

MEETING NOTICE

The **Extraordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 17 July 2019** at **6:30 pm**.

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

2 OPENING PRAYER

3 APOLOGIES

4 DISCLOSURES OF INTEREST

5 MAYORAL MINUTES

6 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.

7 REPORTS

7.1 The Acquisition of 64 Pemberton Street, Botany.....2

7.2 Sculptures by the Sea.....17

8 QUESTIONS WITH NOTICE

9 CALL FOR RESCISSION MOTIONS

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

Meredith Wallace
General Manager

Extraordinary Council Meeting

17/07/2019

Item No	7.1
Subject	The Acquisition of 64 Pemberton Street, Botany
Report by	Joe Logiacco, Manager Waste and Cleansing Services Ali Rizwan, Development Manager
File	F08/647.002

Summary

An opportunity has presented itself for Council to acquire the land adjoining the Botany Council Depot being located immediately to its South. The subject land at 64 Pemberton St, Botany (the Site) is an improved 694sqm Land Parcel being sold via auction by Colliers International.

The B4 zoning of the Site will allow Council to utilise this land acquisition as a car park. The permissible use of the Site will assist Council in transferring existing on-site light private car parking to this area and free up much needed space within the Botany Depot.

A potential car park at the Site may allow for approximately 20 to 30 car spaces. This purchase and use will allow Council to change the operation of the Botany Depot, to allow for waste fleet, a dedicated community recycling and recovery drop off area and greater efficiencies in relation to operational recycling bays.

Importantly, the acquisition provides the opportunity for Council to transfer staff, fleet, plant and equipment, in a staged approach, from the Mascot Depot at 130 King Street, Mascot to the Botany Depot. This will result in the Mascot Depot being converted to a Community recreational space or larger parkland complementing the adjoining L'Estrange Park, Mascot.

Officer Recommendation

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

With reference to Section 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 matters were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issues they deal with.
 - 2 That Council provide the General Manager delegated authority to purchase the property located at 64 Pemberton Street, Botany up to the maximum amount identified within this report, with funding to be provided from Councils Domestic Waste Reserve, as detailed at Confidential Attachment 2.
 - 3 That Council authorise the purchase of 64 Pemberton St, Botany (including expenses, demolition and any future embellishment) to be funded from the Domestic Waste Reserve.
-

- 4 That the General Manager be authorised to sign, where required, all documentation required to finalise this matter.
 - 5 That subject to the exchange of contracts for 64 Pemberton Street, Botany, Council endorse the classification of the Site as operational Land under the provisions of the Local Government Act 1993.
 - 6 That Council will publicly notify our intention to classify 64 Pemberton Street, Botany pursuant to Section 31 of the Local Government Act 1993
 - 7 That subject to the exchange of contracts for 64 Pemberton Street, Botany, Council will commence planning for the conversion of the Mascot Depot to a community recreational space or larger parkland complementing the adjoining L'Estrange Park.
-

Background

Site Details

The Site, known as Lot B in DP 359736 is an improved 694sqm land parcel (see location Map Attachment 5). The Site shares a contiguous boundary with Council's Botany Depot (located at 68 Pemberton St, Botany) being immediately located to the south.

The Site is zoned B4 Mixed Use, comprising an older style freestanding warehouse facility arranged over a single level, constructed of brick walls with asbestos sheet roof. The warehouse component has a GFA of 580sqm and is positioned on the corner of Pemberton & Warrana Streets, Botany.

The Site is currently unoccupied and will therefore be the subject of vacant possession post acquisition:

- Site frontage to Pemberton St approx. 13.71m
- Site frontage to Warrana St is approx. 44.06m.
- Site FSR is 1:1
- Height Control Limit of 10m.

The Site has been repossessed from the previous owner.

Council is in discussions with the selling agent in preparation for the Auction scheduled for 25 July 2019. Refer to Information Memorandum Attachment 4.

Valuation

Council engaged Rockworth Valuation to undertake a Valuation of the Site, with the assessment date being 20th June 2019. The Valuer has used the Capitalisation of net Income and Direct Comparison approach to determine the value of the land. The details pertaining to the valuation are within the valuation report (Confidential Attachment 3).

Acquisition Rationale

The Botany Depot, in its current state is constrained and the layout is not efficient. Confidential Attachment 1 shows some images of Botany Depot, which identify the current constraints on this site in addition to some draft proposals of the redesign of Botany Depot.

The B4 zoning will allow Council to utilise the Site, post-acquisition as a car park (being a permitted use within this zone).

A potential car park at the Site will allow for approximately 20 to 30 car spaces. A proposed car park design is shown at Confidential Attachment 1.

This permissible use of the site will assist Council in transferring existing on-site car parking to this area and free up much needed space within the Botany Depot, which will:

- Create a functional area for Community Recycling drop offs.
- Create larger and additional recycling / resource recovery reuse bays.
- Increase on-site waste heavy vehicle parking.
- Improve heavy vehicle traffic flow.
- Increase pedestrian safety.

More importantly, this acquisition provides the opportunity for Council to transfer staff, fleet, plant and equipment, in a staged approach, from the Mascot Depot at 130 King Street, Mascot to the Botany Depot. This will result in the Mascot Depot being converted to a Community recreational space or larger parkland complementing the adjoining L'Estrange Park, Mascot.

An aerial picture of Mascot Depot (shown at Confidential Attachment 1) located within the envelope of L'Estrange Park, Mascot.

Increasing recycling capacity at Botany Depot

The most recent independent audit of Council's 'kerbside clean up service' material indicated that the following main items could be potentially diverted from landfill:

- Metals 99.4T
- Paper/Cardboard 231.1T
- Carpet/Textiles/Clothing 229.1T
- E-waste 322.1T
- Re-usable Furniture 206T
- Organics 1,762.3T

The potential 2,850T of material that could be recycled or recovered would lead to a substantial material disposal saving as well as significantly assisting Council in achieving greater landfill diversion targets set by the State Government including those set out in Council's Waste Avoidance and Resource Recovery Strategy 2030.

With the purchase of this land, Council's recycling storage bays at the Botany Depot can be increased in size to accommodate additional reuse material types, including road millings, concrete, and sand. There is a strong community push to use a higher content of recyclable material throughout Council's civil works and open space projects.

Ancillary Works

The funding requested as part of this project will be for the acquisition of the Site and ancillary works to facilitate improved operations at the Botany Depot. These ancillary works include:

- a. Demolition of the existing building upon the Site and the subsequent conversion of the property to car parking.
- b. Further demolition of two (2) structurally compromised storage facilities upon the Botany Depot.
- c. Creation of additional parking bays within the Botany Depot to enable waste fleet parking.
- d. Create a dedicated Community Recycling & Resource Recovery area at the Botany Depot.
- e. Expanding Council's civil recycling and reuse bays at the Botany Depot.
- f. Relocate Staff and construct the appropriate facilities and associated areas within Botany Depot,
- g. Create and facilitate enhanced vehicle movement plan, particularly for large waste fleet, increasing vehicle and pedestrian safety within the Botany depot.
- h. Any unforeseen ancillary works and or facilities which will be required to facilitate the Botany Depot resource recovery improvements.

Domestic Waste Reserve

Bayside Council has a Domestic Waste Management Reserve that is designed to service various projects. These projects include the following objectives:

- NSW State legislation, such as the Waste and Resource Recovery Act and Section 88 Waste Levy
- Innovative waste avoidance and resource recovery
- Changes in waste technologies and innovations
- Regional solutions to waste and resource recovery

The Domestic Waste Management Reserve is also used for the procurement of waste fleet, plant, equipment, infrastructure, associated materials and associated services such as:

- Waste and recycling vehicles.
- Depot infrastructure.

- Educational resources.
- Consultation with industry specialists regarding waste management issues.
- Waste related staff training etc.
- Development, improvement and monitoring of quality, WHS and environmental management systems for the waste related areas of Council.

The proposed acquisition of the Site, and associated works align with the above project objectives for use of the Domestic Waste Reserve. In this regard it is proposed to fund the acquisition and ancillary works from this reserve.

Next Steps

1. Finalise the commercial terms between the Vendor and Council (either via Auction or Private Treaty). The acquisition will be undertaken in a manner which ensures that the agreed consideration paid is guided by Council's agreed upper limit (Confidential Attachment 2). It will also be subject to ensuring Council's Due Diligence Criteria are met.
2. Upon acquisition of the Site, Council to proceed with the above ancillary works in order to realise future embellishment. As detailed at Confidential Attachment 1.
3. Classify the Site as operational land under the provisions of the Local Government Act 1993 to align with its intended use.
4. Council will commence planning for the conversion of the Mascot Depot to a community recreational space or larger parkland complementing the adjoining L'Estrange Park.

Financial Implications

Not applicable ☐

Included in existing approved budget ☐

Additional funds required ☒

The acquisition of the Site (costs being up to the auction bidding ceiling identified within Confidential Attachment 2) and the ancillary works (costs up to \$650,000 excl GST). The funding for the project will be from the Domestic Waste Reserve.

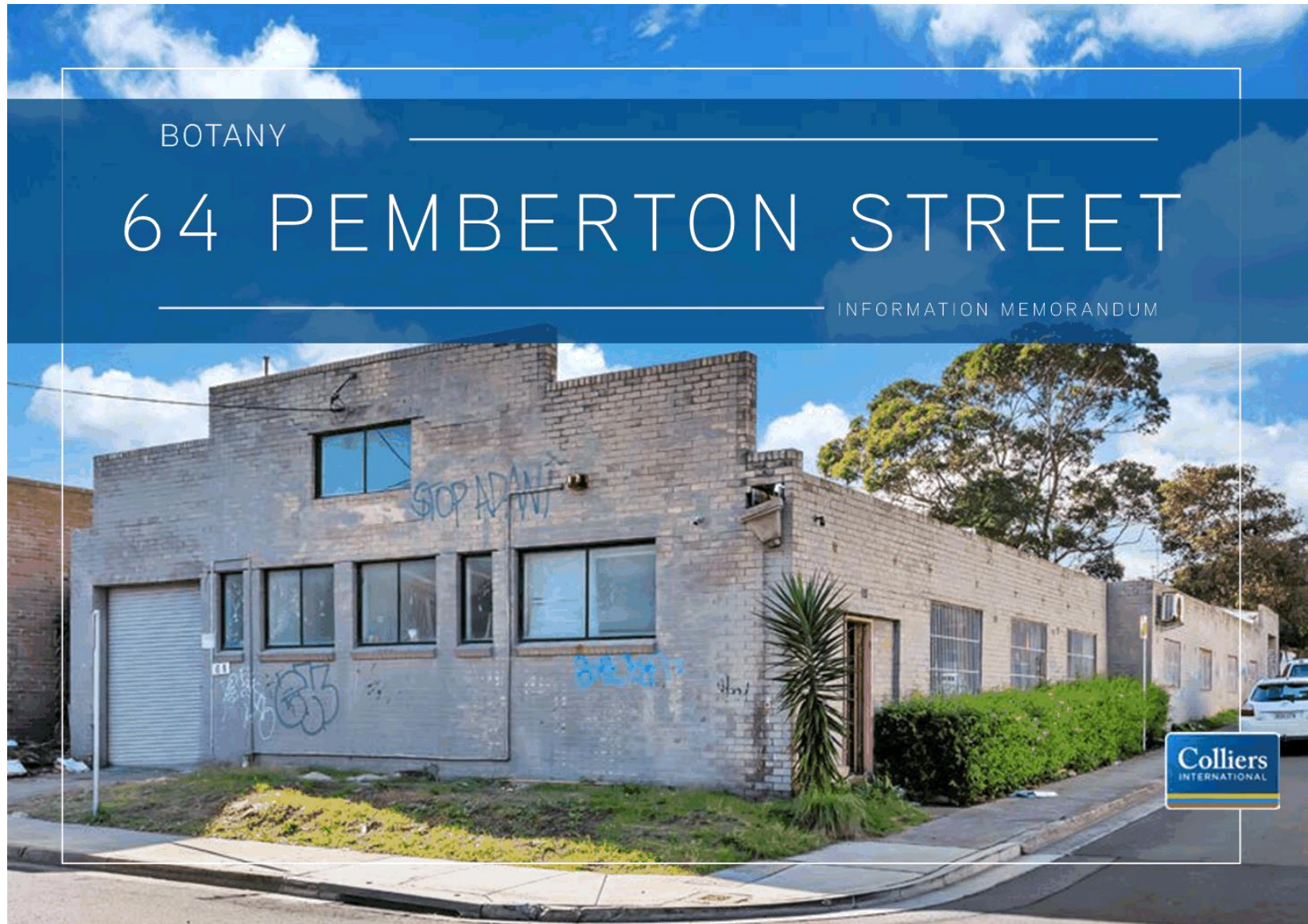
Community Engagement

N/A

Attachments

- 1 Confidential Attachment 1 - 64 Pemberton Street Operational Requirements (confidential)

- 2 Confidential Attachment 2- Auction Bidding Ceiling (confidential)
- 3 Confidential Attachment 3 - Valuation (confidential)
- 4 Information Memorandum [↓](#)
- 5 Location Map [↓](#)





Contents

INTRODUCTION	03
EXECUTIVE SUMMARY	04
THE OPPORTUNITY	06
LOCATION	07
ZONING	08
STATUTORY OUTGOINGS	09
PHOTOS	10
SALES PROCESS	12
FLOOR PLAN	13
DISCLAIMER	14

Introduction

Colliers International, on behalf of Aravanis as Receivers, are pleased to bring 64 Pemberton Street, Botany to market via Public Auction at Cooley Auctions, Level 5, 1 Margaret Street, Sydney NSW 2000 on Thursday, 25 July 2019 at 10:30am.

64 Pemberton Street offers ultimate flexibility for a savvy purchaser. Offered with vacant possession, the property appeals to developers, owner occupiers or investors. Favourable B4 Mixed Use zoning allows a multitude of uses including, but not limited to, childcare, boarding houses & residential development (STCA).

Botany is a highly desirable residential suburb due to ease of access to Sydney Airport, Sydney CBD & numerous beaches and world class golf courses.



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COLLIERS.COM.AU/211778

Executive Summary

ADDRESS	64 Pemberton Street, Botany NSW 2019
TITLE REFERENCE	Lot B in Deposited Plan 359736
DESCRIPTION	Botany is one of the hottest markets in Sydney currently. This driven by its close proximity to public transport, Sydney Airport, Sydney CBD and new trendy food precincts.
BUILDING AREA	566m ²
SITE AREA	694m ² *
COUNCIL	Bayside Council

ZONING	B4 - Mixed Use
FSR	1:1
MAXIMUM BUILDING HEIGHT	10m
METHOD OF SALE	Property is for sale via Public Auction at Cooley Auctions Level 5, 1 Margaret Street, Sydney NSW 2000 When: Thursday, 25 July 2019 at 10.30am Josh Heffernan Associate Director Property Sales & Leasing +61 400 302 519 Josh.Heffernan@colliers.com
AGENTS	Tom Barnier Director Property Sales & Leasing +61 499 888 024 Tom.Barnier@colliers.com

*APPROXIMATELY

The Opportunity

64 Pemberton Street, Botany offers tremendous opportunity to purchase mixed use site within one of Sydney's most progressive locations. Key investment highlights include:

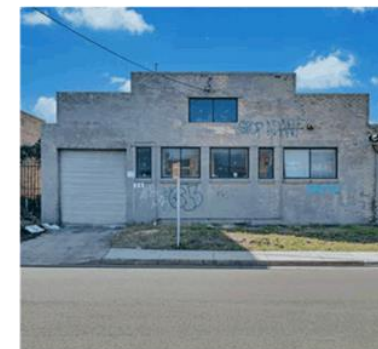
Caters to developers, owner occupiers or investors.

Highly sought after location

The property is situated next to one of the South Sydney's most prominent arterial roads

Capitalise on major gateway access to Port Botany, Sydney CBD and Sydney Airport

Botany is a prime industrial precinct that is starved of stock and growing value every day



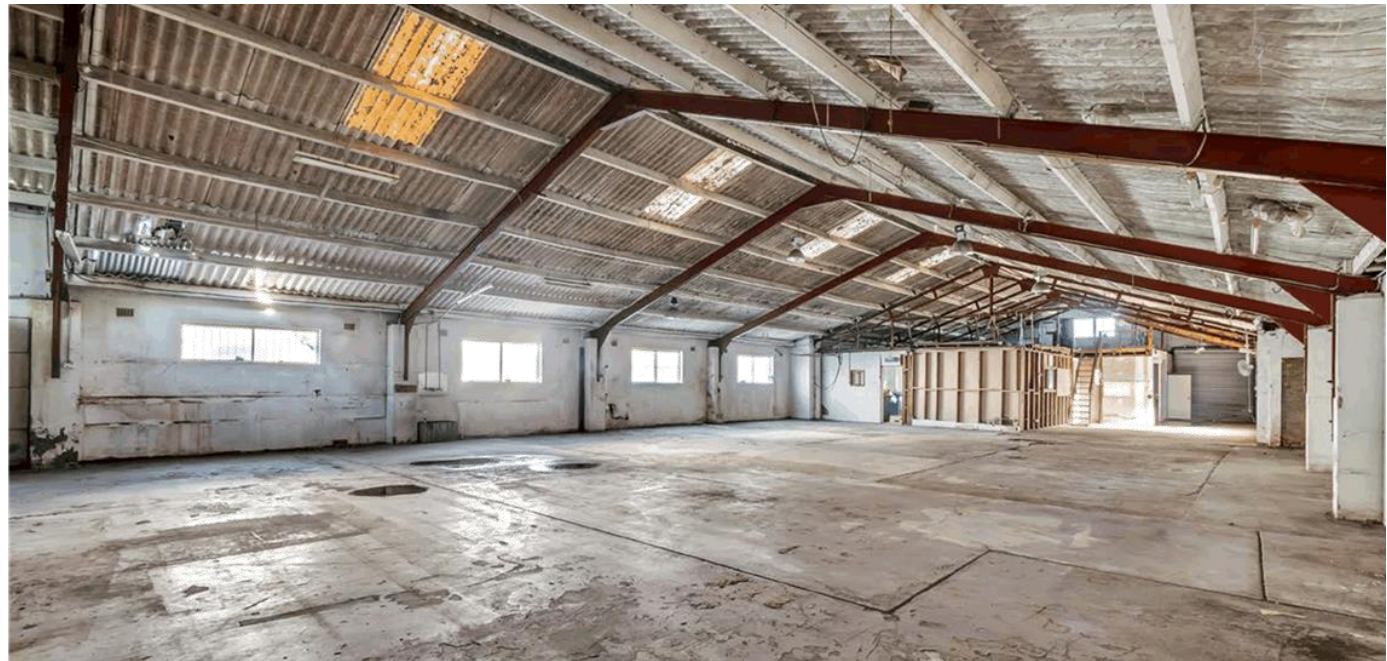
Location

Located on the Eastern Side of Pemberton Street in Botany, the subject property offers exceptional proximity to Sydney's CBD, Port Botany Container Terminal, Sydney Airport and major link roads such as the Eastern Distributor and M5 Motorway.

This property being located in a highly desired location, enables easy access to:

- Port Botany Container Terminal
- Westfield East Gardens
- Sydney Airport
- Sydney CBD
- Botany retail hub

6 64 PEMBERTON STREET, BOTANY



Zoning B4 - Mixed Use

Planning Summary

1. OBJECTIVES OF ZONE

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

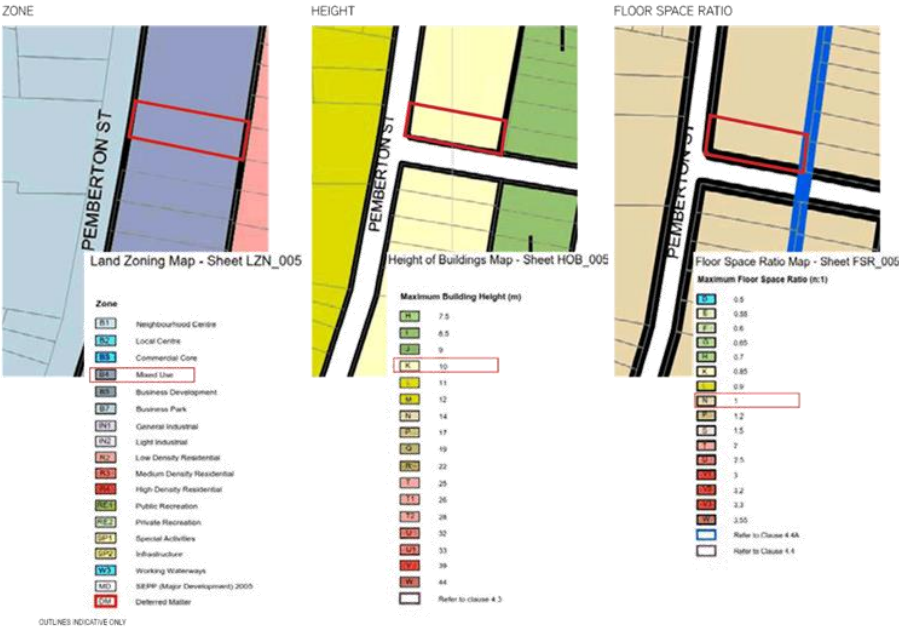
2. PERMITTED WITHOUT CONSENT

3. PERMITTED WITH CONSENT

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4. PROHIBITED

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electrically generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helpads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies



Statutory Outgoings

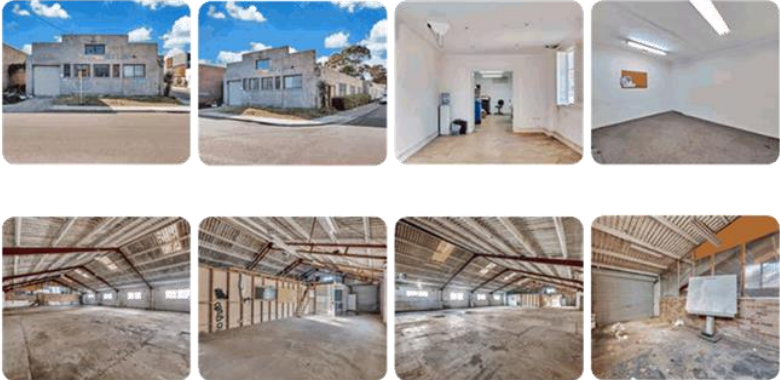
COUNCIL RATES	\$3,431.00 PA*
LAND TAX	\$10,788*
WATER RATES	\$1,082.32 PA*
TOTAL	\$15,301.32

ABOVE INFORMATION IS APPROXIMATE AND MAY VARY BY AMOUNT

10 64 PEMBERTON STREET, BOTANY



Photos

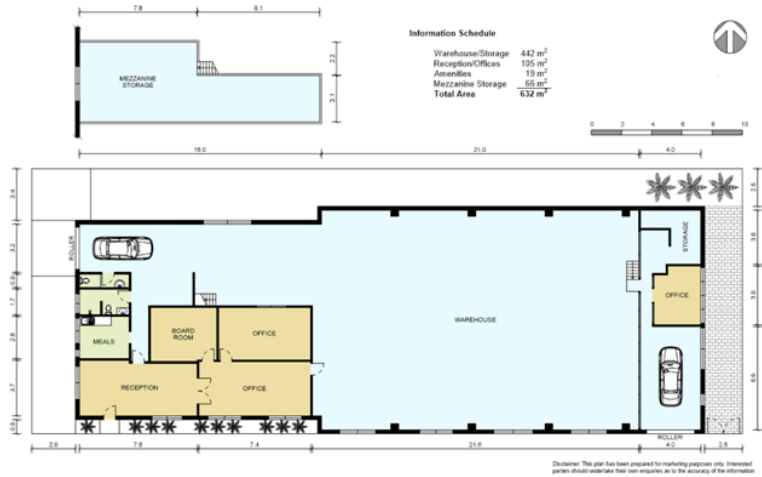


Sales Process

BASIS OF SALE	This property is being offered for sale via Public Auction at Cooley Auctions Level 5, 1 Margaret Street, Sydney NSW 2000 on Thursday, 25 July 2019 at 10:30am.
DUE DILIGENCE	To assist in the assessment of this offering due diligence information is available upon request.
CHANGES TO THE PROCESS	The vendor reserves the right to accept any offer, without limitation, nor is the vendor obliged to accept the offer with the highest consideration. The vendor may, in its absolute discretion, suspend or vary the sale process, negotiate with any party who submits an offer or with any other person, enter into a binding contract with any party at any time before or after closing date and/or after at any time prior to exchange of binding contracts, may withdraw the property from the sale.
EXCLUSIVE AGENTS	<div>Josh Heffernan Associate Director Property Sales & Leasing +61 400 302 519 Josh.Heffernan@colliers.com</div> <div>Tom Barrier Director Property Sales & Leasing +61 499 888 024 Tom.Barrier@colliers.com</div>

12 64 PEMBERTON STREET, BOTANY

Floor Plan





Location Map – 64 Pemberton St, Botany



Extraordinary Council Meeting

17/07/2019

Item No 7.2
Subject **Sculptures by the Sea**
Report by Maree Girdler, Manager Community Life
File SF19/3874

Summary

The organizers of Sculpture by the Sea have called for Councils across Sydney and Australia to express interest in providing a new home into the future for this popular exhibition.

Officer Recommendation

That Council supports an informal approach being made to host future Sculpture by the Sea exhibitions, and for Council to make a more formal response should the organisers of Sculpture by the Sea call for expressions of interest for a new home for this iconic event.

Background

Sculpture by the Sea is an internationally recognized exhibition which has been held on the coastline from Bondi Beach to Tamarama in Sydney's east for the last 22 years. A recent media release from the organisers has called for other Councils to express their interest in hosting the exhibition in the future. Some Mayors from across Sydney have already publicly expressed interest on behalf of their Councils.

The exhibition which is held in spring attracts around 450,000 local, national and international visitors to the Waverley area bringing economic, cultural and tourism benefits. It is generally considered to be Sydney's largest outdoor sculpture exhibition.

Hosting the event for any Council will bring costs including park preparation and remediation, sponsorship and prizes, traffic costs, consideration of risk and in kind staff time needed to facilitate the hosting of a very large and well known public event.

Council has its own Sculptures@Bayside event in Cook Park at Kyeemagh in autumn which comes with a generous \$50,000 prize and a month long festival. Any consideration of this expression of interest would need to consider how it might work with or impact on this local Bayside event.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	No budget is required at this stage
Additional funds required	<input type="checkbox"/>	

Community Engagement

Not applicable at this stage

Attachments

Nil