

## MINUTES

of the **Ordinary Meeting** of  
**Bayside Council**  
held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 12 September 2018** at **7.00 pm**

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### Present

Mayor, Councillor Bill Saravinovski  
Deputy Mayor, Councillor Joe Awada  
Councillor Liz Barlow  
Councillor Ron Bezic  
Councillor Christina Curry  
Councillor Tarek Ibrahim  
Councillor Petros Kalligas  
Councillor James Macdonald  
Councillor Ed McDougall  
Councillor Scott Morrissey  
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  
Bruce Cooke, Acting Manager Governance & Risk  
Liz Rog, Manager Executive Services  
Matthew Walker, Manager Finance  
Samantha Urquhart, Manager Property  
Vincenzo Carrabs, Head of Communications & Events  
Ian Vong, IT Support Officer  
Anne Suann, 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 7.04 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**

Father Vlado Nedeski from the Macedonian Orthodox Church of St Petka in Rockdale opened the meeting in prayer.

## **3 Apologies**

### **8.13 Leave of Absence - Councillor Michael Nagi**

RESOLUTION

Minute 2018/190

Resolved on the motion of Councillors Poulos and Macdonald

That Councillor Michael Nagi's request be received and leave of absence granted for the period 18 August 2018 to 29 September 2018 inclusive.

There were no other apologies received.

## **4 Disclosures of Interest**

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 6.3 on the basis that a family member is a member of the Hellenic Lyceum Sydney, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 8.2 on the basis that he is a member of the AHEP organisation, and stated he would remain in the Chamber for consideration and voting on the matter because he is not in the Executive Committee of that organisation.

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 8.5, and stated she would remain in the Chamber for consideration and voting on the matter.

## **5 Minutes of Previous Meetings**

### **5.1 Minutes of the Council Meeting - 8 August 2018**

RESOLUTION

Minute 2018/191

Resolved on the motion of Councillors Tsounis and Curry

That the Minutes of the Council Meeting held on 8 August 2018 be confirmed as a true record of proceedings.

## **5.2 Matters Arising from Previous Minutes**

### **A The Big Dry Drought Appeal (Item 6.1, Minute No. 2018/168)**

The Mayor reported that his challenge to Sydney metropolitan Councils to support the drought appeal is a resounding success. So far, nine Councils have contacted him to pledge their support to our state's farmers and six Councils confirm a donation of over \$5,000. As promised Bayside is adding another \$1,000 for each pledge over \$5,000, bringing our total donation so far to \$11,000.

The Mayor thanked the following Councils for their donations:

- Woollahra Council
- Cumberland Council
- City of Canada Bay
- Camden Council
- City of Sydney Council , and
- Georges River Council

Another three Councils informed the Mayor that they're in the process of raising funds for our farmers:

- Fairfield City Council
- North Sydney Council
- Randwick Council

The Mayor looks forward to hearing back from these Councils soon with confirmation of generous donations.

### **B Call for Motions and Nominations for Councillor Attendance at Local Government NSW Annual Conference, Albury NSW (Item 8.8, Minute No. 2018/176)**

Councillor Curry advised the meeting that, due to work commitments, she will be unable to attend the Local Government NSW Annual Conference in Albury on 21 – 23 October 2018, and she would like to withdraw her nomination.

## **Presentations**

### **A Presentation from St George Football Association Special Needs Program, the St George Warriors**

Penny Hancock and players from St George Football Association Special Needs Program, the St George Warriors, presented the Mayor, representing the Council, and Councillors with the soccer ball used for the inaugural match on the synthetic turf at Ador Avenue Reserve.

## **B Certificate of Recognition – Mohamed Humayon Chowdhury and Family**

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, and the Honourable Shaoquett Moselmane MLC, presented a Certificate of Recognition to Mohamed Humayon Chowdhury and his family from Kakadu Kimberly Fashion Weara Pty Ltd, trading as 7 Eleven, in West Botany Street, Rockdale in recognition of their outstanding contribution to the Bayside community through their excellent customer service.

## **6 Mayoral Minutes**

### **6.1 Mayoral Minute - No Cruise Ships in Port Botany**

- Ms Maria Poulos, interested resident and representing Save the Bay Coalitiion, speaking for the Officer Recommendation, addressed the Council.
- Mr Bill Burst, interested resident and representing Save the Bay Coalition, speaking for the Officer Recommendation, addressed the Council.

#### RESOLUTION

Minute 2018/192

Resolved on the motion of Councillors Saravinovski and Tsounis

That Council calls on the State Government to reject Botany Bay as a destination for cruise ships and that the Government looks for other, more viable options.

### **6.2 Mayoral Minute - Bayside Council Successful in Local Environmental Plan Development Funding Application**

#### RESOLUTION

Minute 2018/193

Resolved on the motion of Councillors Saravinovski and Ibrahim

- 1 That Council accepts the \$2.5 million funding from the State Government to help with the preparation of Bayside's Local Environmental Plan, subject to a review of the funding agreement.
- 2 That the General Manager is authorised to sign the funding agreement, under delegation.
- 3 That Council requests that the State Government returns planning and decision making for Turrella and Bardwell Park back to Council as part of the preparation of Bayside's Local Environmental Plan.

- 4 That in relation to the request regarding Turrella and Bardwell Park, Council writes to the Member for Rockdale asking for his support.

### **6.3 Mayoral Minute - Greek Costumes**

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

#### **RESOLUTION**

Minute 2018/194

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That Council provides temporary storage space within AMAC House, Botany, for the Hellenic Lyceum Sydney to store their traditional costumes and historical artefacts for up to two years. It is anticipated that their new premises in Bexley will be ready for occupation within that timeframe.
- 2 That Council agrees to waive any hire fee or charges.

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, and Councillor Tsounis, presented a framed copy of the Mayoral Minute to the Hellenic Lyceum Sydney representatives.

## **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 Cook Cove - Trust Lands**

- Mr Rasmus Torkel, interested resident, speaking for the Officer Recommendation (previously spoke at the Bayside Planning Panel on 14 August 2018), addressed the Council.
- Ms Wendy Aylward, interested resident, speaking for the Officer Recommendation (previously spoke at the Bayside Planning Panel on 14 August 2018) addressed the Council.
- Ms Margaret Blackmore, interested resident speaking for the Officer Recommendation, addressed the Council.

#### **RESOLUTION**

Minute 2018/195

Resolved on the motion of Councillors Ibrahim and Tsounis

- 1 That Attachments 7, 8, 9 and 10 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10A(2)(g) of the Local Government Act 1993, these attachments contain 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 Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That Council as trustee cannot advance the current Planning Proposal to re-classify the Trust Lands without a conflict of duty arising and that Council awaits a formal response from the Attorney General as detailed in the body of this report.
- 3 That Council engages with the relevant parties, including The Attorney General and RMS to explore the re-constitution of the 'Trust Lands' to exclude the road, post the RMS use of the 'Trust Lands'.

### **8.7 Planning Proposal - 8 Princess St, Brighton Le Sands**

Mr James McBride, consultant from Ethos Urban on behalf of the applicant, speaking for the Officer Recommendation, addressed the Council.

#### **RESOLUTION**

Minute 2018/196

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That Council does not support the draft planning proposal submitted for 8 Princess Street, Brighton Le Sands.
- 2 That this site be reviewed during the development of the new Bayside Local Environmental Plan.

Division on planning matter

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

The Motion was carried.

**BTC18.134 – Minutes of the Bayside Traffic Committee Meeting – 5 September 2018 - Hattersley Street (north), Arncliffe - Proposed extension of the existing resident parking scheme**

Ms Michele Nettlefold, interested resident, speaking for the Committee Recommendation, addressed the Council.

RESOLUTION

Minute 2018/197

Resolved on the motion of Councillors McDougall and Tsounis

- 1 That endorsement be given to the extension of the existing resident parking scheme in Hattersley Street from south of Subway Road to north of Subway Road along the eastern kerb line of residential properties. The signage is '2P 8.30 am-6.00 pm Mon-Fri 8.30 am-12.30 pm Sat, Permit holders excepted, Area RCD'.
- 2 That endorsement be referred to Roads and Maritime Services to approve as this area is within 1km radius of Rockdale Railway Station.

## 8 Reports

### 8.2 Proposed Lease To Order of AHEPA NSW Inc - 72 Laycock Street, Bexley North

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

RESOLUTION

Minute 2018/198

Resolved on the motion of Councillors Kalligas and Tsounis

- 1 That Council, in its capacity as land owner, endorses the revised proposal for 72 Laycock Street, Bexley North, for the replacement of the existing building as outlined in Annexure 4 to this report.
- 2 That a further report be submitted which tables the proposed lease terms and design documentation, including a detailed program, costings and demonstrating AHEPA's financial capacity to deliver the proposed works.
- 3 That three months after Council resolves to progress the lease, AHEPA are required to lodge a development application for the site as proposed.

### **8.3 Lease matter - 9 Ador Avenue Rockdale**

#### RESOLUTION

Minute 2018/199

Resolved on the motion of Councillors Barlow and Tsounis

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

With reference to Section 10A(2)(d)(i) of the Local Government Act 1993, the attachment contains 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 Council rejects the current offer to lease 9 Ador Ave, Rockdale, (tabled at Annexure 3) proposed by St Mark Coptic Orthodox Church and to discontinue discussions for a lease with St Mark Coptic Orthodox Church over the subject site;
- 3 That Council notifies St Mark Coptic Orthodox Church that Council has rejected their current lease proposal for 9 Ador Avenue, Rockdale;
- 4 That a further report be submitted to Council by no later than December 2018 tabling options for the site, informed by comprehensive condition reports and associated cost plans.

### **8.4 Lease matter - Kyeemagh RSL & Community Club, St George & Randwick Hockey Club**

Councillor Curry was absent for the voting on this item.

#### RESOLUTION

Minute 2018/200

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That Attachments 1 and 2 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10A(2)(d)(i) of the Local Government Act 1993, the attachment contains 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 Council endorses a lease agreement to the St George Randwick Hockey Club over the Hockey Facility within the former licensed area of the Kyeemagh RSL and Community Club, subject to Section 47 of the Local Government Act 1993
- 3 That Council endorses an Expressions of Interest campaign for the remainder of the area formerly licensed to the Kyeemagh RSL and Community Club, namely the club house.
- 4 That a further report be submitted to Council following the Expressions of Interest campaign.

### **8.5 Bayside Local Environmental Plan and Development Control Plan - Community Engagement Framework**

Councillor Curry had previously declared a Less than Significant Non-Pecuniary Interest, and was absent for the voting on this item.

#### RESOLUTION

Minute 2018/201

Resolved on the motion of Councillors Tsounis and Bezic

That Council endorses the draft Community Engagement plan for the development of Bayside's Local Strategic Planning Statement, Local Environment Plan and Development Control Plan.

### **8.6 Post-Exhibition Report: Planning Proposal - 3 Macquarie Street & 3A Maloney Street, Rosebery (The Lakes Hotel)**

#### RESOLUTION

Minute 2018/202

Resolved on the motion of Councillors McDougall and Morrissey

- 1 That Council acknowledges that no submissions were received during the public exhibition process.
- 2 That Council, in accordance with Section 3.36(2) of the Environmental Planning & Assessment Act 1979, exercises its delegation and makes the Local Environmental Plan amendment, as exhibited, for 3 Macquarie Street and 3A Maloney Street, Rosebery.

Division on planning matter

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

The Motion was carried.

### **8.8 Bad Debts Write-Off for Uncollectable Debts Relating to the Bayside Council as at 30 June 2018**

RESOLUTION

Minute 2018/203

Resolved on the motion of Councillors Tsounis and Barlow

That the outstanding bad debts relating to Bayside Council as at 30 June 2018, totalling \$71,747.00 (GST Inclusive) be written off as uncollectable.

### **8.9 Statutory Financial Report for July 2018**

RESOLUTION

Minute 2018/204

Resolved on the motion of Councillors Tsounis and Macdonald

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

### **8.10 Request for Financial Assistance - Botany District Music Association**

RESOLUTION

Minute 2018/205

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council approves financial assistance of \$5,000 to the Botany District Music Association for the Botany Bay Band.
- 2 That Council notes that the Botany Bay Band will be paid to deliver between 6 to 8 performances for Council per annum to ensure its ongoing financial sustainability.

### **8.11 Request for Support by the Organisation of Hellene and Hellene-Cypriot Women of Australia**

#### RESOLUTION

Minute 2018/206

Resolved on the motion of Councillors Tsounis and Poulos

- 1 That Council provides support for this event under its Financial Policy to a value of \$1,000.
- 2 That Councillors interested in attending the annual fundraising event be confirmed.

### **8.12 Disclosure of Interest Return**

#### RESOLUTION

Minute 2018/207

Resolved on the motion of Councillors Tsounis and Barlow

That the information be received and noted.

### **8.14 5 Lindsay Street Rockdale - Fire Order**

#### RESOLUTION

Minute 2018/208

Resolved on the motion of Councillors Macdonald and Tsounis

- 1 That Report Reference number BFS 18/568 (8000002915) dated 11 July 2018, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
- 2 That Council notifies Fire & Rescue NSW of Council's actions in relation to this matter.

## 9 Minutes of Committees

### 9.1 Minutes of the Bayside Traffic Committee Meeting - 5 September 2018

#### RESOLUTION

Minute 2018/209

Resolved on the motion of Councillors McDougall and Barlow

That the Minutes of the Bayside Traffic Committee meeting held on 5 September 2018 be received and the recommendations therein be adopted with the exception of Items BTC18.134 (discussed during Public Forum) and BTC18.136.

### Item BTC18.136 – Minutes of the Bayside Traffic Committee Meeting – 5 September 2018 - High Street, Carlton - Proposed 10m 'No Parking' and 29m 'P15min 3pm-7pm Mon-Fri'

#### RESOLUTION

Minute 2018/210

Resolved on the motion of Councillors Barlow and Tsounis

That approval be given for the installation of following parking restrictions along the eastern kerbline of High Street, north of Carlton Parade at the applicant's cost:

- 1 0-10m – retain existing 'No Stopping'
- 2 10-35m – Proposed 25m 'P15 min, 3 pm - 7.00 pm Mon-Fri'

### 9.2 Minutes of the Bayside Floodplain Risk Management Committee Meeting - 20 June 2018

#### RESOLUTION

Minute 2018/211

Resolved on the motion of Councillors Barlow and Awada

That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 20 June 2018 be received and the recommendations therein be adopted.

## 10 Notices of Motion

Nil

## 11 Questions With Notice

Councillor Morrissey asked the following question:

The pedestrian crossing on Botany Road, at the intersection with Wilson Street, Botany remains one of the most dangerous crossings in the area and it is only a matter of time before a pedestrian is killed. Many locals, including myself, know of others who have been seriously injured.

Can officers please update Council on what representations have been made to Roads and Maritime Services (RMS) in relation to the pedestrian crossing on Botany Road at the corner of Wilson Street, Botany.

What response has RMS provided to Council, and what actions, if any, have been or will be taken?

Can Council notify the Local Members of Parliament and ask them to make representations on behalf of Council?

## Petitions

Councillor Morrissey tabled a petition containing 1,978 names, which he has received from Tim Clifford, calling on Council to prohibit any hiring of parks, reserves and other Council facilities to circuses which include trained wild animals in their performances, such as elephants, lions, monkeys, and foreign and native animals being used for entertainment outside of their natural habitat.

## 12 Confidential Reports

Notwithstanding the report was confidential, this item was considered in Open Council.

### 12.1 Sydney Airport Corporation Limited (SACL) - rate equivalent payments in lieu of rates

RESOLUTION

Minute 2018/212

Resolved on the motion of Councillors Morrissey and Tsounis

- 1 That Council receives and notes this report.
- 2 That Council grants the General Manager delegated authority to finalise and execute the appropriate form of deed of agreement and deed of settlement.
- 3 That a new internally restricted cash reserve titled 'Community and Environmental Projects reserve' be established for the purposes outlined in this report. Also, that \$1 million be allocated annually to this reserve from future payments received in association with the annual payment by Sydney Airport

Corporation Limited (SACL) as part of their rate equivalent payment. This annual amount allocated to the reserve is to be indexed annually in future years in line with the approved rate pegging limit currently set by the Independent Pricing and Regulatory Tribunal (IPART) for the applicable financial year.

- 4 That a Memorandum of Understanding (MOU) or equivalent instrument be drafted for Council approval which outlines how suitable projects are to be funded from the newly created 'Community and Environmental Projects reserve' in consultation with SACL and the provisions for co-promotional opportunities of the agreed projects.

### **13 Call For Rescission Motions**

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 8.44 pm.

Councillor Bill Saravinovski  
**Mayor**

Meredith Wallace  
**General Manager**