

MINUTES

of the **Ordinary Meeting** of **Bayside Council**

held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 14 August 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 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
Samantha Urquhart, Manager Property
Karin Targa, Major Projects Director
Clare Harley, Manager Strategic Planning
Josh Ford, Coordinator Statutory Planning
Ali Rizwan, Development Manager
Colin Mable, Executive Engineer
Christine Stamper, Acting Head of Communications & Events
Taif George, IT Technical 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 7.05 am.

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 Martin Goodwin from Rockdale Uniting Church in Rockdale opened the meeting in prayer.

3 Apologies

RESOLUTION

Minute 2019/149

Resolved on the motion of Councillors Nagi and Tsounis

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

- Councillor Vicki Poulos

4 Disclosures of Interest

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 8.6 on the basis that he is not only a local resident but a member of an organisation that operates in close proximity to where monies will be spent, but stated he would remain in the Chamber for consideration and voting on the matter.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 10 July 2019

RESOLUTION

Minute 2019/150

Resolved on the motion of Councillors Nagi and Ibrahim

That the Minutes of the Council meeting held on 10 July 2019 be confirmed as a true record of proceedings.

5.2 Minutes of the Extraordinary Council Meeting - 17 July 2019

RESOLUTION

Minute 2019/151

Resolved on the motion of Councillors Tsounis and Morrissey

That the Minutes of the Extraordinary Council meeting held on 17 July 2019 be confirmed as a true record of proceedings.

5.3 Minutes of the Extraordinary Council Meeting - 31 July 2019

RESOLUTION

Minute 2019/152

Resolved on the motion of Councillors Awada and Ibrahim

That the Minutes of the Extraordinary Council meeting held on 31 July 2019 be confirmed as a true record of proceedings.

6 Mayoral Minutes

There were no Mayoral Minutes.

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 Draft Planning Proposal - 146-154 O'Riordan St, Mascot

- Larissa Brennan, Town Planning Consultant from LJB Urban Planning, speaking for the Officer Recommendation, addressed the Council.
- Siobhan McInerney, architect from PTW, speaking for the Officer Recommendation addressed the Council.

RESOLUTION

Minute 2019/153

Resolved on the motion of Councillors Nagi and Ibrahim

- 1 That Council considers the recommendation of the Bayside Local Planning Panel from 16th July 2019 to forward the draft Planning Proposal for land known as 146-154 O'Riordan Street, Mascot to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
- 2 That pursuant to section 3.34 of the *Environmental Planning & Assessment Act 1979* (EPAA) the draft Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination, which is to include:
 - a a condition for a Building Height Plane clause, or similar, applying to the northern and eastern side boundaries to make provision for appropriate building setbacks and height controls as they relate to the adjacent park, zoned RE1 Public Recreation, (Heritage Item I82 - Mascot Oval and Lionel Bowen Park) and the R3 Medium Density Residential Zone to the east.
- 3 That should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.
- 4 That Council note that a draft letter of offer for a Voluntary Planning Agreement has not been submitted to Council, by the proponent.

Division on planning matter

For: Councillors Saravinovski, Kalligas, Rapisardi, Nagi, Ibrahim, McDougall, Macdonald, Bezic, Barlow and Awada

Against: Councillors Tsounis, Sedrak, Morrissey and Curry

The Motion was carried.

8 Reports

Item 8.1 was dealt with in Public Forum

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

RESOLUTION

Minute 2019/154

Resolved on the motion of Councillors Macdonald and Nagi

- 1 That Council acknowledges the submissions received during the Public Exhibition of the Planning Proposal and the officer's response to them.

- 2 That Council, in accordance with Section 3.36(1) of the Environmental Planning & Assessment Act 1979, forwards a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Infrastructure and Environment (the DPIE) requesting that the draft Local Environmental Plan be finalised and notified.

Division on planning matter

For: Councillors Saravinovski, Kalligas, Rapisardi, Nagi, McDougall, Macdonald, Bezic, Barlow and Awada

Against: Councillors Tsounis, Sedrak, Morrissey and Curry

Abstained: Councillor Ibrahim

The Motion was carried.

8.3 Draft Bayside Local Strategic Planning Statement

RESOLUTION

Minute 2019/155

Resolved on the motion of Councillors Rapisardi and Nagi

- 1 That Council notes the preliminary desktop research, contained within the Discussion Papers, that informed the first round of community consultation (Attachments 4-12 within the Council officer's report).
- 2 That Council endorses the Draft Local Strategic Planning Statement (Attachment 1 within the Council officer's report) for public exhibition under the requirements of Environmental Planning and Assessment Act 1979 No 203.
- 3 That Council notes the changes to community consultation methods that have been informed by, and designed to adapt to, the outcomes of previous stages of community consultation.

Division on planning matter

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

The Motion was carried.

8.4 PCYC Lease Matter - 9 Ador Avenue, Rockdale

RESOLUTION

Minute 2019/156

Resolved on the motion of Councillors Awada and Nagi

- 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 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate 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 Council note the intention to enter into a 5 year lease to the Police Citizens Youth Club NSW pursuant to Section 47 of the Local Government Act 1993, situated at 9 Ador Avenue, Rockdale, for use as a community recreational facility.
- 3 That Council note the intention to enter into a heads of agreement for a long term lease pursuant to the Local Government Act 1993 with the Police Citizens Youth Club NSW upon completion of the 5 year lease at 9 Ador Avenue, Rockdale.
- 4 That the General Manager be authorised to finalise lease terms and sign and approve documentation required to enter into the 5 year lease to Police Citizens Youth Club NSW.
- 5 That a further report be tabled to endorse a long term lease to the Police & Community Youth Clubs NSW and the proposed redevelopment of the indoor recreation facility situated at 9 Ador Avenue, Rockdale.

8.5 SSROC HVAC Tender

RESOLUTION

Minute 2019/157

Resolved on the motion of Councillors Tsounis and Barlow

- 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 Council endorses the decision by the SSROC tender evaluation panel to create a panel of contractors, as detailed in the body of this report, for the provision of Heating Ventilation and Air-conditioning (HVAC) Maintenance Services.

8.6 Tender - Ramsgate Baths - Beach Nourishment Project

Councillor Tsounis had previously declared a Less than Significant Non-Pecuniary Interest and remained in the Chamber.

RESOLUTION

Minute 2019/158

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That Attachment 4 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 Neumann Contractors Pty Ltd for Contract (100123821) being for the reclamation and placement of 28,000m³ of sand within Ramsgate Baths for the amount of \$700,354 (ex GST).

8.7 Tender - Arncliffe Park Drainage and Synthetic Field

RESOLUTION

Minute 2019/159

Resolved on the motion of Councillors Nagi and Ibrahim

- 1 That Attachment 1 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 Polytan Asia Pacific Pty Ltd for the Contract F19/675 being for the construction of drainage and a synthetic playing field at Arncliffe Park, Arncliffe for the amount of \$3,279,208.50 exclusive of GST.

8.8 Tender - Rockdale Park

RESOLUTION

Minute 2019/160

Resolved on the motion of Councillors Tsounis and McDougall

- 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 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate 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 Scape Constructions Pty Ltd for Contract F19/473 being for the construction works for Rockdale Park amenities, playground and water feature for the amount of \$2,015,465.66 exclusive of GST.

8.9 Kerbside Clean Up Services - Harmonisation

RESOLUTION

Minute 2019/161

Resolved on the motion of Councillors Tsounis 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) (a), (d)(i) of the Local Government Act 1993, the attachment relates to personnel matters concerning particular individuals (other than Councillors) and 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 harmonise the domestic 'bulky/dry waste' kerbside clean up service across the entire local government area to provide all residents with the same level of service:
 - that is scheduled on set dates for each address
 - that offers each household four set services in a calendar year
 - that allows each household to present a maximum of three cubic metres per collection date.
- 3 That the harmonised clean up collection service starts from January 2020.
- 4 That each household continues to comply with rules set by Council on what material is accepted, how the material should be presented, where the material is to be presented and when the material is to be presented. These rules are provided on:
 - Council's website in the annual digital Waste & Cleansing Services Guide
 - Bayside Waste Services App (updated each calendar year)
 - Council's Waste & Recycling Calendar (delivered annually via mail drop-off).
- 5 That this matter be reviewed in twelve (12) months.

8.10 Draft Engagement and Communications Strategy 2019 Update

RESOLUTION

Minute 2019/162

Resolved on the motion of Councillors Barlow and Nagi

That Council endorses the draft Engagement and Communications Strategy 2019 which includes the provision of the Community Participation Plan to go to exhibition for 28 days.

8.11 Ward Boundary Review

RESOLUTION

Minute 2019/163

Resolved on the motion of Councillors McDougall and Nagi

- 1 That the Council receives and notes this report.

- 2 That the Council consults with the Electoral Commissioner and the Australian Statistician as required by the Local Government Act.
- 3 That the Council approves the proposed Ward Boundaries as detailed in the report to be placed on public exhibition for a period of at least 28 days and a further 14 days to receive any community submissions.
- 4 That the Council receives a further report at the completion of the public exhibition period for final endorsement of the Ward Boundaries for submission to the NSW Electoral Commission in preparation for the 2020 Local Government election.

8.12 LGNSW Conference - Attendance and Motions

RESOLUTION

Minute 2019/164

Resolved on the motion of Councillors Tsounis and Awada

- 1 That Councillors Nagi, Awada, Saravinovski, McDougall and others are to inform the General Manager if they will attend the 2019 LGNSW Conference as voting delegates.
- 2 That Council submits the proposed motions as included in the body of the report to the 2019 LGNSW Conference subject to the following:
 - Delete Motion 4 regarding the fire emergency services levy.
 - Submit a motion seeking a fuller review of the Building Certification regime by the NSW Building Commission and to include measures to lessen the impact on the industry of the escalating public liability insurance premiums, mandatory quality assurance measures for certifiers particularly in relation to large scale developments, and ensure that the Building Professionals Board has appropriate local government industry representation.
- 3 That the General Manager or nominee be authorised to make minor editorial amendments to the adopted motions, before they are submitted to LGNSW.

8.13 Procurement Policy - Review and Update

RESOLUTION

Minute 2019/165

Resolved on the motion of Councillors Tsounis and Macdonald

That Council adopts the revised Procurement Policy as attached to this report.

8.14 Statutory Financial Report - June 2019

RESOLUTION

Minute 2019/166

Resolved on the motion of Councillors Barlow and Bezic

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

8.15 Disclosure of Interest Return

RESOLUTION

Minute 2019/167

Resolved on the motion of Councillors Barlow and Awada

That the information be received and noted.

8.16 Response to Question - Parking Issues in Valda Avenue and Marsh Street, Arncliffe

The response was received.

8.17 Response to Question - The Ralan Group Voluntary Administration

The response was received.

9 Minutes of Committees

9.1 Minutes of the Bayside Traffic Committee Meeting - 7 August 2019

RESOLUTION

Minute 2019/168

Resolved on the motion of Councillors Rapisardi and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 7 August 2019 be received and the recommendations therein be adopted.

10 Notices of Motion

There were no Notices of Motion.

11 Questions With Notice

11.1 Question With Notice – Arncliffe Aurora – Lease Agreement

Councillor Nagi asked the following question:

In December last year I moved a Notice of Motion asking staff to develop a draft 5 year lease agreement for Arncliffe Aurora to occupy Arncliffe Park. The draft lease was to reflect the arrangements already in place for Gardiner Park.

While the Sport and Recreation Committee have considered this in general terms, now that the tender for a synthetic field at Arncliffe has been agreed at this Council Meeting tonight it is even more pressing that the terms of the agreement and tenure over Arncliffe Park be brought to Council for consideration and resolution.

Can I ask that the draft lease be tabled at the August Sport and Recreation Committee and that it be listed on the agenda for the September Council Meeting?

11.2 Question With Notice – Bexley Bowling Club

Councillor Tsounis asked the following question:

It is good news we hear today that a development application has been lodged for the improvement of the former Bexley Bowling Club. However, in the light of the Ralan collapse and the delays in the construction of the Arncliffe Youth Centre, I feel that some questions need to be asked.

The tender for this site was approved over three years ago and further delays would be a disservice to the community, and may no longer meet the needs of the community.

- 1 Is the proponent the same entity that originally applied / submitted the tender?
- 2 Does the proponent, as at the date of lodgement, have the financial capacity to deliver the project?
- 3 Has a construction program been provided with the development application?
- 4 Has asbestos been identified on the site and has the proponent considered this in the program?
- 5 What assurances or guarantees are being offered by the proponent to deliver the project on time?

- 6 When is it anticipated and how long will the public exhibition period be for this application?

The Mayor closed the meeting at 8.59 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager