
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 April 2022** at **7:00 pm**

Present

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

Also Present

Meredith Wallace, General Manager
Peter Barber, Director City Futures
Michael Mamo, Director City Performance
Colin Clissold, Director City Presentation
Debra Dawson, Director City Life
Fausto Sut, Manager Governance & Risk
Jamie Motum, General Counsel
Joe Cavagnino, Manager Procurement & Fleet
Clare Harley, Manager Strategic Planning
Christine Stamper, Communications & Events Lead
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer

1 Opening of Meeting

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.01 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.

2 Acknowledgement of Country

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

3 Opening Prayer

Pastor Andrew Harper, of Bay City Church in Arncliffe, opened the meeting in prayer.

The Mayor, Councillor Curry, acknowledged ANZAC Day which was commemorated last Monday, 27 April, and The Battle of the Coral Sea which occurred from 4 to 8 May 1942.

4 Apologies

There were no apologies received.

5 Disclosures of Interest

Item 11.1 (CS22.003) – Bayside Community Grants Program 2021-22

Councillor Sedrak declared a Less than Significant Non-Pecuniary Interest in Item 11.1 (CS22.003) on the basis that he plays with the Rockdale City Raiders Football Club, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 11.1 (CS22.003) on the basis that his son plays for Rockdale City Suns Football Club and the Junior Club has been recommended for a grant, and stated he would leave the meeting for consideration and voting on the matter.

Councillors Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 11.1 (CS22.003) on the basis that he is the Director of one of the organisations receiving a grant, and stated he would leave the meeting for consideration and voting on the matter.

Item 11.2 (CP22.002) – Review of the fees to independent members of the Risk & Audit Committee

Councillor Morrissey declared a Less than Significant Non-Pecuniary Interest in Item 11.2 (CP22.002) on the basis that he is a of Bayside Council's Risk and Audit Committee as one of Council's delegate representatives and does not receive remuneration for his participation as is not an external independent member, and stated he would remain in the meeting for consideration and voting on the matter.

Councillor Fardell declared a Less-than-Significant Non-Pecuniary Interest in Item 11.2 (CP22.002) on the basis that she is a member of Bayside Council's Risk and Audit Committee as one of Council's delegate representatives and does not receive

renumeration for her participation as is not an external independent member, and stated she would remain in the meeting for consideration and voting on the matter.”

Item 11.3 (CPE22.009) – Draft Planning Proposal – 187 Slade Road, Bexley North

Councillor McDougall declared that a conflict of duties arises in Item 11.3 (CPE22.009) 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 Nagi declared that a conflict of duties arises in Item 11.3 (CPE22.009) 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.

Item 11.4 (CWA22.003) – Petition – Salisbury Avenue, Bexley – Proposed left only turn onto Forest Road

Councillor Hanna declared a Less than Significant Non-Pecuniary Interest in Item 11.04 (CWA22.003) on the basis that the street he lives in forms a T intersection with Salisbury Avenue but there should be no impact, and stated he would remain in the meeting for consideration and voting on the matter.

Item 11.4 (CWA22.004) – Lease Update – 72 Laycock Street, Bexley North – Order of AHEPA NSW Inc

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 11.4 (CWA22.004) on the basis that he is a former member of AHEPA, and stated he would remain in the meeting for consideration and voting on the matter.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 11.4 (CWA22.004) as he was a guest at a flag raising last year at AHEPA's building in Rockdale, and stated he would remain in the meeting for consideration and voting on the matter.

Councillor Awada declared a Less than Significant Non-Pecuniary Interest in Item 11.4 (CWA22.004) on the basis that his family lives in close proximity to the site, he has met with the Mayor of Georges River Council to discuss a traffic issue affecting both Bayside and Georges River Councils (Mr Nick Katris is the architect for AHEPA) and he has attended the Greek flag raising 2022 hosted by AHEPA, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Fardell declared a Less than Significant Non-Pecuniary Interest in Item 11.4 (CWA22.004) on the basis that she attended the AHEPA flag raising, and stated she would remain in the Chamber for consideration and voting on the matter.

Item 11.4 (CWA22.005) – Brighton Baths Amenities Building – Payment Plan Update, Le Sands Restaurant

Councillor Jansyn declared a Less than Significant Non-Pecuniary Interest in Item 11.4 (CWA22.005) on the basis that she attended a fundraiser for the Bayside Women's Shelter at the lessee's venue, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Werner declared a Less than Significant Non-Pecuniary Interest in Item 11.4 (CWA22.005) on the basis that she attended a fundraiser for the Bayside Women's Shelter at the lessee's venue, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Douglas declared a Significant Non-Pecuniary Interest in Item 11.4 (CWA22.005) item on the basis of perception, in regards to the licensee for the Le Sands restaurants; as her son in-law Ilias Tzortzis preferenced her as his third preference in the Council election on 4 December 2021. She stated she would leave the meeting for the consideration and voting on the matter.

Councillor Saravinovski declared a Less-Than-Significant Non-Pecuniary Interest in Item 11.4 (CWA22.005) on the basis that he attended a family function 12 years ago, and stated he would remain in the meeting for consideration and voting on the matter.

The Mayor, Councillor Curry, declared a Significant Non-Pecuniary Interest in Item 11.4 (CWA22.005) on the basis that she attended a fundraiser for the Bayside Women's Shelter at the lessee's venue and is Chair of the Committee that received the donation, and stated she would leave the meeting for consideration and voting on the matter.

Item 12.2 – Notice of Motion – Update on The Boulevard Car Park, Brighton Le Sands – Options Analysis

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 12.2 on the basis that he attended a social function with one of the adjoining owners, and stated he would leave the meeting for consideration and voting on the matter.

Item 12.6 - Notice of Motion - Anti-Social Behaviour in Riverside Drive, Sans Souci - Petition from Residents

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item 12.6 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 12.9 - Notice of Motion - Licence Plate Recognition Cameras - Creating a future plan for their roll out

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item 12.9 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.

6 Minutes of Previous Meetings

6.1 Minutes of the Council Meeting - 23 March 2022

RESOLUTION

Minute No. 2022/111

Resolved on the motion of Councillors Awada and McDougall

That the Minutes of the Council meeting held on 23 March 2022 be confirmed as a true record of proceedings.

Note: Councillor Sedrak declared a Less Than Significant Interest in Item BTC22.031 considered at this meeting, as he did not register his Declaration at the meeting, on the basis that he is a member of the Coptic Orthodox faith, but has no formal title or position.

7 Mayoral Minutes

7.1 Mayoral Minute - Support for ALGA Campaign: Don't Leave Local Communities Behind

RESOLUTION

Minute No. 2022/112

Resolved on the motion of Councillors Curry

That Council writes to our local members and candidates endorsing the ALGA initiatives for the "Don't Leave Local Communities Behind" Campaign to support local councils to weather these unprecedented and challenging times due to the Covid 19 pandemic, combined with the legacies of drought and fires and more recently devastating floods.

7.2 Mayoral Minute - No Cruise Ships in Botany Bay

RESOLUTION

Minute No. 2022/113

Resolved on the motion of Councillors Curry

- 1 That Council writes to the NSW Premier and the Minister responsible for Ports, and the Minister for Environment and Heritage, reiterating Council's strong opposition to any plans to consider a cruise ship terminal at Yarra Bay or Molineux Point due to the negative impact on the natural environment, traffic congestion, loss of green space and consequential land development pressures in the vicinity.
- 2 That Council writes to our local State Members and the Mayor of Randwick Council, expressing Council's continued opposition to a cruise ship terminal in Botany Bay.

7.3 Mayoral Minute - South East Sydney Bus Network Privatisation

RESOLUTION

Minute No. 2022/114

Resolved on the motion of Councillors Curry

- 1 That Council writes to the NSW Premier, NSW Minister for Transport and all local members of Parliament expressing strong dissatisfaction with:
 - a the changes introduced to the South East Sydney Bus Network in December 2021, which reduced the extent and convenience of the network, and
 - b the privatisation of bus services, which threatens to bring to Bayside the problems that have been experienced by parts of Sydney with privately operated services.
- 2 That Council writes to our State Members and the Mayors from Randwick and Waverley indicating we support their opposition to the changes introduced to the South East Sydney Bus Network and the privatisation of bus services.
- 3 That Council writes to Mr Minns, Opposition Leader, and Opposition Spokesman for Transport to make them aware of our opposition and seek their support in the reintroduction of public transport.

8 Items by Exception

RESOLUTION

Minute No. 2022/115

Resolved on the motion of Councillors Nagi and Jansyn

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

Multiple Business Items

RESOLUTION

Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

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

- 10.1 Rate Peg 2022/23
- 10.2 Feedback Submission – IPART’s Review of Domestic Waste Management Charges
- 10.4 Statutory Financial Report - January 2022
- 10.5 Statutory Financial Report - February 2022
- 10.6 Disclosure of Pecuniary Interest Returns - Designated Persons (First Returns)
- 10.7 Response to Question - M6 Stage 1 Project - Transport for NSW correspondence with affected residents
- 10.8 Response to Question - Update on the tenure and leasing of the former C-Side Site
- 11.1 Minutes of the City Services Committee Meeting - 6 April 2022
 - CS22.005 Council Events Update Report
 - CS22.006 Review of Additional Dog Off Leash Areas Across Bayside
- 11.2 Minutes of the Corporate Performance Committee Meeting - 6 April
 - CP22.001 Amended Rate Peg 2022-23
 - CP22.002 Review of the fees to independent members of the Risk & Audit Committee
 - CP22.003 Tender - Sir Joseph Banks Park playspace
- 11.3 Minutes of the City Planning & Environment Committee Meeting - 13 April 2022
 - CPE22.007 Clause 4.6 Variations to Development Standards - Quarterly Report
 - CPE22.008 Revised Draft Planning Agreement - Advertising Signage -133-137 Baxter Road and 118 Robey Street, Mascot
- 11.4 Minutes of the City Works & Assets Committee Meeting - 13 April 2022
 - CWA22.002 Flooding Behaviour - Bayside Local Government Area
 - CWA22.006 Acquisition - 1-7 Green Street Banksmeadow
- 11.5 Minutes of the Botany Historical Trust Meeting - 28 March 2022
 - 5.1 Update on Community History Audit

- 5.2 BHT President's Report
- 5.3 Election of Office for BHT Executive Committee
- 11.6 Minutes of the Bayside Traffic Committee Meeting - 13 April 2022
 - BTC22.038 Streets Alive Festival - Bay Street Brighton Le Sands
 - BTC22.039 Booth Street, Arncliffe - Proposed Double BB Line Marking
 - BTC22.040 Caroline Street, Kingsgrove - Proposed Changes to Existing School Bus Zone from Tuesday to Thursday for St Ursula's College
 - BTC22.041 Clarkes Road, Ramsgate - Proposed 'STOP' Priority Control at intersection of Margate Street
 - BTC22.042 21 Daphne Street, Botany - Renewal of 30m 'Works Zone' for additional 8 weeks from 30 April 2022
 - BTC22.043 19 Gladstone Street, Bexley - Renewal of 13m Works Zone for 14 Weeks from 05 April 2022
 - BTC22.044 Harrow Road, Rockdale - Proposed 'No Stopping' between Watkin Street and Beaconsfield Street and Proposed 'Give Way' priority control at Beaconsfield Street
 - BTC22.045 8 John Street, Mascot- Renewal of 30m 'Works Zone' for 18 Weeks from 27 April 2022
 - BTC22.046 Page Street, Pagewood - Proposed No Stopping Restriction
 - BTC22.047 96-102 Princes Highway, Arncliffe - Renewal of 25m 'Works Zone' for 8 weeks from 30 April 2022
 - BTC22.048 Reading Road and Rowley Street, Brighton Le Sands – Proposed Statutory 'No Stopping' restrictions
 - BTC22.049 Stanley Lane, Arncliffe - Proposed Conversion of 'No Parking 6:30 am - 7:30 am Mon-Fri' restriction to 'No Parking' restriction
 - BTC22.050 Matters referred to the Bayside Traffic Committee by the Chair
 - BTC22.051 General Business
- 11.7 Minutes of the Risk & Audit Committee Meeting - 31 March 2022
 - ARI22.001 Election of Chairperson

ARI22.002	FY2020/21 Final Audit Management Letter - NSW Audit Office
ARI22.003	NSW Audit Office - Annual Engagement Plan (AEP) for the Audit of Bayside Council for the 2021/22 Financial Year
ARI22.004	Compliance Review - ICAC Operation Dasha report - Recommendations to Council
ARI22.005	Progress on the Internal Audit Work Program
ARI22.006	Business Improvement Delivery Program
ARI22.007	Governance Framework - Revised
ARI22.008	Proposed Meeting Schedule for 2022

9 Public Forum

The following addresses were made in Public Forum and at the conclusion of the speakers for each of the items, Council subsequently considered each of these items. Standing orders resumed at the conclusion of the public forum items.

CPE22.009 Draft Planning Proposal - 187 Slade Road, Bexley North

Written submissions were received from the following people:

- Mr Angelo Tzouganatos, affected neighbour, for the Committee Recommendation.
- Miss Bronwyn Clark, affected neighbour, for the Committee Recommendation.
- Mr Desmond Lee, affected neighbour, for the Committee Recommendation.

and were distributed to Councillors prior to the Council Meeting.

The following people spoke at the meeting:

- Mr Stephen Kelly, affected neighbour, spoke for the Committee Recommendation.
- Mr Christopher Fletcher, affected neighbour, spoke for the Committee Recommendation.
- Mr David Waghorn, Director of Planning Ingenuity, applicant's representative, spoke against the Committee Recommendation.

CWA22.004 Lease Update - 72 Laycock Street Bexley North - Order of AHEPA NSW Inc.

The following person spoke at the meeting:

- Mrs Ingrid Knopf, affected neighbour, speaking against the Committee Recommendation.

12.2 Notice of Motion - Update on The Boulevard Car Park, Brighton Le Sands - Options Analysis

The following person spoke at the meeting.

- Mr John D'Amato, interested resident, speaking for the Motion.

12.3 Notice of Motion - Investigate Need and Potential Sites for Indoor and Outdoor Basketball Courts Across Bayside LGA

The following person spoke at the meeting:

- Mrs Kate Joveski, interested resident and representative of a Local Community Sporting Organisation (St George Basketball), speaking for the Motion.

12.4 Notice of Motion - Petanque Court in Bexley Park

The following people spoke at the meeting.

- Ms Josie Alessandro, interested resident, speaking for the Motion.
- Mr Peter Neale, interested citizen, speaking for the Motion.

12.6 Notice of Motion - Anti-Social Behaviour in Riverside Drive, Sans Souci - Petition from Residents

The following people spoke at the meeting.

- Ms Rita Michels, affected neighbour, speaking for the Motion.
- Mrs Lily Vidaic Neale, affected neighbour, speaking for the Motion.
- Mr Robert Buffoni, affected neighbour, speaking for the Motion.

12.7 Notice of Motion - Safer Lighting at the West Botany Street Skate Park

The following people spoke at the meeting:

- Mr James Walker, interested resident, speaking for the Motion.
- Mr Lynn Charlesworth interested resident, speaking for the Motion.

10 Reports

10.1 Rate Peg 2022/23

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That Council applies for a rate peg (ASV) increase of 2.5% for the 2022/23 financial year under section 508(2) of the Local Government Act 1993, with the increase in revenue to be retained permanently in the rate base into the future.
- 2 That Council will receive around \$880,000 in 2022/23 over the current approved rate peg of 1.6%, and a forecasted \$11.2m over the next 10 years.
- 3 That Council's adopted 2021/22 Long Term Financial Plan (LTFP) will include a forecasted rate peg of 2.5%, which is consistent with IPART's long term estimated rate peg.
- 4 That Council has considered that the impact on ratepayers and the community is reasonable if the rate peg of 2.5% is approved in 2022/23.
- 5 That the rate peg of 2.5% for 2022/23 be applied across all rating categories based on option 1 which is identified in this report.

10.2 Feedback Submission - IPART's Review of Domestic Waste Management Charges

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That Bayside Council provides formal feedback submission in relation to IPART's Review of Domestic Waste Management Charges by Friday 29 April 2022.
- 2 That Council requests a formal meeting with the Minister For Local Government to discuss the implications of IPART's recommendations.

10.3 Bayview Street, Bexley - Traffic and Parking Associated with DA2020/1064

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given for the installation of a central median island 25m in length in Bayview Street, as per the attached plan.
- 2 That the existing part time 'Bus Zone' be converted to 'No Parking 8:30 am -9:30 am and 3 pm – 3:30 pm Mon – Fri School Days' to the western side of Vehicular Access Gate 1 (Church access).
- 3 That the existing 'P5 minute 8:30 am – 9:30 am and 3 pm – 3:30 pm Mon – Fri School Days' be converted to 'No Parking 8:30 am – 9:30 am and 3 pm – 3:30 pm Mon – Fri School Days' including the provision of "Kiss & Ride Area" signs (Sign No. R9-302).
- 4 That approval be given to install 'No Stopping 8 am – 9:30 am Mon- Fri School days' south of the southernmost new driveway (closer to Forest Road end) to assist traffic flow in the morning peak.
- 5 That any redundant signage and/or linemarking be removed.
- 6 That driveway delineation lines be installed and maintained at the cost of the applicant for all driveways to the subject site from Forest Road to Reginald Street.
- 7 That approval be given for modifications to be made to the existing pedestrian refuge in Bayview Street at the intersection with Forest Road to be undertaken on the Bayview Street approach to the intersection for a length extending not less than 20 metres for the intersection, as per the attached plan with the exception of the designated left and right turn arrows and associated linemarking.
- 8 That the applicant notify the residents of the proposed traffic devices and parking changes in the street.
- 9 That any proposed removal of trees to accommodate new driveways be replaced as per Council's 'Two for One Tree' Policy in the vicinity.

10.4 Statutory Financial Report - January 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

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

10.5 Statutory Financial Report - February 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

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

10.6 Disclosure of Pecuniary Interest Returns - Designated Persons (First Returns)

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the information in this report be received and noted.

10.7 Response to Question - M6 Stage 1 Project - Transport for NSW correspondence with affected residents

The response was received.

10.8 Response to Question - Update on the tenure and leasing of the former C-Side Site

The response was received.

11 Minutes of Committees

11.1 Minutes of the City Services Committee Meeting - 6 April 2022

RESOLUTION

Minute No. 2022/117

Resolved on the motion of Councillors Fardell and Jansyn

That the Minutes of the City Services Committee meeting held on 6 April 2022 be received and the recommendations therein be adopted with the exception of CS22.003 and CS22.004, and subject to the addition of Councillor Werner as also being present.

CS22.003 Bayside Community Grants Program 2021-22

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

RESOLUTION

Minute No. 2022/118

Resolved on the motion of Councillors Jansyn and Barlow

That Council approves the recommended Small and Seeding Grants to the value of \$46,633.00.

CS22.004 Draft Public Art Policy

RESOLUTION

Minute No. 2022/119

Resolved on the motion of Councillors Jansyn and Tsounis

- 1 That the draft Public Art Policy be adopted by Council subject to the following amendments:
 - That Councillor representation be included in the public art assessment group.
 - That the wording of 5.1 be amended to “Council should decide” and stronger wording be used.

- That the public art policy purpose includes loans as well as commissions and acquisitions.
 - That the capital funding incorporates cash donations and sponsorships as a source of funding.
- 2 That Council investigate including provisions in the DCP to require public art donations as part of developments, over a certain value, to be determined by Council.
 - 3 That a Mural Art Program be investigated for the next financial year.

CS22.005 Council Events Update Report

Adopted Minute No. 2022/117

Resolved on the motion of Councillors Fardell and Jansyn

- 1 That Council endorse the proposed 2022–2023 draft events program in principle, subject to the provision of funds available in the upcoming 2022-2023 financial year budget.
- 2 That Council endorse that the events program be reviewed quarterly by the City Services Committee.
- 3 That Council consider, as part of future Events Programs, introducing something similar to the Botany Gift.

CS22.006 Review of Additional Dog Off Leash Areas Across Bayside

Adopted Minute No. 2022/117

Resolved on the motion of Councillors Fardell and Jansyn

- 1 That Council support the Officer Recommendations as below.
 - Ward 1 - Rhodes Street Reserve, Hillsdale - Unenclosed
 - Ward 2 - Hughes Avenue Reserve, Mascot - Enclosed
 - Ward 3 - Nattai Place Reserve, Banksia - Enclosed
 - Ward 4 - Flynns Reserve, Bexley - Enclosed
 - Ward 5 - Riverside Drive, Sans Souci - Unenclosed
- 2 That Council determine the costing and funding strategy for these recommendations, to be the subject of a further report.
- 3 That Officers undertake any necessary studies should environmental considerations be identified throughout this process.

- 4 That Council investigates future planning areas within Firmstone Gardens, adjoining West Botany Street, and the spacing under fencing to prevent small dogs from escaping.

11.2 Minutes of the Corporate Performance Committee Meeting - 6 April 2022

RESOLUTION

Minute No. 2022/120

Resolved on the motion of Councillors McDougall and Morrissey

That the Minutes of the Corporate Performance Committee meeting held on 6 April 2022 be received and the recommendations therein be adopted with the exception of CP22.004.

CP22.001 Amended Rate Peg 2022-23

RESOLUTION

Adopted Minute No. 2022/120

Resolved on the motion of Councillors McDougall and Morrissey

- 1 That the Corporate Performance Committee receives and notes this report.
- 2 That the Corporate Performance Committee notes that Council staff will provide Councillors with detailed financial analysis and modelling as part of the Councillor budget workshop to be held on 20 April 2022 and that a separate report will be provided to the April Council meeting on this matter.

CP22.002 Review of the fees to independent members of the Risk & Audit Committee

Councillors Morrissey and Fardell had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Adopted Minute No. 2022/120

Resolved on the motion of Councillors McDougall and Morrissey

That the Committee recommends a fee increase to the independent members of the Risk & Audit Committee to the same level as those paid to the Chair and independent specialist members of the Bayside Local Planning Panel, that is, \$2200 and \$1650 per meeting respectively.

CP22.003 Tender - Sir Joseph Banks Park Playspace**RESOLUTION**

Adopted Minute No. 2022/120

Resolved on the motion of Councillors McDougall and Morrisey

- 1 That the attachments 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), (c) of the Local Government Act 1993, the attachments relate 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 and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That, in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from Glascott Landscape & Civil Pty Ltd being the construction of a regional playspace at Sir Joseph Banks Park, Botany for \$2,680,398.16 exclusive of GST.
- 3 That if Council is successful in its application for funding of \$250,000 as part of the NSW Government Open Spaces (Places to Play) Program, that optional item 1 for the renewal of the existing playground be approved to proceed as part of this project, with the balance of the costs for this option to be funded from the existing budget.
- 4 That Council allocates funds of \$200,000 to the project for the planting of trees and vegetation funded from the Community & Environmental Projects Reserve.

CP22.004 Councillor Superannuation**MOTION**

Motion moved by Councillors Barlow and Hanna

That the taking of the Superannuation Contributions Payments be deferred for 12 months by Councillors.

Division called by Councillors Barlow and Hanna

For: Councillors Barlow and Hanna

Against: Councillors Curry, Morrissey, Muscat, Fardell, Jansyn, Saravinovski, Werner, Awada, Douglas, McDougall, Sedrak, Councillors Nagi (abstained) and Tsounis (abstained).

The MOTION was declared lost.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillors Morrissey and Jansyn

That the Council adopts that the Superannuation Contributions Payments be paid to Councillors and the Mayor as per the amount Council would be required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act*.

The Foreshadowed Motion then became the Motion.

RESOLUTION

Minute No. 2022/121

Resolved on the motion of Councillors Morrissey and Jansyn

That the Council adopts that the Superannuation Contributions Payments be paid to Councillors and the Mayor as per the amount Council would be required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act*.

11.3 Minutes of the City Planning & Environment Committee Meeting - 13 April 2022

RESOLUTION

Minute No. 2022/122

Resolved on the motion of Councillors Morrissey and Jansyn

That the Minutes of the City Planning & Environment Committee meeting held on 13 April 2022 be received and the recommendations therein be adopted with the exception of Item CPE22.009.

CPE22.007 Clause 4.6 Variations to Development Standards - Quarterly Report

RESOLUTION

Adopted Minute No. 2022/122

Resolved on the motion of Councillors Morrissey and Jansyn

That the report on the use of Clause 4.6 of Council's Local Environmental Plans to vary development standards in the determination of development applications during quarter three (3) of FY2022 to be received and noted.

CPE22.008 Revised Draft Planning Agreement - Advertising Signage - 133-137 Baxter Road and 118 Robey Street, Mascot

RESOLUTION

Adopted Minute No. 2022/122

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That the public benefit for 133-137 Baxter Road and 118 Robey Street, Mascot, offered within the 15 March 2022 updated Offer and the revised Draft Advertising and Signage Planning Agreement be received and endorsed.
- 2 That the revised Draft Advertising and Signage Planning Agreement contained in Attachment 3 to this report be publicly notified in accordance with legislative requirements.
- 3 That the General Manager and delegate(s) are authorised to negotiate and finalise all documentation necessary following the conclusion of the public notification period, taking into consideration any submissions.
- 4 That authority be delegated to the General Manager to execute all documentation (including the final Planning Agreement) necessary to give effect to these resolutions.

Note: Item CPE22.009 was dealt with in Public Forum

CPE22.009 Draft Planning Proposal - 187 Slade Road, Bexley North

Councillors McDougall and Nagi had previously declared a conflict of duties, and left the Chamber for consideration of, and voting on, this item.

Written submissions were received from the following people:

- Mr Angelo Tzouganatos, affected neighbour, for the Committee Recommendation.
- Miss Bronwyn Clark, affected neighbour, for the Committee Recommendation.
- Mr Desmond Lee, affected neighbour, for the Committee Recommendation.

and were distributed to Councillors prior to the Council Meeting.

The following people spoke at the meeting:

- Mr Stephen Kelly, affected neighbour, spoke for the Committee Recommendation.
- Mr Christopher Fletcher, affected neighbour, spoke for the Committee Recommendation.
- Mr David Waghorn, Director of Planning Ingenuity, applicant's representative, spoke against the Committee Recommendation.

RESOLUTION

Minute No. 2022/123

Resolved on the motion of Councillors Saravinovski and Jansyn

- 1 That Council considers the draft Planning Proposal for 187 Slade Road, Bexley to be an overdevelopment of the site based on a range of factors including but not limited to excessive increased height limits and floor space ratios.
- 2 That Council does not endorse the Planning Proposal for a Gateway Determination.

Division called by Councillors Saravinovski and Jansyn

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

The Motion was declared carried.

11.4 Minutes of the City Works & Assets Committee Meeting - 13 April 2022

RESOLUTION

Minute No. 2022/124

Resolved on the motion of Councillors Morrissey and Jansyn

That the Minutes of the City Works & Assets Committee meeting held on 13 April 2022 be received and the recommendations therein be adopted with the exception of CWA22.003, CWA22.004 AND CWA22.005.

CWA22.002 Flooding Behaviour - Bayside Local Government Area

RESOLUTION

Adopted Minute No. 2022/124

Resolved on the motion of Councillors Morrissey and Jansyn

That the report on Flooding Behaviour in the Bayside Local Government Area be received and noted.

CWA22.003 Petition - Salisbury Avenue Bexley - Proposed left only turn onto Forest Road.

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

Councillor Douglas tabled the petition.

RESOLUTION

Minute No. 2022/125

Resolved on the motion of Councillors Barlow and Tsounis

- 1 That the submission and petition attached to the report signed by 27 residents, meeting the mandatory criteria outlined in section 2.2 of Council's Petition Policy be received and noted.
- 2 That Salisbury Avenue, Bexley be identified as a location of concern for TfNSW to investigate as part of its Road Network Performance Review Plan.
- 3 That traffic count data be obtained from TfNSW to assist in quantifying the extent of traffic and heavy vehicle mix in Salisbury Avenue, Bexley.
- 4 That a written response be provided to the head petitioner advising of Council's resolutions relating to this report and any associated actions and outcomes.
- 5 That this Item be referred to the Traffic Committee to investigate deterrents to stop heavy vehicles, trucks using Salisbury Avenue as a thoroughfare.
- 6 That the Mayor and Council advocate to support the residents' concerns by writing to the relevant authorities including TfNSW, local Members of Parliament (The Hon. Steve Kamper Member for Rockdale and The Hon. Christopher Minns Member for Kogarah) and the Minister of Transport NSW.

Note: Item CWA.004 was dealt with in Public Forum

CWA22.004 Lease Update - 72 Laycock Street Bexley North - Order of AHEPA NSW Inc.

Councillors Tsounis, Saravinovski, Awada and Fardell had previously declared a Less than Significant Non-Pecuniary Interest.

The following person spoke at the meeting:

- Mrs Ingrid Knopf, affected neighbour, speaking against the Committee Recommendation.

MOTION

Motion moved by Councillors Barlow and Tsounis

That this matter be deferred to enable a full briefing for Councillors.

PROCEDURAL MOTION

Motion moved by Councillors Saravinovski and McDougall

That Council go into confidential session in order to ask questions of lawyers at the meeting as this relates to commercial information of a confidential nature and legal advice that, if disclosed, would prejudice Council's position.

Division called by Councillors Saravinovski and McDougall

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

Against: Councillors Nagi, Tsounis, Werner, Barlow, Hanna and Douglas

The Procedural Motion was declared carried.

RESOLUTION

Minute No. 2022/126

Resolved on the motion of Councillors Saravinovski and McDougall

That Council go into confidential session in order to ask questions of lawyers at the meeting as this relates to commercial information of a confidential nature and legal advice that, if disclosed, would prejudice Council's position.

**CWA22.005 Brighton Baths Amenities Building - Payment Plan Update
Le Sands Restaurant**

The Mayor, Councillor Curry, vacated the Chair and left the Chamber due to her declaration of a Significant Non-Pecuniary Interest. The Deputy Mayor, Councillor Morrissey, assumed the Chair.

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

Councillors Jansyn, Werner and Saravinovski had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute No. 2022/127

Resolved on the motion of Councillors Saravinovski and Jansyn

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That this report be received and noted.
- 3 That the Committee recommends for Council to endorse setting a deadline of 29 April 2022, in order for the Lessee to agree to and execute a deed which sets out the terms for a payment plan addressing the outstanding debts within the following parameters:
 - a The outstanding rental arrears prior to 31 March 2022, which are not subject to the separate "Additional Rent" agreement are to be paid in full before 31 March 2023 by way of a payment plan which is to be agreed and finalised before 29 April 2022.
 - b The amount outstanding as part of the separate "Additional Rent" agreement is to be paid in full before 1 March 2023 by way of 12 equal monthly instalments from April 2022 to March 2023.
 - c The Lessee must pay all monthly recurring rental payments in full and on time to ensure outstanding balances do not increase.
 - d Excluding the outstanding amounts referenced in 2a and 2b above, the Lessee is obligated under the lease and must pay all monthly recurring rental payments in full and on time to ensure no additional outstanding balances arise
- 4 That should the Lessee fail to agree to and execute the Deed referenced in recommendation 2 above by 29 April 2022, a further report be provided to the Committee outlining next steps and appropriate responses to any continued lease breaches.

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

CWA22.006 Acquisition - 1-7 Green Street Banksmeadow.

RESOLUTION

Adopted Minute No. 2022/124

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That the attachments 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 attachments relate 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 contents of this report be received and noted and the funding for the purchase of 1-7 Green Street, Banksmeadow be included in the next quarterly budget review in line with the proposed funding strategy contained within this report.
- 3 That in accordance with Section 34 of the Local Government Act 1993, Council undertakes public notification of its intention to classify *Lot 20 in DP 832134* as Operational Land in accordance with Section 31 (2) of the same Act.
- 4 That a further report is submitted to Council post the completion of the public notification period.
- 5 That Council approves the proposed funding strategy contained within this report for the acquisition of 1-7 Green Street, Banksmeadow, including approval for an application to be submitted in accordance with section 410 of the Local Government Act NSW 1993 to the Minister for Local Government seeking approval for an internal loan from the Domestic Waste Reserve in line with the funding strategy and repayment plan set out in this report.
- 6 That, should the Minister for Local Government not approve the internal loan application referenced in recommendation 4 above, then that amount is to also be borrowed from the Strategic Priorities Reserve as referenced in this report.

11.5 Minutes of the Botany Historical Trust Meeting - 28 March 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the Botany Historical Trust meeting held on 28 March 2022 be received and the recommendations therein be adopted.

5.1 Update on Community History Audit

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the Executive Committee and Members note the report.

5.2 BHT President's Report

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the President's Report is noted.

5.3 Election Of Office Bearers for BHT Executive Committee

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That BHT Members:

1. Note the Report and Constitution attached.
2. Elect the following nominated Executive Office Bearers in accordance with the BHT Constitution:

President:	Robert Hanna
Senior Vice President:	Christopher Hanna
Vice President:	Jacqueline Milledge
Secretary:	Carolyn McMahon
Treasurer:	Richard Smolenski
Committee Member:	Peter Orlovich
Committee Member:	Vacant
Community Member:	Vacant
Community Member:	Vacant
Community Member:	Vacant
Councillor:	Councillor Jo Jansyn
Councillor:	Councillor Jennifer Muscat

11.6 Minutes of the Bayside Traffic Committee Meeting - 13 April 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the Bayside Traffic Committee meeting held on 13 April 2022 be received and the recommendations therein be adopted.

BTC22.038 Streets Alive Festival - Bay Street Brighton Le Sands

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That the Traffic Committee note the proposal to temporarily close Bay Street on the weekend of 14 to 15 May 2022 for the purposes of holding the Brighton Winter Festival.
- 2 That the event be classified as a Class 1 Special Event in accordance with the NSW Guide to Traffic and Transport Management for Special Events.

BTC22.039 Booth Street, Arncliffe - Proposed Double BB Line Marking

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given for the installation of Double BB line marking at the intersection of Booth Street and Martin Avenue to improve road user safety as per the attached drawing.
- 2 That approval be given for the installation of statutory 'No Stopping' restrictions on the western kerblines of Martin Avenue north of Bidjigal Road as per the attached drawing.

BTC22.040 Caroline Street, Kingsgrove - Proposed Changes to Existing School Bus Zone from Tuesday to Thursday for St Ursula's College**RESOLUTION**

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That approval be given for the existing 'Bus Zone 9 am - 1:30 pm Tuesday School Days' be replaced with 'Bus Zone 12:30 pm - 2:30 pm Thursday School Days'.

BTC22.041 Clarkes Road, Ramsgate - Proposed 'STOP' Priority Control at intersection of Margate Street**RESOLUTION**

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given to install 'STOP' priority control on Clarkes Road at the intersection of Margate Street, Ramsgate to improve road user safety as per the attached drawing.
- 2 That approval be given to realign the BB lines in Clarkes Road to improve guidance for motorists.
- 3 That approval be given for the installation of 'Side Road Junction on Curve' along Margate Street as per the attached drawing.

BTC22.042 21 Daphne Street, Botany - Renewal of 30m 'Works Zone' for additional 8 weeks from 30 April 2022**RESOLUTION**

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given for the installation of a 30m 'Works Zone 7 am – 6:30 pm, Mon – Fri and 8 am – 3:30 pm Sat' restriction along the eastern kerb line of Rose Street fronting the work site of 21 Daphne Street, Botany, (immediately south of the 10m statutory 'No Stopping' zone) for additional duration of 8 weeks from 30 April 2022, subject to relevant conditions.

- 2 That vehicles exceeding 12.5m in length require separate application with supporting traffic management plan demonstrating provisions for safe access to the site, such as temporary road closures.

BTC22.043 19 Gladstone Street, Bexley - Renewal of 13m Works Zone for 14 Weeks from 05 April 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given to the installation of a 10m 'Works Zone, 7am – 6pm, Mon – Fri and 8am – 1pm Sat' restriction along the northern kerb line of Gladstone Street, for the duration of 14 weeks from 05 April 2022, subject to relevant DA conditions
- 2 The applicant must ensure that construction vehicles do not queue within Gladstone 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 two-way traffic flow be always maintained in Gladstone Street unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team

BTC22.044 Harrow Road, Rockdale - Proposed 'No Stopping' between Watkin Street and Beaconsfield Street and Proposed 'Give Way' priority control at Beaconsfield Street

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given to install 15m 'No Stopping' restrictions on the western kerbline of Harrow Road, Rockdale between Watkin Street and Beaconsfield Street.
- 2 That approval be given to install 'Give Way' priority control on Beaconsfield Street at the intersection of Harrow Road, Rockdale to improve road user safety as per the attached drawing.

BTC22.045 8 John Street, Mascot- Renewal of 30m 'Works Zone' for 18 Weeks from 27 April 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given to the installation of 30m of 'Works Zone, 7 am – 6.30 pm, Mon – Fri and 8 am – 3.30 pm Sat' restriction along the northern kerb line of John Street, for additional duration of 18 weeks from 27 April 2022, subject to relevant conditions, including (but not limited to):
 - a) the completion of road re-alignment as per standards and specifications of Frontage Works Permit FW-2020/22, issued by Council's Public Domain and Referrals team
 - b) the completion of Hoarding installation as per permit issued by Council's Public Domain and Referrals team
- 2 That the existing parking restrictions on the southern kerb line of John Street not be changed on account of this proposal and two-way traffic flow be maintained in John Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team.
- 3 That the developer and associated sub-contractors notify Council's Traffic and Road Safety team and Public Domain & Referrals team of any proposed applications through the 'National Heavy Vehicle Regulator' authority.
- 4 That the developer and associated sub-contractors comply with conditions imposed by the 'National Heavy Vehicle Regulator' approved Permits.
- 5 That the developer and associated sub-contractors liaise with and notify Transport for NSW and Sydney Trains representatives of proposed activities that may impact traffic in the vicinity of the site.

BTC22.046 Page Street, Pagewood - Proposed No Stopping Restriction

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That approval be given for the installation of 'No Stopping' restrictions along the western kerblane of Page Street, Pagewood as per attached drawing.

BTC22.047 96-102 Princes Highway, Arncliffe - Renewal of 25m 'Works Zone' for 8 weeks from 30 April 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given for the renewal of 25m of 'Works Zone, 7 am – 6:30 pm, Mon – Fri - and 8 am – 3:30 pm Sat' restriction along the northern kerblines of Kyle Street fronting number 96-102 Princes Highway, Arncliffe, for additional duration of 8 weeks from 30 April 2022, subject to relevant conditions.
- 2 That the route for heavy vehicles be limited to entering Kyle Street from Princes Highway and leaving Kyle Street to West Botany Street through Duncan Street.
- 3 The applicant to provide traffic controllers at both ends in Duncan Street, if Council deems it necessary for safe passage of vehicles especially at the narrow section of Duncan Street near the split-level section.

BTC22.048 Reading Road and Rowley Street, Brighton Le Sands – Proposed Statutory 'No Stopping' restrictions

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That approval be given to the installation of statutory 10m 'No Stopping restriction' at the intersection of Reading Road and Rowley Street, Brighton Le Sands on all the kerblines as per attached drawing.

BTC22.049 Stanley Lane, Arncliffe - Proposed Conversion of 'No Parking 6:30 am - 7:30 am Mon-Fri' restriction to 'No Parking' restriction

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That approval be given to convert existing 'No Parking 6:30 am - 7:30 am Mon - Fri' restriction to 'No Parking' restriction at the end of Stanley Lane, Arncliffe as per attached drawing.

BTC22.050 Matters referred to the Bayside Traffic Committee by the Chair

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the matters raised by the Chair be considered.

BTC22.051 General Business

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That the Chair confer with formal Committee members on Items without notice.
- 2 That the matter of the potential to have 'No Stopping 9pm to 5am' parking restrictions along the parking bays located between Tuffy Avenue and Napoleon Street for a trial period of 6 to 12 months to prevent anti-social behaviour be investigated and reported back to a future meeting of Bayside Traffic Committee.

11.7 Minutes of the Risk & Audit Committee Meeting - 31 March 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the Risk & Audit Committee meeting held on 31 March 2022 be received and the recommendations therein be adopted.

ARI22.001 Election of Chairperson

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That Jennifer Whitten's (Independent External Member) election as Chairperson by the Risk and Audit Committee be noted.

ARI22.002 FY2020/21 Final Audit Management Letter - NSW Audit Office

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 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) 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 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 the Final FY2020/21 Audit Management Letter be received and noted.

ARI22.003 NSW Audit Office - Annual Engagement Plan (AEP) for the Audit of Bayside Council for the 2021/22 Financial Year

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the Annual Engagement Plan for financial reports ending 30 June 2022 be received and noted.

ARI22.004 Compliance Review - ICAC Operation Dasha report - Recommendations to Council

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the report of the Compliance Review - ICAC Recommendations [Dasha Report] received and noted.

ARI22.005 Progress on the Internal Audit Work Program

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That the report on the progress of the Internal Audit Work Program be received and noted.
- 2 That the deferment of the Abandoned Vehicles and Reactive Council property/asset maintenance process audits be endorsed.
- 3 That the risk mitigation strategy for the “Process for completing works on private property” by presenting a report to Council, highlighting the number of private properties works are being completed on and the costs of these services be endorsed.

ARI22.006 Business Improvement Delivery Program

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That the report on the Business Improvement Delivery Program be received and noted.

ARI22.007 Governance Framework - Revised

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That it be noted that the Risk & Audit Committee commends and notes the draft Governance Framework document is a thorough, comprehensive and plain English document.
- 2 That the draft Governance Framework document be updated with a few minor amendments and be brought back to the next meeting for endorsement.

ARI22.008 Proposed Meeting Schedule for 2022

RESOLUTION

Adopted Minute No. 2022/116

Resolved on the motion of Councillors Nagi and Jansyn

That future Risk & Audit Committee / ARIC meetings be held quarterly on the 2nd Thursday of the month being 12 May 2022, 11 Aug 2022, 10 Nov 2022 and 9 Feb 2023 with an additional meeting on 13 October 2022 for annual financial statements reporting.

12 Notices of Motion**12.1 Notice of Motion - Brighton Le Sands Safety Concern**

RESOLUTION

Minute No. 2022/128

Resolved on the motion of Councillors Awada and McDougall

That Council writes to Oscar Hotels asking them to provide Council with an outline of their maintenance plans for the pedestrian bridge over The Grand Parade, Brighton-Le-Sands.

Note: Item 12.2 was dealt with in Public Forum

12.2 Notice of Motion - Update on The Boulevard Car Park, Brighton Le Sands - Options Analysis

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

The following person spoke at the meeting.

- Mr John D'Amato, interested resident, speaking for the Motion.

RESOLUTION

Minute No. 2022/129

Resolved on the motion of Councillors Sedrak and Tsounis

- 1 That Councillors be provided an update at the June Works and Assets Committee meeting on the concept plan options for the redevelopment of the

Boulevard Carpark, Brighton Le Sands, and the recommended next steps to progress the project and deliver the best outcome for the community.

- 2 That Council provides a report on the current maintenance issues at the June Committee meeting.

Note: Item 12.3 was dealt with in Public Forum

12.3 Notice of Motion - Investigate Need and Potential Sites for Indoor and Outdoor Basketball Courts Across Bayside LGA

The following person spoke at the meeting:

- Mrs Kate Joveski, interested resident and representative of a Local Community Sporting Organisation (St George Basketball), speaking for the Motion.

RESOLUTION

Minute No. 2022/130

Resolved on the motion of Councillors Sedrak and Morrissey

- 1 That Council re-table the map identifying all existing and proposed basketball sites across the LGA.
- 2 That Council provide a non-site specific estimated costings for full and half size outdoor basketball courts for future reference. This costing to be included in the current and future Capital Works Program, budget permitting.
- 3 That Council identify potential new sites for full and half size outdoor basketball courts, to support prioritisation of new facilities when funding sources are available.
- 4 Council to identify a funding strategy to progress this Notice of Motion.
- 5 Council to provide a report to before the July City Services Committee, detailing a progress update for this motion, outcomes of investigation, funding strategy and potential community consultation process if necessary.

Note: Item 12.4 was dealt with in Public Forum

12.4 Notice of Motion - Petanque Court in Bexley Park

The following people spoke at the meeting.

- Ms Josie Alessandro, interested resident, speaking for the Motion.
- Mr Peter Neale, interested citizen, speaking for the Motion.

RESOLUTION

Minute No. 2022/131

Resolved on the motion of Councillors Hanna and Barlow

That Council resolves to investigate the practicality of creating 1-2 Petanque Courts in Bexley Park adjacent to the current playground for use by residents and a report be provided to the June / July Committee meeting.

12.5 Notice of Motion - Increase in Fines for Heavy and Oversized Vehicles Parking for Extended Periods in Residential Streets**RESOLUTION**

Minute No. 2022/132

Resolved on the motion of Councillors Hanna and McDougall

- 1 That Council resolves to take immediate action to have the fine for heavy or oversized vehicles that park longer than one hour in residential and weight restricted streets increased substantially.
- 2 That Council writes to The Minister for Local Government, Minister for Police, Minister for Metropolitan Roads and Minister for Transport seeking an increase in the fine to at least \$500 from its current amount of \$117.
- 3 That Council seeks support from all Local State MPs whose electorates fall within Bayside LGA along with neighbouring Councils and relevant peak bodies in lobbying the NSW State Government to increase the fine and puts it forward to Local Government NSW for a Motion at the conference.

Note: Item 12.6 was dealt with in Public Forum

12.6 Notice of Motion - Anti-Social Behaviour in Riverside Drive, Sans Souci - Petition from Residents

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

The following people spoke at the meeting.

- Ms Rita Michels, affected neighbour, speaking for the Motion.
- Mrs Lily Vidaic Neale, affected neighbour, speaking for the Motion.
- Mr Robert Buffoni, affected neighbour, speaking for the Motion.

RESOLUTION

Minute No. 2022/133

Resolved on the motion of Councillors Douglas and McDougall

That Bayside Council accepts the petition and investigates the following solutions, bringing a report to the relevant Committee:

- Six to twelve month trial of restricted parking from 9pm – 5am on Riverside Drive, Sans Souci public parking bay between Napoleon Street and Tuffy Avenue.
- Bayside Council actively advocates to St George Police on behalf of residents in regards to policing solutions for anti-social issues on Riverside Drive, Sans Souci, including regular monitoring of this site and proposed parking restrictions.
- Where possible, Bayside Council prioritises the replacement of the street light on the parking bay on Riverside Drive, Sans Souci, between Napoleon Street and Tuffy Avenue, that was rusted and removed, as this is already in the Council budget to be replaced.

Note: Item 12.7 was dealt with in Public Forum

12.7 Notice of Motion - Safer Lighting at the West Botany Street Skate Park

The following people spoke at the meeting:

- Mr James Walker, interested resident, speaking for the Motion.
- Mr Lynn Charlesworth interested resident, speaking for the Motion.

RESOLUTION

Minute No. 2022/134

Resolved on the motion of Councillors Douglas and Werner

That Bayside Council does a report and brings it to the relevant committee outlines a projected plan for community consultation and funding opportunities, investigating a range of lighting options at the skate park on West Botany Street. This may include investigation of adding LED solar street lights with self-contained batteries which can be added onto the site with minimal infrastructure changes. Report includes community consultation

12.8 Notice of Motion - Smoking Bans

MOTION

Put on the motion of Councillors Tsounis and Sedrak

That Council allows smoking in new licensed outdoor areas on Council owned or managed land subject to it occurring within a compliant smoking area as required by NSW State Government legislation.

Division called by Councillors Tsounis and Sedrak

For: Councillors Nagi, Tsounis and Sedrak

Against: Councillors Curry, Morrissey, Muscat, Fardell, Jansyn, Saravinovski, Werner, Awada, Barlow, Hanna, Douglas and McDougall

The Motion was declared lost.

Procedural Motion

RESOLUTION

Minute No. 2022/135

Resolved on the motion of Councillors Morrissey and Awada

That the Council Meeting time be extended past 11:00 pm to 12:00 midnight.

12.9 Notice of Motion - Licence Plate Recognition Cameras - Creating a future plan for their roll out

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

RESOLUTION

Minute No. 2022/136

Resolved on the motion of Councillors McDougall and Saravinovski

- 1 That Council acknowledges the successful rollout of Licence Plate Recognition (LPR) cameras in parts of Brighton-Le-Sands and Sandringham through an /innovative partnership with high tech industry and the NSW Police, utilising grant funding.
- 2 That Council develops a strategy to ensure that the areas of greatest need are addressed as a priority as funding becomes available.

13 Questions With Notice

13.1 Question With Notice - Noise Camera Trial

Councillor Douglas asked the following question:

Could an update be provided on the 9 February 2022 unanimously passed Motion 10.10:

- 1 That, as a matter of urgency, Council writes to the Minister of Local Government seeking guidance and feedback on how existing or proposed legislation may support the use of noise cameras.
- 2 That Council write to the Minister of Local Government and the Minister for the Environment requesting legislative change to allow the use of noise cameras.

13.2 Question With Notice - Smart Camera Trial Expanded

Councillor Douglas asked the following question:

Could an update be provided on the Mayoral Minute from the 9 February 2022 concerning “an anti hooning working party” which “builds on the work of the former Council, calls on the Member for Rockdale to form and lead a working group of community representatives, councillors, Council staff, the police and Bayside’s State Members to develop a prioritised action plan to address hooning in our suburbs and along the foreshore, identify the responsibility for key components of the plan, and lobbies the Federal and State Governments to introduce legislative change and the resourcing required to address hooning related issues”.

13.3 Question With Notice - Removal and Replacement of Signage at Landing Lights Wetland and Barton Park

Councillor Douglas asked the following question:

Could Council provide an update on discussions that have been held with the NSW Department of Primary Industries, Fisheries Office, about the removal and replacement of signage at Landing Lights Wetland and Barton Park, preferably using internationally recognised symbols, that:

- 1 Warns against taking vegetation out of the wetlands
- 2 Indicates appropriate management practices for dogs in the wetlands
- 3 Clearly notifies that dirt bikes/motorbikes are not permitted in this area.

Could Council provide a timeframe for the replacement and installation of these new signs.

13.4 Question With Notice - Trailers Parked on Russell Avenue, Sans Souci

Councillor Douglas asked the following question:

Could Council please provide information on how often rangers check the trailers parked on Russell Avenue, Sans Souci for long periods of time, checking whether these trailers are compliant with registration standards; and if a vehicle is registered but clearly no longer road worthy is there any recourse to Council to be able to notify the relevant authorities, and to fine such vehicles for the dumping of the vehicle on public roads?

13.5 Question With Notice - Verge Garden Policy

Councillor Douglas asked the following question:

Could council please provide an update on the development of the verge garden policy?

13.6 Question With Notice - Old Omeros Restaurant Site in Ramsgate Beach

Councillor Douglas asked the following question:

Could the Council please provide an update on the status of the development at the old Omeros restaurant site in Ramsgate Beach.

13.7 Question With Notice - Climate Action 2022

Councillor Werner asked the following question:

At the Council Meeting of 9 February 2022, it was resolved that the matters brought before Council in Motion 10.5 – Climate Action 2022 be deferred to a Councillor Information Session so that Councillors can better understand the full details of the Notice of Motion. When will this information session take place?

13.8 Question With Notice - Gardiner Park

Councillor Werner asked the following question:

Can Council provide answers to concerns raised in a letter dated 19 April from the Banksia Community Group. The letter listed some of Council's own policies and decisions, which if adhered to would address some of these concerns including the following:

- Provide the community access to the facilities.
- Enforce the limit of 100 people on the park at any one time.
- Lighting to be switched off automatically after training at 8.30pm.
- Existing lighting to be redirected away from adjoining properties.
- Permit holder to develop strategies to address noise and traffic.
- That the published training times in the most recent DA be strictly adhered to.
- That training be limited to the winter season of 1st April to 19th August.
- The fence on the eastern boundary of the park be removed.
- That the eastern boundary be planted with privacy screening vegetation.
- That a community reference group be established as a matter of urgency.

All these requests are consistent with conditions of DA approvals or previous council resolutions. Can Council provide answers by the next Council Meeting?

13.9 Question With Notice - Measurement of Usage of a Local Park Facility

Councillor Werner asked the following question:

Could Council indicate when the following past Question With Notice will be answered?

From Minutes of 9 February 2022 Council meeting:

11.4 Measurement of Usage of a Local Park Facility

Question raised by Councillor Werner

Some works in Council parks have a review of environmental factors, in which usage of a facility is given. How is such usage of our local parks measured?

13.10 Question With Notice - Impacts on Heritage Trees and Heritage Walls From Development

Councillor Werner asked the following question:

Could Council indicate when the following past Question With Notice will be answered?

From Minutes of 9 February 2022 Council Meeting:

11.5 Impacts on Heritage Trees and Heritage Walls From Development

Question raised by Councillor Werner

What risk mitigation measures are in place to lessen impacts on heritage trees and heritage walls from development in local parks?

13.11 Question With Notice - Heat Impact of Developments in Bayside Parks

Councillor Werner asked the following question:

Could Council indicate when the following past Question With Notice will be answered?

From Minutes of 9 February 2022 Council Meeting:

11.6 Heat Impact of Developments in Bayside Parks

Question raised by Councillor Werner:

What, if any, mitigation measures is council planning for the heat impact of developments in Bayside parks?

13.12 Question With Notice - Request for Responses to Questions With Notice raised at 23 March 2022 Council Meeting

Councillor Werner asked the following question:

Could Council indicate when the following past Questions With Notice will be answered?

From Minutes of 23 March Council Meeting:

13.4 Gardiner Park

Question raised by Councillor Werner:

At its meeting on 14 July 2021, Council resolved the following:

1. *Council reaffirms intentions to consult with the local community about further improvements at Gardiner Park, Banksia, including reviewing the appropriateness of the fencing behind the goal mouth on the natural grass field once the current matter before the courts has been determined .*
2. *That the fence on the eastern side of the grass field be removed through the appropriate planning pathway.*

Can council provide a timeline for when these items will be actioned?

13.13 Question With Notice - Gardiner Park Project

Councillor Tsounis asked the following question:

Now that the Gardiner Park project including a new synthetic pitch/natural turf works and other associated works have been completed as per the scope intention of the previous Council, the question of the quantum legal, variation and delay costs need to be provided to the community.

These costs imposed on the Council are a direct consequence of the legal action instigated by a local incorporated group who were opposed to the completion of the scope of works and even requested a reversal of the works.

This group took Bayside Council to the Land and Environment Court, contesting a range of aspects of the project ranging from the validity of the approval process to the suitability of the materials used.

The public need to know the following unplanned costs associated to the project including:

- Legal cost in contesting the action
- Additional consultants' costs
- Security costs
- Additional fencing
- Delay costs to the contractor
- Variation costs to the contractor
- Additional staff time to support project
- Any other costs attributable to the project (please itemise)

13.14 Question With Notice - Placement of Campaign Posters

Councillor Barlow asked the following question:

Could Council write to the 4 Barton Federal candidates to advise of our policy in regards to the placement of their campaign posters.

13.15 Question With Notice - Salisbury Avenue Street Plantings

Councillor Barlow asked the following question:

Council Salisbury Avenue street plantings be investigated with a view to being listed on Council's Heritage List.

13.16 Question With Notice - Mascot Towers

Councillor McDougall asked the following question:

Council resolved to provide financial relief to all property owners at Mascot Towers, would Council provide an update on the relief being provided?

13.17 Question With Notice - Renewal of Tennis Courts

Councillor McDougall asked the following question:

Would Council provide an update on the renewal of the Scarborough Park and Bexley Tennis Courts?

14 Confidential Reports / Matters

In accordance with Council's Code of Meeting Practice, the Mayor invited members of the public to make representations as to whether this part of the meeting should be closed to the public.

There were no representations.

Closed Council Meeting

Minute No. 2022/137

Resolved on the motion of Councillors Curry and Awada

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

CWA22.004 Lease Update - 72 Laycock Street Bexley North - Order of AHEPA NSW Inc.

In accordance with Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment to the report 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 section 11 (2) and (3) of the Local Government Act 1993, the attachment relating to this item be withheld from the press and public.

CWA22.004 Lease Update - 72 Laycock Street Bexley North - Order of AHEPA NSW Inc.

MOTION

Motion moved by Councillors Barlow and Tsounis

That this matter be deferred to enable a full briefing for Councillors.

Division called by Councillors Barlow and Tsounis

For: Councillors Nagi, Tsounis, Barlow, Hanna and Douglas

Against: Councillors Curry, Morrissey, Muscat, Fardell, Jansyn, Saravinovski, Werner, Awada, McDougall and Sedrak

The Motion was declared lost.

FORESHADOWED MOTION

The Foreshadowed Motion became the Motion and was moved by Councillors McDougall and Morrissey

- 1 That Attachment 2 to the Committee 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 receives the information contained in this report and notes that the Order of AHEPA NSW Inc. have remedied the Default Notice and provided the Works Licence Security bank guarantee and the parties are proceeding with the redevelopment project in accordance with the requirements of the Agreement for Licence and Lease for the site.

Division called by Councillors McDougall and Morrissey

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

Against: Councillors Nagi, Tsounis, Werner, Barlow, Hanna and Douglas

The Foreshadowed Motion was declared carried.

RESOLUTION

Minute No. 2022/138

Resolved on the motion of Councillors McDougall and Morrissey

- 1 That Attachment 2 to the Committee 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 receives the information contained in this report and notes that the Order of AHEPA NSW Inc. have remedied the Default Notice and provided the Works Licence Security bank guarantee and the parties are proceeding with the redevelopment project in accordance with the requirements of the Agreement for Licence and Lease for the site.

Resumption of Open Council Meeting

RESOLUTION

Minute No. 2022/139

Resolved on the motion of Councillors Awada and Morrissey

That, the closed part of the meeting having concluded, the open Council Meeting resume and it be open to the press and public.

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

15 Conclusion of Meeting

The Mayor closed the meeting at 11.52 pm.

Councillor Christina Curry
Mayor

Meredith Wallace
General Manager