



**Bayside Council**

Serving Our Community

15 November 2019

Our Ref: 19/327348  
Contact: Clare Harley - 0404 163 594

Ms Lisa Mitchell  
Transport Assessment  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Ms Mitchell

**Re: Bayside Council Submission to the Botany Rail Duplication Environmental Impact Statement**

At the 13 November 2019 Council meeting Bayside Council resolved to endorse the attached submission as Bayside Council's submission on the Environmental Impact Statement for the Botany Rail Duplication. Please also find attached the minutes from this meeting for this agenda item.

Bayside Council acknowledges the economic importance of the Botany Rail Duplication and that this duplication aims to:

- Alleviate constraints and increase the capacity of Sydney's freight rail network to meet existing and future demands
- Provide increased operational efficiency, flexibility and reliability for freight customers
- Support connection to, and operation of, intermodal terminals to meet their targeted freight capacity.

The Botany Rail Duplication will, however, have an impact on the local area and this has been highlighted in the attached submission in particular:

- Contamination
- Traffic and transport
- Property Impacts
- Air Quality and Noise

If you have any questions in relation to this please contact Clare Harley, Manager Strategic Planning, on 0404 163 594.

Yours faithfully,

Meredith Wallace  
General Manager

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# **BAYSIDE COUNCIL SUBMISSION**

## **STATE SIGNIFICANT INFRASTRUCTURE**

### **BOTANY RAIL DUPLICATION (SSI-9714)**

#### **Introduction**

The Eastern City District Plan 'Planning Priority E9 – Growing international trade gateways' (Planning Priority E9) notes that Port Botany is the freight hub for the State of NSW and is projected to grow significantly – with container traffic at Port Botany projected to grow from 2.4 million to 8.4 million containers by 2050 and identifies Botany Rail Duplication as a freight-related initiative to increase rail's share of container freight movement. At a Federal level, Infrastructure Australia identifies the project as a high priority initiative. The draft Bayside Transport Strategy also identifies the existing single line track section as a significant constraint and the duplication of the rail line will support a mode shift from road to rail for freight movement.

This submission provides feedback on the key issues including traffic and transport planning, contamination, noise and vibration, air quality and property.

On the 16<sup>th</sup> October 2019, the Department of Planning, Industry and Environment and Industry (DPIE) notified Council of the exhibition of a State Significant Infrastructure Development Application for the construction of the Botany Rail Duplication between Mascot (near King Street) to Botany (near Banksia Street) for a distance of 2.9 km.

Council understands that the development is declared State Significant Infrastructure (SSI) by operation of clause 14 (1) of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP):

- The development is permissible without consent under clause 79(1) of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP); and
- The development is defined as 'rail infrastructure' at Schedule 3 of the SRD SEPP; has a capital investment value exceeding \$50 million; and is being undertaken by the Australian Rail Track Corporation (ARTC).

Council further understands that as the development is declared SSI by a State Environmental Planning Policy, namely the SRD SEPP and SEPP Infrastructure, the NSW Minister for Planning and Public Spaces is the consent authority under Sections 5.12 (2) and 5.14 of the *Environmental Planning and Assessment Act 1979* (EPAA). The development is proposed to include:

- Track duplication – construction of a second track predominantly within the rail corridor from Mascot (near King Street) to Botany (near Banksia Street) for a distance of 2.9km
- Track realignment (slewing) and upgrading – moving some sections of track sideways (slewing) and upgrading some sections of track to improve the alignment of both tracks and minimise boundary impacts
- New crossovers – installation of new rail crossovers to maintain and improve access at two locations
- New bridges to provide for the new track at Mill Pond, Southern Cross Drive, O'Riordan Street and Robey Street



- Re-constructing existing bridges at O’Riordan Street and Robey Street
- Embankment /retaining structures – construction of a new embankment and retaining structure adjacent to Qantas Drive between Robey and O’Riordan Streets and a new embankment between the Mill Stream and Botany Road bridges.

The exhibition period for the project is from Wednesday 16<sup>th</sup> October 2019 to Wednesday 13<sup>th</sup> November 2019. Full documentation of the project can be found at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10206>

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## **Background**

### **Draft Secretary’s Environmental Assessment Requirements (draft SEARs)**

On 27<sup>th</sup> November 2018, the Department of Planning and Environment requested that Council officers review the draft Secretary’s Environmental Assessment Requirements (draft SEARs). In a letter dated 29<sup>th</sup> November 2018, Council officers requested that the following be included in the SEARs:

### **Noise and Vibration – Amenity**

Although the project will reduce the noise and vibration impacts associated with the stopping of freight trains, the project will increase the noise and vibration impacts associated with increased freight movements. The impact of this noise and vibration on neighbouring residents needs to be considered in the EIS. In addition to an assessment of construction noise and vibration impacts, the SEARs should focus on operational impacts and provide:

- An assessment of the impact of noise resulting from the increase frequency of rail services along the line, and how this will impact on the amenity of surrounding residents and businesses.
- Details of proposed mitigation measures to adequately manage the identified impacts on surrounding residents and businesses.

### **Air Quality**

Council is concerned about the air quality in the Local Government Area. Council supports the requirements for an air quality impact assessment (AQIA), however Council would like the AQIA to include:

- A description and assessment of the impacts of potential emissions from per- and poly-fluoroalkyl substances.
- Details of the proposed mitigation measures to prevent the generation and emission of dust (particulate matter including asbestos) and air pollutants (including odours) during the construction and operation of the project.

## **Climate Change Risk**

Responding to the impacts of climate change including reducing the impact of the heat island effect is a priority for Council. When the proponent is assessing specific climate change risks and the appropriateness of incorporating specific adaption actions into the design of the project, Council would like the proponent to consider the inclusion of tree-canopy or non-bird attracting landscaping into the project. These measures will help improve the micro-climate of the surrounding locality.

## **Social-Economic, Land Use and Property**

Residents within the Pagewood, Botany and Mascot localities are experiencing construction fatigue. During the assessment of the impacts of construction and operation on potentially affected community members, Council would like the proponent to assess the cumulative impacts of the project. This assessment should focus on the impacts of construction fatigue and outline mitigation measures to deal with this issue.

Council would also like the proponent to assess the impact of construction on Council roads and outline mitigation measures where required.

The promotion of sustainable transport options is a priority for Council. Where possible, Council would like new projects to capitalise on opportunities to develop bicycle routes and shared pathways. The proponent should assess opportunities for a sustainable transport route alongside the freight line or whether the project could integrate upgrades to existing sustainable transport routes within the surrounding locality.

## **Draft Environmental Impact Statement**

On the 27<sup>th</sup> August 2018, the Department of Planning, Industry and Environment (DPIE) wrote to Council requesting a review of the draft Environmental Impact Statement's (draft EIS) consistency with the Secretary's Environmental Assessment Requirements (SEARs).

In a letter dated 10<sup>th</sup> September 2019, Council officers reiterated previous concerns raised in the Council officers review of the draft SEARs. The letter also provided commentary on the consistency of the draft EIS with the SEARs. Council requests the proponent to identify where the matters raised in relation to the draft SEARs have been addressed in the EIS.

## **Public Exhibition**

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

## **Contamination:**

- A high level review of Technical Report 5 – Contamination Assessment', by Gateway to Sydney Joint Venture (G2S JV) dated 26 September 2019, document: BRD-G2S-CT-TPP-0001-05\_Contamination (Technical Report) was undertaken.



A number of contamination investigations have been carried out along the proposed site corridor. The Technical Report presented a summary of findings from past contamination investigations. Key findings include:

- Isolated fragments of asbestos containing material (ACM) identified on the ground surface
- Isolated heavy metal (manganese and arsenic) and poly-fluoroalkyl substances (PFAS) impacts in groundwater
- PFAS, nutrients, heavy metal impacts in adjacent surface water

It is noted that no major deep excavation is expected, with the exception of footings and foundation works. It is also noted that no significant dewatering is envisaged during construction.

The Technical Report concluded that remediation would be required in the eastern portion of the project site to mitigate the risk of contamination exposure to future users of the rail corridor. The Technical Report concluded that no soil or groundwater conditions have been encountered in the western portion of the project site that would preclude the suitability of the site as a freight rail corridor. However, additional investigation is recommended in the western portion of the project site, to target the area west of Robey Street, where ACM was identified.

The Technical Report further recommended risk associated with identified contamination within the project site should be managed through the development and implementation of mitigation measures, which would be in environmental management plans as relevant.

Based on the limited high level review of the Technical Report, the site contamination would unlikely preclude the suitability of the site for freight rail corridor use. However, the project site can potentially be managed and made suitable for the proposed freight rail corridor subject to appropriate mitigations and management of contamination based on NSW Environmental Protection Authority and industry standards and guidelines.

Council raised no objection to the proposed Botany Rail Duplication with respect to contamination is raised, noting that additional investigation is recommended in the western portion of the site to target the area west of Robey Street where ACM was identified."

## **Traffic**

- An independent traffic consultant has reviewed the EIS and identified the following key issues:

### *Worker Parking:*

- The EIS has committed the contractor to ensuring no worker parking will occur on residential streets or affect existing businesses with parking to be maintained within the construction compounds or workers shuttled in.

Council requests that enforcement penalties are included in the contracts to ensure the contractor and its sub-contractors adhere to this requirement. The contractor should be

required to ensure suitable on-site provisions are made for all necessary stakeholders (ie contract admin and TfNSW project managers, etc).

#### *Day-to-Day Gate Access:*

- Whilst a number of gates exist directly off higher order roads, there are a number of gates located with direct access from local residential streets, or trucks will be required to navigate through local streets to get to the gate. The areas impacted include Gate 17 Baxter Rd, Gate 11 McBurnley Ave, Gate 11 (double up in numbering) Banksia St Nth, Gate 10 off Begonia St, Gate 8 Banksia St Sth, and Gate 7 Victoria St. These residential areas are expected to attract in the order of 130 trucks per day (total) for approximately 100 days. This is only an EIS estimate and could be more or less pending detailed design and the approach the contractor takes.
- The contractor should be restricted in residential areas to daylight hours and outside of typical school arrival/ departure times. Concerns exist with pedestrian safety and in particular with night time safety. Concerns also exist with the residential amenity with trucks entering and existing gates all through the night. The EIS only restricts access during peak travel times. The Gate Access at the eastern end of the corridor is of concern. Haul roads should run within the rail corridor where possible to avoid/ reduce the use of Gates 7, 8,10,11 (Figure 5.1d). The distance for trucks (through many residential streets) to access these gate areas is of concern.

#### *Short-Term Closures – Southern Cross Drive:*

- The traffic impact assessment has highlighted that the 11pm-12am on a Friday/ Saturday night closure and from 11pm-1am on a Saturday/ Sunday night closure that will cause congestion levels to be high. It is recommended that on the Friday/ Saturday night closure that this is restricted to 12am-5am, and the Saturday/ Sunday night closure is restricted to 1am-5am. All other nights appear to have volumes at acceptable levels. The report mentions that a half closure of Southern Cross Drive would alleviate the weekend midnight issues and this is a recommendation of the report, however, the proponent is to monitor and mitigate any 'rat-run' impacts through local streets by motorists avoiding midnight closure congestion.

#### *Weekend Closures (Robey St/ O'Riordan St Bridge):*

- The proposed re-routing of traffic for a 54hr period for up to 6 times to Robey Street is considered unacceptable. The traffic performance appears to increase travel times by up to 20 minutes. The re-routing strategy should rely on utilising the broader State controlled road network (in particular Gardeners Road/ Botany Road). Only local traffic that has passed through the broader diversion routes should be routed via Robey St. The proponent should consider temporary turn restrictions at other key State controlled intersections to promote the diversion route via State controlled roads. These are strategies that were deployed for the Commonwealth Games.
- The proponent is to prepare a strong communications strategy, which may assist with deterring traffic from the area. Encouraging behaviour which reduces non-essential trips to avoid the area will assist with protecting the amenity and intersection performance of the network in the area.



- The proposed public transport re-routing also proposes buses to be re-routed using the same route (Robey St). On a weekend this will unreasonably impact local residents. The preferred option should be 'Option B' with the creation of an interchange stop on that route; and the introduction of a smaller vehicle feeder shuttle service that picks up on the route section that is missed as a result of the diversion.

*Other Impacts:*

- There is no mention of loaded truck impacts to existing residential street pavements impacted. The proponent is to determine the condition of residential streets and contact Council's asset strategy team to determine an appropriate contribution for road/ pavement damage.
- The EIS notes that delivery of material using oversized vehicles is to occur between 12am and 6am. The noise associated with these deliveries will need to be managed with the local community. Confirmation is required that residential gates will not be accepting these vehicles.
- At Section 5.1.5 Construction work hours of Technical Report 1 – Traffic and Transport Impact Assessment, Council requires clarification about the statement that 'work requiring lane or full road closures which will impact traffic and compromise vehicle, pedestrian and cyclist safety' and seeks assurance that vehicle, pedestrian and cyclist safety will not be compromised by construction activities.
- Council requires details of mitigation measures in relation to the statement under the heading 'Local amenity' at page 43 of Technical Report 1 – Traffic and Transport Impact Assessment, which states that 'there is potential for a decrease in the local neighbourhood amenity through increased construction traffic along local streets.'
- The project implementation will overlap with a number of other major projects in the area. It is important that these are well co-ordinated to ensure that the broader network route shifts can occur.
- Where construction vehicles are proposed in residential streets and/ or areas where pedestrians are known to cross the road, road safety audits should be conducted prior to implementing the Traffic Management Plan (TMP) and post-opening (within 24hrs) of the Traffic Control Plan (TCP) to ensure that issues such as parked cars, signage, children's crossings, driveways, vegetation, cyclists etc are all considered prior to implementation. This requirement should be included in the CTTAMP.
- Details of swept paths for large trucks using the diversion routes/ intersections on Council owned roads are to be submitted to Council for review.
- Council is to be consulted on the preparation of the traffic management plans to manage impacts on Council assets and local stakeholders.
- For a large project of this nature, co-ordinating with other major projects and jurisdictions in the area, project governance will be critical. Council is to be advised of the project governance structure; and requests a working group to establish terms of reference to ensure that key Council staff within key business units are made aware of the projects status at regular intervals, including updates on traffic staging implications and coordination of communications to the public and stakeholders. This would be in



addition to the week to week operational management level function which will be co-ordinated through the traffic and transport liaison group.

- Council seeks details of quality controls in relation to fuel quality to reduce pollution impacts.
- Details are required from the proponent in relation to incentive strategies that encourage the transfer of freight from road to rail.
- It is noted the *Port Authority of New South Wales: Project Update 1 October 2019 Cruise Capacity Newsletter* (refer to **Attachment 1** to this submission and the following link:  
[https://www.portauthoritynsw.com.au/media/3792/project\\_update\\_1\\_october2019.pdf](https://www.portauthoritynsw.com.au/media/3792/project_update_1_october2019.pdf)) states in relation to local traffic impacts *"Traffic flows associated with a cruise terminal will be modelled .....The assessment will consider movements generated by passenger arrivals and departures, potential public transport solutions and the use of vehicles to service and supply provisions to vessels. Other nearby projects such as Sydney Gateway and Port Botany Freight Line Duplication are underway to relieve congestion on the road networks and information from these projects is also being incorporated into planning for a potential terminal"*

This implies that the consideration of a proposed cruise ship terminal at either Molineaux Point, Port Botany or Yarra Bay, Phillip Bay is taking into consideration the outcomes of Sydney Gateway and Botany Freight Rail Duplication in addressing local traffic congestion.

The Port Authority, however, has released very few details to the public of what the impacts of the cruise ship terminals will be, particularly in relation to traffic and transport impacts.

Therefore Bayside Council is unable to adequately assess traffic benefits of the Botany Rail Duplication project without understanding how much of the suggested increased in capacity of the roads being delivered by Botany Rail Duplication will be taken up by traffic requirements of the Cruise Ship terminal.

## Transport

- Bayside Council has made representations to ARTC and the Minister for Transport and Infrastructure in December 2018, requesting inclusion of shared cycle and pedestrian pathways and green grid connections into the Botany Rail Duplication project. Council notes that the Principal Manager, Ministerial & Government Services for Transport for NSW stated the following in a response letter to Council dated April 2019:

*"NSW Government will work with ARTC and other stakeholders to improve pedestrian and cycling access as part of this project"*.

Council notes that the EIS does not appear to include active transport opportunities. Bayside Council reiterates its request to include active transport and green grid opportunities. For example, inclusion of pedestrian and bicycle access to parallel paths, where feasible within the corridor, and bridge utility at General Holmes Drive/ Botany Road. The lack of these inclusions in the recently completed Airport East Rail Bridge and Wentworth Avenue underpass by Roads and Maritime Services has resulted in poor transport outcomes.

The inclusion of these active transport features would recognise the importance of an inclusive approach to community access to open space in an area dominated and fragmented by industrial and transport infrastructure and would contribute to offset the negative noise, pollution and environmental impacts this project has upon the community.

## Property

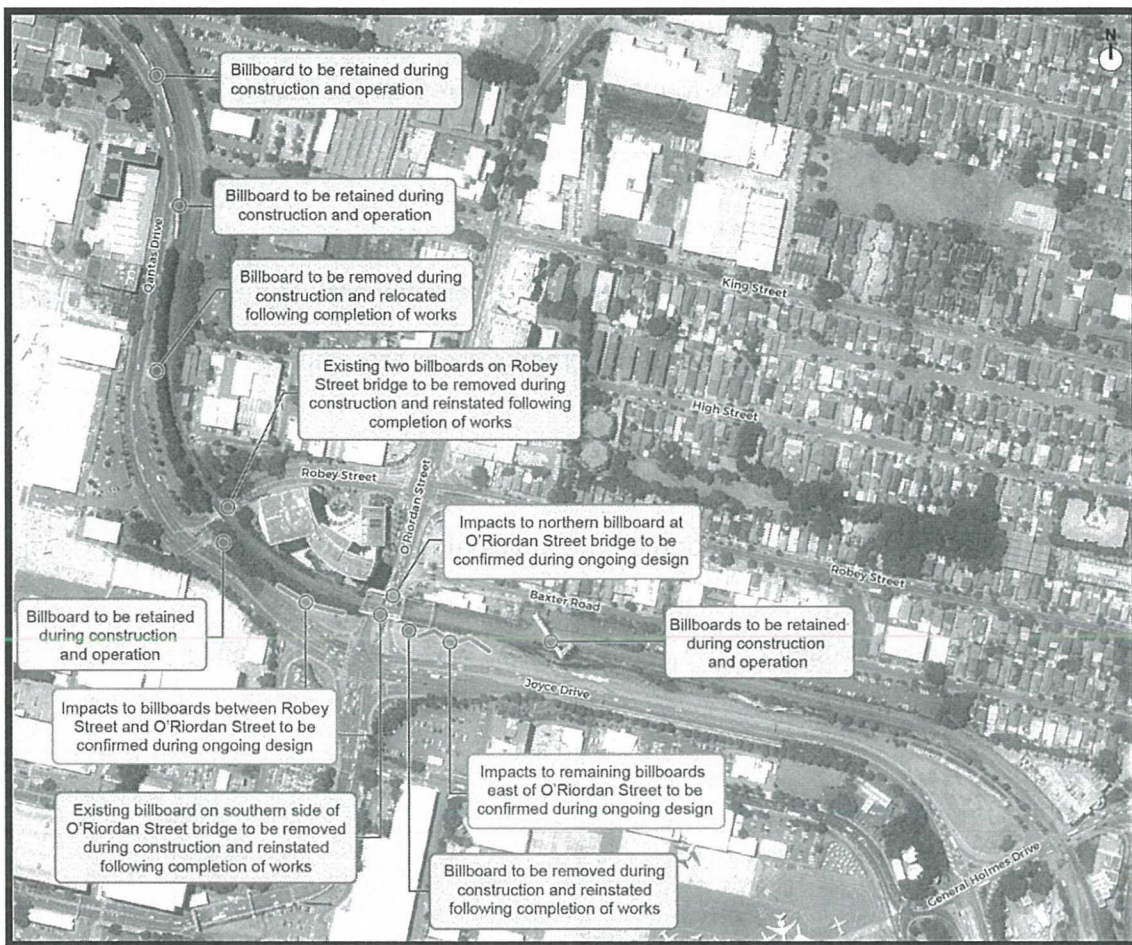
- Reference is made to the DPIE publication '*Transport Corridor Outdoor Advertising and Signage Guidelines – Assessing development applications under SEPP 64*' (SEPP 64 guidelines) dated November 2017 in the preparation of the following comments.

### *Chapter 6.6 - Billboards and advertising*

Council requires further information on such matters as timing and impact on the billboards shown in **figure 1**, below (from figure 6.6 'Potential billboard extracts' in the EIS). There are a number of Voluntary Planning Agreements (VPAs) being negotiated in relation to public benefit under clause 13 (2) of *State Environmental Planning Policy No 64—Advertising and signage* (SEPP64) and the accompanying SEPP 64 guidelines, that will be impacted by the proposed acquisitions. It is important that Council understands the impact on ongoing agreements. Council requests information in relation to:

- When the billboards will be removed and the duration of their removal
- Where the billboards will be relocated to
- The approval mechanism for the relocation of the billboards
- A detailed assessment of the proposal's consistency with SEPP 64 and accompanying SEPP 64 guidelines





**Figure 1:** Extract from Chapter 6 of the EIS

#### *Chapter 7.4 – Construction Work Area and Compounds*

Council requires further information to be submitted to determine the public land and roads that will be acquired temporarily and permanently as part of this project. Council's preferred method of acquisition would be lease hold for the temporary works with an agreed make good, environmental management, term and compensation.

Figures 7.7a, 7.7b, 7.7c and 7.7d within the EIS show the construction footprint, including site compounds, however it is difficult to determine from these figures the extent of affectations to Council. The following information is to be submitted to Council for information and review:

- Detailed diagrams showing the location of acquisitions of Council owned land, including lot and Deposited Plan (DP) numbers;
- Timing, ie. commencement and term;
- The form of acquisition;
- Draft documentation, ie. lease agreements; written agreement(s) under Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*; and Memorandum of Understanding to begin negotiations;



- A detailed description of how all acquisitions pertaining to Council will be managed;
- Details of any Environmental Management required for each site;
- Details of any make good requirements for each site;
- Details of traffic management impacts;
- Details of any Council owned assets requiring removal and/ or being affected; and
- Details of temporary occupation requirements for construction.

#### *17.2.2 - Existing Land Uses and Zoning*

Council requires detailed information on the anticipated impacts to the following Council owned public open spaces:

- Botany Aquatic Centre
- Booralee Park
- Gaiairine Gardens; and
- Garnet Jackson Reserve

#### **Noise**

- Council requests the proponent to provide a detailed scope of works for the proposed location specific noise insulation mitigation measures; and to detail the noise impacts from altered patterns of locomotive idling during and after completion of the project.

**MINUTES**

of the **Ordinary Meeting** of  
**Bayside Council**  
held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 13 November 2019** at **7:15 pm**.

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**Present**

Councillor Joe Awada, Mayor  
Councillor James Macdonald, Deputy Mayor  
Councillor Liz Barlow  
Councillor Ron Bezic  
Councillor Christina Curry  
Councillor Tarek Ibrahim  
Councillor Petros Kalligas (arrived at 7:25 pm during the presentation of the first certificate)  
Councillor Ed McDougall  
Councillor Scott Morrissey  
Councillor Michael Nagi  
Councillor Vicki Poulos  
Councillor Dorothy Rapisardi  
Councillor Bill Saravinovski  
Councillor Paul Sedrak  
Councillor Andrew Tsounis

**Also Present**

Meredith Wallace, General Manager  
Michael Mamo, Director City Performance  
Debra Dawson, Director City Life  
Michael McCabe, Director City Futures  
Colin Clissold, Director City Presentation  
Fausto Sut, Manager Governance & Risk  
Matthew Walker, Manager Finance  
Samantha Urquhart, Manager Property  
Bobbi Mayne, Manager Customer Experience  
Karin Targa, Major Projects Director  
Clare Harley, Manager Strategic Planning  
Joe Cavagnino, Manager Procurement  
Christine Stamper, Communications & Events Lead  
Sudraham Patel, IT Technical Support Officer  
Lauren Thomas, Governance Officer

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The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:15 pm.

The Mayor informed the meeting, including members of the public, that the meeting is being video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

**8.4 Submission to Randwick City Council: Planning Proposal & 7.12 Contributions Plan - Kensington to Kingsford (K2K)**

## RESOLUTION

Minute 2019/220

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council endorse the draft Submission forwarded to Randwick City Council on 4 October 2019.
- 2 That formal correspondence be forwarded to Randwick City Council, confirming endorsement of the draft Submission by Bayside Council.

**8.5 Submission to NSW Department of Planning, Industry & Environment - Secretary's Environmental Assessment Requirements (SEARs): Cogeneration Plant (Residual Waste Fuel) at 1891 Botany Road, Matraville**

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

## RESOLUTION

Minute 2019/221

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Council endorse the attached SEARs submission, and it be forwarded to the NSW Department of Planning, Industry and Environment for consideration.
- 2 That a more detailed submission be prepared and reported to Council, once the Environmental Impact Statement is made publicly available from the NSW Department of Planning, Industry and Environment.

**8.6 Botany Rail Duplication: Environmental Impact Statement Submission**

Councillor Poulos returned to the Council Chamber.

## RESOLUTION

Minute 2019/222

Resolved on the motion of Councillors Morrissey and Tsounis

1. That Council note that the economic importance of the Botany Rail Duplication.



2. That Council endorses the attached submission in relation to the Botany Rail Duplication for consideration by the DPIE.
3. That Council endorses the request for delegation be provided to the General Manager to sign Council's submissions on the Environmental Impact Statement for the Botany Rail Duplication submission.

#### **8.7 M6 Compensatory Works Stage 1 - Review of Environmental Factors**

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

##### **RESOLUTION**

Minute 2019/223

Resolved on the motion of Councillors Nagi and Tsounis

That Council supports Roads and Maritime placing the Review of Environmental Factors for M6 Stage 1 recreational facilities on public display for 21 days for community comment.

#### **8.8 Arncliffe Youth Centre**

Councillor Poulos returned to the Council Chamber.

##### **RESOLUTION**

Minute 2019/224

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That the report be received and noted.
- 2 That an additional \$167,000 be included in the 2019/2020 City Projects Program for the Arncliffe Youth Centre from the Arncliffe Youth Centre reserve to pay for the recommended changes, subject to a nil or satisfactory response being received from the Councillors by Monday 18 November 2019, following distribution of the additional information.

#### **8.9 New Child Care Centre Classification - Lot 4 in DP1240546 - 1 Midjuburi Lane, Kogarah**

##### **RESOLUTION**

Minute 2019/225

Resolved on the motion of Councillors Poulos and McDougall

