

## **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 December 2019** at **7.11 pm**

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### **Present**

Councillor Joe Awada, Mayor  
Councillor James Macdonald, Deputy Mayor  
Councillor Liz Barlow  
Councillor Ron Bezic  
Councillor Christina Curry  
Councillor Tarek Ibrahim  
Councillor Ed McDougall  
Councillor Scott Morrissey  
Councillor Michael Nagi  
Councillor Vicki Poulos  
Councillor Dorothy Rapisardi  
Councillor Bill Saravinovski  
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  
Bruce Cooke, Acting Manager Governance & Risk  
Liz Rog, Manager Executive Services  
Matthew Walker, Manager Finance  
Samantha Urquhart, Manager Property  
Joe Cavagnino, Manager Procurement & Fleet  
Karin Targa, Major Projects Director  
Clare Harley, Manager Strategic Planning  
Maree Girdler, Acting Manager Community Life  
Laura Browning, Coordinator Children Services  
Ben Heraud, Coordinator Property  
Christine Stamper, Communications & Events Lead  
Taif George, IT Technical 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 7.11 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 Country**

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

## **2 Opening Prayer**

The Reverend Adam Clark, Senior Minister at Kensington Eastlakes Anglican Church, opened the meeting in prayer.

Following the prayer, the Mayor offered his condolences to New Zealand and to the Australian tourists and families who have been impacted by the White Island volcanic eruption which occurred on Monday afternoon, 9 December 2019.

## **3 Apologies**

RESOLUTION

Minute 2019/252

Resolved on the motion of Councillors Sedrak and Bezic

That the apology from Councillor Petros Kalligas be received and leave of absence granted.

## **4 Disclosures of Interest**

Councillor Poulos declared a Less than Significant Non-Pecuniary Interest in Item 6.3 on the basis that her husband works for the Minister for Environment, and stated she would leave the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Less than Significant Non-Pecuniary Interest in Item 8.5 on the basis that she works for the Parliamentary Secretary for Roads and Transport, and stated she would leave the Chamber for consideration and voting on the matter.

Councillor Tsounis declared a Significant Non-Pecuniary Interest in Item 8.22 on the basis that he is a Director of one of the organisations receiving funding under the Stronger Communities Fund, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 8.5 on the basis that his son has previously played on that field and played for the Club concerned but does not play for them now, although he is not a member of any

organisation, but stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Nagi declared a Less than Significant Non-Pecuniary Interest in Item 8.4 on the basis that he owns properties within that shopping Town Centre, and stated he would leave the Chamber for consideration and voting on the matter.

Mr Michael McCabe, Director City Futures, declared a Significant Non-Pecuniary Interest in Item 8.5 on the basis that his role at Council is to determine the review of environmental factors associated with this project, 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 8.1 on the basis that he lives in the Local Government Area, in Rockdale, but stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Pecuniary Interest in Item 8.1 on the basis that his family owns property in the Rockdale Town Centre, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Pecuniary Interest in Item 8.3 on the basis that his family owns property in the Rockdale Town Centre, 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 12.1 on the basis that his wife manages a child care centre in a different Local Government Area, but stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Sedrak declared a Less than Significant Non-Pecuniary Interest in Item 12.1 on the basis that his family owns child care centres, and stated he would leave the Chamber for consideration and voting on the matter.

The Mayor, Councillor Awada, declared a Less than Significant Non-Pecuniary Interest in Item 12.1 on the basis that his family manages child care centres, 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 - 13 November 2019**

#### **RESOLUTION**

Minute 2019/253

Resolved on the motion of Councillors Barlow and McDougall

That the Minutes of the Council meeting held on 13 November 2019 be confirmed as a true record of proceedings.

## **Last Meeting of 2019**

The Mayor acknowledged all the hard work that has gone on behind the scenes to support our Council Meetings. He thanked all staff who have contributed to officer reports and recommendations throughout the year, and advised he sincerely appreciates the comprehensive briefings and all the background information provided to support Council's decision making. He thanked all his fellow Councillors for their debate and informed discussion as they advocate on behalf of our community.

## **2019 Mayoral Student Excellence Award - Presentations**

The Mayor provided an update on the 2019 Mayoral Student Excellence Awards. This year, Council invited 42 schools to nominate outstanding students. Eight and a half thousand dollars in Westfield Vouchers has been awarded to 62 students across the Bayside Area, with the principal and key staff determining the students being recognised for their academic achievements and positive contribution to their school's culture. The Mayor has attended a few of the presentations and he thanked those Councillors who have also been available to attend school presentations in their local ward.

The Mayor congratulated all recipients, particularly the following who attended the meeting:

- Sophie from Carlton Public School
- Thomas & Neharika from Arncliffe Public School
- Olivia from Sans Souci Public School
- Sasha from St Thomas More Public School.

## **6 Mayoral Minutes**

### **6.1 Mayoral Minute - Response to the Bushfire Crisis in NSW**

#### **RESOLUTION**

Minute 2019/254

Resolved on the motion of Councillors Saravinovski and Tsounis

That Council donates \$5000 on behalf of our community to each of the following organisations' appeals:

- Australian Red Cross Disaster Recovery and Relief
- Salvation Army Disaster Appeal
- St Vincent de Paul Society Bushfire Appeal (NSW)

## 6.2 Mayoral Minute - Drought Assistance

### RESOLUTION

Minute 2019/255

Resolved on the motion of Councillors McDougall and Rapisardi

That Council commits to donate \$10,000 to the NSW Farmers Association's Drought Relief Fund.

## 6.3 Mayoral Minute - Plan to Save Our Recycling

Councillor Poulos had previously declared a Less than Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

### RESOLUTION

Minute 2019/256

Resolved on the motion of Councillors Rapisardi and Tsounis

- 1 That Council acknowledges the growing imperative to manage waste and recycling within NSW, and calls for urgent action from the State Government to help build a circular economy in NSW.
- 2 That Council endorses Local Government NSW's sector-wide *Save our Recycling* campaign, and asks the State Government to reinvest the Waste Levy in:
  - a Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions.
  - b Supporting the State-led development of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified.
  - c Support for the purchase of recycled content by all levels of government, as exemplified by the MoU detailed in Recommendation 3, to help create new end markets for materials.
  - d Funding and delivery of a State-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content, and the importance of waste avoidance.
- 3 That Council recognises initiatives and projects taken within the Bayside Council local government area to help achieve this goal, including:
  - a Joining a regional Memorandum of Understanding (MoU) to prioritise recycled materials in procurement, which has had unanimous support from all 11 Southern Sydney Regional Organisation of Councils (SSROC)

- member councils and the NSW Minister for Environment and Energy, the Hon Matthew Kean MP.
- b Jointly advising on and undertaking a major project through SSROC on metropolitan Sydney Waste Data and Infrastructure Planning to identify necessary waste data and projected material flows to make informed policy and infrastructure decisions.
  - c Bayside Council leading by example by being recognised as the Winner of the 2019 Keep Australia Beautiful NSW Sustainable Cities Circular Economy Award for developing a Community Recycling Innovation Hub for the dropping off of recycling materials, and utilising recycled content within the asphalt and carriage way that leads to this innovative Community Recycling Hub.
- 4 That Council is taking all actions that it can, but urgently calls on the State Government to take further action and that Council write to the local State Members, the Minister for Energy and Environment the Hon Matthew Kean MP; Local Government Minister Shelley Hancock; NSW Treasurer the Hon Dominic Perrottet MP; Premier the Hon Gladys Berejiklian MP; Opposition Leader Jodi McKay MP; Shadow Minister for Environment and Heritage Kate Washington MP; and Shadow Minister for Local Government Greg Warren MP to:
- a Confirm our support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
  - b Fund the work that Council is doing with SSROC on Sydney Waste Data and Infrastructure Planning.
  - c Fund councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions.
  - d Lead and fund the development of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified.
- 5 That Council formally write to its own networks advising its members of its support for the *Save Our Recycling* campaign, and asking them to consider endorsing and sharing it on their own networks across the Bayside Council local government area.
- 6 That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.
- 7 That Council shares and promotes the *Save Our Recycling* campaign via its digital and social media channels and via its networks.

#### **6.4 Mayoral Minute - Bayside Council Strategic Resource Recovery Awards and Initiatives**

The Mayor acknowledged that Council has been recognised with four prestigious awards at the Keep Australia Beautiful NSW Sustainable Cities Awards 2019.

The Mayor presented a Certificate of Recognition from the Local Government NSW Excellence in the Environment Awards 2019/20 for winning the prestigious State wide Community Waste Services category for the “Bayside Community Recycling Innovation Hub” to the following staff:

- Colin Clissold, Director City Presentation
- Joe Logiacco, Manager Waste & Cleansing Services
- Patricia Chamberlain, Coordinator Waste Avoidance & Resource Recovery
- Heath Delamotte, Team Leader Waste & Cleansing Services
- Ben Bartlett, Team Leader Waste & Cleansing Services
- Geoff Raymond, Waste Avoidance & Resource Recovery Education Officer
- Sasha Radoski, Projects Supervisor City Works
- Phil Perugini, Team Leader Roads & Drainage

#### **RESOLUTION**

Minute 2019/257

Resolved on the motion of Councillors Awada and Morrissey

That the following award achievements be noted:

- Keep Australia Beautiful NSW Sustainable Cities Awards 2019:
  - Circular Economy Award
  - Coastal and Waterways Protection Award
  - Recycled Organics Award
  - Overall Sustainable Cities Award
- Local Government NSW Excellence in the Environment Awards 2019/20 for the “Bayside Community Recycling Innovation Hub”

and the General Manager, Director City Presentation, Manager Waste & Cleansing Services, and all the business units involved be congratulated on their strategic leadership.

## 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 Local Strategic Planning Statement

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

Councillor Saravinovski had previously declared a Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

- Ms Yasmina Kovacevic, representing the Bexley Chamber of Commerce, speaking against the Officer Recommendation, addressed the Council.
- Dr Rifaat Hanna, affected neighbour, speaking to the Officer Recommendation, addressed the Council.
- Mr George Antoniou, interested resident, speaking to the Officer Recommendation, addressed the Council.

#### RESOLUTION

Minute 2019/258

Resolved on the motion of Councillors Rapisardi and Tsounis

- 1 That Council endorses the attached final draft Bayside Local Strategic Planning Statement.
- 2 That Council notes the process for the finalisation of the Bayside Local Strategic Planning Statement.
- 3 That Council considers comments made by the Bexley Chamber of Commerce speaker in Public Forum and interested parties in relation to Bexley.
- 4 That Council nominates Rockdale Town Centre as a core strategic town centre in the Bayside Local Strategic Planning Statement.

Division on planning matter

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

The Motion was carried.



#### **8.4 Arncliffe and Banksia Public Domain Plan and Technical Manual**

Councillor Nagi had previously declared a Less than Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

- Mrs Mary Byrnes, interested resident, speaking against the Officer Recommendation, addressed the Council.

#### **RESOLUTION**

Minute 2019/259

Resolved on the motion of Councillors Awada and Macdonald

- 1 That Council resolves to adopt the Arncliffe and Banksia Public Domain Plan and Technical Manual.
- 2 That Council considers issues raised by the speaker in Public Forum and, in particular, reviews the suggested tree plantings proposed for the area.

#### **Item 5.5 – Off Leash Dog Exercise Area Proposal (of Item 9.1 - Minutes of the Sport & Recreation Committee Meeting – 26 November 2019)**

- Mr Michael Matthey, interested resident, speaking for the Officer Recommendation, addressed the Council.

#### **RESOLUTION**

Minute 2019/260

Resolved on the motion of Councillors Morrissey and Curry

That the trial of an Off Leash Dog Exercise Area at Mutch Park proceed in accordance with the conditions outlined below:

- 1 Councillor Morrissey proposed a trial Off Leash Dog Exercise Area within a designated zone of Mutch Park, from the northern side of the skate park to Heffron Road between the hours of 4:00 pm - 10:00 am, Monday to Sunday, noting that these times are consistent with the hours for the beach off leash times at Kyeemagh.
- 2 The trial would include a 12 month period with an ensuing review and report to the Sport & Recreation Committee for further discussion and consideration.
- 3 The trial period will commence once necessary signage, controls and communication have been put in place, with a view to having it in place in the first quarter of 2020.

- 4 That monitoring and maintenance at Mutch Park be increased as required to ensure that the implementation of the Environmental Management Plan with respect to contamination is fully compliant at all times.

Division called by Councillor Tsounis

For: Councillors Macdonald, Barlow, Bezic, Curry, McDougall, Morrissey, Saravinovski, Rapisardi and Sedrak

Against: Councillors Awada, Ibrahim, Nagi, Poulos and Tsounis

The Motion was carried.

## **8 Reports**

### **Item 8.1 was dealt with in Public Forum**

#### **8.2 Sydney Gateway Environmental Impact Statement**

Councillor Poulos was absent for the voting on this item.

##### **RESOLUTION**

Minute 2019/261

Resolved on the motion of Councillors Bezic and Barlow

- 1 That Council notes the economic importance of the Sydney Gateway Road Project.
- 2 That Council endorses the request for delegation to be provided to the General Manager to sign Council's submission on the EIS for the Sydney Gateway Road Project.

#### **8.3 Kogarah Place Strategy**

Councillor Saravinovski had previously declared a Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

Councillor Tsounis was absent for the voting on this item.

##### **RESOLUTION**

Minute 2019/262

Resolved on the motion of Councillors Tsounis and Bezic

- 1 That Council endorses the draft Kogarah Place Strategy.

- 2 That Council notes that the draft Kogarah Place Strategy has been approved by the Greater Sydney Commission's Full Board on 10 December 2019.
- 3 That Council notes that the draft Kogarah Place Strategy will be publicly released by the Greater Sydney Commission early in 2020.

**Item 8.4 was dealt with in Public Forum**

## **8.5 Roads and Maritime Services Proposed M6 - Property Matters**

Councillor Poulos had previously declared a Less than Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

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

Mr Michael McCabe, Director City Futures, had previously declared a Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

### **RESOLUTION**

Minute 2019/263

Resolved on the motion of Councillors Tsounis and Barlow

- 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) (c) of the Local Government Act 1993, the attachment relates 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 notes the update of the M6 Extension Stage 1.
- 3 That Council approves the key terms of the proposed Memorandum of Understanding and ancillary attachments, including the Deed of Compulsory Acquisition by Agreement, that are annexed to this report as Annexure 2, 4 to 8 inclusive, subject to further negotiation on the remaining terms including those identified in Confidential Annexure 9.
- 4 That the General Manager be delegated to finalise the commercial terms for this matter.
- 5 That the Mayor and General Manager be delegated to sign and seal, where required, all documentation required to complete this matter.

**Procedural Motion**

## RESOLUTION

Minute 2019/264

Resolved on the motion of Councillors McDougall and Bezic

That Item 8.6, Scarborough Park and Bexley Tennis Courts, be dealt with in Closed Session

**8.7 Botany Aquatic Centre**

## RESOLUTION

Minute 2019/265

Resolved on the motion of Councillors Curry and Morrissey

- 1 That the attachment 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 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 resolves to proceed with the preferred option contained within the body of this report – Option 3 and to commence detailed design, a development application and tender documentation for this option.
- 3 That Council resolves to include funding of \$656,000 (exclusive of GST) in the current 2019/2020 capital budget to commence the detailed design and documentation of the Botany Aquatic Centre.
- 4 That \$2,000,000 (exclusive of GST) is included as a budget item in 2020/2021 budget to complete the detailed design and documentation and Development Application for the Botany Aquatic Centre.
- 5 That Council resolves to establish a community reference group for the Botany Aquatic Centre as outlined in this report.
- 6 That Council nominates Councillors Curry, Morrissey and Rapisardi for the membership of the Botany Aquatic Centre Community Reference Group.
- 7 That Council advises the State and Federal Members of Parliament of the resolution and seeks their support in obtaining funding.

## **8.8 Renew our Libraries Phase 2**

### **RESOLUTION**

Minute 2019/266

Resolved on the motion of Councillors Rapisardi and McDougall

- 1 That Council makes representations to the local State Member(s) in relation to the need for a sustainable state funding model for the ongoing provision of public library services.
- 2 That Council writes to the Hon. Don Harwin, Minister for the Arts, and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.
- 3 That Council endorses the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

## **8.9 Eastlakes Shopping Centre MOD 4 - Amended proposal**

### **RESOLUTION**

Minute 2019/267

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council in principal opposes the Eastlakes Shopping Centre MOD 4 amended proposal.
- 2 That Council endorses the attached submission, in relation to the revisions proposed by the NSW Department of Planning, Industry and Environment to MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential).
- 3 That Council writes to the State and Federal Members of Parliament, particularly the Member for Heffron, to advise them of Council's opposition to the modification and its decision.

**8.10 Draft Submission - Place Based Infrastructure Compact Model**

## RESOLUTION

Minute 2019/268

Resolved on the motion of Councillors Barlow and Tsounis

That Council delegates to the General Manager the making of a submission to the Greater Sydney Commission which includes:

- 1 Support for the development and use of the Place-based Infrastructure Compact (PIC) model to align growth with the delivery of infrastructure through a sequencing plan.
- 2 Suggestions that:
  - 2.1 councils should be elevated to a PIC Partner alongside government agencies and utility providers; and
  - 2.2 sequencing plans should be implemented through Council's local strategic planning statements.

**8.11 Development of Bayside's Water Management Strategy**

## RESOLUTION

Minute 2019/269

Resolved on the motion of Councillors Saravinovski and Rapisardi

That Council endorses the draft Bayside Water Management Strategy to go on public exhibition until Friday, 7 February 2020.

**8.12 Tender - D&C Retaining Wall Replacement at Bexley and Botany**

## RESOLUTION

Minute 2019/270

Resolved on the motion of Councillors Barlow and Tsounis

- 1 That Appendix A – Tender Assessment attached to this report be withheld from the press and public as it is 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, in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any Tender for Contract F19/217, D&C Retaining Wall Replacement at Bexley and Botany and cancel the proposal for the contract. The reason for declining all tenders is because all responses to tender substantially exceed the allocated budget.
- 3 That Council notifies the tenderers of its decision.
- 4 That alternative treatments for the retaining walls at Kingsland Road, Bexley and Ermington Street, Botany be further investigated and that the matter be discussed at a GM Briefing Session in the first quarter of 2020.

### **8.13 Tender - Wolli Creek Public Domain Road and Stormwater Upgrades F19/1072**

#### **RESOLUTION**

Minute 2019/271

Resolved on the motion of Councillors Barlow and Tsounis

- 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 Sydney Civil Pty Ltd for Contract F19/1072 Wolli Creek Public Domain Road and Stormwater Upgrades in Wolli Creek for the amount of \$3,676,938.06 exclusive of GST.

### **8.14 Tender - Botany Town Hall Roof Replacement**

#### **RESOLUTION**

Minute 2019/272

Resolved on the motion of Councillors Morrissey and Curry

- 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 RELD Group Pty Ltd for the Contract F19/977 being the construction of the new roof, demolition of the 1966 extension and associated works at Botany Town Hall for the total amount of \$427,708.18 exclusive of GST.

### **8.15 Tender - Hensley Reserve Athletic Track Renewal F19/1067**

Councillor Nagi was absent for the voting on this item.

#### **RESOLUTION**

Minute 2019/273

Resolved on the motion of Councillors Morrissey and Curry

- 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 Turf One Pty Ltd for Contract F19/1067 being for the Hensley Reserve Athletic Track Renewal in Eastgardens for the amount of \$536,255.00 exclusive of GST.

### **8.16 Tender - Cahill Park Cafe & Amenities**

Councillor Nagi was absent for the voting on this item.

#### **RESOLUTION**

Minute 2019/274

Resolved on the motion of Councillors Rapisardi and Ibrahim

- 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 Hibernian Contracting Pty Ltd for the Contract F19/1028 being the construction of the new café and amenities building at Cahill Park, Wolli Creek for the amount of \$2,054,884 exclusive of GST; and
- 3 That Council allocates an additional \$142,000 in the 2020/2021 City Projects Program to the Cahill Park café and amenities project.

### **8.17 Tender - Graffiti Removal Services**

Councillor Nagi was absent for the voting on this item.

#### **RESOLUTION**

Minute 2019/275

Resolved on the motion of Councillors Barlow and Bezic

- 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 accepts the Tender from and enter into a contract with Graffiti Clean Pty Ltd for the provision of Graffiti Removal Services from all Council owned property and assets and all residential property in the former Rockdale LGA. The contract term will be 3 years and will include 2 optional extensions of 12 months each.
- 3 That Council has the ability to extend the services during the term of the contract with the contracted supplier.

### **8.18 Lunar Lights Festival 2020**

Councillor Nagi was absent for the voting on this item.

#### **RESOLUTION**

Minute 2019/276

Resolved on the motion of Councillors Curry and Morrissey

- 1 That Council notes the plans and event format for the 2020 Lunar Light Festival.
- 2 That Council approves an additional budget allocation of \$39K for the Night Noodle Market and Lunar Festival

### **8.19 Citizen of the Year 2020 - Panel Recommendations**

Councillor Nagi was absent for the voting on this item.

#### **RESOLUTION**

Minute 2019/277

Resolved on the motion of Councillors Rapisardi and Macdonald

- 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) of the Local Government Act 1993, the attachment relates to personnel matters concerning particular individuals (other than Councillors).
- 2 That the report be received and noted.

### **8.20 2018-19 General Purpose Financial Statements - Audit Outcome and Statement by Councillors and Management**

#### **RESOLUTION**

Minute 2019/278

Resolved on the motion of Councillors Barlow and Sedrak

That the Mayor, nominated Councillor, General Manager and Responsible Accounting Officer signs the revised Statement by Councillors and Management (Attachment 2) for the 2018-19 General Purpose Financial Statements.

### **8.21 Statutory Financial Report - October 2019**

#### **RESOLUTION**

Minute 2019/279

Resolved on the motion of Councillors Saravinovski and Rapisardi

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

## **8.22 Stronger Communities Fund - Major Projects and Community Grants Programs - Round One and Two Progress Reporting**

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

### **RESOLUTION**

Minute 2019/280

Resolved on the motion of Councillors Saravinovski and Barlow

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 July 2019 – 31 December 2019 and the Stronger Communities Fund 6 monthly Community Grants report for the period from 1 July 2019 – 31 December 2019 for reporting to the NSW Office of Local Government, in accordance with the funding guidelines.

## **8.23 Petition Policy**

### **RESOLUTION**

Minute 2019/281

Resolved on the motion of Councillors McDougall and Poulos

- 1 That the attached draft policy be adopted.
- 2 That any previous policies and / or procedures that deal with this issue are rescinded.

## **8.24 Response to Question - Annual disclosures by Regional and Local Planning Panels**

The response was received.

# **9 Minutes of Committees**

## **9.1 Minutes of the Sport & Recreation Committee Meeting - 26 November 2019**

### **RESOLUTION**

Minute 2019/282

Resolved on the motion of Councillors Macdonald and Tsounis

That the Minutes of the Sport & Recreation Committee meeting held on 26 November 2019 be received and the recommendations therein be adopted with the exception of Item 6.1 as this is the subject of a separate report that has already been dealt with (refer to Item 8.6, Minute No 2019/291), and Item 5.5 that similarly has been previously dealt with in Public Forum (refer to Minute No 2019/260).

## **9.2 Minutes of the Bayside Traffic Committee Meeting - 4 December 2019**

### **RESOLUTION**

Minute 2019/283

Resolved on the motion of Councillors Rapisardi and Saravinovski

That the Minutes of the Bayside Traffic Committee meeting held on 4 December 2019 be received and the recommendations therein be adopted with the exception of Items BTC19.220 (refer to Minute No 2019/284) and BTC19.222 (refer to Minute No 2019/285).

## **9.4 BTC19.220 – Fairview Street, Arncliffe rear of 171 Wollongong Road - Proposed 4 hour parking, 'No Parking' and 'No Stopping' restrictions (Minutes of the Bayside Traffic Committee Meeting – 4 December 2019)**

### **RESOLUTION**

Minute 2019/284

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That a 32m '4P, 8:30 am – 6 pm Mon - Fri, 8:30 am – 12:30 pm Saturday' restriction be installed along the southern kerbline of Fairview Street east of Wilsons Road rear of No.171 Wollongong Road, Arncliffe.
- 2 That a 'No Parking' restriction be installed 3m either end of the rear driveway of No. 171 Wollongong Road along the southern kerbline of Fairview Street east of Wilsons Road, Arncliffe.
- 3 That the 10m statutory 'No Stopping' restriction at the corner of the southern kerbline of Fairview Street and Wilsons Road be signposted.

**9.5 BTC19.222 – 1-3 Harrow Road, Bexley - Proposed 'No Stopping' restriction and 'Give Way' priority control at Albyn Lane - Condition 109 of DA2017/373 (Minutes of the Bayside Traffic Committee Meeting – 4 December 2019)**

**RESOLUTION**

Minute 2019/285

Resolved on the motion of Councillors Rapisardi and Tsounis

- 1 That the proposed 'No Stopping' restriction with linemarking on the western side of Albyn Lane, south of Harrow Road, be approved.
- 2 That the proposed 'No Stopping' restriction with linemarking on the eastern side of Albyn Lane, south of Harrow Road, be approved.
- 3 That the proposed 'Give Way' priority control linemarking and double centre lines at Albyn Lane, south of Harrow Road, be approved.
- 4 That the proposed works be completed by the applicant as part of their conditions of consent.

**9.3 Minutes of the Botany Historical Trust Meeting - 4 November 2019**

Minute 2019/286

Resolved on the motion of Councillors Rapisardi and Nagi

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

**10 Notices of Motion**

**10.1 Notice of Motion - Remembering Clive James - The 'Kid from Kogarah'**

**RESOLUTION**

Minute 2019/287

Resolved on the motion of Councillors Saravinovski and Nagi

That the General Manager investigate naming a section of public space to the late Clive James (AO), known as the 'Kid from Kogarah' who passed away on 24 November 2019. Any public domain area nominated for dedication, should be located relevant to Clive James' childhood home in Kogarah.

## 11 Questions With Notice

### 11.1 Question With Notice - Vanston Parade, Sandringham

Councillor Macdonald asked the following question:

Further to the 11 September 2019 response to a Notice of Motion, could an update be provided on the consultation regarding the social behaviour issue in Vanston Parade, Sandringham?

## 12 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

Minute 2019/288

Resolved

- 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:

#### 12.1 **CONFIDENTIAL - New Child Care Centre - Darrell Lea site Kogarah- Management Options**

In accordance with section 10A (2) (c) of the Local Government Act 1993, the matters dealt with in 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.

#### 8.6 **Scarborough Park and Bexley Tennis Court**

In accordance with Section 10(A) (2) (c) of the Local Government Act 1993, the matters dealt with in 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.

### **12.1 New Child Care Centre - Darrell Lea site Kogarah- Management Options**

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

Councillor Sedrak had previously declared a Less than Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

The Mayor, Councillor Awada, had previously declared a Less than Significant Non-Pecuniary Interest.

#### **MOTION**

Motion moved by Councillors Ibrahim and Nagi

That Council determines Option 1 as the preferred option for management of the new Child Care Centre at Kogarah from the 4 options outlined within this report.

Division called by Councillors Ibrahim and Nagi

For: Councillors Barlow, Ibrahim, Saravinovski, Nagi and Poulos

Against: Councillors Awada, Macdonald, Bezic, Curry, McDougall, Morrissey, Rapisardi, and Tsounis

The Motion was lost.

#### **FORESHADOWED MOTION**

Foreshadowed Motion moved by Councillor McDougall and Curry

That this item be deferred in order to consider financial implications of both Option 1 and Option 2.

The Foreshadowed Motion became the Motion.

#### **RESOLUTION**

Minute 2019/289

Resolved on the motion of Councillors McDougall and Curry

That this item be deferred in order to consider financial implications of both Option 1 and Option 2.

**Procedural Motion**

Minute 2019/290

Resolved on the motion of Councillors Nagi and Rapisardi

That the concluding time limit of the meeting be extended to 12.30 am.

**8.6 Scarborough Park and Bexley Tennis Courts****RESOLUTION**

Minute 2019/291

Resolved on the motion of Councillors McDougall and Tsounis

- 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) (c) of the Local Government Act 1993, the attachment relates 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 recommends that the leases with Golden Goal for both Scarborough Park and Bexley Tennis Courts be surrendered by Golden Goal by 31 January 2020.
- 3 That Council explores the options of recovering moneys due from the company and / or directors.
- 4 That a further report be prepared for the Sport & Recreation Committee on future options for these courts.

**Resumption of Open Council Meeting**

Minute 2019/292

Resolved on the motion of Councillors Nagi and Ibrahim

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

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



The Mayor closed the meeting at 12:13 am.

Councillor Joe Awada  
**Mayor**

Meredith Wallace  
**General Manager**