

**INQUIRY INTO INTEGRITY, EFFICACY AND VALUE FOR  
MONEY OF NSW GOVERNMENT GRANT PROGRAMS**

**Name:** Name suppressed

**Date Received:** 23 August 2020

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Partially  
Confidential

## **NSW Legislative Council Inquiry**

### ***Integrity, efficacy and value for money of NSW Government grant programs.***

#### **Terms of Reference:**

That the Public Accountability Committee inquire into and report on the integrity, efficacy and value for money of NSW Government grant programs, and in particular:

- (a) the range and availability of funding programs, including but not limited to:
  - (i) discretionary grants funds such as the Premier's Discretionary Fund and the Deputy Premier's Miscellaneous Grant
  - (ii) local government funding such as the Stronger Communities Fund and Stronger Country Communities Fund,
  - (iii) arts funding such as the Regional Cultural Fund,
  - (iv) sports funding such as the Greater Sydney Sports Facility Fund and the Regional Sports Infrastructure Fund,
  - (v) Jobs for NSW funding, including the review into Jobs for NSW,
- (b) the manner in which grants are determined, including:
  - (i) the oversight of funding determinations,
  - (ii) the transparency of decision making under grants schemes,
  - (iii) the independence of the assessment of projects,
  - (iv) the role of Members of Parliament in proposing projects for funding,
  - (v) the scope of Ministers' discretion in determining which projects are approved,
- (c) measures necessary to ensure the integrity of grants schemes and public confidence in the allocation of public money, and
- (d) any other related matter.

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#### **Scope of this submission:**

This submission addresses the following terms of reference;

(b) the manner in which grants are determined, including:

- (i) the oversight of funding determinations,
- (ii) the transparency of decision making under grants schemes,
- (iii) the independence of the assessment of projects,

(c) measures necessary to ensure the integrity of grants schemes and public confidence in the allocation of public money,

(d) any other related matter.

#### **Purpose of Submission:**

I chose to make this submission for a number of reasons including:

1. To ensure that due diligence was undertaken by Bayside Council formerly Rockdale City Council with regards to the allocation of NSW State Government funding under the Bayside West Priority Precinct Support Scheme. It is my belief that this is not the case and as such the \$10 million NSW State Government Bayside West Priority Precinct Support Scheme funding was misallocated by Bayside Council.
2. To enquire and confirm that the overseeing bodies of New South Wales Department of Planning, Industry and Environment fulfilled their role in ensuring that the regulatory requirements of the *Environmental Planning and Assessment Act 1979* were undertaken and that the allocation or provision of funding was in accordance to the funding agreement requiring reporting at least every three months against the milestones required to be undertaken by Bayside council.
3. To confirm that Bayside Council undertook due diligence and adhered to the regulatory requirements as outlined in both the *Environmental Planning and Assessment Act 1979* and within the *Infrastructure SEPP (ISEPP 2007)* and as such ensuring that the development intending to be undertaken adhered to the regulatory requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment* and the regulatory requirements of the *Infrastructure SEPP (ISEPP) 2007*.
4. That Bayside Council in particular certain councillors failed to utilise the findings and officer recommendations at meetings or briefing utilised to assist councillors in their decisions. A consequence of such is poor decisions being made with ramifications regarding budgets and value for money with regards to facility upgrades.
5. I seek to appear before the Inquiry in order to be able to clarify or elaborate on any aspects of this submission as required.

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*Integrity, efficacy and value for money of NSW Government grant programs.*

### SUBMISSION POINT 1

**Community consultation report findings not utilised with regards to facilities the community would most like the Bayside West Priority Support Precinct Scheme funding to be spent on. As such, the \$10 million provided from NSW State Government funding under this scheme was misallocated.**

The New South Wales Department Planning and Environment (NSWDPIE) *Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) Draft Land Use and Infrastructure Strategy* (November 2016) document it indicates that NSW State Government funding would be:

#### *Action 4*

*The NSW Government will assist to fund community projects within the Growth Area up to \$10 million as part of the Priority Precinct Support Scheme. The Department will undertake community consultation to assist the Council to select the projects to be funded.*

As such Bayside Council in conjunction with the NSWDPIE undertook community consultation the findings of which are contained within *Bayside West Precincts Draft Land Use and Infrastructure Strategy Draft Arncliffe & Banksia Proposal Community Consultation Report April 2017*.

The findings of this report DO NOT indicate or suggest that the Priority Support Precinct Scheme funding should be utilised to fund recreational field upgrades to Arncliffe or Gardiner Park.

As such this is a misallocation State Government funds, to the tune of \$7 million was undertaken by Bayside Council.

### SUBMISSION POINT 2

**New South Wales Department Planning, Industry and Environment (NSWDPIE) failed to oversee Bayside council with regards to milestone reporting and ensure that Bayside council undertook all of the necessary assessments, guidelines and reporting as stated within each milestone.**

NSWDPIE were required to ensure that Bayside council reported quarterly to the department outlining the milestones within the development process and ensuring that the relevant documentation and reporting was undertaken. Excerpt from the funding agreement;

- **Funding**

In April 2018 the Department of Planning and Environment announced funding via the Precinct Support Scheme for \$4.5 million to Arncliffe Park and \$2.5 million to Gardiner Park to provide synthetic playing fields to cater for increased patronage, resulting from the Arncliffe and Banksia priority precincts. The funding agreement requires reporting at least every three months against milestones. These milestones are summarised below:

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#### **Gardiner Park**

	<b>Milestone</b>	<b>Date of Completion</b>	<b>Comment</b>
1	Execution of funding agreement.	November 2017	Achieved.
2	Presentation of concept designs and preferred options.	September 2018	Underway, will be completed by November 2018.
3	Presentation of detailed design documents, procurement plan, cost estimate and development approval.	July 2019	On target.
4	Tender assessment and selection of contractor.	February 2020	Ahead of target.
5	Contractor achieves practical completion.	June 2020	Ahead of target.

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A synthetic field project update report will be presented monthly to the Committee and forwarded to Council and the Department of Planning and Environment quarterly.

The estimated cost of construction of fields at both sites will be determined following the concept design and detailed structural design. This will inform the Council on the requirement for additional funding.

As such the NSWDPPIE were to oversee Bayside Council and ensure that Bayside Council undertook and fulfilled the requirements of each milestone, with Bayside Council required to report to NSWDPPIE every quarter.

Also Bayside council were requested to undertake;

*“A synthetic field project update report will be presented monthly to the Committee and forwarded to Council and the Department of Planning and Environment quarterly.”*

Given this statement, it is apparent that this did not occur as within the Sport and Recreation Committee Minutes from 17 July 2019 to 25 April 2020 there is no indication or update provided.

### **SUBMISSION POINT 3**

**To ensure that Bayside Council adhered to the regulatory requirements as outlined in both the *Environmental Planning and Assessment Act 1979* and within the *Infrastructure SEPP (ISEPP 2007)* and as such ensuring that the development intending to be**

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**undertaken adhered to the regulatory requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment* and the regulatory requirements of the *Infrastructure SEPP (ISEPP) 2007***

Given that Bayside Council have failed to indicate and are unable to provide Environmental assessments undertaken by council prior to their commercial assessments and the Heritage assessment undertaken by Bayside Councils Heritage Officer was concluded 6 June 2020 however, the proposed works went to Tender on 28 April 2020, Bayside Council have failed to undertake the correct processes and regulatory requirements as stipulated in the fore-mentioned planning policy, Regulations and the Act.

#### **SUBMISSION POINT 4**

**That Bayside Council in particular certain councillors failed to utilise the findings and officer recommendations at meetings or briefing utilised to assist councillors in their decisions. A consequence of such is poor decisions being made with ramifications regarding budgets and value for money with regards to facility upgrades.**

On reviewing and being provided numerous reports, officer recommendation, committee recommendations, councillors of Bayside Council failed to comprehend or take into regard these recommendations. With regards to both Arncliffe Park and Gardiner Park the officer and Sport and Recreation Committee Recommendations indicate that neither of these parks would be suitable for synthetic field upgrade.

This was due to a number of differing reasons, but of concern to both parks was the flood mitigation works required to be undertaken. Of further concern was the fact that both parks, Arncliffe and Gardiner Park were only able to facilitate single use fields and given that there were other parks within the LGA that could provide multiple fields they would be better suited.

However, given that councillors voted against the recommendations of officers and the Sport and Recreation Committee, incurring substantial costs in the order of millions of dollars, it is clear that with regards to value for money of NSW State Government grants that pertaining to Bayside council and the Bayside West Priority Precinct Scheme that this was not the case.

#### **SUBMISSION POINT 5**

**I seek to appear before the Inquiry in order to be able to clarify or elaborate on any aspects of this submission as required.**

Given the multiple elements pertaining to this matter, it is my belief that to be able to address the Inquiry so as to be able to clarify or elaborate on any aspects of this submissions would be of great benefit to the Inquiry.