



**Bayside Council**  
Serving Our Community

# City Services Committee

6:30 pm Wednesday 6 March 2024

**Venue:**  
Botany Town Hall,  
Corner Edward Street & Botany Road,  
Botany

Contract Us:

1300 581 299 or 9562 1666

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# City Services Committee Meeting – Councillor Seating



**MAYOR**  
Bill SARAIVNOVSKI



Michael NAGI



**Chairperson**  
**DEPUTY MAYOR**  
Joe AWADA



Scott MORRISSEY



Jennifer MUSCAT



Paul SEDRAK



**Deputy**  
**Chairperson**  
Jo JANSYN

**General Manager**  
Meredith  
WALLACE

**Director**  
Debra DAWSON

# Statement of Ethical Obligations

## Obligations

### Oath [Affirmation] of Office by Councillors

#### Oath

I swear that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

#### Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

## Code of Conduct conflict of interests

### Pecuniary interests

A Councillor who has a **pecuniary interest** in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.

The Councillor must not be present at, or in sight of, the meeting:

- a) at any time during which the matter is being considered or discussed, or
- b) at any time during which the council is voting on any question in relation to the matter.

### Non-pecuniary conflicts of interests

A Councillor who has a **non-pecuniary conflict of interest** in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

### Significant non-pecuniary interests

A Councillor who has a **significant** non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

### Non-significant non-pecuniary interests

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

## MEETING NOTICE

A meeting of the  
**City Services Committee**  
will be held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Wednesday 6 March 2024** at **6:30 PM**

## AGENDA

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>2</b>	<b>APOLOGIES</b>	
<b>3</b>	<b>DISCLOSURES OF INTEREST</b>	
<b>4</b>	<b>MINUTES OF PREVIOUS MEETINGS .....</b>	<b>6</b>
4.1	Minutes of the City Services Committee Meeting - 7 February 2024 .....	6
	CS24.001 LGBTQ Inclusion Forum - post-event actions .....	8
	CS24.002 Bay Street Trial Closure - Final Report .....	8
	CS24.003 Wild Things and Gardens for Wildlife Programs .....	8
	CS24.004 Arts and Culture Strategy .....	8
<b>5</b>	<b>ITEMS BY EXCEPTION</b>	
<b>6</b>	<b>PUBLIC FORUM</b>	
<b>7</b>	<b>REPORTS .....</b>	<b>11</b>
	CS24.005 Changes to NSW BeachWatch Program.....	11

The meeting will be video recorded and live streamed to the community via Council's YouTube page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace  
**General Manager**

## **1 ACKNOWLEDGEMENT OF COUNTRY**

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to 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.

## **2 APOLOGIES**

## **3 DISCLOSURES OF INTEREST**

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

## 4 MINUTES OF PREVIOUS MEETINGS

### City Services Committee

6/03/2024

Item No	4.1
Subject	<b>Minutes of the City Services Committee Meeting - 7 February 2024</b>
Report by	Richard Sheridan, Director City Performance
File	SF23/8081

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### Officer Recommendation

That the Minutes of the City Services Committee meeting held on 7 February 2024 be noted

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### Present

Councillor Joe Awada, Chairperson  
Councillor Jo Jansyn  
Councillor Scott Morrissey  
Councillor Jennifer Muscat  
Councillor Michael Nagi  
Councillor Bill Saravinovski, Mayor  
Councillor Paul Sedrak

### Also present

Councillor Liz Barlow  
Councillor Christina Curry  
Councillor Heidi Lee Douglas  
Councillor Ann Fardell  
Councillor Greta Werner  
Meredith Wallace, General Manager  
Debra Dawson, Director City Life  
Richard Sheridan, Director City Performance  
Joe Cavagnino, Manager Procurement & Fleet  
Louise Farrell, Manager City Projects  
Josie Hodgson, Acting Manager Property  
Hong Nguyen, Manager Environment & Resilience  
Rani Param, Manager Community Life (via audio-visual link)  
Maria Pavlides, Manager Customer Experience  
Christine Stamper, Manager Events, Arts & Design  
Eli Cowley, Coordinator Strategic Property  
Patrick Cremin, Arts & Culture Specialist  
Karen Barrass, Acting Coordinator Governance  
Anh Hoang, Governance Officer  
Gina Nobrega, Governance Officer  
Nabin Bhattarai, IT Service Management Officer

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The Chairperson opened the meeting in the Committee Meeting Room, Botany Town Hall at 6:40 pm.

## **1 Acknowledgement of Country**

The Chairperson affirmed that Bayside Council acknowledges the traditional custodians the Gadigal and Bidjigal people of the Eora nation, and pays respects to 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.

## **2 Apologies and Attendance via Audio Visual link**

### **Apologies**

There were no apologies received.

### **Attendance Via Audio Visual Link**

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

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **[4.1 Minutes of the City Services Committee Meeting - 1 November 2023](#)**

#### **Committee Recommendation (Councillors Jansyn and Morrissey)**

That the Minutes of the City Services Committee meeting held on 1 November 2023 be noted.

### **4.2 Business Arising**

There was no Business Arising.

The Committee notes that the Minutes of the City Services Committee of Wednesday 1 November 2023 were received and the recommendations therein were adopted by the Council at its meeting of 22 November 2023.

## **5 Items by Exception**

There were no Items by Exception.

## **6 Public Forum**

There were no speakers for Public Forum.

## 7 Reports

### [CS24.001 LGBTQ Inclusion Forum - post-event actions](#)

#### **Committee Recommendation** (Councillors Jansyn and Muscat)

- 1 That Council endorses the recommended actions listed in this report.
- 2 That the language in the recommended actions be strengthened to reflect Council's commitment and an update be provided at Council's meeting of 28 February 2024 and a timeline be provided.

### [CS24.002 Bay Street Trial Closure - Final Report](#)

#### **Committee Recommendation** (Councillors Morrissey and Sedrak)

- 1 That Council receives and notes this report.
- 2 That Officers brief Council on the expenditure for this event.

### [CS24.003 Wild Things and Gardens for Wildlife Programs](#)

#### **Committee Recommendation** (Councillors Morrissey and Jansyn)

- 1 That Council decides on the name of the program, either 'Wild Things' or rebrand to 'Gardens for Wildlife'.
- 2 That Council renews the content on the 'Wild Things' webpage to align with Council's current capacity to deliver a backyard habitat program.
- 3 That Officers provide an update on the budget and operation issues of Gardens for Wildlife.

### [CS24.004 Arts and Culture Strategy](#)

#### **Committee Recommendation** (Councillors Jansyn and Sedrak)

- 1 That Council notes the Engagement Report outlining community feedback during the consultation and public exhibition period.
- 2 That Council adopts the amended Arts and Culture Strategy 2024-2029, subject to a reworking of the introduction, which can be presented at the 28 February 2024 Council meeting.



The next meeting will be held in the Committee Room, Botany Town Hall, on Wednesday 6 March 2024.

The Chairperson closed the meeting at 7:53 pm.

**Attachments**

Nil

## **5 ITEMS BY EXCEPTION**

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation

## **6 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

## 7 REPORTS

### City Services Committee

6/03/2024

Item No	CS24.005
Subject	<b>Changes to NSW BeachWatch Program</b>
Report by	Debra Dawson, Director City Life
File	F13/240

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### Summary

Since 1995, the Beachwatch program in New South Wales has been offering free monitoring services for seven swimming locations in Bayside. In December 2023, the Council and Sydney Coastal Councils Group were informed by the Department of Climate Change, Energy, the Environment and Water that a program partner must be signed by the Council after July 1, 2024, for the continuation of the Beachwatch program's water quality monitoring and reporting at these swimming sites. This report details the current program and the proposed changes and impacts on the Council.

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### Officer Recommendation

- 1 That Council supports the Sydney Coastal Councils position to join in a letter to urge NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) to maintain the NSW Beachwatch program as a fully funded state government program without shifting cost to Councils.
  - 2 That Council informs Sydney Coastal Councils Group Committee of its formal position.
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### Background

On December 13, 2023, the Council was advised by the NSW Department of Climate Change, Energy, the Environment and Water – Science, Economics and Insights Division, about changes to the Beachwatch program. The Beachwatch program has been offering free monitoring services for seven swimming locations in Bayside since 1995. The seven sites are as follows (refer to Figure 1):

- 1 Brighton Le Sands Baths
- 2 Dolls Point Baths
- 3 Foreshore Beach
- 4 Kyeemagh Baths
- 5 Monterey Baths
- 6 Ramsgate Baths
- 7 Sandringham Baths

## 1. Key changes:

- The Beachwatch will continue monitoring swim sites in Bayside until 1 July 2024.
- To continue to participate in the Beachwatch program, Council will need to sign on as a program partner.
- Council will need to fund the water testing services (three options are available – Table 1).
- Beachwatch will provide partner councils:
  - Centralized coordination and data management through an online portal
  - Technical support and guidance with sampling protocols
  - Training, quality control and auditing
  - Centralized reporting services, and
  - Provide daily pollution forecast for swim sites based on current and historical water quality data and conditions.

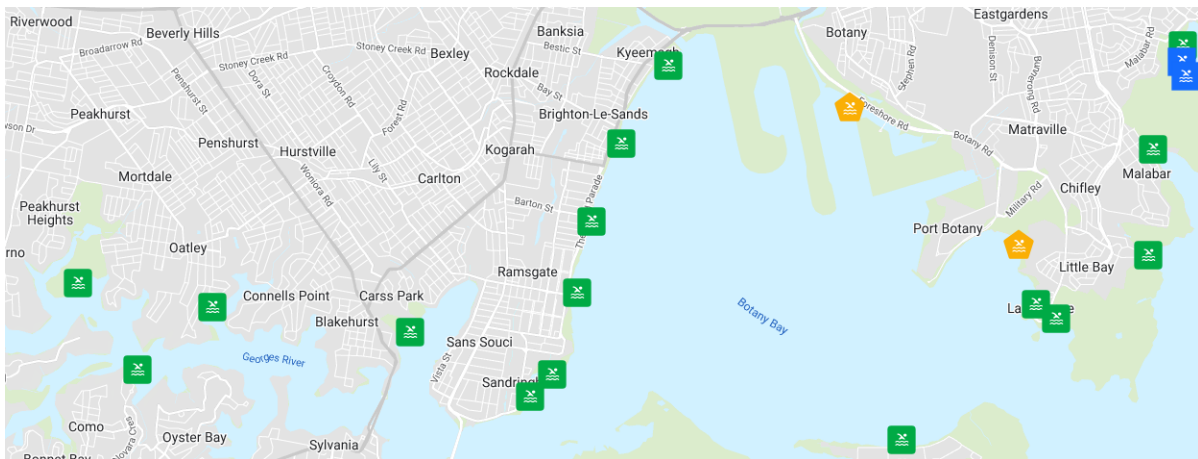


Figure 1: monitoring sites around Botany Bay, including 7 sites within Bayside LGA.

## 2. What is monitored?

- Enterococci bacteria (faecal contamination)
- Conductivity (the property of a substance that enables it to serve as a channel or medium for electricity) – reduction in conductivity can indicate freshwater influence from stormwater.
- Dissolved oxygen – low in dissolved oxygen (less than 4 milligrams per litre) can indicate bacterial numbers getting too high.
- Water temperature – warmer temperatures can cause certain bacteria to grow and spread faster compared to cooler temperatures.
- Swim site observations – potential pollution indicators such as flowing stormwater drains, open lagoons, water users, discoloured water, odours, rubbish, leaf litter and water clarity are recorded.

**3. What information is available to the public?**

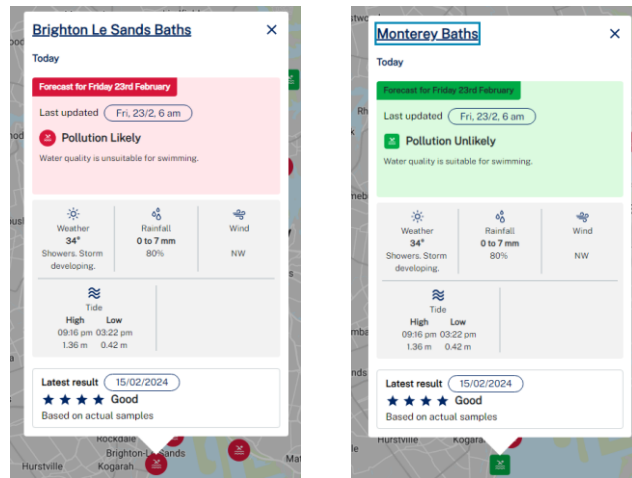


Figure 2 (above) shows some examples of information available to the public on the Beachwatch website.

In addition, all test results (since 1995 up to now) are available for download.

**4. Frequency of water testing:**

Tested monthly from May to September and weekly from October to April.

**5. Fee for service options**

Bayside staff had a meeting with DCCEEW staff (Science, Economics and Insights Division) about the program on 17 January 2024. Table 1 lists three different options with cost proposed by the DCCEEW.

**Table 1:** Options to participate on the Beachwatch program as partner and annual cost.

<b>Option 1: Council collected, analysis – DPE Report</b>	<b>Option 2: Council collected, sent to lab – DPE lab analysis and reporting</b>	<b>Option 3: Full service</b>
Training and field audits	Training and field audits	Training and field audits
		Equipment
	Lab costs	Lab cost
Reporting cost	Reporting cost	Reporting cost
State of the beaches	State of the beaches	State of the beaches
\$0	\$5,642	\$20,662

**6. Risk Management**

<b>Category</b>	<b>Risks</b>
Environmental risks	- Risk of short and minor environmental impacts due to no water quality testing conducted.
Compliance and Regulation risks	- No obligation/ or legal requirement.
Financial risks	- Risk of public liability claims due to illness.
Human Resources Risks	- Short and long term pressure on existing staff due to inadequate training and skills
Reputational risk	- Reputational impact arising from community complaints relating to un-monitored swimming sites.

Category	Risks
	<ul style="list-style-type: none"> <li>- Localised, short and medium term negative publicity as consequence of un-monitored and water quality testing sites.</li> <li>- Local media and social media scrutiny relating to decision of no monitoring the swimming sites.</li> </ul>
Public safety and wellbeing risks	<ul style="list-style-type: none"> <li>- Risk to public health due to un-monitored swimming sites.</li> </ul>

The Sydney Coastal Councils Group (SCCG) has obtained legal advice from the NSW Office for Local Government. Two key points are:

- *“Councils have no statutory obligation to monitor and report on water quality at beaches and ocean pools.”*
- *“do not consider that a failure to monitor and warn about water quality issues arising from sewage contamination (over which councils do not have control) would constitute a breach of any duty the councils owe to such persons.”*

Sydney Coastal Councils Group (SCCG) has prepared a draft letter on behalf of its member councils to the NSW Minister of Environment – Penny Sharpe addressing 7 concerns and recommendations.

- 1 Lack of consultation with coastal councils and recognition of budgetary cycles.
- 2 Unclear rationale for decision.
- 3 No legal obligation for council to undertake water quality monitoring of beaches and ocean baths.
- 4 Sydney Water responsibility for monitoring.
- 5 Financial impost on coastal councils to the detriment of local ratepayers.
- 6 NSW coastal and estuaries grant program funding for monitoring not appropriate or guaranteed.
- 7 Risk of compromising the integrity of NSW Beachwatch program.

SCCG’s recommendations:

- 1 Maintain the NSW Beachwatch program as a fully-funded state program without shifting costs to Sydney Coastal Councils.
- 2 In consultation with the Minister for Water, consider Sydney Water’s role in monitoring at Beachwatch sites and;
- 3 Release the 2021 independent audit review of the NSW Beachwatch Program.

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## Financial Implications

- Not applicable
- Included in existing approved budget
- Additional funds required

### Community Strategic Plan

- Theme One – In 2032 Bayside will be a vibrant place
  - Theme Two – In 2032 Our people will be connected in a creative City
  - Theme Three – In 2032 Bayside will be green, resilient and sustainable
  - Theme Four – In 2032 Bayside will be a prosperous community
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### Risk Management – Risk Level Rating

- No risk
  - Low risk
  - Medium risk
  - High risk
  - Very High risk
  - Extreme risk
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### Community Engagement

Not Applicable

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### Attachments

Nil