

MINUTES

of the **Ordinary Meeting** of **Bayside Council**

held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 12 June 2019** at **7.05 pm**

Present

Councillor Bill Saravinovski, Mayor
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor Petros Kalligas (from 7.18 pm)
Councillor James Macdonald
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
Councillor Paul Sedrak (from 8.01 pm)
Councillor Andrew Tsounis

Also present

Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Debra Dawson, Director City Life
Michael McCabe, Director City Futures
Colin Clissold, Director City Presentation
Fausto Sut, Manager Governance & Risk
Matthew Walker, Manager Finance
Joe Cavagnino, Manager Procurement
Clare Harley, Manager Strategic Planning
Josh Ford, Coordinator Statutory Planning
Alison Phillips, Urban Designer
Christine Stamper, Acting Head of Communications & Events
Taif George, IT Technical Support Officer
Anne Suann, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.05 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 Traditional Owners

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

2 Opening Prayer

Fausto Sut, Manager Governance & Risk, opened the meeting in prayer.

3 Apologies

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

RESOLUTION

Minute 2019/086

Resolved on the motion of Councillors Macdonald and Tsounis

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

- Councillor Joe Awada
- Councillor Petros Kalligas (late arrival)
- Councillor Paul Sedrak (late arrival)

4 Disclosures of Interest

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

Councillor Nagi declared a Less than Significant Non-Pecuniary Interest in Items 8.5 and 8.6 on the basis that he is a member of the Sydney Eastern City Planning Panel which will consider the proposal, and stated he would leave the Chamber for consideration and voting on the items.

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Items 8.5 and 8.6 on the basis that he is a member of the Sydney Eastern City Planning Panel which will consider the proposal, and stated he would leave the Chamber for consideration and voting on the items.

Councillor Rapisardi declared a Significant Non-Pecuniary Interest in Item 8.17 on the basis that she is casually employed by a founding member of the organisation, and stated she would leave the Chamber for consideration and voting on the item.

Councillor Ibrahim declared a Pecuniary Interest in Item 9.4 on the basis that a family member owns a property in the area, and stated he would leave the Chamber for consideration and voting on the item.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 8 May 2019

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

RESOLUTION

Minute 2019/087

Resolved on the motion of Councillors Nagi and Ibrahim

That the Minutes of the Council meeting held on 8 May 2019 be confirmed as a true record of proceedings.

6 Mayoral Minutes

6.1 Mayoral Minute - Passing of Bob Hawke, 23rd Prime Minister of Australia

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

RESOLUTION

Minute 2019/088

Resolved on the motion of Councillors Nagi and Tsounis

That Council observes a minute's silence in memory of the late Hon. Bob Hawke.

7 Public Forum

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

8.1 Audited 2017-18 General Purpose Financial Reports

Jennifer Whitten, Chair of the Risk & Audit Committee, speaking for the Officer Recommendation, addressed the Council.

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

RESOLUTION

Minute 2019/089

Resolved on the motion of Councillors Ibrahim and Tsounis

That Council receives and notes the presentation of the Audited financial reports for Bayside Council for the period ended 30 June 2018.

8.5 Planning Proposal - BATA site - 128 & 130-150 Bunnerong Road, Eastgardens

Matthew Lennartz, Executive Manager – Planning and Government, Meriton, speaking for the Officer Recommendation, addressed the Council.

Councillor Kalligas arrived during discussion of this item at 7.18 pm.

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

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

Councillor Sedrak was absent for the voting on this item.

RESOLUTION

Minute 2019/090

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That the Planning Proposal, for 128 and 130-150 Bunnerong Road, Eastgardens (Lot 1 DP 1187426 and Lot 24 DP 1242288 - formerly Lot 2 DP 1187426) be forwarded to the Department of Planning and Environment for finalisation, in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979 subject to the floor space being amended from 2.35:1 to 2:1.
- 2 That the Proponent be advised that in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* that a part of a site-specific DCP or Concept Development Application (including an updated Concept Master Plan) for 128 and 130-150 Bunnerong Road, Eastgardens be prepared to address the following issues at the Development Application stage:
 - (a) urban design including height transitions, setbacks, building articulation and modulation and the interface of built form with the public domain;
 - (b) podium car parking options to reduce bulk and encouraging articulation;
 - (c) treatment, embellishment and functionality of public open space;
 - (d) car parking and other vehicle rates;
 - (e) revised traffic modelling to address matters raised by RMS in their submission;

- 3 That, as part of a future Development Application for the site, revised traffic modelling is submitted that:
 - (a) addresses matters raised by RMS in their submission; and
 - (b) includes an analysis of the intersection of Wentworth Avenue and Baker Street.
- 4 That any additional funding to address additional traffic impacts and facilitate the upgrades of the Wentworth/Baker and Wentworth/Page intersections and Heffron Road be provided as part of a future Development Application, over and above that required by the applicable Section 7.11 Contributions Plan.
- 5 That Council again write to the Roads and Maritime Services requesting funding for the Wentworth/Page and Wentworth/Baker intersections and Heffron Road.

Division called by Councillors Tsounis and Macdonald

For: Councillors Tsounis, Saravinovski, Kalligas, Morrissey, Curry, Rapisardi, Ibrahim, Poulos, Macdonald, Bezic and Barlow

The Motion was declared carried.

8.6 Voluntary Planning Agreement Post Exhibition - 128-130 and 150 Bunnerong Road, Pagewood (BATA II)

David Bower, Director of Bonnie Doon Golf Club, speaking for the Officer Recommendation, addressed the Council.

Matthew Lennartz, Executive Manager – Planning and Government, Meriton, speaking for the Officer Recommendation, addressed the Council.

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

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

Councillor Sedrak was absent for the voting on this item.

RESOLUTION

Minute 2019/091

Resolved on the motion of Councillors Tsounis and Bezic

- 1 That Council notes the outcomes of the exhibition of the Voluntary Planning Agreement (VPA) for 128 – 130 and 150 Bunnerong Road, Eastgardens (BATA II).
- 2 That the General Manager executes the VPA in accordance with Council delegations.

Division called by Councillors Tsounis and Bezic

For: Councillors Tsounis, Saravinovski, Kalligas, Morrissey, Curry, Rapisardi, Ibrahim, Poulos, Macdonald, Bezic and Barlow

The Motion was declared carried.

8.7 Request for Gateway Determination: Draft Planning Proposal - 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North

Stephen McIntyre, affected neighbour, speaking for the Officer Recommendation, addressed the Council, and tabled a petition.

Leah Upcroft, interested citizen, speaking against the Officer Recommendation, addressed the Council.

Nathan Kearnes, affected neighbour, speaking against the Officer Recommendation, addressed the Council.

Simon Rabagliati, affected neighbour, speaking against the Officer Recommendation, addressed the Council.

Angela Curto, interested resident, speaking against the Officer Recommendation, addressed the Council, and tabled a petition and other documents.

Phoebe Scali, interested resident, speaking against the Officer Recommendation, addressed the Council.

Emmanuel Zoumas, affected neighbour, speaking for the Officer Recommendation, addressed the Council.

Councillor Sedrak arrived during discussion of this item at 8.01 pm.

The Mayor, Councillor Saravinovski, vacated the Chair and asked Councillor Nagi to assume the Chair.

RESOLUTION

Minute 2019/092

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That Council does not support the submission of the draft Planning Proposal for 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North to the Department of Planning and Environment for a Gateway Determination on the grounds of density, car parking, traffic issues and the lack of strategic direction in the Bexley North area.
- 2 That all sites are being considered as part of the Bayside LEP review process.

Division called by Councillors Saravinovski and Tsounis

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

Abstained: Councillor Ibrahim

The Motion was declared carried

Councillor Nagi vacated the Chair at the conclusion of this item and the Mayor, Councillor Saravinovski, resumed the Chair.

8 Reports

8.2 Draft Eastlakes Local Town Centre Master Plan

RESOLUTION

Minute 2019/093

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council endorses the draft Eastlakes Town Centre Master Plan for Public Exhibition.
- 2 That public exhibition of the Eastlakes Town Centre Masterplan be undertaken for a minimum 28 day period.
- 3 That a future report be prepared for Council's consideration in relation to submissions received during the public exhibition period.

8.3 Rockdale Development Control Plan 2011 Amendment - 7.7 Arncliffe and Banksia

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

RESOLUTION

Minute 2019/094

Resolved on the motion of Councillors Ibrahim and Bezic

- 1 That Council endorses the draft amendments to the *Rockdale Development Control Plan 2011 Chapter 7.7 Arncliffe and Banksia* (as detailed in the attachment to the Council officer's report) for public exhibition.
- 2 That public exhibition be undertaken for a minimum 28 day period, in accordance with *Clause 18(2)* of the *Environmental Planning & Assessment*

Regulation, 2000.

- 3 That, in accordance with *Clause 21A* of the *Environmental Planning & Assessment Regulation*, the amendments to the DCP Chapter relating to design quality be referred to the Bayside Design Review Panel for any comments.
- 4 That a future report be prepared for Council's consideration, in relation to submissions received during the public exhibition period, and any comments from the Bayside Design Review Panel.

Division called by Councillors Ibrahim and Bezic

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

The Motion was declared carried.

8.4 Bayside Design Excellence Guidelines - Amendments

RESOLUTION

Minute 2019/095

Resolved on the motion of Councillors Barlow and Poulos

That Council adopts the Bayside Design Excellence Guidelines dated May 2019.

8.8 Classification of the Arncliffe Youth Centre and Adjoining Open Space being Lot 2 & 3 in DP1214364

RESOLUTION

Minute 2019/096

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That Council considers the submissions received relating to the statutory advertising of its intention to classify Lots 2 and 3 in DP 1214364.
- 2 That Council reconfirms by way of resolution to classify the land, Lots 2 and 3 in DP1214364, as Operational in accordance with Section 31(2) of the Local Government Act 1993.

8.9 Tender for Minor Civil Works

RESOLUTION

Minute 2019/097

Resolved on the motion of Councillors Nagi and Tsounis

- 1 That the attachment to the Council officer's 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 endorse the establishment of a Minor Civil Works Preferred Supplier Panel Contract, consisting of the following companies:
 - Ally Civil
 - Planet Civil
 - Ezy Pave
 - DX Core
 - State Civil
 - KK Civil
 - Stateline Asphalt
- 3 That Council delegate to the General Manager to finalise the contracts to be issued to the preferred suppliers outlined in recommendation 2 above.

8.10 Stronger Communities Fund - Major Projects and Community Grants Programs - Round One and Two Progress Reporting

RESOLUTION

Minute 2019/098

Resolved on the motion of Councillors Nagi and Macdonald

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January 2019 – 30 June 2019 and the Stronger Communities Fund 6 monthly Community Grants report for the period from 1 Jan 2019 – 30 June 2019 for reporting to the NSW Office of Local Government, in accordance with the funding guidelines.

8.11 Councillor Fees 2019/2020

RESOLUTION

Minute 2019/099

Resolved on the motion of Councillors Tsounis and Ibrahim

- 1 That the annual fee for Councillors for 2019/2020 be set at the maximum for a Metropolitan Medium Council as determined by the NSW Local Government Remuneration Tribunal.
- 2 That the additional annual fee for the Mayor for 2019/2020 be set at the maximum for a Metropolitan Medium Council as determined by the NSW Local Government Remuneration Tribunal.

8.12 Adoption of the 2018-21 Delivery Program, 2019-20 Operational Plan, 2019-20 Budget and 2019-20 Fees & Charges

RESOLUTION

Minute 2019/100

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That Council notes and acknowledges all feedback received from the community regarding the Draft Delivery Program 2018-2021 and Operational Plan 2019/20.
- 2 That Council adopts the Final Delivery Program 2018-2021 and Operational Plan 2019/20 (circulated under separate cover) being the exhibited Draft Delivery Program 2018-2021 and Operational Plan 2019/20 and the amendments as detailed in this report.
- 3 That Council makes the rates and charges for the period 1 July 2019 to 30 June 2020, as outlined in the Revenue Policy 2019-20 within the attached Final Delivery Program and Operational Plan (circulated under separate cover) which includes the general rate increase of 2.7% as determined by the Independent Pricing and Regulatory Tribunal (IPART).
- 4 That Council authorises the General Manager to levy the rates and charges for the period 1 July 2019 to 30 June 2020 by service of the rates and charges notices pursuant to the Local Government Act 1993 and the Regulations made there under.
- 5 That Council adopt the exhibited Schedule of Fees & Charges for 2019-2020 subject to the amendments as detailed in Attachment 2 to the Council officer's report.

8.13 Finance Policies - Rates Hardship, Rates & Sundry Debtors Recovery, Rating and Investment Policy.

RESOLUTION

Minute 2019/101

Resolved on the motion of Councillors Tsounis and Nagi

- 1 That the Rates Hardship Policy be adopted.
- 2 That the Rates & Sundry Charges Recovery Policy be adopted.
- 3 That the Rating Policy be adopted.
- 4 That the Investment Policy be adopted.

8.14 Fraud & Corruption Prevention Policy

RESOLUTION

Minute 2019/102

Resolved on the motion of Councillors Nagi and Macdonald

That the Fraud and Corruption Policy attached to the Council officer's report be adopted.

8.15 Information and Records Policy

RESOLUTION

Minute 2019/103

Resolved on the motion of Councillors Ibrahim and Nagi

- 1 That the report be received and noted.
- 2 That Council adopts the Bayside Council Information and Records Policy (as shown in Attachment 1 to the Council officer's report) subject to the review period being one year.

8.16 Statutory Financial Report for April 2019

RESOLUTION

Minute 2019/104

Resolved on the motion of Councillors Tsounis and Barlow

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

8.17 Australian Mayoral Aviation Council (AMAC)

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

RESOLUTION

Minute 2019/105

Resolved on the motion of Councillors McDougall and Curry

- 1 That Councillors' Attendance Reports be received and noted.
- 2 That the report be received and noted, and that delegation be given to the Mayor in consultation with the General Manager to negotiate with AMAC on the basis of the report.

8.18 National General Assembly 2019 - Canberra

Councillor Rapisardi was absent for the voting on this item.

RESOLUTION

Minute 2019/106

Resolved on the motion of Councillors Tsounis and Macdonald

That Council endorses, as per the Expenses and Facilities Policy adopted in July 2017, the following nominations to attend the National General Assembly in Canberra on 16-19 June 2019 - Mayor Bill Saravinovski; Deputy Mayor Joe Awada; Councillors Macdonald, Nagi, Rapisardi and Sedrak.

8.19 Waste Conference 2019

RESOLUTION

Minute 2019/107

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Council receives and notes the report.
- 2 That the reports by Councillors included in this summary, inform their individual professional development plan for 2019.

9 Minutes of Committees

9.1 Minutes of the Botany Historical Trust Meeting - 6 May 2019

RESOLUTION

Minute 2019/108

Resolved on the motion of Councillors Morrissey and Rapisardi

That the Minutes of the Botany Historical Trust meeting held on 6 May 2019 be received and the recommendations therein be adopted.

9.2 Minutes of the Risk & Audit Committee Meeting - 23 May 2019

RESOLUTION

Minute 2019/109

Resolved on the motion of Councillors Nagi and Tsounis

That the Minutes of the Risk & Audit Committee meeting held on 23 May 2019 be received and the recommendations therein be adopted.

9.3 Minutes of the Bayside Traffic Committee Meeting - 5 June 2019

RESOLUTION

Minute 2019/110

Resolved on the motion of Councillors McDougall and Rapisardi

That the Minutes of the Bayside Traffic Committee meeting held on 5 June 2019 be received and the recommendations therein be adopted

9.4 Minutes of the Brighton Le Sands Working Party Meeting - 5 June 2019

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

RESOLUTION

Minute 2019/111

Resolved on the motion of Councillors Macdonald and Nagi

That the Minutes of the Brighton Le Sands Working Party meeting held on 5 June 2019 be received and the recommendations therein be adopted subject to the following amendment:

Item 6.1 – The Boulevard, Brighton Le Sands

That front/rear to kerb on-street parking at The Boulevard, Brighton Le Sands be referred to the Bayside Traffic Committee.

10 Notices of Motion

10.1 Notice of Motion - Vanston Parade, Sandringham

RESOLUTION

Minute 2019/112

Resolved on the motion of Councillors Macdonald and Nagi

- 1 That Council investigate and report back on the feasibility of installing gates at Vanston Parade, Sandringham.
- 2 That the report includes:
 - a the level of resident and police support for the overnight exclusion of vehicular access to Vanston Parade and possible traffic changes;
 - b the feasibility of closing the road between 9pm and 5am every day, similar to other Council foreshore car-parks along the waterfront;
 - c the cost of implementation and ongoing operations of the gate closure including the initial cost of the installation to create the road closure and any ongoing funding required that is consistent with other road and parks closures operating between 9pm and 5am;
 - d the likely impact this installation will have on the reported incidents of anti-social behaviour in Vanstone Parade, Sans Souci and the likelihood of this leading to further requests for road closures in Bayside;
 - e other measures or options that may be reasonable and appropriate to reduce anti-social behaviour at the location.

10.2 Notice of Motion - Single-use Plastics: Refusing and Reducing Council's Non-recyclable Waste

RESOLUTION

Minute 2019/113

Resolved on the motion of Councillors Rapisardi and Poulos

- 1 That Bayside Council lead by example and investigate the cost and procurement implications of phasing out, where possible, single-use plastics across all Council departments and operations including plastic bags, non-recyclable packaging, single use plastic drink bottles, plastic straws, plates and cutlery.
- 2 That a report be produced and presented to Councillors in a GM Briefing advising of the steps that Council can take to phase out single use plastics.
- 3 That a final strategy report be brought to Councillors at an Ordinary Meeting for adoption by Council.

11 Questions With Notice

There were no Questions With Notice.

12 Call For Rescission Motions

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 9.22 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager