
MINUTES

of the **City Works & Assets Committee**
held in the Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Wednesday 10 April 2024 at 7:27 pm**

Present

Councillor Ed McDougall, Chairperson
Councillor Liz Barlow
Councillor Christina Curry
Councillor Heidi Lee Douglas
Councillor Ann Fardell
Councillor Jo Jansyn
Councillor Andrew Tsounis

Also present

Meredith Wallace, General Manager
Peter Barber, Director City Futures
Colin Clissold, Director City Presentation
Louise Farrell, Manager City Projects
Karen Barrass, Lead Governance
Eli Cowley, Coordinator Strategic Property
Josie Hodgson, Acting Manager Property
Anh Hoang, Governance Officer
Gina Nobrega, Governance Officer
Wolfgang Gil, IT Service Management Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall, at 7:27pm.

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

Councillor Douglas

CWA24.004 - Expressions of Interest - Barton Park Sports Complex

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item CWA24.004 on the basis that she lives in proximity to the park, and stated she would stay in the meeting for consideration and voting on the matter.

CWA24.005 - Expressions of Interest - Muddy Creek Foreshore

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item CWA24.005 on the basis that she is a member of The Bay Community Garden, a former member of the Fisherman's Club at Muddy Creek and a former 'social member' of Bayside Community Recreation Club, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Barlow

CWA24.007 - Outcome of the Expression of Interest Lease Campaign for 96 Mutch Avenue, Kyeemagh

Councillor Barlow declared a Less than Significant Non-Pecuniary Interest in Item CWA24.007 on the basis that she is a member of Fix-It Sisters, which is adjoining the area to be leased, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor McDougall

CWA24.005 - Expressions of Interest - Muddy Creek Foreshore

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Item CWA24.005 as he works for the Minister for Crown Land and this site is Crown Land and may be subject to decision, and stated he would leave the meeting for consideration and voting on the matter.

4 Minutes of Previous Meetings

4.1 Minutes of the City Works & Assets Committee Meeting - 13 March 2024

Committee Recommendation (Councillors Tsounis and Douglas)

That the Minutes of the City Works & Assets Committee meeting held on 13 March 2024 be noted.

4.2 Business Arising

There was no Business Arising.

The Committee notes that the Minutes of the City Works & Assets Committee of Wednesday 13 March 2024 were received and the recommendations therein were adopted by the Council at its meeting of 27 March 2024.

5 Items by Exception

There were no Items by Exception.

6 Public Forum

Details associated with the presentations to the Committee in relation to items on this agenda can be found in the individual items.

CWA24.004 Expressions of Interest - Barton Park Sports Complex

The following person spoke at the meeting:

- Ms Irene Hatzipetros, Applicant representative, speaking AGAINST the Officer Recommendation via audio-visual link.

CWA24.005 Expressions of Interest - Muddy Creek Foreshore

The following people spoke at the meeting:

- Mr Darren Schott, Applicant, speaking FOR the Officer Recommendation via audio-visual link.
- Mr Dragi Josifovski, Applicant representative, speaking AGAINST the Officer Recommendation.

7 Reports

CWA24.003 Mascot Oval - Project Update

Committee Recommendation (Councillors Jansyn and Curry)

- 1 That the report on Mascot Oval – Project Update, be received and noted.
- 2 That Council endorses the preparation of a funding strategy for the design and construction of the upgrade of Mascot Oval.

CWA24.004 Expressions of Interest - Barton Park Sports Complex

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item CWA24.004 on the basis that she lives in proximity to the park, and stated she would stay in the meeting for consideration and voting on the matter.

The following person spoke at the meeting:

- Ms Irene Hatzipetros, Applicant representative, speaking AGAINST the Officer Recommendation via audio-visual link.

Committee Recommendation (Councillors Fardell and Barlow)

- 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) General of the Local Government Act 1993, the attachments to this report are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.
- 2 That Council accepts, in principle, the offer from St George Football Club for Licence #1 over fields 1 and 2 and the grandstand, subject to negotiation of the terms and details, including the intended hours of use, community access, and maintenance arrangements for buildings and other assets.
- 3 That the General Manager be authorised to negotiate final terms under (2) above and execute a licence.
- 4 That Council rejects the submissions for license #2 over playing fields 3 and 4, and licence #3 over the tennis courts, and instead offers these facilities to the community through Council for various types of bookings on a fee for use basis, with the usage, costs and income to be reviewed in 12 months.

CWA24.005 Expressions of Interest - Muddy Creek Foreshore

The Chairperson, Councillor McDougall, vacated the Chair and left the meeting due to his declaration of a Less than Significant Non-Pecuniary Interest. The Deputy Chairperson, Councillor Curry, assumed the Chair.

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

The following people spoke at the meeting:

- Mr Darren Schott, Applicant, speaking FOR the Officer Recommendation via audio-visual link.
- Mr Dragi Josifovski, Applicant representative, speaking AGAINST the Officer Recommendation

Committee Recommendation (Councillors Tsounis and Fardell)

- 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) General of the Local Government Act 1993, the attachment relates to matters in this report that are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any

person who is not a member of the meeting or otherwise authorised.

- 2 That Council accepts, in principle, the proposal from Volunteer Marine Rescue NSW subject to negotiation of the terms and details, including the location and footprint of a building, assessment and regularisation of waterfront facilities, and maintenance arrangements for buildings and other assets, and operational costs.
- 3 That the General Manager be authorised to negotiate final terms under (2) above and execute a licence.
- 4 That Council declines the proposals from the Bayside Community Recreation Club and the Bayside Boating Association thanks them for their submissions.
- 5 That the draft Masterplan for Studdert Reserve be completed and reported to Council for consideration.
- 6 Arrangements be made with the Bayside Community Recreation Club for the orderly vacation and make good of the waterfront area.

Councillor Barlow requested that her name be recorded as abstaining on the matter.

The Deputy Chairperson, Councillor Curry vacated the Chair at the conclusion of this item and the Chairperson, Councillor McDougall resumed the Chair.

CWA24.006 Outcome of the Expression of Interest Campaign for the Lease and Refurbishment of 2 Laycock St, Bexley North

Committee Recommendation (Councillors Jansyn and Tsounis)

- 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) General of the Local Government Act 1993, the attachment relates to the matters in this report are confidential, as it is considered that it is in the public interest that they are not disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.
- 2 That Council rejects all Expressions of Interest and proceed to negotiate with the two organisations that made submissions and any other interested parties.

CWA24.007 Outcome of the Expression of Interest Lease Campaign for 96 Mutch Avenue, Kyeemagh

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

Recommendation (Councillors Douglas and Fardell)

That Council declines to accept the offer submitted for the use of tenancy 2 in 96 Mutch Avenue, Kyeemagh, and that it instead be used as a bookable space or for Council operational purposes.

Procedural Motion (Councillors McDougall and Curry)

That this item be dealt with in Closed Session.

8 Confidential Reports / Matters

In accordance with Council's Code of Meeting Practice, the Chairperson 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 Committee Meeting

Committee Recommendation (Councillors McDougall and Curry)

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

CWA24.007 Outcome of the Expression of Interest Lease Campaign for 96 Mutch Avenue, Kyeemagh

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.

CWA24.008 CONFIDENTIAL - Proposed Sale of Council Asset - 405 Forest Road, Bexley

In accordance with section 10A (2) (c) and (d)(i) 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 Committee is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Committee Meeting it would, on balance, be contrary to the public interest due to the issue it deals with and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Committee 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.

CWA24.007 Outcome of the Expression of Interest Lease Campaign for 96 Mutch Avenue, Kyeemagh

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

Recommendation (Councillors Douglas and Fardell)

That Council declines to accept the offer submitted for the use of tenancy 2 in 96 Mutch Avenue, Kyeemagh, and that it instead be used as a bookable space or for Council operational purposes.

The Recommendation was lost.

Foreshadowed Recommendation (Councillors McDougall and Curry)

That Council declines to accept the offer submitted for the tenancy 2 in 96 Mutch Avenue, Kyeemagh, and that it negotiates with the interested party and comes back to Council after those negotiations.

The Foreshadowed Recommendation became the Committee Recommendation.

Committee Recommendation (Councillors McDougall and Curry)

That Council declines to accept the offer submitted for the tenancy 2 in 96 Mutch Avenue, Kyeemagh, and that it negotiates with the interested party and comes back to Council after those negotiations.

CWA24.008 CONFIDENTIAL - Proposed Sale of Council Asset - 405 Forest Road, Bexley

Committee Recommendation (Councillors Tsounis and Fardell)

- 1 That Council endorses the proposed sale of 405 Forest Road, Bexley by way of an Expressions of Interest (EOI) sales campaign.
- 2 That Council authorises the General Manager to execute all documentation required to finalise the matter and, where required, the application of the Council Seal, including an authorisation for the Mayor to co-sign any document pursuant to s.400 of the Local Government (General) Regulation 2005.

Resumption of Open Committee Meeting

Committee Recommendation (Councillors McDougall and Jansyn)

That the closed part of the meeting, having concluded, the open Committee Meeting resume and it be open to the press and public at 8:23pm.

The General Manager made public the recommendations that were made during the closed part of the meeting.

The next meeting will be held in the Committee Room, Botany Town Hall, on Wednesday 8 May 2024.

The Chairperson closed the meeting at 8:25 pm.