

MINUTES

of the **Ordinary Meeting** of
Bayside Council
held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 27 September 2023 at 7:02 pm**

Present

Councillor Bill Saravinovski, Mayor
Councillor Joe Awada, Deputy Mayor
Councillor Liz Barlow
Councillor Christina Curry
Councillor Heidi Lee Douglas
Councillor Ann Fardell
Councillor Mark Hanna
Councillor Jo Jansyn
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Jennifer Muscat
Councillor Michael Nagi
Councillor Paul Sedrak
Councillor Andrew Tsounis
Councillor Greta Werner

Also Present

Meredith Wallace, General Manager
Joe Logiacco, Acting Director City Presentation
Debra Dawson, Director City Life
Peter Barber, Director City Futures
Richard Sheridan, Director City Performance
Fausto Sut, Manager Governance & Risk
Bobbi Mayne, Manager Libraries & Lifestyle
Joe Cavagnino, Manager Procurement & Fleet (via audio-visual link)
Bryce Spelta, Manager City Infrastructure (via audio-visual link)
Louise Farrell, Manager City Projects (via audio-visual link)
Rani Param, Manager Community Life (via audio-visual link)
David Smith, Manager Strategic Planning (via audio-visual link)
Hong Nguyen, Manager Environment & Resilience (via audio-visual link)
Christine Stamper, Manager Communication & Events
Wolfgang Gill, IT Service Management Officer
Nabin Bhattarai, IT Service Management Officer
Anne Suann, Governance Officer
Anh Hoang, Governance Officer

1 Opening Meeting

The Deputy Mayor, Councillor Awada, opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:02 pm.

The Deputy 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.

2 Acknowledgement of Country

The Deputy Mayor affirmed that Bayside Council acknowledges the traditional custodians, the Gadigal and Bidjigal people of the Eora nation, and pays respects Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

3 Opening Prayer

Father Manuel Santiago, from St Thomas More Catholic Church, Brighton-Le-Sands opened the meeting in prayer.

Presentations

Award to Mr Geoff Rankin and Joan Rankin

Councillors Barlow and Tsounis presented to Mr Geoff Rankin an award for his wife, Mrs Joan Rankin, and himself in recognition of their extensive contributions to Lydham Hall and their local community.

Award to Ms Angelina Nashaat and the late Kamahl Nashaat

The Deputy Mayor, Councillor Awada, together with Councillors Curry, Morrissey, Muscat and Jansyn presented to Ms Angelina Nashaat an award for her late husband, Mr Kamahl Nashaat, and herself in recognition of their outstanding contribution to the local community and their dedicated 33 years of service to Eastlakes Newsagency.

The Deputy Mayor, Councillor Awada, vacated the Chair at the conclusion of the Presentations and the Mayor, Councillor Saravinovski, assumed the Chair at 7:10 pm.

4 Apologies and Attendance via audio visual link

Apologies

There were no apologies received.

Attendance Via Audio Visual Link

There were no Council members in attendance via audio-visual link.

5 Disclosures of Interest

Councillor Saravinovski

Item 10.4 – Use of Foreshore Public Open Space at Studdert Reserve/Muddy Creek - Proposed Expression of Interest

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 10.4 on the basis that some members of the Bayside Community Recreation Club are members of his ALP Branch, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Curry

Item 10.4 – Use of Foreshore Public Open Space at Studdert Reserve/Muddy Creek - Proposed Expression of Interest

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 10.4 on the basis that when she was Mayor she had met formally with the General Manager and some stakeholders mentioned in the report, and stated she would remain in the Chamber for consideration and voting on the matter.

Councillor Morrissey

Item 12.2 – Notice of Motion - Ramsgate Life Saving Club Upgrade

Councillor Morrissey declared a Less than Significant Non-Pecuniary Interest in Item 12.2 on the basis that he is a member of Maroubra Surf Life Saving Club which is an affiliation of Surf Life Saving NSW, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Nagi

Item 11.3 CPE23.026 – Request for Council to consider being Planning Proposal Authority for Planning Proposal Request at 776, 792-794 Botany Road & 33-37 Henry Kendall Crescent, Mascot

Councillor Nagi declared that a conflict of duties arises in Item 11.3 CPE23.026 on the basis he is a delegate on the Sydney Eastern City Planning Panel, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Tsounis**Item 12.2 - Notice of Motion – Ramsgate Life Saving Club Upgrade**

Councillor Tsounis declared a Significant Non-Pecuniary Interest in Item 12.2 on the basis that he is associated with the Club, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Awada**Item 11.3 CPE23.026 – Request for Council to consider being Planning Proposal Authority for Planning Proposal Request at 776, 792-794 Botany Road & 33-37 Henry Kendall Crescent, Mascot**

Councillor Awada declared that a conflict of duties arises in Item 11.3 CPE23.026 on the basis he is a delegate on the Sydney Eastern City Planning Panel, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Barlow**Item 12.1 – Notice of Motion - Domestic Cat Night Time Curfew**

Councillor Barlow declared a Less than Significant Non-Pecuniary Interest in Item 12.1 on the basis that she owns a cat, and stated she would remain in the Chamber for consideration and voting on the matter.

Councillor Douglas**Item 7.1 – Mayoral Minute – Hooning Update**

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item 7.1 on the basis of perception as she is a member of Peaceful Bayside, a group that advocates for safer streets across the whole Bayside LGA, and stated she would remain in the Chamber for consideration and voting on the matter.

Item 10.4 – Use of Foreshore Public Open Space at Studdert Reserve/Muddy Creek - Proposed Expression of Interest

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item 10.4 on the basis that she is a member of the Bay Community Garden, and stated she would remain in the Chamber for consideration and voting on the matter.

Councillor McDougall**Item 10.4 – Use of Foreshore Public Open Space at Studdert Reserve/Muddy Creek - Proposed Expression of Interest**

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Item 10.4 as a precaution on the basis that it may be perceived that he has a conflict of public duties as he also has a role with the Minister of Lands and Property, and stated he would leave the meeting for consideration and voting on the matter.

6 Minutes of Previous Meetings

6.1 Minutes of the Council Meeting - 23 August 2023

RESOLUTION

Minute No. 2023/162

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Council Meeting held on 23 August 2023 be confirmed as a true record of proceedings.

7 Mayoral Minutes

7.1 Mayoral Minute - Hooning Update

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

RESOLUTION

Minute No. 2023/163

Resolved on the motion of Councillor Saravinovski

- 1 That Council expresses its deepest condolences to the families of the two boys who lost their lives in the recent fatality along The Grand Parade, Monterey.
- 2 That Council notes the outcome of the recent meeting of the Anti-Hooning Task Force.
- 3 That Council writes to the Environmental Protection Authority asking that the installations of noise cameras be expedited.

8 Items by Exception

Procedural Motion

RESOLUTION

Minute No. 2023/164

Resolved on the motion of Councillors Tsounis and Nagi

That the order of business be altered to allow Council to deal with the remaining items by exception.

Multiple Business Items

RESOLUTION

Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the recommendations included in the business paper for the following items be adopted:

- 10.1 Adoption of new Ward Boundaries
- 10.3 Tender Evaluation for Contract number:F22/108 Contract for: Collection and Associated Waste Management Services
- 10.6 Progress Report on Outstanding and Completed Councillor Notices of Motion
- 10.7 Statutory Financial Report - August 2023
- 10.8 Response to Question - Design of Climate Resilient Public Gardens / Parks
- 11.1 Minutes of the City Services Committee Meeting - 6 September 2023
 - CS23.034 Bayside Arts and Culture Strategy
 - CS23.035 St George Swim Club Proposed Events - Angelo Anestis Aquatic Centre
- 11.2 Minutes of the Corporate Performance Committee Meeting - 6 September 2023
 - CP23.018 Tender for Playspace Renewals
 - CP23.019 Tender - Equipment Hire for Council Events
 - CP23.020 Tender - SSROC Provision and Delivery of Hardware, Protective Clothing and Apparels
- 11.3 Minutes of the City Planning & Environment Committee Meeting - 13 September 2023
- 11.5 Minutes of the Bayside Traffic Committee Meeting - 13 September 2023
 - BTC23.109 Astrolabe Park and Cook Avenue, Daceyville - Proposed Signposting of 'No Stopping' Restrictions
 - BTC23.110 Bay Street west of The Grand Parade, Brighton Le Sands - Proposed 'No Right Turn' between 8 pm and 5 am, on Summer week-end nights between Friday 29 September 2023 and Monday 1 April 2024
 - BTC23.111 Community Walk Against Domestic Violence
 - BTC23.112 62 Frogmore Street, Mascot - Proposed '1P' Parking Restrictions
 - BTC23.114 Hastings Street, Botany - Proposed 20m Works Zone for 22 weeks
 - BTC23.115 Henderson Street, Turrella - Proposed Parking Restrictions

- BTC23.116 Kimpton Street, Banksia - Proposed 29m Works Zone for 52 Weeks
- BTC23.117 McRae Road, Sans Souci – Proposed ‘No Parking 6 am – 9 am Thursday’ restriction
- BTC23.118 Moate Avenue, Brighton Le Sands - Proposed 13m Works Zone for 18 Weeks
- BTC23.120 Update on Outstanding Matters Referred to the Bayside Traffic Committee by the Chair
- BTC23.121 Matters referred to the Bayside Traffic Committee by the Chair
- BTC23.122 General Business
- 11.6 Minutes of the Audit Risk & Improvement Committee Meeting - 22 August 2023
- 11.7 Minutes of the Strategic Land & Property Working Group Meeting - 30 August 2023

9 Public Forum

There were no speakers for Public Forum.

10 Reports to Council

10.1 Adoption of new Ward Boundaries

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That Council adopts Option 8 Ward Boundaries (as exhibited) as Bayside Council's new Ward Boundaries.
- 2 That Council notifies the NSWEC of the Bayside Council Ward Boundary changes by 5 October 2023.
- 3 That Council's website and internal databases be updated with the new Boundary changes when they come into force at the next Local Government Elections on 14 September 2024.

10.2 6 Monthly Progress Report (Jan to June 2023) for the Delivery Program 2022-2026 and Operational Plan 2022/23

RESOLUTION

Minute No. 2023/166

Resolved on the motion of Councillors Tsounis and Jansyn

That the attached 6 Monthly Progress report on the Bayside Delivery Program 2022-2026 and Operational Plan 2022/23 for the Period 1 January - 30 June 2023 be noted by Council.

10.3 Tender Evaluation for Contract number:F22/108 Contract for: Collection and Associated Waste Management Services

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis 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), (d)(ii) of the Local Government Act 1993, the attachment relates to:

- I. 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, and
 - II. Commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. 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 decline the tender submissions under the Local Government (General) Regulation 2021 – Reg 178 (1) (b) due to non-conformity and departure risks.
- 3 That Council decides not to accept any of the tender submissions for a proposed contract under the Local Government (General) Regulation 2021 – Reg 178 (3) (e) by resolution of the Council, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
- 4 That Council states, as a requirement of the Local Government (General) Regulation 2021 – Reg 178 (4)(a), that the reason for not inviting fresh Tender submissions referred to in subsection (3)(b)-(d), is directly related to the expiry of the current extended Collection Contract which expires on 28 September 2024. A new Tender process may take up to 24 weeks to award a new Contract, and the current build and procurement for new Collection Vehicles can take up to 52 weeks.
- 5 That Council states, as a requirement of the Local Government (General)

Regulation 2021 – Reg 178 (4)(b), that Council's reason for determining to enter into negotiations with the person or persons referred to in subsection (3)(e), includes:

- a) The two Tenderers in their submissions have demonstrated the potential to provide the intended Services and solutions but their submission and/or departures require necessary negotiations to take place to achieve the desired outcome. Both Tenderers have demonstrated sufficient experience, capability, capacity, service standards, and proposed resources that could provide the Tendered Services. The councils are optimistic that if provided with the opportunity to negotiate, that a Contract could be entered into relatively quickly.
 - b) This does not discount the opportunity for Council to reach out to potential Tenderers that downloaded the Tender, and that may have been close to submitting a Tender submission. In such an event, Council should consider if negotiations are warranted and if they can be done in an effective and efficient manner, and represent better service outcomes and/or value.
- 6 That the General Manager be authorised under delegated authority to negotiate with the parties that have tendered and other suitable parties and that a draft Contract, with details of a preferred / recommended supplier, be tabled at the October meeting of council for determination.
- 7 That Council notes that it is intended to undertake negotiations jointly with Georges River Council if it is in the best interest of Bayside Council, but retains the option to negotiate separately and/or appoint a different contractor should circumstances indicate this to be appropriate.

10.4 Use of Foreshore Public Open Space at Studdert Reserve/Muddy Creek - Proposed Expression of Interest

The Mayor, Councillor Saravinovski, vacated the Chair and left the Chamber due to his declaration of a Less than Significant Non-Pecuniary Interest. The Deputy Mayor, Councillor Awada, assumed the Chair.

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

Councillors Curry and Douglas had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute No. 2023/167

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That an expression of interest campaign be conducted for the use of space and facilities along the foreshore of Muddy Creek in Studdert Reserve.

- 2 That a further report be prepared following the closing of the expression of interest analysing the proposals and the value proposition to the Bayside community, with a recommendation about future tenure over the space and the range of activities that may be provided for the benefit of the community.

The Deputy Mayor, Councillor Awada, vacated the Chair at the conclusion of this item and the Mayor, Councillor Saravinovski, resumed the Chair.

10.5 Disclosure of Pecuniary Interest Annual Returns

This item was withdrawn.

10.6 Progress Report on Outstanding and Completed Councillor Notices of Motion

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the progress report on Outstanding and Completed Councillor Notices of Motion resolutions be noted.

10.7 Statutory Financial Report - August 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

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

10.8 Response to Question - Design of Climate Resilient Public Gardens / Parks

The response was received.

11 Minutes and Reports of Committees

11.1 Minutes of the City Services Committee Meeting - 6 September 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the City Services Committee meeting held on 6 September 2023 be received and the recommendations therein be adopted with the exception of 11.1 CS23.036 which was separately dealt with.

11.1 CS23.034 Bayside Arts and Culture Strategy

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the report is noted by the Committee.
- 2 That the City Services Committee recommends Council endorses the Arts and Culture Strategy draft.
- 3 That the Committee recommends the Arts and culture Strategy draft be published on our Have Your Say website and is open for comment.
- 4 That progress on the strategy actions are reported twice a year through Council's Operations Plan corporate reporting process.
- 5 That consideration be given how to define short, medium and long term time frames.
- 6 That the introduction to the Strategy include greater detail about the existing Bayside cultural landscape, including groups and organisations that utilise Bayside facilities.
- 7 That relevant data statistics about people working in creative industries in Bayside be incorporated into the plan.

11.1 CS23.035 St George Swim Club Proposed Events - Angelo Anestis Aquatic Centre

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That Council approves in support of the community events;

- 1 The St George Swim Club to exclusively use the 50m pool and surrounds for their annual Christmas Party at Angelo Anestis Aquatic Centre on Friday 1 December 2023, 6:30pm-9:00pm.
- 2 Not to charge lane hire fees or entry fees for the Christmas Party participants in support of the event.
- 3 To provide 'in kind' staff support for the Christmas Party Event.
- 4 The exclusive use of the 50m outdoor pool and surrounds for St George Swim Club to host the Australia Day Swimming Carnival Event at Angelo Anestis Aquatic Centre to be held on Saturday 20 January 2024, 8am-5pm.
- 5 Not to charge lane hire fees in support of the Australia Day Carnival event.
- 6 Spectator fees to apply for the Australia Day event (excluding St George Swim Club family members).
- 7 Provide 'in kind' staff support for the Australia Day Carnival Event.
- 8 The gym and indoor pool to remain open to the public at all times and that event participants or spectators must pay full entry fees if they are to use any other areas of the centre (including Gym and Indoor Pool).

11.1 CS23.036 Draft Bayside Library Strategy

RESOLUTION

Minute No. 2023/168

Resolved on the motion of Councillors Douglas and McDougall

- 1 That the report is noted.
- 2 That Council endorses Bayside's Library Strategy and Action plan.
- 3 That the Library Strategy and Action Plan is published and promoted to the community once endorsed.
- 4 That progress on the strategy actions be reported twice a year through Council's Operations Plan corporate reporting process.
- 5 That a report be brought back to the relevant committee about options for the Brighton Le Sands Library as part of a community hub, and a communication plan for the future of the building be provided.

11.2 Minutes of the Corporate Performance Committee Meeting - 6 September 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Corporate Performance Committee meeting held on 6 September 2023 be received and the recommendations therein be adopted.

11.2 CP23.018 Tender for Playspace Renewals

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 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 2021, Council accepts the Tender from Summit Open space Services for playspace renewals at Patricia Carlon and Noel Seiffert for the amount of \$473,919.13 exclusive of GST.

11.2 CP23.019 Tender - Equipment Hire for Council Events

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the attachment/s 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 in accordance with Regulation 178(1)(b) of the Local Government (General) Regulation 2021, Council declines to accept any of the tender submissions and will seek quotes for rates from equipment hire providers periodically in accordance with Council's Procurement Policy.

11.2 CP23.020 Tender - SSROC Provision and Delivery of Hardware, Protective Clothing and Apparels

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the attachment/s 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 the decision by the SSROC tender evaluation panel to create panels of contractors, as detailed in the body of the report, for the supply of Hardware, Protective Clothing and Apparels, be endorsed.

11.3 Minutes of the City Planning & Environment Committee Meeting - 13 September 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the City Planning & Environment Committee meeting held on 13 September 2023 be received and the recommendations therein be adopted with the exception of 11.1 CPE23.025 and 11.1 CPE23.026 which were separately dealt with.

11.3 CPE23.025 Post Exhibition Report: Draft Planning Proposal to remove Additional Permitted Uses (APUs) 34 and 35 from the Bayside Local Environmental Plan 2021

A written submission was received from the following person:

- Ms Hong Cai, interested resident, against the Committee Recommendation.

and was distributed to Councillors prior to the Council Meeting.

RESOLUTION

Minute No. 2023/169

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That Council notes the submissions received during exhibition of the Planning Proposal.
- 2 That Council notes the Gateway determination issued by the Department of Planning and Environment was altered on 23 August 2023 to remove Council as the Local Plan Making Authority and to extend the finalisation date to 24 November 2023.
- 3 That Council varies the Planning Proposal pursuant to Section 3.35(1) of the Environmental Planning and Assessment Act 1979 by:
 - Retaining APU 34 to more sites than originally proposed that are suitable for adaptive reuse into Residential Flat Buildings and Multi Dwelling Housing development as outlined in this report.
 - Retaining APU 35 to more sites than originally proposed that predominantly contain existing Residential Flat Buildings, and areas that are consistent with the existing or desired future character of the area as outlined in this report.
 - Not proceed with the requirement for certain sites to be subject to Clause 6.10 Design Excellence and Clause 6.16 Development requiring the Preparation of a Development Control Plan (DCP).
- 4 That Council forwards the amended Planning Proposal to the Department of Planning and Environment pursuant to Section 3.35(2) of the Environmental Planning and Assessment Act 1979.
- 5 That Council notes the Department of Planning and Environment, as the Local Plan Making Authority, will determine whether the amended Planning Proposal will proceed pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.

Division (Planning Matter)

For: Councillors Saravinovski, Awada, Curry, Morrissey, Muscat, Fardell, Jansyn, Nagi, Tsounis, McDougall and Sedrak

Against: Councillor Werner, Barlow (abstention), Hanna (abstention) and Douglas (abstention)

The Motion was declared carried.

11.3 CPE23.026 Request for Council to consider being Planning Proposal Authority for Planning Proposal Request at 776, 792-794 Botany Road & 33-37 Henry Kendall Crescent, Mascot

Councillor Nagi had previously declared a conflict of duties, and left the meeting for consideration of, and voting on, this item.

Councillor Awada had previously declared a conflict of duties, and left the meeting for consideration of, and voting on, this item.

RESOLUTION

Minute No. 2023/170

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That Council notes a Rezoning Review has been lodged by the NSW Land & Housing Corporation for a Planning Proposal Request at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot.
- 2 That Council accepts the role of Planning Proposal Authority (PPA) if the proposal is supported by the Sydney Eastern City Planning Panel to proceed to a Gateway determination.
- 3 That Council writes to the NSW Department of Planning & Environment (DPE) informing them of Council's decision.

Division (Planning Matter)

For: Councillors Saravinovski, Curry, Morrissey, Muscat, Fardell, Jansyn, Tsounis, Barlow, Hanna, Douglas, McDougall and Sedrak

Against: Councillor Werner

The Motion was declared carried.

11.4 Minutes of the City Works & Assets Committee Meeting - 13 September 2023

RESOLUTION

Minute No. 2023/171

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the City Works & Assets Committee meeting held on 13 September 2023 be received and the recommendations therein be adopted subject to the following correction:

- CWA23.022 - Councillor Muscat seconded the Motion (not Councillor Barlow) and Councillor Barlow requested that her name be recorded as abstaining from voting on this item.

11.4 CWA23.022 Update - Tonbridge Reserve 3 point Basketball Facility

RESOLUTION

Adopted Minute No. 2023/171

Resolved on the motion of Councillors Tsounis and Nagi

That the contents of this report be noted.

11.4 CWA23.023 Draft Memorial Policy - Engagement Outcomes Report

RESOLUTION

Adopted Minute No. 2023/171

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the Engagement Report outlining community feedback during the consultation and public exhibition period(s) is noted.
- 2 That Council adopts the Memorial Policy.

11.5 Minutes of the Bayside Traffic Committee Meeting - 13 September 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Bayside Traffic Committee meeting held on 13 September 2023 be received and the recommendations therein be adopted with the exception of 11.5 BTC23.113 and 11.5 BTC23.119 which were separately dealt with.

11.5 BTC23.109 Astrolabe Park and Cook Avenue, Daceyville - Proposed Signposting of 'No Stopping' Restrictions**RESOLUTION**

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That approval be given for the signposting of statutory 'No Stopping' restrictions at the intersection of Astrolabe Park and Cook Avenue, Daceyville, as per the attachment.

11.5 BTC23.110 Bay Street west of The Grand Parade, Brighton Le Sands - Proposed 'No Right Turn' between 8 pm and 5 am, on Summer week-end nights between Friday 29 September 2023 and Monday 1 April 2024**RESOLUTION**

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the proposed installation of 'No Right Turn, 8 pm – 5 am, Fri, Sat, and Sun' restrictions for the summer weekend nights Friday 29 September 2023 and Monday 1 April 2024 to prevent the right turn movement from Bay Street into The Grand Parade, Brighton Le Sands by Transport for New South Wales be acknowledged and supported.

11.5 BTC23.111 Community Walk Against Domestic Violence**RESOLUTION**

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Bayside Traffic Committee notes the proposed event 'Community Walk Against Domestic Violence' that will take place from Pemberton Reserve, Ramsgate, to Peter Depena Reserve, Dolls Point, on Saturday 25 November 2023 at 10:00 am.

11.5 BTC23.112 62 Frogmore Street, Mascot - Proposed '1P' Parking Restrictions**RESOLUTION**

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That approval be given for the installation of '1P' parking restrictions in Frogmore Street, Mascot, as per the attached drawing.
- 2 That the applicant be informed that enforcement will be carried out subject to availability of resources.

11.5 BTC23.113 George Street, Bardwell Valley – Proposed 'No Parking 6 am – 9 am Monday and Thursday' restriction

A written submission was received from the following person:

- Ms Katrina Jaafar, interested resident, against the Committee Recommendation.
- and was distributed to Councillors prior to the Council Meeting.

RESOLUTION

Minute No. 2023/172

Resolved on the motion of Councillors Curry and Tsounis

That Council not approve the installation of 'No Parking 6 am – 9 am Monday and Thursday' restrictions along the northern kerb line of George Street, Bardwell Valley.

11.5 BTC23.114 Hastings Street, Botany - Proposed 20m Works Zone for 22 weeks

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That approval be given to the installation of a 20m 'Works Zone, 7 am – 6 pm, Mon – Fri and 7 am – 1 pm, Sat' restrictions along the southern kerb line of Hastings Street, Botany, outside the existing 'No Stopping' zone, for the duration of 22 weeks, subject to relevant conditions.
- 2 That applicant must ensure that construction vehicles do not queue within Hastings Street or any other local roads in the vicinity especially concrete trucks during the construction period waiting to deliver goods to the site.
- 3 That the existing parking restrictions in Hastings Street are not changed on account of this proposal and two-way traffic flow be maintained in Hastings Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals Team.
- 4 That the developer and associated sub-contractors notify Council's Traffic and Road Safety Team of any proposed applications through the 'National Heavy

Vehicle Regulator' authority.

- 5 That the developer and associated sub-contractors comply with conditions imposed by the 'National Heavy Vehicle Regulator' approved Permits.
- 6 That the developer limits the movement of vehicles to 12.5m 'Heavy Rigid Vehicles' (HRV) due to constraint in the existing road infrastructure.
- 7 That all inbound construction vehicles approaching the site must use Botany Road and turn into Edward Street then into Dover Road and finally into Hastings Street. All outbound construction vehicles must turn into Botany Road to exit.
- 8 That the applicant notifies Council 6 Weeks in advance of required extension to the 22 week 'Works Zone'.
- 9 That the applicant notifies the adjacent properties of the approved Works Zone and provides a copy to Council for record.

11.5 BTC23.115 Henderson Street, Turrella - Proposed Parking Restrictions

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That approval be given to the extension of the existing 'No Parking' restrictions from 7m to 13m along the southern kerb line opposite 17-21 Henderson Street, Turrella, as per the attached drawings.
- 2 That approval be given for the installation of two sections of 'No Parking' one being 12m and the other being 24m along the southern kerb line opposite 29 Henderson Street, Turrella, as per the attached drawing.

11.5 BTC23.116 Kimpton Street, Banksia - Proposed 29m Works Zone for 52 Weeks

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That approval be given to the installation of a 29m 'Works Zone, 7 am – 5 pm, Mon – Fri and 7 am – 1 pm Sat' restriction along the northern kerb line of Kimpton Street, Banksia, for the duration of 52 weeks, subject to relevant conditions, including (but not limited to):
 - a. The applicant must ensure that construction vehicles do not queue within Kimpton Street or any other local roads in the vicinity especially concrete

trucks during the construction period waiting to deliver goods to the site.

- b. That the existing parking restrictions in Kimpton Street and Hattersley Street not be changed on account of this proposal and two-way traffic flow be maintained in Kimpton Street and Hattersley Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team.
- c. That all inbound construction vehicles approaching the site must use Princes Highway and turn into Kimpton Street. All outbound construction vehicles must turn into Princes Highway to exit.
- d. That approval is not given for construction vehicles to use Hattersley Street as part of ingress and egress routes.
- e. That the developer limits the movement of vehicles to 12.5m 'Heavy Rigid Vehicles' (HRV) due to constraint in the existing road infrastructure.
- f. That the applicant notifies Council 6 weeks in advance of required extension to the 52 week 'Works Zone'.
- g. That the applicant notifies the adjacent properties of the approved 'Works Zone' and provides a copy to Council for record.

11.5 BTC23.117 McRae Road, Sans Souci – Proposed 'No Parking 6 am – 9 am Thursday' restriction

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That approval be given to the installation of 'No Parking 6 am – 9 am Thursday' restriction along the southern and eastern kerb line of McRae Street, Sans Souci, as per the attached drawing.

11.5 BTC23.118 Moate Avenue, Brighton Le Sands - Proposed 13m Works Zone for 18 Weeks

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That approval be given for the installation of a 13m 'Works Zone, 7 am – 5 pm, Mon – Fri and 8 am – 1 pm Sat' restriction along the eastern kerb line of Moate Avenue for the duration of 18 weeks, as per attached drawing.

11.5 BTC23.119 Pole-mounted Electric Vehicle Charging Units at various locations within Bayside

RESOLUTION

Minute No. 2023/173

Resolved on the motion of Councillors Tsounis and Curry

- 1 That Council staff consult nearby properties regarding potential “electric-powered vehicle charging parking only” bays to be installed at the proposed locations numbered 1, 4, 8 & 9 and bring a report back to the Committee.
- 2 That a report come back to the Committee with options for EV chargers in Council’s carparks and CBD shopping centres.

11.5 BTC23.120 Update on Outstanding Matters Referred to the Bayside Traffic Committee by the Chair

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the update on outstanding matters referred to the Bayside Traffic Committee by the Chair be noted.

11.5 BTC23.121 Matters referred to the Bayside Traffic Committee by the Chair

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the matters raised by the Chair be received, noted and action taken as necessary.

11.5 BTC23.122 General Business

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Chair confer with formal Committee members on Items without notice.

11.6 Minutes of the Audit Risk & Improvement Committee Meeting - 22 August 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Audit Risk & Improvement Committee meeting held on 22 August 2023 be received and the recommendations therein be adopted.

11.7 Minutes of the Strategic Land & Property Working Group Meeting - 30 August 2023

RESOLUTION

Adopted Minute No. 2023/165

Resolved on the motion of Councillors Tsounis 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) (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 the Minutes of the Strategic Land & Property Working Group meeting held on 30 August 2023 be received and the recommendations therein be adopted.

12 Notices of Motion

12.1 Notice of Motion - Domestic Cat Night Time Curfew

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

RESOLUTION

Minute No. 2023/174

Resolved on the motion of Councillors Fardell and Awada

- 1 That Council acknowledges that the NSW Government has flagged their

intention to expand their current programs and collaboration with NSW councils to address the challenges faced in managing roaming cats.

- 2 That Council writes to the Minister for Local Government and the Minister for the Environment, calling for changes to the Companion Animals Act 1998 to allow Councils to introduce cat containment policies in consultation with their local community.
- 3 That Council notes that the Bayside Keeping of Animals Policy already contains recommendations relating to cat ownership including 'Keep in at night where possible'.
- 4 That Council contact RSPCA NSW to determine whether it can become a partner Council for its Keeping Cats Safe at Home Project.

Councillor Barlow requested that her name be recorded as abstaining from voting on the Motion.

12.2 Notice of Motion - Ramsgate Life Saving Club upgrade

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

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

RESOLUTION

Minute No. 2023/175

Resolved on the motion of Councillors Hanna and Barlow

- 1 That Council notes that Ramsgate Life Saving Club would like to commence developing concept and functional designs to increase the scale of their existing facilities on Cook Park.
- 2 That Council staff assist the Life Saving Club by providing preliminary advice about the relevant planning and property issues that will need to be addressed to progress this project.
- 3 That Council makes a notation within the Agenda that the last paragraph from the Background in the Notice of Motion, in relation to the availability of funding, is incorrect.

13 Questions With Notice

13.1 Question With Notice - Soccer Bookings in Parks During Summer

Councillor Werner asked the following question:

What was the approval process for soccer bookings to be allowed in parks during summer where the Plan of Management says that soccer is only played in winter.

13.2 Question With Notice - Lights at Bayside Parks on Tuesdays and Thursdays

Councillor Werner asked the following question:

What is the basis for legitimacy for the lights to be on at any Bayside park on Tuesdays and Thursdays during summer?

14 Confidential Reports / Matters

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

14.1 Recyclables Supply Agreement

RESOLUTION

Minute No. 2023/176

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That Council pursuant to s 55(3)(i) of the Local Government Act 1993 (NSW) enters into a Supply 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 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 within the region, with capacity and viable cost;
 - b The expiry of existing Supply Agreements do not align with any potential new future supplier having a facility in time to provide Council with a solution.
- 2 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 the Council report.

15 Conclusion of Meeting

The Mayor closed the meeting at 9:16 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager