

MINUTES

of the **Ordinary Meeting** of

Bayside Council

held in the Rockdale Town Hall, Council Chambers,

Level 1, 448 Princes Highway, Rockdale

on **Wednesday 8 August 2018** at **7:08 pm**.

Present

Mayor, Councillor Bill Saravinovski
Deputy Mayor, Councillor Joe Awada
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor James Macdonald
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Vicki Poulos
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
Bruce Cooke, Acting Manager Governance & Risk
Matthew Walker, Manager Finance
Clare Harley, Manager Strategic Planning
Samantha Urquhart, Manager Property
Vincenzo Carrabs, Head of Communications & Events
Bill Niklovski, IT Support Officer
Lauren Thomas, Governance Officer

The Mayor opened the meeting at 7:08 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

Pastor Andrew Harper of Bay City Church, Rockdale, opened the meeting in prayer.

3 Apologies

RESOLUTION

Minute 2018/166

Resolved on the motion of Councillors Nagi and Macdonald

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

Councillor Tarek Ibrahim

Councillor Dorothy Rapisardi

Councillor Petros Kalligas

4 Disclosures of Interest

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 8.15 on the basis that he had looked at the list of names and he knows some of the people who have been nominated, but stated he would remain in the Chamber for consideration and voting on the matter because he has no professional relationship with any of them.

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Item 8.15 on the basis that he knows a number of people who have been nominated, but stated he would remain in the Chamber for consideration and voting on the matter because he has no professional relationship with any of them.

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 8.15 on the basis that she knows one of the nominees who was a former Councillor of the City of Botany Bay at the same time that she was a Councillor, but stated she would remain in the Chamber for consideration and voting on the matter because she has no professional relationship with him.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 11 July 2018

RESOLUTION

Minute 2018/167

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Council meeting held on 11 July 2018 be confirmed as a true record of proceedings.

Councillor Vicki Poulos advised the meeting that the resolution of the ordinary Council Meeting held on 14 March 2018, being Minute number 2018/050, nominated her attendance at the National Local Roads and Transport Congress, on 20-22 November 2018 in Uluru. Due to unforeseen circumstances, she would like to withdraw her nomination as she is now unable to attend.

6 Mayoral Minutes

6.1 Mayoral Minute - The Big Drought Appeal

RESOLUTION

Minute 2018/168

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That Council recognises and supports our rural NSW farming communities who are facing a devastating drought by making a \$5,000 donation to The Big Dry Drought Appeal and that Council will also donate an additional \$1000 for each Sydney metropolitan council that accepts the Mayor's challenge by donating \$5000 or more to the Appeal.
- 2 That Council lobby the State and Federal Governments to provide further financial support to the New South Wales rural farming communities.

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.

8.1 128 and 130-150 Bunnerong Road, Eastgardens - Meriton Voluntary Planning Agreement Offer

Mr Matthew Lennartz, speaking for the Officer Recommendation, addressed the Council

Division called by Councillor Saravinovski

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

The division was declared carried

RESOLUTION

Minute 2018/169

Resolved on the motion of Councillors Tsounis and Nagi

That Council drafts a Voluntary Planning Agreement in relation to 128 and 130-150 Bunnerong Road, Eastgardens (known as BATA II) for public exhibition for a period of 28 days as profiled in Table 2 of this report.

8.6 Ador Reserve - Summer Allocation

Mr Angelo Bonura, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/170

Resolved on the motion of Councillors Nagi and Tsounis

That Council awards a permit to St George Football Association, Rockdale City Suns and St George Football Club for the 2018/2019 summer use in accordance with Council adopted 2018/2019 Fees and Charges and a further rate to be determined subject to lighting arrangements and costs.

8 Reports

8.2 Draft Planning Proposal: 8 Princess Street, Brighton Le Sands

RESOLUTION

Minute 2018/171

Resolved on the motion of Councillors McDougall and Nagii

That this matter be referred back to the Bayside Planning Panel and all the information pertaining to the previous Development Application for this property be made available to the Panel; including the breach of height and FSR controls that required a Clause 4.6 Variation.

Division called by Councillor Saravinovski

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

The division was declared carried

8.3 Bayside Council F6 Submission

RESOLUTION

Minute 2018/172

Resolved on the motion of Councillors Barlow and Tsounis

- 1 That Council endorses the attached submission prepared in response to NSW Roads and Maritime Service F6 Extension Stage 1 New M5 Motorway at Arncliffe to President Ave at Kogarah Project Overview documentation, including the following additional items:
 - a. That an additional air quality monitoring stations are provided adjacent to the two proposed ventilation stacks and that these monitoring stations are located at an appropriate elevation to reflect the elevated ventilation outlets design.
 - b. That additional air quality monitoring station to be located close to O'Connell St, Monterey to reflect the likelihood of significant increase of traffic on this roadway as a result of the proposed motorway.
 - c. That the RMS undertakes an analysis of the impact of increased traffic on the safety of existing intersections including Marshall St and Rocky Point Rd, Kogarah.
- 2 That Council endorses the inclusion of the Moorefield Estate submission as an appendix to Council's submission.
- 3 That a copy of Council's submission be provided to Bayside's local Members of Parliament.

8.4 The Future of the Fishermans Club- 100B Bestic Street, Kyeemagh

RESOLUTION

Minute 2018/173

Resolved on the motion of Councillors Nagi and Poulos

That approval be granted for the following:

- 1 To proceed with recommended Option 2 within this report, to replace the existing 'Fishermans Club' building, and to finalise the scope, funding and program of this option.
- 2 To engage an appropriate consultant to undertake a Masterplan for the Muddy Creek precinct.
- 3 To continue to work with the Muddy Creek Boating and Fishing Association to explore a longer term licence for their current occupation, considering the demolition of the existing Fisherman's Club building.
- 4 A further report be submitted in early 2019 to provide an update on the scope, funding and the program to implement Option 2, referred to in this report.

8.5 Sale of Lots 101,103,104 in DP 445997 at 1545 Botany Road, Botany

RESOLUTION

Minute 2018/174

Resolved on the motion of Councillors Morrissey and Saravinovski

That Item 8.5 be determined in Closed Session at the end of the Council meeting to discuss the confidential attachment.

8.7 Tender for Foreshore Upgrade Works at Cahill Park and Pine Park

RESOLUTION

Minute 2018/175

Resolved on the motion of Councillors Tsounis and Awada

- 1 That, with reference to Section 10(A)(2)(d)(i) of the Local Government Act 1993, the attachment relates to(d)(i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. 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 in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the tender of Antoun Civil Engineering (Aust) Pty Ltd for the contract F18/447 being the construction of the Major Park and Foreshore upgrades at two prime locations: Pine Park at Ramsgate Beach and Cahill Park at Wolli Creek for the amount of \$7,175,923.64 exclusive of GST.

- 3 That Carruthers Drive between The Grand Parade and Sandringham Street be converted to a road related area and remain open to cyclist, pedestrians, emergency services and service vehicles, but otherwise be closed to the public for driving, riding or parking vehicles.

8.8 Call for Motions and Nominations for Councillor Attendance at Local Government NSW Annual Conference, Albury NSW

RESOLUTION

Minute 2018/176

Resolved on the motion of Councillors Sedrak and Poulos

- 1 That Councillors Awada, Macdonald, Nagi, Curry and Tsounis be authorised to attend the 2018 Local Government NSW Annual Conference and associated functions.
- 2 That the nominations above be registered to attend the relevant conference(s) including all associated functions in accordance with the Expenses and Facilities Policy.
- 3 That motions be submitted to the 2018 Local Government NSW Annual Conference as follows:
Increased Fines for Illegal Waste Dumping for Local Government
Beach Erosion

It was noted that Councillor Nagi stated that he would pay the costs associated with attending the conference.

8.9 Statutory Financial Report for June 2018

RESOLUTION

Minute 2018/177

Resolved on the motion of Councillors Nagi and Bezic

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

8.10 Councillors Expenses and Facilities Policy Review

RESOLUTION

Minute 2018/178

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That the draft Councillor Expenses and Facilities Policy, attached to the report be placed on public exhibition for 28 days in accordance with Section 253 of the Local Government Act.
- 2 That a further report on this matter be submitted to the next Council meeting following the expiration of the public exhibition period to consider adoption of this policy.

8.11 Planning Panel Name Change

RESOLUTION

Minute 2018/179

Resolved on the motion of Councillors Nagi and Morrissey

That the Bayside Planning Panel be renamed the Bayside Local Planning Panel.

8.12 Public Interest Disclosures Policy

RESOLUTION

Minute 2018/180

Resolved on the motion of Councillors Nagi and Awada

That the Public Interest Disclosures Policy, annexed to the report, be adopted.

8.13 Review of Key Governance Codes

RESOLUTION

Minute 2018/181

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That Council determines, as a result of the current review and anticipated regulatory changes, that it makes no changes to the current Code of Meeting Practice, and Code of Conduct and Procedures other than any minor cosmetic edits.
- 2 That the Code of Meeting Practice, and Code of Conduct and Procedures, attached to the report, be adopted.

- 3 That the Code of Meeting Practice and Code of Conduct and Procedures be further reviewed once the requirement to adopt the new/revised model codes are prescribed.
- 4 That 'Committees of Council' and 'Advisory Committees' be clarified.

8.14 Disclosure of Interest Return

RESOLUTION

Minute 2018/182

Resolved on the motion of Councillors Nagi and Poulos

That the information be received and noted.

8.15 Community Representatives - Sydney East Planning Panel and Bayside Local Planning Panel

MOTION

Motion moved by Councillors Nagi and Awada

- 1 That Council nominates the following three non-councillor members as alternate members to the Sydney East Planning Panel from expressions of interest of community representatives members for the Bayside Local Planning Panel.

Louay Moustapha, Michael Shiels and Paul Pappas

- 2 That, in the case that the nominated persons decline Council's invitation to be a representative, the General Manager, in consultation with the Mayor, appoint other suitable representatives.

AMENDMENT

Amendment moved by Councillor Curry

That Ann Mairaed Bilmon be added to the nominations.

RESOLUTION

Minute 2018/183

Resolved on the motion of Councillors Nagi and Awada

- 1 That Council nominates the following four non-councillor members as alternate members to the Sydney East Planning Panel from expressions of interest of community representatives members for the Bayside Local Planning Panel:

Louay Moustapha, Michael Shiels, Paul Pappas and Ann Mairaed Bilmon.
- 2 That, in the case that the nominated persons decline Council's invitation to be a representative, the General Manager, in consultation with the Mayor, appoint other suitable representatives.

9 Minutes of Committees

9.1 Minutes of the Sport & Recreation Committee Meeting - 16 July 2018

RESOLUTION

Minute 2018/184

Resolved on the motion of Councillors Macdonald and Morrissey

- 1 That the Minutes of the Sport & Recreation Committee meeting held on 16 July 2018 be received and the recommendations therein be adopted.
- 2 That it be noted:
 - that the Sport & Recreation Committee discussed an issue previously raised at the meeting of 14 May 2018 regarding the use of Booralee Park for a group of Under 12 year olds relocated temporarily from Mutch Park for up to 4 hours per week;
 - that it be confirmed that no issues were raised about this matter at the previous meeting and that it was unanimously agreed that the hire to this group was appropriate; and
 - that the Committee requests that the General Manager respond to the Member for Heffron clarifying the Committee's views.
- 3 That a GM Briefing Session be held to address Council's support of circuses and representatives from Stardust circus be invited to attend.
- 4 That Todd McHardy from Bluefit be invited to address the next meeting of the Sport and Recreation Committee regarding maintenance issues at Angelo Anestis Aquatic Centre.
- 5 That Item 5.2 - Fry's Reserve Cricket Net Upgrade - of the Sport & Recreation Committee Meeting held on 16 July 2018 be referred back to the next meeting of the Sport and Recreation Committee for further discussion.

9.2 Minutes of the Finance & Asset Management Committee Meeting - 30 July 2018

RESOLUTION

Minute 2018/185

Resolved on the motion of Councillors Morrissey and Tsounis

That the Minutes of the Finance & Asset Management Committee meeting held on 30 July 2018 be received and the recommendations therein be adopted.

9.3 Minutes of the Bayside Traffic Committee Meeting - 1 August 2018

RESOLUTION

Minute 2018/186

Resolved on the motion of Councillors McDougall and Tsounis

- 1 That the Minutes of the Bayside Traffic Committee meeting held on 1 August 2018 be received and the recommendations therein be adopted, subject to the following amendment:
- 2 That in relation to BTC18.177 of the Minutes of the Bayside Traffic Committee Meeting held on 1 August 2018, the following additional matters be investigated:
 - a. The 'No Stopping' restriction outside 12 Edgehill Avenue, Botany, be extended to 6m east of the eastern end of the newly constructed median strip.
 - b. Further investigation be carried out to prevent residents, of the newly constructed residential block at 15-19 Edgehill Avenue, from taking a short cut by driving over the concrete median island in Edgehill Avenue.

10 Notices of Motion

There were no Notices of Motion.

11 Questions With Notice

11.1 Night Markets

Councillor McDougall asked why the night markets close at 9:00pm.

The General Manager responded that night markets are permitted without consent up until 9:00 pm. If there is a desire for the markets to have extended hours, a Development Application would be required.

11.2 Botany Golf Course - State of Grounds

Councillor Curry advised that the Botany Golf Course is looking extremely dry. Quite some time ago, testing showed that the bore water there could not be used. Councillor Curry asked if there has been any recent testing of the bore water to see if it has improved and what other options can be utilised if the bore water still cannot be used. She asked if a report on this matter could be submitted to the next meeting of Council.

RESOLUTION

Minute 2018/187

Resolved on the motion of Councillors Saravinovski and Curry

That a GM Briefing Session be scheduled to discuss further testing of the bore water at the Botany Golf Course, other possible watering options and maintaining the grounds of the Golf Course.

12 Call For Rescission Motions

There were no Rescission Motions.

13 Confidential Reports

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

There were no representations.

Closed Council Meeting

RESOLUTION

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

8.5 CONFIDENTIAL - Sale of Lots 101,103,104 in DP 445997 at 1545 Botany Road, Botany

In accordance with section 10A (2) (c) of the Local Government Act 1993, the matters dealt with in the valuation attachment to this report 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, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

8.5 Sale of Lots 101,103,104 in DP 445997 at 1545 Botany Road, Botany

RESOLUTION

Minute 2018/188

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That approval be granted for the sale of Lots 101, 103 and 104 in DP 445997 at 1543-1545 Botany Road to Dunning 77 Pty Limited for a value of not less than 100% of the combined equated values referenced at Confidential Attachment 2, (Valuation Analysis).
- 2 That approval be granted for the sale of Lots 101, 103 and 104 in DP 445997 at 1543-1545 Botany Road to Dunning 77 Pty Limited be sold on all other terms set out in Confidential Attachment 3 – term Sheet.
- 3 That all costs associated with the sale be paid by 77 Dunning Pty Limited.
- 4 That the General Manager be authorised to finalise the commercial terms of the sale and sign the required documentation to finalise the matter.

Resumption of Open Council Meeting

RESOLUTION

Minute 2018/189

Resolved on the motion of Councillors Saravinovski and Awada

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

The General Manager made public the resolutions that were made during the closed part of the meeting.

The Mayor closed the meeting at 9:27 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager