



# City Planning & Environment Committee

6:30 PM Wednesday 14 August 2024

**Venue:**  
Rockdale Town Hall,  
Level 1, 448 Princes Highway,  
Rockdale

Contact Us:

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# City Planning & Environment Committee Meeting – Councillor Seating



Heidi Lee  
DOUGLAS



Liz BARLOW



**Chairperson**  
Jo JANSYN



Christina CURRY



Jennifer MUSCAT



**Deputy  
Chairperson**  
**MAYOR**  
Bill SARAVINOVSKI



Greta WERNER

**General Manager**  
Meredith  
WALLACE

**Director**  
Peter BARBER

# Statement of Ethical Obligations

## Obligations

### Oath [Affirmation] of Office by Councillors

#### Oath

I swear that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

#### Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

## Code of Conduct conflict of interests

### Pecuniary interests

A Councillor who has a **pecuniary interest** in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.

The Councillor must not be present at, or in sight of, the meeting:

- a) at any time during which the matter is being considered or discussed, or
- b) at any time during which the council is voting on any question in relation to the matter.

### Non-pecuniary conflicts of interests

A Councillor who has a **non-pecuniary conflict of interest** in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

### Significant non-pecuniary interests

A Councillor who has a **significant** non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

### Non-significant non-pecuniary interests

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

## MEETING NOTICE

A meeting of the  
**City Planning & Environment Committee**  
will be held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 14 August 2024 at 6:30 PM**

## AGENDA

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>2</b>	<b>APOLOGIES</b>	
<b>3</b>	<b>DISCLOSURES OF INTEREST</b>	
<b>4</b>	<b>MINUTES OF PREVIOUS MEETINGS .....</b>	<b>6</b>
4.1	Minutes of the City Planning & Environment Committee Meeting - 10 July 2024.....	6
<b>5</b>	<b>ITEMS BY EXCEPTION</b>	
<b>6</b>	<b>PUBLIC FORUM</b>	
<b>7</b>	<b>REPORTS .....</b>	<b>14</b>
CPE24.030	NSW Rugby - 18 month trial consent monitoring - David Phillips Field, Daceyville.....	14
CPE24.031	Amendment to Voluntary Planning Agreement - Pagewood Green - 128 Bunnerong Road & 120 Banks Avenue, Pagewood.....	44
CPE24.032	Trial of Artificial Intelligence platform in Pre-Lodgement of Development Applications.....	49
CPE24.033	Review of processing times for Development Applications.....	52

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

Meredith Wallace  
**General Manager**

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

## **2 APOLOGIES**

## **3 DISCLOSURES OF INTEREST**

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

## 4 MINUTES OF PREVIOUS MEETINGS

### City Planning & Environment Committee

14/08/2024

Item No	4.1
Subject	<b>Minutes of the City Planning &amp; Environment Committee Meeting - 10 July 2024</b>
Report by	Richard Sheridan, Director City Performance
File	SF23/8277

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### Officer Recommendation

That the Minutes of the City Planning & Environment Committee meeting held on 10 July 2024 be noted

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### Summary of Substantial Recommendations

There were no Substantial Recommendations identified.

### Present

Councillor Jo Jansyn, Chairperson  
Councillor Liz Barlow  
Councillor Christina Curry  
Councillor Heidi Lee Douglas  
Councillor Jennifer Muscat  
Councillor Greta Werner

### Also present

Councillor Andrew Tsounis  
Meredith Wallace, General Manager  
Peter Barber, Director City Futures  
Richard Sheridan, Director City Performance (via audio-visual link)  
David Smith, Manager Strategic Planning  
Helen Tola, Manager Governance & Risk  
Maritza Abra, Coordinator City Design  
Rupert Gilroy, Manager Property  
Karen Barrass, Lead Governance  
Anh Hoang, Governance Officer  
Wolfgang Gill, IT Service Management Officer

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The Chairperson opened the meeting in the Committee Room, Botany Town Hall, at 6:36 pm.

## 1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council acknowledges the traditional custodians the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

## 2 Apologies, Leave of Absence and Attendance via Audio-Visual Link

### Apologies

#### Committee Recommendation (Councillors Muscat and Barlow)

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

- The Mayor, Councillor Bill Saravinovski

### Attendance Via Audio Visual Link

There were no Committee members in attendance via audio-visual link.

### Leave of Absence

There were no applications for Leave of Absence received.

## 3 Disclosures of Interest

### Councillor Werner

#### **CPE24.029 Rockdale & Banksia Transport Oriented Development Precincts**

Councillor Werner declared a Pecuniary Interest in Item CPE24.029 on the basis that her primary residence is in the area and stated she would leave the meeting for consideration and voting on the matter.

## 4 Minutes of Previous Meetings

### [4.1 Minutes of the City Planning & Environment Committee Meeting - 12 June 2024](#)

#### Committee Recommendation (Councillors Douglas and Muscat)

That the Minutes of the City Planning & Environment Committee meeting held on 12 June 2024 be noted.

### 4.2 Business Arising

There was no Business Arising.

The Committee notes that the Minutes of the City Planning & Environment Committee of Wednesday 12 June 2024 were received and the recommendations therein were adopted by the Council at its meeting of 26 June 2024 with the following exceptions.

### **11.3 CPE24.018 Affordable Housing Options Paper and Updated Evidence Base**

#### RESOLUTION

Minute No. 2024/001

Resolved on the motion of Councillors Barlow and Morrissey

- 1 That Council notes the updated Bayside Affordable Housing Evidence Base Final Report, which responds to Action 1.1.3 of *Bayside Council's Delivery Program 2022-2026*.
- 2 That Council notes the options contained within the Affordable Housing Options Paper.
- 3 That Council endorses proceeding to the next step of preparing an Affordable Housing Strategy, incorporating the options recommended in this report.
- 4 That all Bayside Affordable Housing Strategies and/or policies where Bayside Council is the author reference "rentals".

### **11.3 CPE24.022 Muddy Creek Masterplan - Draft for Adoption**

Councillor Douglas had previously declared a Less than Significant Non-Pecuniary Interest, and remained in the meeting for consideration of, and voting on, this item.

#### RESOLUTION

Minute No. 2024/002

Resolved on the motion of Councillors Barlow and Morrissey

- 1 That the Muddy Creek (Studdert Reserve) Function Plan (Attachment 1) and Staging Plans (Attachments 2 and 3) are endorsed in principle as the strategic framework for future decision making for Studdert Reserve.
- 2 That the Implementation Actions as identified on the Staging Plan: Short Term (0-2 years) proceed for implementation within the next 2 years, subject to funding allocation.
- 3 That a funding strategy be prepared to facilitate implementation of the masterplan, including seeking grants to progress implementation of medium term (2-5 years) and longer term (5+ years) works as identified in the function plan.



- 4 That all participants in the most recent public engagement activities and community groups are thanked for their involvement, and advised of Council's decision, and the Have Your Say project page be updated.
- 5 That \$250,000 is allocated from the Asset Maintenance Reserve to make the waterfront area safe, to open a section of the foreshore to the public as soon as possible, and to control access to limit anti-social behaviour.
- 6 That the 90 degree parking shown in the Masterplan on the south-eastern side of the access road adjacent the playground to be extended to the north to the proposed pedestrian crossing point to provide additional parking, and this be deferred to the July Council Meeting to be finalised.

## 5 Items by Exception

There were no Items by Exception.

## 6 Public Forum

There were no speakers for Public Forum.

## 7 Reports

### [CPE24.023 Botany Road, Mascot - Investigation Area Project Scope and Plan](#)

**Committee Recommendation** (Councillors Werner and Muscat)

- 1 That Council endorses the Botany Road, Mascot Investigation Area Project Scope and Plan, including the revised study area.
- 2 That Council incorporates affordable housing targets, public space options and that on Botany Road landscape setbacks be provided (where there is no commercial) and extremely wide footpaths.

### [CPE24.024 Planning Proposal - Le Beach Hut, Peter Depena Reserve, Dolls Point - Additional Permitted Use](#)

**Committee Recommendation** (Councillors Douglas and Werner)

- 1 That Council notes the advice of the Bayside Local Planning Panel;
- 2 That Council:
  - a) endorse the draft Planning Proposal for the inclusion of *Restaurant or cafe* as an Additional Permitted Use for 179-183 Russell Avenue, Dolls Point;
  - b) forward the draft Planning Proposal and supporting documents to the Department of Planning, Housing and Infrastructure for a Gateway

Determination with a request that Council be authorised as the Local Plan Making Authority (LPMA);

- c) delegate authority to the General Manager to make any amendments to the Planning Proposal and supporting documents prior to public exhibition;
- d) subject to receiving a Gateway determination from the Department of Planning, Housing and Infrastructure, and satisfying any conditions, proceed to public exhibition for community and stakeholder input; and
- e) consider a further report following the results of public exhibition to consider any submissions received, and any changes to the draft Planning Proposal arising from the exhibition process.

### **CPE24.025 Draft Planning Proposal - Bus Shelter Advertising**

Committee Recommendation (Councillors Barlow and Muscat)

- 1 That Council, pursuant to s.3.33 of the Environmental Planning and Assessment Act 1979 (EPAA), submit the draft Planning Proposal for Bus Shelter Advertising to the Department of Planning, Housing and Infrastructure for a Gateway determination.
- 2 That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination, and to provide details of any submissions received.

### **CPE24.026 Post exhibition report: Draft Riverine Park Masterplan**

Committee Recommendation (Councillors Douglas and Werner)

- 1 That Council notes the submissions received during public exhibition of the draft Riverine Park Masterplan and thanks those that made a submission.
- 2 That Council adopts the recommended location for a fenced off-leash dog area north of the golf driving range and for the Riverine Park Masterplan to be updated accordingly.
- 3 That Council adopts the Riverine Park Masterplan incorporating the amendments outlined in this report.
- 4 That Council negotiates with TfNSW and WestConnex to secure public access along that part of the Cooks River Foreshore not in Council's ownership.

### **CPE24.027 Post Exhibition Report: Bayside Transport Strategy and Bike Plan**

Committee Recommendation (Councillors Douglas and Werner)

- 1 That the 'Have Your Say' summary and responses to submissions on the Bayside Transport Strategy and Bayside Bike Plan be noted.

- 2 That Council adopt the Bayside Transport Strategy.
- 3 That Council adopt the Bayside Bike Plan.

**CPE24.028 Extension of Mural: Mascot Amenities Block, Botany Road, Mascot**

**Committee Recommendation** (Councillors Curry and Muscat)

That Council approve quotation QU-0193 for \$5,011.00 (ex GST) for painting works to extend the mural adjacent to the Mascot amenities block.

## **8 Confidential Reports / Matters**

In accordance with Council's Code of Meeting Practice, the Chairperson invited members of the public to make representations as to whether this part of the meeting should be closed to the public.

There were no representations.

### **Closed Committee Meeting**

**Committee Recommendation** (Councillors Jansyn and Muscat)

- 1 That, in accordance with section 10A (1) of the Local Government Act 1993, the Committee considers the following items in closed Committee Meeting, from which the press and public are excluded, for the reasons indicated:

**CPE24.029 CONFIDENTIAL - Rockdale & Banksia Transport Oriented Development Precincts**

The matters in this report are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.

- 2 That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

**CPE24.029 Rockdale & Banksia Transport Oriented Development Precincts**

Councillor Werner declared a pecuniary interest in this matter and left the meeting. The time being 7:39 pm.

**Committee Recommendation** (Councillors Curry and Muscat)

That Council forwards the list of recommended lots to be included, optionally included and excluded from the Banksia Station and Rockdale Station Transport Oriented Development precinct areas to the Department of Planning, Housing and Infrastructure for their consideration in the amendment of the Transport Oriented Development Sites Map.

### **Resumption of Open Council Meeting**

#### **Committee Recommendation** (Councillors Jansyn and Barlow)

That, the closed part of the meeting having concluded, the open Committee Meeting resume and it be open to the press and public.

The Chairperson made public the recommendations that were made during the closed part of the meeting.

The next meeting will be held in Rockdale Town Hall, Council Chambers on Wednesday, 14 August 2024.

The Chairperson closed the meeting at 8:13 pm.

### **Attachments**

Nil

## **5 ITEMS BY EXCEPTION**

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation

## **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

### City Planning & Environment Committee

14/08/2024

Item No	CPE24.030
Subject	<b>NSW Rugby - 18 month trial consent monitoring - David Phillips Field, Daceyville</b>
Report by	Peter Barber, Director City Futures
File	DA-2022/164

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### Summary

The Land and Environment Court recently granted Orders allowing NSW Rugby to use David Phillips Field at Daceyville by for a limited number of matches with up to 400 spectators present on a trial basis.

At its meeting on 24 July 2024, Council resolved the following:

- 1. That Council provides a detailed report on how the 18-month trial at David Phillips Fields will be monitored to ensure compliance with all conditions. This report should outline the specific measures and processes that will be used to track and evaluate the trial's impact. An after hours contact needs to be available and displayed for breaches.*
- 2. That Council presents this report to the August Planning committee meeting.*
- 3. That Council runs a public information session in August for residents and anyone who made a submission to explain the outcome, how the outcome was reached, explain the new documentation provided by the applicant to mitigate concerns and how this trial will be monitored by Council.*

This report outlines the conditions of consent that have been imposed to minimise the impact on nearby residents and the measures to monitor compliance.

A Community Information session has been organised for 22 August 2024 for residents and anyone who made a submission to the application.

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### Officer Recommendation

That Council receive and note this report.

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### Background

New South Wales Rugby Union Limited lodged an appeal in the Land and Environment Court against the Bayside Local Planning Panel's refusal of Development Application No. DA-2022/164 which sought consent for public games with spectators at the NSW Rugby Centre of Excellence on the land at 35 Banks Avenue, Daceyville.

The appeal was listed for a s34 conciliation conference on 13 May 2024 and objectors to the proposal were invited to make an oral submission to the court in relation to their concerns with the development application.

The conciliation conference was adjourned by the Commissioner to allow the parties to continue without prejudice discussions. As part of the adjourned conciliation conference, the Applicant provided amended material for Council's consideration.

On 19 June 2024, the parties filed an agreement pursuant to section 34 of the *Land and Environment Court Act 1979* with the Court which proposed Orders approving the development application, subject to conditions of consent.

The agreement filed with the Court imposes the following restrictions on the development approval to ensure the impacts to the community are minimised:

1. Public games are subject to a trial period of 18 months, during which the following applies:
  - a. Public games are limited to 12 days per year with a maximum of 400 attendees; and
  - b. In relation to the 12 public game days, no more than 4 are permitted in a single month.
2. The public address system is to only be used for public announcements during public game days.
3. The hours of operation for public games are limited to:
  - a. 8:00am to 6:00pm - Monday to Sunday.
  - b. Kick-off is not permitted prior to 8.30am.
  - c. All rugby matches shall conclude by 5.00pm.

## **Restrictions and Monitoring**

The Consent issued by the Land and Environment Court contains specific conditions to minimise the impacts of the public games as follows:

### **Trial Period (Condition No. 2)**

Should NSW Rugby intend to continue operating public games beyond the trial period, they are required to lodge an application with Council to modify the consent under section 4.55 of the Environmental Planning and assessment Act.

The 18 month trial period allows a full season 12 months of public games and for the lodgement, assessment and determination of a subsequent modification application.

In considering the 4.55 modification application, Council would notify all neighbouring properties that were previously notified of the original DA and would also take into account any reported incidents/complaints received during the trial period.

### **Signage (Condition No. 6)**

NSW Rugby are required to erect signage near the main pedestrian entry/exit reminding patrons to arrive and depart quietly.

### **Public Games – Tickets (Condition No. 8)**

All public game days and all matches must be managed by the issuing of tickets and only ticketed attendees will be provided access to the venue. This will restrict the maximum number of spectators attending the public games and ensure that the maximum capacity is adhered to.

A security guard will be employed to manage entry to the venue on all public game days.

### **Public Games Maximum Capacity Signage (Condition No. 9)**

As sign must be displayed at the primary entry to the site stating that the maximum number of persons that are permitted on site. The maximum number of persons are inclusive of staff, players and visitors.

NSW Rugby is required to have Security Staff on duty on Public Game Days to regularly check and ensure that the approved capacity is not exceeded.

### **Public Games – Hours of Operation (Condition No. 10)**

The hours of operation for public games are limited to:

- a. 8:00am to 6:00pm - Monday to Sunday.
- b. Kick-off is not permitted prior to 8.30am.
- c. All rugby matches shall conclude by 5.00pm.

This ensures that public games are confined to daytime hours and minimises the impact upon the surrounding area.

### **Maximum Number of Public Game Days (Condition No. 13)**

Public games are limited to a maximum of 12 days per year with no more than 4 are permitted in any single month.

NSW Rugby must notify Council in writing a minimum of 1 week prior to the first public game day to confirm the commencement of the trial period.

### **Public Games - Maximum Capacity (Condition No. 14)**

A maximum of 400 attendees are permitted on site at any one time for each public game. This is inclusive of all persons involved including, but not limited to players, referees and spectators. All attendees for a public game must have a valid ticket for each game they attend.

### **Public Games – Alcohol (Condition No. 16)**

No liquor is to be sold, served or consumed or brought onto the site by patrons attending the site. Rugby NSW is required to provide signage at the entrance to the site stating: "No alcohol beyond this point".

### **Public Games – People Barriers (Condition No. 17)**

People barriers are to be erected adjoining the eastern side of the rugby field on Public Game days in order to separate the site from the UNSW Fields and ensure that all patrons enter and leave from the Gwea Avenue entry. This will ensure that the maximum capacity is managed and adhered to.



**Public Games – Address System (Condition No. 18)**

The public address system is only to be used for public announcements such as welcoming teams to the field, scoring points, updates of score and safety messages during public games days. No music is permitted to be broadcast through the public address system at any time.

The public address system is also required to not exceed specific noise levels to maintain the amenity of surrounding properties.

**Public Games – Noise Makers (Condition No. 19)**

Musical Instruments and noise makers are not permitted to be used on public game days.

**Plan of Management (Condition No. 22)**

The Plan of Management incorporates all of the conditions of consent and also outlines how complaints will be dealt with by NSW Rugby.

The contact details, phone number and general email for the NSW Rugby Centre of Excellence will be available on the NSW Rugby website for the general public to access. A sign containing these details will also be located at the Gwea Ave entrance for the duration of any public games.

All complaints will be logged in a complaints register that is to be maintained by NSW Rugby. A response will be communicated to the complainant by NSW Rugby within 5 business days of the complaint. A copy of the complaints register is to be provided to Council at the end of the trial period, upon the making of any modification application to extend/alter the trial period, or upon request.

**Monitoring during Trial Period**

The intent of the trial period is to provide an opportunity for the impacts of the activity to be assessed in reality, as compared to the predictions and assumptions of acoustic, traffic and other experts before the event. The observations and experiences of nearby residents during the trial will be important in ultimately determining whether the use is compatible with the area and can continue, or not.

When Council is notified by NSW Rugby of the first public game day, which will commence the trial period, Council's Rangers will include the site on their patrol list on game days.

The contact details, phone number and general email for the NSW Rugby Centre of Excellence will be available on the NSW Rugby website for the general public to access and a sign containing these details will also be located at the Gwea Ave entrance for the duration of any public games.

Complaints can also be made to Council, which will be investigated by Council's compliance team and logged in Council's Customer Request system for reference if further spectator matches are applied for after the trial period ends.

**End of Trial Period**

Should NSW Rugby intend to continue operating public games beyond the trial period, they are required to lodge an application with Council to modify the consent under section 4.55 of the Environmental Planning and assessment Act.

In considering the 4.55 modification application Council would notify all neighbouring properties that were previously notified of the original DA seeking feedback on the trial period

and would also take into account any reported incidents/complaints received during the trial period.

## Community Information Session

In response to the resolution above, a Community Information session has been organised for 22 August 2024 for residents and anyone who made a submission to the application. The session will be held at Eastgardens Library or can be attended online.

## Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Ranger patrols can be accommodated within normal weekend activities.
Additional funds required	<input type="checkbox"/>	

## Community Strategic Plan

Theme One – In 2032 Bayside will be a vibrant place	<input checked="" type="checkbox"/>
Theme Two – In 2032 Our people will be connected in a creative City	<input type="checkbox"/>
Theme Three – In 2032 Bayside will be green, resilient and sustainable	<input checked="" type="checkbox"/>
Theme Four – In 2032 Bayside will be a prosperous community	<input type="checkbox"/>

## Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input type="checkbox"/>
Medium risk	<input checked="" type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

## Community Engagement

A community information session has been arranged, as outlined above.

## Attachments

- 1 Land and Environment Court Judgement
- 2 Conditions of consent issued by Land & Environment Court
- 3 Public Games Plan of Management

7/11/24, 3:50 PM

New South Wales Rugby Union Ltd v Bayside Council - NSW Caselaw



## Land and Environment Court New South Wales

<b>Medium Neutral Citation:</b>	<b>New South Wales Rugby Union Ltd v Bayside Council [2024] NSWLEC 1396</b>
<b>Hearing dates:</b>	Conciliation conference on 13 May, 3 June and 13 June 2024.
<b>Date of orders:</b>	11 July 2024
<b>Decision date:</b>	11 July 2024
<b>Jurisdiction:</b>	Class 1
<b>Before:</b>	Harding AC
<b>Decision:</b>	<p>The Court Orders that:</p> <p>(1) Pursuant to s 8.15(3) of the <i>Environmental Planning and Assessment Act 1979</i> (NSW), the Applicant is to pay those costs of the Respondent that have been thrown away as a result of the amendment of the development application, in the agreed sum of \$18,000, payable within 21 days of Orders being made.</p> <p>(2) The appeal is upheld.</p> <p>(3) Development Application No DA-2022/164 for modification of conditions 17, 21 and 22 of Development Consent No DA-2020/455, so as to permit:</p> <ul style="list-style-type: none"><li>(a) public games to be held on 12 days per year with a maximum of 400 attendees for a trial period of 18 months,</li><li>(b) revised hours of operation for the outdoor facilities, the indoor high performance unit and gym, and indoor administrative spaces, and</li><li>(c) use of a public address system during public games at 35 Banks Avenue, Daceyville NSW (Lot 3876 in DP 91234), subject to the conditions in Annexure A.</li></ul>
<b>Catchwords:</b>	DEVELOPMENT APPLICATION – changes to sporting activity – amended application – conciliation conference – agreement between the parties – orders.

**Legislation Cited:**

<https://www.caselaw.nsw.gov.au/decision/19095b3f0edc516be84e05f9>

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7/11/24, 3:50 PM

New South Wales Rugby Union Ltd v Bayside Council - NSW Caselaw

*Environmental Planning and Assessment Act 1979*, ss 4.15, 8.7, 8.15*Land and Environment Court Act 1979*, s 34

Environmental Planning and Assessment Regulation 2021, s 38

Bayside Local Environmental Plan 2021, cll 2.2, 5.21

**Category:**

Principal judgment

**Parties:**

New South Wales Rugby Union Ltd (Applicant)

Bayside Council (Respondent)

**Representation:**

Counsel:

F Rourke (Solicitor)(Applicant)

J Corradini-Bird (Solicitor)(Respondent)

Solicitors:

Allens (Applicant)

Marsdens (Respondent)

**File Number(s):**

2023/328049

**Publication restriction:**

No

**JUDGMENT**

- 1 **COMMISSIONER:** This is an appeal pursuant to s 8.7(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) by New South Wales Rugby Union Ltd (the Applicant) against the refusal by Bayside Council (the Respondent) of Development Application No DA-2022/164. The Development Application was lodged with the Respondent via the NSW Portal on 3 June 2022.
- 2 The Development Application seeks development consent to modify the original development consent, DA-2020/455. A separate modification application to allow the use of a public address system was also considered by the Respondent and was subsequently refused. The applicant started the appeal process with two appeals, one for each of the above applications. Subsequently, the development application was

<https://www.caselaw.nsw.gov.au/decision/19095b3f0edc516be84e05f9>

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7/11/24, 3:50 PM

New South Wales Rugby Union Ltd v Bayside Council - NSW Caselaw

- amended to include the components of the modification application relating to the public address system. It is this amended development application that is the subject of this appeal process.
- 3 The Court arranged a conciliation conference between the parties pursuant to s 34 of the *Land and Environment Court Act 1979* (the LEC Act). This was held on 13 May, 3 June and 13 June 2024. At the commencement of proceedings, the parties undertook a view of the site and heard submissions from third parties.
- 4 As a result of the conciliation process, the Development Application has been further amended. The Development Application, as finally amended, now seeks development consent for:
- (1) public games to be held on 12 days per year with a maximum of 400 attendees for a trial period of 18 months;
  - (2) revised hours of operation for the outdoor facilities, the indoor high performance unit and gym, and indoor administrative spaces; and
  - (3) use of a public address system during public games;
  - (4) modification of conditions 17, 21 and 22 of the Original Consent to remove inconsistency with paragraphs [4(1)] to [4(3)] above.
- 5 The parties advised the Court that an agreement under s 34(3) of the LEC Act was reached. The decision agreed upon by the parties is that the appeal is upheld, and the Development Application be approved, subject to the conditions of consent annexed to this judgment.
- 6 There are jurisdictional prerequisites that must be satisfied before this function can be exercised. The parties have identified the jurisdictional prerequisites of relevance in these proceedings and how they are satisfied. The parties agree that there are no jurisdictional prerequisites in these proceedings which would prevent the Court from exercising its function under s 34(3) of the LEC Act.
- 7 As the presiding Commissioner, I am satisfied that the decision is one that the Court can make in the proper exercise of its functions (this being the test applied by s 34(3) of the LEC Act). In reaching that state of satisfaction, I have considered the relevant jurisdictional matters arising with this application.
- 8 The Bayside Local Environmental Plan 2021 (BLEP 2021) applies to the development. Pursuant to cl 2.2 of BLEP 2021, the subject site is zoned RE2 Private Recreation. In determining the development application, consideration has been given to the objectives of the zone.
- 9 In accordance with cl 5.21 of the BLEP 2021, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development meets the

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- criteria set out in that provision. A Floodplain Risk Management Plan forms part of the Development Application and it incorporates appropriate measures to manage risk to life in the event of a flood. The parties agree that the Proposed Development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.
- 10 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any assessment of the merits of the development application against the discretionary matters that arise pursuant to an assessment under s 4.15 of the EPA Act.

### Conclusions

- 11 The Court notes:

- (1) That Bayside Council, as the relevant consent authority, pursuant to s 38(1) of the Environmental Planning and Assessment Regulation 2021, has approved the application for an amendment to development application No DA-2022/164 to rely on the following amended plans and documents:

Document	Date
Planning Statement prepared by Ethos Urban	19 June 2024
Public Games Plan of Management prepared by Ethos Urban	19 June 2024
Acoustic Assessment prepared by Marshall Day Acoustics	30 April 2024
Revised Transport Impact Assessment prepared by Stantec	29 April 2024

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Traffic Statement prepared by Stantec

19 June 2024

**12 The Court orders that:**

- (1) Pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* (NSW), the Applicant is to pay those costs of the Respondent that have been thrown away as a result of the amendment of the development application, in the agreed sum of \$18,000, payable within 21 days of Orders being made.
- (2) The appeal is upheld.
- (3) Development Application No DA-2022/164 for modification of conditions 17, 21 and 22 of Development Consent No DA-2020/455, so as to permit:
  - (a) public games to be held on 12 days per year with a maximum of 400 attendees for a trial period of 18 months,
  - (b) revised hours of operation for the outdoor facilities, the indoor high performance unit and gym, and indoor administrative spaces, and
  - (c) use of a public address system during public games at 35 Banks Avenue, Daceyville NSW (Lot 3876 in DP 91234), subject to the conditions in Annexure A.

**S Harding AC****Acting Commissioner of the Court**

\*\*\*\*\*

Annexure A

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

Decision last updated: 11 July 2024

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*New South Wales Rugby Union Ltd v Bayside Council*

LEC No: 2023/328049

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA-2022/164

**Development:** Modification of conditions 17, 21 and 22 of Development Consent No DA-2020/455 so as to permit public games for a trial period of 18 months, and revised hours of operation for the outdoor facilities, the indoor high performance unit and gym, and indoor administrative spaces, and to allow use of a public address system during public games.

**Site:** 35 Banks Avenue, Daceyville NSW (Lot 3876 in DP 91234)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 11 July 2024

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 35 Banks Avenue, Daceyville NSW (Lot 3876 in DP 91234).



The conditions of consent are as follows:

**GENERAL CONDITIONS**

**1. Development Consent No. DA-2020/455**

The conditions of this consent override conditions 17, 21 and 22 of Development Consent No. DA-2020/455 so as to permit public games for a trial period of 18 months, and revised hours of operation for the outdoor facilities, the indoor high performance unit and gym, and indoor administrative spaces, and to allow use of a public address system during public games.

**REASON**

To give effect to the application for which consent is granted.

**2. Public Games Trial Period - 18 Months**

The use of the site for Public Games is limited to a trial period of 18 months, commencing from the date of the first public game day.

The scheduled date of the first public game day is to be notified to Council's Director City Futures in writing, a minimum of 1 week prior to its occurrence, to confirm the commencement of the trial period.

Should the applicant intend to continue operating Public Games beyond the 18-month trial period, the consent is to be modified by an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.

Where a Section 4.55 application is not formally submitted to Council prior to the end of the nominated trial period, the use of the site for Public Games must cease.

**REASON**

To allow operations on a trial basis to ensure that impacts to the community are minimised.

**3. Approved Documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Public Games Plan of Management		Ethos Urban	19 June 2024
Planning Statement		Ethos Urban	19 June 2024
Acoustic Assessment		Marshall Day Acoustics	30 April 2024

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Revised Transport Impact Assessment	A	Stantec	29 April 2024
Addendum Traffic Impact Statement		Stantec	19 June 2024

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.

**REASON**

To ensure all parties are aware of the approved documentation that applies to the development.

**PRIOR TO COMMENCEMENT OF USE**

The following conditions must be complied with prior to the commencement of Public Games on site:

**4. Public Games Waste Management Plan**

Prior to the commencement of use of the site for Public Games, a Waste Management Plan must be prepared and submitted to Councils Director City Futures. The plan must be prepared in accordance with Bayside Development Control Plan 2022 and must include the following detail at minimum.

- i) Site Plan depicting the location of bins / recycling containers accessible to patrons on site during public game days.
- ii) the contact details of the person removing the waste,
- iii) an estimate of the type and quantity of waste,
- iv) whether waste is expected to be reused, recycled or sent to landfill,

A copy of the Waste Management Plan must be kept on-site and complied with at all times.

**REASON**

To ensure resource recovery is promoted and local amenity protected during construction.

**5. First Public Game Day**

The scheduled date of the first public game day is to be notified to Councils Director City Futures in writing, a minimum of 1 week prior to its occurrence, to confirm the commencement of the trial period.

**REASON**

To confirm the commencement of the trial period.

**6. Public Games Signage**

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Signage is to be erected in a prominent position near the main pedestrian entry / exit of the premises reminding patrons to arrive and depart quietly.. Details of signage shall be submitted to and approved by Director City Futures prior to the commencement of the first public game on site.

**REASON**

*To maximise amenity of nearby residential properties.*

**7. No Intensification of Activities**

No intensification of activities, including but not limited to number of maximum number of game days, hours of operation, capacity or expansion of use of Public Address System or the like shall occur on the premises without prior consent from Council.

**REASON**

*To avoid changes that may result in adverse impacts without proper assessment.*

**8. Public Games- Tickets**

All public game days and all matches shall be managed via the issuing of tickets.

Details of the ticketing system proposed to be utilised for the issuing of tickets shall be submitted to and approved by Director City Futures in writing, prior to the commencement of the first public game day.

Relevant information shall be submitted to Council a minimum of two weeks prior to the first public game day for review, assessment and written approval.

**REASON**

*To ensure maximum capacity is adhered to.*

**9. Public Games Maximum Capacity Signage**

A sign must be displayed in a prominent position at the primary pedestrian entry of the site at the Gwea Avenue entrance, stating the maximum number of persons, that are permitted on site as per conditions of this consent.

The maximum number of persons are inclusive of staff, players and visitors to the site.

The sign shall include letters not less than 25mm in height and must be fixed at the main pedestrian entry point at Gwea Avenue.

Security staff on duty on Public Game Days shall ensure that the approved capacity as stated in this consent is not exceeded and regularly checked.

On request by an authorized officer of Bayside Council, NSW Rugby shall provide evidence of the number of person's occupying the site during matches.

Details of signage required by this condition shall be submitted to Council for review and approval prior to the commencement of Public Games on site.

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**REASON**

To clarify the maximum capacity of the site.

**OPERATIONAL CONDITIONS**

**10. Public Games - Hours of Operation**

The hours of operation for public games are limited to:

- a) 8:00am to 6:00pm - Monday to Sunday.
- b) Kick off is not permitted prior to 8.30am.
- c) All rugby matches shall conclude by 5.00pm.

**REASON**

*To minimise impacts to the community*

**11. Hours of Operation – Other Uses**

- a) The hours of operation of the indoor high-performance unit and gym shall be Monday to Sunday: 7:30am – 7.30pm.
- b) The hours of operation of the indoor administrative spaces shall be Monday – Friday: 8:00am – 5:30pm.
- c) The hours of operation of outdoor facilities for training purposes only shall be:
  - Monday: 8:00am – 9:00pm
  - Tuesday-Friday: 8:00am – 9:00pm
  - Saturday: 8:00am – 9:00pm
  - Sunday: 8:00am – 6:00pm
  - Public Holidays: 8:00am – 9:00pm

Hours of operation include trading, preparation, waste collection and deliveries and to and from the site.

This condition overrides condition 22 of DA DA-2020/455.

**REASON**

*To confirm the hours of operation being approved.*

**12. Flood Lighting**

Use of flood lighting shall be restricted to the approved hours for use of the outdoor facilities for training purposes and game days.

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**REASON**

*To minimise the potential impacts from lighting on residents.*

**13. Maximum Number of Public Game Days**

Public games may occur for a maximum of 12 calendar days per year upon outdoor facilities on site adjoining the existing training facility building.

Multiple games may be played on a single day. Where attendance at games is ticketed separately for each game played on a single day, there must be a minimum 45 minute interval period between each game, with the exception of 7's Rugby games.

There shall be no more than 4 public game days per month.

**REASON**

*To minimise the potential for public disturbance.*

**14. Public Games - Maximum Capacity**

- a) A maximum of 400 attendees are permitted on site at any one time, for each public game (inclusive of all persons involved including but not limited to players, referees, and spectators).
- b) All attendees of each public game must possess a valid ticket for each game they attend.

**REASON**

*To restrict maximum capacity on site.*

**15. Twelfth (12<sup>th</sup>) Public Game Day**

The scheduled date of the twelfth (12<sup>th</sup>) public game day in each calendar year is to be notified to Councils Director City Futures in writing, a minimum of 1 week prior to its occurrence.

**REASON**

*To confirm compliance with the maximum number of public game days permitted per calendar year.*

**16. Public Games - Alcohol**

No liquor is to be sold, served and/or consumed or brought onto the site by patrons attending the site on public game days.

Signage stating 'No alcohol beyond this point' is to be displayed on freestanding a-frames at the entrance to the site and on the people barriers on each of the 12 public game days.

**REASON**

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*To minimise the potential for public disturbance.*

**17. Public Games - People Barriers**

On public game days, interlinked temporary people barriers which form a continuous barrier adjoining the eastern side of the rugby field are to be in place for the entire duration of the day, in order to limit patrons to the portion of the site subject of this consent.

**REASON**

*To restrict the location of patrons to the eastern portion of the site.*

**18. Ticketing of Public Games**

- a) All public games and relevant matches must be ticketed to ensure that maximum capacity is not exceeded at any point in time.
- b) All attendees of each match must possess a valid ticket for each match they attend.

**REASON**

*To ensure maximum capacity is not exceeded on site.*

**19. Public Games Address System**

The public address system is to only be used for public announcements including but not limited to welcoming teams to the field, scoring of points, updates of score, and safety messages during public game days.

No music is permitted to be broadcast through the public address system at any time.

The use of the outdoor public address system shall not give rise to noise levels exceeding 45 dB LAeq(15min) between 8.00am and 5.00pm, when measured at the most-affected point on or within any residential property boundary.

In addition, the public address system should be limited to a noise level equal to LAeq(15min) 80 dBA directly below any speaker.

**REASON**

*To minimise acoustic disturbance.*

**20. Public Games - Noise Makers**

Musical instruments (including drums, trumpets and vuvuzelas) and noise makers (including plastic 'hand klappers', 'trumpets', 'bang bang sticks' and 'cheering sticks') may not be used on site on public game days.

**REASON**

*To minimise acoustic disturbance.*

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**21. Public Games - Security**

- a) A minimum of one (1) licensed security guard is to be stationed at the Gwea Avenue pedestrian entrance / exit of the site for the entire duration of game days, with a clicker to count the number of patrons entering and exiting the site.
- b) Where more than one (1) rugby match occurs on a game day, a second licensed security guard is to roam the site, check tickets and ensure patrons who do not possess tickets for relevant games depart the site promptly and in an orderly manner.

**REASON**

To maximise the safety and security of staff, patrons and surrounding residents.

**22. Plan of Management**

Public games must be held in accordance with all measures contained within the Public Games Plan of Management – NSW Rugby Centre of Excellence – Cook Avenue & Gwea Avenue, Daceyville prepared by Ethos Urban dated 19 June 2024.

The approved Plan of Management shall be complied with at all times. Any amendments to the Plan of Management require a separate written approval from Council.

A copy of the Plan of Management must be available on the NSW Rugby website, on site at all times and made available to staff, visitors and neighbours upon request.

**REASON**

*To manage site operations so that adverse impacts are minimised.*

**23. No Intensification of Activities**

No intensification of activities, including but not limited to number of maximum number of game days, hours of operation, capacity or expansion of use of Public Address System or the like shall occur on the premises without prior consent from Council.

**REASON**

*To avoid changes that may result in adverse impacts without proper assessment.*

**24. Food Premises**

The food premises on site must be operated in compliance with the following legislation and/or requirements.

- Food Act 2003, and
- Food Regulation 2015, and
- Australian Standard AS 4674-2004: Construction and fit out of food premises, and
- Australia and New Zealand Food Standards Code, and
- Standard 3.2.3 – Food Premises and Equipment.

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**REASON**

*To ensure compliance with relevant standards and legislation.*

**25. Ongoing Site Waste Management**

- a) Appropriate waste and/or recycling containers are to be provided on public game days.
- b) Waste and/or recycling containers are not to be over filled and lids kept closed at all times except when material is being put in them.
- c) All waste and recycling containers shall be stored in the approved waste storage area on site following the cessation of public game days.

**REASON**

*To ensure the appropriate management of waste onsite.*

**26. Equal Access**

Access to the site and amenities must be provided in accordance with the Access to Premises - Buildings Standards 2010. It is the responsibility of the Applicant to make the necessary enquiries to ensure that all aspects of the DDA legislation are met.

**REASON**

*To ensure safe and easy access to the premises for people with a disability.*

**27. Smoking**

The use of the premises must comply with the Smoke-Free Environment Act 2000, Smoke-free Environment Regulation 2016 and Public Health (Tobacco) Act 2008, smoking in enclosed areas and outdoor areas for food premises is prohibited:

- commercial outdoor dining areas in licensed venues (including clubs and hotels), restaurants and cafes must be smoke free;
- areas within four metres of a pedestrian entrance to or exist from a licensed venue, restaurant or café must be smoke free; and
- mandatory prescribed signage 'NO SMOKING' must be displayed within a commercial outdoor dining area.

*smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.*

*smoking accessory includes cigarette papers, pipes, cigarette holders, hookahs, water pipes or any other smoking implement.*

**REASON**

*To ensure compliance with relevant legislative requirements.*

**28. Spruikers / Speakers**

Spruikers (with or without sound amplification) shall not operate on site without the prior written consent of Council. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath.

**REASON**

*To manage site operations so that adverse impacts to the locality are minimised.*



# Public Games Plan of Management

NSW Rugby Centre of Excellence



19 June 2024 | 2200025

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## 1.0 Introduction

This Public Games Plan of Management has been prepared in support of Development Application DA-2022/164 relating to 35 Banks Avenue, Daceyville, which seeks consent for public access and public games to be held at the NSW Rugby Union Centre of Excellence (CoE) up to a maximum of 12 days per year with a maximum number of 400 attendees at any one time.

This Public Games Plan of Management applies on each day when public games are held at the CoE, and operates in addition to existing and approved plans of management for the site.

## 2.0 Site Description

The David-Phillips Sport Fields is irregular in shape and legally described as Lot 3876 in DP 91234 and owned by the University of New South Wales. It has a total area of approximately 6.3 hectares and is bound by Banks Avenue to the east (approximately 200m frontage) which is its primary street frontage, Gwea Avenue to the north (approximately 250m frontage) and Cook Avenue to the west (approximately 250m frontage).

A site aerial illustrating the site and the area applying to this Plan of Management is provided below at **Figure 1**.



**Figure 1** Aerial photograph of the site and the development site

Source: Nearmap

## 3.0 Operations

### 3.1 Hours of Operation for Public Games

The outdoor facilities may be used for the purpose of public games for up to 12 days per year between the hours of 8:00am and 6:00pm, Monday to Sunday. There shall be no more than 4 public game days per month.

Public games must not kick-off prior to 8:30am and must conclude by 5pm. For clarity, public game attendees may arrive at the site from 8am, and must depart the site by 6pm.

### 3.2 Capacity and Seating

The maximum capacity of the site at any one time is 400 persons (including players, team personnel, match officials and spectators). A grandstand with 152 seats is provided with additional standing space provided on grassed areas on the eastern and western sides of the field.

### 3.3 Ticketing System

A ticketing system (e.g. Trybooking) will be utilised for each of the public game days to control attendance of players, team personnel, match officials and spectators (together, 'attendees').

Only ticketed attendees will be provided access to the venue. If an attendee arrives with no ticket, they will be required to use their mobile phone to 'purchase' a ticket if they are available. If no tickets are available, that person will be asked to leave.

A security guard will be employed to manage entry to the venue on all public game days.

A maximum of 400 tickets (attendees) will be made available for any given public game. If or when the 400 tickets are exhausted, no further tickets will be provided.

For public game days that include more than one (1) game, either:

- (a) a cap of 400 tickets will apply for the entirety of the day; or
- (b) where the schedule of games on the day allows for a minimum gap of 45 mins between matches; a cap of 400 tickets will be available for each game played.

Where option (b) is used, attendees for the first match will be advised on entry, by security, that they will be required to leave at fulltime of the match unless they also hold a ticket for the next match. A licenced security guard stationed at the Gwea Avenue entrance will hold a clicker and count the number of patrons entering and leaving. A public address will be made on the PA system at fulltime of the first match advising those who only have a ticket to the first match, that they are required to vacate the venue. A second licenced security guard will roam the site during the public games and check tickets between games to request that those without tickets for the second match leave the venue promptly. If attendees wish to stay for the second match, they must also hold a ticket for the second match.

### 3.4 Indicative Schedule

An indicative schedule of public games with indicative timeframes and estimated number of attendees at any one time is outlined below. To be clear, the DA seeks approval for public games to occur on a maximum of 12 days per year with a maximum number of 400 attendees at any one time. There shall be no more than 4 public game days per month. The purpose of **Table 1** is to provide an indication of the nature of events that are expected to be held, but not to limit events held to those specified.

**Table 1** Indicative Schedule of Public Games

Day #	Indicative Public Game(s)	Indicative Number of games on the day	Indicative Month	Likely Indicative Day	Potential Kick off start / finish	Max. attendees (at any one time)
1	NSW Women's Trial	1	Jan - Mar	Friday or Saturday	K/O 3.00pm FINISH 5.00pm	400
2	NSW Women's Trial	1	Jan - Mar	Friday or Saturday	K/O 3.00pm FINISH 5.00pm	400
3	Waratahs A v Opposition A	1	January	Friday or Saturday	K/O 3.00pm FINISH 5.00pm	400
4	Waratahs A v Opposition A	1	February	Friday or Saturday	K/O 3.00pm FINISH 5.00pm	400
5	NSW Girls Junior Reps	2	October	Saturday or Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
6	Sydney Juniors match	3 or 4	Between Apr - Aug	Saturday or Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
7	NSW Youth 7s Games	18*	February	Saturday or Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
8	Rugby for Good Games	2	Between Feb - Oct	Saturday or Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
9	NSW U15, U16 & U19 Match Day 1	3	September - October	Saturday or Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
10	NSW U16 & U19 Match Day 2	2	September - October	Saturday or Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
11	NSW U18 Match	1	July	any day between Tuesday - Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400
12	NSW U18 Match	1	September	any day between Tuesday - Sunday	K/O 8.30am earliest FINISH no later than 5.00pm	400

\* Note: 7s Rugby matches run for 14 minutes.

### 3.5 Canteen Servery Operation

During public games, a canteen servery may be operated by an external caterer out of the canteen area near the Level 1 Terrace. The canteen will open approximately 15 minutes after gates open and close a minimum of 15 minutes prior to the event's conclusion.

### 3.6 Alcohol & Signage

Alcohol will not be sold or served on the site during public games.

Alcohol may not be brought on to the site. This will be monitored by safety personnel at the Gwea Avenue entrance, who will conduct bag checks to ensure alcohol is not brought on to the site.

Signage stating 'No alcohol beyond this point' is to be displayed on freestanding A-frames at the Gwea Avenue entrance to the site and on the people barriers on days when public games are held. These signs are to be A1 in dimension (59.4cm x B4.1cm). Signage is to be consistent with the template shown in **Figure 2** below.



*Figure 2* Template of signage stating the alcohol cannot be brought onto the site  
Source: NSW Rugby

## 4.0 Safety

During public games, NSW Rugby staff will act as safety personnel and will be stationed at the Gwea Avenue entrance, along the temporary people barriers, and around the site at the indicative locations shown in **Figure 3** below. A security guard will be employed to manage entry to the venue on all public game days, and will be responsible for managing patrons' access (see **Section 6.0**). A second security guard will be employed to roam the grounds during public games and check tickets between games.



**Figure 3** Venue Map

Source: NSW Rugby

## 5.0 Pedestrian Access and Egress

During public games, all participants and spectators will access and egress the site from the Gwea Avenue entry point only as shown in **Figure 2** above. There will be no access or egress from the Loading Dock entry on Cook Avenue. The Gwea Avenue entrance is to be communicated to all visitors at the time of ticket purchase and included in ticket details.

The following entry procedures will be carried out by a security guard and NSW Rugby staff acting as safety personnel at the Gwea Avenue entry/exit point to ensure the management of event capacity:

- The security guard and/or safety personnel will check all tickets at the entrance of the venue.
- A marquee and table will be set up to create a clear safety personnel checkpoint.
- The security guard and/or safety personnel will conduct bag checks for all attendees, and ensure that no alcohol or dangerous goods are brought on to the site.
- A security guard at the Gwea Avenue entrance will hold a clicker and count the number of patrons entering and leaving the venue.
- A bin will be placed at the exit and safety personnel will encourage all patrons to dispose of any waste prior to exiting the site.

Temporary people barriers (of the kind depicted in **Figure 4** below) will be placed around the NSW Rugby CoE field on days when public games are held along with safety personnel stationed around the site to ensure all patrons enter at the designated event entry point on Gwea Avenue. The barriers will be interlinked so as to form a continuous barrier.



**Figure 4** Temporary people barriers to be placed around the NSW Rugby CoE

Source: NSW Rugby



## 6.0 Traffic, Parking and Vehicle Access

### 6.1 Transport

Attendees of public games will be encouraged to use public transport and/or active transport. Information regarding availability of public transport services and active transport options are to be made available at the point of ticket booking.

### 6.2 Parking

At the point of ticket booking, visitors are to be directed to car pool where possible to reduce the number of vehicles requiring parking.

### 6.3 Team Busses

Where charter buses are used to transport persons to the site, buses should be directed to utilise the informal bus parking on Banks Avenue.

## 7.0 Noise Management

The following noise management measures will be implemented when public games are held on the site:

- Signage will be placed at the entrance reminding patrons to respect neighbouring residents and avoid excessive noise. This information will also be included in event information sent out prior to the event.
- Safety personnel are to remind patrons to be considerate and minimize noise when leaving or arriving on the premises, during the early and later hours, that being the time people are most sensitive to noise emissions.
- Noise levels will be managed by safety personnel via monitoring of outdoor areas during the proposed events to discourage any commotion and extraneous noise. Safety personnel will attend to any patrons demonstrating unusually loud behaviour.
- Patron viewing areas are sited away from Gwea Avenue. Patron viewing will not be allowed on the northern end of the ground adjacent to Gwea Avenue.
- Musical instruments (including drums, trumpets and vuvuzelas) and noise makers (including plastic 'hand klappers', 'bang bang sticks' and 'cheering sticks' will be prohibited for use by spectators.

The PA System will only be used when public games are played. It will only be used by a ground announcer or event staff to make key match-related announcements such as:

- Match information
- Welcoming teams to the field
- Scoring of points
- Updates of score
- Safety messages

NO music will be played on the PA System at any time.

The use of the outdoor public address system shall not give rise to noise levels exceeding 45 dB LAeq(15min) between 7am and 6pm or 43 dB LAeq(15min) 6pm to 10pm, when measured at the most-affected point on or within any residential property boundary.

## 8.0 Complaints Recording and Handling Process

The contact details, phone number and general email for the NSW Rugby CoE will be available on the NSW Rugby website for the general public to access, should they wish to make a complaint. A sign containing these details is also to be located at the Gwea Ave entrance for the duration of any public games.

All complaints whether by phone, email or in-person will be handled by reception and logged in a complaints register that is to be maintained by the applicant.

The complaint will be discussed with the Senior Management Team and a response will be formulated. A response will be communicated to the complainant within 5 business days of the complaint.

The Complaint Register is to contain at a minimum the following details:

- Name, address and contact details for the complainant
- Details of the complaint
- Time of the complaint and details of public games and/or other NSWRU operations at the time of the complaint
- Details of any other activities occurring within the David Phillips Sporting Field at the time of the complaint
- Response formulated by the Senior Management Team
- Details of response provided to the complainant

A copy of the Register is to be provided to Council at the end of the trial period, upon the making of any modification application to extend/alter the trial period, or upon request.

## 9.0 Trial Period and Periodic Review of Management Plan

Public games are subject to an 18 month trial period commencing from the first public game held at the site. The Applicant will provide written notice to Council prior to the first public game to formalise the commencement of the 18-month trial period.

This Public Games Plan of Management will be reviewed upon the making of any modification application to extend/alter the trial period, or to make public games permanent.

## City Planning & Environment Committee

14/08/2024

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Item No	CPE24.031
Subject	<b>Amendment to Voluntary Planning Agreement - Pagewood Green - 128 Bunnerong Road &amp; 120 Banks Avenue, Pagewood</b>
Report by	Peter Barber, Director City Futures
File	SF24/4872

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### Summary

The Pagewood Green development by Meriton Group is a large residential apartment and townhouse development of a former industrial site at 128 Bunnerong Road, Pagewood. A Voluntary Planning Agreement (VPA) was entered into between Meriton and Council to provide various community benefits, including the dedication of land, affordable housing units and a monetary contribution. The VPA was executed in November 2021.

The Developer is proposing minor amendments to the Planning Agreement to facilitate a change in land tenure over the lots identified as Open Space 02, Open Space 06, and Open Space 07, without compromising the public benefit under the VPA.

Due to the shallow depth of the water table, the developer proposes to construct part of the car park basement for Lot D under OS2. The other proposed adjustments are to address difficulties in gaining safe and practical vehicular access to Lots J and F that were not evident when the lot boundaries were originally drawn.

The VPA currently requires OS2, OS6, and OS7 to be dedicated to the Council. Under the proposed amendment, these lots will still be embellished as open space, and a public access easement will be applied to all of OS2 and small portions of OS6 and OS7 that will remain in private ownership to ensure the community can use the land for access and recreation purposes. This ensures the public maintains the same level of benefit, but removes the future management and maintenance burden for the Council.

It is recommended that the proposed amendment to the VPA be supported and publicly exhibited, in accordance with legislative requirements.

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### Officer Recommendation

- 1 That Council endorses the proposed amendments to the Voluntary Planning Agreement between Meriton Group and Bayside Council in relation to 128 Bunnerong Rd and 120 Banks Av Pagewood, as outlined in Attachment 1 to this report;
- 2 That the proposed amendment to the Voluntary Planning Agreement be the subject of public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulation; and
- 3 That delegation be granted to the General Manager to make minor administrative changes, if required, and to execute the amended Voluntary Planning Agreement, if satisfied that the substance of any submissions received do not require a further report to Council.

## Background

The Pagewood Green Development at 128 Bunnerong Road is on the location of the former British American Tobacco Australia industrial site. The development is being undertaken in two main stages, with the first stage complete. At its completion, the development will contain around 4000 dwellings and a small amount of retail floor space.

In recognition of the significant uplift in the value of the site to a residential use and the impact on the local community of this significant change, a Voluntary Planning Agreement was negotiated with Council for each stage of the development. The VPA for stage 2 was executed in November 2021, and included dedication of several parcels of land within the development as public open space, dedication of apartments to Council for use as affordable housing, and an additional monetary contribution.

Several of the parcels of land to be dedicated are narrow corridors between buildings that function as a curtilage to those buildings and through site pedestrian links. The VPA requires these to be dedicated to Council with an agreement in place for a future Strata Corporation to undertake ongoing landscape maintenance.

## Current Situation

### Open Space OS2

As construction has progressed during a long period of wet weather, an issue has arisen in terms of the ground water table intersecting with approved car park basements. The depth of the approved basements in the current ground conditions would necessitate a complex construction and waterproofing methodology to prevent ground water entering the lowest basement level. In response, Meriton have explored alternative car park arrangements that reduce the depth of excavation required.

Meriton's preferred solution is to spread the footprint of the carpark under pedestrian link OS2 that was proposed to be dedicated to Council. Their proposal is to leave the first level of basement within the site boundary and extend the levels below under the pedestrian link. This would achieve a depth of soil between the basement roof and the path in the pedestrian link of about 3m, which would allow for canopy tree planting to be incorporated in the landscaping.

Parking for a private development under land proposed to be dedicated to Council raises a number of complications in terms of land title, ownership, and maintenance liability. It would be simpler for the land to be owned by the future Strata Corporation as common property, with an easement registered on the title requiring full and free public access for all pedestrians over the land.

The liability for maintaining the landscaping and insurance over the land would remain with the Strata Corporation that has the benefit of the parking beneath the land. This arrangement is preferable from Council's point of view as the community enjoys the same benefit without bearing the costs and liabilities associated with Council owning the land.

An amendment to the VPA in exactly the same terms was recently executed by Council and Meriton for OS1 (refer Attachment 1) for the same reasons.

## **Open Spaces OS6 and OS7**

In relation to the proposed adjustments to Lots J and F, this addresses difficulties in gaining safe and practical vehicular access that were not evident when the lot boundaries were originally drawn.

The overlap of the original pedestrian link/vehicle access to Lot J was very small, meaning that the driveway to the basement would need to be against the external wall facing the pedestrian link to Heffron Road. This results in an awkward driveway configuration with sub-optimal sightlines, and a blank wall facing the Heffron Road pedestrian link.

Moving the car park basement entry further to the east would allow a row of dwellings to be incorporated facing onto the Heffron Road pedestrian link, giving a much better interface and allowing passive surveillance.

The small area of OS6 and OS7 in question that was proposed to be dedicated as public open space is of little value to the community in terms of the utility and amenity it offers. The public would still retain access over the land, and it would be maintained by the Owner's Corporation of the adjoining building.

## **Proposed VPA Amendment**

The amendment required to the VPA to effect the change described above is to delete the parcel of land that comprises the OS2 pedestrian link from the schedule of land to be dedicated to Council, and add a requirement that the same parcel be covered by an easement allowing public access.

In the case of the changes proposed to OS6 and OS7, the boundary of the proposed land dedication would move slightly to the east to allow for improved vehicle access to the proposed apartment buildings.

The requirement for the land impacted to be maintained by the relevant Owner's Corporations would be covered off in a covenant on the title in favour of Council.

Attachment 1 illustrates the proposed changes proposed.

It is recommended that the proposed VPA amendments be supported as the public will maintain the same level of benefit, the safety and amenity outcome along the Heffron Road pedestrian link will be improved, and the future management and maintenance burden for the land impacted will be shifted from Council to the adjacent Owners Corporations.

## Financial Implications

- |                                      |                                     |   |
|--------------------------------------|-------------------------------------|---|
| Not applicable                       | <input checked="" type="checkbox"/> | There will be a saving to Council in perpetuity for maintenance of landscaping. |
| Included in existing approved budget | <input type="checkbox"/>            |   |
| Additional funds required            | <input type="checkbox"/>            |   |

## Community Strategic Plan

- |  |                                     |
|--|-------------------------------------|
| Theme One – In 2032 Bayside will be a vibrant place                    | <input checked="" type="checkbox"/> |
| Theme Two – In 2032 Our people will be connected in a creative City    | <input type="checkbox"/>            |
| Theme Three – In 2032 Bayside will be green, resilient and sustainable | <input checked="" type="checkbox"/> |
| Theme Four – In 2032 Bayside will be a prosperous community            | <input type="checkbox"/>            |

## Risk Management – Risk Level Rating

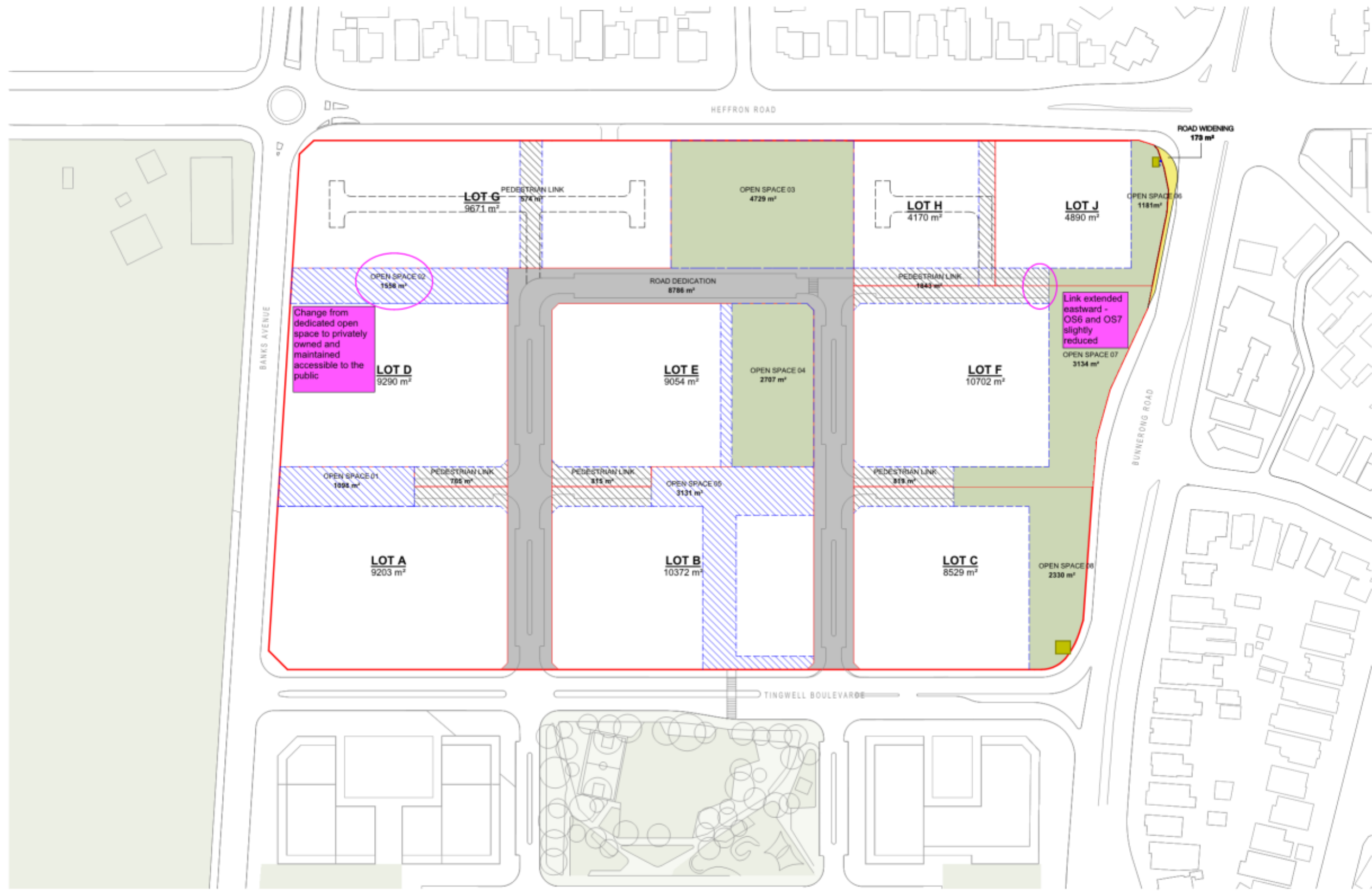
- |                |                                     |
|----------------|-------------------------------------|
| No risk        | <input type="checkbox"/>            |
| Low risk       | <input checked="" type="checkbox"/> |
| Medium risk    | <input type="checkbox"/>            |
| High risk      | <input type="checkbox"/>            |
| Very High risk | <input type="checkbox"/>            |
| Extreme risk   | <input type="checkbox"/>            |

## Community Engagement

Any amendment to a VPA must be the subject of public exhibition in accordance with the Environmental Planning and Assessment Act and Regulation. Commencing exhibition is a recommendation of this report.

## Attachments

Proposed VPA Amendments Plan



**FOR INFORMATION**



Rev	Date	Revision	By	CHK
6	06.05.2023	Issue for information	JS	NAI
9	06.05.2023	Issue for information	JS	NAI
10	13.05.2023	Issue for information	JS	NAI
12	08.06.2023	Approval	NAI	NAI
13	25.06.2023	Council Amendments	NAI	NAI
14	01.10.2023	Council Amendments	NAI	NAI
15	22.01.2024	Council Amendments	NAI	NAI

LEGEND	KEY MAP
Road Dedication	Publicly Accessible Pedestrian Link - Easement
Publicly Accessible Open Space - Easement	Road Widening
Public Open Space - Dedicated	



Project: **BATA North**  
 Drawing No: **5826**  
 Scale: **1:750**  
 Date: **27.01.2023**  
 Drawing No: **A0102**  
 Revision: **/ 15**

Scale: **1:750**  
 Street Size: **@ A1**  
 Designer: **CM**  
 Drafter: **JT**  
 Job No: **5826**  
 Drawing No: **A0102**  
 Revision: **/ 15**



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## City Planning & Environment Committee

14/08/2024

Item No	CPE24.032
Subject	<b>Trial of Artificial Intelligence platform in Pre-Lodgement of Development Applications</b>
Report by	Peter Barber, Director City Futures
File	F24/288

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### Summary

In response to the National Housing Accord, the NSW Department Planning, Housing, and Infrastructure is working towards improving local Council assessment timeframes, by streamlining assessments. This is anticipated to facilitate the faster delivery of housing supply.

DPHI invited Councils to participate in an 'Early Adopters' program offering grant funding to assist with implementation of trial Artificial Intelligence into the assessment process.

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### Officer Recommendation

That Council receive and note this report.

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### Background

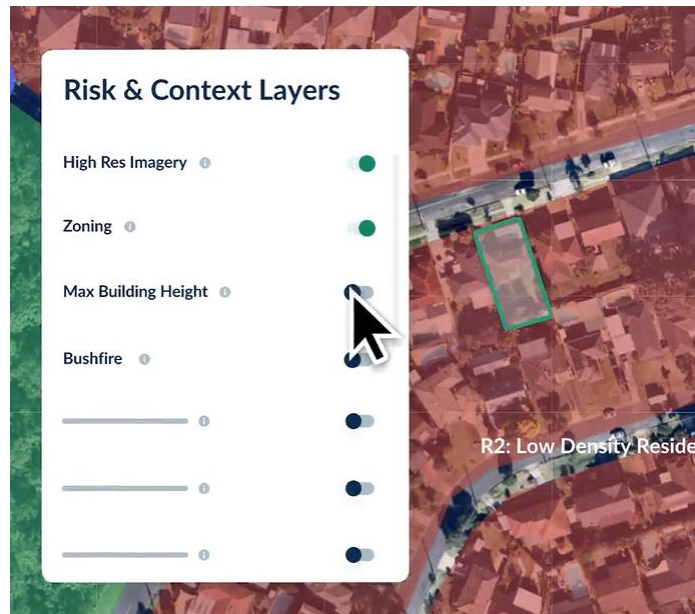
The Department of Planning, Housing, and Infrastructure (DPHI) has established a panel of suppliers offering artificial intelligence (AI) software solutions. The goal is to enable Councils to enhance the local Development Application (DA) process and improve assessment timeframes.

This initiative aims to simplify the DA process by granting customers easy and rapid access to planning related information about their property. By doing so, it reduces the number of interactions and time required by customers to find the information to make informed decisions and prepare application documentation. Consequently, lodgement becomes more efficient, enabling customers to submit the appropriate application and supporting documentation promptly.

### AI Trial Software

The solution in its current state, can operate independently of Council and Council systems, as it accesses core publicly available planning information (such as Local Environmental Plan land use zoning, height controls, etc). If council wishes to enhance its information service for applicants, it can achieve this by importing additional spatial information into the platform (such as contaminated land registers, aircraft noise contours, etc).

Below is snapshot of the tool showing how a site can be selected, layers of information selected, and a report constructed to help inform decision making and application preparation:



(Source: Archistar AI website)

A subscription runs for 12 months and there is no obligation to renew it after the first year. The cost of an annual subscription is \$36,000. Initial setup is a capped cost of \$60,000. Assistance with setup, training, and support are included in the setup costs.

Bayside Council has been successful in attaining \$120,000 towards the implementation of AI for its Pre-Lodgement phase for DA's. Council has the opportunity to effectively trial the platform for 12 months and undertake a full evaluation of its benefit to the process.

The software has broader capabilities that will be of use to other business units with Council. These include a 3D modelling tool that can generate development scenarios for any given parcel of land that take into account and comply with all applicable development controls. The models can, for example, show how many dwellings can be accommodated within a compliant development. A sample image is provided below:



(Source: Archistar AI website)

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## Financial Implications

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

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## Community Strategic Plan

Theme One – In 2032 Bayside will be a vibrant place	<input type="checkbox"/>
Theme Two – In 2032 Our people will be connected in a creative City	<input checked="" type="checkbox"/>
Theme Three – In 2032 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four – In 2032 Bayside will be a prosperous community	<input type="checkbox"/>

---

## Risk Management – Risk Level Rating

No risk	<input checked="" type="checkbox"/>
Low risk	<input type="checkbox"/>
Medium risk	<input type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

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## Community Engagement

Not required

## Attachments

Nil

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**City Planning & Environment Committee**

**14/08/2024**

Item No           CPE24.033  
Subject           **Review of processing times for Development Applications**  
Report by         Peter Barber, Director City Futures  
File               F23/983

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**Summary**

At its meeting on 24 July 2024, Council resolved the following:

- 1     *That Council investigates the extended processing times for Development Applications (DAs) and identify the underlying causes of these delays.*
- 2     *That Council presents a comprehensive report at the next Council Meeting, detailing the findings and proposing actionable steps to streamline the DA process.*

This report identifies the underlying causes that contribute to extended processing times for Development Applications and outlines steps to address each of the causes identified so as to streamline the DA process. The time between the Council decision and the publishing deadline for this report constrained the depth of analysis possible, however, the improvement of performance in this area has been and remains a focus for greater attention going forward.

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**Officer Recommendation**

That Council receives and notes this report.

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**Background**

The Department of Planning, Housing and Infrastructure recently published a council league table that monitors performance for lodgement and determination of development applications for all Council's. In the last financial year the average turnaround time for DAs for Bayside was 179 days, ranking Council 25<sup>th</sup> of the 33 Greater Sydney Councils.

An investigation into the causes for the delays in determination of DAs has been carried out and the following causes have been identified.

1. Outstanding number of older DAs over 100 days.;
2. Referrals are taking too long;
3. Request for information from applicant not responded to fully or within time;
4. Multiple amended plans referred to Design Review panel;
5. Loss of 3 Senior Town Planners over the last 2 years and inability to recruit experienced Senior Planners to replace them;
6. NSW Planning Portal is cumbersome and time consuming for applicants and staff to upload information and prepare consents; and

7. Significant number of Land & Environment Court appeals, taking up staff time and resources.

## Causes and Solutions

### 1. Number of outstanding DAs over 100 days old

A significant effort has been made over the last 12 months in reducing the number of very old applications, whilst also determining the younger applications being lodged.

In this regard the number of outstanding applications older than 100 days has been reduced from 124 in July 2023, to 56 in August 2024. While this has been a necessary initiative to 'clean up' a legacy of older applications, it did result in a deterioration in average determination times.

Once the very old outstanding DAs are determined, a concerted effort will be made to prevent applications from becoming aged before decisive action is taken to bring them to a determination. This may result in continued longer average times in the short term, before significant improvement.

### 2. Referrals taking too long

Referrals are taking too long resulting in delays getting back to applicants with issues to be addressed, delaying determination times.

Currently many applications require referrals from various internal departments (including Engineering, Landscaping, Environmental Health, Tree Officers, Contamination and Heritage) and external authorities (including SACL, TfNSW, Sydney Trains, WaterNSW, Department of Planning – Dangerous Goods Branch, and NSW Heritage Office).

Bayside is somewhat unique in having a large number of significant land use constraints that require specialist input into development assessment. Some of these include fuel, ethane and desalination pipelines; the Southern and Western Suburbs Ocean Outfall Sewer; an international airport with noise and height obstacle limitations; extensive flood liable areas, large areas of contaminated land; many pieces of major transport infrastructure including main roads, road and rail tunnels, train lines and a major rail goods line; an international sea port; and many heritage listed properties. Obtaining and incorporating specialist input into the assessment process adds a level of complexity.

In order to ensure reduce delays in making internal referrals, Council's Development Advisory officers will check new applications lodged on the NSW Planning Portal for completeness and also send any internal referral required early in the process. A further check will be made when the complete application is reviewed by Coordinators and allocated to an assessment officer to ensure that all required internal referrals have been made. This will ensure that the referral officer receives the referral 7-10 days earlier and ensure that referrals do not delay the determination

Also Assessment officers will follow up internal referrals after 14 days and external referrals after 40 days to alert referral respondents of the time taken and the priority of responses.

### **3. Request for information from applicant not responded to fully or within time**

After a thorough preliminary assessment of an application and receipt of all referrals, the applicant is provided with a request for information letter outlining any additional information or amendments required to enable the determination of the application.

Applicants are usually given 14 days to address a request for information letter, however, this period can be longer if the requested information requires substantial research/redesign such as traffic or flood studies, contamination investigation, or acoustic impact modelling.

Going forward, applicants will be given only one chance to satisfactorily address requested information. If they choose not to address all matters, their response will be taken to be the information on which they wish for the application to be assessed and determined.

If requested information is not provided within the period specified in the request letter, the applicant will be followed up promptly. If the information cannot be provided within a reasonable period, the applicant will be offered the opportunity to withdraw the application and resubmit when all required information is available, or the application will be determined as submitted.

### **4. Multiple amended plans referred to Design review panel.**

When the design for larger scale development is amended it can trigger re-referral to the Design Review Panel, especially for applications required to achieve design excellence. The process of preparing for and scheduling meetings, waiting on minutes, and working with applicants multiple times elongates the assessment time.

It is proposed to limit referrals to the Design Review Panel to a maximum of two times per application.

### **5. Loss of Senior Town Planners**

The loss of 3 senior Town Planners has put significant pressure on staff dealing with large scale complex applications. Council has advertised the vacant Senior Town Planner positions four times over the last 2 years with no suitable candidates found.

This difficulty in recruiting Senior Town Planners is a common problem with many Council's as there is a finite number of experienced senior town planners available and many have been employed by the more competitive Department of Planning and private consultants over recent years.

Council has recently advertised the Senior Town Planner position again in July 2024 and is currently organising applicants for interview. More resource at this level will help reduce more complex applications becoming aged.

### **6. NSW Planning Portal is cumbersome and time consuming for applicants and staff to upload information and prepare consents**

Bayside was an early adopter of Portal functionality and integration, which initially delivered benefits when the functionality of the portal was simpler and it worked as expected. As the Portal has become more complex, less stable, and the level of support from the Department has been wound back, Council has been disadvantaged compared to Councils that have been slower to interact with the Portal.

The Minister for Planning & Public Spaces acknowledged that the performance and user experience of the portal has not met expectations in a letter to Council's in June 2024. The Department will be pausing the introduction of new services and features for 2 years until key improvements to existing functionality have been completed.

Bayside Council staff are working closely with The Department on improve the NSW Portal so that information be efficiently can be uploaded and development consents generated without delay.

## 7. **Significant number of Land & Environment Court appeals**

Bayside Council currently has 19 Land and Environment Court Appeals. These appeals take up a significant amount of resources. Given the lack of experienced senior town planners and the impact on staffing resources, consultant Town Planners will be engaged to provide expert Town Planning evidence on some of these more complex appeals. This will free up staff time to assess and determine current development applications.

### Financial Implications

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

### Community Strategic Plan

Theme One – In 2032 Bayside will be a vibrant place	<input type="checkbox"/>
Theme Two – In 2032 Our people will be connected in a creative City	<input type="checkbox"/>
Theme Three – In 2032 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four – In 2032 Bayside will be a prosperous community	<input checked="" type="checkbox"/>

### Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input type="checkbox"/>
Medium risk	<input type="checkbox"/>
High risk	<input checked="" type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

### Community Engagement

Not Applicable

### Attachments

Nil