"> <li>- <i>the site and the adjacent Botany Employment precinct are both zoned B7 which permits industrial and employment uses; and</i></li> </ul>	<p><b>YES</b></p>

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>- the site is located near Botany local centre, Green Square – Mascot and Maroubra – East Gardens strategic centres as well as the trade gateways of Sydney Airport and Port Botany. Industrial uses can support these areas and functions.</p> <p>The Retain and Manage direction aims to safeguard industrial and urban services land from competing pressures of residential and mixed-use zones. The site currently provides warehousing and commercial office functions. It should be noted that these uses are not urban services functions, but the warehousing component is considered a light industrial use.</p> <p>No inconsistencies with the terms of the Direction were identified.</p>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney.</p> <p><u>Comment:</u> A Plan for Growing Sydney is the former regional plan for Greater Sydney. It was replaced by A Metropolis of Three Cities in March 2018. An assessment of the Planning Proposal's consistency with A Plan for Growing Sydney is above.</p> <p>Nonetheless, the Planning Proposal is not inconsistent with any of the Directions within A Plan for Growing Sydney.</p>	<b>YES</b>

### • State Environmental Planning Policies (SEPPs)

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

**Table 4:** Relevant SEPPs

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
SEPP No 55 – Remediation of Land	<p>Clause 6 - Contamination and remediation to be considered in zoning or rezoning proposal</p> <p>(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p>	<b>YES</b>

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
	<p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).</p> <p><u>Comment:</u>  <i>The site is within land zoned B7 Businesses Park. The Draft Planning Proposal includes amendments to height and floor space ratio controls to allow an intensification of light industrial and commercial uses.</i></p> <p><i>The Draft Planning Proposal does not include a change of land use zone, or propose additional permitted uses for the site such as sensitive land uses like residential.</i></p> <p><i>The historic and current uses on site include light industrial (warehousing) and commercial (offices) uses. These uses are not noted in Table 1 Some Activities that may Cause Contamination in Managing Land Contamination Planning Guidelines of SEPP 55– Remediation of Land.</i></p> <p><i>Given the above, the Draft Planning Proposal complies with Clause 6 of State Environmental Planning Policy No 55 – Remediation of Land.</i></p>	

There are no other SEPPs relevant to the Planning Proposal.

- **Sydney Regional Environmental Plans (SREPs)**

There are no SREPs relevant to the Planning Proposal. Please note SREPs are now deemed SEPPs.

- **Strategic Planning Framework**

Regional and District Plans and local strategies include outcomes and specific actions for a range of different matters including and identify regionally important natural resources, transport networks and social infrastructure.

An assessment of the Draft Planning Proposal's consistency with the relevant strategic plans is provided in Table 5, below.

Table 5: Strategic Planning Framework

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
<b>Regional Plans</b>			
Greater Sydney Region Plan	Refer to the assessment under the heading 'S9.1 directions', above		<b>YES</b>
<b>District Plans</b>			
Eastern City District Plan (ECDP)	<ul style="list-style-type: none"> <li>Planning Priority E9 Growing international trade gateways</li> <li>Planning Priority E10 delivering integrated land use and transport planning and a 30-minute city</li> </ul>	<p><u>Comment:</u></p> <p>The Planning Proposal is for changes to statutory floor space ratio and building height controls, to increase potential employment capacity. It will not result in the loss of land on which industrial uses are permitted.</p> <p>The Draft Planning Proposal will increase the permissible floor space of B7 land for industrial and business uses in support of Sydney Airport and Port Botany, and is consistent with Eastern City District Plan Action 36 (b).</p> <p>The proposed maximum building height is below the OLS height control of 51 metres (AHD), and as such, is consistent with Eastern City District Plan Action 36(f).</p> <p><u>Comment:</u></p> <p>This priority includes encouraging growth of local centres to reduce the need for people to travel long distances to jobs and local services. The site is within walking distance to Botany Town Centre, with both the site and Town Centre accessible by public transport along Botany Road.</p> <p>While technically not in the Botany Town Centre (by the definition of Botany Bay DCP 2013 Botany Township HSC), the proposed growth of employment on the site and its proximity to the</p>	<b>YES</b>

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<ul style="list-style-type: none"> <li>Planning Priority E12 Retaining and managing industrial and urban services land</li> </ul>	<p><i>centre is considered consistent with the aims of this priority.</i></p> <p><u>Comment:</u></p> <p><i>While 1-3 Lord Street is not identified as Industrial and Urban Services in the Employment Lands Development Monitor and Figure 19 of the Eastern City District Plan, it is considered reasonable to adopt the Retain and Manage approach for industrial and urban services land for the site due to:</i></p> <ul style="list-style-type: none"> <li><i>the site and the adjacent Botany Employment precinct are both zoned B7 which permits industrial and employment uses; and</i></li> <li><i>The site is located near Botany local centre, Green Square – Mascot and Maroubra – Eastgardens strategic centres as well as the trade gateways of Sydney Airport and Port Botany. Industrial uses on site can support these areas and functions.</i></li> </ul> <p><i>The Retain and Manage direction aims to safeguard industrial and urban services land from competing pressures of residential and mixed use zones.</i></p> <p><i>The site currently provides warehousing and commercial office functions. It should be noted that these uses are not urban services functions, however the warehousing component is considered a light industrial use.</i></p> <p><i>As such, the Draft Planning Proposal will maintain the supply of industrial lands</i></p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
		<p>and is consistent with Eastern City District Plan Action 57.</p> <p>Please note that while the site is within close proximity to Botany Town Centre it is not defined as being part of it. As such Planning Priority E6 Creating and renewing great places and local centres does not strictly apply.</p>	
<b>Local strategies and plans</b>			
Botany Bay Planning Strategy 2031	<p><i>Botany Bay Planning Strategy 2031</i> provides a vision for the LGA to 2031 and informed the preparation of Botany Bay LEP 2013.</p> <p>The Draft Planning Proposal aligns with the following Strategy Directions:</p> <p>Strategy Direction 2 Revitalising Botany Road and Traditional Centres</p> <ul style="list-style-type: none"> <li>Objective 2.2 Support and reinforce the centres along the Botany Road Spine</li> </ul> <p>Strategy Direction 4 Reviving the Local Economy:</p> <ul style="list-style-type: none"> <li>Objective 4.3 Promote the Botany Road and Gardeners Road corridors as locations for new enterprise and commercial activities (in centres and in business areas south of Rosebery, north of Botany centre, in Botany South and west of Banksmeadow).</li> </ul>	<p><u>Comment:</u></p> <p><i>The Strategy notes that Botany is unsuitable for residential intensification and more suited to employment intensification. This objective includes an action to facilitate the expansion of commercial activity potential of Lord Street.</i></p> <p><i>The Draft Planning Proposal will allow increased employment capacity for industrial and commercial uses on the site, which is consistent with this objective.</i></p> <p><u>Comment:</u></p> <p><i>This Objective includes Action 2.25 to 'Facilitate expansion of commercial activity potential north of Botany centre (Flyover site, Lord Street to Bay Street)'. The Planning Proposal will allow increased employment capacity for industrial and commercial uses on the site, which is</i></p>	YES

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>Strategy Direction 5 Maintaining Sydney Airport as a Global Gateway:</p> <ul style="list-style-type: none"> <li>Objective 5.2 Support the development of new off-site employment locations near the Airport to accommodate the growth in demand for Airport related activity.</li> </ul>	<p><i>consistent with this objective and action.</i></p> <p><u>Comment:</u></p> <p><i>The site is within close proximity to Sydney Airport. While the site is not explicitly identified in this objective, the Draft Planning Proposal will allow increased employment capacity for Airport related activity, and is consistent with this objective.</i></p>	
<p>Botany Bay Local Environmental Plan 2013</p>	<p>Clause 2.1 Land Use Zones - B7 Business Park</p> <p>The Objectives for the zone are</p> <ul style="list-style-type: none"> <li>To provide a range of office and light industrial uses.</li> <li>To encourage employment opportunities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> <li>To encourage uses in the arts, technology, production and design sectors.</li> </ul> <p>Clause 4.3 Height of Buildings The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,</li> <li>to ensure that taller buildings are appropriately located,</li> </ul>	<p><u>Comment:</u></p> <p><i>The Draft Planning Proposal does not seek to change the land use zone. The proposed amendments to FSR and building height development standards will enable additional capacity for employment uses. The Draft Planning Proposal is considered to be consistent with the B7 zone objectives.</i></p> <p><u>Comment:</u></p> <p><i>The building height limits of adjoining B7 zoned land in Botany Employment Precinct adjacent to the site range from 12 to 25 metres. This has resulted in a variety of built forms including single, two and three storey developments. The proposed building controls are considered to be consistent with the built form of the Botany Employment and Lord Street Business Park precincts.</i></p> <p><i>The proposed building height and building envelope is consistent with the heights and built form</i></p>	<p><b>YES</b></p>



Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<ul style="list-style-type: none"> <li>to ensure that building height is consistent with the desired future character of an area,</li> <li>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</li> <li>to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.</li> </ul>	<p><i>along the Lord Street Business Park Precinct. As an area for employment uses, the proposed heights will enable increased employment densities and opportunities.</i></p> <p><i>An Urban Design Review is included as <b>Attachment 8</b> to this report. Assessment by Council staff determined that the proposed building height was appropriate for its context.</i></p> <p><i>The desired future character of the area is articulated in 8.4.2 of the Botany Bay DCP 2013. For the site and the Lord Street Business Park Precinct, there is a desire to facilitate the expansion of commercial activity potential, in a business park setting, north of the Botany Local Centre (Lord Street Business Park Precinct).</i></p> <p><i>The building height is required to enable increased employment density on the site and Lord Street Business Park Precinct.</i></p> <p><i>The Draft Planning Proposal includes a solar access study that demonstrates there remains an acceptable level of solar access to surrounding properties under the new planning controls. Privacy issues can be addressed at the DA lodgement stage.</i></p> <p><i>The site is on the western edge of the Lord Street Business Park Precinct and is one of the first visible sites when entering from Botany Road.</i></p> <p><i>The site and current building are visible from the intersection of Lord Street and Botany Road. With St Matthew's Church situated</i></p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>Clause 4.4 Floor space ratio The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</li> <li>to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,</li> <li>to ensure that buildings do not adversely affect the</li> </ul>	<p><i>along the boundary it shares with 1-3 Lord Street, the two sites having a close visual relationship, when viewed from the west.</i></p> <p><i>The Church and grounds act as a landmark and entrance to the Botany Town Centre when travelling from the north.</i></p> <p><i>The proposed building envelope will result in a built form on the site that is more visible from the public domain. The proposed height, articulation and building materials (all aimed to complement the Church) will result in a view that articulates the entrance for the Lord Street Business Park Precinct and support the Church as a northern landmark for the Botany Town Centre.</i></p> <p><u><i>Comment:</i></u></p> <p><i>The desired future character of the area is articulated in 8.4.2 of the Botany Bay DCP 2013, which seeks to facilitate the expansion of commercial activity potential in a business park setting north of the Botany Local Centre (Lord Street Business Park Precinct).</i></p> <p><i>The proposed floor space ratio enables the expansion of commercial activity in the precinct, while also ensuring that the proposed controls will ensure buildings are compatible with the desired future character of the locality.</i></p> <p><i>The proposed floor space ratio will enable development that is complimentary with existing development within the Lord Street Business Park Precinct.</i></p> <p><i>The floor space ratio will not result in a building envelope</i></p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,</p> <ul style="list-style-type: none"> <li>to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</li> <li>to provide an appropriate correlation between the size of a site and the extent of any development on that site,</li> <li>to facilitate development that contributes to the economic growth of Botany Bay.</li> </ul>	<p><i>that adversely effects the streetscape.</i></p> <p><i>As noted above, the additional bulk permitted by the proposed building envelope, as well as the use of appropriate materials, will enhance the Church's role as a northern 'gateway' to the Botany Town Centre.</i></p> <p><i>The building envelope from the proposed floor space ratio increase, has been demonstrated to have negligible impacts on the solar access of adjoining residential lands and the Church grounds.</i></p> <p><i>1-3 Lord Street has a site area of 2,555m<sup>2</sup>. The average lot size for lots in the Lord Street Business Park Precinct is approximately 23,900m<sup>2</sup>. This means the subject site is significant smaller than other lots in the Precinct.</i></p> <p><i>This lot size and current FSR of 1:1 limits the development of the site and therefore its employment capacity potential. The proposed FSR of 1.75:1 will enable the development of the site in keeping with the built form of other lots in the Business Park Precinct.</i></p> <p><i>Further the proposed FSR is considered necessary and reasonable to facilitate a development that aligns with strategic directions to encourage and accommodate employment growth in the area.</i></p> <p><i>The proposal seeks to increase floor space ratio controls on the site to enable increased employment density and job opportunities, which is considered in keeping with this objective.</i></p>	

**Please note:** *From 11 December 2018, amendments made to the Greater Sydney Commission Act 2015 mean that the GSC will no longer issue Gateway Determinations, alterations or make Local Environmental Plans (LEPs). The Minister for Planning is now responsible for all plan-making functions in NSW. The Minister is required to consult the GSC on any LEP if the Minister believes it is likely to significantly affect implementation of the Greater Sydney Region Plan or District Plans.*

As this Draft Planning Proposal complies with the strategic directions of the Region and District plan, referral to the Greater Sydney Commission is not required.

### **Botany Bay Development Control Plan 2013 (BBDCP 2013)**

The relevant sections of the BBDCP 2013 have been identified below, with responses included on how the Draft Planning Proposal complies.

#### Part 3B Heritage – 3B.3.2 Curtilage

##### *Objectives*

*O2 To ensure that new development, involving the development of alterations, additions, extensions, additional buildings or structures, are designed to minimise any potential impacts to adjoining Heritage Items;*

*O3 To protect the heritage significance of Heritage Items;*

##### *Controls*

*C2 New development within the curtilage of a Heritage Item must not block the sight lines of the Heritage Item from the public domain.*

*C4 Where new development within the curtilage of a Heritage Item occurs, the new development must be designed so that the Heritage Item retains its visual prominence. New development within the same curtilage as a Heritage Item must be smaller in scale and subservient in height to the Heritage Item.*

*C5 Where new development is proposed within the curtilage of a Heritage Item, a reasonable "buffer" space or setback must be provided between the original building and the new development.*

##### Comment:

A Heritage Impact Statement is included as **Attachment 3** to this report. Please refer to the detailed discussion on heritage issues, included in this report. In summary these matters were deemed to be satisfied through assessment by Council staff. As such, the Draft Planning Proposal is considered consistent with the relevant heritage controls.

#### Part 6 Employment Zones.

The site is identified in the Botany Bay DCP 2013 under 6.2.6 Lord Street Business Park Precinct.

*Desired Future Character**Objectives*

01. *To ensure that any new development enhances the environmental and visual amenity of the locality, especially the Mill Ponds (east and west of Botany Road);*
02. *To ensure that any development does not adversely affect the heritage significance of Heritage Items within the Precinct and the adjacent Botany Township Heritage Conservation Area;*
03. *To ensure that the business park and business development uses are compatible with the adjoining established residential area; and*
04. *To ensure to that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding*

*Controls*

*C1 Development, including alterations and additions, shall be of a high standard and shall maintain the Business Park/High technology appearance of the Precinct.*

Comment:

The Draft Planning Proposal includes building envelope and material controls, as well as proposed uses that align with the broader Lord Street Business Park Precinct. An Urban Design Review is included as **Attachment 8** to this report.

The Draft Planning Proposal was deemed to enable future development that will have a satisfactory relationship with St Matthew's Anglican Church and the Botany Bay Township. The proposed building envelope was developed to include a series of setbacks for the upper floors along the southern boundary that interfaces with residential dwellings. A shadow diagram provided demonstrates satisfactory outcomes in terms of the proposed building envelope's impact on these dwellings.

As noted above, a Preliminary Flood Constraints Assessment (**Attachment 7**) established that the flood issues do not prohibit the built form and uses proposed in the Draft Planning Proposal. It noted that engineering measures (to be drafted for the Development Application phase) could be incorporated on the site to adequately address potential flood impacts. As such, the Draft Planning Proposal is considered consistent with the above.

**Part 8 Character Precincts**

The site is within the Botany Precinct. Section 8.4.2 of the BBDCP 2013 outlines Desired Future Character for this precinct and includes:

*Function and Diversity*

*Facilitate the expansion of commercial activity potential in a business park setting north of the Botany Local Centre (Lord Street Business Park Precinct).*

Comment:

The Draft Planning Proposal seeks to intensify employment uses on the site including commercial and industrial uses. As such the Draft Planning Proposal is considered consistent with the above.

***Form, Massing, Scale and Streetscape***

*Encourage new development or alterations and additions to existing development to complement the height and architectural style found in the immediate vicinity, particularly where there is an established character.*

Comment:

The Draft Planning Proposal has demonstrated the proposed controls and built form (including materials) can result in a built form that responds to, and is sympathetic with surrounding sites and uses, including St Matthew's Anglican Church. As such, the Draft Planning Proposal is considered consistent with the relevant form, massing, scale and streetscape controls.

***Setbacks***

- *Retain front setbacks which are consistent within a street and promote landscaping to soften the built form.*

Comment:

There is no consistent front setback for buildings along the southern side of Lord Street. The Draft Planning Proposal building envelope controls include a ground floor front setback of 3 metres and no front setback for the upper floors. The Draft Planning Proposal's front setback control will result in a front setback consistent with 5-9 and 13 Lord Street. The Draft Planning Proposal does not include detail regarding landscaping for the site. However, this is a matter that can be resolved at the Development Application stage.

***Traffic and Access***

- *Encourage new development to have a minimal impact on traffic flow and demand for on street parking spaces.*
- *Encourage development to provide adequate on-site parking to assist in reducing traffic congestion on local road networks.*

Comment:

A more detailed assessment of traffic matters is included further on in this report. In summary, advice provided by the proponent is deemed satisfactory, with outstanding matters identified through peer review considered able to be appropriately addressed at later stages.

## Other Considerations

### Heritage Assessment and Urban Design Assessment

Heritage and Urban Design assessments were undertaken by Council Officers. This included reviews of the:

- Planning Proposal prepared by City Plan (**Attachment 1**)
- Draft Site-specific DCP prepared by City Plan (**Attachment 2**)
- Heritage Impact Assessment prepared by Tropman & Tropman Architects (**Attachment 3**)
- Urban Design Review prepared by BuiltConsult Pty Ltd (**Attachment 8**)

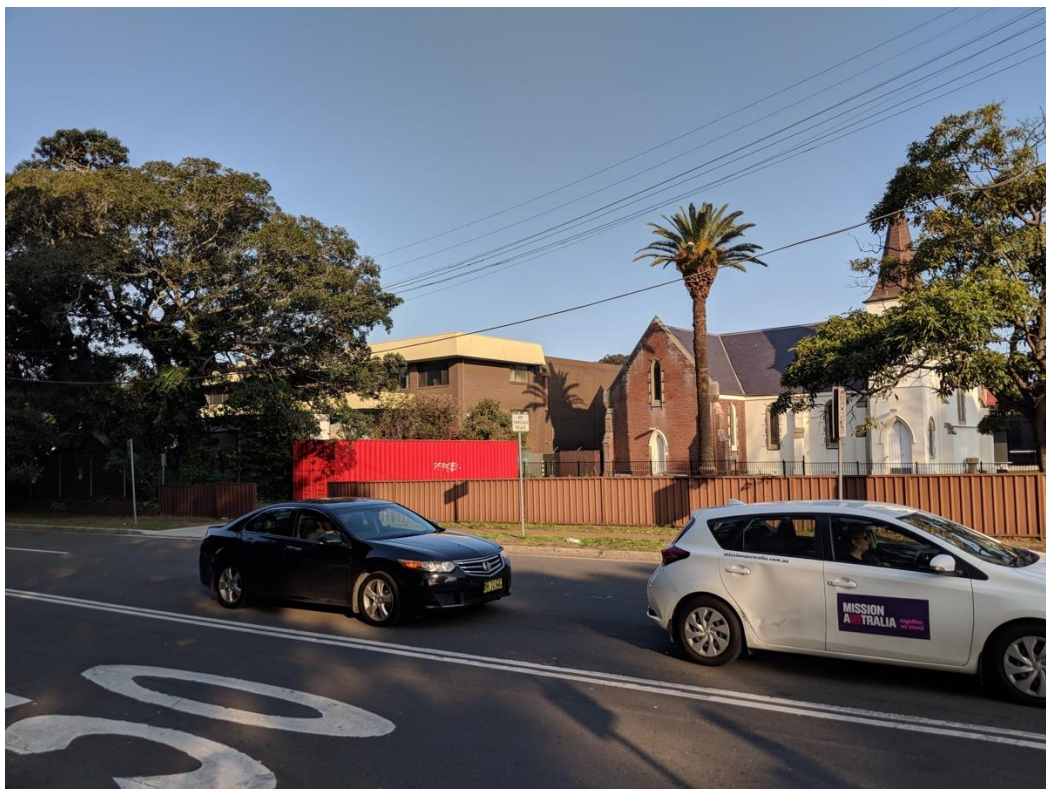
As stated previously, the subject site is not a heritage item or within a heritage conservation area. However, the site is adjacent to a heritage item of local significance listed under BBLEP 2013 (St Matthew's Anglican Church), and the Botany Township Heritage Conservation Area. Further, the subject site is within the Botany precinct as defined by the Botany Bay DCP 2013. As such, an assessment of the potential impacts of the Draft Planning Proposal on the heritage items, conservation area and precinct was undertaken.



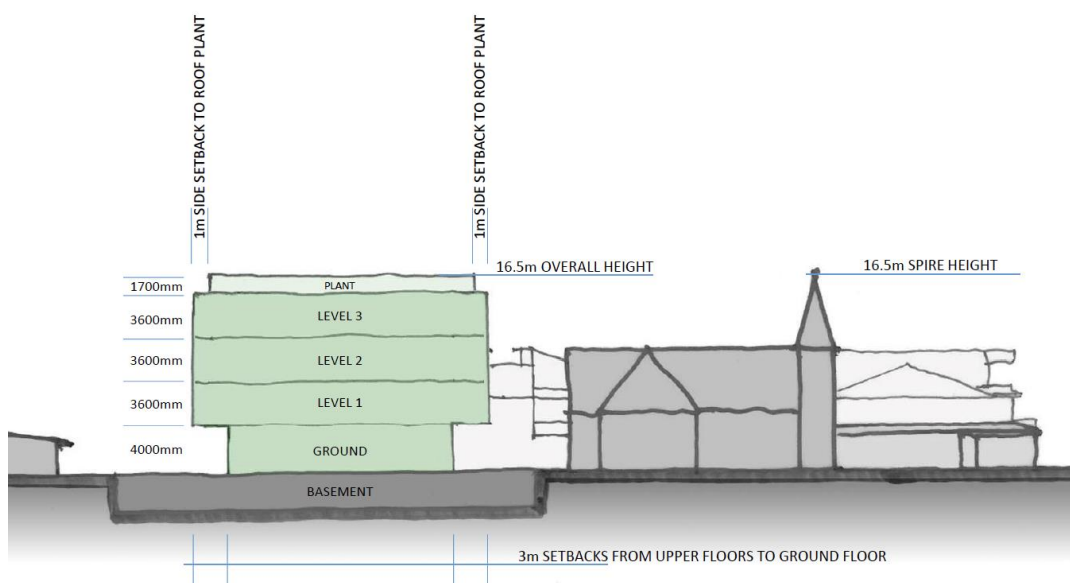
**Figure 10** – The subject site and St Matthew's Anglican Church  
(Source: Tropman & Tropman Architects)

Initially concerns were raised about the interface between the subject site and the Church along the site's western boundary. As the Church is situated along this common boundary, it was initially considered that the proposal might impact the heritage curtilage of the Church.





**Figure 11** – Interface between the existing warehouse and St Matthew's Anglican Church  
(Source: Bayside Council)



**Figure 12** – Proposed interface between the building envelope and St Matthew's Anglican Church  
(Source: BuiltConsult Pty Ltd)

Council officer's initially raised concerns about ensuring appropriate sightlines to the Church; a lack of detail regarding materials to be used on the future building; and how it could be designed to improve its relationship with the Church and the Botany Township.



Council officers also noted similar issues with the Draft Planning Proposal, as well as a need to provide appropriate ground floor activation, and to articulate the site's relationship with the Church.

From these assessments, a series of recommendations were presented to the proponent to address. The proponent subsequently submitted a revised site-specific draft DCP which included:

Amendments to the site-specific DCP to improve:

- Activation of the ground floor;
- the future building's relationship with the Church through use of appropriate materials (to be determined at the Development Application stage); and
- Design criteria to improve safety and security on site; and
- Justification to maintain the upper-floor, western-side setback of 6m.

The proponent demonstrated how the upper floor setback would not impact the heritage curtilage of the church, through outlining improvements to the current context through the new DCP controls, and demonstrating that a reduced setback would provide no material difference to the views of the Church when viewed from key points.

In their recommendation, the Bayside Local Planning Panel stated that:

- *Consideration should be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary.*

In considering the Panel's recommendations, Council staff requested that the proponent undertake further analysis to model a reduced Eastern boundary side setback, and the resultant modelled built form, to accommodate for increased setback to the adjacent Church site to the West of the subject site.

Council staff reviewed the resultant modelled built form (which included the potential for a zero side setback to the Eastern boundary) and concluded that it did not demonstrate any significant improvement to the Western setback, and furthermore, would result in a poorer built form outcome not only for the subject site, but also for the adjoining land to the East, if it were to be developed in the future.

Following a detailed review of the amended Draft DCP by Council officers, it was agreed that the proponent had addressed the key issues raised in the Panel's recommendations, and Council staff subsequently incorporated what are considered suitable and appropriate site-specific minimum setback requirements into the Draft DCP (**Attachment 2**). The Draft DCP will need to be publicly exhibited at the same time as the Planning proposal, in the event that the Department of Planning and Environment issues a Gateway Determination for the site.

## Traffic Impact Assessment

A Traffic Impact Assessment was prepared for the proponent by McLaren Traffic Engineering (**Attachment 6**). The Traffic Impact Assessment included the following matters of note:

- The volume of car parking provided is based on provision of 1 space per 40sqm for ground floor and 1 space 55.5sqm for upper floors. The traffic assessment identified a peak demand of 77 to 88 spaces for the site and is intended to be provided in an underground car park.
- The Lord Street approach to its intersection with Botany Road (the single point of access from Lord Street to the broader road network) as having a Level of Service (LoS) ranging from A to E in peak periods. It should be noted that the Lord Street/ Botany Road intersection operates at acceptable levels.
- The Traffic Impact Assessment did not include an assessment of the cumulative impact of development along Lord Street, be that through natural growth or other developments and proposals on Lord Street. Given the current LoS for the Lord Street approach to the intersection, cumulative development will likely degrade the Lord Street LoS.

An independent traffic consultant reviewed the Traffic Impact Assessment. The consultant raised the following issues with the McLaren Assessment:

- The justification behind the car parking rates was questioned as parking rates used by McLaren were derived from examples cited in Norwest and Bella Vista. Councils' peer review traffic consultant deemed these to be neither suitable nor comparable for the Proposal's context. The traffic consultant stated that Botany Council DCP rate of 1 space per 40m<sup>2</sup> was more appropriate.
- The lack of a cumulative impact assessment was needed to confirm that Lord Street/ Botany Road and the subject intersection could sustain traffic growth and development.

Following the traffic consultant's review, McLaren provided supplementary commentary responding to issues raised through an addendum to their initial report. McLaren's response did not involve additional investigations or recalculation of car parking provision or cumulative traffic impact figures.

In assessing the impacts of these issues, it is considered that the matters raised by the traffic consultant would not preclude the Draft Planning Proposal from being recommended to proceed to Gateway Determination. This is due to the fact that these matters can be better addressed at the Development Application stage for the following reasons:

- The final numerical provision of car-parking should be determined once detailed land uses, floor space and means to facilitate alternative transport options are developed. Parking provision should be based on either Council's DCP requirements, or supported through evidence-based justification where a reduction is proposed.
- Given Lord Street is a Council Road, Council should consider if traffic improvement or mitigation measures are required for Lord Street, and how and when they should be required. To enable this, the cumulative assessment should be provided by the proponent as part of traffic reporting at the DA stage.

As such, these issues should not preclude the Draft Planning Proposal from proceeding to Gateway.

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## Economic Impact Assessment

An Economic Impact Assessment was prepared for the proponent by AEC Group (**Attachment 5**).

The AEC report noted that the site has economic value as employment lands due to its context as employment land near a Centre and 'trade gateway'. AEC also stated that the accommodation of greater intensity on site would meet unmet demand for such uses in the area.

AEC outlined the following expected benefits of the Proposal:

- Economic impacts of approx. \$16 million during construction;
- 167 additional jobs directly related to the use on site;
- 272 FTE jobs related to functions related to the uses on site; and
- Net increase in Economic Activity of \$117.9 million, including direct, Type 1 Flow-on and Type 2 Flow-on.

It was also noted that the Draft Planning Proposal aligns with the strategic direction for employment lands within the Eastern District, by catering for employment growth in the inner urban areas.

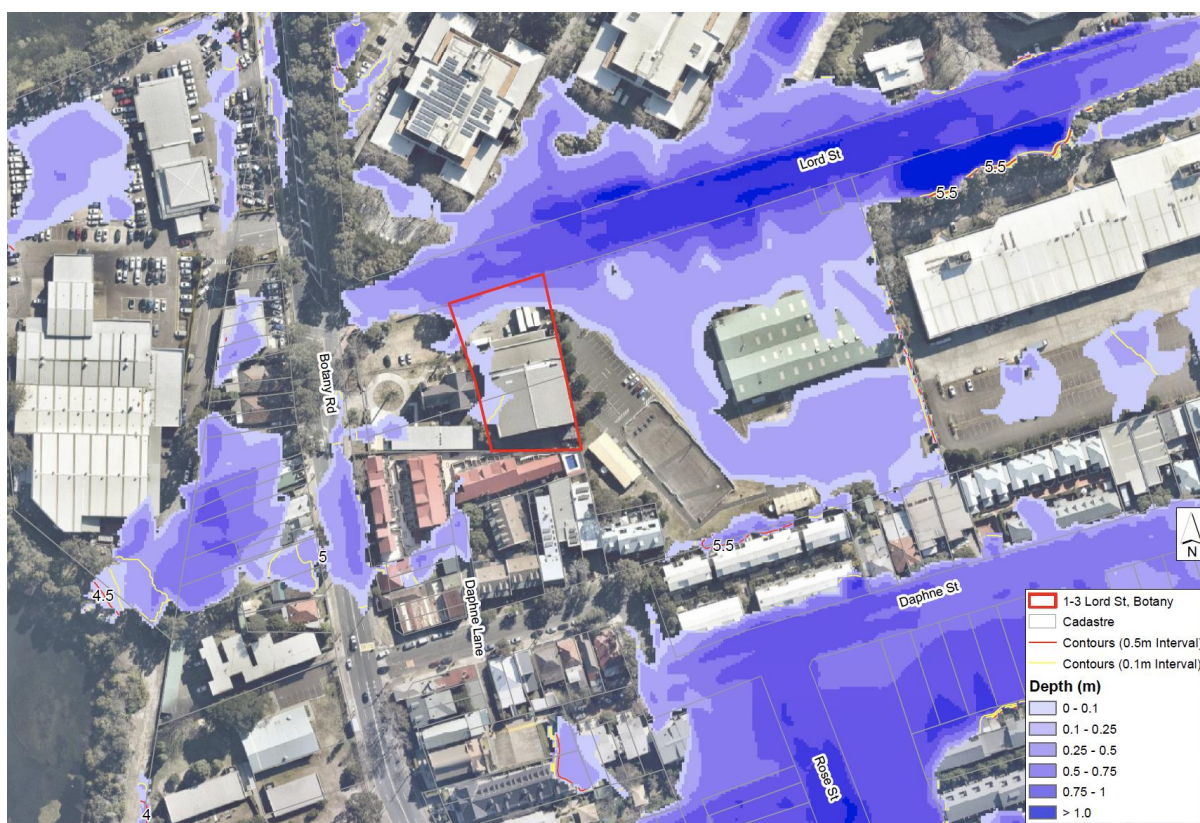
An independent economic consultant reviewed the AEC document, including a review of methods, assumptions and conclusions. The economic consultant identified a range of methodological issues, which AEC Group clarified in supplementary reporting.

Following submission and review of clarifications, the economic consultant agreed with AEC's conclusion that the proposal is consistent with the local planning framework, and will have a positive economic impact.

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## Flood Impact Assessment

Council's flood modelling has determined that the subject site is flood affected for both 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. The impact of the AEP event to the site is largely due to ponding on Lord Street (as shown in Figure 13 below).



**Figure 13** – 1% AEP Event flood modelling  
(Source: WMAwater)

As the site is flood affected, the proponent provided advice to Council in the form of a Preliminary Flood Constraints Assessment prepared by WMAwater (**Attachment 7**). The Assessment included the following matters of note:

- The study to inform the modelling - The Botany Bay Foreshore Beach Catchment Flood Study – is yet to be adopted by Council;
- The information available is preliminary, as such advice and assessment may need to be updated as new information is made available;
- A sag point on Lord Street, close to the site, causes water to pond on the road and extend into properties north and south of the road in events as frequent as a 5 year average resurgence interval (ARI);
- In the 1% AEP event, the front 8m – 15m along the site boundary is flood affected to varying depths, whilst the remainder of the lot is largely flood free; and
- While flood affected, there are design options to ensure safe egress from the site, and this could be included as part of an evacuation plan or emergency management plan.

In assessing the potential impacts of flooding and the risks it poses, it is considered that flooding does not pose a risk that is significant enough to preclude the Draft Planning Proposal from proceeding to a Gateway Determination. It is considered that these matters should be addressed at later stages through appropriate design of site layout, driveway placement and the preparation of management plans. As such, these issues should not preclude the Draft Planning Proposal from proceeding to Gateway.

## Bayside Local Planning Panel Recommendation to Council

On 19 February 2019, the Bayside Local Planning Panel considered the Draft Planning Proposal, and made the recommendations below.

*That the Bayside Local Planning Panel recommends to Council:*

- 1 *That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal for 1-3 Lord Street, Botany be submitted to the Department of Planning and Environment for a Gateway Determination, subject to Council being satisfied in relation to controls proposed in the Draft DCP prepared by Cityplan. In particular, it is considered that the DCP should focus on the following additional matters:*
  - *The interface between any proposed new building and the church is of paramount importance, therefore visual impact, setbacks, building massing envelope, materials and finishes, appropriate curtilage, and design elements should be carefully considered.*
  - *Consideration should be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary.*
  - *Landscaping, particularly between Lord Street and the building, should be controlled to ensure screening of any proposed building and enhancement of what is effectively the gateway corner to the Lord Street Business Park.*
- 2 *That, if the NSW Department of Planning and Environment issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council.*
- 3 *It is acknowledged that the subject site is quite small in comparison to other sites in the vicinity, and is unique in this regard and in its relationship to the adjoining heritage item. Therefore, the Panel supports this site-specific Planning Proposal.*
- 4 *As a separate matter, Council is encouraged to examine the Lord Street Precinct in its strategic context in the future, in particular, to consider any cumulative impact which may come about as a consequence of more intensive development within the precinct e.g. traffic impacts. In this regard, the Panel notes that there is considerable potential for additional development within the Precinct should height and floor space controls be considered for change in the future.*

In considering the Panel's recommendations, Council staff requested that the proponent undertake further analysis to model a reduced Eastern boundary side setback, and the resultant modelled built form, to accommodate for increased setback to the adjacent Church site to the West of the subject site.

Council staff reviewed the resultant modelled built form (which included the potential for a zero side setback to the Eastern boundary) and concluded that it did not demonstrate any significant improvement to the Western setback, and furthermore, would result in a poorer built form outcome not only for the subject site, but also for the adjoining land to the East, if it were to be developed in the future. The Eastern boundary side setback (for upper floors of a future building) of 3.5 metres was considered an appropriate planning outcome, as it would

enable a suitable Western side setback to the Church site, and also allow for a 3 metre front setback for both the ground and upper floors of a future building within the site, and a ground floor Eastern side setback of 8 metres.

Some of the matters raised in the Panel's recommendation can only be fully investigated at a Development Application stage (considered against an endorsed Development Control Plan), or as part of preparation of the Bayside Comprehensive Local Environmental Plan.

Following a detailed review of the amended Draft DCP by Council officers after the Bayside Local Planning Panel meeting on 19 February 2019, it was agreed that the proponent had addressed the key issues raised in the Panel's recommendations, and Council staff subsequently incorporated the minimum setback requirements into the Draft DCP (**Attachment 2**).

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## Conclusion

The Draft Planning Proposal has been the subject of a merits-based assessment against the strategic and statutory planning framework as established by the *Environmental Planning and Assessment Act 1979*, relevant guidelines, Planning Circulars and Practice Notes. In considering whether or not to progress the Draft Planning Proposal to a Gateway Determination, Council is required to consider if the proposed changes to the relevant Local Environmental Plan have strategic merit.

In summary, Council's assessment has identified that the Draft Planning Proposal establishes strategic merit for a change to the planning controls for the following reasons:

- The proposed intensification of employment uses is consistent with the Greater Sydney Region Plan and Eastern City District Plan in particular Objective 23 'Industrial and urban services land is planned, retained and managed (Region Plan)', and Planning Priority E12 'Retaining and managing industrial and urban services land (District Plan)';
  - The proposal is consistent with the objectives and detailed requirements of Section 9.1 Directions of the EP&A Act - in particular 1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; and 7.1 Implementation of A Plan for Growing Sydney;
  - The proposal is consistent with the built form objectives of the Botany Bay DCP 2013 including with the desired future character of the Botany Character Precinct and Lord Street Business Park Precinct; and
  - The proposed change to 'Height' and 'Floor Space Ratio' development standards, in addition to the site-specific Draft Development Control Plan built form controls, will result in a building envelope that is compatible with the subject site's surrounding context, and has an appropriate relationship with the adjacent heritage item and conservation area.
  - The Planning Proposal is accompanied by a Draft Development Control Plan.
-



## Community Engagement

If the Draft Planning Proposal proceeds through Gateway, community consultation will be undertaken in accordance with section 3.34 of the Environmental Planning and Environment Act 1979. The specific requirements for community consultation will be listed in the Gateway Determination, including any government agencies that are to be consulted. The draft Development Control Plan would be publicly exhibited at the same time as the Planning and in accordance with the requirements of cl 18 of the Environmental Planning and Assessment Regulations 2000.

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## Financial Implications

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

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## Attachments

- 1 Draft Planning Proposal (under separate cover) ➡
- 2 Site Specific Draft DCP (under separate cover) ➡
- 3 Heritage Impact Statement (under separate cover) ➡
- 4 Site Survey (under separate cover) ➡
- 5 Economic Impact Statement and Addendum (under separate cover) ➡
- 6 Traffic Impact Assessment and Addendum (under separate cover) ➡
- 7 Preliminary Flood Constraints Assessment (under separate cover) ➡
- 8 Urban Design Review and Addendum (under separate cover) ➡



## Council Meeting

10/07/2019

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Item No	8.4
Subject	<b>Qantas Flight Training Centre, 297 King Street, Mascot</b>
Report by	Michael McCabe, Director City Futures
File	F18/679

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## Summary

On the 4<sup>th</sup> June 2019, the Department of Planning and Environment notified Council of the exhibition of a State Significant Development Application submitted by Qantas Airways Limited (Qantas) for the construction of a new flight training centre at 297 King Street, Mascot.

Council staff have prepared a draft submission on the proposed Development Application, for Council's consideration and endorsement (refer **Attachment 1**).

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## Officer Recommendation

1. That Council note that the proposed flight training centre is critical to Qantas' operations to maintain the legislated level of training for its pilots and cabin crew.
  2. That Council endorses the attached submission in relation to the State Significant Development of the Qantas flight training centre for consideration by the NSW Department of Planning and Environment.
  3. That the Member for Heffron, Mr Ron Hoenig is advised of Council's submission.
- 

## Background

Qantas currently operates a flight training centre located at the north-eastern section of Sydney Airport adjoining Qantas Drive. The proposal seeks to relocate the existing flight training centre approximately 150 metres to the east of the existing site, to enable the construction of the proposed Sydney Gateway Project (Gateway Project). The new flight training centre would comprise full motion simulators, aircraft cabin mock-ups, evacuation pools and multimedia learning centres.

The need for the proposed development is a direct result of the Gateway Project proposed by Roads and Maritime Services. The Gateway Project requires Qantas Drive to be widened by approximately 16 metres and the partial demolition of the existing flight training centre. The proposed development is critical to Qantas' operations to maintain the legislated level of training for its pilots and cabin crew.

The draft Bayside Council submission has focused on providing feedback to the NSW Department of Planning and Environment (DPE) in relation to the proposed design.

On the 4<sup>th</sup> June 2019, the DPE notified Council of the exhibition of a State Significant Development Application for the construction of a new flight training centre for Qantas Airways, located at 297 King Street, Mascot. Council understands that the proposed

development is declared State Significant Development as the proposed development is 'specified development' (Air transport facilities) under the 'call-in' powers in section 4.36 (3) of the *Environmental Planning and Assessment Act 1979*. The development is proposed to include:

- Demolition of existing structures.
- Removal of eighty-five (85) trees.
- Site remediation.
- Construction of a new flight training centre which includes, in summary:
  - 14 flight simulators
  - aircraft cabin mock-ups
  - evacuation pools
  - multi-media learning centres
- Construction of a 13 level multi-storey car park for 2,059 cars.

The exhibition period is from Tuesday 4<sup>th</sup> June 2019 to Thursday 4<sup>th</sup> July 2019. Full documentation of the project can be found at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9961>

A draft submission to the DPE is included as **Attachment 1**. The draft submission addresses matters associated with the proposed development including:

- traffic and transport planning;
- building setbacks;
- extended construction hours;
- landscaping;
- management of stormwater; and
- Section 7.11 contributions.

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## Conclusion

The attached draft submission identifies the primary issues which may require the proponent of the proposed development to undertake additional design work, and to undertake further assessment in relation to management of stormwater, traffic and transport and noise impacts. The draft submission also requests the Department of Planning and Environment to consider imposing a condition on the development in relation to the payment of developer contributions.

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### Financial Implications

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

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### Community Engagement

The Exhibition period began Tuesday 4<sup>th</sup> June, and concluded Thursday 4<sup>th</sup> July 2019. However, the DPE granted Council an extension to 12<sup>th</sup> July 2019 to provide a submission, to allow Council to consider the submission prepared by Council officers.

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### Attachments

Attachment 1 [↓](#)

## **DRAFT BAYSIDE COUNCIL SUBMISSION STATE SIGNIFICANT DEVELOPMENT QANTAS FLIGHT TRAINING CENTRE (SSD-10154)**

### **Introduction**

This draft submission provides feedback on the detail of the proposed development and management of key issues including traffic and transport planning, building setbacks, extended construction hours, landscaping, management of stormwater and section 7.11 contributions.

On the 4th June 2019, the DPE notified Council of the exhibition of a State Significant Development Application for the construction of a new flight training centre for Qantas Airways, located at 297 King Street, Mascot.

Council understands that the proposed development is declared State Significant Development as the proposed development is 'specified development' (Air transport facilities) under the 'call-in' powers in section 4.36 (3) of the *Environmental Planning and Assessment Act 1979*. The development is proposed to include:

- Demolition of existing structures.
- Removal of eighty-five (85) trees.
- Site remediation.
- Construction of a new flight training centre which includes, in summary:
  - 14 flight simulators
  - aircraft cabin mock-ups
  - evacuation pools
  - multi-media learning centres
- Construction of a 13 level multi-storey car park for 2,059 cars.

The exhibition period is from Tuesday 4<sup>th</sup> June 2019 to Thursday 4<sup>th</sup> July 2019. Full documentation of the project can be found at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9961>

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### **Background**

#### **Ministerial Call-in Request**

On the 4<sup>th</sup> December 2018, the NSW Department of Planning and Environment wrote to Council requesting consideration of a call-in request from Qantas pursuant to Section 4.36 of the EPAA for the construction and operation of a new flight training centre.

In a letter dated 18<sup>th</sup> December, Council officers wrote to the NSW Department of Planning and Environment in support of the utilisation of the 'call-in' power under Section 4.36 (3) of the EPAA due to the critical nature of the project.

On the 1<sup>st</sup> February 2019, representatives from Urbis (acting on behalf of Qantas) and Qantas met with Council officers to undertake consultation prior to formal issuance of the Secretary's Environmental Assessment Requirements. At the meeting, preliminary Architectural plans and were presented for consideration and feedback.

Council staff conducted a review of the preliminary Architectural plans and on the 11<sup>th</sup> February 2019 provided feedback in relation to the following primary issues:

- the proposed 4.5 metre setback to King Street being less than the 9 metres required by the Botany Bay DCP 2013.
- traffic impacts on the intersection of O'Riordan Street and King Street as well as within the site
- 24 hour construction operations
- whether section 7.11 contributions were applicable

The issues summarised above are included in detail in a letter from Council staff to Urbis dated 11<sup>th</sup> February 2019.

On the 28<sup>th</sup> February, the Minister for Planning declare the project State Significant Development through a notice in the New South Wales Government Gazette (No 20) pursuant to Section 4.36(3) of the EPAA.

#### **Draft Secretary's Environmental Assessment Requirements (SEARs)**

On the 11<sup>th</sup> March 2019, the DPE requested that Council staff review the following information to identify any key issues to be included in the draft SEARs:

- Qantas Flight Training Centre Gross Floor Area plans
- Qantas Flight Training Centre Site Plan
- Qantas Flight Training Centre Elevations
- Qantas Flight Training Centre Floor Plans
- Qantas Flight Training Centre Visualisation from Gateway
- Qantas Flight Training Centre Scoping Report for SEARs

Council staff wrote to the DPE on 21<sup>st</sup> March 2019, reiterating the issues previously raised in Council's letter dated 11<sup>th</sup> February 2019.

#### **Public Exhibition**

Council staff have undertaken a review of the exhibited documents and provide the following comments for the Department of Planning and Environment's consideration:

## Development Engineering

### *Stormwater management:*

- The development requires, and must provide, an On-Site Detention System (OSD) designed according to Part 6 of the Botany Bay DCP Part 10 — Stormwater Management Technical Guidelines. OSD systems for the development must be designed to detain the stormwater runoff from the site for all storm events up to and including the 1 in 100 year ARI storm and permissible site discharge (PSD) must be based on 1 in 5 year ARI peak flow generated from the site under the State of Nature condition (i.e. the site is totally grassed/ turfed), rather than pre-development condition. The current proposal does not provide this required stormwater infrastructure is not supported. OSD is required for the development regardless of the existing condition of the site prior to the submission of the development proposal.
- A WSUD Strategy and MUSIC model must be prepared for the stormwater design of the development. The MUSIC model must be prepared in line with the NSW MUSIC Modelling Guidelines (Sydney Metro CMA) and must indicate that water quality improvement meets or exceeds the target as described in the “Botany Bay & Catchment Water Quality Improvement Plan” which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011. The water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% of flows generated from the site. The development shall indicate that it complies with this requirement.
- A Stormwater Quality Improvement Device (SQID) must be provided prior to the discharge of stormwater from the site. Botany Bay DCP Part 10 — Stormwater Management Technical Guidelines section 16 and Botany Bay DCP part 3G further details this requirement.
- Backflow prevention devices shall be provided for all new & existing stormwater connections into the existing Sydney Water owned stormwater channel that traverses the site.
- A minimum 10000 litres capacity of rainwater tank(s) shall be provided for the development as roof areas exceed 5000m<sup>2</sup>. The rainwater is to be re-used for non-potable uses throughout the development which includes all toilets and landscape irrigation. This is detailed in Botany Bay DCP Part 10 — Stormwater Management Technical Guidelines section 4.
- Devices capable of removing oil shall be provided for all car parking facilities proposed for the development. The device(s) shall be manufactured by a Quality Endorsed Company to the requirements of ISO 9001 and shall have a minimum oil storage capacity of 20 litres per 10 car spaces proposed or part thereof.
- Positive covenants should be placed over the OSD and SQID systems in favour of Bayside Council as per Botany Bay DCP Part 10 — Stormwater Management Technical Guidelines after construction.

### *Flooding:*

- The development is not to increase the flood water level or hazard. The development shall comply with the minimum floor levels (with freeboard) required for habitable and non-habitable areas.

*Traffic, Parking & Access:*

- The Traffic and Parking Impact Assessment Report is to undertake a cumulative traffic impact assessment for 'all developments' in the area. By 'all developments' it means those still have DA approval pending, approved but yet to be constructed, those are under construction and fully built but not yet fully occupied, in accordance with Botany Bay DCP part 3A3.3.
- Secure bicycle parking (at a rate of at least 10% of the required parking for the development) and end of trip facilities must be provided for the development to support alternative modes of transport to and from the site.
- Workplace Travel Plans and Transport Access Guides (TAGs) shall be prepared for the development in order to reduce the on-site parking demand and car dependency. Workplace Travel Plans and Transport Access Guides assist staff/visitors/customers visiting the site by making good use of public transport, cycling, walking and car sharing for commuting work related journeys and hence reduce car based travel demand. The Workplace Travel Plan shall be accordance with NSW Premier's Council for Active Living's "Workplace Travel Plan Guidelines - Final Report (April 2010)". The plan shall generally incorporate the following:
  - Encouragement of staff to cycle and/or walk to the workplace;
  - Encouragement of staff to use public transport to travel to workplace by providing financial incentive;
  - Adoption of a car sharing and /or car pool scheme; and
  - Establishment of measurable targets on the number of staff travelling to work by public transport, cycling and walking.

**Strategic Flood**

- A detailed peer review of the Enstruct flood model of the site (a TUFLOW model), which is an updated and modified version of Councils MRE flood model. This was discussed at the meeting with the applicant.
- Based on the peer review of the Enstruct flood model, final flood levels shall be adopted for the development. Council set these final flood levels based on the information provided by the applicant and the peer review for this model, as these potentially provide updated information to what Council currently holds (MRE model).
- The Stormwater plan indicates filling will be required for the northern part of the channel for the open car park. Filling in the car park is not permitted as the depression area acts a flood storage, unless alternative flood mitigation is adequately demonstrated.

**Environmental Science**

Council officers raised no objection to the proposal subject to the following recommendations:

- Additional information should be provided in the Acid Sulfate Soil Management Plan for managing temporary/ localised dewatering activities during construction.



- To ensure the necessary assessment and management is completed and implemented, a condition should be included in the determination to require a NSW Environment Authority (EPA) Accredited Site Auditor to be appointed prior to commencement of any construction works at the site. The Site Auditor shall review and endorse any investigations and management plans proposed prior to the commencement of any works. A Site Audit Statement should be submitted to Council for this site prior to the issue of the Occupation Certificate. Any long-term Environmental Management Plan (LTEMP) to manage contamination must be added to the title of the site.

### **Landscape Architect**

- The landscaped area required is 10% of the site. Landscape setbacks can be included in the calculation except for the front setback area as defined in the Botany Bay DCP 2013 Part 6.3.5 Setbacks, control 9. Therefore the proposal shall provide 5,417m<sup>2</sup> without including the 3 metre landscape setback along King Street. The landscape area provided in the proposal reaches approx. 3,458m<sup>2</sup>, representing 6.3% of the site.
- The project would remove about 0.30 hectares of vegetation, comprising 0.07 hectares of PCT 1232 Swamp Oak floodplain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion, and 0.23 hectares of miscellaneous ecosystem – urban exotic/ native landscape plantings.
- Considering the removal of existing vegetation including an area of an endangered ecological community (Swamp Oak floodplain swamp forest), and the minimal deep soil area provided the landscape proposal shall use locally indigenous plant species, and trees shall be planted in advanced form, between 200 to 400 litres container sizes.
- The proposal shall seek to comply with minimum deep soil required. If this is not viable to compensate the reduced landscape area, some alternative treatments can be considered for inclusion in the proposal:

#### *Green roofs:*

Extensive (150mm deep) or intensive (more than 150mm deep) green roofs. The proposed carpark building can include this treatment which also will minimise the visual impact of the large built form. The green treatment can provide an attractive presentation of the enterprise seen from the air and neighbouring buildings from adjacent business areas. The green roof includes a vegetated layer, growing medium, and a waterproof membrane. Plants grown in sectioned lots are acceptable, however, potted plants/ planter boxes which cover less than 30% of available rooftop space are not considered as a green roof. Additional to the minimum 30% vegetation cover, a green roof can include facilities for renewable energy, water collection infrastructure, walkways, furnishings and the like.

#### *Green Roof Gardens:*

The inclusion of a 'green roof garden' that can be accessed and used for recreation and outdoor living and includes a greater variety of plants, trees and shrubs should be considered.

*Green Walls:*

Green walls are either free-standing or part of a building that is partially or completely covered with vegetation. The wall may incorporate soil and/ or inorganic material as the growing medium. There are two main types of green wall: green façades and living walls. Green façades are made up of climbing plants either growing directly on a wall or on specially designed supporting structures. The plant's shoot system grows up the side of the building while being rooted in the ground. With a living wall, modular panels are affixed to the wall and geo-textiles, irrigation and a growing medium combine to support a dense network of plants.

*Bio-swales:*

Within planter beds to filter water before entering the water way.

*Permeable or porous pavers:*

Where traffic movement is not high, for example in parking spaces, permeable pavers or interlocking system unit pavers can be included to reduce runoff and maximised the water filtration across paved areas.

*At-grade parking:*

- The proposed at grade carpark provides some opportunity for canopy cover to the hard surface areas. To comply with Part 3L.6 Landscaping in Car parks, Control 1 of Botany Bay DCP 2013, one (1) tree should be provided for every 5 car spaces so that at least a 50% canopy coverage of the car park at maturity is provided. Car parks will be generously landscaped.

*Public Domain Landscape Improvements.*

- King Street nature strip shall be planted with street trees as required, pot size shall be minimum 200 litres. Trees shall be planted in a tree pit with a slotted pipe watering system (Rootrain Urban, or equivalent). Bicycle racks and seating shall be included in proposal as necessary. All landscape works within public domain shall be as per Bayside Council specifications.

**Section 7.11 Contributions**

Council notes Qantas' request to waive Section 7.11 contributions as noted in the letter at Appendix YY of the Environmental Assessment. There is no provision in the Act or the contributions plan for a refund of contributions when a development reduces the number of workers on the site. Council does not normally allow the transfer of existing occupancy as the previous site will continue to have existing use rights (even if they are not used immediately).

Therefore, the full extent of this growth within the LGA should be considered.

The 2018 air photo of the site shows that the existing use of the site is as an at-grade, open-air car park, with an industrial building of about 700 square meters. The Environmental Impact Statement that this building is used to store spare parts.

The Contribution plan assumes that the occupancy for Transport/ Storage/ Warehousing is 81.4 sqm per person.

$$700 / 81.4 = 8.600 \text{ existing workers}$$

The Environmental Impact Statement advises that the site will be occupied by 155 employees.

This means a net increase in occupancy of  $155 - 8.600 = 146.40$  workers.

At the 2019/ 2020 rate of \$4,648.99 per worker the contribution would be **\$680,612.14**.

Note: The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan.

## Transport Planning

### *Operations traffic and parking and traffic assessment:*

- This facility and its surrounds are in a significant employment hub, whereby high-quality pedestrian access to the site is required on-site. As such, upgrading of the current footpaths within the Qantas Corporate Park and to/ from the new Flight Training Centre to 2.0m wide on the main pedestrian access routes towards key destinations such as Mascot Station and Domestic Terminal (T2, T3) is required. Consideration should also be given to improving pedestrian access along King Street.
- The Flight Training Centre should be providing appropriate end-of-trip facilities (parking, lockers and showers) to accommodate workers and visitors accessing the site by bicycle without relying on adjacent buildings facilities. Refer to earlier comments about the requirement for a Workplace Travel Plan and Transport Access Guide (TAG).
- The statement at 2.35 of the Environmental Impact Assessment that cyclists can access Kent Road and Qantas Drive is not valid/ misleading as there are no bicycle facilities provided on these busy, hazardous roads. Consideration to improving the on-road bicycle markings in the Qantas Corporate precinct to accommodate bicycle users and their safe movement within it.

### *Other comments:*

- Access to public transport is good – consideration should be given to enhance wayfinding to key destinations within the Qantas Corporate Park.
- The proximity to the Port Botany freight rail line to this flight training centre (and the use of flight simulators) are in close proximity to the vibrations and zone of influence imparted from that rail line. Consideration is to be given to the proximity of the project to the Australian Rail Track Corporation's project to duplicate the Port Botany freight rail line.

## Environmental Health

### During construction:

As the proposed working hours are from 6am, a more sensitive noise criteria applies. Council requests that a condition be included in the determination requiring an acoustic report prepared by a suitability qualified and experienced acoustic consultant to assess that any of the noise output would not affect surrounding properties. The acoustic report should define 'non-noisy' activities and include an assessment of these activities in the report.

Council understands that many of the proposed operations works are to be conducted outside of normal business hours. It is therefore recommended that all neighbouring properties are made aware of such works in advance and that activities are carried out in isolation rather than all at once so as to manage the noise impacts.

### During operation:

Noise from the operation of the flight training centre is not to exceed the requirements contained in part 6.3.12 – Noise and hours of Operation of the Botany Bay DCP 2013.

## Traffic impacts

A cumulative traffic impact assessment for 'all developments' in the area should be undertaken for the proposal in accordance with Botany Bay DCP 2013 Part 3A3.3.

By 'all developments' it means those that still have DA approval pending, approved but yet to be constructed, those are under construction and fully built but not yet fully occupied. Council will supply information on the current and approved DAs to be taken into consideration.

The analysis should be used to determine the amount of monetary contribution toward any road maintenance within King Street and intersection upgrade works at King and O'Riordan Streets, and is to be included as a condition on the determination.

## Urban Design

Reference is made to section 7.2 – Urban Design and Visual of the submitted Environmental Assessment, and the Botany Bay Development Control Plan 2013 (Botany Bay DCP 2013):

### 7.2.1 Design and Built Form

#### ***Botany Bay DCP 2013***

#### **6.2.3 Mascot (West) Industrial Precinct**

*C1: Development shall encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies. In this respect a Workplace Travel Plan is to be lodged with the development application. The Workplace Travel Plan shall establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP - maximum car mode share: 65% by 2021 and 57% by 2031.*

**Comment:** Appendix D - Architecture and Design outlines the internal movement strategy however there is no identification of how improvements to King Street will be made to encourage employees etc. to use public transport or cycle to work. With the 4.5 metre landscape and built form setback there is little opportunity to provide widened footpaths that may connect to broader active transport network or public transport. The transport diagram lacks detailed information on where public transport is providing services to and from as well as any cycle ways within the vicinity. The proposal needs to consider how access and movement to and from the site can be enhanced, not just within the site.

### 6.3.5 Setbacks

*Setbacks are to be in accordance with the following Table 1. Note: Greater setbacks will be required for bulky, hazardous and noise or odour generating activities.*

<b>Boundary</b>	<b>Landscaping Setback</b>	<b>Building Setback</b>	<b>Compliant</b>
Front - to a non-classified road (Refer to Note 2)	3 metres	9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)	Non-compliant has a 4.5 landscaping and building setback
Side - adjoining a non-residential use/zone including lanes	2 metres	2 metres (Refer to Note 6 for corner sites)	Achieved
Rear (Refer to Note 3)	Nil to 3 metres	Nil to 3 metres	Achieved

**Comment:** Understanding that the facility requires a certain level of floor space in which the site can operate it is noted that the development will set a precedent for any future adjoining redevelopment and will alter the streetscape.

It appears that there is still some height to work with on the Eastern portion of the carpark building, by removing some of the at grade car parking greater landscaping within the site may be achieved.

**Note:** Control C2 provides the following in relation to setbacks to the Alexandria Canal and its tributaries:

*C2: Notwithstanding C1 above, no buildings, structures, car parking, storage or vehicle manoeuvring areas are permitted within a minimum 10 metre wide area adjoining Alexandra Canal and 6 metres along the **tributaries** of the Canal. The setback is to be landscaped and planted with appropriate species, as detailed in the Alexandria Canal Masterplan, such landscaping not to include plants with invasive root systems and that have the potential to damage the canal wall or its surrounding infrastructure.*

An appropriate condition should be considered for inclusion in the determination to address this requirement of the Botany Bay DCP 2013.

### **7.2.2. Materials and Facades**

It is understood that the project will be referred to the State Design Review Panel for review.

The approach to facade design is commended. The development meets the objectives of the DCP to achieve a high quality of design and finish. The 'QGET EP Hall' and 'QGFT Flight Simulator' buildings are of high quality, however it is encouraged that further development of the design of the carpark to enhance the consolidation of the precinct aesthetic be explored. It is recommended that some of the finishes from the QGET EP Hall or the QGFT Flight Simulator building are transferred to the carpark building to tie in with the aesthetic of the rest of the precinct, or that further consideration to how the green wall could be better incorporated onto the facade of the building may also tie in better with the landscape approach.

### **7.2.3. Options Analysis**

Options analysis as stated above needs to be of a broader scope than just the design of the car park building. Without understanding the options tested there is no justification as to why the development is non-compliant in regard to the setback requirements. By testing options that alter the arrangement of car parking or access, it may be possible that a greater setback can be achieved and further public benefit be provided through widened footpaths that may allow for connection to the broader active transport network. There seems to be little consideration given to the broader public domain approach along King Street, enhancing movement to and from the site should also be of consideration.

### **7.2.5. Public Domain**

#### ***Botany Bay DCP 2013***

#### **6.3.9 Landscape**

*C10 If an existing site is to be re-furbished, or with change of use applications, and if the landscaping forms less than 10% of the site area, then 10% will be sought if there is unused land available or excess parking. If there is less than a 3 metre wide landscaped frontage width this will also be sought.*

Comment: Please refer to comments in 7.2.1 Design and Built Form regarding setbacks and options testing regarding comments on enhancing the sustainable approach to landscaping and the public domain.

It is also recommended as per comments in 7.2.1 Design and Built Form regarding active transport networks that further options be tested to improve amenity along King Street for employees moving to and from the site as this has only been considered within the site at this point.

### **7.2.9. Solar Access and Overshadowing**

It is noted that the overshadowing diagrams provided on pages 32 and 33 of Appendix D – Architectural Design Report are cropped and do not show the full extent of the overshadowing impacts.

---

## Council Meeting

10/07/2019

Item No	8.5
Subject	<b>Sale of Lots 10 &amp; 11 in DP 1244090 (Tantallon Lane) Arncliffe and; Sale of Lot 1 DP 867417 (256R King St, Mascot)Sale of Lots 10 &amp; 11 in DP 1244090 (Tantallon Lane) Arncliffe and; Sale of Lot 1 DP 867417 (256R King St, Mascot)</b>
Report by	Michael McCabe, Director City Futures
File	SF19/793

---

## Summary

This report seeks Council resolution for the sale of the following three parcels of land:

- Lot 10 in DP 1244090 (Tantallon Lane) Arncliffe
- Lot 11 in DP 1244090 (Tantallon Lane) Arncliffe
- Lot 1 DP 867417 (256R King St, Mascot)

This report considers three disposals of former road (all of which are now formally closed under the Roads Act 1993) to adjoining residential owners.

The subject Lots 10 & 11 in DP 1244090 together comprise the Northern End of Tantallon Lane, that extends approximately 24m South of the intersection at Tantallon Avenue, as shown at Attachments 3,4 and 10.

256 King St Mascot is approximately 400m from Botany Road and the main commercial strip at Mascot, as shown at Attachment 9.

---

## Officer Recommendation

- 1 That attachments 1, 2 and 7 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 attachments relate 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 matters 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 approve the transfer and sale of both Lot 10 in DP 1244090, being 73.99sqm and Lot 11 in DP 1244090 and 73.73sqm (Tantallon Lane) Arncliffe for the consideration sum agreed in writing in independent letters of offer from the two proposed purchasers (Confidential Attachment 1 and 2); and
  - 3 That Council approve the transfer and sale of Lot 1 in DP 867417 (256R King St, Mascot) for the consideration sums agreed in writing in a letter of offer from the proposed purchasers (Confidential Attachment 7).
-



- 4 That Council authorises the General Manager to finalise the commercial terms associated with the transfer and sale of the closed roads and execute all documentation to affect the transfer of the land on the terms outlined in this report.
- 

## Background

### **Lots 10 & 11 in DP 1244090 (Tantallon Lane) Arncliffe**

The former Rockdale City Council was approached by owners Michael Stojanovski and Jimmy Nesevski of 15 and 17 Tantallon Lane, Arncliffe (respectively) seeking approval to pursue the closure of two narrow strips of Council owned roads, which shared contiguous boundaries with their individual residential dwellings, as shown in Attachments 3 & 4 and 10.

At a Council Meeting held on 18<sup>th</sup> May 2016 Council resolved that DA-2016/122 for the subdivision of the closed road 9978 into two (2) lots at Tantallon Lane, Arncliffe be approved (attachment 11). The ensuing process determined subdivision of the land to create Lots 10 and 11 in DP 1244090. On 16<sup>th</sup> October 2018, the road was formally closed and the Certificates of Title for Lots 10 and 11 in DP 1244090 have now been issued to Council, with the land vested as operational land.

This land is now ready for transfer to the adjoining owners. The road closure plan, defining Lots 10 and 11 in DP 1244090 is shown in attachment 10.

In order to progress the sale, both Council and the adjoining land owners Michael Stojanovski and Jimmy Nesevski agreed terms subject to Council resolution, as shown at Confidential Attachment 1 & 2.

### **Valuation**

The Valuation methodology used was the Direct Sales Comparison approach, Applying a sqm from a range of transactions within similar locations.

However because of the location, size and shape of the subject land and the adjoining landowner being the only feasible purchaser in a sales scenario, an extremely limited market or one in which value is constrained by the lack of an open market is the only market which exists. As such, there is only one party the land can be sold to, therefore the marriage value concept was adopted, where there is only one purchaser and a discount of the total piecemeal value of the land is adopted.

It should be noted that although Lot 10 and 11 are very similar in size, the decreased utility from a steep topographical step down at the rear of Lot 11 has resulted in its reduced value, based on the hindrance this places on the utility of the site (both current and future).

### **Lot 1 DP 867417 (256R King St, Mascot) – 256 King St, Mascot**

On 29<sup>th</sup> December 2015, the former Botany Bay Council was approached by owners Hasan and Rachele Mahboob of 256 King St, Mascot seeking to purchase the small parcel of land located at the rear of their primary dwelling, being Lot 1 DP 867417. This vacant narrow strip of land has a site area of 33.8 sqm (as shown in attachment 8). The purpose for this request was to consolidate and create rear access to their residence. There are currently no improvements on the subject parcel.

The subject parcel is positioned directly adjoining the rear Southern Side of 256 King St, Mascot. It is bound by King St to the North and Hatfield St to its South, as shown at Attachment 8. The property is approximately 400m from Botany Road and the main commercial shopping strip in Mascot.

In the case of 256 King St, a road closure was undertaken in 1997 (under the terms of The Roads Act 1993) and the land of the Road Closure was allocated a Lot and DP. However the sale of the closed road and its consolidation with the primary lot never occurred.

## Valuation

To progress the sale Council Officers engaged a Valuer to determine the market value of the site. Due to the lack of recent sales of vacant strip land, the rationale used the comparable sales approach, deducting value of any improvements to arrive at equated land value.

However because of the location, size and shape of the subject land and the adjoining landowner being the only feasible purchaser in a sales scenario, an extremely limited market or one in which value is constrained by the lack of an open market is the only market which exists. As such, there is only one party the land can be sold to, therefore the marriage value concept was adopted, where there is only one purchaser and a discount of the total piecemeal value of the land is adopted (Valuation attached as attachment 9).

The proposing purchaser has agreed to transact the subject site subject to Council resolution. This offer is in the form of a written letter to Council based on the market valuation plus reasonable legal costs, as shown at Attachment 7.

---

## Financial Implications

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

---

## Community Engagement

Statutory Notification under the Roads Act 1993 was undertaken, as part of the road closure process.

## Attachments

- 1 Tantallon lane Arncliffe - Lot 11 - Purchase offer from Zivko Nesevski 27.03.2019 (confidential)
- 2 Letter of Offer for Lot 11 DP 1244090 Michael Stojanovski - Tantallon lane Arncliffe 27.03.2019 (confidential)
- 3 Site Plan and Site Survey Extract - Lot 10 DP 1244090 Tantallon Lane Arncliffe [↓](#)
- 4 Site Plan and Site Survey Extract - Lot 11 DP 1244090 Tantallon Lane Arncliffe [↓](#)
- 5 Valuation Report - Lot 10\_DP 1244090 Closed Road\_Tantallon Lane\_Arncliffe\_Rockdale (004) [↓](#)
- 6 Valuation Report - Lot 11\_DP 1244090 Closed Road\_Tantallon Lane\_Arncliffe\_Rockdale (004) [↓](#)

- 
- 7 Letter of offer to Purchase - 256R King St Mascot (confidential)
  - 8 Site Deposited Plan – Lot 1 DP 867 417 256R King St Mascot [↓](#)
  - 9 Valuation Report - Lot 1 DP 867417 256 King St Mascot [↓](#)
  - 10 Deposited Plan of Lots 10 & 11 DP 1244090 [↓](#)
  - 11 Council Resolution DA-2016/122 - Subdivision of Tantallon Lane [↓](#)

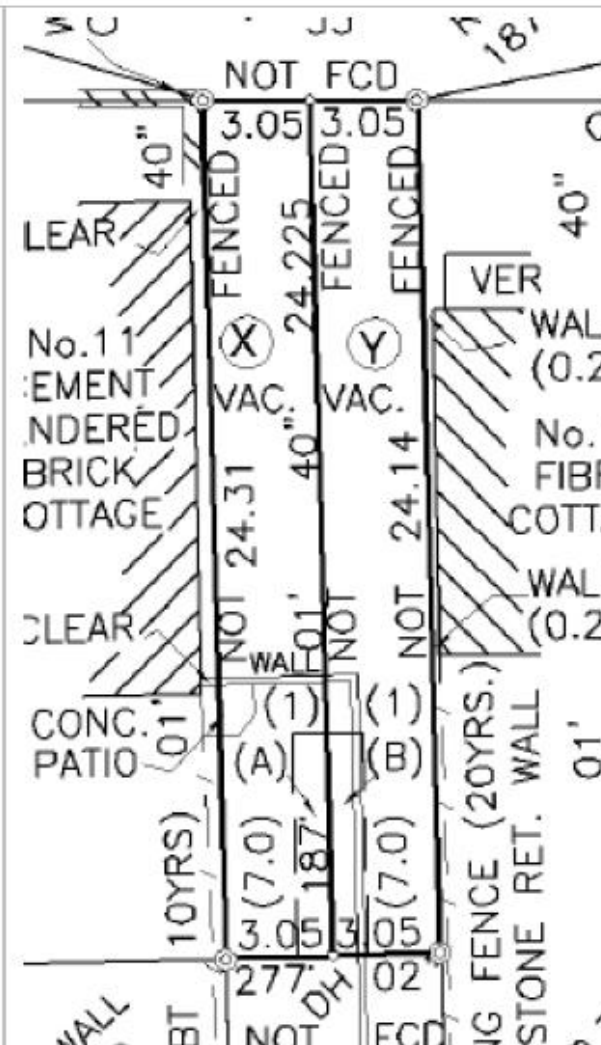
**Lot 10 DP 1244090 – Tantallon Lane Arncliffe**



## SIX Aerial



Nearmaps Aerial



Excerpt from DP1244090



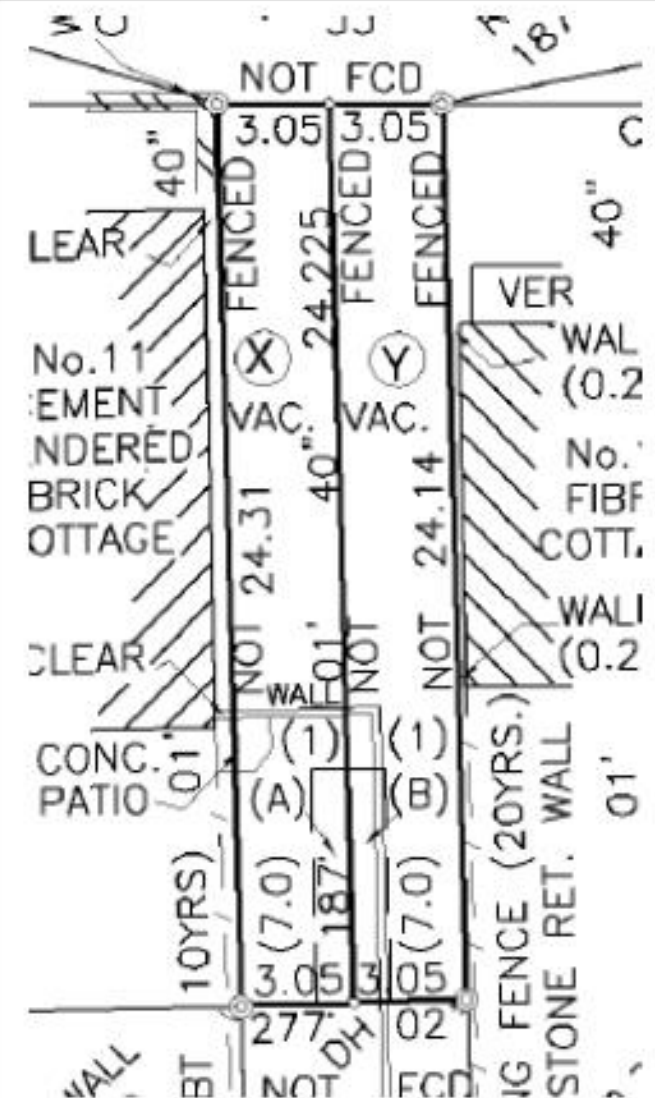
## Site Plan and Site Survey Extract - Lot 11 DP 1244090 Tantallon Lane Arncliffe



## SIX Aerial



## Nearmaps Aerial



Excerpt from DP1244090



Property:	Part of Tantallon Lane ARNCLIFFE NSW 2205 (Lot 10 in Deposited Plan 1244090)
Instructed by:	Bayside Council Attention: Ali Rizwan, Development Manager
Date:	08 March 2019
Valuation Reference:	A1471A – Lot 10

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## 2.0 Instructions

- 2.0.1 In accordance with instructions from Ali Rizwan, Development Manager representing Bayside Council, we have been instructed to assess the current market value of the subject Lot 10 being part of Tantallon Lane at Arncliffe, a former public road that has been closed.
- 2.0.1 This Valuation has been undertaken in accordance with The Australian Property Institute Valuation and Property Standards.

## 3.0 Market Value Definition

- 3.0.1 Market Value has been defined as: *"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion"*.

## 4.0 Interest to be Valued

- 4.0.1 Fee simple in possession, subject to encumbrances on title as set out below.

## 5.0 Date of Inspection & Valuation

- 5.0.1 08 March 2019

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## 6.0 Registered Proprietor & Title Details

- 6.0.1 The landholding is situated at Arncliffe within the Local Government Area of Bayside, Parish of St George and County of Cumberland.

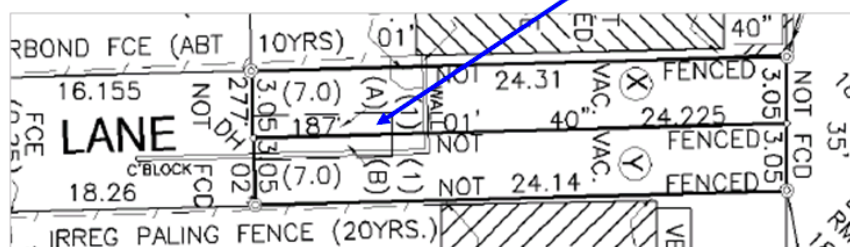
Folio ID	10/1244090
Registered Proprietor	BAYSIDE COUNCIL
Notifications	1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) 2 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED (1) IN THE S.88B INSTRUMENT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM 3 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED (2) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
Notations	UNREGISTERED DEALINGS: NIL

- 6.0.2 **Notification 1** is relatively standard and relates to the original Crown Grant and any conditions that were imposed by the Crown. These are assumed for the purpose of this assessment to be non-onerous in effect.

- 6.0.3 **Notification 2** advises a Right of Way 1 metre (m) wide which burdens the land and is numbered as (1) in the Section 88B instrument and as '(A) Right of Way 1.0 wide' on Deposited Plan 1244090. The relevant part of the 88B instrument is shown below:

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), bodies or Prescribed Authorities:
1	Right of way 1 wide	10	11
2	Right of way 1 wide	11	10

- 6.0.4 Deposited Plan 1244090, relevant part shown below, indicates that the Right of Way is situated to the rear southern end of the subject, adjacent to the eastern side boundary that separates the subject Lot 10 from similar and adjoining Lot 11:



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- 6.0.5 **Notification 3** indicates that the subject benefits from the adjoining and mirror-reversed Right of Way 1 metre (m) wide that is noted as '(B) Right of Way 1.0 wide' on Deposited Plan 1244090.
- 6.0.6 **Unregistered Dealings** are stated as "NIL".
- 6.0.7 Other than for their intended purpose, the above Second Schedule notifications are not considered to adversely impact upon the value of this property.
- 6.0.8 We have not undertaken a detailed search of the title in respect of the subject property and are not aware of any restriction on title other than that noted in this Report and on the copy of Folio Identifier.
- 6.0.9 If it should be found that any restriction not noted in this Report affects the land, this Report should be referred to us for comment as to the effect, if any, upon our Valuation.
- 6.0.10 We recommend that a full search of title be carried out in respect of this property.

## 7.0 Occupant

- 7.0.1 The registered proprietor has formal possession of the land which is vacant of significant structural improvements.
- 7.0.2 However we note that the land is currently used for the off-street parking of vehicles, represented at inspection by a box trailer with wire-mesh sides, and part of the subject appears to be occupied by the owner of adjoining 11 Tantallon Avenue as a set of private formed steps which are protected by a gate and fencing.



## 8.0 Location

- 8.0.1 The subject Lot 10 and adjoining and similar Lot 11 together comprise the northern end of Tantallon Lane that extends some 24m south of the intersection with Tantallon Avenue.
- 8.0.2 The southern part of the subject lies at a circa 2 metre lower elevation, as the part of Tantallon Lane that extends to the north-east from Terry Street. The change in elevation is abrupt and public formed access is not provided between the major upper part of the subject that is accessible from Tantallon Avenue and the minor lower portion accessible from Terry Street.



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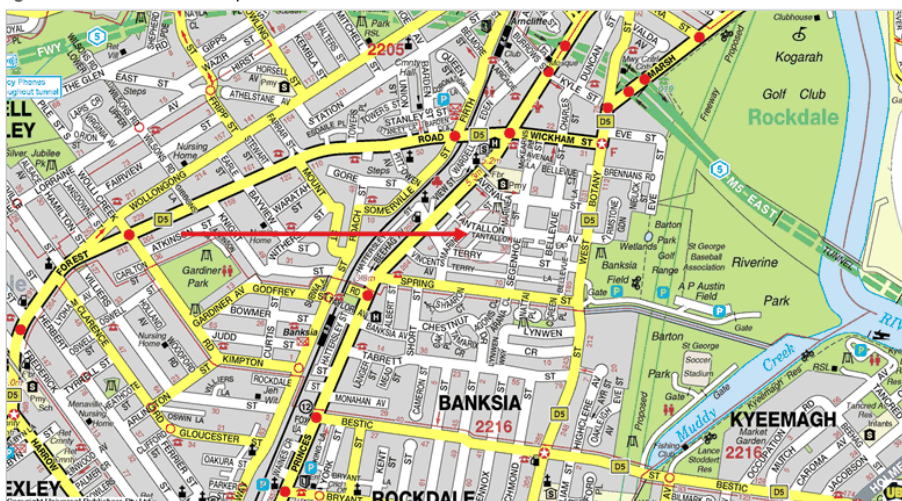
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- 8.0.3 The subject lies within a long-established and predominantly residential precinct developed in the main with low-density dwellings of a variety of vintages and styles. Adjoining the subject to the west is 11 Tantallon Avenue improved with a 2-level (at rear, single level at front) rendered-brick dwelling with good modern presentation. Adjoining Lot 11 to the east is 15 Tantallon Avenue improved with a single-level weatherboard-clad cottage that presents as having been recently renovated externally.



- 8.0.4 The site is some 120m south-east of the intersection of Tantallon Avenue and the Princes Highway, the latter being at this location a 6-lane major highway with central divider, which is improved to the southern subject side with commercial uses, and which offers limited on-street carparking.
- 8.0.5 At inspection public streets in the vicinity of the subject were fully utilised for on-street carparking that is available without time restrictions. The subject offers to the adjoining property open-air off-street carparking and potentially other uses, if acquired.
- 8.0.6 Sydney International Airport lies a short distance to the east and access ramps to the M5 Motorway are 900m to the north-east. The subject lies between and to the east of Arncliffe rail station 950m to the north and Banksia rail station 750m to the south-west.
- 8.0.7 Rockdale Plaza shopping centre is some 2-kilometres to the south and the Sydney CBD is 12km to the north-east, with all approximate distances measured along the road network.
- 8.0.8 A pictorial indication as to the location of the subject property within the surrounding locality may be gained from the UBD Map below:



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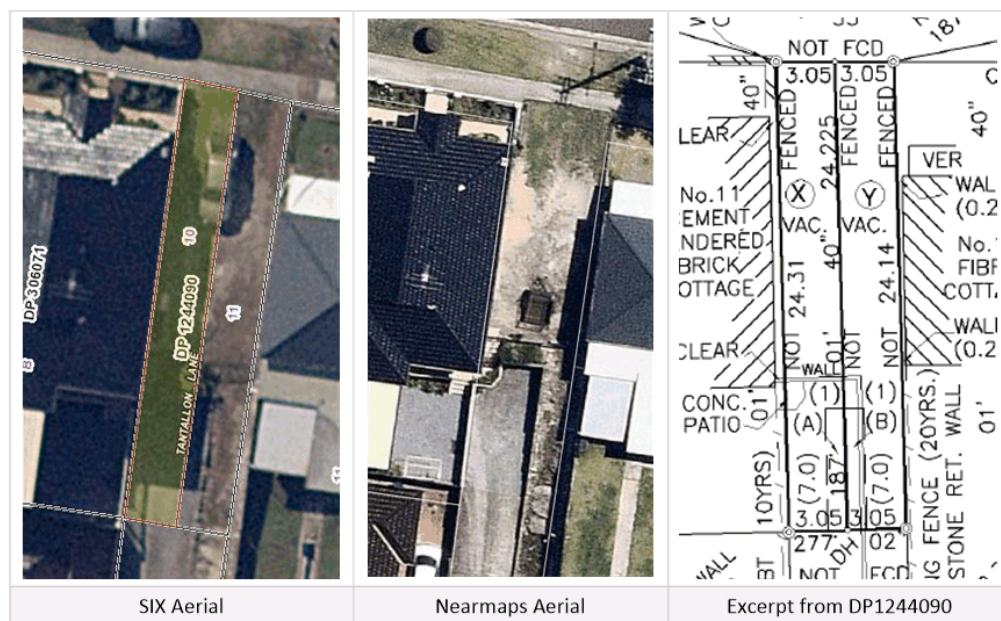
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## 9.0 Site Description

- 9.0.1 Lot 10 (designated as an encircled 'X' by DP124490) has elongated rectangular form. The upper part accessed from Tantallon Road shows a slight incline to the rear and presents as near-level across the frontage, although Tantallon Road slopes gently from east to west.



- 9.0.2 The lower portion also slopes slightly to the rear from the concrete-block retaining wall that separates the upper and lower parts.
- 9.0.3 The lower part of the subject provides formed road access to the rear of 11 Tantallon Road.
- 9.0.4 The dimensions and area of Lot 10 are set out in the following table:

Site Area	73.99m <sup>2</sup>
Tantallon Road Frontage	3.05 metres
Western side boundary	24.31 metres
Eastern side boundary	24.225 metres
Rear boundary	3.05 metres

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## 10.0 Statutory Assessment

- 10.0.1 Statutory Land Value: \$20,000 reflecting \$270/m<sup>2</sup> of site area.
- 10.0.2 Base Date: 1 July 2018, being the most recent.
- 10.0.3 The statutory Land Value is assessed under the NSW *Valuation of Land Act* 1916 for rating and taxing purposes according to specific statutory assumptions and consequently may not represent the current market value of the land.

## 11.0 Identification

- 11.0.1 The subject Lot 10 has been identified with DP1244090, other maps and plans including town-planning maps, and via physical inspection.
- 11.0.2 However, we have not been provided with a Survey Certificate in respect of the property and are therefore unaware of any encroachments by or upon the property.
- 11.0.3 Should legal opinion/formal survey identify any easements, covenants or encroachments not otherwise noted in this Report, we would request that they be forwarded to us for comment as to effect, if any, on value.

## 12.0 Environmental Considerations

- 12.0.1 Environmental concerns are addressed below under Flood, Contamination and Native Title, Land Claims & Heritage subheadings:

### 12.1 Flood

- 12.1.1 Not indicated as flood prone.

### 12.2 Contamination

- 12.2.1 The property is currently part of a formed laneway and appears to have been so used for many years. We are not aware of former uses of the property. The present use is not noted within the API Professional Practice Standard list of potentially contaminating activities.
- 12.2.2 Our on-line enquiries of the NSW EPA Contaminated Land records did not indicate any problems or issues associated with this property, however, we point out that we have not made formal application to confirm if the subject property is recorded as contaminated.
- 12.2.3 During our inspection we did not observe any feature or condition of the property that might give rise to a contamination issue and, through our inquiries, as we have not become aware of any such feature or condition, we formed the opinion the risk for potential contamination of this property can be categorised as low.
- 12.2.4 This advice has been provided within the limited scope of our knowledge of this highly specialised field and we emphasise that no responsibility is assumed as to potential contamination of the site. The recipient of this Report is advised that the Valuer is not qualified to detect such substances or estimate the associated remediation cost. Should contamination be found on site, this report should be returned to us for review.

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### **12.3 Native Title, Land Claims & Heritage**

- 12.3.1 The relevant legislation enabling both Native Title and Aboriginal Land Claims provides for such claims, with few exceptions, only to prevail over the Leasehold of Crown Land, or Crown land. Land held under Freehold title is, predominantly, exempt from these claims.
- 12.3.2 Title to the subject property is Freehold.
- 12.3.3 This Valuation is provided on the basis that the subject property is clear of such claims however, should specialist legal searches reveal otherwise, this valuation should be returned to us for re-consideration.
- 12.3.4 Heritage issues, which may include issues associated with Aboriginal culture and history, are provided for under Environmental Plans. LEP 2011 does not identify the subject property as a Heritage item, or as adjoining any Heritage item.

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### 13.0 Town Planning Zoning

- 13.0.1 The land is zoned under Rockdale Local Environmental Plan (LEP) 2011, as updated to 04/05/2018. Following the merger of former councils the municipality is now known as Bayside Council.

Town Planning Profile		
Zoning		<b>"R3 Medium Density Residential"</b>
1	Objectives	<ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a medium density residential environment.</li> <li>• To provide a variety of housing types within a medium density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.</li> </ul>
2	Permitted Without Consent	Home-based child care; Home businesses; Home industries; Home occupations; Roads.
3	Permitted With Consent	Attached dwellings; Boarding houses; Building identification signs; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Seniors housing; Water supply systems; Any other development not specified in item 2 or 4.
4	Prohibited	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.
	Effect	The zoning allows for the range of permitted uses as set out above, including <i>"Attached dwellings"</i> and <i>"Multi dwelling housing"</i> .

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13.0.2 Specific controls within the R3 zone include:

Classification	"R3 - Medium Density Residential"
Floor Space Ratio	0.6:1
Minimum Lot Size	450m <sup>2</sup>
Maximum Height of Building	8.5 metres

### 13.1 Consents

13.1.1 Bayside Council is the consent authority for development initiatives.

13.1.2 Council's electronic records available for review online advise the following matter:

Matter	Approved	Details as listed
DA-2016/122	18/05/2016	Development Application - ROAD 9978 Tantallon Lane, ARNCLIFFE NSW 2205 - Subdivision of closed road 9978 into two (2) lots

### 13.2 General

13.2.1 I recommend that the above town-planning information be confirmed by Certificate issued under Section 10(7) of the NSW *Environmental Planning and Assessment Act 1979*. If the Certificate reveals that the above information is incorrect, this Valuation may require revision.

## 14.0 Services

14.0.1 Usual urban services are available although none is known to be connected to the subject.

14.0.2 Tantallon Avenue at this location is a bitumen-sealed carriageway with concrete kerb and gutter, and formed footpaths.

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## 15.0 Improvements

- 15.0.1 The upper part of the subject accessed from Tantallon Avenue comprises vacant land that is unsurfaced. The rear lower part is bitumen-surfaced.
- 15.0.2 The upper and lower parts are separated by a concrete-block retaining wall above which is a metal safety fence. Adjacent to adjoining 11 Tantallon Avenue although apparently within the subject Lot 10 are formed steps which are only accessible to the occupant(s) of 11 Tantallon Avenue, which is improved with a dwelling.



- 15.0.3 The lower part of the subject provides formed and bitumen-sealed road access to the rear of 11 Tantallon Road.
- 15.0.4 For the purposes of this assessment of value the subject is considered as vacant land without significant structural improvement.

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Part of closed road  
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## 16.0 Market Commentary

### 16.1 Property Overview

- 16.1.1 The subject is one-half of the northern part of Tantallon Lane, which has been closed. Our instructions indicate a sale is contemplated between Council and the adjoining landowner.
- 16.1.2 The land has an upper part that is unsurfaced and accessed from Tantallon Road, and a portion lying to a lower elevation that is bitumen surfaced and provides formed road access from Terry Street to the rear of adjoining 11 Tantallon Road.

### 16.2 Specific Market Commentary

- 16.2.1 The upper part offers the potential to provide additional vehicle parking in a precinct where on-street carparking is limited.
- 16.2.2 Due to the limited size of 73.99m<sup>2</sup> and width of 3.05m the subject has constrained development use potential in isolation.
- 16.2.3 In an eventual medium-density residential redevelopment scenario the additional land area may be favourable to the possessor. However the adjoining residence presents as fairly new and well maintained. Additionally, there is no evidence of property amalgamation for redevelopment purposes in the immediate precinct, or medium-density use. Therefore the added value in an eventual redevelopment scenario is not considered as likely to add appreciable current value where the apparent Highest and Best Use of nearby properties is ongoing use of existing freestanding single residential dwellings, at least in the short to medium term.
- 16.2.4 Notwithstanding this, any added value due to the "*R3 - Medium Density Residential*" zoning can be reasonably assumed to be encapsulated in the sale prices negotiated recently for nearby properties, as well as other influences upon value.

### 16.3 Market in General

- 16.3.1 The residential market including the inner-southern sector of Greater Sydney showed strong demand characteristics and rising values over the period from prior to 2015 until mid-to-late 2017. However the residential market in general is currently softening and the housing-market downturn has become more entrenched since the residential market peaked in 2017.
- 16.3.2 Over the 12-month February 2018 to February 2019 period 'Sydney dwelling values' are reported to have fallen by 10.4% (Source: CoreLogic *Hedonic Home Value Index*, February 2019 Results, published 01/03/2019). The rate of value decline is currently increasing over time; with the January 2018 to January 2019 rate of annual value fall being 9.7%.
- 16.3.3 The current slowdown in market activity is evident through longer marketing periods and an increase in supply, creating caution amongst potential buyers. The downturn applies to both the market for established dwellings and the market for vacant land.

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## 16.4 Sales Evidence

### 16.4.1 Sale 1

#### 18 Spring Street, Arncliffe (7/16092)

**Sale Date** 03/03/2018

**Sale Price** \$1,170,000

**Land Area** 423.7m<sup>2</sup>

**Zoning** "R3 Medium Density Residential"

**Comments** Situated a short distance to the south-west, some 150m east of the Princes Highway, and within the subject precinct.

An inline allotment of regular rectangular form, with a 12.8m frontage and sloping slightly to the front.

Improved with a dated single-level brick/tile cottage that was offered to market in "Original condition" offering "Scope to extend". Accommodation included 3-bedrooms & 1-bathroom. Basic presentation.

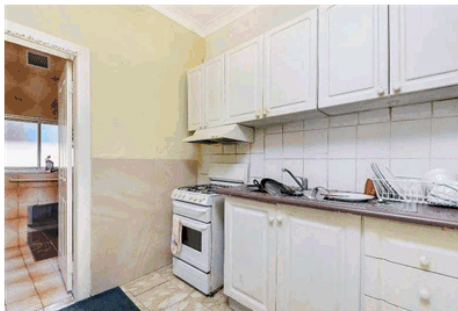
Ancillary improvements included a freestanding 2-car garage at rear in tandem formation.

Sold at auction following a marketing period that began in mid-2017 and involved several successive real estate agencies.

No recent or relevant DAs found online at Council's site.

**Analysis** Analysed as land \$1,050,000 reflecting **\$2,478/m<sup>2</sup> of site area** plus \$120,000 added value of improvements.

**Comparison** Comparable location. Same zoning and use potential, as constrained in isolation by size. A much larger landholding than the subject with far superior ongoing dwelling-hosting capacity.



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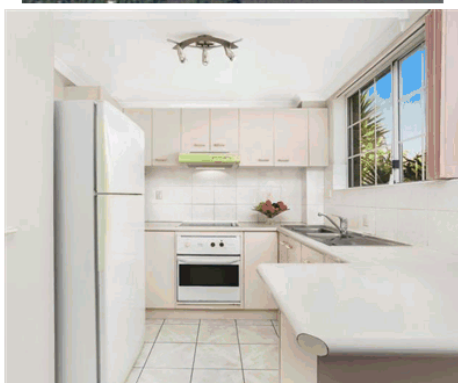
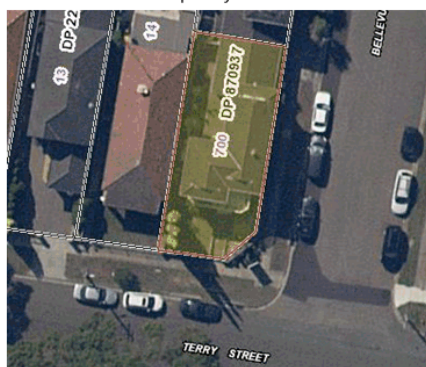
## 16.4.2 Sale 2

**52 Terry Street, Arncliffe (700/870937)****Sale Date** 21/04/2018**Sale Price** \$996,000**Land Area** 255.7m<sup>2</sup>**Zoning** "R3 Medium Density Residential"**Comments** Situated a short distance to the south-east, off the intersection of Terry and Bellevue Streets, with proximity to Tantallon Lane.

A corner allotment with regular rectangular form despite a splay corner, sloping gently from north to south.

Improved circa 1990 with a 2-level cavity-brick/tile dwelling having an attached double garage at rear. Accommodation includes living areas to the lower level, 3-bedrooms &amp; 2-bathrooms to the upper level. Slightly dated presentation.

Sold after 30-days of marketing, with an asking price of \$1,000,000.

**Analysis** Analysed as land \$675,000 reflecting **\$2,640/m<sup>2</sup> of site area** plus \$321,000 added value of improvements.**Comparison** Comparable location. Same zoning and use potential, as constrained in isolation by size. A much larger landholding than the subject with far superior ongoing dwelling-hosting capacity.

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## 16.4.3 Sale 3

**Lot 1 Permanent Avenue, Earlwood (1/1240646)**

**Sale Date** 03/09/2018

**Sale Price** \$36,000

**Land Area** 40.6m<sup>2</sup>

**Zoning** "R2 Low Density Residential"

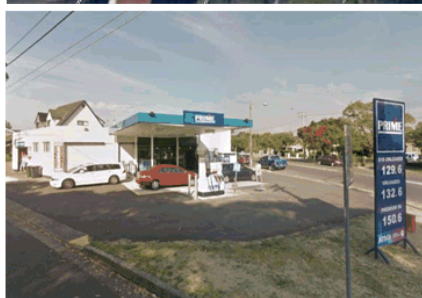
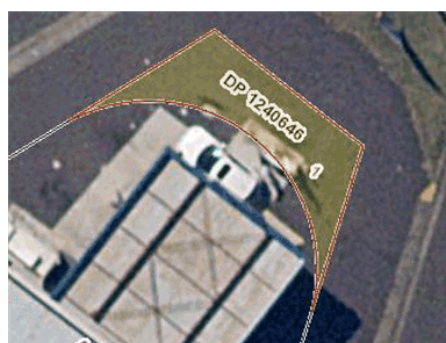
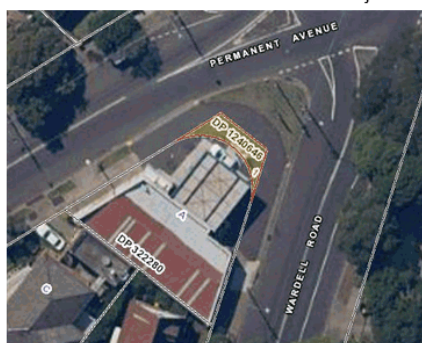
**Comments** Situated in a neighbouring municipality off the acute intersection of local thoroughfares Wardell Road that connects Dulwich Hill and Earlwood, and Permanent Avenue; thus a location offering considerable traffic flows and exposure that are favourable for a commercial use. The sale property adjoins to the rear 33-35 Wardell Road, being an allotment of near-triangular shape improved with a dated neighbourhood service station badged as 'Prime'.

The sale land has irregular shape and comprises part of the bitumen-surfaced forecourt area in front of the 'Prime' awning.

A sale from Canterbury-Bankstown Council to the owner of the 'Prime' site.

**Analysis** The fairly recent sale of vacant land improved with bitumen-hardstand that was presumably installed by the owner of the adjoining service station reflected **\$887/m<sup>2</sup> of site area**.

**Comparison** The thoroughfare location and exposure are favourable for a commercial use although less so for Residential utilisation. The Residential zoning is incomparable with the use that is likely to benefit from ongoing 'existing use' rights. The shape is inferior and the size is smaller however the sale land is comparable with the subject in terms of having limited use potential in isolation however comprising a small landholding adding utility and value to an adjoining property. The sale rate requires adjustment for, amongst other factors, quasi-commercial use potential and value which are Higher and Better Uses than available to the subject.



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## 17.0 Valuation Rationale

- 17.0.1 We are instructed to provide an assessment of current market value, assuming a sale to the owners of the adjoining improved property.
- 17.0.2 Because of the location, size and shape of the subject the adjoining landowner is the only feasible purchaser in a sales scenario, thus an extremely limited market of one that would constrain value, other things being equal. However the adjoining owner comprises a party for whom the property may have a particular value due to adjacency and enhanced utility, thus a potential purchaser who may be willing to offer a premium, other things being equal.
- 17.0.3 In practice these downwards and upwards market influences upon value may tend to cancel themselves out, to a large extent.
- 17.0.4 In this matter the most appropriate method of valuation to apply presents as the Direct Comparison methodology, based on our analyses of the generally-comparable sales set out above.
- 17.0.5 Sales 1 & 2 are located within the local precinct with "*R3 - Medium Density Residential*" zoning although in both cases comprise relatively small allotments whose Highest and Best Use in isolation is for ongoing low-density residential use.
- 17.0.6 Sale 1 that sold approximately 12-months ago showed an analysed site rate of \$2,478/m<sup>2</sup> of site area, prior to adjustment for time in a residential market of declining values. Sale 2 which transacted 11-months ago reflected \$2,640/m<sup>2</sup> of site area prior to adjustment for time.
- 17.0.7 However in both cases the land components of the sale properties offered ongoing dwelling-hosting capacity that the subject does not. The apparent Highest and Best Use of the subject is as ancillary land useful as a driveway, for carparking and the like. Such ancillary land reflects discounted value when contrasted with sites having development potential in isolation, an extent of discounting that approximates one-third of the value of land with development potential in its own right.
- 17.0.8 Sale 1 shows a rate of \$2,181/m<sup>2</sup> after adjustment for time, of which one-third is **\$654/m<sup>2</sup>**.
- 17.0.9 Sale 2 shows a rate of \$2,350/m<sup>2</sup> after adjustment for time, of which one-third is **\$705/m<sup>2</sup>**.
- 17.0.10 Sale 3 offers an example of a small parcel of such ancillary land sold by a local council and acquired by an adjoining owner, although the location, zoning and use potential were all different. Nevertheless Sale 3 that transacted some 6-months ago reflected \$887/m<sup>2</sup> of site area prior to some adjustment for time, being a rate not dissimilar to one-third of the rates shown by Sales 1 & 2 prior to adjustment for time, after adjustment for the sale's superior ongoing quasi-commercial use and beneficial traffic flows.
- 17.0.11 After adjustment for time Sale 3 reflects **\$834/m<sup>2</sup>** of site area, applicable to a smaller parcel of land with ancillary-commercial use and favourable (for that use) exposure.
- 17.0.12 In the case of the subject, as was the case with Sale 3, virtually the whole of the land is potentially useful (if not already used) by the adjoining owner, and therefore no discounting for an unusable portion is required for Lot 10.
- 17.0.13 The value range applicable to the whole may reasonably be considered to extend between about \$650/m<sup>2</sup> and \$700/m<sup>2</sup>.

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17.0.14 Therefore, after adjusting all rates for time and other differences, the current market value of the subject Lot 10 is calculated as:

73.99m <sup>2</sup>	@	\$650/m <sup>2</sup>	=	\$48,094
	@	\$675/m <sup>2</sup>	=	\$49,943
	@	\$700/m <sup>2</sup>	=	\$51,793
				<b>Adopt \$50,000</b>

## 18.0 Goods & Services Tax

18.0.1 As the subject comprises vacant land, any sales transaction may incur a GST liability (other than where minimised as a 'going concern' transaction or through use of the 'margin scheme'). We are of the opinion that a purchaser may be willing to pay GST over and above the ascribed market value, notwithstanding potential variations in the taxation status of the parties to a transaction. This Valuation is exclusive of GST.

## 19.0 Critical Conditions & Assumptions

- This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period including as a result of general market movements or factors specific to the particular property. We do not accept liability for losses or damage arising from such subsequent changes in value including consequential or economic loss.
- Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
- No part of this valuation or any reference to it may be included in any other document or reproduced or published in any way without written approval of the firm and context in which it is to appear.
- The value assessed herein is based on the definition of market value unless otherwise stated in the Report and does not represent the realisable value based on a mortgagee or receiver sale.
- This valuation has been prepared on the basis that full disclosure of all information and facts that may affect the valuation has been made to us. We do not accept any liability or responsibility whatsoever for the valuation if full disclosure has not been made.

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## 20.0 Certificate of Valuation

The current market value of the property known as **Part of Tantallon Lane, Arncliffe NSW 2205 (Lot 10 in Deposited Plan 1244090)**, has been assessed as at 08 March 2019, and we are of the opinion that a fair and reasonable assessment of Valuation on the basis outlined, exclusive of GST, is:

**\$50,000 Excluding GST**

**(FIFTY THOUSAND DOLLARS)**

### Civic MJD

Valuer

Counter signed by

A handwritten signature in black ink, appearing to read "P. Fogg".

A handwritten signature in black ink, appearing to read "A.P. Looby".

Peter Fogg, AAPI

A.P. Looby, FAPI

Certified Practising Valuer

Certified Practising Valuer

API Member No: 69443

API Member No: 68048

Senior Valuer

Director

The opinion of value expressed in this Report is that of the Valuer who is the prime signatory to the Report. The counter signatory verifies that the Report is a genuine document and authorised by Civic MJD. We advise that the Valuer and Civic MJD have no pecuniary interest in the subject property.

This Valuation has been prepared on specific instructions from Ali Rizwan, Development Manager representing Bayside Council for assessment of current market value purposes. The Report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this Report will be relied upon by third parties. We invite other parties who may come into possession of this Report to seek our written consent to them relying on this Report. We reserve our right to withhold consent or to review the contents of this Report in the event that our consent is sought.

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## 21.0 Annexures

### 21.1 Letter of Instruction

From: Ali Rizwan <[Ali.Rizwan@bayside.nsw.gov.au](mailto:Ali.Rizwan@bayside.nsw.gov.au)>  
Sent: Wednesday, 6 March 2019 11:23 AM  
To: CivicMJD Admin <[admin@civicmjd.com.au](mailto:admin@civicmjd.com.au)>; 'admin@civicvaluations.com.au' <[admin@civicvaluations.com.au](mailto:admin@civicvaluations.com.au)>  
Cc: Peter Fogg <[peterf@civicmjd.com.au](mailto:peterf@civicmjd.com.au)>  
Subject: RE: Valuation of Recently Closed Road (Tantallon Rd, Arncliffe), Lot 10 & Lot 11 DP 1244090

Hi Murray,

PO is "PU023142"

May you please proceed, hoping to have this by the end of next week.

Regards



Ali Rizwan Development Manager  
444-446 Princes Highway, Rockdale NSW 2216  
T 02 9562 1594 M 0436 643 247  
E [ali.rizwan@bayside.nsw.gov.au](mailto:ali.rizwan@bayside.nsw.gov.au) W [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

---

From: Ali Rizwan  
Sent: Wednesday, 13 February 2019 11:32 AM  
To: 'admin@civicvaluations.com.au' <[admin@civicvaluations.com.au](mailto:admin@civicvaluations.com.au)>  
Subject: Valuation of Recently Closed Road (Tantallon Rd, Arncliffe), Lot 10 & Lot 11 DP 1244090

Hi Murray,

May you please provide a quote for the Valuation of the above Lots?

#### History/Context:

Based on two owners either side of this prior road (appears as an "alleyway" when viewed in person) wishing to acquire this parcel in equivalent portions, council resolved that DA-2016/122 for the sub-division of closed road 9978 in two (2) lots at Tantallon Lane, Arncliffe be approved.

Subsequently department of industry have issued a gazette notification under the roads Act 1993 for the closure. Title for Lot 10 has been received, with title for Lot 11 imminent.

We need to obtain valuations to understand market value of these Lots prior to agreeing to a price with the potential purchasers.

Regards



Ali Rizwan Development Manager  
444-446 Princes Highway, Rockdale NSW 2216  
T 02 9562 1594 M 0436 643 247  
E [ali.rizwan@bayside.nsw.gov.au](mailto:ali.rizwan@bayside.nsw.gov.au) W [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

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## 21.2 Folio Identifier 10/1244090



LAND  
REGISTRY  
SERVICES

Order number: 55856754  
Your Reference: A1471  
08/03/19 11:55



SAI GLOBAL  
PROPERTY

NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 10/1244090

SEARCH DATE	TIME	EDITION NO	DATE
8/3/2019	11:55 AM	1	7/2/2019

LAND

LOT 10 IN DEPOSITED PLAN 1244090  
AT ARNCLIFFE  
LOCAL GOVERNMENT AREA BAYSIDE  
PARISH OF ST GEORGE COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1244090

FIRST SCHEDULE

BAYSIDE COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED  
(1) IN THE S.88B INSTRUMENT AFFECTING THE PART(S)  
SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 3 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED  
(2) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND  
ABOVE DESCRIBED

NOTATIONS

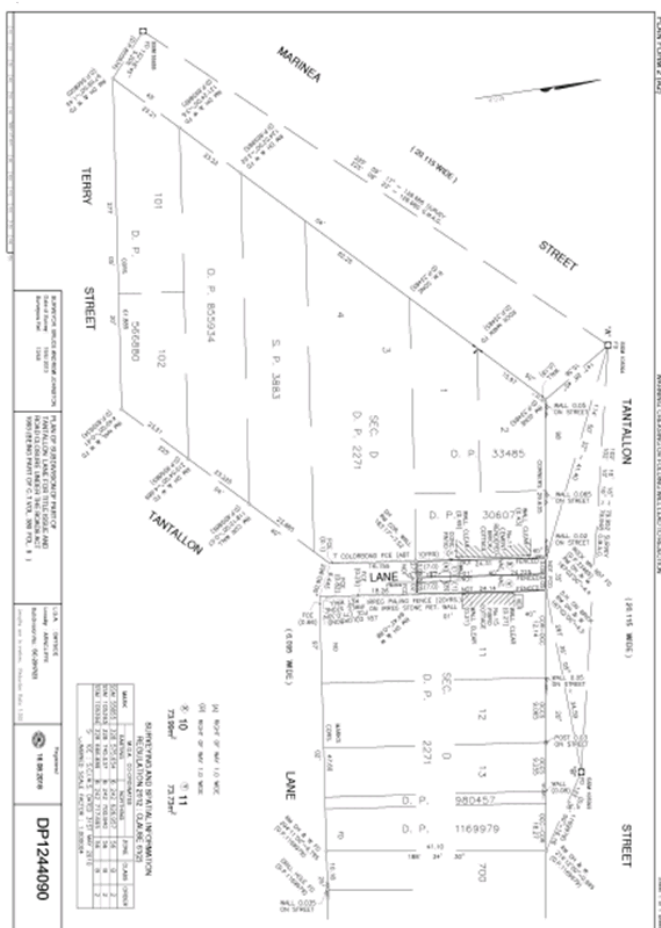
UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 8/3/2019

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PLAN FORM 6 WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 Sheet(s)
Registered: 16.08.2018 Title System: TORRENS Purpose: SUBDIVISION	Office Use Only	Office Use Only <b>DP1244090</b>
PLAN OF SUBDIVISION OF PART OF TANTALLON LANE FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993 (BEING PART OF C.T.VOL.380 FOL. 9 )	L.G.A.: BAYSIDE Locality: ARNCUFFE Parish: ST GEORGE County: CUMBERLAND	
Crown Lands NSW/Western Lands Office Approval I, <u>Adam Smith</u> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the location of the road shown herein have been given. Signature: <u>Adam Smith</u> Date: <u>12-08-2018</u> File No: <u>DP1244090</u> Other: <u>REUCLIFFE</u>	Survey Certificate I, <u>BRUCE ANDREW JOHNSTON</u> <u>WATSON BUCHAN SURVEYORS</u> <u>PO BOX 176, CARINGBAH, 1485</u> of, a surveyor registered under the Surveying and Spatial Information Act 2002, certify that: (a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on <u>19/4/2013</u> (b) The part of the land shown in the plan (being/including) <u>the road shown in the plan</u> was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on <u>19/4/2013</u> (c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012. Signature: <u>Bruce Johnston</u> Date: <u>19/4/2013</u> Surveyor ID: <u>1376</u> Dates: 'A'-'B' <u>19/4/2013</u> Type: <u>Minor/Minor</u> The terrain is <u>Level/Undulating/Steep-Mountainous</u> *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the plan.	
Subdivision Certificate I, <u>LUIS MELIA</u> *Authorised Person/Person-Manager/Person-Manager certify that the provisions of s10(2) of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: <u>Luis Melia</u> Authorisation no: <u>BAYSIDE COUNCIL</u> Consent Authority: <u>19 JULY 2017</u> Date of endorsement: <u>19 JULY 2017</u> Subdivision Certificate as: <u>SC-2017/23</u> File no: <u>DA-2016/122</u>	Plots used in preparation of survey/compilation: D.P. 2271 D.P. 30607 D.P. 33458 D.P. 33485 D.P. 566880 D.P. 855934 D.P. 855885 D.P. 1160690 D.P. 1169970 If space is insufficient continue on PLAN FORM 6A	
Statements of intention to dedicate public roads, public reserves and drainage reserves. IT IS INTENDED TO CLOSE THE ROAD DENOTED LOTS 10 & 11.	Signatures, Seals and Section 88b Statements should appear on PLAN FORM 6A	Surveyor's Reference: 13/48

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PLAN FORM 6A (2012) WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 Sheet(s)

Registered:  16.08.2018	Office Use Only	Office Use Only
PLAN OF SUBDIVISION OF PART OF TANTALLON LANE FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993 (BEING PART OF C.T.VOL.380 FOL. 9 )		<b>DP1244090</b>
Subdivision Certificate No.: <u>SC-2017/23</u> Date of Endorsement: <u>19 JULY 2017</u>		This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) 20 Regulation 2012 • Statements of intention to create and remove affecting interests in accordance with Section 185 Conveyancing Act 1919 • Signatures and seals - see 183B Conveyancing Act 1919 • Any information which forms part of the appropriate part of sheet 1 of the administration sheet.

LOT 10 ADDRESS UNKNOWN.  
 LOT 11 ADDRESS UNKNOWN.

PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE:

1. RIGHT OF WAY 3.05 WIDE
2. RIGHT OF WAY 3.05 WIDE

THE COMMON SEAL of Bayside Council

Affixed on .....

Pursuant to a resolution of Council dated  
18 May 2016.

First Signature

Print Name  
BILL SARAVINOVSKI

Office Held - Mayor Bayside Council

Second Signature

Print Name  
MEREDITH WALLACE

Office Held - General Manager

If space is insufficient use additional enclosure sheet.

SURVEYOR'S REFERENCE: 13/48

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## 21.4 Section 88B instrument

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 1 Sheets)

Plan: **DP1244090**

Plan of Subdivision of Part of  
Tantallon Lane for title issue and  
Road closure under the Roads Act 1993  
(being part of C.T.VOL.380 FOL.9)

Full name and address of the  
Proprietors of the Land

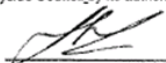
Bayside Council  
444-446 Princes Highway  
ROCKDALE NSW 2216

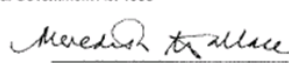
## Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), bodies or Prescribed Authorities:
1	Right of way 1 wide	10	11
2	Right of way 1 wide	11	10

Name of Authority having the power to release vary or modify the Easement above referred to:

Bayside Council by its authorized delegate pursuant to s.377 Local Government Act 1993

  
WITNESS SIGNATURE

  
(Signature of delegate)

Samantha Crqhart  
WITNESS NAME

MEREDITH WALLACE  
(name of delegate)

Address of Witness: ZA BRYANT STREET  
ROCKDALE NSW 2216


REGISTERED  16.08.2018

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## Valuation Report – Part of closed road

	
Property:	Part of Tantallon Lane ARNCLIFFE NSW 2205 (Lot 11 in Deposited Plan 1244090)
Instructed by:	Bayside Council Attention: Ali Rizwan, Development Manager
Date:	08 March 2019
Valuation Reference:	A1471B – Lot 11

### PYRMONT OFFICE

Jones Bay Wharf Lower Deck, Suite 81  
 26-32 Pirrama Road Pyrmont NSW 2009  
 02 9571 1133

### PARRAMATTA OFFICE

Level 1, Suite 103  
 107 Phillip Street Parramatta NSW 2150  
 02 9601 2500

ABN 13 128 584 921  
 admin@civcmjd.com.au

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## 2.0 Instructions

- 2.0.1 In accordance with instructions from Ali Rizwan, Development Manager representing Bayside Council, we have been instructed to assess the current market value of the subject Lot 11 being part of Tantallon Lane at Arncliffe, a former public road that has been closed.
- 2.0.1 This Valuation has been undertaken in accordance with The Australian Property Institute Valuation and Property Standards.

## 3.0 Market Value Definition

- 3.0.1 Market Value has been defined as: *"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion"*.

## 4.0 Interest to be Valued

- 4.0.1 Fee simple in possession, subject to encumbrances on title as set out below.

## 5.0 Date of Inspection & Valuation

- 5.0.1 08 March 2019

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## 6.0 Registered Proprietor & Title Details

- 6.0.1 The landholding is situated at Arncliffe within the Local Government Area of Bayside, Parish of St George and County of Cumberland.

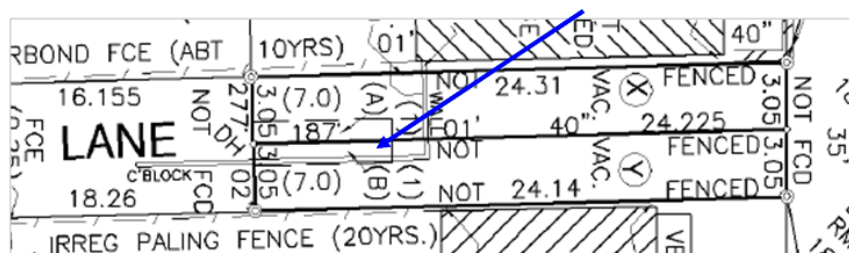
Folio ID	11/1244090
Registered Proprietor	BAYSIDE COUNCIL
Notifications	1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) 2 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED (1) IN THE S.88B INSTRUMENT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM 3 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED (2) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
Notations	UNREGISTERED DEALINGS: NIL

- 6.0.2 **Notification 1** is relatively standard and relates to the original Crown Grant and any conditions that were imposed by the Crown. These are assumed for the purpose of this assessment to be non-onerous in effect.

- 6.0.3 **Notification 2** advises a Right of Way 1 metre (m) wide which burdens the land and is numbered as (2) in the Section 88B instrument and as '(B) Right of Way 1.0 wide' on Deposited Plan 1244090. The relevant part of the 88B instrument is shown below:

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), bodies or Prescribed Authorities:
1	Right of way 1 wide	10	11
2	Right of way 1 wide	11	10

- 6.0.4 Deposited Plan 1244090, relevant part shown below, indicates that the Right of Way is situated to the rear southern end of the subject, adjacent to the eastern side boundary that separates the subject Lot 11 from similar and adjoining Lot 10:



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- 6.0.5 **Notification 3** indicates that the subject benefits from the adjoining and mirror-reversed Right of Way 1 metre (m) wide that is noted as '(A) Right of Way 1.0 wide' on Deposited Plan 1244090.
- 6.0.6 **Unregistered Dealings** are stated as "NIL".
- 6.0.7 Other than for their intended purpose, the above Second Schedule notifications are not considered to adversely impact upon the value of this property.
- 6.0.8 We have not undertaken a detailed search of the title in respect of the subject property and are not aware of any restriction on title other than that noted in this Report and on the copy of Folio Identifier.
- 6.0.9 If it should be found that any restriction not noted in this Report affects the land, this Report should be referred to us for comment as to the effect, if any, upon our Valuation.
- 6.0.10 We recommend that a full search of title be carried out in respect of this property.

## 7.0 Occupant

- 7.0.1 The registered proprietor has formal possession of the land which is vacant of significant structural improvements.
- 7.0.2 However we note that the adjoining Lot 10 is currently used for the off-street parking of vehicles, represented at inspection by a box trailer.



## 8.0 Location

- 8.0.1 The subject Lot 11 and adjoining and similar Lot 10 together comprise the northern end of Tantallon Lane that extends some 24m south of the intersection with Tantallon Avenue.
- 8.0.2 Although the southern part of the subject comprises sloping vacant land, separated from Lot 10 by a concrete-block retaining wall, the southern part of Lot 10 lies at a circa 2 metre lower elevation, as the formed part of Tantallon Lane that extends to the north-east from Terry Street.



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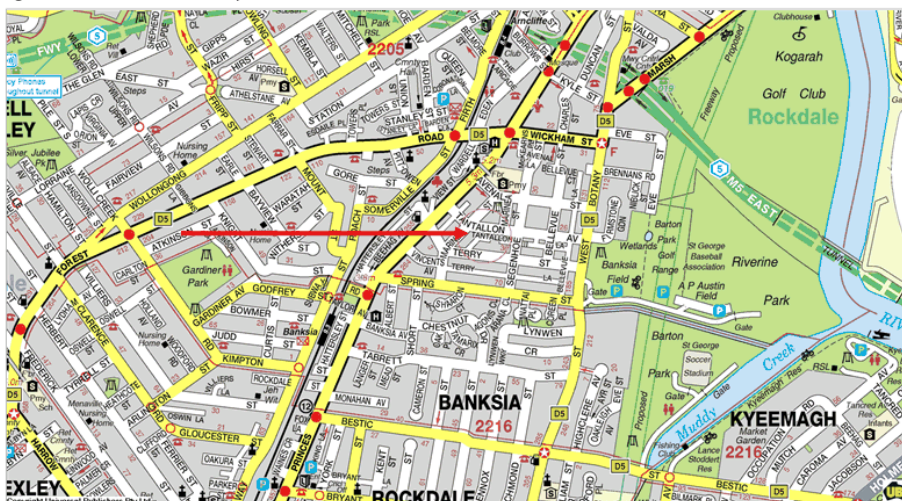




- 8.0.3 The subject lies within a long-established and predominantly residential precinct developed in the main with low-density dwellings of a variety of vintages and styles. Adjoining the subject to the east is 15 Tantallon Avenue improved with a single-level weatherboard-clad cottage that presents as having been recently renovated externally. Adjoining Lot 10 to the west is 11 Tantallon Avenue improved with a 2-level (at rear, single level at front) rendered-brick dwelling with good modern presentation.



- 8.0.4 The site is some 120m south-east of the intersection of Tantallon Avenue and the Princes Highway, the latter being at this location a 6-lane major highway with central divider, which is improved to the southern subject side with commercial uses, and which offers limited on-street carparking.
- 8.0.5 At inspection public streets in the vicinity of the subject were fully utilised for on-street carparking that is available without time restrictions. The subject offers to the adjoining property open-air off-street carparking and potentially other uses, if acquired.
- 8.0.6 Sydney International Airport lies a short distance to the east and access ramps to the M5 Motorway are 900m to the north-east. The subject lies between and to the east of Arncliffe rail station 950m to the north and Banksia rail station 750m to the south-west.
- 8.0.7 Rockdale Plaza shopping centre is some 2-kilometres to the south and the Sydney CBD is 12km to the north-east, with all approximate distances measured along the road network.
- 8.0.8 A pictorial indication as to the location of the subject property within the surrounding locality may be gained from the UBD Map below:



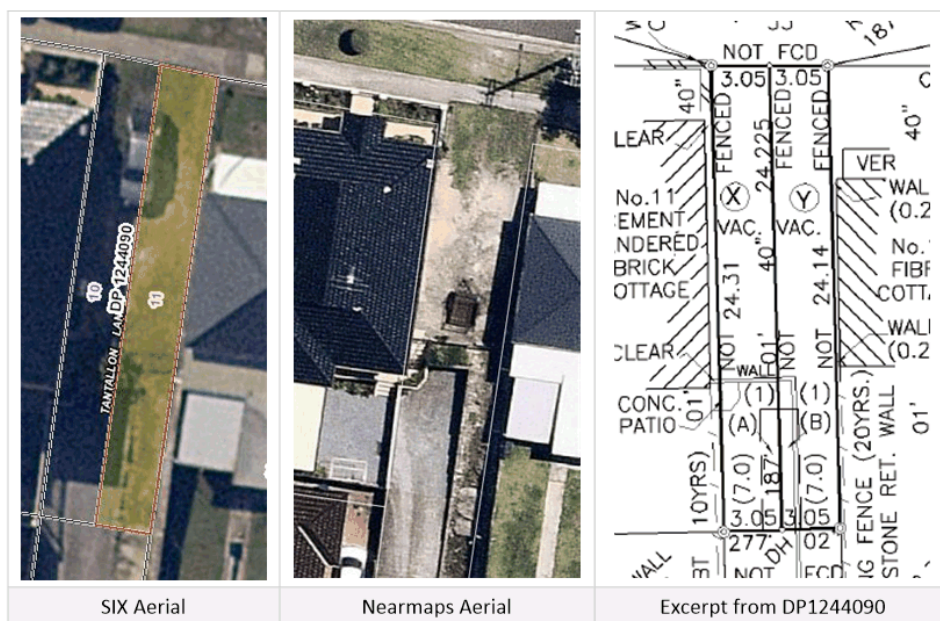
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## 9.0 Site Description

- 9.0.1 Lot 11 (designated as an encircled 'Y' by DP124490) has elongated rectangular form. The upper part accessed from Tantallon Road shows a slight incline to the rear and presents as near-level across the frontage, although Tantallon Road slopes gently from east to west.



- 9.0.2 The lower portion is relatively inaccessible (lying behind a metal safety fence) and comprises roughly-sloping land without evident use potential, as it is.
- 9.0.3 The lower part of adjoining Lot 10 provides formed road access to the rear of 11 Tantallon Road.
- 9.0.4 The dimensions and area of Lot 11 are set out in the following table:

Site Area	73.73m <sup>2</sup>
Tantallon Road Frontage	3.05 metres
Western side boundary	24.225 metres
Eastern side boundary	24.14 metres
Rear boundary	3.05 metres

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9.0.5 DP124490 indicates that the western (dividing) boundary of the lower southern part has a length of 7.0 metres (m). The upper part by deduction has a length of (24.225m less 7.0m =) 17.225m and the areas of the upper and rear parts are calculated – approximately only – as:

9.0.6	<b>Approximate area of upper part</b>	(17.225m x 3.05m =)	<b>52.5m<sup>2</sup></b>
9.0.7	<b>Approximate area of lower (rear) part</b>	(7.0 x 3.05 =)	<b>21.3m<sup>2</sup></b>

## 10.0 Statutory Assessment

10.0.1 Statutory Land Value: \$20,000 reflecting \$270/m<sup>2</sup> of site area.

10.0.2 Base Date: 1 July 2018, being the most recent.

10.0.3 The statutory Land Value is assessed under the NSW *Valuation of Land Act* 1916 for rating and taxing purposes according to specific statutory assumptions and consequently may not represent the current market value of the land.

## 11.0 Identification

11.0.1 The subject Lot 11 has been identified with DP1244090, other maps and plans including town-planning maps, and via physical inspection.

11.0.2 However, we have not been provided with a Survey Certificate in respect of the property and are therefore unaware of any encroachments by or upon the property.

11.0.3 Should legal opinion/formal survey identify any easements, covenants or encroachments not otherwise noted in this Report, we would request that they be forwarded to us for comment as to effect, if any, on value.

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## 12.0 Environmental Considerations

12.0.1 Environmental concerns are addressed below under Flood, Contamination and Native Title, Land Claims & Heritage subheadings:

### 12.1 Flood

12.1.1 Not indicated as flood prone.

### 12.2 Contamination

12.2.1 The property is currently part of a formed laneway and appears to have been so used for many years. We are not aware of former uses of the property. The present use is not noted within the API Professional Practice Standard list of potentially contaminating activities.

12.2.2 Our on-line enquiries of the NSW EPA Contaminated Land records did not indicate any problems or issues associated with this property, however, we point out that we have not made formal application to confirm if the subject property is recorded as contaminated.

12.2.3 During our inspection we did not observe any feature or condition of the property that might give rise to a contamination issue and, through our inquiries, as we have not become aware of any such feature or condition, we formed the opinion the risk for potential contamination of this property can be categorised as low.

12.2.4 This advice has been provided within the limited scope of our knowledge of this highly specialised field and we emphasise that no responsibility is assumed as to potential contamination of the site. The recipient of this Report is advised that the Valuer is not qualified to detect such substances or estimate the associated remediation cost. Should contamination be found on site, this report should be returned to us for review.

### 12.3 Native Title, Land Claims & Heritage

12.3.1 The relevant legislation enabling both Native Title and Aboriginal Land Claims provides for such claims, with few exceptions, only to prevail over the Leasehold of Crown Land, or Crown land. Land held under Freehold title is, predominantly, exempt from these claims.

12.3.2 Title to the subject property is Freehold.

12.3.3 This Valuation is provided on the basis that the subject property is clear of such claims however, should specialist legal searches reveal otherwise, this valuation should be returned to us for re-consideration.

12.3.4 Heritage issues, which may include issues associated with Aboriginal culture and history, are provided for under Environmental Plans. LEP 2011 does not identify the subject property as a Heritage item, or as adjoining any Heritage item.

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### 13.0 Town Planning Zoning

- 13.0.1 The land is zoned under Rockdale Local Environmental Plan (LEP) 2011, as updated to 04/05/2018. Following the merger of former councils the municipality is now known as Bayside Council.

Town Planning Profile		
Zoning		<b>"R3 Medium Density Residential"</b>
1	Objectives	<ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a medium density residential environment.</li> <li>• To provide a variety of housing types within a medium density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.</li> </ul>
2	Permitted Without Consent	Home-based child care; Home businesses; Home industries; Home occupations; Roads.
3	Permitted With Consent	Attached dwellings; Boarding houses; Building identification signs; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Seniors housing; Water supply systems; Any other development not specified in item 2 or 4.
4	Prohibited	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.
	Effect	The zoning allows for the range of permitted uses as set out above, including <i>"Attached dwellings"</i> and <i>"Multi dwelling housing"</i> .

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13.0.2 Specific controls within the R3 zone include:

Classification	"R3 - Medium Density Residential"
Floor Space Ratio	0.6:1
Minimum Lot Size	450m <sup>2</sup>
Maximum Height of Building	8.5 metres

### 13.1 Consents

13.1.1 Bayside Council is the consent authority for development initiatives.

13.1.2 Council's electronic records available for review online advise the following matter:

Matter	Approved	Details as listed
DA-2016/122	18/05/2016	Development Application - ROAD 9978 Tantallon Lane, ARNCLIFFE NSW 2205 - Subdivision of closed road 9978 into two (2) lots

### 13.2 General

13.2.1 I recommend that the above town-planning information be confirmed by Certificate issued under Section 10(7) of the NSW *Environmental Planning and Assessment Act 1979*. If the Certificate reveals that the above information is incorrect, this Valuation may require revision.

## 14.0 Services

14.0.1 Usual urban services are available although none is known to be connected to the subject.

14.0.2 Tantallon Avenue at this location is a bitumen-sealed carriageway with concrete kerb and gutter, and formed footpaths.

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## 15.0 Improvements

- 15.0.1 The upper part of the subject accessed from Tantallon Avenue comprises vacant land that is unsurfaced. The rear lower part is vacant and roughly-sloping ground that presents as similar to builder's rubble, plus rock outcrops.
- 15.0.2 The upper and rear parts are separated by a concrete-block retaining wall above which is a metal safety fence. The lower part of Lot 11 also lies behind and to the east of a concrete-block retaining wall, unlike the lower part of adjoining Lot 10 that provides formed and bitumen-sealed access to the dwelling it adjoins.



Upper part of subject and 15 Tantallon Avenue



Lower portion of subject

- 15.0.3 For the purposes of this assessment of value the subject is considered as vacant land without significant structural improvement.

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## 16.0 Market Commentary

### 16.1 Property Overview

- 16.1.1 The subject is one-half of the northern part of Tantallon Lane, which has been closed. Our instructions indicate a sale is contemplated between Council and the adjoining landowner.
- 16.1.2 The land has an upper part that is unsurfaced and accessed from Tantallon Road, and a portion lying to a progressively lower elevation at rear that comprises relatively inaccessible vacant land with no evident practical use potential, as is.

### 16.2 Specific Market Commentary

- 16.2.1 The upper part offers the potential to provide additional vehicle parking in a precinct where on-street carparking is limited.
- 16.2.2 Due to the limited size of 73.73m<sup>2</sup> and width of 3.05m the subject has constrained development use potential in isolation.
- 16.2.3 In an eventual medium-density residential redevelopment scenario the additional land area may be favourable to the possessor. However the adjoining residence presents as recently-renovated externally and apparently well maintained. Additionally, there is no evidence of property amalgamation for redevelopment purposes in the immediate precinct, or medium-density use. Therefore the added value in an eventual redevelopment scenario is not considered as likely to add appreciable current value where the apparent Highest and Best Use of nearby properties is ongoing use of existing freestanding single residential dwellings, at least in the short to medium term.
- 16.2.4 Notwithstanding this, any added value due to the "*R3 - Medium Density Residential*" zoning can be reasonably assumed to be encapsulated in the sale prices negotiated recently for nearby properties, as well as other influences upon value.

### 16.3 Market in General

- 16.3.1 The residential market including the inner-southern sector of Greater Sydney showed strong demand characteristics and rising values over the period from prior to 2015 until mid-to-late 2017. However the residential market in general is currently softening and the housing-market downturn has become more entrenched since the residential market peaked in 2017.
- 16.3.2 Over the 12-month February 2018 to February 2019 period 'Sydney dwelling values' are reported to have fallen by 10.4% (Source: CoreLogic *Hedonic Home Value Index*, February 2019 Results, published 01/03/2019). The rate of value decline is currently increasing over time; with the January 2018 to January 2019 rate of annual value fall being 9.7%.
- 16.3.3 The current slowdown in market activity is evident through longer marketing periods and an increase in supply, creating caution amongst potential buyers. The downturn applies to both the market for established dwellings and the market for vacant land.

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## 16.4 Sales Evidence

### 16.4.1 Sale 1

#### 18 Spring Street, Arncliffe (7/16092)

**Sale Date** 03/03/2018

**Sale Price** \$1,170,000

**Land Area** 423.7m<sup>2</sup>

**Zoning** "R3 Medium Density Residential"

**Comments** Situated a short distance to the south-west, some 150m east of the Princes Highway, and within the subject precinct.

An inline allotment of regular rectangular form, with a 12.8m frontage and sloping slightly to the front.

Improved with a dated single-level brick/tile cottage that was offered to market in "Original condition" offering "Scope to extend". Accommodation included 3-bedrooms & 1-bathroom. Basic presentation.

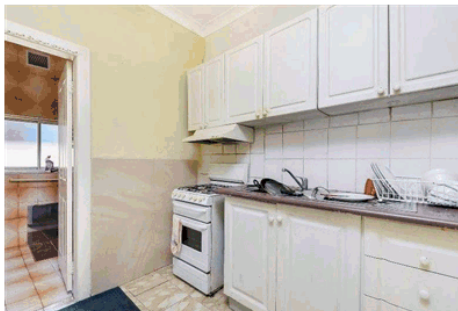
Ancillary improvements included a freestanding 2-car garage at rear in tandem formation.

Sold at auction following a marketing period that began in mid-2017 and involved several successive real estate agencies.

No recent or relevant DAs found online at Council's site.

**Analysis** Analysed as land \$1,050,000 reflecting **\$2,478/m<sup>2</sup> of site area** plus \$120,000 added value of improvements.

**Comparison** Comparable location. Same zoning and use potential, as constrained in isolation by size. A much larger landholding than the subject with far superior ongoing dwelling-hosting capacity.



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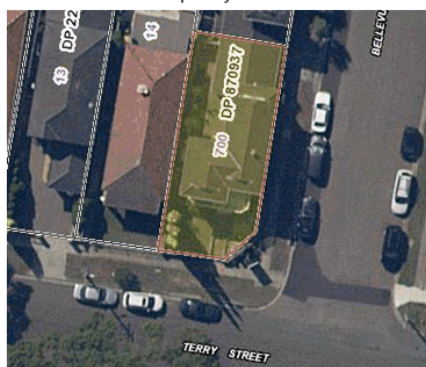
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## 16.4.2 Sale 2

**52 Terry Street, Arncliffe (700/870937)**

<b>Sale Date</b>	21/04/2018
<b>Sale Price</b>	\$996,000
<b>Land Area</b>	255.7m <sup>2</sup>
<b>Zoning</b>	"R3 Medium Density Residential"
<b>Comments</b>	<p>Situated a short distance to the south-east, off the intersection of Terry and Bellevue Streets, with proximity to Tantallon Lane.</p> <p>A corner allotment with regular rectangular form despite a splay corner, sloping gently from north to south.</p> <p>Improved circa 1990 with a 2-level cavity-brick/tile dwelling having an attached double garage at rear. Accommodation includes living areas to the lower level, 3-bedrooms &amp; 2-bathrooms to the upper level. Slightly dated presentation.</p> <p>Sold after 30-days of marketing, with an asking price of \$1,000,000.</p>
<b>Analysis</b>	Analysed as land \$675,000 reflecting <b>\$2,640/m<sup>2</sup> of site area</b> plus \$321,000 added value of improvements.
<b>Comparison</b>	Comparable location. Same zoning and use potential, as constrained in isolation by size. A much larger landholding than the subject with far superior ongoing dwelling-hosting capacity.



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## 16.4.3 Sale 3

**Lot 1 Permanent Avenue, Earlwood (1/1240646)**

**Sale Date** 03/09/2018

**Sale Price** \$36,000

**Land Area** 40.6m<sup>2</sup>

**Zoning** "R2 Low Density Residential"

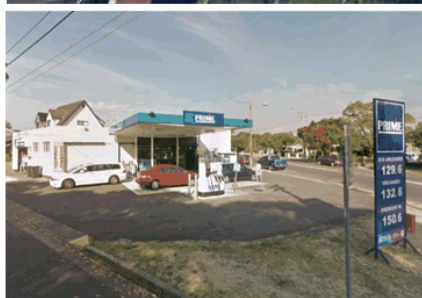
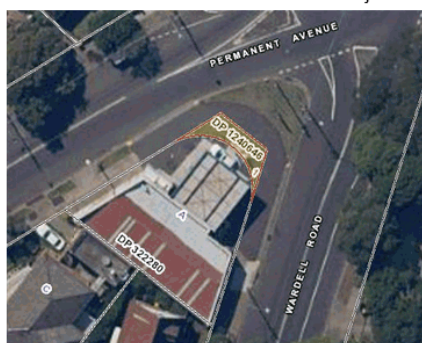
**Comments** Situated in a neighbouring municipality off the acute intersection of local thoroughfares Wardell Road that connects Dulwich Hill and Earlwood, and Permanent Avenue; thus a location offering considerable traffic flows and exposure that are favourable for a commercial use. The sale property adjoins to the rear 33-35 Wardell Road, being an allotment of near-triangular shape improved with a dated neighbourhood service station badged as 'Prime'.

The sale land has irregular shape and comprises part of the bitumen-surfaced forecourt area in front of the 'Prime' awning.

A sale from Canterbury-Bankstown Council to the owner of the 'Prime' site.

**Analysis** The fairly recent sale of vacant land improved with bitumen-hardstand that was presumably installed by the owner of the adjoining service station reflected **\$887/m<sup>2</sup> of site area**.

**Comparison** The thoroughfare location and exposure are favourable for a commercial use although less so for Residential utilisation. The Residential zoning is incomparable with the use that is likely to benefit from ongoing 'existing use' rights. The shape is inferior and the size is smaller however the sale land is comparable with the subject in terms of having limited use potential in isolation however comprising a small landholding adding utility and value to an adjoining property. The sale rate requires adjustment for, amongst other factors, quasi-commercial use potential and value which are Higher and Better Uses than available to the subject.



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## 17.0 Valuation Rationale

- 17.0.1 We are instructed to provide an assessment of current market value, assuming a sale to the owners of the adjoining improved property.
- 17.0.2 Because of the location, size and shape of the subject the adjoining landowner is the only feasible purchaser in a sales scenario, thus an extremely limited market of one that would constrain value, other things being equal. However the adjoining owner comprises a party for whom the property may have a particular value due to adjacency and enhanced utility, thus a potential purchaser who may be willing to offer a premium, other things being equal.
- 17.0.3 In practice these downwards and upwards market influences upon value may tend to cancel each other out, to a large extent.
- 17.0.4 In this matter the most appropriate method of valuation to apply presents as the Direct Comparison methodology, based on our analyses of the generally-comparable sales set out above.
- 17.0.5 Sales 1 & 2 are located within the local precinct with "*R3 - Medium Density Residential*" zoning although in both cases comprise relatively small allotments whose Highest and Best Use in isolation is for ongoing low-density residential use.
- 17.0.6 Sale 1 that sold approximately 12-months ago showed an analysed site rate of \$2,478/m<sup>2</sup> of site area, prior to adjustment for time in a residential market of declining values. Sale 2 which transacted 11-months ago reflected \$2,640/m<sup>2</sup> of site area prior to adjustment for time.
- 17.0.7 However in both cases the land components of the sale properties offered ongoing dwelling-hosting capacity that the subject does not. The apparent Highest and Best Use of the subject is as ancillary land useful as a driveway, for carparking and the like. Such ancillary land reflects discounted value when contrasted with sites having development potential in isolation, an extent of discounting that approximates one-third of the value of land with development potential in its own right.
- 17.0.8 Sale 1 shows a rate of \$2,181/m<sup>2</sup> after adjustment for time, of which one-third is **\$654/m<sup>2</sup>**.
- 17.0.9 Sale 2 shows a rate of \$2,350/m<sup>2</sup> after adjustment for time, of which one-third is **\$705/m<sup>2</sup>**.
- 17.0.10 Sale 3 offers an example of a small parcel of such ancillary land sold by a local council and acquired by an adjoining owner, although the location, zoning and use potential were all different. Nevertheless Sale 3 that transacted some 6-months ago reflected \$887/m<sup>2</sup> of site area prior to some adjustment for time, being a rate not dissimilar to one-third of the rates shown by Sales 1 & 2 prior to adjustment for time, after adjustment for the sale's superior ongoing quasi-commercial use and beneficial traffic flows.
- 17.0.11 After adjustment for time Sale 3 reflects **\$834/m<sup>2</sup>** of site area, applicable to a smaller parcel of land with ancillary-commercial use and favourable (for that use) exposure.
- 17.0.12 In the case of the subject, unlike Sale 3, only the upper or front part of the land is potentially useful (if not already used) by the adjoining owner, and discounting for the rear, currently unusable portion is required for Lot 11.
- 17.0.13 For the upper part the value range may reasonably be considered to extend between about \$650/m<sup>2</sup> and \$700/m<sup>2</sup>, while for the lower rear part with quite limited accessibility or use potential, as is, a range of open space rates between \$40/m<sup>2</sup> and \$60/m<sup>2</sup> has been adopted.

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17.0.14 Therefore, after adjusting all rates for time and other differences, the current market value of the upper and lower portions of the subject Lot 10 is calculated as:

**17.0.15 Upper part**

52.5m <sup>2</sup>	@	\$650/m <sup>2</sup>	=	\$34,125
	@	\$675/m <sup>2</sup>	=	\$35,438
	@	\$700/m <sup>2</sup>	=	\$36,750
				<b>Adopt \$36,000</b>

**17.0.16 Lower (rear) part**

21.3m <sup>2</sup>	@	\$ 40/m <sup>2</sup>	=	\$ 852
	@	\$ 50/m <sup>2</sup>	=	\$ 1,065
	@	\$ 60/m <sup>2</sup>	=	\$ 1,278
				<b>Adopt \$ 1,000</b>

17.0.17 **Summary:** (\$36,000 plus \$1,000 = ) **\$37,000**

## 18.0 Goods & Services Tax

18.0.1 As the subject comprises vacant land, any sales transaction may incur a GST liability (other than where minimised as a 'going concern' transaction or through use of the 'margin scheme'). We are of the opinion that a purchaser may be willing to pay GST over and above the ascribed market value, notwithstanding potential variations in the taxation status of the parties to a transaction. This Valuation is exclusive of GST.

## 19.0 Critical Conditions & Assumptions

- This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period including as a result of general market movements or factors specific to the particular property. We do not accept liability for losses or damage arising from such subsequent changes in value including consequential or economic loss.
- Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
- No part of this valuation or any reference to it may be included in any other document or reproduced or published in any way without written approval of the firm and context in which it is to appear.
- The value assessed herein is based on the definition of market value unless otherwise stated in the Report and does not represent the realisable value based on a mortgagee or receiver sale.
- This valuation has been prepared on the basis that full disclosure of all information and facts that may affect the valuation has been made to us. We do not accept any liability or responsibility whatsoever for the valuation if full disclosure has not been made.

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## 20.0 Certificate of Valuation

The current market value of the property known as **Part of Tantallon Lane, Arncliffe NSW 2205 (Lot 11 in Deposited Plan 1244090)**, has been assessed as at 08 March 2019, and we are of the opinion that a fair and reasonable assessment of Valuation on the basis outlined, exclusive of GST, is:

**\$37,000 Excluding GST**

**(THIRTY SEVEN THOUSAND DOLLARS)**

### Civic MJD

Valuer

Counter signed by

A handwritten signature in black ink, appearing to read "P. Fogg".

A handwritten signature in black ink, appearing to read "A.P. Looby".

Peter Fogg, AAPI

A.P. Looby, FAPI

Certified Practising Valuer

Certified Practising Valuer

API Member No: 69443

API Member No: 68048

Senior Valuer

Director

The opinion of value expressed in this Report is that of the Valuer who is the prime signatory to the Report. The counter signatory verifies that the Report is a genuine document and authorised by Civic MJD. We advise that the Valuer and Civic MJD have no pecuniary interest in the subject property.

This Valuation has been prepared on specific instructions from Ali Rizwan, Development Manager representing Bayside Council for assessment of current market value purposes. The Report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this Report will be relied upon by third parties. We invite other parties who may come into possession of this Report to seek our written consent to them relying on this Report. We reserve our right to withhold consent or to review the contents of this Report in the event that our consent is sought.

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## 21.0 Annexures

### 21.1 Letter of Instruction

From: Ali Rizwan <[Ali.Rizwan@bayside.nsw.gov.au](mailto:Ali.Rizwan@bayside.nsw.gov.au)>  
Sent: Wednesday, 6 March 2019 11:23 AM  
To: CivicMJD Admin <[admin@civicmjd.com.au](mailto:admin@civicmjd.com.au)>; 'admin@civicvaluations.com.au' <[admin@civicvaluations.com.au](mailto:admin@civicvaluations.com.au)>  
Cc: Peter Fogg <[peterf@civicmjd.com.au](mailto:peterf@civicmjd.com.au)>  
Subject: RE: Valuation of Recently Closed Road (Tantallon Rd, Arncliffe), Lot 10 & Lot 11 DP 1244090

Hi Murray,

PO is "PU023142"

May you please proceed, hoping to have this by the end of next week.

Regards



Ali Rizwan Development Manager  
444-446 Princes Highway, Rockdale NSW 2216  
T 02 9562 1594 M 0436 643 247  
E [ali.rizwan@bayside.nsw.gov.au](mailto:ali.rizwan@bayside.nsw.gov.au) W [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

---

From: Ali Rizwan  
Sent: Wednesday, 13 February 2019 11:32 AM  
To: 'admin@civicvaluations.com.au' <[admin@civicvaluations.com.au](mailto:admin@civicvaluations.com.au)>  
Subject: Valuation of Recently Closed Road (Tantallon Rd, Arncliffe), Lot 10 & Lot 11 DP 1244090

Hi Murray,

May you please provide a quote for the Valuation of the above Lots?

#### History/Context:

Based on two owners either side of this prior road (appears as an "alleyway" when viewed in person) wishing to acquire this parcel in equivalent portions, council resolved that DA-2016/122 for the sub-division of closed road 9978 in two (2) lots at Tantallon Lane, Arncliffe be approved.

Subsequently department of industry have issued a gazette notification under the roads Act 1993 for the closure. Title for Lot 10 has been received, with title for Lot 11 imminent.

We need to obtain valuations to understand market value of these Lots prior to agreeing to a price with the potential purchasers.

Regards



Ali Rizwan Development Manager  
444-446 Princes Highway, Rockdale NSW 2216  
T 02 9562 1594 M 0436 643 247  
E [ali.rizwan@bayside.nsw.gov.au](mailto:ali.rizwan@bayside.nsw.gov.au) W [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

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## 21.2 Folio Identifier 11/1244090



LAND  
REGISTRY  
SERVICES

Order number: 55856754  
Your Reference: A1471  
08/03/19 11:55



SAI GLOBAL  
PROPERTY

NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 11/1244090

SEARCH DATE	TIME	EDITION NO	DATE
8/3/2019	11:55 AM	1	20/2/2019

LAND

LOT 11 IN DEPOSITED PLAN 1244090  
AT ARNCLIFFE  
LOCAL GOVERNMENT AREA BAYSIDE  
PARISH OF ST GEORGE COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1244090

FIRST SCHEDULE

BAYSIDE COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED  
(1) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND  
ABOVE DESCRIBED
- 3 DP1244090 RIGHT OF WAY 1 METRE(S) WIDE REFERRED TO AND NUMBERED  
(2) IN THE S.88B INSTRUMENT AFFECTING THE PART(S)  
SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

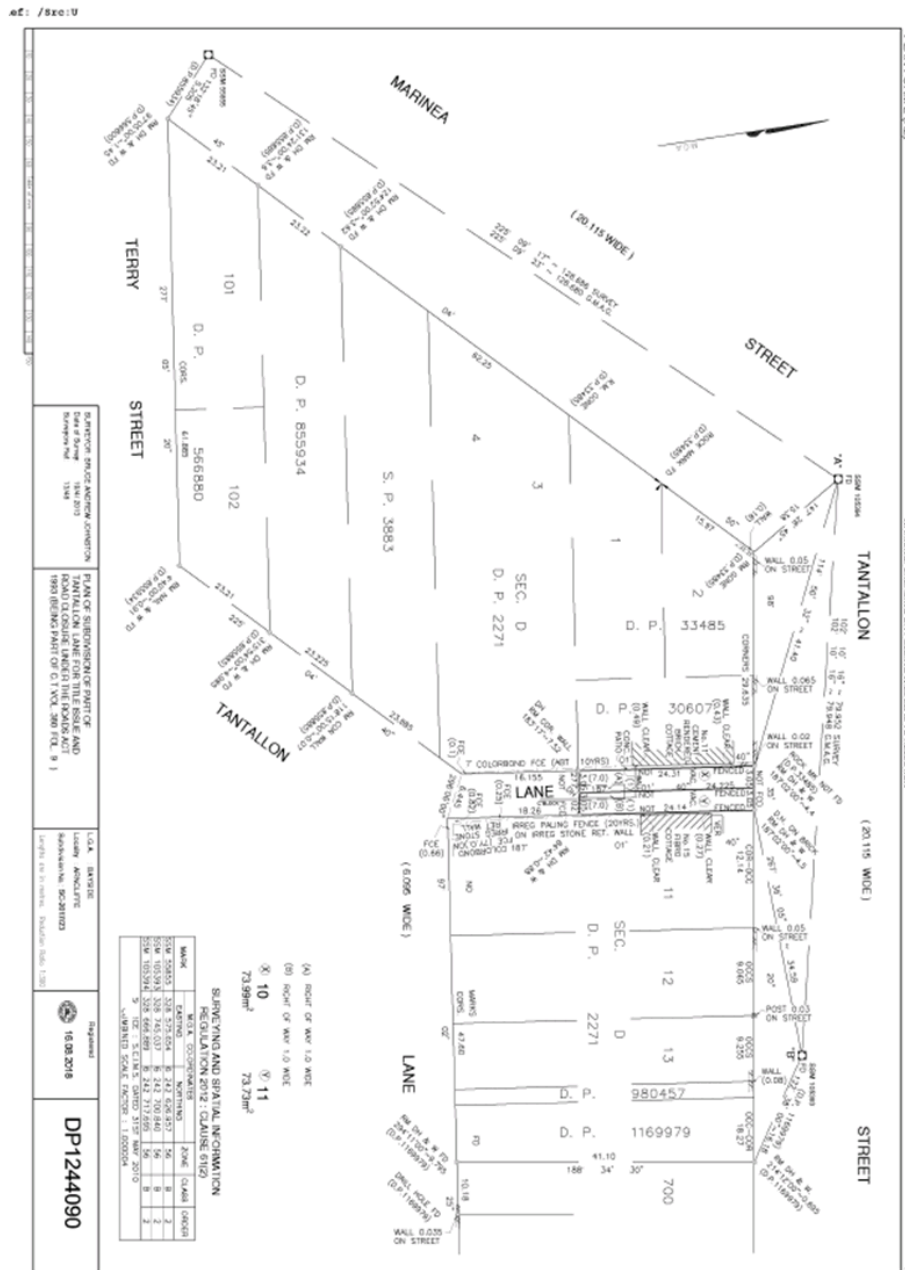
PRINTED ON 8/3/2019

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## 21.3 Deposited Plan 1244090



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PLAN FORM 6		WARNING: Creasing or folding will lead to rejection	
DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 Sheet(s)	
Registered:  16.08.2018	Office Use Only	Office Use Only	
Title System: TORRENS		DP1244090	
Purpose: SUBDIVISION			
PLAN OF SUBDIVISION OF PART OF TANTALLON LANE FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993 (BEING PART OF C.T.VOL.380 FOL. 9 )		L.G.A.: BAYSIDE	
		Locality: ARNCLIFFE	
		Parish: ST GEORGE	
		County: CUMBERLAND	
Crown Lands NSW/Western Lands Office Approval		Survey Certificate	
I, <u>Adam Janik</u> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: <u>[Signature]</u> Date: <u>11-JUL-2018</u> File No.: <u>09/04068</u> Office: <u>NEWCASTLE</u>		I, <u>BRUCE ANDREW JOHNSTON</u> <u>WATSON BUCHAN SURVEYORS</u> <u>PO BOX 176, CARINGBAH, 1495</u> of <u>19/4/2013</u> a surveyor registered under the Surveying and Spatial Information Act 2002, certify that: (a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on <u>19/4/2013</u> (b) <del>The part of the land shown in the plan (being/including)</del> <u>was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 19/4/2013. The part not surveyed was compiled in accordance with that Regulation.</u> (c) <del>The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</del> Signature: <u>[Signature]</u> Dated: <u>19/4/2013</u> Surveyor ID: <u>1376</u> Datum Line: <u>'A'-'B'</u> Type: <u>Urban/Rural</u> The terrain is <u>"Level/Undulating/Steep-Mountainous"</u> *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the plan.	
Subdivision Certificate			
I, <u>LUIS MEUM</u> *Authorised Person/*General Manager/*Accredited Certifier certify that the provisions of s.105J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: <u>[Signature]</u> Accreditation no.: <u>BAYSIDE COUNCIL</u> Consent Authority: <u>19 JULY 2017</u> Date of endorsement: <u>SC-2017/23</u> Subdivision Certificate no.: <u>DA-2016/122</u> File no.: <u>DA-2016/122</u> *Strike through if inapplicable.			
Statements of intention to dedicate public roads, public reserves and drainage reserves.		Plans used in preparation of survey/compilation.	
IT IS INTENDED TO CLOSE THE ROAD DENOTED LOTS 10 & 11.		D.P. 2271 D.P. 30607 D.P. 33458 D.P. 33485 D.P. 566880 D.P. 855934 D.P. 855885 D.P. 1160690 D.P. 1169979 If space is insufficient continue on PLAN FORM 6A	
Signatures, Seals and Section 88b Statements should appear on PLAN FORM 6A		Surveyor's Reference: 13/48	




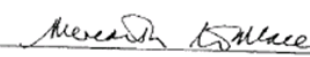
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PLAN FORM 6A (2012) WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 2 Sheet(s)
Registered:  16.08.2018	Office Use Only	Office Use Only
<b>PLAN OF SUBDIVISION OF PART OF TANTALLON LANE FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993 (BEING PART OF C.T.VOL.380 FOL. 9 )</b>		<b>DP1244090</b>
Subdivision Certificate No. <u>SC-2017/23</u> Date of Endorsement: <u>19 JULY 2017</u>		This sheet is for the provision of the following information as required: * A schedule of lots and addresses - See 60(c) SSi Regulation 2012 * Statements of intention to create and release affecting interests in accordance with Section 88B Conveyancing Act 1919 * Signatures and seals - see 1950 Conveyancing Act 1919 * Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
LOT 10 ADDRESS UNKNOWN. LOT 11 ADDRESS UNKNOWN		
PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE: 1. RIGHT OF WAY <u>3.05</u> WIDE 2. RIGHT OF WAY <u>3.05</u> WIDE		
THE COMMON SEAL of Bayside Council Affixed on ..... Pursuant to a resolution of Council dated 18 May 2016.		
 First Signature		
Print Name <u>BILL SARA VINOVSKI</u>		
Office Held - Mayor Bayside Council		
 Second Signature		
<u>MEREDITH WALLACE</u> Print Name		
<u>GENERAL MANAGER</u> Office Held - General Manager		
If space is insufficient use additional annexure sheet.		
SURVEYOR'S REFERENCE: 13/48		

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## 21.4 Section 88B Instrument

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 1 Sheets)

Plan: **DP1244090**

Plan of Subdivision of Part of  
Tantallon Lane for title issue and  
Road closure under the Roads Act 1993  
(being part of C.T.VOL.380 FOL.9)

Full name and address of the  
Proprietors of the Land

Bayside Council  
444-446 Princes Highway  
ROCKDALE NSW 2216

## Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), bodies or Prescribed Authorities:
1	Right of way 1 wide	10	11
2	Right of way 1 wide	11	10

Name of Authority having the power to release vary or modify the Easement above referred to:

Bayside Council by its authorized delegate pursuant to s.377 Local Government Act 1993

WITNESS SIGNATURE

(Signature of delegate)

Samantha Orphan  
WITNESS NAME

MEREDITH WALLACE  
(name of delegate)

Address of witness: ZA BRYANT STREET  
ROCKDALE NSW 2216



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**Site Deposited Plan – Lot 1 DP 867 417 256R King St, Mascot**

PLAN FORM 1	Plan Drawing only to appear in this space	*OFFICE USE ONLY
<p><small>SIGNATURES, SEALS AND STATEMENTS OF INTENTION TO dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.</small></p> <p align="center"><b>LOT 1 TO BE CREATED FOR THE PURPOSES OF THE ROADS ACT, 1993</b></p>		<p align="center"><b>DP 867417</b></p> <p>Registered:  JH 4-4-1997</p> <p>CA: N° 28/96 OF 2-12-1996</p> <p>Title System: <b>TORRENS</b></p> <p>Purpose: <b>ROADS ACT, 1993</b></p> <p>Ref. Map: <b>U 0937-32</b></p> <p>Last Plan: _____</p> <hr/> <p>PLAN <b>PLAN OF PART OF HATFIELD STREET CREATING LOT 1 BEING PART OF THE LAND IN CT 323-139</b></p> <p><small>Lengths are in metres. Reduction Ratio 1: 70</small></p> <hr/> <p>LGA <b>BOTANY BAY</b></p> <p>Locality: <b>MASCOT</b></p> <p>Parish: <b>BOTANY</b></p> <p>County: <b>CUMBERLAND</b></p> <hr/> <p>Plans used in preparation of survey/compilation.</p> <p align="center"><b>D.P. 892</b></p> <hr/> <p><b>BRIAN KENT</b>  of P.O. BOX 860, CHATSWOOD, 2057.....</p> <p><small>a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the Survey Practice Regulation 1990 and was completed on</small></p> <p><b>1/10/96</b></p> <p><small>Signature of Surveyor registered under Surveyors Act, 1929, as amended. Oath of Office of Surveyor. Shortest date of survey.</small></p>
<p align="center"><b>Crown Lands Office Approval</b></p> <p>PLAN APPROVED .....</p> <p>Land District .....</p> <p>Paper No. ....</p> <p>Field Book ..... pages</p> <hr/> <p align="center"><b>Council's Certificate</b></p> <p>I hereby certify that –</p> <p>(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and</p> <p>(b) the requirements of Part 3 Division 2 of the Water Board Act 1987, or Part 5 Division 7 of the Hunter Water Board (Corporation) Act 1991,</p> <p>have been complied with by the applicant in relation to the proposed <b>SUBDIVISION</b> (insert "new road", "subdivision" or "consolidated lot" set out herein)</p> <p>Subdivision No. <b>24/96</b></p> <p>Date <b>2/12/96</b></p> <p>(Signature) _____</p> <p align="center"><small>General Manager/Authorized Person</small></p> <p>Council File No. <b>ROAD - 134</b></p> <p><small>*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Water Board and the Hunter Water Corporation Ltd.</small></p> <p><small>(Delete if inapplicable)</small></p>	<p><b>HATFIELD STREET</b></p>	

**Subject property**

**McSS**

PROPERTY VALUATIONS

**McLennan Steege Smith**  
Property Valuations

HEAD OFFICE  
Suite 207, 29 Kiara Road, Miranda N.S.W. 2228  
P.O. Box 24, Miranda N.S.W. 1490  
P 1300 638 943 E frontreception@mcssa.com.au

NORTH SYDNEY  
P.O. Box 896, Neutral Bay N.S.W. 2089  
P 1300 638 943 E frontreception@mcssa.com.au

VAL REF: 1900190

VALUATION REPORT  
ON  
PROPERTY SITUATED  
AT

256R KING STREET, MASCOT NSW 2020

UNDER INSTRUCTIONS FROM

ALI RIZWAN  
BAYSIDE COUNCIL

DATED: 15 MARCH 2019

Offices located at Miranda and North Sydney  
ABN 78 439 320 383

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### SUMMARY REPORT

#### PROPERTY:

The property is known as 256R King Street, Mascot NSW 2020.

#### DESCRIPTION:

The subject property is a narrow vacant strip of land adjoining residential homes with a total land area of 33.8 sq.m.

#### INSTRUCTIONS:

We have been instructed to assess the current fair market value and of the subject property being 256R King Street, Mascot NSW 2020.

#### DEFINITION OF MARKET VALUE:

The current market value can be described as a price negotiated between a willing but not anxious purchaser and a willing but not anxious vendor under normal terms and conditions and allowing a reasonable sale period taking into consideration current market conditions.

#### CRITICAL ASSUMPTIONS:

##### Verifiable Assumptions

Relate to encumbrances, zoning, encroachments and sewer location and can be confirmed by obtaining a Section 149 Certificate from Bayside Council, a sewerage diagram from Sydney Water and survey report.

##### Assumptions Based on Opinion

Those detailed under our heading *Valuation Analysis* and *General Comments*.

**CURRENT FAIR MARKET VALUE VALUATION:**

We consider the current market value of the subject property being known as 256R King Street, Mascot NSW 2020 as at **15 March 2019** to be **\$30,000**.

**(THIRTY THOUSAND DOLLARS)**

This valuation excludes GST



**INTRODUCTION:**

We have been requested to assess the current fair market value of the subject property known as 256R King Street, Mascot NSW.

The property is devoid of any structural improvements.

The current market value can be described as a price negotiated between a willing but not anxious purchaser and a willing but not anxious vendor under normal terms and conditions and allowing a reasonable sale period taking into consideration current market conditions.

**LOCATION:**

The subject property is located in the established residential area of Mascot being approximately 11 klms via road from the Sydney CBD. The property is approximately 400 metres from Botany Road being the main commercial shopping strip in Mascot with local bus services to the Sydney CBD and surrounding areas.

The surrounding development comprises a mixture of mainly single level brick bungalow residences being all in reasonable neat to modern and well maintained state of maintenance and overall generally well maintained neat residential area in a southern suburb of Sydney.

Bayside Council administers this area.

**LAND:**

The land is situated adjoining the rear southern side of the property at 256 King Street, Mascot (see annexed Deposited Plan) and is a vacant strip of land.

Dimensions: 10.06 x 3.36 metres

With a total area of 33.8sq.m.

**LAND & TITLE DETAILS:**

The property is situated within the Local Government Area of Bayside Council and known as Lot 1 in Deposited Plan 867417.

The above information is obtained from information provided to us in our instructions. Should a formal title search reveal any encroachments that may affect the value of the property, we reserve the right to review our valuation figure.

A copy of an RP Data search of the subject property details are annexed hereto.

**TOWN PLANNING:**

We note that the zoning of the property is Zone R2 Low Density.

1. **Objectives of zone**
  - To provide for the housing needs of the community within a low density residential environment.
  - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
  - To encourage development that promotes walking and cycling.
2. **Permitted without consent**  
Home occupations
3. **Permitted with consent**  
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals, Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings.

For confirmation, a Certificate under Section 10.7 of the Environmental and Assessment Act 1979 should be obtained from Bayside Council.

Should a 10.7 Certificate fail to confirm the above zoning noted, this valuation should be returned to McLennan Steege Smith Property Valuations for possible comment and review.

**IMPROVEMENTS:**

The subject property is devoid any structural improvements.

**COMPARABLE SALES FOR LAND VALUE:**

Due to the lack of recent vacant land sales we have analysed recent improved sales deducting an improved value to identify an equated land value.

**12 Hatfield Street, Mascot NSW 2020**  
**Sold - 9 March 2019 - \$1,115,000**

A single level brick and tile home, three (3) bedrooms, one (1) bathroom, nil car accommodation.

Land Area 267 sq.m.  
Less estimated improvement value \$100,000.  
Equated land value \$1,015,000  
Reflects \$3,801 per sq.m.

**60 High Street, Mascot NSW 2020**  
**Sold -28 November 2018 - \$1,100,000**

A single level red textured brick and tile residence, detached double fibro garage, good presentation.

Land Area 430 sq.m.  
Less estimated improvement value of \$100,000.  
Equated land value \$1,000,000  
Reflects \$2,326 per sq.m.

**70 High Street, Mascot NSW 2020**  
**Sold - 21 September 2018 - \$1,000,000**

A neat modest three (3) bedroom permalum and sheet metal home on a narrow residential block.

Land Area 329 sq.m  
Less estimated improvement value of \$80,000.  
Equated land value \$920,000  
Reflects \$2,796 per sq.m.

39 Johnson Street, Mascot NSW 2020  
Sold - 23 January 2019 - \$1,240,000

A neat renovated single level three (3) bedroom, weatherboard and tile home, corner block position, superior location.

Land Area 329 sq.m.  
Less estimated improvement value of \$170,000.  
Equated land value \$1,070,000  
Reflects \$3,252 per sq.m.

124 King Street, Mascot NSW 2020  
Sold - 6 October 2018 - \$895,000

A narrow timber frame semi-detached dwelling, neighbouring same street position, eastern side of Botany Road.

Land Area 255 sq.m.  
Less estimated improvement value of \$95,000.  
Equated land value \$900,000  
Reflects \$3,137 per sq.m.

**COMPARABLE SALES OF STRIPS OF LAND:**

We note the following sales show examples of other similar sales of strips of land in relation to equated land of residential land, this identifies why we utilised a 25% value of residential land value.

19 Valda Ave, Arncliffe  
Sold - 16 January 2017 - \$50,000  
Confirmed sale

A vacant strip of land sold by Rockdale City Council.  
Land Area 38sq.m.

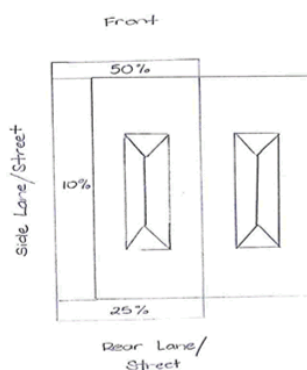
**GENERAL COMMENTS:**

The subject property is a vacant narrow strip of land being approximately 3.36 metres wide by 10 metres long. The land is positioned directly adjoining the south of the neighbouring property being 256 King Street, Mascot.

**ANALAYSIS:**

In the analysis of the subject land being Lot 1 in DP 867417, otherwise known as 256R King Street, Mascot. We note the property is an independent lot and as such in its current form has a utility value only and has no added value to any other property other than the adjoining lot. As such there is only one party that the land can be sold to, therefore we have adopted the Marriage Value concept.

The Marriage Value concept is adopted where there is only one purchaser and a discount of the total piecemeal value of the land is adopted. As such we have utilised 25% of the total Current Market land value for the area of Mascot. The subject strip of land is located at the rear of the property with rear lane access. The below diagram identifies a general rule as to land values of proportionate land in a Marriage Value concept back to the single adjoining owner.



Therefore, based on the above analysis our valuation is as follows:

The utility of the land and the Buyer's depth were acknowledged "the Buyer depth is essentially limited to only one purchaser being the adjoining owner(s)". We note that we are valuing an independent lot and that the property has been valued as such and thus in its current form has no utility or potential until merged with the adjoining property. Once merged thereafter the Lot would have an increased land value. Until such time 25% of current residential land value will be utilised.

Therefore, our comparable sales evidence reflect the quoted land values in the Mascot area between \$2,325 per sq.m and \$3,801 per sq.m.

We suggest a rate of \$3,500 per sq.m utilising a 25% of current market value rate with a suggested land value rate of \$875 per sq.m.

Therefore, 33.8 sq.m x \$875 per sq.m = \$29,575 say \$30,000.

We have identified a market range of - \$30,000 - \$35,000.

We confirm our opinion of \$30,000.



**DISCLAIMER:**

This report is a valuation report only and not a structural survey.

The report is for the use of the Client named in the report and not for the use by any other party without the express permission of the Valuer.

This valuation is exclusive of GST and is made on the following assumptions:

- 1 The property is not subject to any undisclosed encumbrances or restrictions that would effect the valuation in any way.
- 2 That buildings are wholly within the subject land and that there are no encroachments upon the subject land.

The valuation is made subject to the following limiting conditions:

1. That the ownership, legal description, zoning dimensions and area have been ascertained by due enquiry but have not been subject to a Title Search.
2. This valuation is current as at the date of valuation only. The value assessed herein may change significantly unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have effect on the valuation.
3. This valuation can only be relied upon for valuation purposes only and by the direct client of McLennan Steege Smith Property Valuations. Possession of this report or a copy thereof does not carry with it the right to publication, nor may it be used for any purposes by anyone but the applicant within the written consent of the Valuer. The value stated in this report is only valid for a period of three months from the report date.

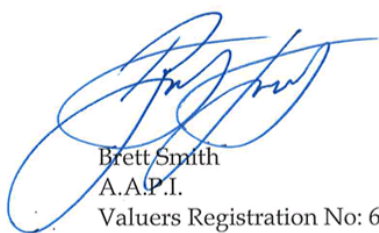
4. We have carried out an inspection of exposed and readily accessible areas of the improvements. However, the valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries.
5. This valuation has been prepared on specific instructions from Ali Rizwan of Bayside Council for the purposes of establishing the current fair market value and also the current fair market rental value of the property. The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold our consent or to review contents of this report in the event that our consent is sought.

**CURRENT FAIR MARKET VALUE VALUATION:**

We consider the current market value of the subject property being known as 256R King Street, Mascot NSW 2020 at 15 March 2019 to be \$30,000:

**(THIRTY THOUSAND DOLLARS)**

This valuation excludes GST



Brett Smith  
A.A.P.I.  
Valuers Registration No: 68758

ANNEXURES

TITLE SEARCH

DEPOSITED PLAN

NSW GOVERNMENT PLANNING & ENVIRONMENT  
ZONING SEARCH

RP DATA SEARCH OF 256R KING STREET MASCOT

RP DATA SEARCH OF 256 KING STREET MASCOT

PHOTOGRAPHS



Order number: 43586155  
Your Reference: DP867417  
20/04/17 15:06

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/867417

SEARCH DATE	TIME	EDITION NO	DATE
20/4/2017	3:06 PM	1	4/4/1997

LAND

LOT 1 IN DEPOSITED PLAN 867417  
AT MASCOT  
LOCAL GOVERNMENT AREA BAYSIDE  
PARISH OF BOTANY COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP867417

FIRST SCHEDULE

BOTANY BAY CITY COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

\* 1 3319897 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 20/4/2017

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

<p><b>SIGNATURES, SEALS AND STATEMENTS of Intention to dedicate public roads or to create public reserves, drainage easements, restrictions on the use of land or positive covenants.</b></p> <p><b>LOT 1 TO BE CREATED FOR THE PURPOSES OF THE ROADS ACT, 1993</b></p>	<p><b>PLAN APPROVED</b> .....  <b>Lead District</b> .....  <b>Paper No.</b> .....  <b>Field Book</b> .....  <b>pages</b> .....</p> <p style="text-align: center;"><b>Crown Lands Office Approval</b></p>	<p><b>Council's Certificate</b></p> <p>I hereby certify that -</p> <p>(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and</p> <p>(b) the requirements of Part 3 Division 2 of the Water Board Act 1974 or Part 3 Division 7 of the Hunter Water Board (Consolidation) Act 1981</p> <p>have been complied with by the applicant in relation to the proposed <b>SUBDIVISION</b></p> <p>(Insert "new road", "subdivision" or "consolidated lot") set out herein</p> <p>Subdivision No. <b>38195</b>  Date <b>2/12/96</b></p> <p>(Signature) <i>[Signature]</i>  <b>Grant/Manager/Authorised Person</b></p> <p>Council File No. <b>ROAD-134</b></p> <p>*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be dedicated is already within the area of operations of the Water Board or is already within the area of operations of the Hunter Water Corporation Ltd.</p> <p>*Delete if inapplicable</p>
---	--	--

**D.P. 892**

<p><b>PLAN</b></p> <p>PLAN OF PART OF HATFIELD STREET CREATING LOT 1 BEING PART OF THE LAND IN CT 323-139</p> <p>Lengths are in metres. Reduction Ratio 1: 70</p>	<p><b>LGA</b></p> <p>BOTANY BAY</p>	<p><b>Locality:</b></p> <p>MASCOT</p>	<p><b>Parish:</b></p> <p>BOTANY</p>	<p><b>Country:</b></p> <p>CUMBERLAND</p>	<p>Plans used in preparation of survey/compilation.</p> <p>D.P. 892</p>
<p><b>Registered:</b></p> <p>CH 4-4-1997</p>	<p><b>C.A. No 28/96 OF 2-12-1996</b></p>	<p><b>Title System:</b></p> <p>TORRENS</p>	<p><b>Purpose:</b></p> <p>ROADS ACT, 1993</p>	<p><b>Ref. Map:</b></p> <p>U 0971-72</p>	<p><b>Last Plan:</b></p> <p></p>

**4. BRIAN KENT**

**of P.O. BOX 860, CHATSWOOD, 2057.**

a surveyor registered under the Surveyors Act, 1929, a, amended, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the Survey Precinct Regulation 1990 and was completed on

**1/16/96**

*[Signature]*

Signature of Surveyor registered under Surveyors Act, 1929, as amended, District of Ashmont.



This report is provided for general information purposes only and does not replace the need for a section 149 Certificate

## Property Report for 256r King Street, Mascot, 2020

### Property Details

Address: 256r King Street, Mascot, 2020  
 Lot/Section/Plan no: 1/-/DP867417  
 Council: BAYSIDE



### Council Details

BAYSIDE COUNCIL  
 Website: <http://www.bayside.nsw.gov.au/>  
 Phone Number: 1300 581 299  
 Email Address: [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)  
 Council Address: 444-446 Princes Highway  
 Rockdale 2216

### Planning Controls associated with this property

#### Land Zoning

- R2 - Low Density Residential : (pub. 2013-06-21)

#### Acid Sulfate Soils

- Class 4 (pub. 2013-06-21)

#### Contribution Plans (LGA-Based)

- Botany Bay CPs 2016  
 - Rockdale and Kogarah CP 2006 - Ramsgate Commercial Centre  
 - Rockdale CP 2004 - as amended 4 November 2010  
 - Rockdale CP 2008  
 - Rockdale CP 2016 - Urban Renewal Area

#### Development Control Plans (LGA-Based)

- Botany Bay DCP 2013 - as amended 25 Oct 2016  
 - Rockdale DCP 2011 - as amended 5 Jun 2015

#### Floor Space Ratio

- N - 1.00 Ratio : Range [ 1.00 - 1.09 ] (pub. 2013-06-21)

#### Height of Building

- J - 9.0 m : Range [ 9.0 - 9.9 m ] (pub. 2013-06-21)

#### Land Application LEP

- Included : Botany Bay Local Environmental Plan 2013 (pub. 2013-06-21)

### Other spatial data associated with this property

#### Local Government Area

- Bayside

#### Suburbs

- Mascot





This report is provided for general information purposes only and does not replace the need for a section 149 Certificate

## State Environmental Planning Policies which apply at 256r King Street, Mascot, 2020

State Environmental Planning Policy (Affordable Rental Housing) 2009 : (pub. 2009-07-31)  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 : (pub. 2004-06-25)  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 : (pub. 2008-12-12)  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 : (pub. 2004-03-31)  
State Environmental Planning Policy (Infrastructure) 2007 : (pub. 2007-12-21)  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 : (pub. 2007-02-16)  
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 : (pub. 2007-09-28)  
State Environmental Planning Policy No 19-Bushland in Urban Areas : (pub. 1986-10-24)  
State Environmental Planning Policy No 1-Development Standards : (pub. 1980-10-17)  
State Environmental Planning Policy No 21-Caravan Parks : (pub. 1992-04-24)  
State Environmental Planning Policy No 30-Intensive Agriculture : (pub. 1989-12-08)  
State Environmental Planning Policy No 33-Hazardous and Offensive Development : (pub. 1992-03-13)  
State Environmental Planning Policy No 36-Manufactured Home Estates : (pub. 1993-07-16)  
State Environmental Planning Policy No 50-Canal Estate Development : (pub. 1997-11-10)  
State Environmental Planning Policy No 55-Remediation of Land : (pub. 1998-08-28)  
State Environmental Planning Policy No 62-Sustainable Aquaculture : (pub. 2000-08-25)  
State Environmental Planning Policy No 64-Advertising and Signage : (pub. 2001-03-16)  
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development : (pub. 2002-07-26)  
State Environmental Planning Policy No 70-Affordable Housing (Revised Schemes) : (pub. 2002-05-01)  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 : Subject Land (pub. 2017-08-25)

## Planning Controls contained in the Botany Bay Local Environmental Plan 2013

### Floor Space Ratio

(1) The objectives of this clause are as follows:

- (a) to establish standards for the maximum development density and intensity of land use,
- (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
- (d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,
- (e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- (f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
- (g) to facilitate development that contributes to the economic growth of Botany Bay.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the floor space ratio of a building on that land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed 1.5:1.

(2B) Subclause (2A) does not apply to land identified as "Area 1" on the Floor Space Ratio Map.

(2C) Despite subclause (2), if an area of land identified as "Area 2" on the Floor Space Ratio Map has a site area exceeding 1,900 square metres, the maximum floor space ratio for a building on that land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by no more than 0.65:1.

(2D) Despite subclause (2), if a building is permissible under clause 9A of Schedule 1 on land identified as "Area 4" on the Floor Space Ratio Map, the maximum floor space ratio for the building must not exceed 1.5:1.



This report is provided for general information purposes only and does not replace the need for a section 149 Certificate

## Planning Controls contained in the Botany Bay Local Environmental Plan 2013

### Height of Building

(1) The objectives of this clause are as follows:

- (a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
- (b) to ensure that taller buildings are appropriately located,
- (c) to ensure that building height is consistent with the desired future character of an area,
- (d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map but must not exceed 22 metres.

(2B) Subclause (2A) does not apply to land identified as "Area 1" on the Height of Buildings Map.

(2C) Despite subclause (2), if an area of land identified as "Area 2" on the Height of Buildings Map has a site area exceeding 1,900 square metres, the maximum height for a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map by no more than 2 metres.



This report is provided for general information purposes only and does not replace the need for a section 149 Certificate

## Planning Controls contained in the Botany Bay Local Environmental Plan 2013

### Land Zoning

#### Zone R2 Low Density Residential

##### 1 Objectives of zone

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

##### 2 Permitted without consent

###### Home occupations

##### 3 Permitted with consent

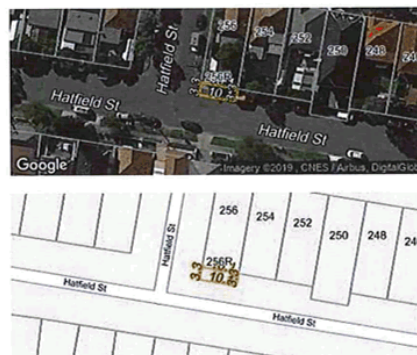
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings

##### 4 Prohibited

Any development not specified in item 2 or 3



This report is provided for general information purposes only and does not replace the need for a section 149 Certificate

**256R King Street Mascot NSW 2020**- - - 33m<sup>2</sup> -**Property Details**

Property Type	OTHER
RPD	LOT 1 DP867417
Vol/Folio	-
Occupancy Type	-
Dev Zone	-
LA	Bayside
Year Built	-
Site Value	-

**Sale History** (up to last four sales)

No sale history available

**Last Sale**

Sale Price	-
Sale Date	-
Sale Method	-
Days on Market	-
Listing Agency	-
Listing Agent	-
Agent Contact	-

**Property Features**

- Low Density Residential...

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## 256 King Street Mascot NSW 2020

2 1 - 251m<sup>2</sup> 72m<sup>2</sup>



### Property Details

Property Type	HOUSE
RPD	LOT 15 DP892
Vol/Folio	-
Occupancy Type	Rented
Dev Zone	R2, Low Density Reside...
LA	Bayside
Year Built	1960
Site Value	\$164,000 (01-Jul-98)
Owner Name(s)	MAHBOOB

### Sale History (up to last four sales)

12 Jul 2014	\$868,000
	Unknown
	24 DOM
15 Nov 2002	\$410,000
	Unknown
	-

### Last Sale

Sale Price	\$868,000
Sale Date	12-Jul-14
Sale Method	Unknown
Days on Market	24 days
Listing Agency	McGrath
Listing Agent	-
Agent Contact	-

### Property Features

- Low Density Residential
- Dining Rooms
- 72 M2 Total In Floor A...
- FIBRECEMENT
- Timber Floor
- METALDECK
- Other Rooms
- Polished Floors

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PHOTOGRAPHS

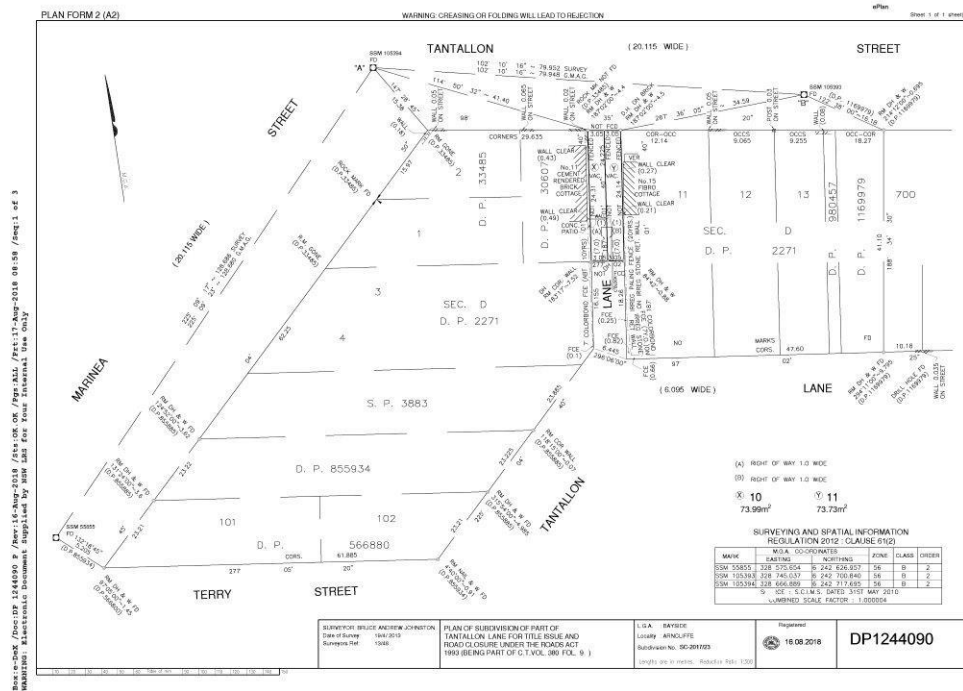


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**McSS**  
PROPERTY VALUATIONS



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### Action from Resolution

Current Reviewer    Date Created 19/05/2016    Status: Finalised

#### SUBDIVISION OF CLOSED ROAD 9978 INTO TWO (2) LOTS ( ORD10 )

<b>Responsible Officer:</b>	Luis Melim/RCC	<b>Business Paper:</b>	<a href="#">Link to Business Paper Report</a>
<b>Business Paper Title:</b>	SUBDIVISION OF CLOSED ROAD 9978 INTO TWO (2) LOTS	<b>Resolution Date:</b>	18/05/2016
<b>Meeting Type:</b>	Council Meeting	<b>Date Action Allocated:</b>	19/05/2016 13:15:22
<b>Meeting Date:</b>	18/05/2016	<b>Date Action Finalised:</b>	01/06/2016 09:37:38

### Resolution

Resolved by Council on : 18/05/2016

NOTE:

Councillor Kalligas was absent for the voting on this item.

Councillor Awada had previously declared a Less than Significant Non-Pecuniary Interest in this item on the basis that his property is around the corner, he will not be impacted by Council's decision.

Councillor Mickovski had previously declared a Significant Non-Pecuniary Interest in this item on the basis that one of the residents are known to him and his family, and left the Chamber for discussion and voting.

MOTION moved by Councillors Awada and Nagi

- 1 That Council support the variation to the minimum lot size requirement contained in clause 4.1 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- 2 That the development application DA-2016/122 for the subdivision of closed road 9978 into two (2) lots at Tantallon Lane, Arncliffe be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
- 3 That the NSW Department of Planning and Environment be advised of Council's decision.

DIVISION

DIVISION on the MOTION called for by Councillors Awada and Nagi

FOR THE MOTION

Councillors Macdonald, Bezic, P Sedrak, Awada, Barlow, L Sedrak, Nagi, Ibrahim, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 12 votes to 0.

#### Instructions

Please implement the actions required (if any) in the resolution above, and finalise this AFR when action is complete.

#### Actions Taken

**Actions Taken History**

---

**Finalisation Details**

Development Consent issued as per Council resolution.

**Supporting Documentation****Audit & Control****Current Reviewer**

**Document Readers:** All Personnel

**Document Editor(s):**  
**Escalation/Reminder Due Stage:**

**Document History:**

Action Item Submitted to Luis Melim/RCC for Review, by Minutes Clerk on 19/05/2016 13:15:22  
AFR Finalised by Luis Melim on 01/06/2016 09:37:38

**Due Date Log****Last Reviewer**

Luis Melim/RCC

**Last Review Date:** 01/06/2016 09:37:38

**Department:** City Planning & Development



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## Council Meeting

10/07/2019

Item No	8.6
Subject	<b>Acquisition of 32 York St, Rockdale</b>
Report by	Michael McCabe, Director City Futures
File	F19/717

---

## Summary

The subject property at 32 York Street, Rockdale, known as Lot 12, Sec B in DP 2099 is an improved 347sqm parcel within the Rockdale Core. It is one of five properties located on York St identified as land reserved for acquisition for car parking purposes under the *Rockdale Local Environmental Plan 2011 (RLEP 2011)*, as shown on the Reservation Map at Attachment 1.

The subject property has become saleable as the owner is recently deceased, and the Estate is being managed by the family who have approached Council to negotiate a sale prior to taking it to the Open Market.

This report recommends that council proceed with:

- the purchase of No. 32 York Street by way of Private Treaty or Auction; and
  - demolition of the premise;
  - commencing the design and construction for the future car park embellishment; and
  - the classification of the subject land as operational Land under the provisions of the Local Government Act 1993.
- 

## Officer Recommendation

- 1 That Attachments 3 and 4 to this report be withheld from the press and public as they are confidential for the following reason:

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

- 2 That Attachment 5 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)(ii) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

---

- 3 That Council authorise the purchase of 32 York Street, Rockdale to occur within the agreed upper range determined within attachment 5 within this report.
  - 4 The purchase of 32 York Street, Rockdale (including expenses, demolition and embellishment) be funded from the Rockdale Local Area Fund.
  - 5 That the General Manager be authorised to finalise the terms of the acquisition.
  - 6 That the General Manager be authorised to sign, where required, all documentation required to finalise this matter.
  - 7 That should Council acquire 32 York Street, Rockdale, the land be classified as operational land in accordance with Section 31 of the Local Government Act 1993;
  - 8 Upon exchange of contracts for 32 York Street, Rockdale, Council will publicly notify our intention to classify the subject land pursuant to Section 31 of the Local Government Act 1993;
  - 9 That Council notes that a further report, to inform the outcomes of the public notification and recommendation on the land classification, will follow the notification period.
- 

## Background

The subject 347 sqm property at 32 York Street, Rockdale, known as Lot 12, Sec B in DP2099, is one of 5 properties reserved under the RLEP 2011, which adjoin the current Public Car Park at 26-28 York Street, as shown at Attachment 2.

The subject property is the first potential acquisition within the five reserved parcels for the purpose of public car parking (being 20, 22, 24, 30 & 32 York St). The acquisition of 32 York Street would commence the acquisition program for the reserved parcels mentioned above for the benefit of Public Car parking. This would assist in realising the required additional parking provisions within the Rockdale Core.

This acquisition could realise up to 15 additional parking spaces, as shown at Attachment 4.

## Valuation

The valuer has used the direct comparison approach to determine the value of the land. The details pertaining to the valuation are within the valuation report at Attachment 3.

If this proposed acquisition is undertaken by agreement the owner would not be responsible for agents' commissions, there will be no other 'heads' of compensation, as defined under Section 55 of the Just Terms Act.

## Commercial Terms

Commercial terms are yet to be agreed for this acquisition, as Council is still negotiating with the vendor.

---

**Next Steps**

1. Finalise the commercial terms, including the purchase price between the Vendor and Council. The acquisition will be subject to the negotiation undertaken to ensure the agreed consideration paid is guided by the valuation report and is no greater than Council's agreed upper limit (Attachment 5). It will also be subject to ensuring Council's Due Diligence Criteria are met.
  2. Upon acquisition of the subject land, Council proceed with immediate demolition of the subject property, which is in poor condition.
  3. Undertake the design and construction of a new car park and associated embellishments upon the subject land. A sketch plan has been drafted detailing a concept for the car park design that will be subject to further consultation. This sketch plan is shown at Attachment 4.
  4. Classify the subject land as operational land under the provisions of the Local Government Act 1993 to align with its intended use as public car parking.
- 

**Financial Implications**

Not applicable ☐

Included in existing approved budget ☒ The purchase of 32 York St (including purchase price, expenses, demolition and embellishment) be funded from the Rockdale Local Area Fund (RLAF), as shown at Confidential Attachment 5 and below.

Additional funds required ☐

In addition to the Purchase Price, the costs associated with this acquisition would be approximately:

1. Expenses: \$10,000
2. Demolition: \$60,000
3. Embellishment: \$200,000 (subject to QS and design)

These costs will also need to come out of the Rockdale Local Area Fund.

---

**Community Engagement**

Should the subject land be acquired, the classification will need to be publicly notified pursuant to the Local Government Act 1993.

---

**Attachments**

- 1 RLEP 2011 Reservation Map [↓](#)
- 2 Aerial Image - LEP Reservations including Subject [↓](#)

- 3 Valuation Report - 32 York St Rockdale (confidential)
- 4 Car Park Sketch 32 York Street Rockdale (confidential)
- 5 Upper Consideration for Acquisition of 32 York St (confidential)

## Rockdale LEP Reservation









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## Council Meeting

10/07/2019

Item No                8.7  
Subject                **Summer Foreshore Enhancement Program 19/20**  
Report by              Debra Dawson, Director City Life  
File                      F19/604

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## Summary

At its meeting of 13 February 2019 Council resolved to identify enhancements to Lady Robinson's Beach and the Cook Park foreshore which would enhance the amenity for residents and visitors and minimise negative impacts on our coastal environment.

A Summer Foreshore Enhancement Program has been developed for 2019/20 to enhance the foreshore along Botany Bay for the benefit of all.

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## Officer Recommendation

1. That Council receive and note the Summer Foreshore Enhancement Program 2019/20.
  2. That Council endorse the delivery of the enhanced program.
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## Background

Due to a significant increase in visitors and usage of the foreshore area in the summer months, it was proposed to review the current summer program from 1 November to 1 April and identify enhancements to be implemented by 2019–2020.

Councillor Ed McDougall raised a Notice of Motion at the 13 February 2019 Council Meeting as attached requesting that:

1. Council investigate options to issue penalty notices for littering, including hiring off-duty police officers similar to the scheme in place in Kings Cross.
2. Council consider implementing further bins along the foreshore and on the beach.
3. A report on these matters be prepared for Council such that these and any other options might be considered and implemented in time for 2019-2020 summer period.

**Objective:** Develop and deliver a new and improved Summer Foreshore program to enhance the foreshore along Botany Bay for the benefit of all.

**Key Themes:** Waste Management, Compliance, Parking & Signage and Community & Education.

**Program Approach:** Key considerations when identifying options for the program include:

Reducing our environmental footprint, preserving marine life and beaches, and maintaining safe and enjoyable community spaces for residents and visitors alike.

Thirty (30) options have been considered by the project team. The project team is recommending seventeen (17) actions be implemented in three stages. This program will also incorporate the existing Beach Litter Program and Don't be a Tosser education campaign.

***Phase 1: To be Implemented by 1 November 2019***

**1. Initiative: Smoke Free Zones – Breathe Easy Trial**

Description: Implement a smoke free trial zone from the start of the boardwalk at Little Grand Parade up to the kiosk at Brighton beach.

Cost: \$5,000.

Funding Source: Community Safety Reserve.

**2. Initiative: Smoking Waste Education Campaign**

Description: Develop and implement a smoking campaign with the aim to target cigarette butt litter and reduce cigarette littering behaviour. Implement on all areas along the foreshore outside of the smoke free zone.

Cost: N/A.

Funding Source: EPA Grant.

**3. Initiative: NSW Police User Pay and Additional Patrols**

Description: Council requests for an increase of regular Police patrols in line with community expectations. NSW Police to be engaged for a one (1) month period to assist with initial anti-smoking / anti littering blitz.

Cost: \$25,000.

Funding Source: Community Safety Reserve.

**4. Initiative: Body cameras for Compliance Officers**

Description: The use of body cameras represents an opportunity for Council to undertake an exercise by implementing new technology to reduce the number of WH&S incidents and safety concerns for Compliance staff as well as the opportunity to identify risks.

Cost: \$32,500.

Funding Source: General Revenue.

**5. Initiative: Additional Ranger Patrols**

Description:	Rangers continue to conduct patrols of the beachfront year round as parking enforcement is a core duty for all regulations staff. The need for this is increased during the hotter summer months and public holidays when our bay and parks are patronised by increasing visitor numbers.
Cost:	4 additional Rangers for weekends from 11am – 6pm. Total for the summer period: \$95,000.
Funding Source:	Anticipated regulation revenue.

**6. Initiative: One Summer Foreshore Program Roster**

Description:	This roster will incorporate all staffing required to fulfil the obligations of our Summer Foreshore Program such as Waste & Cleansing, Compliance and Parks to ensure the best coverage of the area. It provides ability to respond to changes in environment and week to week circumstances or identified trends.
Cost:	N/A.
Funding Source:	Internal by Business Improvement Team.

**7. Initiative: Upgrade of all Branded Signage**

Description:	Sets clear expectations and allowances to the community. Parking signage will improve Council's ability to enforce regulations.
Cost:	\$40,000.
Funding Source:	Traffic Committee approved state government funding.

**8. Initiative: Signage Stickers for the Temporary Placed Red Bins**

Description:	New non-permanent bins stickers to be designed and placed on temporary red lid bins on wheels. Additional non-permanent bins are placed around identified hot spots. The bins currently have a commercial waste dumping warning sticker. The commercial waste sticker can be confusing for the Community and they are an eye sore, a sticker that encourages use and nice imagery can improve the usage and Bayside Council reputation and brand.
Cost:	\$1,000.
Funding Source:	Waste Reserve.

**9. Initiative: Waste Education "Don't be a Tosser" Campaign.**

Description:	Printed on bags and handed out by Compliance Officers when patrolling is a great conversation starter and reminder about waste. The EPA Program uses slogans and messages by calling people
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out and focuses the attention to the individuals own responsibility for their litter.

Cost: Cost of bags only.

Funding Source: EPA Grant.

**10. Initiative: Commercial Waste Education Campaign with Local Businesses, Community Leaders and Other Councils**

Description: Development of waste education program. We recognise that we have a key role to play in the protection of the environment, but that equally, we have an environmental education responsibility to provide the wider community with the knowledge and tools it needs in our ongoing battle to preserve the environment.

Cost: \$3,000.

Funding Source: Waste Reserve.

***Phase 2: To be Implemented by 1 February 2020***

**11. Initiative: Lockable trailers for the Output of the Beach Raking Machine**

Description: Purchase 4 x 4 cubic metre 'branded' mobile skips with lockable lid will allow secure storage of the waste out of sight until it is collected. Recommend positioning these at Kyeemagh, Brighton Le Sands, Ramsgate Beach and Sans Souci.

Parks & Open Spaces staff currently use an open area to temporarily store waste from the daily Surf Rake. The waste is exposed and an eyesore, additionally rubbish had blown away back onto the beach. Currently trialling 1 unit.

Cost: \$160,000.

Funding Source: EPA Grant.

**12. Initiative: Bin Capacity Smart Sensors**

Description: Smart Sensor is a rubbish bin fullness level sensor. Overflowing bins lead to environmental damage, poor user experience, and increased operational costs. Smart Sensors enables Council to know exactly which bins are ready to be emptied and data such as when the peak periods are.

Cost: N/A.

Funding Source: EPA Grant.

**13. Initiative: Angle Parking**

- Description: Implement on one side of Teralba Road and Hercules Road, Brighton.
- Increase in parking over 20% on the number of parking spaces. Additional 19 spaces at Teralba Road, Additional 9 spaces at Hercules Road. Additionally consider other Line Marking opportunities to increase parking spaces.
- NB: This is the subject of a separate report
- Cost: N/A.
- Funding Source: Traffic Committee approved RMS funding.

**14. Initiative: Additional Line Marking**

- Description: Investigate and consider Line Marking opportunities to increase parking spaces.
- Cost: \$5,000.
- Funding Source: Budget included in 2018/19 program.

**15. Initiative: Develop a marketing/media strategy for Community Beach Clean-up, Volunteer Programs and Corporate Volunteer Program**

- Description: Develop media and marketing strategy to attract and encourage additional Community Volunteer Programs with Conservation Australia.
- Cost: N/A.
- Funding Source: Internal by Communications & Events Team.

**16. Initiative: Models for Proposed Paid Parking and Residential Parking Scheme**

- Description: Investigate paid parking systems and technology to increase turnover of parking spaces for both on road and off road parking. Provide advice on implementation and operating costs, ease of use, self-service, smart technology, reliability, flexibility in adjusting times, charges and payment options. Request for quote to investigate technology options has been completed and closed on Monday 22 April 2019.
- The introduction of a resident parking scheme would provide an opportunity to protect the amenity of Resident parking from non-residential parking demands.
- Cost: Estimate \$430,000 phase one scoping and implementation.
- Funding Source: To be determined and options reported back to Council.

**Phase 3: To be Implemented by 1 July 2020****17. Review of Beach Litter Program: Review Bin Capacity and Beach Litter Program**

Additional permanent bins as per the Beach Litter Program:

- 143 new waste bins which equal to 2,760L bin capacity.
- Upgrade of Metal Bin's and an Increase of 2,760L bin capacity.

Additional non-permanent bins around identified hot spots including Pine Park:

- Increase of 30,000L bin capacity.

Description: Waste & Cleansing to review the Beach Litter Program, bin capacity and assess ongoing requirement in 12 months' time.

Cost: N/A.

Funding Source: Internal by Waste & Cleansing.

**18. Review of Summer Foreshore Program**

Description: Review effectiveness of the new program. Fine tune delivery and recommend any additions / deletions to the program.

Cost: N/A.

Funding Source: Internal by Project Team.

**Financial Implications**

Included in existing approved budget	<input checked="" type="checkbox"/>	Summer Foreshore Enhancement Project Funding is Included in existing approved budget using a combination of Funding Sources such as Community Safety Reserve, anticipated regulation revenue, Waste Reserve and Traffic Committee approved state government funding.
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**Community Engagement**

Not applicable.

**Attachments**

Nil



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## Council Meeting

10/07/2019

Item No	8.8
Subject	<b>Expressions of Interest (EOI) - Outdoor Market Options</b>
Report by	Michael Mamo, Director City Performance
File	F18/854

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## Summary

Market operations service the needs of the community, activate and enliven areas and can supplement other events. Markets foster community connectivity by bringing people together to enjoy all things local. Further to this, there have been community and operator requests to run markets within the LGA.

In October 2018 Council advertised an Expression of Interest (EOI) for the provision of Outdoor Night Markets at Cahill Park, Wolli Creek, and Cook Park, Kyeemagh. There has also been an existing trial of night markets by Aussie Night Markets at Kyeemagh, operating from July 2018. The EOI sought to formalise this arrangement and seek interest for the Wolli Creek location.

Two operators made submissions:

- Aussie Night Markets to continue at Kyeemagh
- Organic Food Markets at Cahill Park.

Councillors were provided with an overview of this EOI at the GM Briefing session held on 26 June 2019.

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## Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
  - 2 That Aussie Night Markets be offered a 3 year licence agreement to operate night markets at Cook Park, Kyeemagh, on Sundays, once a month at a fee of \$500 per event to be indexed and reviewed annually, subject to both parties agreeing to the terms of the licence agreement.
  - 3 That the licence agreement provide an approval mechanism for minor variations to the frequency of the night markets.
  - 4 That the licence agreement provide the General Manager delegation with a clear ability to revoke or pause the agreement should there be non-compliance with the provisions within the licence.
-

- 5 That no long term daytime markets be approved for Cahill Park, Wolli Creek and Organic Food Markets be notified their proposal has not been accepted.

## Background

Following, for your information, is the list of companies that made submissions and their directors:

Company Name	Director/s
Aussie Night Markets	Samuel Matthew Adams
Organic Food Markets	Michael Choularton

Council issued an EOI on 3 October 2018 for the provision of Outdoor Night Markets at Cahill Park, Wolli Creek, and Cook Park Carpark, Kyeemagh. This included an information session on 12 October 2018, with submissions due on 31 October 2018. The EOI was for a three year arrangement to be reviewed annually against key performance indicators.

The evaluation panel assessed submissions on the following criteria:

1. Conformance with the EOI submission requirements
2. Demonstrated capability (skill and experience) to plan, establish and run sustainable market operations that meets community needs and objectives
3. Market Operations Proposal as outlined in the Guide to Operating Markets on Council Land
4. Financial Operating Model supports the viability of the proposed market/s
5. Adequate insurance coverage.

In November 2018 two shortlisted applicants were interviewed. From this interview process the shortlisted applicants were asked to review their submissions in order to finalise and detail their submissions. The reviewed and final submissions were submitted on 28 February 2019, after a request for an extension by two weeks by one of the applicants.

The evaluation criteria for this second stage comprised:

- a. Demonstrated capability (skill and experience) to plan, establish and run sustainable market operations that meets community needs and objectives
- b. Market Operations Proposal addressing the components outlined in the Guide to Operating Markets on Council Land
- c. Financial Operational Model.

In assessing the submissions, aside from the suitability of proposal, it was also necessary to assess compliance with the regulatory framework that governs the approval of any markets. This is based around Subdivision 7 to 9 (Clause 2.119 to 2.124) of the State Environmental

Planning Policy (SEPP) and the former Rockdale Council's Local Environmental Plan (LEP), as both sites are within this former LGA area where the LEP still applies. The SEPP sets out standards on tent/marquee dimensions (for example, height no more than 4m) and times of operation.

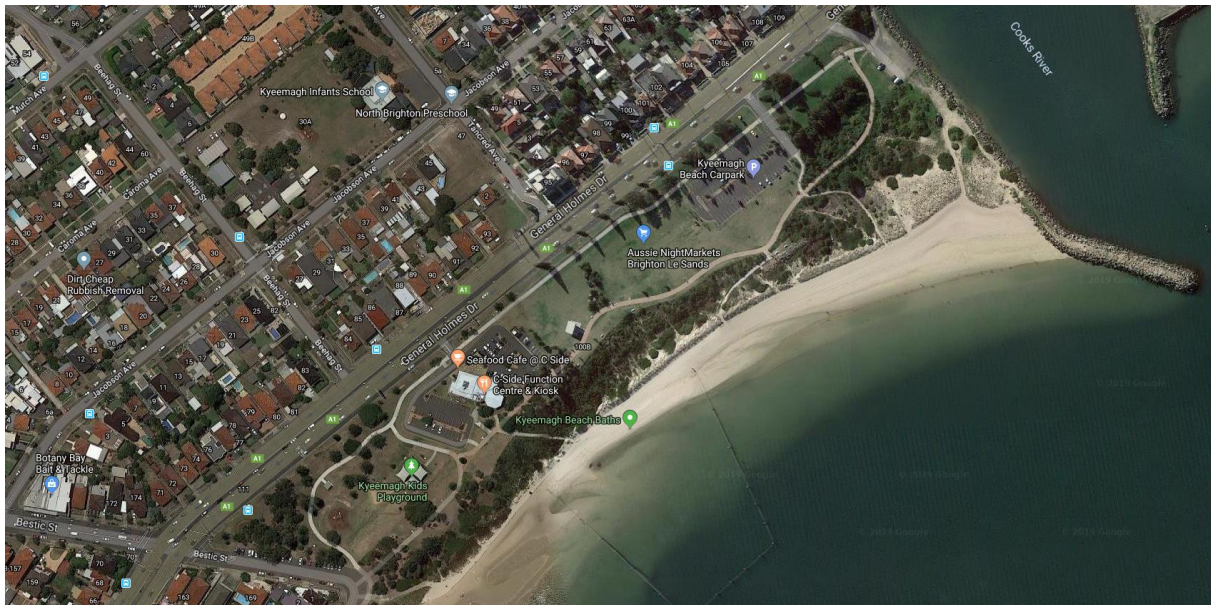
If the SEPP provisions are unable to be complied with, separate approval from Council under the LEP will be required. If this were to arise, the market operators would need to submit a Development Application should they wish to deviate from the applicable SEPP provisions.

### **Cook Park Carpark, Kyeemagh – Aussie Night Markets**

Aussie Night Markets made a submission for the Cook Park carpark, Kyeemagh. They have been operating at this site on a trial basis from July 2018. The feedback from the community has been positive. There has only been one complaint during that period relating to light shining into a nearby resident's home from a floodlight. Their submission was assessed on its merits:

The key information for the proposed markets are as follows:

Operating Days	1 <sup>st</sup> Sunday of Each Month (Council reserves the right to block out dates)
Operating Hours	5 pm – 9.30 pm
Bump In	12 noon
Bump Out	11 pm
Estimated Food Stalls	25
Estimated Goods Stalls	20
Estimated Patrons	1500-2000
Other Features	DJ from 5.00pm, 5-6 amusements



Cook Park, Kyeemagh, Location. Market site is located centrally.



### Kyeemagh Market Layout

Aussie Night Markets presented a strong submission that has been well thought out. Their performance to date has been satisfactory. During their interview and in communication with them, they have been well organised and capable.

Council's adopted Fees & Charges schedule shows that a commercial half day event attracts a fee of \$2,655 (or \$270 per hour). The decision was made to forgo this or any other payment when the trial was first instituted, in order to ensure the success of an untried event. With the success of the markets thus far, it is appropriate to charge a fair and reasonable fee for usage of the park, as Aussie Night Markets is a private for-profit entity utilising a public asset.

Aussie Night Markets were requested to provide a summary of their financials for the markets and their earnings. This is shown in the attachment.

The proposal from Aussie Night Markets includes a fee of \$500 per market event payable to Council. This fee would be subject to annual indexation. Aussie Night Markets have already paid a \$1,000 bond as part of their initial trial, which would be retained should approval be granted for a 3 year agreement.

As part of discussions with Aussie Night Markets, they have committed to the following changes to their original proposal to enable an agreement to be approved:

- Updated their certificate of Public Liability Insurance coverage for up to \$20 million which meets Council's requirements
- Changes to the proposed operating hours to comply with the SEPP rules during winter, and have indicated that they may submit a DA to operate past the 8.00pm time limit during summer
- They will not operate during January due to conflicting commitments
- They will monitor the wind, rain and any other inclement weather before making a final decision to proceed with the markets on any given night.

### Cahill Park, Wolli Creek – Organic Food Markets

Organic Food Markets submitted a proposal for Cahill Park, which is in an area that has extensive multi-unit dwellings.

Their key information for the proposed markets are as follows:

Operating Days	Weekly either Saturday or Sunday
Operating Hours	9 am – 2 pm
Bump In	7 am
Bump Out	From 2 pm
Estimated Stalls	68



Estimated Patrons	N/A
Other Features	Entertainment



Cahill Park, Wolli Creek, Location. Market site is next to Rowers carpark.

Organic Food Markets - Rockdale Markets  
Proposed Market Layout  
Stall Count 68. **Example Only - Subject to change.**



Key:

- - 3x3m trading spot
- - Entertainment
- Traders vehicle access (Bump in and out only , all movement under guidance)
- - Bin location

Wolli Creek Market Layout (Proposed)



Organic Food Markets conduct various markets, though the supplied market examples are primarily markets within facilities (such as a school), not on park grounds with carparks that have their unique traffic and pedestrian flow issues. Many of the examples they offered were also not currently operating.

Based on the information offered by Organic Food Markets, the panel agreed that they did not have demonstrated experience in providing the scale of markets that would be required at this site. Overall their proposal was not well developed and did not provide detail on how they would deal with pedestrian/vehicular traffic or fit in with the local sporting associations.

Although Organic Markets were deemed not suitable for this location, Council may have other locations that may be more suitable in the future.

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### Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Council Officers time in facilitating operations.
Additional funds required	<input type="checkbox"/>	

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### Community Engagement

Not applicable.

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### Attachments

- 1 Aussie Night Market Financials and Other Council Fees (confidential)

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## Council Meeting

10/07/2019

Item No	8.9
Subject	<b>Bexley and Brighton Library Review</b>
Report by	Debra Dawson, Director City Life
File	F19/320

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## Summary

This report informs the Council on the outcome and recommendations of Bexley Library and Brighton Library Review.

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## Officer Recommendation

- 1 That Bexley Library service is not reopened and that the Bexley Library building is demolished.
  - 2 That the land on which the Bexley Library sits be restored, landscaped and, if possible, includes a drop off / pick up zone to support activities undertaken in the neighbouring Community Centre.
  - 3 That community use options be explored for the Brighton library building and site and brought back to Council for consideration during 2020.
  - 4 That the following activities be implemented for any displaced Library members to transition them to alternative libraries and services:
    - 4.1 Provision of a pick-up / drop-off service to Rockdale Library for up to 6 months
    - 4.2 A Review of library members be undertaken to determine eligibility for the Home Library Service.
- 

## Background

In 2015 the former Rockdale Council initiated a review of the Library service. The review was completed in 2016.

One of the key recommendations from the review was to close or repurpose Bexley and Brighton Libraries which have operated 2 days a week for over 10 years.

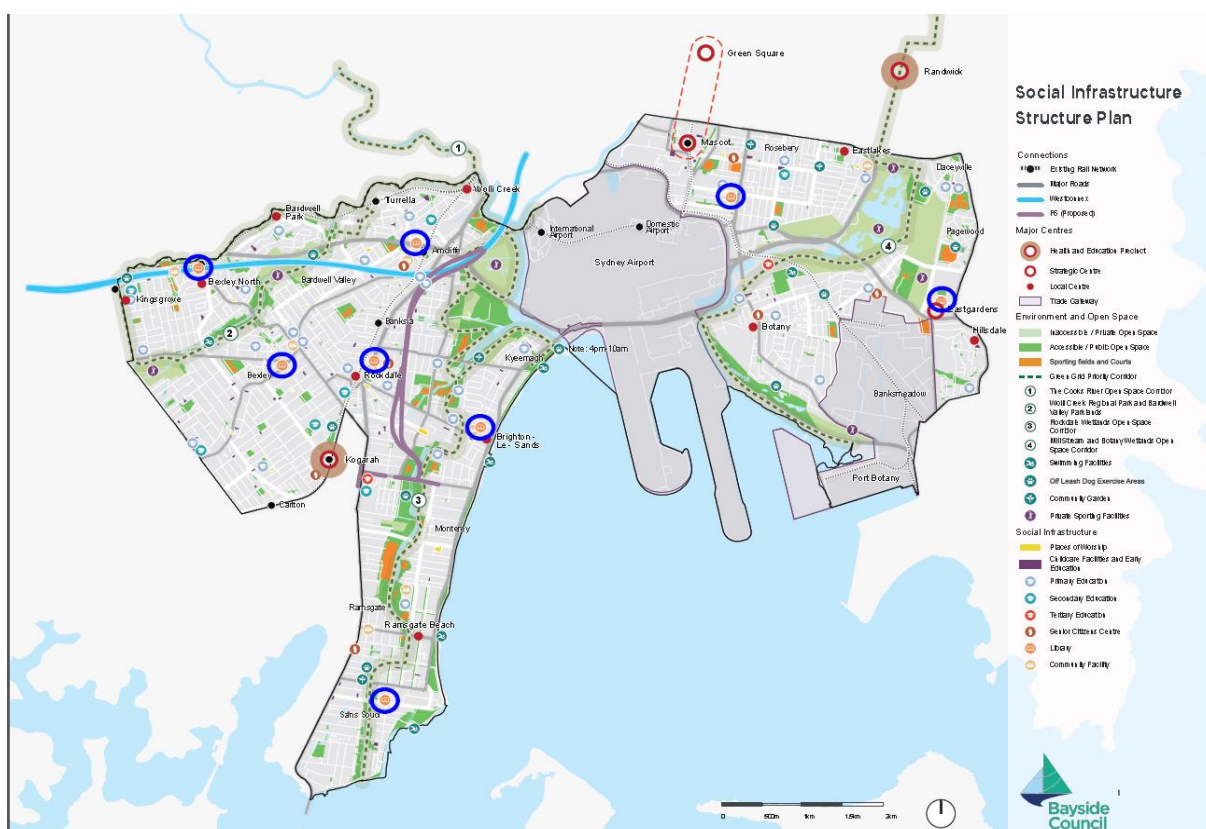
The supporting reasons for this recommendation include:

- The buildings are not fit for purpose to provide contemporary library resources, programs and activities.
- The opening of Rockdale Library; a regionally significant multi-level facility with extended operating hours significantly increased the available resources, technology, study spaces, meeting rooms and programs to service our community.

- It's increasingly challenging for the Council to adequately resource, service and maintain such a large library network.

## Bayside Council's Library Network Portfolio

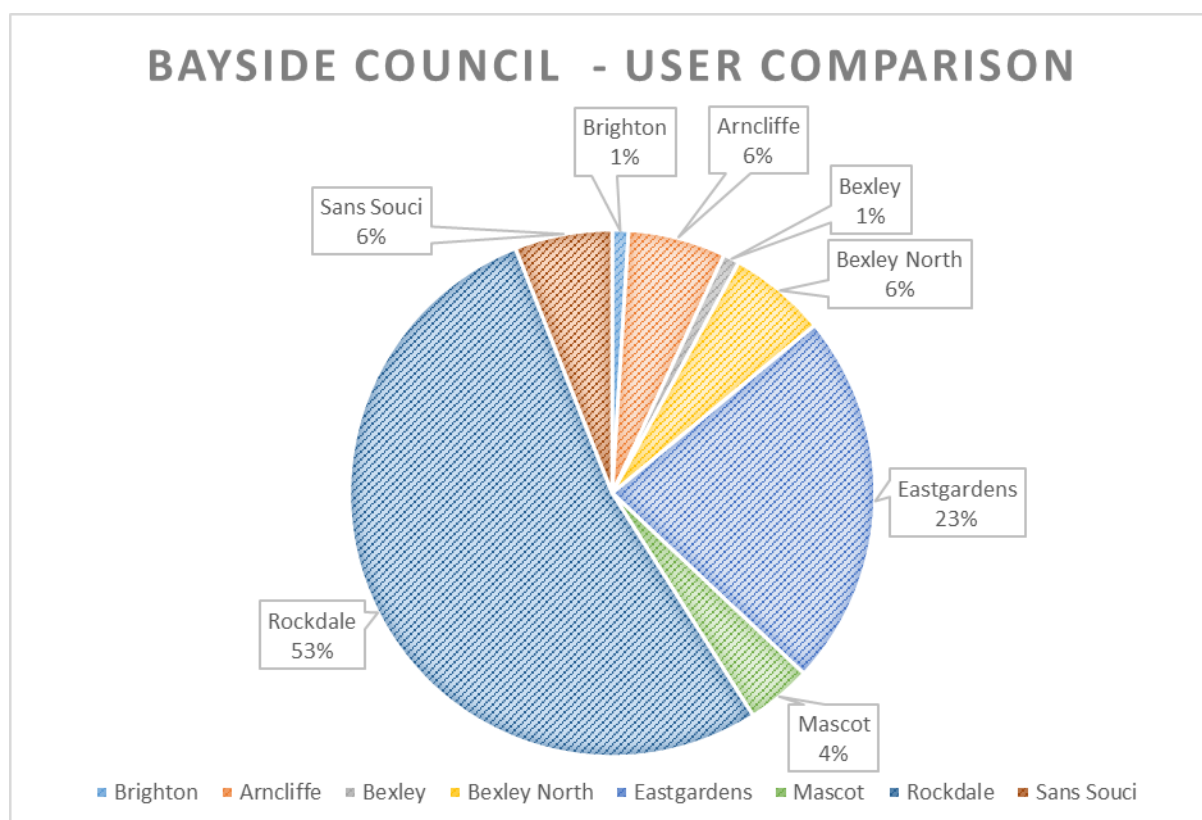
Bayside Council currently operates 8 libraries, a home library service and delivers 'pop up library' initiatives from time to time.



Name	Catchment	Operating Days
Eastgardens	Regional	7 Days Monday-Sunday
Rockdale	Regional	7 days Monday-Sunday
Arncliffe	Neighbourhood	6 days Monday-Saturday
Bexley North	Neighbourhood	6 days Monday - Saturday
Mascot	Neighbourhood	6 Days Monday-Saturday
Sans Souci	Neighbourhood	6 days Monday-Saturday

Name	Catchment	Operating Days
Bexley	Neighbourhood	2 days Monday-Wednesday
Brighton Le Sands	Neighbourhood	2 days Tuesday & Thursday

Comparative to all Bayside Library's patronage within the 2017-2018 period, both Bexley and Brighton Libraries account the lowest % of users.



## Bexley Library

Bexley Library is located 499 Forest Road, Bexley. The site is zoned B4 for mixed use.

Bexley Library has been operating as a part-time service (2 days a week) for over 10 years.

Bexley Library building has been closed since March 2019 as a result of storm damage and the poor condition of the building.



### Condition and Operational Assessment:

The independent air quality and asset condition assessments confirm that the building is in poor condition and past its useful life.

Significant immediate capital investment in excess of \$700K would be required to restore the facility to a satisfactory and compliant standard. However, the building is in such a poor state that demolition appears to be a most viable option.

An operational assessment of the library service at Bexley indicates that utilisation of the Library facilities and services housed within the building is low and declining particularly



since the opening of the Rockdale Library in 2017, a multi-level regional library that offers more study rooms, meetings rooms, access to technology, programs, activities and resources.

*Between April 2018 and March 2019:*

- Only **256** individual people borrowed books from Bexley Library.
- Of those, **67** of these individuals only ever borrowed from Bexley, with the other 189 also borrowing from other Bayside Library branches.

The low and declining utilisation and the poor building condition confirms that Bexley library operation is no longer a viable service.

It is therefore, recommended that Bexley library service remains permanently closed and that the building be demolished and the land be levelled, landscaped and include, if possible, a drop off / pick up zone to support activities in the neighbouring Community Centre. The Community Centre is currently utilised by *Afford (formerly WALCA)* a not-for-profit organisation that provide programs and supports adults with disabilities.



Staff that are assigned to work at Bexley 2 days per week will be re-deployed to work at other libraries. This has already been occurring since March when the library was closed due to storm damage.

Displaced Bexley Library members will be transitioned to other libraries and services by:

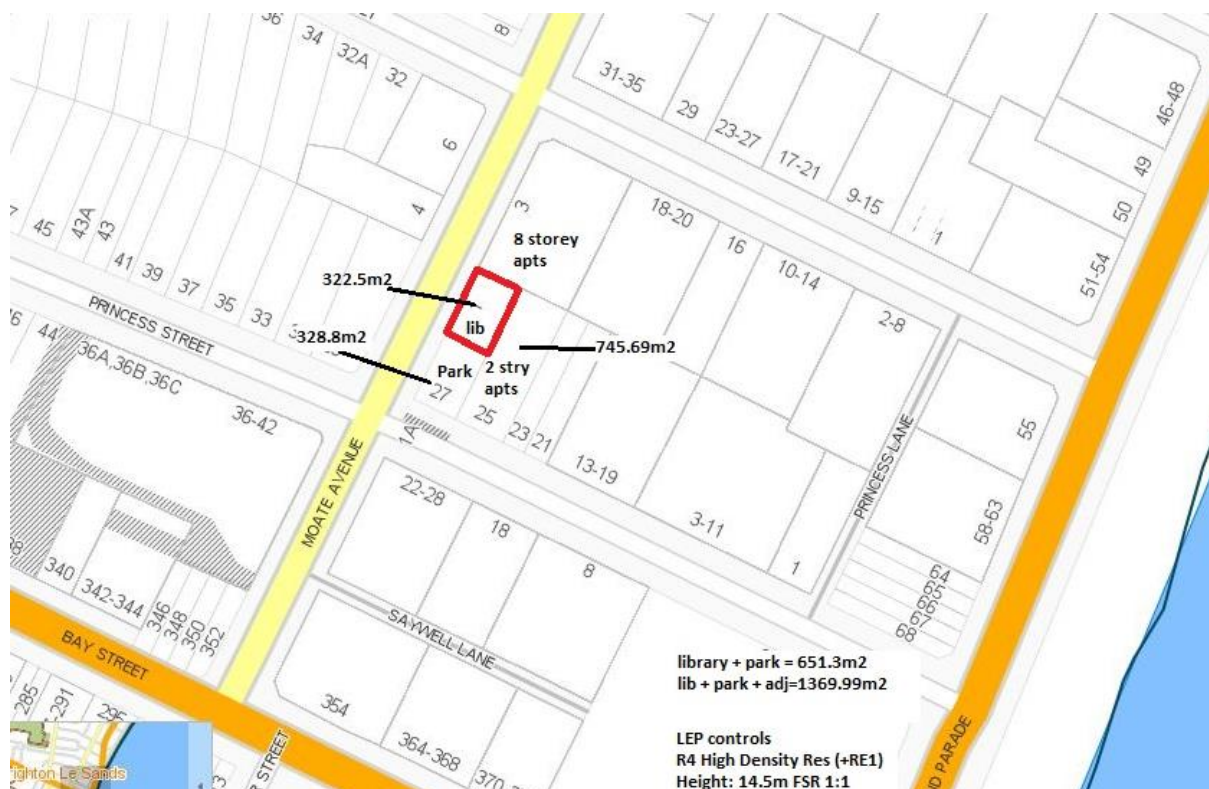
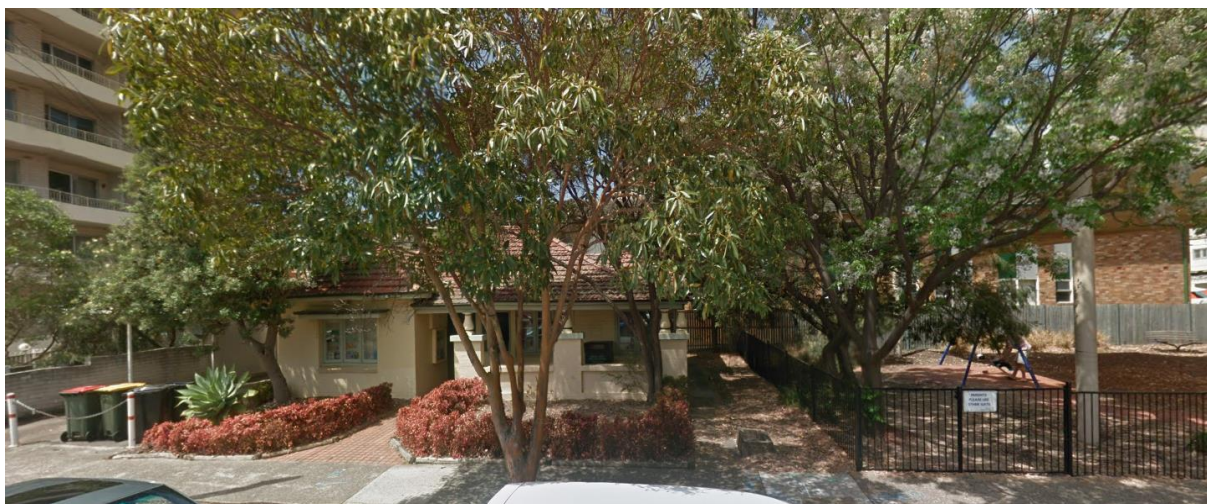
- 1 The provision of a pick-up / drop-off service to Rockdale Library for a 6 month period.
- 2 The provision of access to Bayside's home library service for eligible members.
- 3 Referral to neighbouring libraries.

### **Brighton Library**

Brighton Library is located 1 Moate Avenue, Brighton. A small park and playground neighbours the property. The Land Use is classified as single dwelling house. The site is zoned R4 High Density Residential.

Brighton Library is being operated from a residential cottage as a part-time service 2 days a week (weekdays) 10am-6pm for over 10 years.





### Condition and Operational Assessment

The independent asset condition assessment undertaken confirms that the building is in fair condition but will require a substantial capital injection in the near future to bring the building up to a satisfactory, accessible and compliant standard. Remedial works to address access and building compliance is required during the 2019/20 financial year with the remaining works required over the next few years.

The structure and design of the residential cottage is not conducive to provide contemporary library spaces, programs and services. There is no capacity for study spaces and meetings rooms and very limited space for library resources and public technology.

Usage of the library is low and declining with numbers down by approximately 50% since the opening of Rockdale Library in 2017.

It is therefore recommended that Council explore other community options for the building and site.

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## Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	It is proposed that due to the state of the Bexley building and the need to demolish it, the works will be funded from the 2019/2020 capital work contingency fund. A detail scope of works and estimates will be prepared with the funding requirements be requested through the next quarterly budget review process.

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## Community Engagement

A communication plan to inform the community, staff and library members about the Bexley Library closure will be implemented from 11 July 2019 if Council resolves to not reopen this site.

Bexley Library members will also be notified about the services to be provided that will support their transition to other libraries and services.

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## Attachments

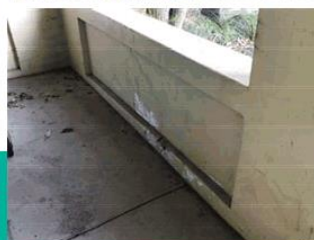
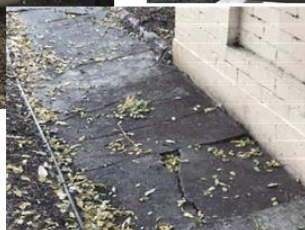
- 1 Bexley Library Images [↓](#)
- 2 Brighton Library Images [↓](#)

## BEXLEY LIBRARY





## BRIGHTON LIBRARY



## **Council Meeting**

**10/07/2019**

Item No	8.10
Subject	<b>Draft Bayside Council Swimming Pool Inspection Program</b>
Report by	Michael McCabe, Director City Futures
File	F19/50

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## **Summary**

Between 2002 and 2017 in Australia, 148 children between the age of 0-4 years have drowned, where 91 of these children drowned in private swimming pools, as a result of faulty fencing or gates, lack of fencing or gates been propped open.

There are approximately 2,467 swimming pools located within the Bayside local government area. In NSW, the owners of properties with a swimming pool and/or a spa pool are required to register their pools and spas on the NSW Swimming Pool Register.

Section 22B of the Swimming Pool Act 1992 requires the development and adoption by Council a program for the inspection of swimming pools to ensure compliance with the requirements of Part 2 – access to swimming pools of the Act.

Local councils are also responsible for promoting backyard swimming pool safety in their local communities. This may be done through swimming pool inspection programs and community education.

Council's role is to ensure that non-compliant pools are identified and all necessary action is taken to ensure compliance. Council is required to report annually on the number of inspections and pools registered to the Office of Local Government.

A copy of the draft Bayside Council Swimming Pool Inspection Program (draft Program) is attached to this report. It is recommended that the Council exhibit the draft Program. Upon completion of the exhibition period, a report will be prepared for Council considering any submissions received and recommending that Council adopt the draft Program.

Swimming pool inspections are a mandatory function of Council, however the cost of administration exceeds the value of the fees that Council are able to charge. The fees are capped under the Swimming Pool Act, which have not increased since commencement in 2012. It is also recommended that Council write to the Minister of Finance, Services and Innovation, and our Local Members on this point.

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## **Officer Recommendation**

- 1 That Council approve the public exhibition of the draft Bayside Council Swimming Pool Inspection Program.
  - 2 That, following completion of the exhibition period, a report be returned to Council profiling any submissions in preparation for the adoption of the draft Bayside Council Swimming Pool Inspection Program.
-

- 3 That Council writes to the Minister of Finance, Services and Innovation and request that the fees under Section 22F of the Swimming Pool Act, be reviewed and that our Local Members of Parliament are included in this correspondence
- 

## Background

Bayside currently operate a swimming pool inspection program based on the former Botany Bay City Council Swimming Pool Inspection Program which was adopted by Council on 12 December 2013. Former Rockdale City Council also administered a similar program however no such overarching policy had been adopted by Council.

Since amalgamation, new laws have also been gazetted that apply to the sale or lease of properties with a pool in NSW. These changes have been introduced to further protect the safety of children under the age of five around backyard swimming pools. Property owners are required to ensure that their swimming pool is registered and complies with the relevant standards before a compliance certificate is issued. Council is to follow up these pools every three years to ensure that pools are compliant.

Council through its authorised officer must conduct inspections every three years of swimming pools associated with domestic swimming pools, tourist and visitor accommodation, multi-occupancy developments including residential flat buildings, and serviced apartments.

The draft Program creates one LGA wide program in addition to addressing recent changes to the legislation. Some features of the draft program include:

- The purpose of the draft Program and the area it applies
  - Relevant legislation and standards
  - Definitions
  - Requirements for swimming pools
  - Responsibilities of the pool owner
  - Certificates of compliance and non-compliance
  - The requirements for a compliance certificate in regard to a contract of sale, lease or rent of a property with a swimming pool
  - A detailed summary of the inspection program
  - Ongoing education and awareness
  - fees and penalties
- 

## Financial Implications

Section 22F of the Act limits Council to charge an inspection fee for all inspections of swimming pools is as follows:



- (a) For the first inspection \$150
- (b) Any or all subsequent inspections after the first inspection \$100
- (c) If it is the first inspection since a certificate of compliance in relation to the premises ceased to be valid \$150
- (d) Any or all subsequent inspections after the first inspection since a certificate of compliance in relation to the premises ceased to be valid - \$100.

Note that a certificate of compliance for a swimming pool is only valid for 3 years from the date of issue.

Swimming pool inspections are a mandatory function of Council, however the cost of administration exceeds the value of the fees that Council are able to charge. The fees are capped under the Swimming Pool Act, which have not increased since commencement in 2012. It is recommended that Council write to the Minister of Finance, Services and Innovation, and our Local Members on this point.

Not applicable



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## Community Engagement

Section 16 of the Swimming Pool Regulations 2008 requires Council to consult the local community in relation to the development of the inspection program. It is proposed that consultation be undertaken for 2 weeks in the following ways:

- The draft be placed on Council Website;
- Two weekly notices be placed in the Southern Courier and Leader inviting the public to comment on the draft Program; and
- The draft Program be available for inspection at Council's Administration Centres and Libraries

Council would consider and address any submissions on the draft Program.

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## Attachments

Draft Swimming Pool Inspection Program [↓](#)



# Swimming Pool Inspection Program



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# 1 Introduction

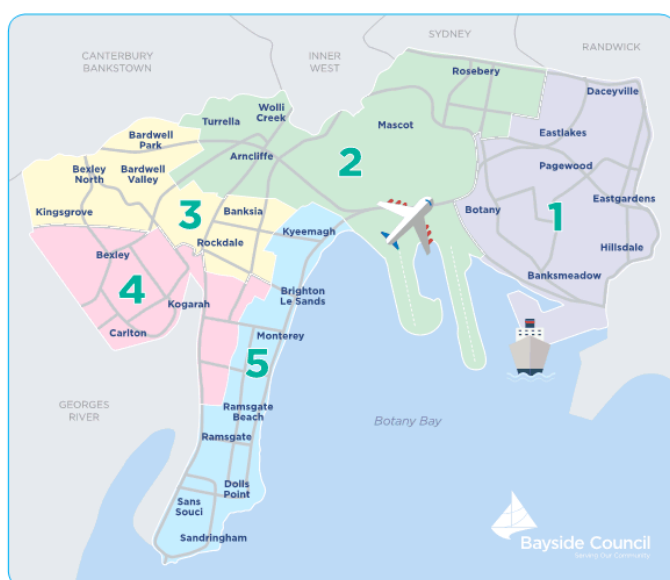
## 1.1 Purpose

Changes have been made to the NSW *Swimming Pool Act 1992* which include new responsibilities for Bayside Council and owners of swimming or spa pool/s. The purpose of these changes is intended to improve the safety of children at all properties that have a swimming or spa pool/s.

Under Section 22B of the NSW *Swimming Pool Act 1992* Bayside Council are required to develop and adopt a 'Swimming Pool Program' for the scheduling of inspections of swimming or spa pool/s. The 'Swimming Pool Program' will ensure compliance of Part 2 – Access to swimming pools of the NSW *Swimming Pool Act 1992* is satisfied.

## 1.2 Land to which the Policy applies

Land to which the Policy applies.



## 1.3 Relevant legislation and standards

The legislation, regulation and standards that apply to this Swimming Pool Inspection Program include:

- ✦ Swimming Pools Act 1992;
- ✦ Swimming Pools Regulation 2008;
- ✦ Swimming Pools Amendment Act 2012;
- ✦ Swimming Pools Amendment (Consequential Amendments) Regulation 2013;
- ✦ Building Code of Australia;
- ✦ Australian Standards AS1926 – 1. Safety barriers for Swimming Pools; and
- ✦ Australian Standards AS1926 – 2. Swimming Pool Location of Safety barriers for swimming.

The following link will take you to the swimming pool register, where you will find further information  
[www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)



## 1.4 Relevant definitions

- ♦ **Australian Standards** – is documents that set out specifications, procedures and guidelines that aim to ensure products, services, and systems are safe, consistent, and reliable.
- ♦ **Barrier** – Means a fence or a wall, and includes:
  - (a) Any gate or door set in the fence or wall; and
  - (b) Any other structure or thing declared by the regulations to be a barrier for the purpose of the *Swimming Pools Act*.
- ♦ **Certificate of Compliance** – In respect of swimming pools means a certificate issued under the Section 22D of the *Swimming Pool Act*.
- ♦ **Direction** – The local authority may, by order in writing served on the owner of any premises in or on which a swimming pool is situated, direct the owner to take, within such reasonable time as is specified in the direction, such measures as are so specified to ensure that the swimming pool or premises comply with the requirements of Part 2 of the *Swimming Pool Act*.
- ♦ **Emergency Direction** – A direction given where there is serious risk to safety. An emergency direction can require immediate action without services of a notice of intention beforehand.
- ♦ **Multi-occupancy Development** – A building or buildings that is, or are situated on premises that consists of two or more dwellings.
- ♦ **Not Significant to Public Risk** – Includes non-complaint gates, barriers, vegetation, windows, doors, lack of CPR signs etc. as these defects are contained within the premise and access is controlled by owner/resident/tenant and not accessible by "members of the public".
- ♦ **Notice of Intention** – Before giving a direction, the local authority who gives the direction must give notice to the person to whom the direction is proposed to be given of the intention to give the direction.
- ♦ **Relevant Occupation Certificate** – In respect of a swimming pool, which means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979* that is less than 3 years old and that authorises the use of the swimming pool.
- ♦ **Spa Pool** – Includes an excavation, structure or vessel in the nature of a spa pool, floatation tank, tub or the like.
- ♦ **Significant public risk** – A fence (mostly likely boundary) that forms part of the pool barrier has been removed or damaged whereby unimpeded access is possible by members of the public from a public place or from an adjoining residences. (i.e. where a person can walk unimpeded from the street/park/footpath or from an adjoining property in top a pool area that does not have a barrier at all, but does not include a non-compliant barrier or any of the defects listed as "Not significant public risk".
- ♦ **Swimming pool** – Means an excavation, structure or vessel:
  - (a) That is capable of being filled with water to a depth greater than 300 millimetres; and
  - (b) That is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act.



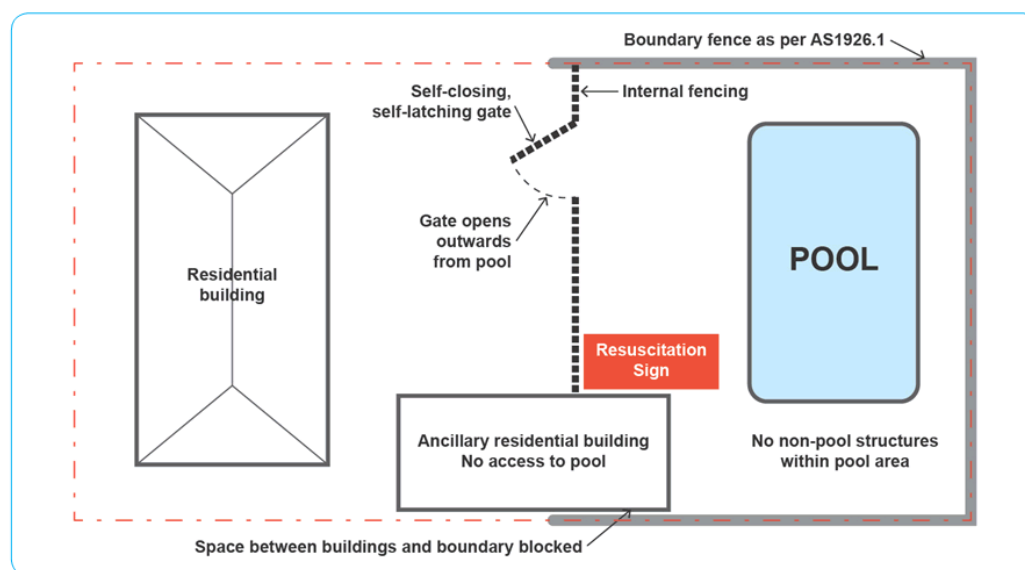
Different types of pools.

## 1.5 General requirements for swimming pools

Section 7 of the *Swimming Pool Acts 1992* is stated as the following:

"The owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child resistant barrier:

- (a) That separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
- (b) That is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations."



Example of swimming pool with a compliant barrier.

## 1.6 What are the responsibilities of the pool owner under the new legislation?

The *Swimming Pool Act 1992* places a responsibility on owners of properties that have a swimming pool (this includes all forms of pools that are over 300mm deep).

1. Swimming pool owners are required to register their pools on an online registers provided by the NSW State Government.
2. Swimming pool owners will, at the best of their knowledge, carry out a self-assessment of their pool that it complies with the relevant standards, when registering their pool.
3. Registration are free online at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) there is a penalty for owners who fail to register a swimming pool.
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or rent a property with a swimming pool.
5. Hotels, multi-occupancy developments and serviced apartments will also require a compliance certificate.



### 1.7 What is a Certificate of Compliance?

A Certificate of Compliance may be issued once a swimming or spa pool/s has been inspected and assessed against the relevant pool safety requirements in accordance of the NSW *Swimming Pool Act 1992*. A swimming or spa pool/s may be inspected more frequently than three (3) years if a complaint has been received with respect to pool safety or there is good reason to suspect the pool no longer complies with the pool safety requirements.

In order to obtain a Certificate of Compliance, under Section 22D of the Act, the swimming pool must:

- ◆ Be registered on the statewide Register of Swimming Pools;
- ◆ Be inspected by Council's authorised officer or an accredited certifier; and
- ◆ Comply with the requirements of Part 2 of the Act.

A Certificate of Compliance is valid for 3 years from the date of issue and it is important that during this period that the swimming pool remains to be compliant.



### 1.8 Exemptions

In limited circumstances, Council can issue exemptions under Section 22 of the Act. This allows Council to grant exemptions for swimming pools situated on complex sites, in the particular circumstances of the case:

- (a) That it is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements; or
- (b) That alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

### 1.9 The role of accredited certifiers

Pool owners may request either Council or an accredited certifier to provide a Certificate of Compliance. Accredited certifiers may set their own fees.

Having conducted an inspection, if the pool does not meet the applicable standard, the accredited certifier may allow a pool owner 6 weeks to rectify the deficiencies before advising Council, or if the pool is considered to be a significant public risk the accredited certifier may notify Council immediately. Upon notification Council may commence compliance action.

## 2 The Inspection Program

Councils are required to have in place and to implement a program of swimming pool inspections. The purpose of inspections is to issue a compliance certificate indicating that the pool barriers in place comply with pool safety requirements.

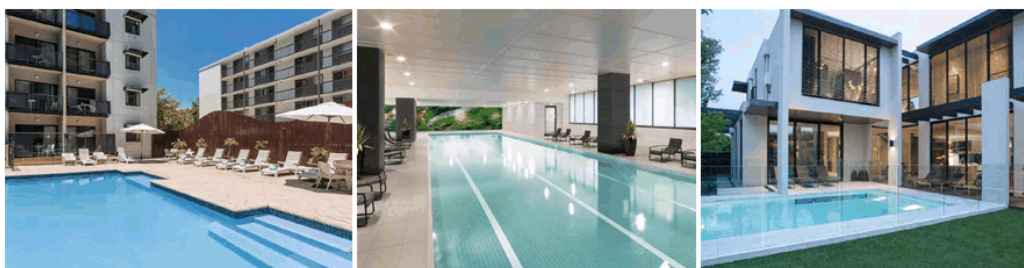
### 2.1 Valid Certificate of Compliance or a relevant Occupation Certificate

Swimming pools with a valid Certificate of Compliance or a relevant Occupation Certificate are not required to be inspected as part of this Pool Inspection Program for three years from the date of issue of the Certificate of Compliance or relevant Occupation Certificate (Section 22B(3) of the Act). However, if Council is made aware of a pool that no longer has compliant pool barriers, then the pool may be inspected earlier.

### 2.2 All pools inspected every three years

The legislation requires properties that all pool are to be inspected every three years. This includes pools associated with:

- ◆ Hotels and other multi-occupancy developments;
- ◆ Backpackers, bed and breakfast, hotel, motel, serviced apartments and residence of more than two occupancies;
- ◆ Child care centre/family day care or premises accessed regularly by children for other than domestic purposes; and
- ◆ Domestic swimming pools associated with dwellings.



### 2.3 More frequent inspection regime

From 29 April 2014 all properties with a pool being sold or leased/rented must have a current pool certificate of compliance. A pool Certificate of Compliance is current for a period of three years.

Where a property with a pool is being sold or leased, the pool owners must request an inspection and comply with the Swimming Pool Inspection Policy requirements of the inspection before a pool Certificate of Compliance can be issued.

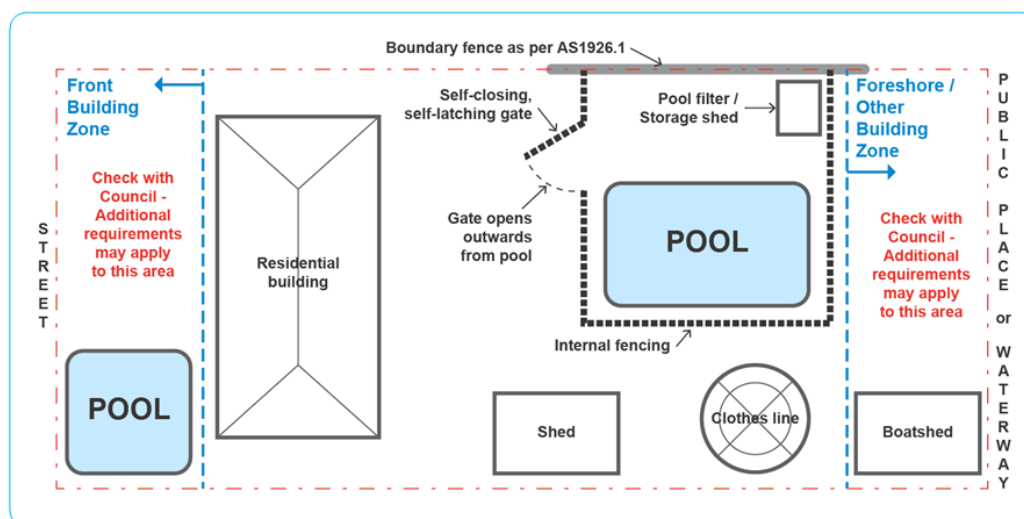
## 2.4 Implementation of the inspection program

Council will aim to undertake inspection of swimming pools (both outdoor and indoor) that are situated on premises that is either a residential building, moveable dwelling, tourist and visitor accommodation, hotels, motels, and residential flat buildings including aged care facilities and child care centres is located in accordance with the following guidelines to ensure compliance with the relevant legislation:

- ♦ **Complaints** – When a complaint is received by Council in concerning swimming pool safety and is registered on Councils Customer Request Management system (CRM), these requests will be inspected as a priority.
- ♦ **Inspection by Request of Owner** – When an owners requests an inspection under Section 22C of Act, and inspection will be conducted as per the requirements of the Act and Regulations.
- ♦ **Inspection for the Sale of Land** – Under the *Conveyancing (Sale of Land) Regulations 2010* will require any contract of sale of land to include either a Certificate of Compliance or Certificate of Non-compliance to be attached to any contract of sale. These inspections requested by owners/agents will be conducted within 10 days as prescribed by the Regulations.
- ♦ **Inspections for the Lease of Land** – Under the *Residential Tenancies Regulations 2010* it requires landlords of premises on which there is a swimming pool to provide a copy of a valid Certificate of Compliance (or Occupation Certificate). These inspections requested by owners/agents will be conducted within 10 days as prescribed by the Regulations.
- ♦ **Building Information Certificate (BCI)** – Where Council receives a BCI application which involves a property with a swimming pool, a barrier inspection will be conducted where there is no Certificate of Compliance or Occupation Certificate.
- ♦ **Notification from Accredited Certifiers** – Where an accredited certifier is unable to issue a Certificate of Compliance and have issued a notice. Upon receiving the notice, Council will undertake an inspection.
- ♦ **Proactive Inspections** – Where Council Officers have observed a non-complaint swimming pool and there if no current certificate of compliance or occupation certificate. The property will be recorded in Council's CRM system and an inspection conducted as per the requirements of the Act and Regulations.

## 2.5 Strategy for checking pool barrier compliance

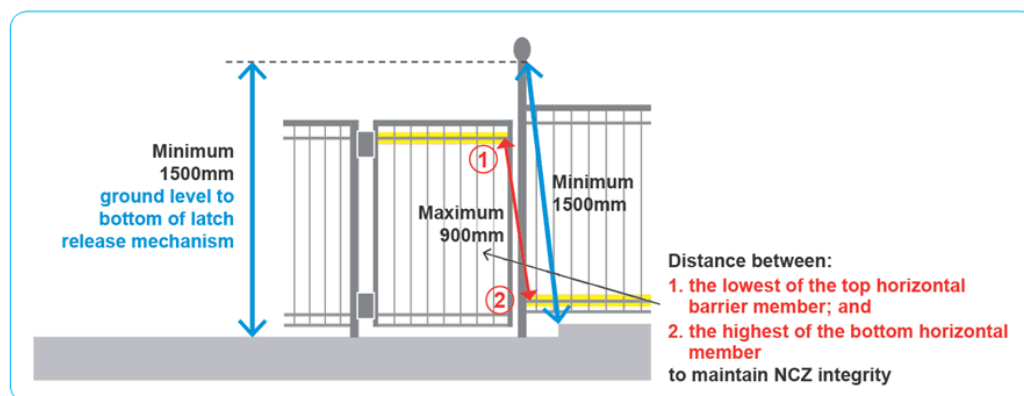
During a pool barrier inspection, an authorised person will be taking measurements and using a comprehensive checklist to determine whether the pool barriers comply with the relevant safety standards.



Example of swimming pool with a compliant barrier.

If the pool barriers have:

- a) Not been altered, then the pool barriers will be required to comply with the safety standards that were applicable at the time of the pool's construction;
- b) Been substantially altered, or the means of access to the pool has been rebuilt, then the pool barriers will be required to comply with the current safety standards; and
- c) Never complied with the safety standards that were applicable at the time of construction, then the pool barriers will be required to comply with the current safety standards.



*Example of a compliant pool barrier.*

The following factors are taken into consideration in determine the extent of the upgrade works:

- ◆ Is there an immediate threat to life?
- ◆ Can the pool be accessed from a public area?
- ◆ What year was the pool constructed?
- ◆ The condition of the existing pool barrier?
- ◆ The location of the swimming pool and the barrier;
- ◆ Are there any special characteristics or uses of the pool? (ie hydrotherapy pool)
- ◆ Any previously issued compliance certificates, occupation certificates and building certificates?
- ◆ The relevant legislation and Australian standards applying.

The rules of evidence collection applying and are critical in the event that an immediate threat to life safety is present and/or if enforcement action is required to rectify a breach.

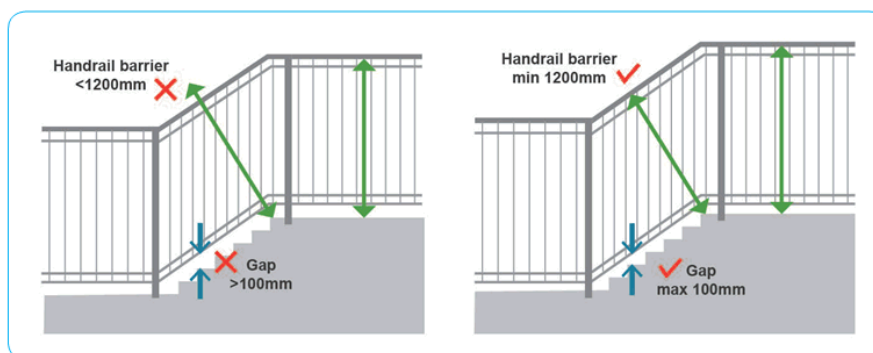
Please note the *Swimming Pools Act* has very specific provisions in terms of pool safety compliance. Specifically for taking action after investigations, the Notices, Directions, penalty Infringement Notices and Offences provisions under the Act are applicable.

## 2.6 Actions taken – Pool barriers that are non-compliant

Certificate of Compliance cannot be issued when the pool barriers do not satisfy the requirements of the Act. Consequently, if the pool barrier was inspected by:

- ◆ An accredited certifier, then the accredited certifier will be required to give a written notice to the pool owner and forward a copy of the notice to Council (Section 22E of the Act). Council will then investigate the non-compliant pool barriers;
- ◆ Council's authorised officer will then send a notice or order to the owner, which states the upgrade works required. If the upgrade works are not performed within the time frame specified, then a Penalty Infringement Notice may be issued and legal action may be taken (in accordance with the swimming pools legislation); or
- ◆ Certificates of non-compliance following inspection by a local authority or an accredited certifier must be issued to the landowner within seven days of the inspection.

*Example of non-compliant barrier and a compliant barrier.*



### 3 Ongoing Education and Awareness

Council will provide ongoing and complementary community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and public interactions with the swimming pool safety inspections officers.

### 4 Pool Inspection Fees

For the purposes of issuing a Certificate of Compliance, Council will charge a pool barrier inspection fee of \$150 for the first inspection carried out, in accordance with the *Swimming Pools Regulation 2018*. Subsequent pool barrier inspections will incur a further inspection fee of \$100 and will need to be paid at the time of booking the re-inspection.

Fee payment is subject to a tax invoice.

It should be noted that a Certificate of Compliance is valid for three years from the date of issue in accordance with the Act. After the certificate ceases to be valid, Council may charge a fee in accordance with the above to carry out a new inspection for the purpose of issuing a new certificate of compliance.

### 5 Penalties

The Act provides that failing to comply with swimming pool safety requirements may constitute an offence under the Act. In addition to the authority to issue notices and directions to carry out specific work to comply with the requirements of the Act or Standards, Councils authorised officers have the power to issue a Penalty Infringement Notice for certain offences. The Act also allows for proceedings for an offence against the Act or Regulations to be dealt with before the Local Court.





Eastgardens Customer Service Centre,  
152 Bunnerong Road  
Eastgardens NSW 2036

Rockdale Customer Service Centre  
444-446 Princes Highway  
Rockdale NSW 2216

Tel **1300 581 299 | 9562 1666**  
Email **[council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)**  
Web **[www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)**

## Council Meeting

10/07/2019

Item No	8.11
Subject	<b>Grant Funded Projects to Treat Blackspots From the State and Federal Governments Under 2019/2020 Program - First Quarterly Financial Adjustment</b>
Report by	Michael McCabe, Director City Futures
File	F12/513.002

## Summary

Confirmation of successful grant applications have been received. This report seeks approval from Council to add seven (7) newly offered grants into the 2019/2020 City Project Program and for that approval to be reflected in the Quarter 1 review. The grants are fully funded (100%) from the State and Federal Governments to treat Blackspots and to improve general safety and amenity in the local government area.

Details of the proposed traffic treatments will be reported to Bayside Traffic Committee for consideration in due course.

## Officer Recommendation

1. That Council note the seven (7) successful traffic and road safety projects receiving 100% grant funding totalling \$548,000 from State and Federal Government programs.
2. That the additional projects are included in the 2019/2010 City Project Program with grant funded budgets included in the Quarter 1 review.

## Background

Every year Council submits applications to the State and Federal Governments seeking financial assistance for road and safety projects to treat Blackspots on local streets.

The State and Federal Governments have now offered funding (100%) under the Safer Local Government Roads Program and Blackspot Programs, respectively, as follows:

Street Name	Type	Funding Offered \$
Sutherland St and King Street, Mascot	Upgrade traffic lights with fully controlled right turn phase with arrows – State Govt	300,000
Bay Street and Daniel Street, Botany	Install raised island with additional signage- State Govt	24,000
Chuter Avenue, Ramsgate	Install speed calming devices and upgrade the roundabout – Fed Govt	52,000

Street Name	Type	Funding Offered \$
Evans Avenue, Eastlakes	Install Wombat crossing, slow point treatment, raised threshold/horizontal deviation at mid block location, intersections and pedestrian crossing and reduce speed limit by 10km/h – Fed Govt	112,000
Bonar Street between Wollongong Road and Guess Avenue, Arncliffe	Separate through and parking lane with painted line, install raised islands with additional STOP – Fed Govt	10,000
Hales Street, Botany	Upgrade intersection from GIVE WAY to STOP, separate through and parking lane with painted line – Fed Govt	20,000
New Illawarra Road, Bexley	Pedestrian refuge, painted median, slow point, raised threshold mid-block location, intersections and pedestrian crossings – Fed Govt	30,000
<b>TOTAL</b>		<b>548,000</b>

Details of the proposed traffic treatments will be reported to Bayside Traffic Committee for consideration in due course.

It is recommended that Council add the seven grant funded projects into the 2019/2020 City Project Program and adjust Q1 Budget.

### Financial Implications

Not applicable ☐

Included in existing approved budget ☒ Fully funded by the State and Federal Government under 2019/2010 Blackspot Program

Additional funds required ☐

### Community Engagement

Community Engagement will be included in the project plan for each project.

### Attachments

Nil

## **Council Meeting**

**10/07/2019**

Item No	8.12
Subject	<b>Fire Inspection Report - 13-19 Bryant Street, Rockdale</b>
Report by	Michael McCabe, Director City Futures
File	F09/9.002

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## **Summary**

Council is in receipt of correspondence from Fire & Rescue NSW dated 13 May 2019 advising that an inspection of 13-19 Bryant Street, Rockdale by one of their Authorised Fire Officers has identified issues and concerns relating to fire safety. A copy of the report and recommendations has been referred to Council as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.

A site inspection of the building was undertaken by a Council Fire Safety Officer on 5 June 2019, which verified several of the issues raised by Fire & Rescue NSW.

The subject site contains a 9 storey mixed commercial/residential development with 2 levels of basement parking, completed in 2006.

A Notice of Proposed Order (Fire Safety & Cladding Order) requiring the rectification of fire safety breaches and the removal of combustible cladding was issued on 6 June 2019.

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## **Officer Recommendation**

- 1 That Report Reference number BFS 19/269 (6163) dated 13 May 2019, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
  - 2 That Council proceed with compliance action, including but not limited to the issue of a Fire Safety & Cladding Order, requiring the rectification of fire safety breaches and combustible cladding at 13-19 Bryant Street Rockdale, in conjunction with the building owners, strata manager, fire engineer, building contractors and Fire & Rescue NSW.
  - 3 That Council notify Fire & Rescue NSW of Council's actions in relation to this matter.
- 

## **Background**

A mixed commercial/residential development consisting of ground floor retail, 54 units and 77 car parking spaces in a two level basement was approved by Council DA476/03 on 11 June 2003.

A Construction Certificate was issued on 24 November 2003.

A Final Occupation Certificate was issued for this development by 15 May 2006.

Council received correspondence from Fire & Rescue NSW dated 13 May 2019 advising that an inspection of 13-19 Bryant Street Rockdale by one of their Authorised Fire Officers has identified issues and concerns relating to cladding, replacement locks to fire hydrant, hydrant diagrams, zone block plan, smoke detectors and fire shutters.

These issues were investigated by a Council Building Surveyor and it was found that there were grounds to issue a Notice of Proposed Fire/Cladding Order, which was done on 6 June 2019. The Strata Company, have contacted Council and have advised that they will address the concerns raised. They have 60 days in which to respond to the Notice.

A copy of the report and recommendations has been referred to Council as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.



Site Location – 13-19 Bryant Street Rockdale

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## Financial Implications

Not applicable



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## Community Engagement

Not Applicable

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## Attachments

- 1 Fire/Cladding Notice [↓](#)
- 2 Fire & Rescue Inspection Report [↓](#)



6 June 2019

Our Ref: P Cox / ES-2005/1117

The Prop Of Strata Plan 74910  
C/- W Hermann Real Estate  
20 King Street  
ROCKDALE NSW 2216

Dear Sir/Madam

**NOTICE OF PROPOSED FIRE ORDER & BUILDING PRODUCT RECTIFICATION ORDER**

***Section 9.34 & Schedule 5 of the Environmental Planning and Assessment Act 1979 &  
Section 20 of the Building Products Safety Act 2017***

**13-19 Bryant Street, ROCKDALE NSW 2216**

Bayside Council is in receipt of documentation which indicates that the Aluminium Composite Panelling (ACP) installed on the subject premises is a product that contains a core material that is greater than 30% Polyethylene (PE) and is therefore a Banned Product pursuant to the Building Products Safety Act 2017. Such products cause an unreasonable risk to the spread of fire around a building.

Council is also in receipt of documentation from Fire & Rescue NSW raising concerns due to issues with fire safety within the building, including and additional too the combustible cladding.

Accordingly, Bayside Council intends to give you the attached Fire Order, in accordance with Section 9.34 & Schedule 5 of the *Environmental Planning & Assessment Act, 1979* (the "Act") and Section 20 of the Building Products Safety Act 2017, which will require you to do the things specified in the proposed Order, within the period specified in the proposed Order.

You may make written representation to Bayside Council, within **sixty (60) days** from the date of this notice as to why the Order should not be given or alternatively as to the terms of or period of compliance within the Order. Council will consider any written representation made concerning the proposed Order and determine whether to: issue the Order as proposed, issue a modified Order; or no longer issue the Order.

However, if written representation is not made to Council within **sixty (60) days** from the date of this Notice; the proposed Order will be unchanged and issued.

Council will not proceed with the Proposed Order if the terms of the Order are satisfied within **sixty (60) days** from the date of this Notice.

If you have any queries in relation to this Notice or the proposed Order attached, please contact the undersigned on 0419 588 889 or [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au). Please find a copy of the proposed Order attached.

Yours sincerely



Paul Cox  
**Senior Building Certifier (Fire)**  
Attach.

CC

The Prop Of Strata Plan 74910  
13-19 Bryant Street  
ROCKDALE NSW 2216

**PROPOSED FIRE ORDER & BUILDING PRODUCT RECTIFICATION ORDER**

*Section 9.34 & Schedule 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act)*

*Section 20 of the Building Products Safety Act 2017 (Building Products Act)*

*Combined Order under cl 38 of Part 13 of Schedule 5 of the EP&A Act.*

*Order specifying standards and work that will satisfy those standards under cl 1 of Part 4 of Schedule 5 of the EP&A Act.*

**DATE:**

**ORDER NUMBER:** 1 in Part 2 of Schedule 5  
Building product rectification order under the Building Products Act

**TO WHOM:** The Prop Of Strata Plan 74910

**PREMISES:** 13-19 Bryant Street, Rockdale NSW 2216

**To do what:**

1. Combustible Cladding - Prepare and submit to Council the particulars of the work necessary to be carried out to the building so that the combustible cladding on the building as prescribed within the Cladding Risk Management report by Sedgwick Ref.100003775 dated 24 January 2019, is replaced with a product that complies with the performance requirements of the National Construction Code - Building Code of Australia 2019.

The required particulars of the work must include:

- (a) the proposed replacement product selected; and
  - (b) confirmation that the proposed replacement product is non-combustible, or
  - (c) a report prepared by a C10 fire engineer, accredited with the NSW Building Professional Board, that certifies the proposed replacement product meets the performance requirements of CP2 & CP4 of the National Construction Code - Building Code of Australia 2019.
  - (d) the work schedule and timeframe to carry out the cladding replacement works within a 90 day time period.
2. Replace Locks - Replace the key locks to the doors that provide access to the fire hydrant pump enclosure and the fire indicator panel with locks operable with a 003 Fire & Rescue NSW compatible key.

3. Hydrant Diagram – Modify the hydrant diagram displayed within the hydrant pump enclosure to depict the correct 'Hydrant height above booster' as it currently reads 33 metres, when the actual height from the original architectural plans indicate a height of approximately 24.8 metres.
4. A Zone Block Plan shall be prepared and displayed adjacent to the Fire Indicator Panel,  
in the correct orientation of the building, in the form of a permanent diagram that is water and fade resistant and that includes a block plan that clearly identifies each tower in accordance with clause 3.10 of Australian Standard 1670.1—2004.
5. Smoke Detectors are to be installed to the basement carpark area and be connected to the Fire Indicator Panel as per E2.2 of National Construction Code - Building Code of Australia 2019. Certification of instalment and operation is to be submitted to Council from a Competent Fire Safety Practitioner.
6. Fire Shutter – Repair or replace the defective fire shutter that separates the two basement carpark levels and fit smoke detectors within 1.5 metres of the shutter door that are connected to the Fire Indicator Panel so the fire shutter is released at the detection of smoke at these detectors as per C3.5 of National Construction Code - Building Code of Australia 2019. Certification of instalment and operation is to be submitted to Council from a Competent Fire Safety Practitioner.

**Reasons for the Order:**

1. Bayside Council is in receipt of documentation which indicates that the Aluminium Composite Panelling (ACP) installed on the subject premises is a product that contains a core material that is greater than 30% Polyethylene (PE) and is therefore a Banned Product pursuant to the Building Products Act.
2. Such products cause an unreasonable risk to the spread of fire around a building and therefore give rise to a risk of loss of life or damage to property from fire.
3. The subject building is an 'affected building' under the Building Products Act (a building is an 'affected building' if a building product the subject of a building product use ban has been used in the building for a use that is prohibited by the building product use ban).
4. Provisions for fire safety or fire safety awareness are not adequate to prevent the spread of fire or ensure or promote the safety of persons in the event of fire.
5. To improve the current level of fire safety at the premises.
6. Access to firefighting measures and information is inadequate to enable an effective firefighting response from Fire & Rescue NSW.

**Period for Compliance with the Order:**

The terms of the Order are to be complied with within **ninety (90) days** from the date of the order.

**Right of Appeal against the Order:**

Pursuant to Section 9.36 Schedule 5 Part 4 (4) of the Act, a person on whom an order is served may appeal to the Land and Environment Court of New South Wales against the Order or a specified part of the Order, within **twenty eight (28) days** after the service of the Order.

**Failure to Comply with the Order:**

Failure to comply with this Order is an offence under Section 9.37 of the Act.

Council may commence legal proceedings in the Land and Environment Court of NSW or issue a Penalty Infringement Notice pursuant to Section 9.58 of the Act.

In addition, Council may also choose to exercise its powers pursuant to Section 9.36 Schedule 5 Part 11 (33) of the Act to do all such things that are necessary or convenient to give effect to the terms of the order, including the carrying out any work required by the order.

**Notes for your assistance:**

Should you require any assistance understanding the Order or require further information, contact Paul Cox on 0419 588889 during business hours. Please note that Council cannot provide legal advice to you and therefore recommends that you seek your own legal advice in this regard.

**SCHEDULE OF ESSENTIAL FIRE SAFETY MEASURES FOR PREMISES****Strata Plan 74910 – 13-19 Bryant Street Rockdale**

Automatic Fire Detection and Alarm Systems	BCA Specification E2.2a	
Emergency Evacuation Lighting	AS/NZS 2293.1-1998 & BCA CI E4.2 & E4.4	
Exit Signs	AS 2293.1-1998 & BCA CI E4.5, NSW E4.6, E4.7 & E4.8	
Fire Doors	BCA Spec C3.4 and AS/NZS 1905.1-1997	
Fire Hydrant Systems	AS 2419.1-1994 & BCA CI E1.3	
Hose Reel Systems	AS 2441-2005 & BCA CI. E1.4	
Lightweight Construction	Refer C1.8 and Specification C1.8 of the BCA, manufacturers specifications & test reports.	
Mechanical Air Handling Systems	BCA CI E2.2, NSW F4.5(b), F4.9, F4.11, F4.12	
Portable Fire Extinguishers	BCA CI E1.6, AS 2444-2001	
Smoke Alarms/ Detectors and Heat Detectors	BCA Specification E2.2a & AS 1670 & AS 1668.1	
Fire Shutter	BCA CI. C3.5	



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File Ref. No: BFS19/269 (6163)  
TRIM Ref. No: D19/32219  
Contact: Senior Firefighter Richard Fallon

13 May 2019

The General Manager  
Bayside Council  
PO Box 21  
ROCKDALE NSW 2216

Email: [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT  
LANDMARK  
13-19 BRYANT STREET ROCKDALE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 29 January 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- 1. It has been requested on numerous occasions that a block plan is supplied. There are 3 towers and crews are unsure which tower the alarm is activated due to no plan.*
- 2. Fire stairs are wedged open continuously. Residents stated they are closing doors, but they are re-opened and wedged open*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 11 March 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7437  
F (02) 9742 7483

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

**COMMENTS**

FRNSW provided an inspection report on 10 June 2014 to Rockdale City Council concerning a similar matter (copy attached appendix 1).

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. FRNSW were unable to access the hydrant booster system as the lock installed on the cabinet door was not a lock compatible with fire brigade operational procedures contrary to the requirements of Clause 7.9 Australian Standard (AS) 2419.1-2005. FRNSW uses standard industry 003 keys to access firefighting installations.

1B. Sprinkler System

- A. FRNSW are of the opinion that the building has an effective height greater than 25m. The Deemed to Satisfy provisions of the National Construction Code (NCC) have not been installed within the premises. Essential measures not installed in the building include but are not limited to; Fire sprinklers and sound system and intercom systems for emergency purposes.

2A. Smoke Detection System.

- A. A zone block plan was not installed adjacent to the Fire Indicator Panel (FIP) contrary to the requirements of Clause 3.10 AS1670.1 – 2004. A zone list is located at the FIP indicating that there are 3 buildings, identified as A, B and C. Firefighters have indicated a delay occurs in firefighting operations at each incident as a result of difficult building identification. FRNSW recommends

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in addition to a block plan, that a plan view of the premises indicating towers A, B and C be installed adjacent to the FIP.

- B. Multiple heat detectors are installed in the basement carpark area contrary to the requirements of Part E2.2 of the NCC which requires smoke detectors to be installed.

2. Generally

2A. Separation

- A. The fire-resistant roller shutter located in the lower carpark was not capable of automatic operation contrary to the requirements of Clause 2.3 of AS1905.2-2005. In this regard;
- i. Door closing mechanism was found to be damaged as the electromagnetic device mechanism was bound with wire;
  - ii. Roller shutter section is not installed in the track.
  - iii. Rails and chain release mechanism are damaged and preventing the door from automatically operating in the case of fire;
  - iv. FRNSW is of the opinion that the roller shutter is not linked to the FIP to permit automatic closure contrary to the requirements of Clause C3.5 (b) of the NCC.

2B. Aluminium Composite Panel Cladding

- A. A visual inspection of the external façade has revealed that a combustible material may be:
- incorporated or forming part of the external wall; or
  - used as a finish, lining or attachment to a building element required to have a required fire-resistance level (FRL).

The material is located on the façade of the building and is near or directly above required exits.

External walls for a building of Type A fire-resisting construction must be non-combustible, in accordance with Specification C1.1 of the NCC.

If the building material is combustible and used as a finish, lining or attachment to a building element which has the required FRL, there is a risk that it may:

- impair the FRL of the wall to which it is attached;
- compromise the safe evacuation of occupants from the building; and

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- lead to the spread of fire by way of the building facade.

In this regard, the following may require council's discretion as the appropriate regulatory authority to inspect 'the premises', review its records and consider the most appropriate action by confirming:

- Whether the building has been approved as Type A fire-resisting construction in accordance with Clause C1.1 of the NCC.
- Whether the building material is considered combustible and requires further enforcement action as an "external wall" or an "attachment", as defined by the NCC.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

### RECOMMENDATIONS

FRNSW recommends that Council:

- Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Senior Firefighter Richard Fallon of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/269 (6163) for any future correspondence in relation to this matter.

Yours faithfully



Station Officer Paul Scott  
Team Leader Fire Safety Compliance  
Fire Safety Compliance Unit

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Attachment – Appendix 1 – Inspection Report 10 June 2014 – 2 pages



File Ref. No: BFS14/783 (6102)  
TRIM Doc. No: D14/35259  
Contact: Cecil Eveleigh

10 June 2014

The General Manager  
Rockdale City Council  
2 Bryant Street  
ROCKDALE NSW 2216

Email: [rcc@rockdale.nsw.gov.au](mailto:rcc@rockdale.nsw.gov.au)

Attention: Ms Meredith Wallace

Dear Madam

**Re: INSPECTION REPORT AND RECOMMENDATIONS TO COUNCIL: Strata Plan  
74910, 13 – 19 Bryant Street Rockdale**

On 15 May 2014 correspondence was received by the Fire & Rescue NSW (FRNSW) Building Fire Safety Unit in relation to the adequacy of the provision for fire safety in or in connection with the above building. The correspondence indicated that:

*"Smoke alarms are not installed in unit 1 and doors were locked on individual rooms"*

On 30 May 2014 the building was inspected by authorised Officers of FRNSW in accordance with the provisions of Section 118L(1) of the Environmental Planning and Assessment Act 1979 (the Act). During the inspection a number of potential deficiencies were identified that were unable to be rectified by an Emergency Order 6.

**Comment**

The following potential deficiencies were noted:

- a) Entry to the particular unit identified was unavailable at the time of the inspection. Accordingly FRNSW are unable to determine if the individual's unit complies with the list of essential fire safety measures specified on the building's fire safety schedule.
- b) The annual fire safety statement submitted to FRNSW on 6 June 2013 does not detail a sprinkler system. The statement lists the standards of performance for the

Fire & Rescue NSW	ABN 12 593 473 110	<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>
Community Safety Directorate	Locked Bag 12	T (02) 9742 7434
Building Fire Safety Unit	Greenacre NSW 2190	F (02) 9742 7483
<a href="mailto:bfs@fire.nsw.gov.au">bfs@fire.nsw.gov.au</a>	Page 1 of 2	© Copyright State Govt NSW



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Hydrant System as AS2419.1-1994 and for the Hose Reel System as AS2441-2005.

- c) FRNSW highlights that the hydrant system block plan installed at the building's hydrant booster assembly states that the height of the highest hydrant above the booster is 33 metres, (i.e. the building appears to exceed 25 metres in effective height and is not served by a sprinkler system).

#### Recommendations

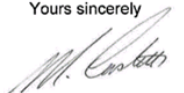
In an effort to address the deficiencies, FRNSW make the following recommendations in accordance with Section 121ZD (1) of the Act.

1. FRNSW respectfully request that Council inspects the premises to determine whether sole occupant units (including Unit No.1) have smoke alarms installed in accordance with the relevant fire safety schedule and Clause 186 A of the E P & A Regulations. Should smoke alarms not be installed FRNSW recommends that Council take action to rectify any identified deficiencies.
2. FRNSW request that Council seek verification of the building's effective height. Should the building's effective height exceed 25 metres FRNSW recommends that the building be subject to an audit to determine all non-compliances with the deemed to satisfy provisions of Building Code of Australia (BCA). Following the audit process FRNSW recommends that Council take action as deemed appropriate and necessary to rectify any identified fire safety deficiencies.

This report of the inspection is provided in accordance with Sections 118L (4) and 121ZD (1) (a) of the Act to council who are the regulatory authority. FRNSW requests that notice of any determination in relation to the report is forwarded to the Building Fire Safety Unit of FRNSW in accordance with Section 121ZD (4) of the Act.

For further information please contact Cecil Eveleigh of the Building Fire Safety Unit, referencing FRNSW file number BFS14/783 (6102). Please ensure that all correspondence in relation to this matter is submitted electronically to [bfs@fire.nsw.gov.au](mailto:bfs@fire.nsw.gov.au).

Yours sincerely



Mark Castelli  
Team Leader  
Building Fire Safety Unit

Fire & Rescue NSW	ABN 12 593 473 110	<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>
Community Safety Directorate	Locked Bag 12	T (02) 9742 7434
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## **Council Meeting**

**10-07-2019**

Item No	8.13
Subject	<b>Events Calendar 2019 - 2020</b>
Report by	General Manager
File	F18/946

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## **Summary**

This report is to formalise the events calendar and funding for the delivery of the agreed program for the 2019/2020 financial year.

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## **Officer Recommendation**

- 1 That Council note and endorse the 2019 – 2020 Events Calendar
  - 2 That Council endorse the additional budget associated with the delivery of the enhanced program
- 

## **Background**

The focus of the proposed harmonisation of the Events Calendar for 2019/2020 is “Becoming Bayside” ... working towards becoming one community.

Since 2016, Bayside Council has continued to deliver the events calendars previously established by both former Councils.

Initially, it was important that both communities were reassured that becoming Bayside Council did not mean losing those things which were familiar or the signature events that made their Council special.

As we have now harmonised our policies, processes and conditions and become one it is time to review and harmonise the Bayside Events Calendar and in doing so bring our community with us.

A number of positive changes are suggested and outlined in this report.

## **Summary of Proposed Changes:**

### **1. Bayside Spring Fair: Celebrating our Cultural Diversity**

Rebrand the previous Multicultural Fair with a name change and new look and feel for all promotional material.

Rename to include “Bayside” and a tagline “celebrating our cultural diversity” to continue the multicultural theme of the event.

Source food & information stalls, together with entertainment, to reflect Bayside's cultural diversity.

## **2. Bayside Food & Wine Festival**

Reinvent the former A Taste of Mascot street fair into a high end food and wine festival targeting a more mature audience – 20 and above – who enjoy spending a relaxed afternoon tasting the culinary delights on offer in Bayside, picking up fresh produce and great cooking tips, all while being educated on the finer points of wine and beer making and tasting.

Continue to hold this event in October as it is Food & Wine month.

Relocate to Mascot Memorial Park at the corner of Botany Road and Coward Street, Mascot. Mascot Memorial Park is the ideal location as it is a great connection point between the traditional Mascot Shopping Strip and the newly emerging Mascot Station Precinct.

It allows for growth and can be transformed into a pleasant outdoor eatery with a “beer garden” feel. There are a number of natural nooks which are ideal for setting up cooking demonstrations and wine workshops or simply to sit and relax, or enjoy a bite to eat while listening to your choice of music genre.

Previously this event was held from 11am to 4pm, proposing that year it be held from 3pm to 9pm.

## **3. Bayside Garden Competition Awards Presentation**

Location change to be held in the Bayside Nursery. Event to be an afternoon of VIP Shopping followed by the announcement of the winners and presentation of awards.

A garden venue is the ideal location for this event and it allows Council to promote the partnership with St George Disability Services. The nursery provides important, and meaningful, employment for those with a disability. It will be an opportunity to showcase the great work being done by the staff, to an audience that truly appreciates all aspects of gardening.

Budget increase required of \$7,000.

## **4. Bayside Community Christmas Event**

One harmonised Christmas event where both the seniors and disability groups are both invited. Previously Housebound and Seniors Christmas Party. Renamed to Bayside Community Christmas.

Maximum of 200 people due to venue restrictions in LGA and to allow for a dance floor. That the event be alternated around the LGA if suitable accessible venues can be established.

## **5. Australia Day Citizenship Ceremony**

The entertainment program be removed however the “Aboriginal dance component” be absorbed into the program for the official citizenship ceremony.

**6. Australia Day Botany Aquatic Centre**

Residents encouraged to attend the Inflatables and family fun day at the Botany Aquatic pool. No other changes.

**7. Lunar Lights Festival**

Trial a new location for this event. Move to the Mascot Station Precinct – the heart of the Bayside Chinese Community – and be renamed Lunar Lights Festival.

There will be a change of format.

The focus will be on holding a night noodle market on the Saturday evening, engaging existing businesses and utilising the spaces in and around the clock tower for additional food stalls. There will be no road closures.

Complementing and enhancing the market atmosphere will be the traditional Lion Dance and a Lunar Lights display.

For the two week celebratory period street decorations and a temporary exhibition of art works will give the community a festive feel.

Council to continue to work with UNSW and the Confucius Society.

**8. Bayside Art Festival – Sculptures @ Bayside**

The Bayside Arts Festival continues to exceed the goals from previous years; more residents and businesses than ever before are participating in events across the festival calendar. City Life and the Events team are currently exploring ways to enhance the festival.

Budget increase of \$ 25,000

**9. BHT AGM & Christmas Function**

AGM to be held at their normal meeting venue followed by Christmas Drinks and finger food.

Budget reduced to \$5,000 and the remaining \$3,000 to be reallocated to Garden Competition

**10. New Year's Eve Fireworks**

This is Bayside's signature event. Additional funds have been secured to include a water performance on the bay prior to the fireworks. Staff to explore establishing a vantage point for the fireworks from the eastern side of Botany Bay.

**11. Outdoor Cinema Events**

The Sport & Recreational Committee and Council have previously endorsed holding three Outdoor Cinema events at the Botany Aquatic Centre during the summer season from October to April.

It is proposed that the three events be:

- Halloween – Family friendly movie - October
- Valentine's Day– Couples evening, 18plus with cheese platters and pizzas to watch a Romantic Comedy movie - February
- End of Season Event – Family friendly movie - April

## 12. Bayside Community Sports Forum

Council supports hosting an annual Sports Forum Breakfast to build and develop relationships with our growing sports community.

Format to be investigated and a report prepared for the Sports and Recreation Committee

No budget has been allocated and it is expected to host such an event will require approximately \$25,000.

## 13. Additonal Events

That Council investigates what events could be held to engage with the communities of Bexley Ward.

A proposal be prepared for Councils consideration.

Budget to be determined

## 14. Official Openings

That Council continue to hold Official Openings for new facilities to celebrate with the local community and/or users of the facility.

EVENT NAME	PURPOSE	DATE	TIME	VENUE	AUDIENCE	BUDGET
Bayside Spring Fair – celebrating our cultural diversity	Family friendly community event to celebrate the cultural diversity in the Bayside community.	14 Sept 2019	11am – 3pm	Eastlakes Reserve	2,500 - 3500	\$40,000
Bayside Food & Wine Fair	High quality food and wine festival to connect with the young adults and ranging from 20yrs plus.	19 October 2019	3pm – 10pm	Mascot Memorial Park	5,000	\$140,000
Bayside Business Awards	The Awards recognise local businesses that have excelled in their field and made a positive contribution towards making Bayside a dynamic and economically vibrant	15 October 2019	6pm	Pullman, Sydney Airport	200	\$40,000

EVENT NAME	PURPOSE	DATE	TIME	VENUE	AUDIENCE	BUDGET
	place to live, work and shop.					
Bayside Sports Forum	Proposal to be investigated and prepared	Date to be confirmed for October	Suggested Breakfast format	TBC	150 - 200	\$25,000 (estimate only)
Halloween Outdoor Cinema	Provide the community with and outdoor event whilst showcasing and Utilising the Botany Aquatic Centre	26 October 2019	5pm – 8pm	Botany Aquatic Centre	500	\$5,000
Bayside Garden Competition – Awards Evening	Promote and encourage Bayside as a beautiful place to live, work and play	Thursday, 7 November 2019	2.30pm – 5pm	Bayside Nursery	250	\$22,000
A new Event for the Bexley North & surrounding Community	To be determined	November weekend	To be confirmed depending on type of event	Location to be determined	unknown	To be determined
Carols in the Park	Family friendly community event to celebrate the festive season	Saturday, 30 November 2019	6pm – 9pm	Mascot Memorial Park	2000	\$40,000
Business & Community Christmas Function	An end of year celebration hosted by the Mayor to foster and develop partnerships across the community and business sectors	Tuesday, 3 December 2019	6pm – 9pm	Baker Street Studios	200	\$13,000
Mayoral Christmas Dinner	An end of year celebration hosted by the Mayor for key stakeholders and community partners.	Thursday, 5 December 2019	6.30pm – 11pm	The Grand Roxy	250	\$45,000
Carols by the Sea	Family friendly community event to celebrate the festive season	Saturday, 7 December 2019	6pm – 9pm	Lady Robinsons Beach	2,500	\$40,000
Bayside Community Christmas Party	An end of year celebration hosted by the Mayor for inclusive of Seniors residing in the Bayside Area who actively contribute by being involved in a club, organisation or group and residents belonging to care facilities	Thursday, 12 December 2019	5pm – 8pm	Ramsgate RSL	200	\$30,000
Bayside's New Years Eve Family Fireworks	Showcases Bayside as a vibrant and inclusive place to live, work and play. Through a family friendly fireworks	Tuesday, 31 December 2019	9pm	Cook Park, Kyeemagh - Ramsgate	75,000	\$360,000

EVENT NAME	PURPOSE	DATE	TIME	VENUE	AUDIENCE	BUDGET
	display to celebrate the bringing in of the new year.					
Australia Day	Citizenship ceremony & Naming of Citizen of the Year on Australia Day	26 January 2020	8am – 10.30am	Depena Reserve	300	\$50,000
Australia Day Inflatables at the pool	Australia Day Family Fun Day	26 January 2020	All day	Botany Aquatic Centre	300	\$5,000
Lunar Lanterns Festival	Lunar Lantern and Art exhibition for duration of Lunar New Year with a Saturday evening performance and noodle markets	25 January 2020	3pm – 9pm	Dacey Gardens	1000	\$45,000
Valentines Day Movie at the Pool	Provide the community with and outdoor event whilst showcasing and Utilising the Botany Aquatic Centre	14 February 2020	5pm – 8pm	Botany Aquatic Centre	500	\$5,000
ANZAC March	March followed by a service in recognition of service men and women	19 April 2020	2pm	Mascot Memorial Park	300	\$12,000
ANZAC Dawn Service	ANZAC Dawn Service to remember those who paid the ultimate price for our freedom. The service is followed by community breakfast. Our veterans and current service men and women are seat for breakfast.	25 April 2020	6am – 9am	Booralee Park	800	\$120,000
End of Season Movie Night	Provide the community with and outdoor event whilst showcasing and Utilising the Botany Aquatic Centre	April 2020– last weekend of pool season	5pm – 8pm	Botany Aquatic Centre	500	\$5,000
Bayside Arts Festival – Sculptures @ Bayside launch	Community event showcasing our Art & Culture	April 2020	2pm to 5pm Time to be confirmed	Kyeemagh	10,000	\$32,500
Volunteers Recongition	Hosted by the Mayor to recognise the hard work of volunteers  across the Bayside community	Volunteers Week TBA, usually May	TBC	TBC	60	\$6,000
Seniors Garden Party	Hosted by the Mayor in celebration of Seniors residing in Bayside	16 May 2020	11am – 2pm	Sir Joseph Banks Park	800	\$160,000
Ramadan	Community celebrating cultural diversity during	2, 9, 16, 23 May	7pm – 11.30pm	Walz Street Rockdale	1000 per Saturday	\$235,00



EVENT NAME	PURPOSE	DATE	TIME	VENUE	AUDIENCE	BUDGET
	the holy month of Ramadan	(Ramadan 2020 is 23 April – 23 May First Saturday 25 April is ANZAC Day)			Evening  Over the four Saturdays around 4000	

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### Financial Implications

Additional funds required ☒ \$54,000 inclusive of Sports Forum Breakfast

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### Community Engagement

Not Applicable

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### Attachments

Nil

## Council Meeting

10/07/2019

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Item No	8.14
Subject	<b>Disclosure of Interest Return</b>
Report by	Michael Mamo, Director City Performance
File	SC18/1217

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## 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 (3) 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 Person.

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## Officer Recommendation

That the information be received and noted.

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## Background

Section 450A of the Local Government Act, 1993 relates to register of Pecuniary Interest Returns and the tabling of this Return, which has been lodged by a Designated Person.

Section 450A of the Act is as follows:

### ***450A Register and tabling of Returns:***

- 1 The general manager must keep a register of returns required to be lodged with the general manager under section 449.***
- 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, 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, or***
  - (c) In the case of a return otherwise lodged with the general manager – the first meeting after lodgement.***

With regard to Section 450(1), a register of all Returns lodged by Councillors and Designated Persons in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450(2)(a), all Returns lodged by Designated Persons under Section 449(1) of the Act, (i.e. their first Return) must be tabled at the first Council Meeting held after the last day of the three (3) month lodgement date.

In accordance with Section 450(2)(a) the following Section 449(1) return has been lodged.

POSITION	RETURN DATE	DATE LODGED	LODGE MENT DATE
Manager Sport & Recreation	01/04/2019	12/06/2019	01/07/2019

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### Financial Implications

Not applicable



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### Community Engagement

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

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### Attachments

Nil

## **Council Meeting**

**10/07/2019**

Item No	9.1
Subject	<b>Minutes of the Bayside Floodplain Risk Management Committee Meeting - 5 June 2019</b>
Report by	Michael McCabe, Director City Futures
File	SF18/3000

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## **Officer Recommendation**

That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 5 June 2019 be received and the recommendations therein be adopted.

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## **Summary**

The minutes of this Committee do not contain any recommendations that are controversial or significantly impact on the budget.

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## **Present**

Director Michael McCabe (Chairperson)  
Coordinator Development Advisory Services Diane Sarkies  
Coordinator Asset Strategy Debbie Fransen  
Isabelle Testoni, Office of Environment and Heritage (OEH)  
David Grasby, Sydney Water  
Alan Hoynes, State Emergency Services (SES)  
John MacKenzie, Community Representative

## **Also Present**

Pulak Saha, Strategic Floodplain Engineer

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The Chairperson opened the meeting in the Bayside Administration Centre at 1:10pm.

John MacKenzie was welcomed to the committee as the first Bayside Community Representative.

## **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**

Apologies were received from Maritza Abra, Acting Manager City Infrastructure, and Steven Poulton, Manager City Works.

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the Bayside Floodplain Risk Management Committee Meeting - 20 February 2019**

#### **Committee Recommendation**

- 1 That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 20 February 2019 be confirmed as a true record of proceedings.
- 2 In future, draft minutes of each Bayside Floodplain Risk Management Committee meeting are to be circulated to the Committee for their comments within 24 hours of the meeting, with feedback to be provided within a week to allow for the minutes to be included in the next Council meeting.

### **4.2 Business Arising**

#### **Committee Recommendation**

That the Committee notes that the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 20 February 2019 were received and the recommendations therein were adopted by Council on 13 March 2019.

## **5 Reports**

### **5.1 Update on Flood Studies**

#### **Committee Recommendation**

That the updates on the flood studies be noted.

## **5.2 OEH Grant Applications**

### **Committee Recommendation**

That the Committee notes the Floodplain Management Program grant applications made to the Office of Environment and Heritage.

## **6 General Business**

There was no General Business.

## **7 Next Meeting**

That the next meeting be held in the Bayside Administration building at 1pm on 21 August 2019. The Chairperson closed the meeting at 2:58 pm.

## **Attachments**

Nil



## **Council Meeting**

**10/07/2019**

Item No	9.2
Subject	<b>Minutes of the Sport &amp; Recreation Committee Meeting - 24 June 2019</b>
Report by	Scott Field, Manager Sport and Recreation
File	SF18/3017

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## **Officer Recommendation**

That the Minutes of the Sport & Recreation Committee meeting held on 24 June 2019 be received and the recommendations therein be adopted.

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## **Summary**

The minutes include the following substantial recommendation:

### **5.4 Proposed Licence to Rockdale Rugby**

That the Sport & Recreation Committee endorses the grant of the five (5) year licence to Rockdale Rugby Club Inc for the use of open space known as C A Redmond and Greg Arkins Fields, subject to s47A of the Local Government Act 1993 and formal endorsement by the Department of Planning & Environment and Roads & Maritime Services.

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## **Present**

Councillor James Macdonald (Chair)  
Councillor Christina Curry  
Councillor Scott Morrissey  
Meredith Wallace, General Manager  
Debra Dawson, Director City Life  
Scott Field, Manager Sport & Recreation

## **Also Present**

Councillor Dorothy Rapisardi  
Councillor Andrew Tsounis  
Councillor Liz Barlow  
Gavin Ross, Coordinator Sport & Recreation  
Samantha Urquhart, Manager Property  
Benjamin Heraud, Coordinator Property  
Debbie Fransen, Coordinator Asset Strategy  
Hassan Chebli, Banksia Tigers  
Richard Blackburn, Botnay Golf Club  
Bede Hebden, Tee It Up  
Muriel Maher, Road & Maritime Services

The Chairperson opened the meeting in the Level 2 Conference Room at 6:31pm.

## **1 Acknowledgement of Traditional Owners**

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

## **2 Apologies**

There were no apologies received.

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the Sport & Recreation Committee Meeting - 29 April 2019**

#### **Committee Recommendation**

That the Minutes of the Sport & Recreation Committee meeting held on 29 April 2019 be confirmed as a true record of proceedings.

## **5 Reports**

### **5.1 RMS Presentation Outcomes of Stage 1 F6 Recreation Needs Analysis Community Survey**

- 1 The RMS briefed the Committee on the issue and provided a summary of outcomes achieved from the RNA community survey, which closed 17 May.
- 2 The RMS will develop a final report inclusive of recommendations for Council to receipt in early July for consideration.

#### **Committee Recommendation**

That the Sport & Recreation Committee reviews the Stage 1 F6 Recreation Needs Analysis community engagement outcomes from a recent online survey.

## **5.2 F6 Extension- Recreational Assets Delivery Program**

- 1 The Coordinator Property, Benjamin Heraud briefed the Committee on the issue providing an update on discussions with RMS relating to the roles and responsibilities of stakeholders for both the upper and lower parcel of land, as part of the broader footprint of the project.
- 2 The discussions with the RMS had not resulted in solutions being reached for the bottom parcel of land, which is presenting as problematic and causing delays to the progression of the project.
- 3 Council is seeking a formal response stating the position of the RMS, yet to be received at the time of this meeting.
- 4 The Coordinator Property, Benjamin Heraud included a summary of options put forward to Council by the RMS relating to the transitional management of affected parks.
- 5 The Committee expressed consensus that a GM briefing will be required to bring about a decision on options put forward by the RMS to progress the project forward. To inform this briefing, the RMS has been asked for a QS of all the works and an estimate of associated cost. Discussions between the RMS and Council to address the lower parcel of land will continue.

### **Committee Recommendation**

That the Sport & Recreation Committee receives and notes the RMS Delivery Program for the relocation of Recreational Assets.

## **5.3 Golf Clubs on Council and Crown Land**

- 1 Representatives of Tee It Up, at the request of Botany Golf Club, briefed the Committee on a proposed business and management plan for Botany Golf Course.
- 2 Representatives of the Botany Golf Club noted that although their preference would be to maintain their current arrangement, they identify that they do not have the capacity to facilitate the continuing management of the course.
- 3 The Committee discussed the issue and identified that the best financial option presented by Tee Up still presented a significant financial loss to Council, with a need for further financial investment in the asset.
- 4 The General Manager noted that any commercial interest in the management of a Council asset would need to follow appropriate procurement process as per the Local Government act. Additionally, it was noted that the Manager of Property would table a holistic view to golf course management across the LGA for discussion.
- 6 The Committee expressed consensus that a confidential report would be developed to inform a GM briefing as the next step in this process.

**Committee Recommendation**

That the Sport & Recreation Committee recommends this be a standing agenda item.

**5.4 Proposed Licence to Rockdale Rugby**

The Committee expressed consensus to endorse the licence with no amendment.

**Committee Recommendation**

That the Sport & Recreation Committee endorses the grant of the five (5) year licence to Rockdale Rugby Club Inc for the use of open space known as C A Redmond and Greg Arkins Fields, subject to s47A of the Local Government Act 1993 and formal endorsement by the Department of Planning & Environment and Roads & Maritime Services.

**5.5 Dog Off Leash Area at Lady Robinsons Beach Kyeemagh**

- 1 The Manager Sport & Recreation, Scott Field upon discussion with relevant stakeholders reported positive feedback upon the trial implementation of the Dog Off Leash Area.
- 2 The Committee expressed consensus for the Dog Off Leash Area to be implemented permanently on the basis of its trial success.

**Committee Recommendation**

That the report is received and noted.

**6 General Business****6.1 Bexley & Scarborough Park Tennis Courts**

- 1 The Coordinator Property, Benjamin Heraud briefed the Committee on the issue. That the current contract provider of the Scarborough Park Tennis Courts has not put forward the requested business plan and financial reporting. The submission that was put forward did not meet Council's request for information and cannot be considered, and an extended lease was not an option.
- 2 The committee made the assessment in lieu of the requested business and financial plan, that the current contractor's operation was not financially viable, highlighted by the lack of co-contribution to the management of the facility and clear deficiencies in asset management.
- 3 The Committee discussed the issue and it was noted no progression had been made on the issue since its last meeting. It was decided after several attempts

to resolve issues with the existing arrangements, alternative options for the future of the Scarborough Park Tennis Courts now needed to be considered.

- 4 The Committee discussed the possibility of lights being installed in Scarborough Park Tennis Courts to increase usability, however, a review of the DA and an assessment of financial feasibility would be required for the suggested lighting.
- 5 The Committee also discussed the condition and usage of the Bexley Tennis Courts as an ongoing problem.
- 6 The General Manager, Meredith Wallace made the suggestion to naturalise the Bexley Tennis Courts as previous EOI's for the management of the site had yielded minimal response.

#### **Committee Recommendation**

That the potential options merited further assessment, this included both a financial estimate for the naturalisation of the Bexley Tennis Courts and a review of the DA and costings for additional lighting at the Scarborough Park Tennis Courts to inform a final recommendation.

### **6.2 Rockdale Ilinden Football Club**

- 1 Coordinator Property, Benjamin Heraud briefed the Committee on the issue.
- 2 The club could not absorb the cost of re-turfing the surface for their grounds, including the use of their sinking funds due to their financial positioning as a community club.
- 3 Rockdale Ilinden Football Club have elected to undertake their own market rental evaluation on and then meet with Council to further negotiate.

#### **Committee Recommendation**

That further discussion would take place after Rockdale Ilinden Football Club completes its own market rental evaluation on the grounds.

### **6.3 Arncliffe Park**

The General Manager, Meredith Wallace, provided the Committee with an update on the project.

#### **Committee Recommendation**

That the update is noted.

#### **6.4 Gardiner Park Synthetic Turf Upgrade**

- 1 The Coordinator Asset Strategy, Debbie Fransen, briefed the Committee on the project, summarising feedback received from a site visit with a third party water management consultant.
- 2 The Committee discussed the issue with reference to the orientation, size and positioning of the field, receiving questions and feedback from Hassan Chebli representing the key external stakeholder, Banksia Tigers.
- 3 Due to the footprint of the site and working in with suggested advice regarding water flow management, the courts proposed will not be FIFA compliant.
- 4 Hassan Chebli, Banksia Tigers noted this would not have an impact to the club as they do not plan to expand into a higher grade within their sport.
- 5 The Committee discussed the proposed plans and suggested the inclusion of a pathway to allow players to move from barracks to the field without transferring mud onto the synthetic field. This could include fencing and a gate if required.

#### **Committee Recommendation**

That plans would be amended with the Committee's feedback and fed back into the project, which will be managed by Council's Major Projects Team.

#### **6.5 Bexley Pool Upgrade**

- 1 The General Manager, Meredith Wallace, briefed the Committee on the issue, noting the financial shortfall in the project due to electoral outcomes.
- 2 The project would need to be revised down or funding would need to be identified to make the project feasible.
- 3 The Committee discussed the issue reviewing potential options and modelling to fund the project, however, the extent of the shortfall in funding remained a clear obstacle for the project.
- 4 The Committee discussed the issue relating to the Angelo Anestis Aquatic Centre Car Park entry and exit.

#### **Committee Recommendation**

- 1 That Council is to undertake further review into the feasibility of the project, including funding options.
- 2 That the Coordinator Infrastructure Projects, Maritza Abra be invited to provide an update on the project at the next meeting of the Committee and to present on the draft plans and proposed changes to the car park.



## **6.6 Bexley Bowling Club**

The Coordinator Property, Benjamin Heraud briefed the Committee on the project.

### **Committee Recommendation**

That the update is noted.

## **6.7 Defibrillators**

The Manager Sport & Recreation, Scott Field briefed the Committee on the project. Once the defibrillators were received, communication would take place with the office of The Hon Matt Thistlethwaite MP to determine the distribution to clubs.

### **Committee Recommendation**

That the update is noted.

## **6.8 Grants for Sporting Clubs**

The Manager Sport & Recreation, Scott Field briefed the Committee on the issue. Council does not offer its own grant funding stream for sporting clubs, however, information and support is provided for clubs in identifying and applying for funding opportunities across the sporting and recreation sector.

### **Committee Recommendation**

That the update is noted.

## **6.9 Bexley Pool PCG**

The Manager Sport & Recreation, Scott Field suggested the PCG for the Bexley Pool be reactivated.

The damaged cover for the seating at the external pool had been replaced with new sails.

### **Committee Recommendation**

That contract providers, Blue Fit, makes a presentation at the next Committee meeting.

### **6.10 Draft Synthetic Field Policy**

The Director City Life, Debra Dawson briefed the Committee on the need for Council to develop a Draft Synthetic Field Policy.

#### **Committee Recommendation**

That the briefing is noted.

## **7 Next Meeting**

The next meeting of the Sport and Recreation Committee will be held on Monday, 26 August 2019 at 6:30 pm in the level 2 Conference Room of the Bayside Administration Centre.

The Chairperson closed the meeting at 9:25 pm.

## **Attachments**

Nil

## **Council Meeting**

**10/07/2019**

Item No	9.3
Subject	<b>Minutes of the Bayside Traffic Committee Meeting - 3 July 2019</b>
Report by	Michael McCabe, Director City Futures
File	SF18/3017

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## **Officer Recommendation**

That the Minutes of the Bayside Traffic Committee meeting held on 3 July 2019 be received and the recommendations therein be adopted.

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## **Present**

Councillor Ed McDougall (Convenor),  
Senior Constable Andrew Chu, St George Police Area Command,  
Senior Constable Alexander Weissel, Botany Police Area Command,  
James Suprain, representing Roads and Maritime Services,  
Les Crompton, representing State Member for Kogarah,  
George Perivolarellis representing State Members for Rockdale and Heffron,

## **Also Present**

Councillor Dorothy Rapisardi  
Jeremy Morgan, Manager City Infrastructure, Bayside Council (Acting Convenor until 9:24 am)  
Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council,  
Lyn Moore, NSW Pedestrian Council,  
Harry Haidar, St George Cabs,  
Yvonne Poon, BIKEast,  
Peter Hannett, St George Bicycle User Group,  
Rabih Bekdache, State Transit Authority - west,  
Glen McKeachie, Coordinator Regulations, Bayside Council,  
Robbie Allen, Transport Planner, Bayside Council,  
Malik Almuhanha, Traffic Engineer, Bayside Council,  
Almustafa Kamil, Assistant Infrastructure Officer, Bayside Council,  
Agasteena Patel, Traffic Engineer, Bayside Council,  
Pat Hill, Traffic Committee Administration Officer, Bayside Council,  
Gary Brown (Gunlake) – Item BTC19.130 – Ocean Street  
David Kelly (Gunlake) – Item BTC19.130 – Ocean Street

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The Acting Convenor opened the meeting in the Rockdale Town Hall, Pindari Room at 9:15 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 were no apologies received.

## **2 Disclosures of Interest**

There were no disclosures of interest.

## **3 Minutes of Previous Meetings**

### **BTC19.118 Minutes of the Bayside Traffic Committee Meeting - 5 June 2019**

#### **Committee Recommendation**

That the Minutes of the Bayside Traffic Committee meeting held on 5 June 2019 be confirmed as a true record of proceedings.

## **4 Reports**

### **BTC19.119 Arncliffe Street and Burrows Street road bend in Wolli Creek - Proposed 'No stopping' restriction**

#### **Committee Recommendation**

That approval be given for the installation of two (2) 'No stopping' signs to restrict the problematic parking next to the road bend that links Arncliffe Street with Burrows Street in Wolli Creek.

### **BTC19.120 Fraser Avenue and Boonah Avenue, Eastgardens - Parking issues**

#### **Committee Recommendation**

That the residents of Fraser Avenue and Boonah Avenue be informed of the eligibility criteria for obtaining resident permits in the permit parking scheme and consulted for introduction of a resident parking scheme.

### **BTC19.121 Hercules Road, Brighton Le Sands - Proposed upgrade to 90 degree angle parking and detailed drawings.**

#### **Committee Recommendation**

That approval be given for the following in Hercules Road, Brighton Le Sands:

- 1 Upgrade of street parking to 90 degree angle parking.
- 2 Installation of 1 x set of rubber speed cushions in Hercules Road as per the attachment.
- 3 Associated line-marking and signposting including statutory 'No Stopping' restrictions and 'No Stopping' restrictions along western kerb line of Hercules Road.
- 4 Removal of redundant existing islands and installation of new islands as per attachment.

**BTC19.122 Herford Street and Wilson Street, Botany, in front of Banksmeadow Public School- Proposed 40km/h School Zone**

**Committee Recommendation**

That a request for the implementation of 40km/h School Zone for Banksmeadow Public School in Herford Street and Wilson Street, Botany be submitted to Roads and Maritime Services for approval and subsequent installation.

**BTC19.123 Keats Avenue eastern kerb line south of Hegerty Street, Rockdale - proposed replacing '2P, 8:30 am - 6pm, Mon - Fri and 8:30 am - 12:30 pm, Sat, Permit Holders Excepted, Area RCD' with '2P, 8:30 am - 6pm, Mon- Fri and 8:30 am -12:30 pm, Sat' restriction**

**Committee Recommendation**

That approval be given to the replacement of some parking restrictions along the eastern kerb line of Keats Avenue south of Hegerty Street to reflect the new needs of residents in Keats Avenue, Rockdale, as follows:

- From 0m to a point 10m – retain the existing 'No Stopping' restriction
- From 10m to 54m- proposed replacement of '2P, 8:30 am – 6 pm, Mon - Fri and 8:30 am – 12:30 pm, Sat, Permit Holders Excepted, Area RCD' with '2P, 8:30 am – 6 pm, Mon- Fri and 8:30 am – 12:30 pm, Sat' restriction.
- From 54m to 64m where Keats Avenue meets the laneway – proposed 10m 'No Stopping' restriction.

**BTC19.124 Kingsgrove Avenue, Kingsgrove - Proposed Load Limit 4.5 tonne Restriction****Committee Recommendation**

That a load limit restriction, 4.5 tonnes, be installed along Kingsgrove Avenue between Kingsgrove Road and Bexley Road, Kingsgrove, to enhance the amenity of the area and to prevent road damage.

Note: The representatives from the Police raised an objection to the proposal due to the enforcement and the diversion of trucks to other areas.

**BTC19.125 Kurnell Street, between Swinbourne Street and Warrana Street, Botany - Proposed 'One Way' and 'Load Limit' restrictions.****Committee Recommendation**

- 1 That endorsement be given to the proposed 'One-Way Street' in the southbound direction in Kurnell Street, from Swinbourne Street to Warrana Street, Botany.
- 2 That endorsement be given to the proposed 'No Trucks' restriction in Kurnell Street, between Swinbourne Street and Warrana Street, Botany.
- 3 That consideration be given to 'No Stopping' restrictions on the northern side of Warrana Street.
- 4 That a Traffic Management Plan be submitted for changed conditions to the Roads and Maritime Services for approval.
- 5 That the Committee notes that rubber cushion pads are not recommended due to the lack of support from affected residents.
- 6 That consideration be given to the change of priority control at the intersection of Kurnell Street and Warrana Street.
- 7 That the proposed endorsement be included in the Banksmeadow Local Area Study currently undertaken.

**BTC19.126 Lord Street, between George Street and Cameron Street, Rockdale - Proposed time change to an existing 'No Parking' restriction outside Rockdale Public School.****Committee Recommendation**

That the existing '*No Parking, 8:30 am – 9:30 am, 2:30 pm – 4 pm, School days*' along the southern kerb line of Lord Street between the school's driveway and the existing 'Bus Zone' be changed to '*No Parking, 8:30 am – 9:30 am, 2:30 pm - 3:30 pm, School days*' to facilitate loading and unloading of teaching material for school teachers and parents' pick up.



**BTC19.127 Lyon Street, Mascot, between Middlemiss Street and Sutherland Street - Proposed retention of existing parking****Committee Recommendation**

That the existing parking restrictions in Lyon Street, Mascot, between Middlemiss Street and Sutherland Street, be retained.

**BTC19.128 4 Magdalene Terrace, Wolli Creek - Proposed 'No Stopping' restriction across two driveways.****Committee Recommendation**

That the approval be given for a 'No Stopping' restriction on the eastern kerblane of Mount Olympus Drive across driveways of No. 4 Magdalene Terrace, Wolli Creek. The cost of the supply and installation will be borne by the Applicant.

**BTC19.129 Mascot Railway Station Precinct Study****Committee Recommendation**

- 1 That in principle support is given for the options as presented by Bitzios Consulting for items 1-4 including:
  - Convert Church Avenue to Two Way.
  - Signalised Pedestrian Crossing in Bourke Street.
  - Introduce a roundabout at the Church Street and Bourke Street intersection.
  - Make changes to the cycleway network to support the implementation of the above.
- 2 That the right turning movements at the intersection of Bourke Street and John Street be reviewed as part of the above project.

**BTC19.130 Ocean Street between Anderson Street and Spring Street, Banksmeadow - Proposed traffic calming scheme as part of the requirement for condition 90 of DA16/039 at 2 Anderson Street, Banksmeadow****Committee Recommendation**

That the Committee concur with the submitted drawings from developers of no. 2 Anderson Street, Banksmeadow, comprising:

- Replacement of the existing chicane in Ocean Street between Anderson Street and Spring Street.

- retaining 'No Trucks' restriction
- installation of sturdy bollards, (300mm in diameter) on the newly modified chicane in Ocean Street
- installation of 'No Trucks' warning signs prior to the intersection of Ocean Street and Page Street
- increase the size of the signs of 'No Truck' from A size (600mm x 600mm) to B sign (900mm x 900mm)
- approval for E1 edge line delineating Anderson Street along the frontage of the site including chevrons at vehicle entrance points as shown on drawing no. 1675-17

**BTC19.131 Parker Street, Rockdale - Replacement of 'P15 8:30 am - 9:30 am /2:30 pm - 3:30 pm School Days' & 2P 9:30 am - 2:30 pm /3:30 pm - 6 pm Mon-Fri" with 'No Parking' outside tennis courts**

**Committee Recommendation**

That the 12m of 'P15 8:30 am – 9:30 am /2:30 pm – 3:30 pm School Days' & 2P 9:30 am - 2:30 pm /3:30 pm – 6 pm Mon-Fri' restriction outside the tennis courts in Parker Street, opposite St Jospeh's Primary School, Rockdale, be replaced with 'No Parking' restriction.

**BTC19.132 27-29 Rhodes Street, Hillsdale - Proposed 'No Parking' restriction.**

**Committee Recommendation**

That the approval be given for the installation of 3m 'No Parking' restrictions on either side of the basement car park driveway of no. 27-29 Rhodes Street, Hillsdale.

**BTC19.133 Rowley Street east of Archibald Avenue, Brighton Le Sands - Proposed centre linemarking.**

**Committee Recommendation**

That approval be given to the painting of 30m broken dividing line (type S1) at the bend in Rowley Street south of no. 18 Archibald Avenue, Brighton Le Sands to raise awareness of the intersection and improve safety.

**BTC19.134 Sparks Street, Eastlakes - Vehicles Speeding in the street****Committee Recommendation**

- 1 That a speed count be conducted for enforcement on Sparks Street and the result of the count be forwarded to the Police.
- 2 That NSW Police be acknowledged for their recent enforcement program in Sparks Street, Eastlakes.

**BTC19.135 Teralba Road, Brighton Le Sands - Proposed upgrade to 90 degree angle parking and detailed drawings.****Committee Recommendation**

That the existing parking restrictions be retained.

**BTC19.136 Terry Lane, between Marinea Street and Bellevue Lane, Arncliffe - Proposed 'No Parking, 5am- 9am, Thursdays' restriction on waste collection day.****Committee Recommendation**

That approval be given to the provision of a 'No Parking, 5 am – 9 am, Thursdays' restriction along Terry Lane, between Marinea Street and Bellevue Lane, Arncliffe to facilitate waste collection operations.

**BTC19.137 Watkin Street and Walz Street intersection, Rockdale - Proposed Turning Line****Committee Recommendation**

That approval be given to paint a new Turning Line (T1) in at the intersection of Watkin Street and Walz Street in Rockdale.

**BTC19.138 Wellington Street, Mascot, between Coward Street and Wellington Street - Proposed Parking '8P, Mon- Sat' Restriction****Committee Recommendation**

That an '8P, Mon – Sat' restriction be installed in Wellington Street, between Coward Street and King Street, Mascot.

**BTC19.139 Referrals from Anti-Hooning Taskforce****Committee Recommendation**

The Anti-Hooning Taskforce has not referred any matters for consideration of the Bayside Traffic Committee.

**BTC19.140 Matters referred to the Bayside Traffic Committee by the Chair****Committee Recommendation**

No items were raised.

**BTC19.141 General Business****Committee Recommendation – Matter Raised by Pat Hill  
Pintara Lay Retirement**

After 17 years of dedicated service at Bayside Council and former Rockdale City Council (pre 2016), Mr Pintara Lay, Coordinator Traffic and Road Safety has chosen to retire in a professional capacity. During his tenure at Council, apart from numerous other responsibilities, he has successfully facilitated approximately 185 Traffic Committee Meetings out of a total of 187 held. Bayside Traffic Committee would like to thank Mr Lay for his service and wish him well in the new phase of his life.

The Convenor closed the meeting at 11:55 am.

**Attachments**

Nil

## **Council Meeting**

**10/07/2019**

Item No	10.1
Subject	<b>Notice of Motion - Proposed Passenger Cruise-Ship Terminal</b>
Submitted by	Fausto Sut, Manager Governance & Risk
File	SF18/3017

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## **Summary**

This Motion was submitted by Councillor Christina Curry.

## **Motion**

That Bayside Council write to the NSW Premier, and the new Minister responsible for ports, The Honorable Andrew Constance, MP Minister for Transport and Roads, reiterating Council's strong opposition to a proposed passenger cruise-ship terminal at either Yarra Bay or Molineux Point, highlighting Council's strong concerns about the negative impact a passenger terminal would have on the area including traffic congestion, environmental destruction, loss of open green space and flow-on land-use pressures.

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## **Background**

### **Supporting Statement by Councillors**

A new passenger cruise-ship terminal is proposed to be built at either Yarra Bay or Molineux Point. This would have a negative impact on the area including traffic congestion, environmental destruction, loss of open green space and flow-on land-use pressures.

### **Comment by General Manager:**

This Notice of Motion is in order and can be dealt with.

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## **Attachments**

Nil