

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 March 2020** at **7.11 pm**

Present

Councillor Joe Awada, Mayor
Councillor James Macdonald, Deputy Mayor
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor Petros Kalligas
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi (left 10.15 pm)
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
Clare Harley, Acting Director City Futures
Colin Clissold, Director City Presentation
Liz Rog, Manager Executive Services
Michael Azzi, Manager Compliance
Samantha Urquhart, Manager Property
Ali Rizwan, Development Manager
Rachael Cahill, Property Portfolio Manager
Denize Venn, Community Grants and Administration Officer
Christine Stamper, Communications & Events Lead
Veronica Giles-Cook, Executive Assistant to the Mayor
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer
Gina Nobrega, 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 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

Father Manuel Santiago, Parish Priest of St Thomas More, Brighton-Le-Sands, opened the meeting in prayer.

3 Apologies

RESOLUTION

Minute 2020/028

Resolved on the motion of Councillors McDougall and Sedrak

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

- Councillor Tarek Ibrahim
- Councillor Vicki Poulos

4 Disclosures of Interest

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 Less than Significant Non-Pecuniary Interest in Item 8.2 on the basis that during his previous term as Mayor, he had met the applicant with staff present, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Pecuniary Interest in Item 8.6 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 Less than Significant Non-Pecuniary Interest in Item 9.2 (Item 5.9) on the basis that his son is registered to play in their Club, but he has no role in his son's team or the Club, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Nagi declared a Pecuniary Interest in Item 8.3 on the basis that he owns properties and business in the Arncliffe precinct, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Nagi declared a Significant Non-Pecuniary Interest in Recommendation 6 of the Officer Recommendation for Item 8.5 on the basis that the children of Dur Holdings Pty Ltd own businesses that he buys chicken products from, and stated he would leave the Chamber for consideration and voting on the matter.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 12 February 2020

RESOLUTION

Minute 2020/029

Resolved on the motion of Councillors Nagi and Barlow

That the Minutes of the Council meeting held on 12 February 2020 be confirmed as a true record of proceedings, with the notation that Councillor Nagi had advised that he is withdrawing his nomination to attend the conference.

Presentation – Community Grants Recipients

Bayside Council has provided \$53,988 for community projects.

The Mayor, Councillor Awada, presented Certificates of Congratulation to the following organisations who have received funding under Council's 2019/2020, Round 2, Community Grants Program:

- Bangladesh Puja Association Inc
- Bardwell Park Uniting Church
- Mascot Junior Rugby League Football Club
- NSW Wildlife Information Rescue & Education Service Inc
- Rockdale City Raiders
- Rockdale Community Services
- Sans Souci Baptist Church
- Scots Football Club
- Shopfront Arts Co-op Pty Ltd
- St George Children with Disabilities Fund Inc
- St Matts Community Garden
- The Crateful Group
- The Deli Women's and Children's Centre
- Wrap with Love Inc

6 Mayoral Minutes

6.1 Mayoral Minute - Showcasing Bayside

A special Bayside video was shown which tells our story from our residents' point of view.

Three of the actors in the video were present at the Council Meeting, Mona, Tony and Lauren, and the Mayor, Councillor Awada, thanked them for their voluntary time and effort in letting us know how much they enjoy being a member of the Bayside community.

RESOLUTION

Minute 2020/030

Resolved on the motion of Councillor Awada

That Council receives and notes the presentation.

6.2 Mayoral Minute - Bayside responds to the Upper Lachlan Shire

RESOLUTION

Minute 2020/031

Resolved on the motion of Councillor Awada

That Council receives and notes the report.

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.

10.3 Notice of Motion - Kyeemagh Carpark and Boat Ramp

- Peter Flynn, interested resident, speaking for the Officer Recommendation, addressed the Council.
- Amit Chandra, affected neighbour, speaking for the Officer Recommendation, addressed the Council.
- Paul Patterson, interested resident, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2020/032

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That Council reviews the recorded film evidence regarding the use of the Kyeemagh carpark and boat ramp between 9pm and 5am for a four week period to establish the level of legitimate use of the area for boating related activities and incidentally the level of anti-social behaviour.
- 2 That the review is to commence with the examination of stored data from the on-site security cameras, for the period two weeks prior to this Council Meeting and two weeks after the Meeting.
- 3 That the results of the 4 week period, in particular the number of cars with boats using the carpark overnight and the number of unique users over the period, be reported to the next Council Meeting.
- 4 That options as outlined in the residents' petition be considered at the April meeting of Bayside Council following a review of CCTV data and costing of these options.
- 5 That an urgent meeting be held with the police and Mr Steve Kamper, MP, Local Member for Rockdale, to work through possible solutions, including the potential for a street meeting to be held.

8.6 Proposed Sale of 429 Princes Highway, Rockdale

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

Lynette Overton from Better Connected Community Services, speaking against the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2020/033

Resolved on the motion of Councillors Nagi and Tsounis

That the report be deferred to the next Council Meeting to further explore options to work closer with Better Connected Community Services while formal communications progress with the church.

10.1 Rescission Motion - Off Leash Dog Exercise Area Proposal

Rachel Sussman, interested resident, speak for the Motion, addressed the Council.

RESOLUTION

Minute 2020/034

Resolved on the motion of Councillors Nagi and Tsounis

That Council rescinds the following Council resolution relating to Item 5.5 of the Minutes of the Sport & Recreation Committee Meeting of 26 November 2019 adopted at the Council Meeting held on 11 December 2019:

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 Environmental Management Plan with respect to contamination is fully compliant at all times.*

Division called by Councillors Nagi and Tsounis

For: Councillors Nagi, Kalligas, Tsounis and Bezic

Against: Councillors Curry, Morrissey, Sedrak, Rapisardi, Saravinovski, Barlow, Macdonald, McDougall, and Awada

The Motion was declared lost.

10.2 Notice of Motion - Off Leash Dog Exercise Area Proposal

In view of the Rescission Motion being lost, this Motion lapsed.

Procedural Motion

RESOLUTION

Minute 2020/035

Resolved on the motion of Councillors Rapisardi and Saravinovski

That Recommendations 5 and 6 of the Officer Recommendation for Item 8.5 be dealt with separately.

8.5 Property Leasing Tenders - Various Sites

Ahmed Mokachar, spokesperson for Muslim Care, speaking against the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2020/036

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Attachments 3, 6, 11 and 14 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 attachments 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 Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Windgap Foundation Limited for the use of 21 Vernon Avenue, Eastlakes as a community service in line with the the tender documentation.
- 3 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Advance Diversity Services Limited for the use of Suites 3 and 4, Level 1 Bexley Community Centre at 405 Bexley Road, Bexley as a community service in line with the the tender documentation.
- 4 That Council offers Suite 2, Brighton Community Centre, 36-42 Princess St, Brighton Le Sands through an informal Expression of Interest process to all community tenderers that were unsuccessful throughout this tender process.
- 5 That Council delegates to the General Manager to negotiate and to finalise any leases or licences, including the execution of any documentation that may be determined by the General Manager for any of the tenders detailed within the body of the report.

Procedural Motion

RESOLUTION

Minute 2020/037

Resolved on the motion of Councillors McDougall and Bezic

That Council deal with Recommendation 5 of the Officer Recommendation for Item 8.5 in Closed Session.

Procedural Motion

Councillor Nagi had previously declared a Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, Recommendation 6 of the Officer Recommendation for Item 8.5.

RESOLUTION

Minute 2020/038

Resolved on the motion of Councillors Saravinovski and Morrissey

That Council deal with Recommendation 6 of the Officer Recommendation for Item 8.5 in Closed Session.

8 Reports**8.1 Bayside Local Strategic Planning Statement**

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

Councillors McDougall and Sedrak were absent for the voting on this item.

RESOLUTION

Minute 2020/039

Resolved on the motion of Councillors Rapisardi and Nagi

- 1 That the Bayside Local Strategic Planning Statement (LSPS) be adopted by Council.
- 2 That the General Manager be delegated the authority to make further minor amendments if required by the Greater Sydney Commission in order to finalise the Bayside Local Strategic Planning Statement and meet the required deadlines.

- 3 That the Bayside Local Strategic Planning Statement be uploaded to the NSW Planning Portal in accordance with Section 3.9(3A) of the Environmental Planning and Assessment Act 1979 by 31 March 2020.

Division called by Councillors Rapisardi and Nagi

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

The Motion was declared carried.

8.2 The Boulevard, Brighton-Le-Sands - Potential Planning Proposal

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

RESOLUTION

Minute 2020/040

Resolved on the motion of Councillors Saravinovski and Macdonald

- 1 That Council notes that an unsolicited proposal has been received for 1-13 The Boulevard Brighton-Le-Sands.
- 2 That Council notes that the proponent for the unsolicited proposal has indicated their intention to submit a Planning Proposal for the site.
- 3 That, consistent with the indicative timeframe included in this report, a further Briefing be held to provide information about the Brighton Le Sands Masterplan, including the detailed urban design study for 1-13 The Boulevard in response to the potential Planning Proposal.

Division called by Councillors Saravinovski and Macdonald

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

The Motion was declared carried.

8.3 Arncliffe and Banksia Public Domain Plan Tree Species Addendum and Arncliffe Town Centre Concept Plan

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

RESOLUTION

Minute 2020/041

Resolved on the motion of Councillors Tsounis and Saravinovski

- 1 That Council resolves to adopt the tree species selection attached in this report as an addendum to the Arncliffe and Banksia Public Domain Plan and Technical Manual endorsed at its meeting of 11 Dec 2019.
- 2 That the Arncliffe Town Centre Concept Plan be endorsed and included as a addendum to the Public Domain Plan.
- 3 That the application of Tree Species for the Public Domain Plan extends to include Argyle Street.
- 4 That the updated Arncliffe and Banksia Public Domain Plan and Technical Manual be made available to the general public on Council's website.

8.4 Draft Barton Park Masterplan

RESOLUTION

Minute 2020/042

Resolved on the motion of Councillors Macdonald and Tsounis

- 1 That Council endorses the draft Barton Park Masterplan, Option 2 detailed in the attached report, for public exhibition.
- 2 That public exhibition of the draft Barton Park Masterplan be undertaken for a period of 28 days.
- 3 That the activities as per the Community Engagement Plan are commenced.
- 4 That a future report be prepared for Council's consideration in relation to submissions received during the public exhibition period.

Item 8.5 was dealt with in Public Forum

Item 8.6 was dealt with in Public Forum

8.7 Plans of Management Categorisation

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/043

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Council endorses the proposed categories for all Crown Reserves as tabled.
- 2 That Council endorses the submission of the written categorisation for all Crown Reserves to be issued to the Minister for endorsement.

8.8 Extension of Recycling Supply Agreement

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/044

Resolved on the motion of Councillors Rapisardi and Nagi

- 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 pursuant to s 55(3)(i) of the Local Government Act 1993 (NSW) enters into an agreement with Visy Paper Pty Ltd (trading as Visy Recycling) ("Visy") for the provision of Recycling Service without the calling for tenders, as it considers that a satisfactory result will not be achieved by inviting tenders because of the extenuating circumstances as follows:
 - a Foreign waste bans, such as China's 'National Sword' Policy, has placed restrictions on waste imports, impacting the entire domestic recycling processes within Australia;
 - b Market conditions are such that there is an unavailability of competitive or reliable tenders which would achieve the required outcomes required. This result is due to the limited alternative Material Recovery Facility (MRF) operators available with capacity and viable cost;
 - c The expiry of this proposed Supply Agreement will coincide with the expiry of the current St George Combined Council's Provision of Waste Management Contract (recyclable material collected within the western side of Bayside LGA), which will allow Council at that time to tender utilising economies of scale and harmonise this service.
- 3 That the General Manager be given delegated authority to sign the Supply Agreement and any associated documentation on behalf of Bayside Council in accordance with information contained in this report.

8.9 Waste Conference 2020 - Call for nominations to attend

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/045

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Councillors Awada, Bezic, Macdonald, Nagi, Rapisardi and Tsounis be registered to attend the annual Waste Conference in Coffs Harbour from Tuesday 5 May to Thursday 7 May 2020 and registration of nominated Councillors be completed.
- 2 That Councillors registered to attend, have their attendance recorded against their Professional Development Plans for 2020 and be required to provide an Attendance Report to Council, as soon as possible after the conference.

8.10 Local Government NSW Annual Conference 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/046

Resolved on the motion of Councillors Barlow and Curry

- 1 That Council approves registration of nine (9) voting delegates for voting on motions and elections at the LGNSW Annual Conference in November 2020.
- 2 That Council delegates to the General Manager authority to coordinate and submit any motions authorised by Council by the closing deadline of 6 November 2020.
- 3 That Council meets the cost of attendance by Councillors at the Conference in accordance with its Expenses & Facilities Policy.

8.11 Statutory Financial Report - January 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/047

Resolved on the motion of Councillors McDougall and Barlow

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

8.12 Delivery Program & Operational Plan 2019/20 - 6 Month Progress Report

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/048

Resolved on the motion of Councillors Barlow and Rapisardi

That Council receives and notes the six monthly progress report on Council's Delivery Program 2018/21 and Operational Plan 2019/20.

9 Minutes of Committees

9.1 Minutes of the Botany Historical Trust Meeting - 3 February 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/049

Resolved on the motion of Councillors Morrissey and Curry

That the Minutes of the Botany Historical Trust meeting held on 3 February 2020 be received and the recommendations therein be adopted.

9.2 Minutes of the Sport & Recreation Committee Meeting - 24 February 2020

Councillor Saravinovski had previously declared a Less than Significant Non-Pecuniary Interest on Item 5.9 of this item, and left the Chamber for consideration of, and voting on, this item.

RESOLUTION

Minute 2020/050

Resolved on the motion of Councillors Macdonald and McDougall

That the Minutes of the Sport & Recreation Committee meeting held on 24 February 2020 be received and the recommendations therein be adopted with the exception of Item 5.4 which was recommitted on the Motion of Councillors Saravinovski and Tsounis, and adopted.

Item 5.4 Botany Aquatic Centre - Update
of Item 9.2 Minutes of the Sport & Recreation Committee Meeting - 24 February 2020

RESOLUTION

Minute 2020/051

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That the Sport & Recreation Committee received and noted the report.
- 2 That the Council adopts the Draft Botany Aquatic Centre - Community Reference Group - Terms of Reference endorsed by the Committee subject to the inclusion of the following amendment:

8.2.6 Where Council has sought nominations but received insufficient suitable nominations for a particular category, Council may directly appoint a representative to that category.

and subject to the terms of reference being amended to include membership consisting of four community representatives, and that the recommendation for community representatives, as noted by the Sport and Recreation Committee, be adopted with the inclusion of as Mark Hanna as the fourth community representative.

9.3 Minutes of the Extraordinary Botany Historical Trust Meeting - 2 March 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/052

Resolved on the motion of Councillors Macdonald and Rapisardi

That the Minutes of the Extraordinary Botany Historical Trust meeting held on 2 March 2020 be received and the recommendations therein be adopted.

9.4 Minutes of the Bayside Traffic Committee Meeting - 4 March 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/053

Resolved on the motion of Councillors Rapisardi and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 4 March 2020 be received and the recommendations therein be adopted.

10 Notices of Motion

Item 10.1 was dealt with in Public Forum

Item 10.2 was dealt with in Public Forum

Item 10.3 was dealt with in Public Forum

11 Questions With Notice

11.1 Councillor Printing Budget

Councillor Barlow asked the following question:

Could officers investigate Councillor entitlements to mass printing of letters to residents by individual Councillors.

Could I be advised what limits, if any, are put on this mass printing and also if this practice will cease before Council goes into caretaker mode.

Could I get a cost breakdown of the costs incurred to date by individual Councillors for printing.

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

RESOLUTION

Minute 2020/054

Resolved on the motion of Councillors Rapisardi and Macdonald

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

8.5 Property Leasing Tenders - Various Sites (Recommendations 5 and 6 of the Officer Recommendation)

In accordance with Section 10(A) (2) (c) of the Local Government Act 1993, the discussion and attachments to the 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.

8.5 Property Leasing Tenders - Various Sites

RESOLUTION

Minute 2020/055

Resolved on the motion of Councillors Nagi and Saravinovski

That in accordance with Regulation 178 (3)(a) of the Local Government (General) Regulations 2005, Council rejects all tenders submitted for 96 Mutch Ave, Kyeemagh and enters into negotiation with 3 Bridges Community Limited and Muslim Care to explore the creation of a shared space within this 640 m2 site, and be referred back to a GM Briefing.

In discussion on the tenders for 110 General Holmes Drive, Kyeemagh, Councillor Nagi had previously declared a Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, Recommendation 6 of the Officer Recommendation for Item 8.5, resolution at 10.15 pm, and did not return to the Chamber.

RESOLUTION

Minute 2020/056

Resolved on the motion of Councillors Saravinovski and McDougall

That in accordance with Regulation 178 (3)(a) of the Local Government (General) Regulations 2005, Council rejects all tenders submitted for 110 General Holmes Drive, Kyeemagh and enters into direct negotiations with the recommended organisations for

the reasons outlined within the Tender Recommendations in the body of the report, acknowledging that while 3 of the submissions had merit, none specifically aligned with Council's vision for the site.

Resumption of Open Council Meeting

RESOLUTION

Minute 2020/057

Resolved on the motion of Councillors Macdonald and Tsounis

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 10.32 pm.

Councillor Joe Awada
Mayor

Meredith Wallace
General Manager