



# City Planning & Environment Committee

6.30pm  
Wednesday 6 November 2024

**Venue:**  
Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany

Contact Us:

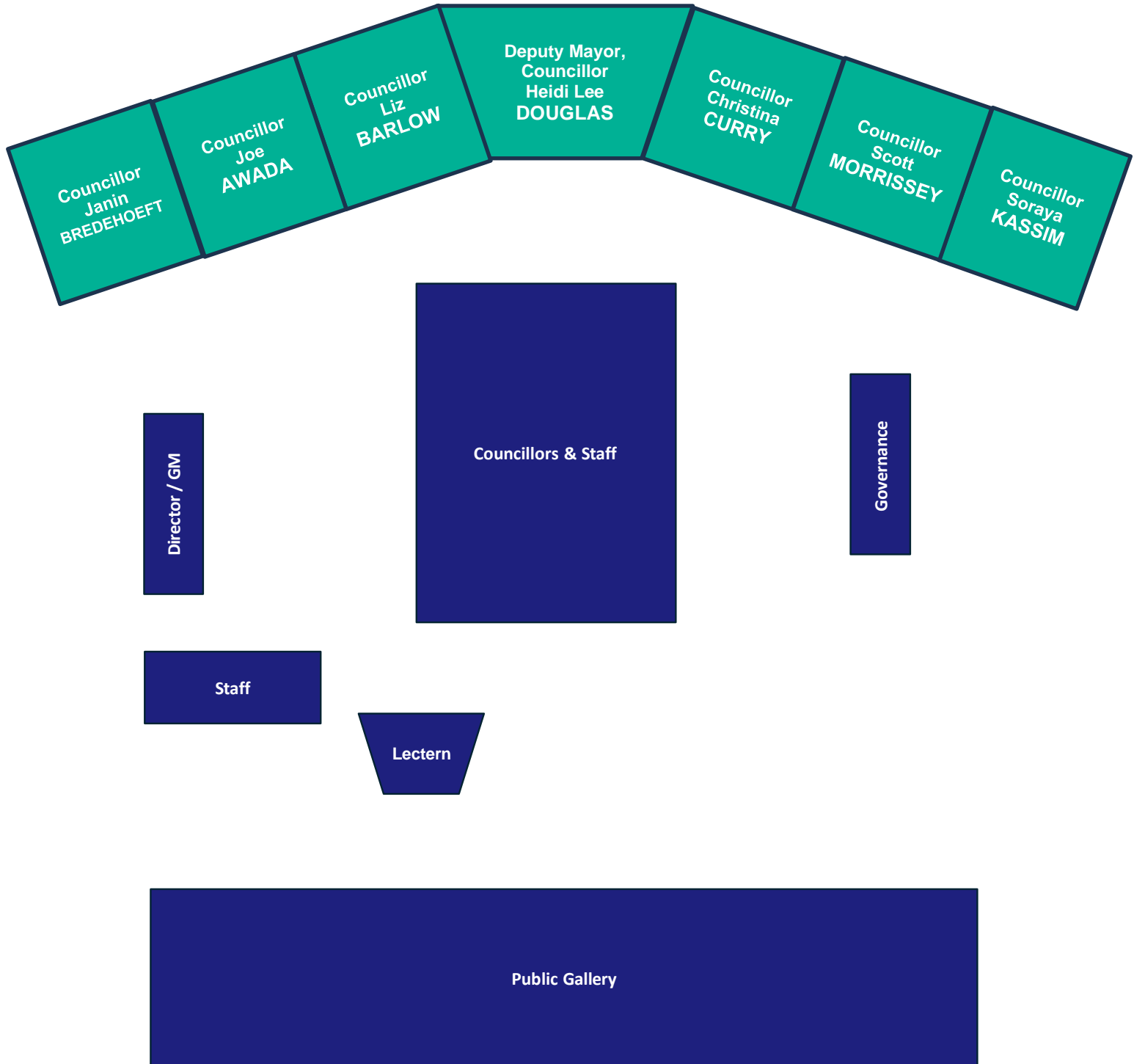
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[council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

PO Box 21, Rockdale NSW 2216

ABN: 80 690 785 443

## City Planning & Environment Committee Seating Plan



# 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 Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Wednesday 6 November 2024 at 6.30pm**

## AGENDA

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>5</b>
<b>2</b>	<b>APOLOGIES, LEAVE OF ABSENCE &amp; ATTENDANCE VIA AUDIO-VISUAL LINK</b>	<b>5</b>
<b>3</b>	<b>DISCLOSURES OF INTEREST</b> .....	<b>5</b>
<b>4</b>	<b>MINUTES OF PREVIOUS MEETINGS</b> .....	<b>6</b>
4.1	Minutes of the City Planning & Environment Committee Meeting - 14 August 2024 .....	6
<b>5</b>	<b>ITEMS BY EXCEPTION</b> .....	<b>10</b>
<b>6</b>	<b>PUBLIC FORUM</b> .....	<b>10</b>
<b>7</b>	<b>REPORTS</b> .....	<b>11</b>
CPE24.034	City Planning & Environment Committee - Chairperson and Deputy Chairperson .....	11
CPE24.035	Post Exhibition Report - Planning Proposal - Wentworth Avenue, Eastlakes (Land Occupied by Pedestrian Bridge) .....	13
CPE24.036	Generic Crown Land Plan of Management.....	19
<b>8</b>	<b>CONFIDENTIAL REPORTS</b> .....	<b>61</b>
	Closed Committee Meeting	
CPE24.037	CONFIDENTIAL - Proposed planning agreement associated with Development Application DA-2024/10 at 13A Church Avenue, Mascot .....	61
	Resumption of Open Committee Meeting	

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, LEAVE OF ABSENCE & ATTENDANCE VIA AUDIO-VISUAL LINK**

## **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

6/11/2024

Item No	4.1
Subject	<b>Minutes of the City Planning &amp; Environment Committee Meeting - 14 August 2024</b>
Report by	Richard Sheridan, Director City Performance
File	SF23/8280

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### Officer Recommendation

That the Minutes of the City Planning & Environment Committee meeting held on 14 August 2024 be noted

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### Present

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

### Also present

Councillor Andrew Tsounis  
Meredith Wallace, General Manager  
Peter Barber, Director City Futures  
Louise Farrell, Manager City Projects  
Luis Melim, Manager Development Services  
Helen Tola, Manager Governance & Risk  
Karen Barrass, Lead Governance  
Anh Hoang, Governance Officer  
Nabin Bhattarai, IT Service Management Officer  
Wolfgang Gill, IT Service Management Officer

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The Chairperson opened the meeting in the Council Chambers, Rockdale Town Hall at 6:41 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 respect 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 and Attendance via Audio Visual link**

### **Apologies**

#### **Committee Recommendation** (Councillors Tsounis and Muscat)

That the following apologies be received:

- The Mayor, Councillor
- Councillor

### **Attendance Via Audio Visual Link**

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

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **[4.1 Minutes of the City Planning & Environment Committee Meeting - 10 July 2024](#)**

#### **Committee Recommendation** (Councillor Muscat and Barlow)

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

### **4.2 Business Arising**

The Committee notes that the Minutes of the City Works & Assets Committee of Wednesday 10 July 2024 were received and the recommendations therein were adopted by the Council at its meeting of 24 July 2024.

## **5 Items by Exception**

There were no Items by Exception.

## 6 Public Forum

### **CPE24.030 NSW Rugby - 18-month trial consent monitoring - David Phillips Field, Daceyville**

The following people spoke (via audio-visual link) at the meeting:

- Ms Amanda Wilson, Applicant, speaking against the Officer Recommendation
- Ms Linda Thomas, Applicant, speaking against the Officer Recommendation

## 7 Reports

### **CPE24.030 NSW Rugby - 18 month trial consent monitoring - David Phillips Field, Daceyville**

The following people spoke (via audio-visual link) at the meeting:

- Ms Amanda Wilson, Applicant, speaking against the Officer Recommendation
- Ms Linda Thomas, Applicant, speaking against the Officer Recommendation

#### **Committee Recommendation** (Councillors Curry and Tsounis)

- 1 That Council receives and notes the report on NSW Rugby - 18 month trial consent monitoring - David Phillips Field, Daceyville.
- 2 That a monitoring report be prepared to the next Council meeting which includes the points covered in the Director's presentation, as well as the specifics around contacting Rangers when there are breaches occurring out of office hours or on the weekend, and that Rangers on game days visit on at least two occasions.
- 3 That Council creates a web page with information detailing how residents can make complaints and what the trial conditions are.
- 4 That Council review the complaints received monthly with NSW Rugby.
- 5 That a report be prepared to Council detailing feedback from the community information session to be held on 22 August 2024.

### **CPE24.031 Amendment to Voluntary Planning Agreement - Pagewood Green - 128 Bunnerong Road & 120 Banks Avenue, Pagewood**

#### **Committee Recommendation** (Councillor Tsounis and Jansyn)

- 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 negotiate further reasonable community benefits (including affordable housing) under the amended Voluntary Planning Agreement, and if satisfied that the substance of any submissions received do not require a further report to Council, execute the amended agreement.

### **CPE24.032 Trial of Artificial Intelligence platform in Pre-Lodgement of Development Applications**

**Committee Recommendation** (Councillor Curry and Douglas)

That Council receives and notes the report on the Trial of Artificial Intelligence platform in Pre-Lodgement of Development Applications.

### **CPE24.033 Review of processing times for Development Applications**

**Committee Recommendation** (Councillor Curry and Tsounis)

That Council receives and notes the report on Review of processing times for Development Applications.

The next meeting will be held post the 2024 Local Government Elections.

The Chairperson closed the meeting at 7:54 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

6/11/2024

Item No	CPE24.034
Subject	<b>City Planning &amp; Environment Committee - Chairperson and Deputy Chairperson</b>
Report by	Richard Sheridan, Director City Performance
File	F23/1039

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### Summary

At the Council Meeting held on 23 October 2024, Council determined the membership of seven (7) Councillors to the City Planning & Environment Committee.

The term of the appointment of Council delegates to the Committee is for the Mayoral Term (i.e. up to September 2026).

The purpose of this report is to elect a Chairperson and Deputy Chairperson up to September 2026 for the City Planning & Environment Committee.

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### Officer Recommendation

That the City Planning & Environment Committee elect a Chairperson and elect a Deputy Chairperson up to September 2026.

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### Background

Council resolved the membership of the City Planning & Environment Committee of Council as follows:

- The Deputy Mayor, Councillor Douglas, and Councillors Bredehoeft, Barlow, Kassim, Morrissey, Awada and Curry

Councillors who are not members of the City Planning & Environment Committee (noted above) be appointed as alternate members only for purposes of achieving a quorum in times when a quorum cannot be achieved due to absences and/or conflicts of interest.

Part 5.3 (Chair and Deputy Chair) of the Committee Terms of Reference state:

*The Chairperson is the Mayor, otherwise, if the Mayor does not wish to be the chairperson of a committee, either (a) a member of the committee elected by the council, or (b) if the council does not elect such a member, a member of the committee elected by the committee. The Deputy Chairperson – Council to elect a member of a committee as deputy chairperson of the committee or if the council does not make the election, the committee may elect a deputy chairperson.*

In light of such the purpose of this report is to elect the Chair and Deputy Chair to the City Planning & Environment Committee.

### Financial Implications

- Not applicable
- Included in existing approved budget
- Additional funds required

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### Community Strategic Plan

- Theme One – In 2032 Bayside will be a vibrant place
- Theme Two – In 2032 Our people will be connected in a creative City
- Theme Three – In 2032 Bayside will be green, resilient and sustainable
- Theme Four – In 2032 Bayside will be a prosperous community

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### Risk Management – Risk Level Rating

- No risk
- Low risk
- Medium risk
- High risk
- Very High risk
- Extreme risk

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### Community Engagement

No community engagement was undertaken in preparing this report. Internal consultation has taken place between the General Manager, Director City Performance and the Manager Governance & Risk.

### Attachments

Nil



**City Planning & Environment Committee**

**6/11/2024**

Item No	CPE24.035
Subject	<b>Post Exhibition Report - Planning Proposal - Wentworth Avenue, Eastlakes (Land Occupied by Pedestrian Bridge)</b>
Report by	Peter Barber, Director City Futures
File	SF24/5558

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**Summary**

On 28 February 2024, Council resolved to support a Planning Proposal (PP) which would amend the Bayside Local Environment Plan 2021 by including signage as an Additional Permitted Use (APU) on the pedestrian bridge over Wentworth Avenue, Eastlakes.

The PP amends the *Bayside Local Environmental Plan 2021* (BLEP 2021) as follows:

- Introduce new Additional Permitted Use in Schedule 1 which enables signage as a permissible use; and
- Amend the Additional Permitted Uses Map, Sheet APU\_011 to identify where the proposed APU applies.

As part of the land is Council owned and Council receives income from advertising displayed on the existing sign, the PP is subject to an Independent Planning assessment. This assessment and report was completed by The Planning Studio.

On 3 June 2024, a Gateway Determination was issued for the proposal by the NSW Department of Planning, Housing and Infrastructure (DPHI), allowing the proposal to proceed to public exhibition, subject to conditions. Council requested delegation to be the Local Plan Making Authority (LPMA), however, Council was not authorised to be the LPMA as Council owns part of the land and receives income from advertising displayed on the existing sign.

The PP was exhibited from 25 July 2024 to 22 August 2024, satisfying the minimum 20 working day community consultation requirement in the Gateway determination. A total of 43 submissions were received. Transport for NSW also provided a submission. All submissions were either in full support or partial support. It is considered that there are no further matters raised in the submissions that need to be addressed in the planning proposal and it is recommended that the PP be finalised.

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**Officer Recommendation**

- 1 That Council notes the submissions received during exhibition of the Planning Proposal.
  - 2 That Council forwards the Local Environmental Plan amendment to the Department of Planning, Housing and Infrastructure for finalisation in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
-

## Background

**Owner:** Bayside Council (Wentworth Avenue and airspace above)

**Applicant:** Outdoor Systems Pty Limited

### Subject Site and surrounding area

The subject site is limited to the land occupied by the pedestrian bridge over Wentworth Avenue at Eastlakes. The bridge provides access between two sections of the Eastlakes Golf Course and is only accessible to those using the Golf Course. There are currently two digital signage panels affixed to either side of the bridge, one facing north-west and the other facing south-east.

The immediate surroundings of the site are the Eastlakes Golf Course, and the Wentworth Avenue road corridor. Either side of Wentworth Avenue has significant vegetation and trees, which strongly defines the road corridor.

Further south, south-west and south-east of the site are low density residential dwellings. There are no residential dwellings within the immediate vicinity of the site. Further to the north, east and west of the site is the Golf Course and associated waterbodies. Wentworth Avenue and the M1 Motorway intersect the northern part of the golf course.

The subject site is identified as ROAD R8292F. The golf courses either side of the pedestrian bridge are formally described as Lot 1 DP 1144655. The site address is R8292 Pedestrian Bridge over Wentworth Avenue, Eastlakes. The current zoning of the site is SP2 Infrastructure (Classified Road).



Figure 1: Subject Site (Source: Visual Assessment Report, Urbis 2023)

## Planning Proposal History

The PP was lodged with Council on 29 June 2023. Council appointed The Planning Studio to undertake an independent assessment of the PP noting that Council generates income by the existing advertising signage on the subject site. Council also engaged independent peer reviewers for the Traffic and Safety Assessment and Statement of Heritage Impact Assessment.

Following the initial assessment of the PP, a letter was issued to the proponent on 13 October 2023 requiring updates to the supporting reports for the PP. These updated reports were provided on 27 October 2023.

The objective of the PP is to amend the BLEP 2021 to include an 'Additional Permitted Use' within Schedule 1 of the BLEP 2021 to make signage a permissible use on the subject site.

The Wentworth Avenue bridge has existing digital signage panels on each side of the bridge. The advertising signage was originally approved by the Land and Environment Court in 2006, when it was a permissible use within the relevant zoning at the time.

Under the current zoning, advertising signage is a prohibited use and any subsequent Development Applications (DA) to extend the current use would not be permissible. Accordingly, the proponent has lodged a PP with Council to expand the permissible uses to include signage.

The Bayside Local Planning Panel (BLPP) considered the proposal on 5 December 2023 and advised Council that the PP Request should be supported.

Council considered the advice of the BLPP and resolved to submit the PP for Gateway determination on 28 February 2024.

## Gateway Determination

The PP was received by DPHI on 19 March 2024, with a Gateway determination issued on 3 June 2024. The Gateway determination recommended that the PP should proceed subject to conditions including a requirement for exhibition to occur for a minimum of 20 working days and for Transport for NSW to be consulted. The Gateway determination is included at **Attachment 2**.

As required by a Gateway condition 1 regarding mapping, the PP Report was updated (21 June 2024, Version 3) prior to exhibition to include mapping showing the proposed changes to the BLEP 2021 APU Map.

The PP was exhibited from 25 July 2024 to 22 August 2024 satisfying the minimum 20 working day community consultation requirement in the Gateway determination condition 2.

Transport for NSW was required to be consulted as the public authority and was given at least 30 working days to comment on the proposal, as required by the Gateway condition 3. Transport for NSW submitted a response on 9 August 2024 and raised no objections to the proposal.

As per Gateway condition 4, no public hearing was required or held for the PP.

## Community Consultation

The PP was exhibited from 25 July 2024 to 22 August 2024. Exhibition of the proposal resulted in 43 submissions from the community and 1 submission from Transport for NSW, of which all submissions were either in full support or partial support. A summary of the submissions received, and the Independent Planner's consideration of the submissions is provided at **Attachment 3**. The Applicant's response to submissions is provided at **Attachment 4**.

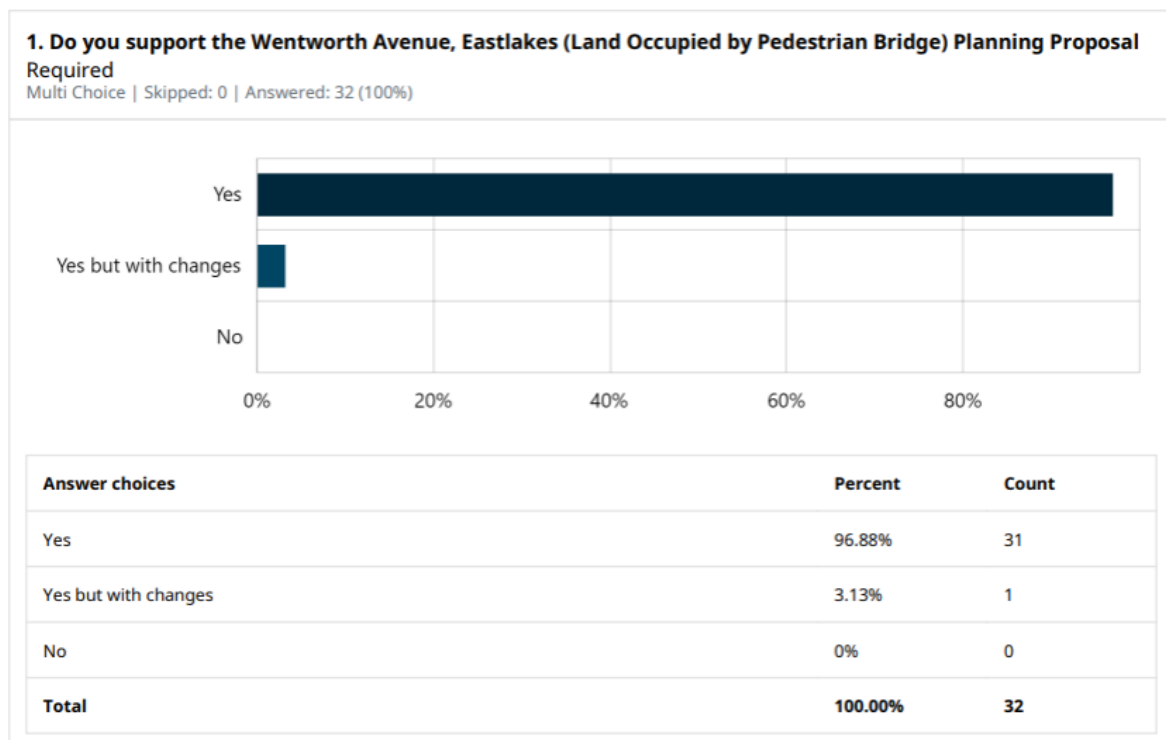
### Community Submissions

Submissions were received throughout the exhibition process as detailed below:

- 32 submissions through Council's Have Your Say Portal;
- 5 submissions provided directly to Council via Email; and
- 6 submissions through the NSW Planning Portal.

The proposal and supporting documents were made available on Bayside Council's *Have Your Say* website. The exhibited PP is included at **Attachment 1**.

32 submissions were received through the *Have Your Say* website, of which 31 submissions were in support of the proposal and one submission partially supported the proposal with amendments. The partial supportive submission raised concerns regarding the strength of illumination which has been addressed below.



5 submissions were made directly to Council via email, of which all submissions were supportive of the advertising signage on the bridge.

6 submissions were received through the NSW Planning Portal, all of which supported the proposal.

The partial support submission raised concerns regarding the extent of illumination of the signage, in particular during nighttime. The applicant's Response to Submissions considers this issue and notes that

- *The proposed luminance levels fully comply with the requirements of State Environmental Planning Policy (Industry and Employment) 2021, the Transport Corridor Outdoor Advertising & Signage Guidelines 2017, AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting and the CASA Manual of Standards Part 139 (Aerodromes). The lighting impact assessment report prepared by Electrolight Australia Pty Ltd is referred to;*
- *The analysis of crash history carried out by Traffic and Safety Solutions has concluded that in the relevant 5 year period there was only 1 crash where the signage was visible equating to a very low crash rate noting the signage have been in operation since 2017. Additionally, no adverse impact on road safety associated with the operation of the digital signage has been found in the road safety audit carried out by McLaren Traffic Engineering (appended to the Traffic and Safety Solutions report);*
- *Transport for NSW has responded to exhibition and in its response advises that the Traffic and Safety Solutions report and the independent peer review carried out by ABTT Consulting do not raise any adverse traffic issues and as such has raised no objection to the proposal on traffic efficiency and safety grounds.*

The concern raised is noted, however, this is a detailed DA matter that will be addressed as part of the assessment of any future DA. It is considered that the proposed LEP amendment would be unlikely to result in a development which would have unacceptable impacts or potential impacts that could not be managed through the DA process.

### **Public Authority Submissions**

As required by the Gateway determination, Transport for NSW were consulted, and a submission of support was received in response (**Attachment 6**).

### **Conclusion**

Following public exhibition of this Planning Proposal, the Independent Planner has reviewed submissions received, and is satisfied that there are no outstanding objections raised that preclude the Planning Proposal from proceeding to finalisation.

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## Financial Implications

- |                                      |                                     |  |
|--------------------------------------|-------------------------------------|--|
| Not applicable                       | <input type="checkbox"/>            |  |
| Included in existing approved budget | <input checked="" type="checkbox"/> | A fee has been paid by the proponent for the assessment of this Planning Proposal request. |
| 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"/> |
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## 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

Community engagement has been undertaken as required by the Gateway determination and Council's Community Participation Plan, as described above.

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## Attachments

- 1 Exhibited Planning Proposal (Under separate cover Attachments Part One)
- 2 Gateway Determination - 3 June 2024 (Under separate cover Attachments Part One)
- 3 Response to Submissions prepared by Independent Planner (Under separate cover Attachments Part One)
- 4 Applicant's Response to Submissions (Under separate cover Attachments Part One)
- 5 Council Meeting Minutes (Pre-Gateway) - 28 February 2024 (Under separate cover Attachments Part One)
- 6 Transport for NSW Submission - 9 August 2024 (Under separate cover Attachments Part One)



**City Planning & Environment Committee**

**6/11/2024**

Item No	CPE24.036
Subject	<b>Generic Crown Land Plan of Management</b>
Report by	Peter Barber, Director City Futures
File	F23/113

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**Summary**

The Crown Land Management Act 2016 requires Council (as a Crown Land Manager) to establish new (or amend existing) Crown Land plans of management for Crown Land under its management. This requirement may be addressed by Council adopting either site specific or one or more consolidated Plans of Management.

On 17 September 2024, Council received the Minister’s Consent from the Department of Planning, Housing and Infrastructure for the Council to adopt the attached Crown Land Plan of Management (“New POM”) under clause 70B of the Crown Land Management Regulation 2018. The New POM covers almost all of Council’s managed Crown Land. A separate Plan of Management is in preparation for Cook Park.

The New POM was endorsed by Council prior to the community engagement process and submission to the Minister. This report tables the New POM for its final adoption by Council.

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**Officer Recommendation**

That the Crown Land Plan of Management consented to by the Minister be formally adopted by Council.

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**Background**

The Crown Land Management Act 2016 commenced on 1 July 2018 and consolidated eight pieces of legislation in one Act. The Act introduced reforms that included provisions that requires a Council (as Crown Land Manager) to manage all Crown Reserves in the same manner as community land, as defined by the Local Government Act 1993.

The Local Government Act has a requirement for a Plan of Management to be established over community land and this requirement is mirrored within the Crown Land Management Act. Section 3.23 of the Crown Land Management Act requires Council to either amend an existing or establish a new plan of management over Crown Land where it is a Crown Land Manager.

**Plan of Management Process**

Council proceeded with meeting its requirement to establish new plans of management for Crown Land, and the key gateway of considering initial land categories via a decision at the Council meeting on 11 March 2020.

The first Generic Plan of Management was submitted to Crown Lands in February 2021.

After receiving feedback and initial endorsement, the draft Generic Crown Land Plan of Management was then placed on public exhibition from 1 April 2023 to 12 May 2023 (42 days). Feedback received during the exhibition was previously reported to Council on 6 December, 2023.

Minor amendments have been made to the Plan in response to feedback received during the exhibition period and subsequent advice, including:

- Reference to Native Title advice;
- Updated High Resolution Images for the classification of the Reserves; and
- Updated categories of the use of land (further discussed below).

The final draft was then resubmitted to Crown Lands for the Minister's Consent to adopt. Council received the Minister's Consent on 17 September 2024.

In the period between the commencement of the Crown Land Management Act and the adoption of a new plan of management, limitations existed regarding new lease dealings. Specifically, where no agreement was in place upon commencement of the Crown Land Management Act, only short term (12 months or less) agreements could be granted. This limitation has a broad impact on community groups whose activities are facilitated using Crown Land.

### **Key Aspects of the New POM**

The New POM incorporates 25 Crown Reserves where Council is the appointed land manager. Plans of Management are a useful tool to provide guidance when it comes to managing land and facilitating its use for a public benefit. To this end, the New POM addresses:

- The land categories of Natural Area (Bushland), Natural Area (Wetland), Natural Area (Watercourse), Sportsground, Park, Cultural Significance and General Community Use and the core objectives relating to each of those uses to guide ongoing management and usage;
- Leases and Licences within each of the land categories, including both current agreements and the guiding principles to grant future agreements; and
- Development and use of land.

The adoption of the New POM removes the limitation on Council not having leases and licences greater than 12 months duration, and allows a greater benefit to community groups whose activities are facilitated using Crown Land.



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### Native Title Advice

Crown Land Managers must ensure that Plans of Management are consistent with the *Native Title Act 1993*. Legal advice was sought on the draft of the New POM and its compliance with the provisions of the Native Title Act. In summary, the advice states: *we confirm that the plan of management complies with “applicable provisions of the native title legislation’ within the meaning of s8.7 of the Crown Land Management Act.*

### Next Steps

The final step in the process is for the New POM to be formally adopted by Council.

### Financial Implications

- Not applicable
- Included in existing approved budget
- Additional funds required

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### Community Strategic Plan

- Theme One – In 2032 Bayside will be a vibrant place
- Theme Two – In 2032 Our people will be connected in a creative City
- Theme Three – In 2032 Bayside will be green, resilient and sustainable
- Theme Four – In 2032 Bayside will be a prosperous community

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### Risk Management – Risk Level Rating

- No risk
  - Low risk
  - Medium risk
  - High risk
  - Very High risk
  - Extreme risk
-

## Community Engagement

### Public Exhibition

The draft Plan was placed on public exhibition from 1 April 2023 to 12 May 2023 (42 days) Feedback was received and previously reported to Council on the 6 December 2023.

### Attachments

- 1 [↓](#) Bayside Council - PoM 2 - Letter Consent to adopt Post Exhibition PoM – Crown Land Plan of Management -17 September 2024
- 2 [↓](#) Amended 2022 Generic Plan of Management Crown Land Reserves - Sept 24 – Ministers Consent for Council to adopt



## Department of Planning, Housing and Infrastructure

Our ref: DOC24/010117, LBN24/67

Meredith Wallace  
General Manager  
Bayside Council  
PO Box 21  
ROCKDALE NSW 2216

via: [Stephen.zancanaro@bayside.nsw.gov.au](mailto:Stephen.zancanaro@bayside.nsw.gov.au), [Josie.hodgson@bayside.nsw.gov.au](mailto:Josie.hodgson@bayside.nsw.gov.au)  
cc: [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

Attention: Stephen Zancanaro

17 September 2024

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**Subject: Bayside Council draft Crown Land Plan of Management.  
Minister's consent to adopt.**

Dear Ms Wallace

Thank you for submitting Bayside Council's draft Crown Land Plan of Management (PoM) following public exhibition on 17 Jan 2024, and amended version on 3 Sep 2024.

I have reviewed the draft PoM and as a delegate for the Minister for Lands and Property, I consent council to adopt the PoM under clause 70B of the Crown Land Management Regulation 2018.

Council should conduct a final review of the document to ensure all legislation referenced is currently in force, departmental names are up to date, and spelling, grammar and formatting is correct and consistent.

A copy of the adopted PoM should be sent to [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au) and made available on council's website.

Please remember, an adopted PoM authorises the lawful use and occupation of Crown land. Council must ensure that any activities planned on the reserve are expressly authorised in the adopted PoM and native title obligations are met.

If you have any questions or need assistance, please contact the Reserves Programs Team at [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au).



**Department of Planning, Housing and Infrastructure**

Yours sincerely,

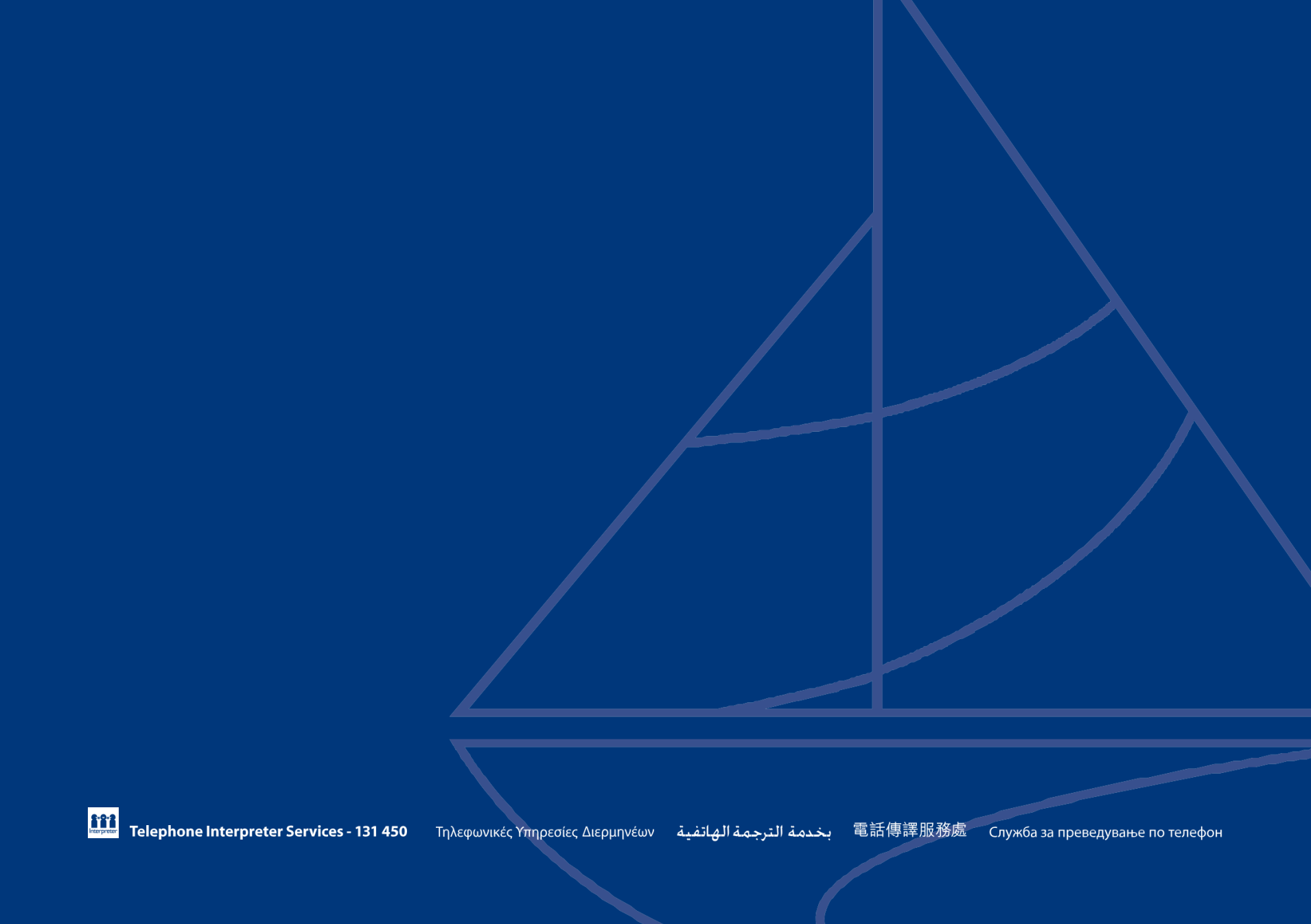
A handwritten signature in black ink, appearing to read "Paula Sanchez".

Paula Sanchez  
Acting/Manager, Reserves Programs  
Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces



# Crown Land Plan of Management





Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

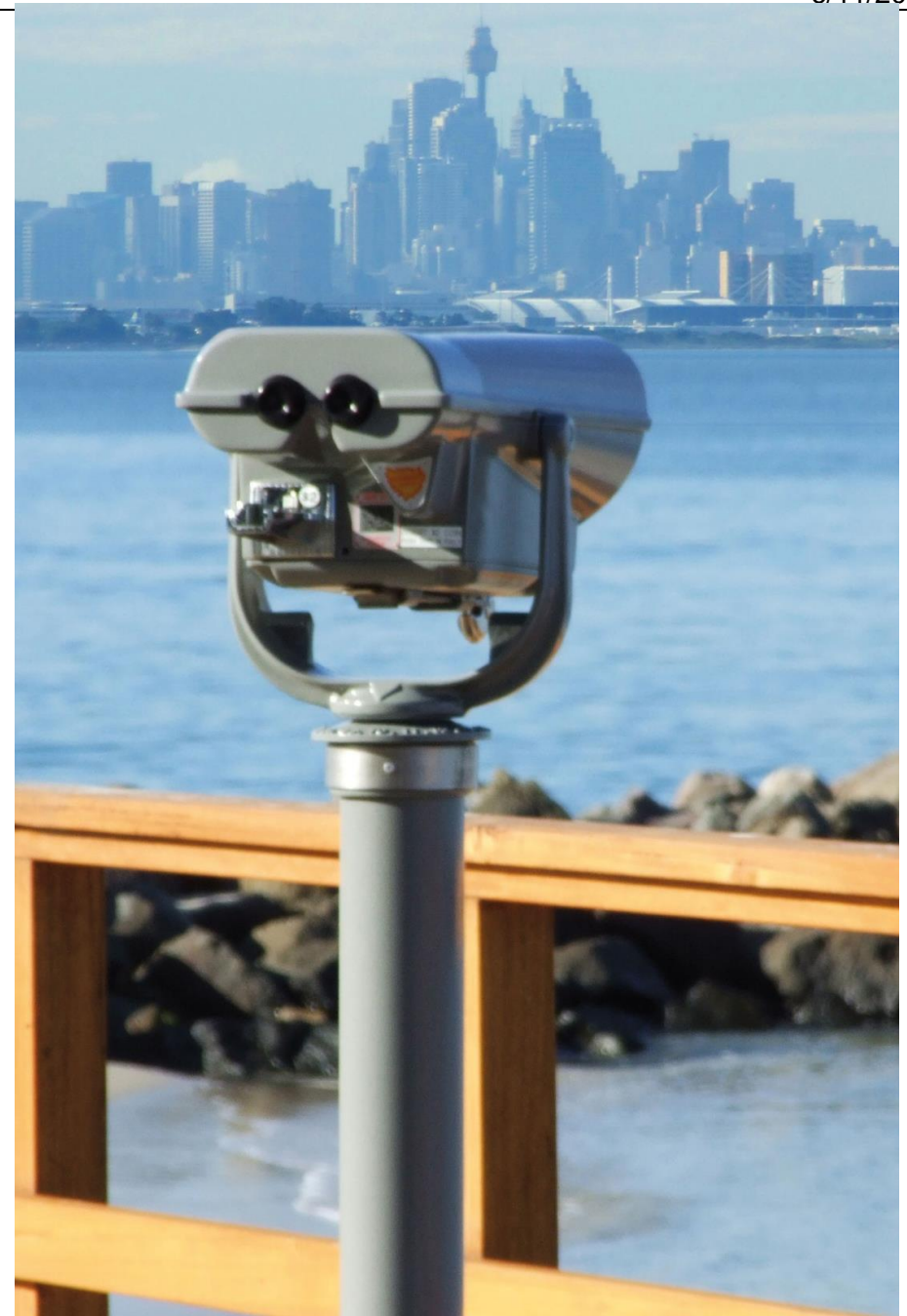
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# 1 Introduction

## 1.1 What is a Plan of Management?

The *Local Government Act 1993* requires a Plan of Management to be prepared for all land classified as community land.

A plan of management is a useful tool for the council to effectively manage land and is prepared by the council in consultation with the community. A plan of management describes the land and outlines how the council will manage the land, while also clarifying any future use or development.

Community land may include a wide variety of properties, including small reserves to large iconic parks.

The *Local Government Act 1993* requires that community land is categorized as one of the following categories:

- ▶ Park
- ▶ Sports Ground
- ▶ Natural Area
- ▶ Cultural Significance
- ▶ General Community Use

These categories drive the principles for management and are relevant to the purpose of each reserve.

## 1.2 Crown Land Plan of Management

The *Crown Land Management Act 2016* requires that all crown reserves, where the council is appointed land manager, be managed per the provisions of the *Local Government Act 1993* including developing a plan of management for all crown land.

The purposes of this plan of management are:

- ▶ Contribute to council's strategic plans.
- ▶ Ensure compliance with the *Local Government Act 1993* and *Crown Land Management Act 2016*
- ▶ Provide clarity on the future development and management of crown land that is nominated within this plan of management.

## 1.3 Community Consultation

Community consultation and input is needed to ensure a plan of management meets the needs of the local community.

Before a plan of management can be adopted by Council it must be on public exhibition for at least 28 days, with written submissions able to be received for 42 days.



## 2 Land Description

### 2.1 Land Covered by this Plan of Management

This plan of management includes many reserves in the Bayside Council Local Government Area. The parks and reserves mentioned in this plan of management are Crown Land where Bayside Council are the appointed Council Manager. Table 2.1 lists all reserves covered in this plan of management. Please refer to Appendix A for maps of the reserves with multiple categories.

Table 2.1 – Crown Reserves covered in this Plan of Management

RESERVE #	RESERVE NAME	OWNER	LOTS	SUBURB	CATEGORY	RESERVE PURPOSE	GAZETTE DATE
59907	Booralee Park (Part)	The Metropolitan Sewerage and Water Board	Lot 1 DP 909015	Botany	Sports Ground	Public Recreation	12/08/1927
65712	Booralee Park (Part)	The Minister for Public Works	Lot 1 DP 1148910	Botany	General Community Use	Public Recreation	20/12/1935
69144	Monash Gardens and Firmstone Reserve	The State of New South Wales	Lot 5 Section 7 DP 758823 Lot 7011 DP 1027015 Lot 7013 DP 1027018 Lot 701 DP 1027023 Lot 7012 DP 1028526	Pagewood	Park	Public Recreation	21/03/1940
69998	Scarborough Park (Part)	The State of New South Wales	Lot 536 DP 752056	Monterey	Park	Public Recreation	10/04/1941
74316	Mathewson Street	The State of New South Wales	Lot 3995 DP752015	Eastgardens	Park	Children's Playground	20/07/1951
76378	Ajax Reserve	The State of New South Wales	Lot 7004 DP93569	Arncliffe	Park	Children's Playground	13/11/1953
76695	Garnet Jackson Reserve	Crown Land	Lots 8-14 DP 3684 Lots 1-2 DP 1216376 Lots 1-2 DP 302617	Botany	Park	Public Recreation	30/04/1954
82764	Daceyville Reserve	The State of New South Wales	Lot 7003 DP 1027005	Daceyville	Park	Public Recreation	26/08/1960
82809	Silver Jubilee Park	Crown Land	Lots 4-17 DP 1138476	Bardwell Valley	Park Sports Ground	Public Recreation	23/09/1960



RESERVE #	RESERVE NAME	OWNER	LOTS	SUBURB	CATEGORY	RESERVE PURPOSE	GAZETTE DATE
87081	Scott Park (Part)	The State of New South Wales	Lot 7030 DP 93513	Sans Souci	Park	Public Recreation	21/02/1969
91288	Banksmeadow Reserve	The State of New South Wales	Lot 7309 DP 1156675	Banksmeadow	Sports Ground General Community Use	Public Recreation	5/11/1982
91289	Sir Joseph Banks Park (Part)	Crown Land	Lot 1 DP 668135	Botany	Park Sports Ground	Public Recreation	5/11/1982
97202	Hensley Field	The State of New South Wales	Lot 182 DP 752015	Eastgardens	Sports Ground	Public Recreation	23/03/1984
100087	Sir Joseph Banks Park (Part)	The Maritime Services Board of NSW	Lot 214 DP 731421	Botany	Park Natural Area (Wetland)	Public Recreation	15/05/1987
100088	Sir Joseph Banks Park (Part)	The Maritime Services Board of NSW	Lot 203 DP 712991	Botany	Park Natural Area (Wetland) Sports Ground	Public Recreation	15/05/1987
500129	Booralee Park	Her Majesty The Queen	Lot 7078 DP 1027047	Botany	Park Sports Ground	Public Recreation	17/9/1886
500130	Jellicoe Park (Part)	The State of New South Wales	Lot 7327 DP 1153726	Pagewood	Park	Public Recreation	17/01/1947
500187	Arncliffe Park	The State of New South Wales	Lot 100 DP 1081168	Arncliffe	Park Sports Ground	Park	22/3/1889
500188	Bexley Park	Crown Land	Lot 1 DP 964567	Bexley	Park Sports Ground	Public Park	31/01/1912
500421	Scarborough Park (Part)	Crown Land	Lot 1 DP 1177511	Kogarah, Monterey, and Ramsgate	Park Sports Ground Natural Area (Bushland) Natural Area (Watercourse) Natural Area (Wetland)	Public Recreation	23/5/1879
500446	Jellicoe Park (Part)	The State of New South Wales	Lots 7325-7326 DP 1153726	Pagewood	Park	Public Recreation	6/11/1942
500499	Mascot Park	Crown Land	Lot 7073 DP 93716 Lot 1 DP 668903	Mascot	Park Sports Ground	Public Recreation	15/03/1911
500317	L'Estrange Park	The State of New South Wales	Lot 7068 DP 1028505	Mascot	Park Sports Ground General Community Use	Public Recreation	1/06/1928



RESERVE #	RESERVE NAME	OWNER	LOTS	SUBURB	CATEGORY	RESERVE PURPOSE	GAZETTE DATE
500338	Rowland Park (Part)	The State of New South Wales	Lot 7081 DP 1026991	Daceyville	Park Sports Ground	Public Recreation	18/03/1927
62644	Barton Park (Riverine Park)	The State of New South Wales	Lots 100-101 DP 1228008	Arncliffe, Banksia	Park Sports Ground Natural Area (Wetland)	Public Recreation	24/04/1931

## 2.2 Land Covered by previous Plans of Management

Bayside Council has previously taken the view that Crown Land reserves play an important part of community life and are often a part of larger areas of Council owned community land. This plan of management supersedes any references to the Crown Reserves outlined in table 2.1 (above) that are addressed in any other existing plan of management.

Table 2.2 below identifies the existing plan of management that includes the reserves outlined in table 2.1. For avoidance of doubt this plan of management only supersedes the plan of management in table 2.2 in so far as it relates to the reserves addressed in table 2.1.

Table 2.2 – Plans of Management superseded or affected by this Plan of Management

Plans of Management Affected or Superseded	Extent Affected	Reserves
Bayside Council Plan of Management for Community and Public Open Space 2016	Amended to the effect that it no longer relates to the following Reserves	69998 Scarborough Park, 82809 Silver Jubilee Park, 87081 Part Scott Park, 500187 Arncliffe Park, 500188 Bexley Park, 500421 Scarborough Park and 76378 Ajax Reserve
Muddy Creek Plan of Management	Amended to the effect that it no longer relates to the following Reserve	62644 Barton Park
Si Joseph Banks Park Plan of Management May 1999	Amended to the effect that it no longer relates to the following Reserves	1000087 Sir Joseph Banks Park, 100088 Sir Joseph Banks Park and 91289 Sir Joseph Banks Reserve
Mascot Oval and Mascot Park 1996	Amended to the effect that it no longer relates to the following Reserve	500499 Mascot Park
Hensley Athletic Field 2010	Amended to the effect that it no longer relates to the following Reserve	87202 Hensley Field
City of Botany Bay Pocket Parks Plans of Management 1996	Amended to the effect that it no longer relates to the following Reserve	69144 Firmstone Reserve/Monash Gardens
Any other plan of management that references a reserve state in this plan	Amended to the effect that it no longer relates to a reserve that is referenced in this plan	—

# 3 Legislative Framework

## 3.1 Local Government Act 1993

All community land must be managed per the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Table 3.1 outlines the requirement for plans of management as stipulated in the *Local Government Act 1993*.

Table 3.1 – Plan of Management requirements

▶ All community land must be categorized
▶ The plan of management must contain core objectives for the category of land
▶ The plan of management must specify the permitted use/s of the land and any buildings or improvements
▶ The plan of management must specify any purpose for further development
▶ The plan of management must describe the scale and intensity of any future development
▶ The plan of management must include performance targets and specify how the council plans to achieve the core objectives
▶ Leases and licenses may only be granted if they are expressly authorized by an adopted plan of management

## 3.2 Crown Land Management Act 2016

Following the implementation of the *Crown Land Management Amendment (Plan of Management) Regulation 2021*, not all Crown reserves managed by Council require a plan of management. A plan of management is required if there is any change in the nature and use of the Crown reserve. Section 44 of the *Local Government Act 1993* provides that 'pending the adoption of a plan of management for community land, the nature and use of the land must not be changed'.



### 3.3 Zoning and Controls

The *Environmental Planning and Assessment Act 1979* establishes the statutory framework for planning in New South Wales.

The relevant local planning instrument for the reserves addressed in this plan of management is the *Bayside Local Environment Plan 2021 (LEP)*.

### 3.4 Heritage

Bayside Council has undertaken a number of heritage studies and recognizes the heritage significance of items and streetscapes. The *Bayside Local Environment Plan 2021* establishes the relevant controls for heritage items. This plan of management intends to be consistent with the *Bayside Local Environment Plan 2021* in relation to heritage items.

### 3.5 Other Relevant Legislation and Policies

#### 3.5.1 COMMONWEALTH LEGISLATION

The Federal *Telecommunication Act 1997* provides for telecommunication facilities to be permitted on community land without authorization in a plan of management.

The *Native Title Act 1993* provides recognition of the rights and interests of indigenous peoples concerning land in Australia.

Other relevant pieces of Commonwealth legislation are:

- ▶ Disability Discrimination Act 1992
- ▶ Fisheries Management Act 1991
- ▶ Environment Protection and Biodiversity Conservation Act 1999

#### 3.5.2 STATE GOVERNMENT

Relevant State legislation for Crown Land include:

- ▶ Environmental Planning and Assessment Act 1979
- ▶ State Environmental Planning Policies (SEPP)
- ▶ Heritage Act 1977
- ▶ Retail Leases Act 1994
- ▶ Aboriginal Land Rights Act 1983
- ▶ Biodiversity Conservation Act 2016
- ▶ Coastal Management Act 2016
- ▶ Native Vegetation Act 2003
- ▶ Fisheries Management Act 1994
- ▶ Biosecurity Act 2015
- ▶ SEPP (Transport & Infrastructure) 2021
- ▶ National Parks and Wildlife Act 1974
- ▶ Better Placed Policy (State Government Policy)
- ▶ Draft Greener Places Policy (State Government Policy)

#### 3.5.3 BAYSIDE COUNCIL POLICIES AND PLANS

Relevant local controls for legislation for Crown Land include:

- ▶ Rockdale Biodiversity Strategy 2014
- ▶ Bayside Local Environmental Plan 2021
- ▶ Bayside Development Control Plan 2022

## 4 Management and Performance

### 4.1 Management Principles

Council is the Crown land manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- ▶ Be consistent with the purpose for which the land was dedicated or reserved.
- ▶ Consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993*
- ▶ Consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists.
- ▶ Consider and not conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- ▶ Consider any interests held on title.

The Crown Land Plan of Management specifies management criteria based on each category identified in the Bayside Council Local Government Area. Based on legislation, Council's corporate objectives and the needs of the Bayside Community, the following principles have been identified and apply to areas and categories within this plan of management unless otherwise identified.





Table 4.1 – Principles

Category	Principle
Alcohol	The occasional sale of alcohol by a sporting club or group will require the approval of Liquor and Gaming NSW through the issue of a license. This license shall be provided to Council on each occasion. When making applications for the use of a recreation area if the sale of alcohol is intended, applicants will require to comply with the directions of Liquor and Gaming NSW and Council.
Parking	Existing car parking areas will be maintained to required safety standards. Where off street parking occurs adjacent to a reserve consideration will be given to the provision of adequate parking spaces for people with a disability (in accordance with regulations).
Buildings and amenities	Buildings and amenities may be provided where consistent with the purpose of the reserve and subject to the requirements of the <i>Native Title Act 1993</i> .
Infrastructure	Infrastructure may be provided where consistent with the purpose of the reserve and subject to the requirements of the <i>Native Title Act 1993</i> .
Maintenance	General maintenance will be undertaken in accordance with the level of use. Areas held under lease or license shall be maintained by the user where agreed.
Access	This Plan of Management seeks to facilitate public access to land dedicated or reserved for a public purpose.
Pollution control	Management of Crown Land will seek to ensure that pollution activities are controlled, and adequate measures are taken to prevent adverse impacts to adjoining land.
Safety	All reasonable measures will be taken by Council to ensure and maintain safety of users of public land.
Adjoining land	Council will endeavor to be a good neighbor and as far as possible consult with adjoining landowners in respect of activities that may affect them.
Landscaping and vegetation	Management of the landscape, trees and vegetation is important to provide a high level of amenity on the land. Trees will be maintained in accordance with Council's policy.
Weed management	Weed management is a preventative and control measure. The prevention of weed infestation shall be undertaken in a way that minimizes the disturbance of the ground surface.

## 4.2 Categorization of Crown Land

The *Local Government Act 1993* sets out Land Categories that need to be assigned to community land. The management of Community and Crown Land is governed by the relevant category and the core objectives assigned to the relevant category. Council may apply more than one category to a reserve where it is appropriate and reflective of the uses within a reserve.

The categories within the *Local Government Act 1993* are:

- ▶ Natural Area (further categorized into Bushland, Wetland, Watercourse, Escarpment or Foreshore)
- ▶ Park
- ▶ Sports Ground
- ▶ Cultural Significance
- ▶ General Community Use

These categories reflect the land use, physical characteristics, and the stated reserve purpose. Table 4.2 outlines the guidelines for categorizing land which align with the guidelines within Division 1 of the *Local Government Regulation 2021*.

Table 4.2 – Guidelines for categorization of Community Land

Category	Guideline
Natural Area	Land should be categorized as a natural area under section 36(4) of the <i>Local Government Act 1993</i> if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorize the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the <i>Local Government Act 1993</i> .
Bushland	<p>1. Land that is categorized as a natural area should be further categorized as bushland under section 36(5) of the <i>Local Government Act 1993</i> if the land contains primarily native vegetation and that vegetation:</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) Although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>2. Such land includes:</p> <p>(a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understory is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understory even though there may be some weed invasion, or</p> <p>(c) highly disturbed bushland where the native understory has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>
Wetland	Land that is categorized as a natural area should be further categorized as a wetland under section 36(5) of the <i>Local Government Act 1993</i> if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedge lands, wet meadows or wet heathlands that form a water body that is inundated cyclically, intermittently or permanently with fresh, brackish or saltwater, whether slow-moving or stationary.
Escarpment	Land that is categorized as a natural area should be further categorized as an escarpment under section 36(5) of the <i>Local Government Act 1993</i> if: the land includes such features as a long cliff-like ridge or rock, and the land includes significant or unusual geological, geomorphological, or scenic qualities.
Watercourse	Land that is categorized as a natural area should be further categorized as a watercourse under section 36(5) of the <i>Local Government Act 1993</i> if the land includes:
	<p>(a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows; and</p> <p>(b) associated riparian land or vegetation.</p>
Foreshore	Land that is categorized as a natural area should be further categorized as foreshore under section 36(5) of the <i>Local Government Act 1993</i> if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.





Category	Guideline
Sports Ground	Land should be categorized as a sports ground under section 36(4) of the <i>Local Government Act 1993</i> if the land is used or proposed to be used primarily for active recreation involving organized sports or the playing of outdoor games.
Park	Land should be categorized as a park under section 36(4) of the <i>Local Government Act 1993</i> if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.
Cultural Significance	<p>Land should be categorized as an area of cultural significance under section 36(4) of the <i>Local Government Act 1993</i> if the land is:</p> <p>(a) an area of Aboriginal significance because the land:</p> <ul style="list-style-type: none"> <li>(i) has been declared an Aboriginal place under section 84 of the <i>National Parks and Wildlife Act 1974</i>, or</li> <li>(ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or</li> <li>(iii) is of significance or interest because of Aboriginal associations, or</li> <li>(iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or</li> <li>(v) is associated with Aboriginal stories, or</li> <li>(vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or</li> </ul> <p>(b) an area of aesthetic significance, by:</p> <ul style="list-style-type: none"> <li>(i) having strong visual or sensory appeal or cohesion, or</li> <li>(ii) including a significant landmark, or</li> <li>(iii) having creative or technical qualities, such as architectural excellence, or</li> </ul> <p>(c) an area of archaeological significance because the area contains:</p> <ul style="list-style-type: none"> <li>(i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or</li> <li>(ii) any other deposit, object or material that relates to the settlement of the land, or</li> </ul> <p>(d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or</p> <p>(e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or</p> <p>(f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual, or other reasons.</p>
General Community Use	<p>Land should be categorized as general community use under section 36(4) of the <i>Local Government Act 1993</i> if the land:</p> <p>(a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public and</p> <p>(b) is not required to be categorized as a natural area under section 36A, 36B or 36C of the <i>Local Government Act 1993</i> and does not satisfy the guidelines under clauses 102-105 for categorization as a natural area, a sports ground, a park, or an area of cultural significance.</p>

### 4.3 Performance Targets for Crown Land

The *Local Government Act 1993* requires a plan of management to provide information on how the council proposes to achieve the core objectives of each land category and how the council will assess its performance. The tables below set out the core objectives for each category noted in this plan of management.

Table 4.3.1 - Core objectives for Natural Area (Bushland)

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi, and micro-organisms) of the land and other ecological values of the land.	Open space ecological biodiversity to be protected.	Implement recommendations from relevant Council environmental plans and capture data on improvements in biodiversity and habitat values.	Improved quality of natural areas.
To protect the aesthetic, heritage, recreational, educational, and scientific values of the land.	Open space to be engaging.	Promote education through interpretation of cultural heritage values. Protect and conserve the fabric of the cultural heritage and natural heritage of Bayside.	Increased engagement with the local community.
To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimizing or mitigating any disturbance caused by human intrusion. To protect existing landforms such as natural drainage lines, watercourses, and foreshores. To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term. To protect bushland as a natural stabilizer of the soil surface.	Open space environmental value recognized, protected, and enhanced.	Ensure stability of soil surfaces.  Develop and implement detailed strategies taking into account climate change influences to protect bushland.  Identify and implement opportunities to improve tree canopy and estuarine vegetation and expand remnant vegetation cover.  Appropriately segment lands for active and passive activities to ensure sensitive environmental values are protected.  Protect riparian corridors from inappropriate use.	Increased indigenous vegetation including tree canopy cover. Climate change adaptation measures for biodiversity implemented.  Use of land matches environmental importance.  Buffer zones for riparian corridors implemented.



Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
To restore degraded bushland.	Encourage community participation to caring for local bushland.  Supporting volunteers through the provision of resources and consultation.	Staged removal of weed species from landscape. Promote environmental events via Council's website and social media and increase participation in the local community while minimizing impact on environment.	Increased percentage of indigenous vegetation and tree canopy cover. Improved condition of bushland.  Reduction in weed cover in areas of land where bush regeneration occurs. Community participation in events and increase in volunteers.  Increased indigenous vegetation including tree canopy cover.





Table 4.3.2 – Core objectives for Natural Area (Wetland)

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
<p>To protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna, and habitat values of the wetlands.</p> <p>To restore and regenerate degraded wetlands.</p>	<p>Open space environmental value recognized, protected, and enhanced.</p>	<p>Identify and implement opportunities to improve water quality and flora and fauna habitats.</p>	<p>Increased fauna habitat.</p> <p>Improved water quality and water flows.</p> <p>Reduction in weed cover in area of land where wetland regeneration occurs.</p> <p>Improved condition of wetland vegetation areas.</p>
<p>To facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.</p>	<p>Encourage the community to participate in environmental events and 'Bush Care' program.</p>	<p>Promote environmental events via Council's website and social media and increase participation in the local community while minimizing impact on environment.</p> <p>Supporting volunteers through the provision of resources and consultation.</p>	<p>Community participation in events and increase in volunteers.</p>



Table 4.3.3 – Core objectives of Natural Area (Watercourse)

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
<p>To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows.</p> <p>To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability.</p> <p>To restore degraded watercourses.</p>	<p>Minimize stormwater impacts in wetlands and watercourses – water pollution and peak flows.</p>	<p>Implement recommendations from relevant Council environmental plans and capture data on improvements in water quality.</p> <p>Increase riparian vegetation within and adjacent to watercourses. Identify opportunities to integrate fauna habitat into future development.</p> <p>Develop and implement detailed flood management strategies taking into account climate change influences to protect watercourses and wetlands.</p>	<p>Water quality improvements. Increased area of riparian vegetation.</p> <p>Flood management strategy is consulted upon and implemented. Flood mitigation works do not significantly impact on environmentally sensitive areas.</p>
<p>To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</p>	<p>Encourage the community to participate in environmental events and ‘Bush Care’ program. Encourage community participation to caring for local watercourses.</p>	<p>Promote environmental events via Councils website and social media and increase participation in the local community while minimizing impact on environment.</p> <p>Supporting volunteers through the provision of resources and consultation.</p>	<p>Community participation in events and increase in volunteers. Condition of natural areas and water quality improve.</p>

Table 4.3.4 - Core objectives for sports ground

Core Objective	Performance target	Means by which Council plans to achieve the objectives	Means of assessment
To encourage, promote and facilitate recreational pursuits in the community involving organized and informal sporting activities and games.	Diverse provision of active recreation opportunities.	The Council will undertake a first-stage audit of current facilities and their uses across open spaces. This will be an input into the review of the Bayside Council Contribution Plan.	Community consultation on the available active sports grounds to ensure satisfaction.
To ensure that such activities are managed having regard to any adverse impact on nearby residences.	Participants, spectators, and community feel safe when in or adjacent to sports grounds within Bayside.	Ensure when planning and designing for sports grounds are undertaken that 'Crime Prevention Through Environmental Design' (CPTED) Principles are used in all upgrades. Ensure that complementary passive uses are encouraged in sporting precincts to activate spaces at more times of the day and week.	Reduction in vandalism and reports to Council regarding antisocial behavior. No police call outs to the park due to antisocial behavior.



Table 4.3.5 – Core objectives for Park

Core Objective	Performance target	Means by which council plans to achieve the objectives	Means of assessment
To encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities.	Open space to be engaging.	Refurbish Park entry and install signage/entry statements.	Entry creates a positive image and attracts visitors to the park.
To provide for passive recreational activities or pastimes and for the casual playing of games.	Open space to be functional.	Provide areas of passive recreation and play space to be utilized by multiple demographics of the community.	Increase in use of the park’s facilities, community satisfaction with diversity of spaces provided.
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	Open space to be social.	Provide ancillary facilities for the use an enjoyment of park equipment and sporting fields such as café/kiosk, amenities, seating, and car parking.	Increase use of parks facilities and community satisfaction in the facilities provided.
To protect and enhance the environmental value.	Open space environmental value recognized, protected, and enhanced.	Identify and implement opportunities to improve tree canopy and estuarine vegetation. Prioritize indigenous planting in landscaping.  Identify opportunities to integrate fauna habitat into future development.  Staged removal of weed species from landscape.	Increase in area with indigenous landscaping and estuarine vegetation.  Increased fauna habitat.  Percentage of tree canopy cover.
To maintain and add to active transport corridors.	Open spaces to be accessible.	Implement active transport corridors for parks as identified in Council and State Government transport plans.  Maintain and promote existing active transport corridors.	Condition of active transport corridors meet requirements.  Increase in opportunities for access to and through the park by active transport.
Remediation of Contaminated Land.	Land which potentially contains contaminants is remediated.	Manage land in accordance with the relevant legislation or requirements.	Regular monitoring and testing as required to be conducted upon completion.



Table 4.3.6 – Core objectives for General Community Use

Core Objective	Performance target	Means by which council plans to achieve the objectives	Means of assessment
<p>In relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public.</p> <p>In relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</p>	<p>Community facilities to promote positive outcomes and provide opportunities for the surrounding community.</p>	<p>Provide facilities that meet the demands of the local community which are multipurpose and flexible.</p> <p>Ensure facilities are accessible.</p> <p>Facilities are provided in consultation with user groups.</p>	<p>Community consultation on the available facilities.</p> <p>Increase in use of the facilities on the reserve.</p>





# 5 Land Uses

## 5.1 Permitted Uses and Developments

The use and development of community land should, in general, be compatible with the gazette reserve purpose of the land comply with the relevant planning instrument and incorporate the needs of the wider community. Bayside Council encourages community land to be used in a way that facilitates recreation and general enjoyment of the community.

Table 5.1.1 outlines the permissible uses of each category and developments.

Generally, Bayside Council encourages development that is ancillary to and supports the recreational purpose of the reserve, subject to the relevant planning instrument. Some of the uses listed above require a permit from the council.

Table 5.1.1 – Permissible uses (subject to the relevant planning instrument, zoning, and approvals)

Permitted Use – Park
Active and passive recreation
Group recreation
Festivals, fairs, and markets
Exhibitions
Photography and filming
Community gardens
Cafes and kiosks
Public facilities (toilets, BBQs, car parking, lighting, seating, shelters)
Restricted ancillary areas (storage sheds and caretaker sheds)
Low-intensity activity areas
Dog off-leash areas
Commercial activity areas

Permitted Use – Sports Ground
Active and passive recreation
Ovals
Fields
Marked courts
Golf courses
Change areas and locker rooms
Shower and toilet facilities
Cafes and kiosks
Stadiums and spectator seating
Ancillary areas (staff rooms, gymnasiums, meeting rooms and storage areas)
Commercial uses (ancillary to a recreation / sporting facility)
Lighting (Pedestrian & Sports)

Permitted Use – General Community use.
Multipurpose buildings (community halls, centres etc.)
Casual & informal recreation facilities
Education, social and cultural meeting places for: <ul style="list-style-type: none"> <li>▶ Functions</li> <li>▶ Exhibitions</li> <li>▶ Concerts</li> </ul>
Aquatic centres
Council Operational Buildings required to maintain and operate the relevant Crown Reserve
Childcare centres
Libraries and information centres
Auditoriums
Cafes, restaurants, function areas and kiosks (per zoning)

Permitted Use – Natural Area (Bushland, watercourse, wetland)
Active open space
Vegetation
Passive recreation
Preservation of biological diversity and habitat. Environmental and scientific study. Bush regeneration works. Fire hazard reduction.
Preservation of the council’s natural heritage including the identified endangered ecological communities. Restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment.

## 5.2 Scale and Intensity of Developments

The scale and intensity of development of Crown and Community Land is to be compatible with the purpose of the reserve and anticipated community need. Any development will be in keeping with the land use and consistent with any master plan and permitted by the zoning.

Where it is proposed to construct or establish a public work on reserved or dedicated Crown land, where Native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered Native title bodies corporate and registered Native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*. Where a proposed update of an existing masterplan, capital works program, facilities asset management plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed including the notification and opportunity to comment noted above.

## 5.3 Specific Uses to be Reviewed.

This section outlines existing uses within the reserves listed below, requiring the Council Manager to review those uses and develop a strategy.

Table 5.3.1 – Review Specific Uses

Reserve and Use
1 00087 Sir Joseph Banks Park Review Hale Street Road extension and formalize the road status
500317 L'Estrange Park Review use of existing Council Depot to explore options to re-use as a recreational facility or decommission

## 6 Leases, Licenses, and other Estates



### 6.1 What is a Lease, Licence, and other Estate?

A lease is a contract between a landholder and another party, which grants a party the right to occupy an area for a specified term.

Bayside Council from time to time will lease areas of community land for a specified purpose compatible with the use of a reserve.

A license agreement differs from a lease, as a license does not grant exclusive use of an area. A license agreement is often used to endorse an informal arrangement for the specific use of an area, for example, a sporting field by a sporting club.

A short-term license may be used to provide occupation to a specific group for periodic use to promote the purpose of the reserve. Short term licenses consistent with Section 2.20 of the *Crown Land Management Act 2016* may be issued even if inconsistent with the reservation purpose.

Bayside Council will often utilize permits or bookings for one-off or less frequent uses of community land or facilities which are limited by date and time.

### 6.2 Granting a Lease or Licence

Section 46 of the *Local Government Act 1993* outlines the manner in which a lease, license or other estate can be granted in relation to Community Land, which now includes Crown Land. Unless otherwise stated in the *Local Government Act 1993*, a lease, license, or other estate will require an expressed authorization by a plan of management.

Sections 47 and 47A of the *Local Government Act 1993* further outlines the process to grant a lease license or other estate.

This plan of management authorizes Bayside Council to grant leases, licenses and other estates over land covered by this plan of management as set out in tables 6.2.1, 6.2.2 and 6.2.3.

Any proposed lease, license or other estate must be consistent with the Crown reserve purpose and relevant assigned categorization (as per the *Local Government Act 1993*).

This plan of management expressly authorizes the issue of leases, licenses and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) and section 36(3A) of the *Local Government Act 1993*, provided that:

- ▶ The purpose is consistent with the purpose for which it was dedicated or reserved.
- ▶ The purpose is consistent with the core objectives for the category of the land.
- ▶ The lease, license or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- ▶ The issue of the lease, license or other estate and the provisions of the lease, license or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth).
- ▶ Where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, license or other estate will not prevent the land from being transferred in the event the claim is granted.
- ▶ The lease, license or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021.
- ▶ The issue of the lease, license or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables 6.2.1, 6.2.2 and 6.2.3 further identify the purposes for which leases and licenses may be issued over the reserves identified in this plan of management.

This plan of management expressly authorizes the issue short term licenses consistent with Section 2.20 of the *Crown Land Management Act 2016* and Short-term licenses issued under Clause 116 of the Local Government (General) Regulation 2021.

This plan of management expressly authorizes the grant of 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the *LG Act*.

Any tenure issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *CLM Act* unless Native title is extinguished. For Crown land which is not excluded land this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Table 6.2.1 details existing agreements over the relevant Crown Land reserves as at the commencement of this plan of management.

Table 6.2.1 – Current Leases and licenses covered in this Plan of Management

Reserve Numbers	Property	Lessee/Licensee	Period	Purpose
500129	Booralee Park (Part)	MUFC Holdings Pty Ltd	28 September 2019 – 30 April 2020 (currently in holdover)	Operating a refreshment kiosk
500421	Scarborough Park	BNET Group	1 January 2012 – 31 December 2021 (currently in holdover)	Childcare
500421	Scarborough Park	Arncliffe Scots Sports and Social Club	27 January 2010 to 26 January 2030	Sporting uses, playing of soccer and other club related activities
500421	Scarborough Park	Sydney Sports Management Group Pty Ltd	24 April 2024 to 23 April 2029	Playing of tennis, sale of tennis apparatus as well as the playing of basketball, futsal, and volleyball
500499	Mascot Park	Mascot Juniors Rugby League Football Club	1 February 2018 to 31 January 2023	Use of the oval and buildings for games and training
62644	Barton Park	De Corsie	1 January 2021 to 1 February 2021 (currently in hold over)	Golf driving range
82809	Silver Jubilee Reserve	Bardwell Valley Golf Club Inc	1 October 2021 to 30 September 2026	Golf course

Where a new agreement is established over Crown Land, providing Council has complied with the Community Land provisions in the *Local Government Act 1993* and this plan of management, there is no requirement to update table 6.2.1 above.

Council will however make available, where requested as public information, details of agreements in operation over Crown Land.



Table 6.2.2 – Lease and Licence Agreements pending completion.

Reserve Numbers	Property	Lessee/Licensee	Period	Purpose
500129	Booralee Park (Part)	MUFC Holdings Pty Ltd	Proposed Term up to 2 years	Operating a refreshment kiosk
500499	Mascot Oval	Mascot Juniors Rugby League Football Club	Proposed Term up to 5 years	Use of the oval and buildings for games and training
62644	Barton Park (Riverine Park)	Arncliffe Aurora Football Club Inc	Proposed Initial Works Licence followed by a Proposed Term up to 21 Years	Multi sports
91288	Banksmeadow Reserve	Three Olives Pty Ltd	Proposed Term up to 10 years	Hospitality services and catering to the Botany Bay Golf Club and the community generally
62644	Barton Park	St George Football Club Ltd	Proposed Term up to 5 years	Part Grandstand: for spectators at football and training events. Fields 1 and 2: for football, training, and community use/access. Sporting club storage: for the storage of sporting equipment. Club room: for events Canteen: for the sale of takeaway food and drinks



Table 6.2.3 – Permitted Leases, Licenses, and other estates.

Category	Permitted
Lease or Licence Park	Any lease proposal will be assessed on a case-by-case basis considering the community benefit and compatibility with the land use and per this plan of management. Sympathetic uses may include: <ul style="list-style-type: none"> <li>▶ Café / Kiosk</li> <li>▶ Provision of ancillary facilities</li> </ul>
Lease or Licence Sports Ground	Any lease proposal will be assessed on a case-by-case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include: <ul style="list-style-type: none"> <li>▶ Use of sporting facilities by a sporting club</li> <li>▶ Hire and or sale of recreation equipment.</li> <li>▶ Management of sporting organizations</li> <li>▶ Use for social, cultural, and sporting purposes, complementary to the use of the sports ground, and may include a registered club, café (food and beverage service) where permitted under zoning taking into consideration existing use rights</li> </ul>
Lease or Licence General Community Use	Any lease proposal will be assessed on a case-by-case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include: <ul style="list-style-type: none"> <li>▶ Childcare / Education purposes</li> <li>▶ Health and medical facilities</li> <li>▶ Recreational purposes such as fitness and dance classes</li> <li>▶ Commercial uses compatible with the category and zoning</li> <li>▶ Cafes, restaurants, function spaces and kiosk</li> <li>▶ Community purposes</li> </ul>



Category	Permitted
Short Term Licence Park	<p>Any license proposal will be assessed on a case-by-case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> <li>▶ Community events</li> <li>▶ Festivals</li> <li>▶ Markets / Fairs</li> <li>▶ Public addresses</li> <li>▶ Commercial filming and photography</li> <li>▶ Public performances</li> </ul>
Short Term Licence Sports Ground	<p>Any license proposal will be assessed on a case-by-case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> <li>▶ Sporting events</li> <li>▶ Gala days</li> <li>▶ Fitness training and classes</li> <li>▶ Broadcasting and filming of sporting events</li> <li>▶ Ancillary uses such as ceremonies, presentations or promoting and fundraising for sporting organizations</li> </ul>
Short Term Licence General Community Use	<p>Any license proposal will be assessed on a case-by-case basis considering the community benefit and compatibility with the land use and per the plan of management. Sympathetic uses may include:</p> <ul style="list-style-type: none"> <li>▶ Public addresses</li> <li>▶ Functions</li> <li>▶ Concerts and other performances</li> <li>▶ Exhibitions</li> <li>▶ Displays</li> <li>▶ Broadcasting, filming, and photography</li> <li>▶ Community gatherings</li> <li>▶ Kiosks</li> <li>▶ Fairs or festivals</li> </ul>

NOTE: Fees for short term uses and casual bookings will be charged per Bayside Council's fees.





## 7 Review

### 7.1 Review of this Plan

This plan of management will be regularly reviewed to ensure that it continues to align with the values and changing requirements of the community.

The performance of this plan of management may also be reviewed regularly to ensure that the areas of park, sports grounds and natural area are well maintained and provide public enjoyment.

Strategic review of this plan of management will be undertaken ten years after this plan of management is adopted or any period sooner if needed.



# 8 Appendices

## Appendix A Maps of Crown Reserves with Multiple Categories

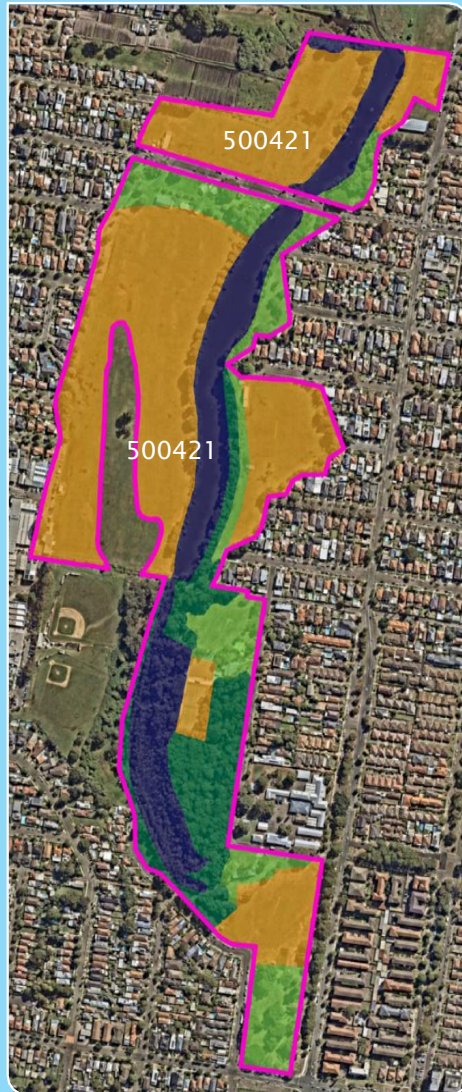


Reserve 500129  
Booralee Park (part):  
Park, Sports Ground and  
General Community Use

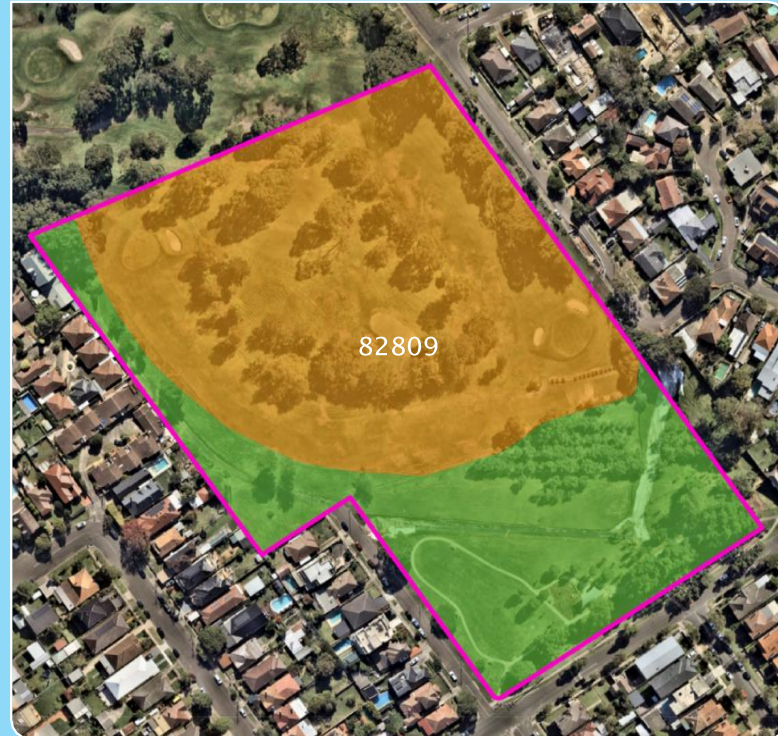
Map Legend

- Sports Ground
- Park
- General Community Use

Reserve 500421  
Scarborough Park:  
Park, Sports Ground,  
Natural Area (Bushland),  
Natural Area (Watercourse)  
and Natural Area (Wetland)



Reserve 82809  
Silver Jubilee Park: Park and Sports Ground

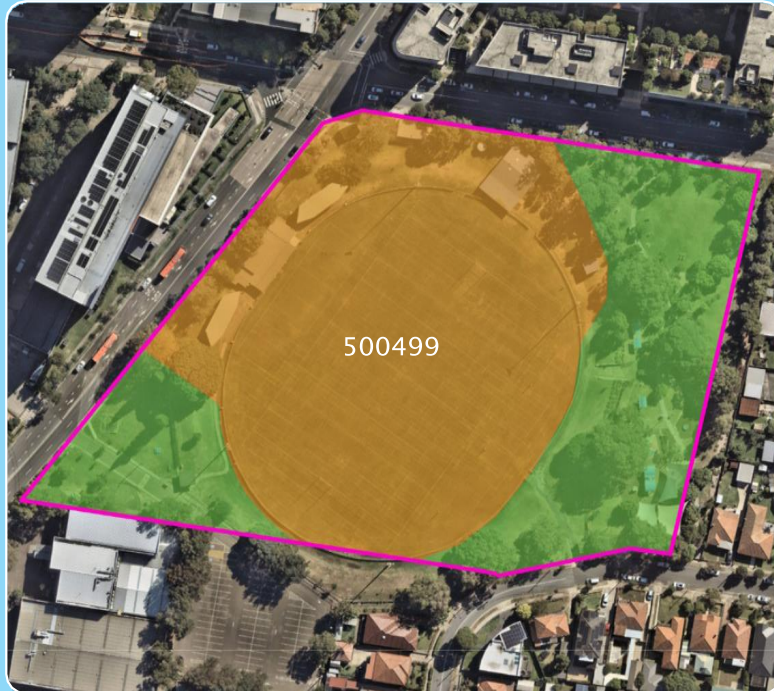


Map Legend

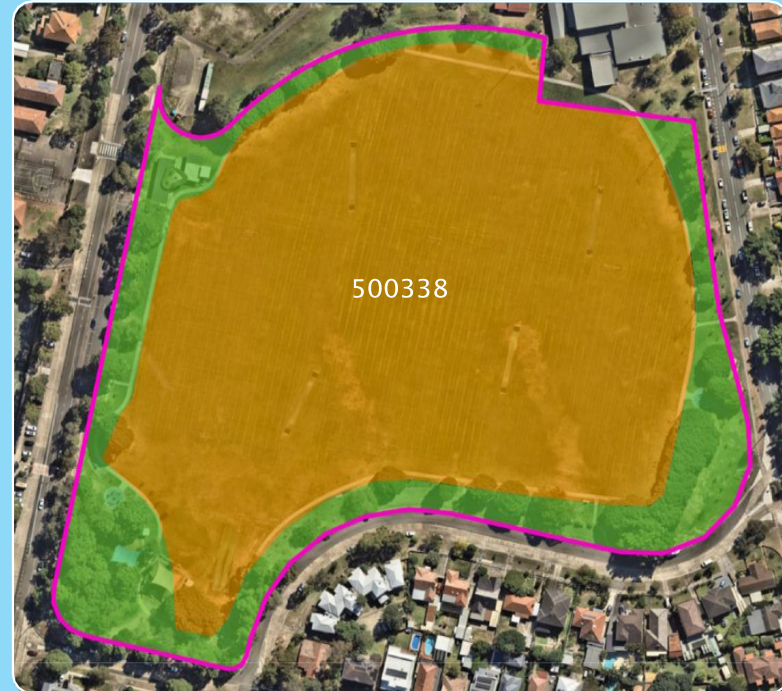
- Sports Ground
- Park
- Natural Area (Bushland)
- Natural Area (Wetland)



Reserve 500499  
Mascot Park: Park and Sports Ground



Dedication 500338  
Rowland Park (part): Park and Sports Ground

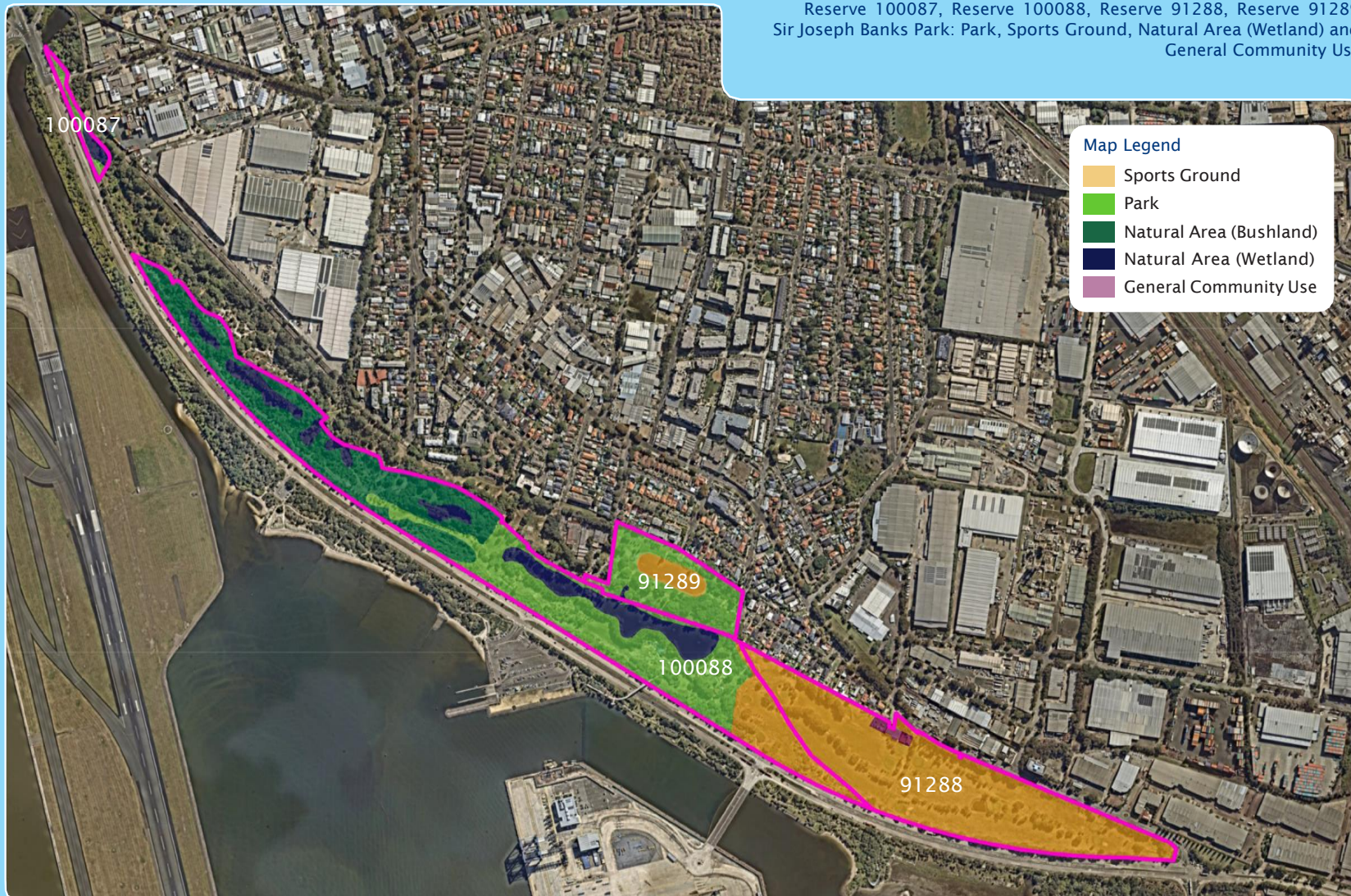


Map Legend

- Sports Ground
- Park

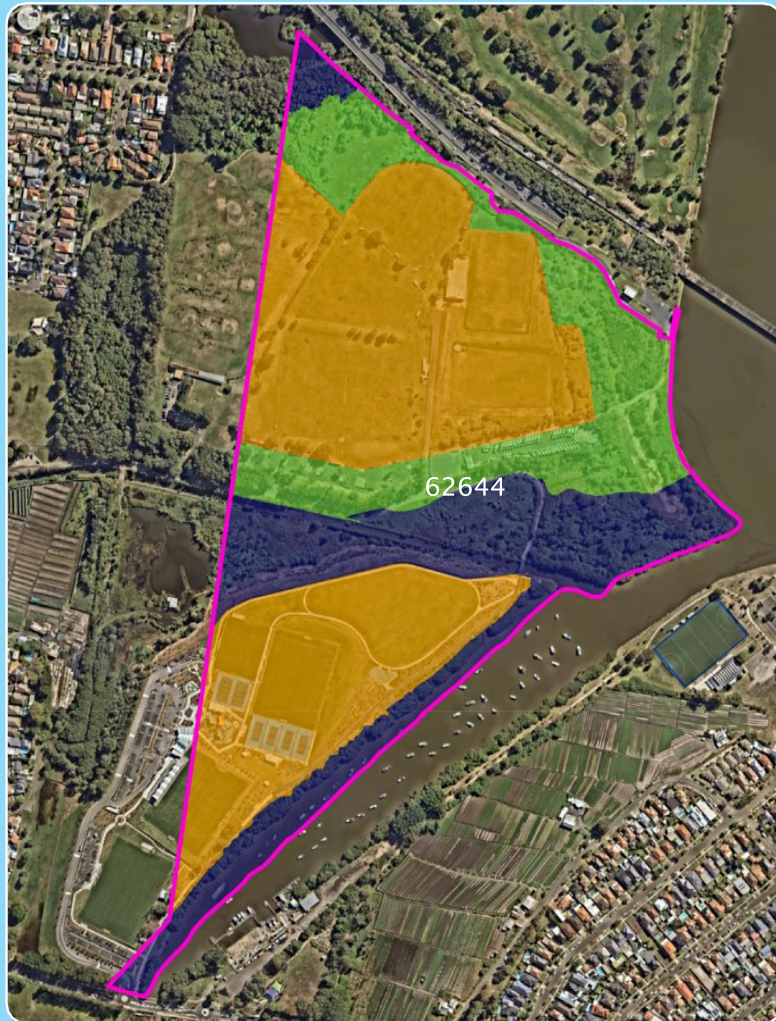


Reserve 100087, Reserve 100088, Reserve 91288, Reserve 91289  
Sir Joseph Banks Park: Park, Sports Ground, Natural Area (Wetland) and  
General Community Use

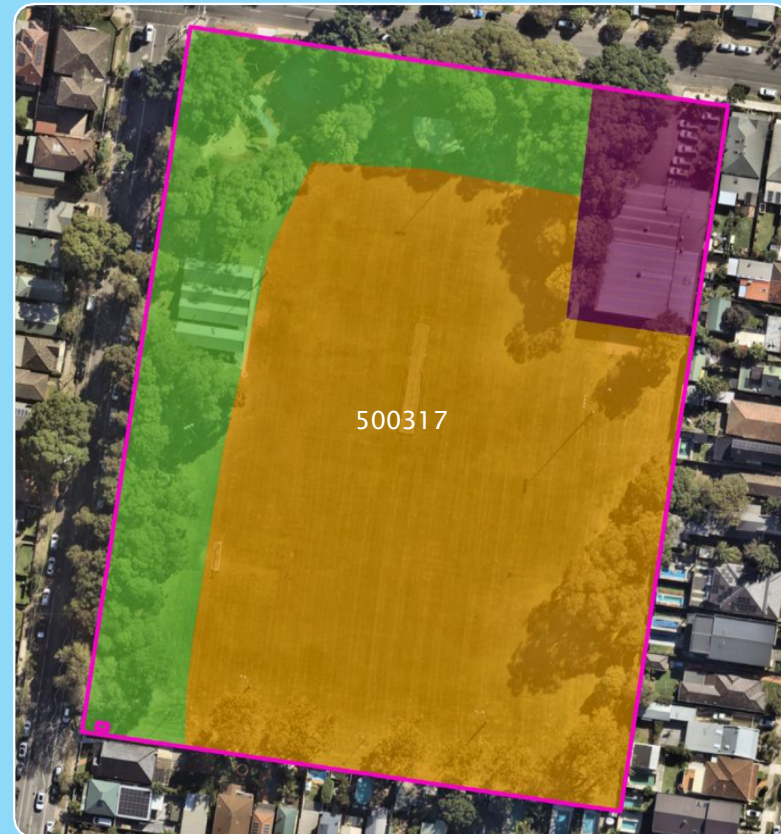




Reserve 62644  
Barton Park: Sports Ground and Natural Area



Dedication 500317  
L'Estrange Park: Park, Sports Ground and General Community Use



Map Legend

- |   |  |
|---|--|
|  Sports Ground |  Natural Area (Wetland) |
|  Park          |  General Community Use  |



Reserve 500188  
Bexley Park: Park and Sports Ground



Reserve 500187  
Arncliffe Park: Park and Sports Ground



Map Legend

- Sports Ground
- Park



Bayside Customer Service Centre's  
Rockdale Library, 444-446 Princes Highway, Rockdale  
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens  
Monday to Friday 8:30am – 4:30pm

Phone 1300 581 299 | 9562 1666  
Email [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)  
Web [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)



## 8 CONFIDENTIAL REPORTS

### City Planning & Environment Committee

6/11/2024

Item No	CPE24.037
Subject	<b>CONFIDENTIAL - Proposed planning agreement associated with Development Application DA-2024/10 at 13A Church Avenue, Mascot</b>
Report by	Peter Barber, Director City Futures
File	F24/459

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### **Confidential**

It is proposed that this report be considered in closed meeting, with the press and public excluded, for the following reason:

In accordance with section 10A (2) (g) of the Local Government Act 1993, the matters dealt with in this report relate to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is considered that if the matter were discussed in an open meeting it would, on balance, be contrary to the public interest due to the issue it deals with.