

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 February 2019** at **7.00 pm**

Present

Councillor Bill Saravinovski, Mayor
Councillor Joe Awada, Deputy Mayor
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 Michael Nagi
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
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
Karin Targa, Major Projects Unit Director
Clare Harley, Manager Strategic Planning
Christine Stamper, Acting Head of Communications & Events
Bill Nikolovski, 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 7.11 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

Reverend Father Michael Delsorte (Prior) from Child Jesus and St Josephs Church (Priory) in Rockdale will now open the meeting in prayer.

3 Apologies

There were no apologies received

4 Disclosures of Interest

Councillor Bezic declared a Significant Non-Pecuniary Interest in Item 8.2 on the basis that he knows the Director / Secretary of the company, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Ibrahim declared a Less than Significant Non-Pecuniary Interest in Item 8.7 on the basis that a family member had expressed an interest in the use of the cafe, but stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Less than Significant Non-Pecuniary Interest in Item 8.9 on the basis that she is of the same Orthodox faith, but stated she would remain in the Chamber for consideration and voting on the matter because she is not a member of the parish subject to the application.

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 8.9 on the basis that he is of the same Orthodox faith, but stated he would remain in the Chamber for consideration and voting on the matter because he is not a member of the parish subject to the application.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 12 December 2018

RESOLUTION

Minute 2019/001

Resolved on the motion of Councillors Nagi and Tsounis

The Minutes of the Council meeting held on 12 December 2018 be confirmed as a true record of proceedings.

Presentations

A Certificates of Recognition – Rockdale City Suns Football Club

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, and Councillors Macdonald and McDougall, presented the following Certificates of Recognition:

- Rockdale City Suns Football Club 2019 Maso Cup Winners
- Rockdale City Suns Football Club 2019 Maso Cup Under 20s Winners

for their outstanding performance at the Maso Cup Tournament in Queanbeyan over the Australia Day weekend.

B Certificate of Recognition – St George District Netball Association Under 14s Representative Team

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, presented a Certificate of Recognition to the Under 14s Representative Team who won Division 2 of the Netball NSW State Age Champions in 2018 congratulating them on their outstanding achievement.

6 Mayoral Minutes

6.1 Mayoral Minute - Mayor's 2018 Charity Christmas Dinner

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, and Councillors Macdonald and Tsounis, presented a cheque in the amount of \$9,485 to Mr Garry Morris for the St George Children and Disabilities Fund Incorporated.

RESOLUTION

Minute 2019/002

Resolved on the motion of Councillors Tsounis and Nagi

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.

8.1 Bayside Council Draft Financial Reports 2016/17 - Statement by Councillors and Management and associated information

Councillor Sedrak was absent for the voting on this item.

Jennifer Whitten, Chair of the Risk & Audit Committee, spoke for the Officer Recommendation.

RESOLUTION

Minute 2019/003

Resolved on the motion of Councillors Barlow and Awada

- 1 That the Mayor, Councillor Barlow, General Manager and Responsible Accounting Officer sign the Statement by Councillors and Management for the General Purpose Financial Reports.
- 2 That the Mayor, Councillor Barlow, General Manager and Responsible Accounting Officer sign the Statement by Councillors and Management for the Special Purpose Financial Reports.
- 3 That Council issues the draft financial statements, including the signed Statements by Councillors and Management on the General Purpose Financial Reports and the Special Purpose Financial Reports to Council's auditor, Audit Office of NSW.
- 4 That Council adopts the restricted Cash and Investment balances as identified in Note 6C to the draft Bayside 2016/17 financial reports.
- 5 That Council ceases to recognise the Airport Business Unit as a special purpose financial reporting category business as it is a discontinued business due to the termination of contract in September 2018. Council will recognise this in future year's financial reports in its general purpose financial reports.

8.11 International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal

Mr Timothy Clifford, community advocate in support of Council signing the ICAN Treaty, spoke for the Officer Recommendation.

RESOLUTION

Minute 2019/004

Resolved on the motion of Councillors Rapisardi and Tsounis

- 1 That Council endorses the ICAN Cities Appeal noting that Bayside Council *“is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay.”*
- 2 That Council writes to the Minister for Foreign Affairs to inform them that Council endorsed the ICAN Cities Appeal and now calls for the government to sign and ratify the Treaty on behalf of the Australian people.
- 3 That Council issues a media release announcing Council’s endorsement of the ICAN Cities Appeal.

8 Reports

8.2 Voluntary Planning Agreement Post Exhibition 1-3 Harrow Road, Bexley

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

RESOLUTION

Minute 2019/005

Resolved on the motion of Councillors Tsounis and Nagi

That Council notes the outcomes of the exhibition of the Voluntary Planning Agreement (VPA) for 1-3 Harrow Road, Bexley and executes the VPA in accordance with Council delegations.

Division called by Councillors Tsounis and Nagi

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

The Motion was declared carried.

8.3 Voluntary Planning Agreement - oOh!media Fly Pty Ltd

RESOLUTION

Minute 2019/006

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the word 'annual' is deleted from clauses 10.1 (a) and 10.1 (b) from the Voluntary Planning Agreement (VPA) between Council and oOh!media Fly Pty Ltd.
- 2 That Council notes the outcomes of the public exhibition of a Voluntary Planning Agreement (VPA) between Council and oOh!media Fly Pty Ltd in relation to Development Applications for the conversion or replacement of existing outdoor advertising signage with digital signage and the VPA be executed in accordance with Council Delegations.

Division called by Councillors Tsounis and Nagi

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

The Motion was declared carried.

8.4 Planning Proposal - 119 Barton Street, Monterey: Rezoning Review

RESOLUTION

Minute 2019/007

Resolved on the motion of Councillors Awada and Macdonald

That Council resolves to retain its role as the Planning Proposal Authority for the Planning Proposal at 119 Barton Street, Monterey.

Division called by Councillors Awada and Macdonald

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

Against: Councillor Saravinovski

Abstained: Councillor Poulos

The Motion was declared carried.

8.5 Planning Proposal - 8 Princess Street, Brighton-Le-Sands

RESOLUTION

Minute 2019/008

Resolved on the motion of Councillors Macdonald and Nagi

That Council resolves to retain its role as the Planning Proposal Authority for the Draft Planning Proposal at 8 Princess Street, Brighton-Le-Sands.

Division called by Councillors Macdonald and Nagi

For: Councillors Morrissey, Curry, Rapisardi, Nagi, Ibrahim, Macdonald, Bezic and Awada

Against: Councillors Tsounis, Saravinovski, Kalligas, Sedrak, McDougall and Barlow

Abstained: Councillor Poulos

The Motion was declared carried.

8.6 Extension of Moratorium for Low Rise Medium Density Housing Code

RESOLUTION

Minute 2019/009

Resolved on the motion of Councillors Morrissey and McDougall

That Bayside Council seeks to extend the moratorium on the commencement of the State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) until the Bayside Local Environmental Plan and Bayside Development Control Plan are approved by the NSW Department Planning of Environment, expected by the end of 2020.

8.7 Cahill Park Amenities & Cafe Options

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

RESOLUTION

Minute 2019/010

Resolved on the motion of Councillors Nagi and Bezic

- 1 That Council resolves to proceed to detailed design and Development Application (DA) submission of Option 2, a cafe with the potential for an indoor/outdoor seating area being explored during the detailed design stage.
- 2 That the detailed design be presented to a GM briefing session prior to the DA being submitted.

8.8 Tender - Demolition of 925 Botany Road & Scout Hall, Lever Street Reserve

RESOLUTION

Minute 2019/011

Resolved on the motion of Councillors Nagi and Awada

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to 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 from Beasy Pty Ltd for Contract F18/768 being for the demolition of 925 Botany Road and the scout hall located in Lever Street Reserve for the amount of \$ 169,442.00 exclusive of GST.

8.9 Request for Financial Support - St Catherine Greek Orthodox Church - Easter Service and Procession

Councillors Poulos and Tsounis had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute 2019/012

Resolved on the motion of Councillors McDougall and Tsounis

That Council provides \$6000 in resources and labour to support the Saint Catherine Greek Orthodox Church Easter Services and Procession, under Council's Financial Assistance Policy.

8.10 ANZAC Day - Liquor Approval

RESOLUTION

Minute 2019/013

Resolved on the motion of Councillors Morrissey and Curry

That Council suspends the alcohol-free zone in Booralee Park, Botany between 6am and 12pm on Tuesday 25 April 2019 and permits the provision of alcohol by a licensed caterer subject to the Department of Industry, Liquor and Gaming guidelines and within the designated area.

8.12 Local Government NSW - Save Our Recycling Campaign

RESOLUTION

Minute 2019/014

Resolved on the motion of Councillors Barlow and McDougall

- 1 That Bayside Council endorses and supports the Save Our Recycling Campaign.
- 2 That Council sign up to Local Government NSW's campaign, 'Save Our Recycling' - <https://saveourrecycling.com.au/>, to advocate that 100% of the Waste Levy collected by the NSW Government be reinvested in waste avoidance, recycling and resource recovery.
- 3 That Council makes representation to the local State Member(s), in support of this campaign.
- 4 That Council writes to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for 100% reinvestment of the waste levy collected each year into waste avoidance, recycling and resource recovery.
- 5 That Council takes a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally.
- 6 That Council endorses the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
- 7 That Council formally advises Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

8.13 Nominations to attend Waste Conference 2019

RESOLUTION

Minute 2019/015

Resolved on the motion of Councillors Nagi and Macdonald

- 1 That Councillors Macdonald, Nagi, Rapisardi, Tsounis, Poulos, Bezic and Morrissey be registered to attend the annual Waste Conference in Coffs Harbour from Tuesday 14th May to Thursday 16th May 2019.
- 2 That Councillors registered to attend have their attendance recorded against their Professional Development Plans for 2019 and be required to complete an Attendance Report to Council, as soon as possible after the conference.

8.14 Quarterly Budget Review Statement - 31 December 2018

This report was read in conjunction with Item 8.23.

RESOLUTION

Minute 2019/016

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the Quarterly Budget Review Statement by the Manager Finance for the quarter ended 31 December 2018 be received and noted.
- 2 That in accordance with *Clauses 203 and 211 of the Local Government (General) Regulations 2005*, the proposed revotes and variations to the adopted revised budget detailed in the attachment to this report are adopted by Council and the changes to income and expenditure items be voted.

8.23 Report for December 2018 Quarter Budget Review

This report was read in conjunction with Item 8.14.

RESOLUTION

Minute 2019/017

Resolved on the motion of Councillors Tsounis and Nagi

That this supplementary report be received and noted.

8.15 Statutory Financial Report for November 2018

RESOLUTION

Minute 2019/018

Resolved on the motion of Councillors Awada and Nagi

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

8.16 Statutory Financial Report for December 2018

RESOLUTION

Minute 2019/019

Resolved on the motion of Councillors Tsounis and Awada

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

8.17 Renaming of Bayside Wards - Post Public Exhibition

RESOLUTION

Minute 2019/020

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the report on the public exhibition of the proposal to rename Council Wards to numbers be received and noted.
- 2 That Council renames the Council Wards in numerical order as exhibited.

8.18 Code of Meeting Practice - Review

RESOLUTION

Minute 2019/021

Resolved on the motion of Councillors Nagi and Barlow

- 1 That the report on the review of the Code of Meeting Practice be received and noted.

- 2 That the attached draft Code of Meeting Practice be placed on public exhibition in accordance with s361 of the Local Government Act.
- 3 That a further report be presented to Council at the conclusion of the public exhibition and submissions period.
- 4 That the Sport & Recreation Committee meet as scheduled and that the current practice of including representatives from local sporting clubs and associations relevant to priority items on the Committee agenda continue.
- 5 That the General Manager arrange a Councillor/staff workshop to review the existing Advisory Committee structure.

8.19 Local Government Elections - September 2020

RESOLUTION

Minute 2019/022

Resolved on the motion of Councillors Tsounis and McDougall

- 1 That Council, pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("LGA"), enter into an election arrangement by contract for the NSW Electoral Commissioner to administer all elections of the Council.
- 2 That Council, pursuant to s. 296(2) and (3) of the LGA, as applied and modified by s. 18, enter into a council poll arrangement by contract for the NSW Electoral Commissioner to administer all council polls of the Council.
- 3 That Council, pursuant to s. 296(2) and (3) of the LGA, as applied and modified by s. 18, enter into a constitutional referendum arrangement by contract for the NSW Electoral Commissioner to administer all constitutional referenda of the Council.

8.20 Delivery Program & Operational Plan 2018/19 - Six-Monthly Progress Report

Councillor Kalligas was absent for this item.

RESOLUTION

Minute 2019/023

Resolved on the motion of Councillors Nagi and Tsounis

That Council receives and notes the six monthly progress report on Council's Delivery Program 2018/21 and Operational Plan 2018/19.

8.21 Disclosure of Interest Return

Councillor Kalligas was absent for this item.

RESOLUTION

Minute 2019/024

Resolved on the motion of Councillors Barlow and Macdonald

That the information be received and noted.

8.22 Botany Historical Trust - Committee Membership

Councillor Kalligas was absent for this item.

RESOLUTION

Minute 2019/025

Resolved on the motion of Councillors Barlow and Tsounis'

- 1 That Council notes the General Manager's appointments of community representatives / independent experts and Council staff to the Executive of the Botany Historical Trust as outlined in this report.
- 2 That Council appoints Councillors Morrissey and Rapisardi to represent the Area to the Executive of the Botany Historical Trust.

9 Minutes of Committees**9.1 Minutes of the Botany Historical Trust Meeting - 4 February 2019**

Councillor Kalligas was absent for this item.

RESOLUTION

Minute 2019/026

Resolved on the motion of Councillors Morrissey and Curry

The Minutes of the Botany Historical Trust meeting held on 4 February 2019 be received and the recommendations therein be adopted.

9.2 Minutes of the Extraordinary Risk & Audit Committee Meeting - 31 January 2019

RESOLUTION

Minute 2019/027

Resolved on the motion of Councillors Morrissey and Tsounis

The Minutes of the Extraordinary Risk & Audit Committee meeting held on 31 January 2019 be received and the recommendations therein be adopted.

9.3 Minutes of the Bayside Traffic Committee Meeting - 6 February 2019

RESOLUTION

Minute 2019/028

Resolved on the motion of Councillors Nagi and McDougall

The Minutes of the Bayside Traffic Committee meeting held on 6 February 2019 be received and the recommendations therein be adopted.

10 Notices of Motion

10.1 Notice of Motion - Lady Robinsons Beach Environment

RESOLUTION

Minute 2019/029

Resolved on the motion of Councillors McDougall and Nagi

- 1 That Council investigates options to issue penalty notices for littering, including hiring off-duty police officers similar to the scheme in place in Kings Cross.
- 2 That Council considers implementing further bins along the foreshore and on the beach.
- 3 That a report on these matters be prepared for Council such that these and any other options might be considered and implemented in time for 2019-2020 summer period.

10.2 Notice of Motion - Bourke Street Crossing, Mascot

Councillor Sedrak left the meeting during this item at 9.18 pm and did not return to the Chamber.

RESOLUTION

Minute 2019/030

Resolved on the motion of Councillors Rapisardi and Nagi

- 1 That Council investigates costings for the provision of traffic controllers at the Bourke Street crossing at Mascot Railway Station during the peak periods identified by the preliminary counts.
- 2 That Council writes to the Roads and Maritime Services and Transport for NSW seeking financial support for any proposed interim measures, including traffic controllers.
- 3 That Council writes to the local State Member seeking his active support in obtaining funding for interim safety measures.

11 Questions With Notice**11.1 Question With Notice - Traffic Congestion in the Banksmeadow, Pagewood and Eastgardens Areas**

Councillor Sedrak was absent for this item.

Councillor Morrissey asked the following question:

With traffic congestion in the Banksmeadow, Pagewood and Eastgardens areas increasing rapidly, would officers please provide a progress and timeline update on the upgrades to the intersections at Wentworth Avenue and Baker / Page Streets to Councillors on or before the next General Meeting?

11.2 Question With Notice - Angelo Anestis Aquatic Centre

Councillor Sedrak was absent for this item.

Councillor Tsounis asked the following question:

- 1 Given the confusion and constant vehicle conflict at the entrance to the Angelo Anestis Aquatic Centre (AAAC), can the General Manager commission a report that investigates the reconfiguration of the entry to and exit from the carpark to the aquatic centre, making one an entry only and one an exit only? This will involve the relocation of the bus layover.
- 2 If single entry/exit point is not possible then the current entry at AAAC needs to be expanded to accommodate two dedicated lanes, one for entry and one for exit with the possible loss of a small number of vehicle spaces. Can a report including costs be commissioned by the General Manager to investigate this second option?
- 3 Can the General Manager bring both reports as requested above, including costing, to a GM briefing in April 2019 for consideration of the Traffic Committee if necessary, then implementation by June 2019?
- 4 Can the General Manager commission a report with a scope of formalising the parking arrangements on Preddys Lane to accommodate the potential loss resulting from Items 1 and 2 and to provide additional parking to alleviate, albeit partially, the shortfall of parking at the centre?.
- 5 Can the Council, in conjunction with the operator, revisit the plan for emergency vehicle access, as it was noted on recent site visits by councillors that access to the fire hydrant within the carpark was blocked by parked vehicles, and provide any future strategy to a GM briefing in April 2019?
- 6 Can the General Manager provide a report to Council identifying the state of repair of the car park, particularly the surrounding low height walls and capping, and a long-term strategy for any repairs by the April 2019 GM briefing.

12 Call For Rescission Motions

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 9.24 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager