

MINUTES

of the **Ordinary Meeting** of
Bayside Council
held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 11 July 2018** at **7:09 pm**

Present

Councillor Bill Saravinovski, Mayor
Councillor Joe Awada, Deputy Mayor
Councillor Liz Barlow
Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor James Macdonald
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
Councillor Paul Sedrak
Councillor Andrew Tsounis

Also present

Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Debra Dawson, Director City Life
Michael Mamo, Director City Performance
Colin Clissold, Director City Presentation
Fausto Sut, Manager Governance & Risk
Matthew Walker, Manager Finance
Clare Harley, Manager Strategic Planning
Samantha Urquhart, Manager Property
Hayla Doris, Manager Recreation and Community Services
Karin Targa, Major Projects Director
Vincenzo Carrabs, Head of Communications & Events
Matthew Torta, IT Support Officer
Anne Suann, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.09 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.

1 Acknowledgement of Traditional Owners

The Mayor affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Opening Prayer

Senior Minister Steve Bryan from St John's Anglican Church in Rockdale opened the meeting in prayer.

3 Apologies

RESOLUTION

Minute 2018/139

Resolved on the motion of Councillors Tsounis and Awada

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

- Councillor Ron Bezic
- Councillor Petros Kalligas

4 Disclosures of Interest

Councillor Ibrahim declared a Less than Significant Non-Pecuniary Interest in Item 8.3 on the basis that he lives several blocks away from the development, but stated he would remain in the Chamber for consideration and voting on the matter because it won't impact on his property.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 13 June 2018

RESOLUTION

Minute 2018/140

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Council meeting held on 13 June 2018 be confirmed as a true record of proceedings.

5.2 Minutes of the Extraordinary Council Meeting - 27 June 2018

RESOLUTION

Minute 2018/141

Resolved on the motion of Councillors Nagi and Poulos

That the Minutes of the Extraordinary Council meeting held on 27 June 2018 be confirmed as a true record of proceedings.

6 Mayoral Minutes

6.1 Mayoral Minute - Recognition of Contribution to Community by Dick Caine

The Mayor, Councillor Saravinovski, and Councillor Macdonald presented Mr Caine with a Certificate of Recognition for his significant contribution to sport at the Dick Caine Gym and Olympic Pool in Carss Park areas over many decades. The Mayor acknowledged Mr Caine for a lifetime dedicated to coaching many World and Olympic Champions, as well as tireless fundraising activities over the years for a wide range of charities.

RESOLUTION

Minute 2018/142

Resolved on the motion of Councillors Saravinovski

That the Mayoral Minute be received and noted.

6.2 Mayoral Minute - Bayside Enterprise Agreement

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper, MP, presented Mayoral Minutes to members of the Union and staff negotiating team who developed the new Bayside Enterprise Agreement.

RESOLUTION

Minute 2018/143

Resolved on the motion of Councillors Saravinovski

- 1 That the Mayoral Minute be received and noted.
- 2 That Council thank the unions and the staff negotiating team for their efforts in achieving the first harmonised salary and employment conditions agreement for an amalgamated council, as listed below:

Members of the Union:

- Graeme Kelly, General Secretary, United Services Union
- Gordon Brock, Director, Local Government Engineers Association
- Ian Robertson, Secretary, The Development and Environmental Professionals' Association

Members of the staff negotiating team:

Ben Thompson, Dennis Café, Pascal Van De Walle, Ross Santonoceto, Michael Azzi, Glenn Ritchie, Peter Ward, Kara Adams, Linda Parkes, Terri Smeith, Eric Bohme and Jan Nash.

6.3 Mayoral Minute - Certificate of Recognition, Mr George Lundy, President Pagewood Botany Football Club

The Mayor, Councillor Saravinovski, and Councillors Curry and Morrissey presented Mr Lundy with a Certificate of Recognition for his significant contribution as a volunteer administrator of the Pagewood Botany Football Club and for the local community youth development.

RESOLUTION

Minute 2018/144

Resolved on the motion of Councillors Saravinovski

That the Mayoral Minute be received and noted.

7 Public Forum

Details associated with the presentations to the Council in relation to items on this agenda can be found in the individual items.

8.3 Planning Proposal - Post-Exhibition Report: 75-81 Railway Street, Rockdale

Councillor Ibrahim had previously declared a Less than Significant Non-Pecuniary Interest.

Mr Giovanni Cirillo, planning consultant from Planning Lab, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/145

Resolved on the motion of Councillors Nagi and Ibrahim

- 1 That, in accordance with Section 3.36(2) of the Environmental Planning and Assessment Act 1979, Council exercise its delegation and make the Local Environmental Plan amendment, as exhibited, for 75-81 Railway Street,

Rockdale.

- 2 That Council consider the recommendation of the Bayside Planning Panel on 1 May 2018 to make the amendment to the Rockdale Local Environmental Plan 2011.
- 3 That Council note that a separate report has been tabled in relation to the Voluntary Planning Agreement for the site and that the Voluntary Planning Agreement will be registered on title prior to amendment of the Rockdale Local Environmental Plan 2011 in relation to 75-81 Railway Street, Rockdale.

Division called by Councillors Nagi and Ibrahim

For: Councillors Tsounis, Saravinovski, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Macdonald, Barlow and Awada

The Motion was carried.

8.4 Voluntary Planning Agreement, 75-81 Railway Street, Rockdale

RESOLUTION

Minute 2018/146

Resolved on the motion of Councillors Nagi and Ibrahim

- 1 That Council notes the outcomes of the exhibition of the Voluntary Planning Agreement (VPA) for 75-81 Railway Street, Rockdale.
- 2 That Council adopts an amendment to the VPA as offered by Zoe Holdings Rockdale which results in the delivery of works and land dedication for both Option A and B combined.
- 3 That Council acknowledges the amendment is not required to be notified.
- 4 That the Council authorises the General Manager to finalise the commercial terms associated with the VPA and execute the relevant documentation.

Division called by Councillors Nagi and Ibrahim

For: Councillors Tsounis, Saravinovski, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Macdonald, Barlow and Awada

The Motion was carried.

8.11 Proposed Off-Leash Dog Areas at Kyeemagh - Community Engagement Outcomes

Miss Isabella Gale, speaking for the Officer Recommendation, addressed the Council.

Mr Gary Rosenberg, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/147

Resolved on the motion of Councillors McDougall and Nagi

- 1 That Council notes the results of the community consultation regarding the establishment of off-leash dog parks at Lady Robinson's Beach Kyeemagh and Lance Studdert Reserve, Bestic Street Kyeemagh.
- 2 That Council defers the establishment of the off-leash dog area proposed at Lance Studdert Reserve, based on the support of stakeholders responding to survey until such time as a holistic plan can be considered for that park.
- 3 That Council notes the feedback from local residents and others regarding the establishment of an off-leash dog area at Lady Robinson's Beach, Kyeemagh.
- 4 That Council proceeds with a timed (4pm – 10 am daily) off-leash dog area at Lady Robinsons Beach, Kyeemagh, with an allocation of \$180,000 in the Capital Works Program being utilised for this purpose.
- 5 That the Director City Life report to the Sport and Recreation Committee on the operation and compliance of the off-leash area after six months of commencement.

The Mayor, Councillor Saravinovski, and Councillor McDougall, accompanied by the Member for Rockdale, Mr Stephen Kamper, MP, presented a Certificate of Recognition to Bella Gale in recognition of her enthusiastic community commitment to helping improve Council's off-leash dog parks for the benefit of all our residents.

8 Reports

8.1 Development of a Bayside Local Environmental Plan, Local Strategic Planning Statements and Development Control Plan

RESOLUTION

Minute 2018/148

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That Council supports the preparation of the Bayside Local Environmental Plan, Local Strategic Planning Statements and Development Control Plan in accordance with the requirements of the recently amended *Environmental Planning and Assessment Act 1979* and the Eastern City District Plan.
- 2 That Council prepares and implements a comprehensive Stakeholder Engagement Plan to inform the preparation of Bayside Council's new planning framework.

Division called by Councillors Tsounis and Nagi

For: Councillors Tsounis, Saravinovski, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Macdonald, Barlow and Awada

The Motion was carried.

8.2 Planning Proposal - 119 Barton Street, Monterey

MOTION

Motion moved by Councillors Macdonald and Tsounis

- 1 That Council endorse the Planning Proposal for Gateway Determination based on the recommendation of the Bayside Planning Panel dated 1 May 2018.
- 2 That Council submit the draft Planning Proposal for 119 Barton Street, Monterey to the Department of Planning and Environment, for a Gateway Determination, pursuant to section 3.34 of the Environmental Planning & Assessment Act 1979 (EP&A Act).

Division called by Councillors Macdonald and Tsounis

For: Councillors Tsounis and Macdonald

Against: Councillors Saravinovski, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Barlow and Awada

The Motion was lost.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillor Nagi and Poulos

That the Planning Proposal for Gateway Determination not be supported.

The Foreshadowed Motion became the Motion.

MOTION

Motion moved by Councillor Nagi and Poulos

That the Planning Proposal for Gateway Determination not be supported.

Division called by Councillors Nagi and Poulos

For: Councillors Tsounis, Saravinovski, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Poulos, McDougall, Macdonald, Barlow and Awada

The Motion was carried.

RESOLUTION

Minute 2018/149

Resolved on the motion of Councillors Macdonald and Tsounis

That the Planning Proposal for Gateway Determination not be supported.

8.5 Stronger Communities Fund Reporting Major Projects**RESOLUTION**

Minute 2018/150

Resolved on the motion of Councillors Nagi and Tsounis

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January – 30 June 2018 to be submitted to the NSW Office of Local Government.

8.6 Lever Street Reserve Landscape Masterplan**RESOLUTION**

Minute 2018/151

Resolved on the motion of Councillors Nagi and Sedrak

That Council endorses the Lever Street Reserve Landscape Masterplan as attached to this report.

8.7 Linear Park Mascot**RESOLUTION**

Minute 2018/152

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That Council receives and notes the content of the report.
- 2 That Council acknowledges the advice received from the Member for Heffron regarding Sydney Water's intentions for Linear Park and notes that the remediation works being undertaken are being funded by Sydney Water.
- 3 That Council acknowledges the limited scope of works and the potential maintenance issues associated with the protective turf layer and crushed sandstone pathway.

- 4 That Council notes that no lighting is to be provided within the park, and that the provision of solar lighting be investigated by Council.
- 5 That Council notes that a proportion of the funding remaining in Section 94 for Linear Park may be required to be spent following completion of the Sydney Water program with the remainder able to be reallocated to other Section 94 projects, particularly those that enhance open space.

8.8 Rowland Park Amenities and Playground Upgrade

RESOLUTION

Minute 2018/153

Resolved on the motion of Councillors Morrissey and Curry

- 1 That the report be received and noted.
- 2 That Council endorses the design for the Rowland Park amenities upgrade and proceed to Tender Documentation for the Rowland Park Amenities and implementation of the Stage 1 works.
- 3 That Council endorses the final Masterplan for Rowland Park playground renewal and embellishments and proceed to Tender Documentation for the Rowland Park Amenities.
- 4 That Council notes that additional funding may be required to provide the youth activities (ping-pong table and basketball practise area) and BBQ facilities.

8.9 Acquisition of Land Reservation 8 Guinea Street, Kogarah

RESOLUTION

Minute 2018/154

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That Attachments 3 and 6 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (c) of the Local Government Act 1993, the attachments relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That Council authorise the purchase of 8 Guinea Street, Kogarah for the agreed figure tabled in this report.

- 3 The purchase of 8 Guinea Street, Kogarah (including expenses and demolition be funded from the Rockdale Section 94 Contributions Plan 2004 (Old Plan Carried Forward).
- 4 That the General Manager be authorised to finalise the terms of the acquisition.
- 5 That the General Manager be authorised to sign, where required, all documentation required to finalise this matter.
- 6 That Council resolve to classify 8 Guinea Street, Kogarah as community land (in accordance with the Local Government Act 1993).

8.10 Acquisition of Land Reservation at 27 Downey Street, Bexley

RESOLUTION

Minute 2018/155

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That Attachments 3 and 6 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (c) of the Local Government Act 1993, the attachments relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That Council authorise the purchase of 27 Downey Street, Bexley for no more than the upper end valuation range tabled in the Commercial Terms at Attachment 6 in this report.
- 3 That Council vote funds from Section 94 contributions Plan 2004 to cover all acquisition expenses and demolition of the existing premises.
- 4 That the General Manager be authorised to finalise the terms of the acquisition.
- 5 That the General Manager be authorised to sign, where required, all documentation required to finalise this matter.
- 6 That Council resolve to classify 27 Downey Street, Bexley as Community Land (in accordance with the Local Government Act 1993).

8.12 Draft WARR Strategy 2030

RESOLUTION

Minute 2018/156

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That Council endorse the Policy titled "Waste Avoidance and Resource Recovery Policy".
- 2 That Council endorse the Strategy titled "Waste Avoidance and Resource Recovery Strategy 2030".

8.13 Council Organisational Structure

RESOLUTION

Minute 2018/157

Resolved on the motion of Councillors Morrissey and Nagi

That the existing structure of Bayside Council, as outlined in this report, be confirmed as appropriate.

8.14 Delegations to the General Manager

RESOLUTION

Minute 2018/158

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That the General Manager be delegated all of the functions of the Council other than those specified in Section 377(1) of the Local Government Act 1993.
- 2 That the General Manager also be delegated the function relating to the granting of financial assistance subject to the limitations specified in section 377(1A) of the Local Government Act.

8.15 Statutory Financial Report for May 2018

RESOLUTION

Minute 2018/159

Resolved on the motion of Councillors Tsounis and Macdonald

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

8.16 Conference Attendance Report - National General Assembly Local Government, Canberra

RESOLUTION

Minute 2018/160

Resolved on the motion of Councillors Nagi and Macdonald

- 1 That the report be received and noted.
- 2 That the Councillors' reports included in this summary, inform their individual professional development plan for 2018.

9 Minutes of Committees

9.1 Minutes of the Risk & Audit Committee Meeting - 24 May 2018

RESOLUTION

Minute 2018/161

Resolved on the motion of Councillors Nagi and Tsounis

That the Minutes of the Risk & Audit Committee meeting held on 24 May 2018 be received and the recommendations therein be adopted.

9.2 Minutes of the Community Relations Committee Meeting - 25 June 2018

RESOLUTION

Minute 2018/162

Resolved on the motion of Councillors Nagi and Macdonald

That the Minutes of the Community Relations Committee meeting held on 25 June 2018 be received and the recommendations therein be adopted with the exception of Item 5.3, and subject to Councillor Barlow having her name recorded as voting against Item 5.2.

9.5 Item 5.3 Minutes of the Community Relations Meeting 25 June 2018 - Ramadan Food Festival 2019

RESOLUTION

Minute 2018/163

Resolved on the motion of Councillors Nagi and Macdonald

- 1 That the Committee endorses a Ramadan Food Festival 2019 to proceed to Council for decision and allocation of planning, financial and staffing resources.
- 2 That Council formally thanks Canterbury Bankstown for the hospitality shown during the attendance of Bayside Council Committee members and Senior Staff, at their Lakemba Food event in June 2018.
- 3 That the Committee endorses the Ramadan Food Festival to run for up to 30 days of Ramadan in 2019.
- 4 That Councillor Nagi be elected as Chair of the Committee to have oversight of the event, in consultation with the Mayor and General Manager and that the Committee structure be determined by the Chair.

9.3 Minutes of the Public Works & Maintenance Committee Meeting - 2 July 2018

RESOLUTION

Minute 2018/164

Resolved on the motion of Councillors Rapisardi and Macdonald

That the Minutes of the Public Works & Maintenance Committee meeting held on 2 July 2018 be received and the recommendations therein be adopted.

9.4 Minutes of the Bayside Traffic Committee Meeting - 4 July 2018

RESOLUTION

Minute 2018/165

Resolved on the motion of Councillors Tsounis and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 4 July 2018 be received and the recommendations therein be adopted.

10 Notices of Motion

There were no Notices of Motion.

11 Questions With Notice

There were no Questions With Notice.

12 Call For Rescission Motions

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 9.04 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager