

## **MINUTES**

of the **Ordinary Meeting** of  
**Bayside Council**  
held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 24 May 2023** at **7:03 pm**

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### **Present**

Councillor Christina Curry, Mayor  
Councillor Scott Morrissey, Deputy Mayor  
Councillor Joe Awada  
Councillor Liz Barlow  
Councillor Heidi Douglas  
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  
Colin Clissold, Director City Presentation  
Debra Dawson, Director City Life  
Peter Barber, Director City Futures  
Richard Sheridan, Director City Performance  
Fausto Sut, Manager Governance & Risk  
Louise Farrell, Manager City Projects  
Bobbi Mayne, Manager Libraries & Lifestyle  
Hong Nguyen, Manager Environment & Resilience  
Rodney Sanjivi, Finance Transformation Lead  
Christina Chin, Senior Financial Business Partner  
Amanda Rutherford, Coordinator Governance  
Christine Stamper, Manager Communication & Events  
Taif George, IT Technical Support Officer  
Anne Suann, Governance Officer

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## **1 Opening Meeting**

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:03 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 acknowledges the traditional custodians, the Gadigal and Bidjigal people of the Eora nation, and pays respects Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

National Reconciliation Week takes place from 27 May to 3 June. This year's theme for National Reconciliation Week is "**Be a Voice for Generations**". The theme urges all Australians to use their power, their words and their vote to create a better, more just Australia for all of us.

National Reconciliation week is also an opportunity to learn about shared histories, cultures and achievements and to explore how each of us can contribute to achieving reconciliation in Australia.

Council also notes National Sorry Day an event held annually in Australia on 26 May, commemorating the Stolen Generations. It is part of the ongoing efforts towards reconciliation between Indigenous and non-Indigenous Australians

Council will host a community information forum on the upcoming Voice to Parliament at 6:00 pm on 1 June at the Novotel Brighton Le Sands. We welcome our community to come along – registrations are essential. Please see Council's website for more information.

## 3 Opening Prayer

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

### Vale Bruce Sharp and Beverley Scott

The Mayor, Councillor Curry, conveyed her condolences on the death of Bruce Sharp and Beverley Scott, two long time very active community members.

Councillor Barlow and Councillor Saravinovski both shared their memories of Bruce Sharp and Beverley Scott.

### Vale Judy Finlason

The Mayor, Councillor Curry, also conveyed her condolences to Judy Finlason's family who recently passed away at 92 years old. Judy was one of the all-time great fighters for the bushland of the Wolli Creek Valley, dating back to the late 70s.

## **Certificate of Congratulations – NSW RSL State Swimming Championships 2023**

The Mayor, Councillor Curry, congratulated 13 swimmers from the Local Government Area who had received multiple medals and achievements at the NSW RSL State Swimming Championships held at the Botany Aquatic Centre on 11 March 2023. The Mayor presented them with Certificates of Congratulations and joined the swimmers for a group photo, together with Councillors Jansyn and Hanna.

## **4 Apologies and Attendance via audio visual link**

### **Apologies**

#### **RESOLUTION**

Minute No. 2023/069

Resolved on the motion of Councillors Awada and Jansyn

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

- Councillor Fardell

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

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

## **5 Disclosures of Interest**

### **Councillor Curry**

#### **Item 10.3 – 2023/24 Bayside Community Grants Program**

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 10.3 on the basis that she has attended different events hosted by these organisations but holds no office bearing positions, and stated she would remain in the meeting for consideration and voting on the matter.

### **Councillor Nagi**

#### **Item 11.3 CPE23.013 – Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot**

Councillor Nagi declared that a conflict of duties arises in Item 11.3 (CPE23.013) 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 11.3 CPE23.015 – Planning Proposal Request - 200 Coward Street, Mascot**

Councillor Nagi declared that a conflict of duties arises in Item 11.3 CPE23.015 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 Saravinovski****Item 10.3 – 2023/24 Bayside Community Grants Program**

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 10.3 on the basis that he has been a guest at local games played by Rockdale Illinden at their home game but he has no role in the committee, and stated he would leave the meeting for consideration and voting on the matter.

**Item 10.6 – Council Delegate to External Committees**

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 10.6 on the basis that he knows the two community representatives, and stated he would leave the meeting for consideration and voting on the matter.

**Item 11.1 CS23.020 – Sport Field Allocations**

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 11.1 CS23.020 on the basis that his son plays for the Arncliffe Scotts Soccer Club, and stated he would leave the meeting for consideration and voting on the matter.

**Item 14.1 – CONFIDENTIAL – Agreement for Lease Status for 72 Laycock Street, Bexley North**

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 14.1 on the basis that he attended the Greek Independence Day March 2021 function at the AHEPA building at Rockdale, and stated he would remain in the meeting for consideration and voting on the matter.

**Councillor Tsounis****Item 14.1 – CONFIDENTIAL – Agreement for Lease Status for 72 Laycock Street, Bexley North**

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 14.1 on the basis that he was a former member of AHEPA, and stated he would remain in the meeting for consideration and voting on the matter.

**Councillor Awada****Item 11.3 CPE23.013 – Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot**

Councillor Awada declared that a conflict of duties arises in Item 11.3 CPE23.013 on the basis that he has been appointed a delegate on the Sydney Eastern City Planning Panel at this meeting, and stated he would leave the meeting for consideration and voting on the matter.

**Item 11.3 CPE23.015 – Planning Proposal Request - 200 Coward Street, Mascot**

Councillor Awada declared that a conflict of duties arises in Item 11.3 CPE23.015 on the basis that he has been appointed a delegate on the Sydney Eastern City Planning Panel at this meeting, and stated he would leave the meeting for consideration and voting on the matter.

**Item 14.1 – CONFIDENTIAL – Agreement for Lease Status for 72 Laycock Street, Bexley North**

Councillor Awada declared a Less than Significant Non-Pecuniary Interest in Item 14.1 on the basis that a family member lives in close proximity to Laycock Street, and stated he would remain in the meeting for consideration and voting on the matter.

**Councillor Douglas****Item BTC23.055 – Bay Street, Brighton Le Sands - Trial Road Closure**

Councillor Heidi Lee Douglas declared a Less than Significant Non-Pecuniary Interest in Item 11.5 BTC23.055 on the basis that as a member of Peaceful Bayside she participated in a campaign for the closure of Bay Street, and stated she would remain in the Chamber for consideration and voting on the matter.

**Councillor McDougall****Item 11.1 CS23.020 – Sport Field Allocations**

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Item 11.1 CS23.020 as a precaution on the basis that he recently started a role with the Minister for Sports, and stated he would leave the meeting for consideration and voting on the matter.

**Item 12.4 – Notice of Motion - Affordable Public Housing**

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Item 12.4 as a precaution on the basis that he recently started a role with the Minister for Sports, and stated he would leave the meeting for consideration and voting on the matter.

**Item 14.1 – CONFIDENTIAL – Agreement for Lease Status for 72 Laycock Street, Bexley North**

Councillor McDougall declared a Less than Significant Non-Pecuniary Interest in Item 14.1 on the basis that he was invited, in his capacity as Councillor, to attend Greek Independence Day in March this 2021 at the AHEPA building in Rockdale, and stated he would remain in the Meeting for consideration and voting on the matter.

**Councillor Sedrak****Item 10.3 – 2023/24 Bayside Community Grants Program**

Councillor Sedrak declared a Less than Significant Non-Pecuniary Interest in Item 10.3 on the basis of perception, as he has had an affiliation with one of the clubs, and stated he would leave the Chamber for consideration and voting on the matter.

**Item 11.1 CS23.020 - Sport Field Allocations**

Councillor Sedrak declared a Less than Significant Non-Pecuniary Interest in Item 11.1 CS23.020 on the basis that he plays in a soccer team in the area, and stated he would remain in the meeting for consideration and voting on the matter.

## **6 Minutes of Previous Meetings**

### **6.1 Minutes of the Council Meeting - 26 April 2023**

#### **RESOLUTION**

Minute No. 2023/070

Resolved on the motion of Councillors Barlow and Nagi

That the Minutes of the Council Meeting held on 26 April 2023 be confirmed as a true record of proceedings subject to the words 'Robinson Street Park' in Resolution 4 of Item 11.1 CS23.012 'Review of Alcohol Free Zones' being amended to read 'Robertson Reserve'.

### **6.2 Minutes of the Extraordinary Council Meeting - 10 May 2023**

#### **RESOLUTION**

Minute No. 2023/071

Resolved on the motion of Councillors Saravinovski and Morrissey

That the Minutes of the Extraordinary Council Meeting held on 10 May 2023 be confirmed as a true record of proceedings.

## **7 Mayoral Minutes**

### **7.1 Mayoral Minute - Homelessness**

#### **RESOLUTION**

Minute No. 2023/072

Resolved on the motion of Councillor Curry

- 1 That Council lends its support, where it can, to initiatives aimed at providing more beds for the homeless.
- 2 That Council continues to take every opportunity to raise awareness to eliminating family and domestic violence.

## **7.2 Mayoral Minute - NSW Bus Industry Taskforce Announced**

### **RESOLUTION**

Minute No. 2023/073

Resolved on the motion of Councillor Curry

- 1 That Council writes to the NSW Premier and NSW Minister for Transport to congratulate them on the creation of a Taskforce to improve bus services in NSW and offers our support and willingness to contribute.
- 2 That Council as a key stakeholder provides a submission to the taskforce to advocate for better bus services for our Bayside area.
- 3 That Council writes to our Local Members of Parliament and thank them for their tireless support to assist improving the bus services to our area.

## **8 Items by Exception**

### **Procedural Motion**

#### **RESOLUTION**

Minute No. 2023/074

Resolved on the motion of Councillors Morrissey and Muscat

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

### **Multiple Business Items**

#### **RESOLUTION**

Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

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

- 10.2 Petition Received Scarborough Park Off Leash Dog Park
- 10.4 Quarterly Budget Review Statement - March 2023
- 10.5 Statutory Financial Report - April 2023
- 10.7 Disclosure of Pecuniary Interest - Designated Persons (First Return)

- 10.8 Response to Question - Bush Regeneration Sites
- 10.9 Response to Question - Natural Resource Management
- 10.10 Response to Question - LGBTIQ+ Forum
- 11.1 Minutes of the City Services Committee Meeting - 3 May 2023
  - CS23.017 Community Consultation Report - Draft Place Naming Policy
  - CS23.018 Draft Domestic Violence Action Plan 2022-2026
- 11.2 Minutes of the Corporate Performance Committee Meeting - 3 May 2023
  - CP23.009 Draft Customer Experience Strategy
  - CP23.010 Tender - Bexley Oval lighting towers
- 11.3 Minutes of the City Planning & Environment Committee Meeting - 10 May 2023
  - CPE23.014 Clause 4.6 Variations to Development Standards - Quarterly Report
  - CPE23.016 Safer Cities Her Way Program - Project Update and Engagement Strategy
- 11.4 Minutes of the City Works & Assets Committee Meeting - 10 May 2023
- 11.5 Minutes of the Bayside Traffic Committee Meeting - 10 May 2023
  - BTC23.056 Greek Festival - Bay Street, Brighton Le Sands
  - BTC23.057 73 Hirst Street, Arncliffe - Proposed 12m Works Zone for 42 Weeks
  - BTC23.058 Horsell Avenue, Arncliffe - Proposed changes to parking for Athelstane Public School
  - BTC23.059 Kings Road, Brighton Le Sands - Proposed Extension of 'No Stopping' restrictions
  - BTC23.060 McBurney Avenue, Mascot – Proposed 'No Parking 8:00 am - 9:30 am & 2:30 pm - 4:00 pm Mon-Fri' restrictions
  - BTC23.061 87 Rhodes Street, Hillsdale - Renewal of 14m Works Zone for 12 Weeks from 11 June 2023
  - BTC23.062 Scarborough Lane, Kogarah - Proposed 4P Parking Restrictions To replace 2P Parking Restrictions
  - BTC23.063 Stephen Road, Botany - Proposed 'Bus Zone 8:30 am – 3:30 pm School Days' and changes to 'No Stopping' restrictions
  - BTC23.065 General Business
- 11.6 Minutes of the Lydham Hall Advisory Committee Meeting - 11 April 2023



## 9 Public Forum

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

### CS23.020 Sport Field Allocations

The following person spoke at the meeting:

- Mr Garnet Brownbill, interested resident, speaking for the Committee Recommendation.

## 10 Reports to Council

### 10.1 Additional Dog Off Leash Exercise Areas

#### RESOLUTION

Minute No. 2023/077

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That Council notes the report.
- 2 That Council endorses the proposed locations for unenclosed off leash dog exercise areas:
  - 2.1 Ward 1 - Rhodes Street Reserve East (Hillsdale)
  - 2.2 Ward 2 - Hughes Avenue Reserve (Mascot)
  - 2.3 Ward 3 - Ron Gosling Reserve (Bardwell Park)
  - 2.4 Ward 4 - Flynns Reserve (Bexley)
- 3 That Council endorses the additional locations to be placed on public exhibition for 28 days.
- 4 That Council endorses a final report to be submitted to Council post public exhibition.
- 5 That Council submit some ideas for an education program for educating residents about keeping their dogs on leads in non-leash free areas.

### 10.2 Petition Received Scarborough Park Off Leash Dog Park

#### RESOLUTION

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That Council receives and notes the petition.
- 2 That Council officers bring a report to the City Works and Assets Committee detailing the findings of an investigation into each of the requests raised in the petition.

### **10.3 2023/24 Bayside Community Grants Program**

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

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

#### **RESOLUTION**

Minute No. 2023/078

Resolved on the motion of Councillors Jansyn and Nagi

That Council approves distribution of the recommended Small and Seeding Grants to the value of \$69,300.00 as outlined in this report.

### **10.4 Quarterly Budget Review Statement - March 2023**

#### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That the Quarterly Budget Review Statement by the Responsible Accounting Officer (RAO) for the quarter ended 31 March 2023 be received and noted.
- 2 That in accordance with Clauses 203 and 211 of the Local Government (General) Regulations 2005, the proposed variations to the adopted revised budget detailed in Attachment 1 to this report are adopted by Council and the changes to income and expenditure items be voted.

### **10.5 Statutory Financial Report - April 2023**

#### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

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

## 10.6 Council Delegate to External Committees

Councillor Saravinovski 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. 2023/079

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That Council nominates Councillor Tsounis as its member representative on the **CivicRisk Mutual Ltd** to the end of the Council term.
- 2 That Council nominates Councillor Awada as its Council member to the **Sydney Eastern City Planning Panel** to the end of the Council term.
- 3 That Council extend the term of the existing representatives to **Sydney Eastern City Planning Panel** to the end of the Council term.
- 4 That Council notes that all representatives to the **Sydney Eastern City Planning Panel** will need to provide a Statutory Declaration that they are not property developers and/or real estate agents and complete probity checks.

Division called by Councillors Douglas and Werner

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

Against: Councillors Werner, Barlow, Hanna and Douglas

The Motion was declared carried.

## 10.7 Disclosure of Pecuniary Interest - Designated Persons (First Return)

### RESOLUTION

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the information in this report be received and noted.

## 10.8 Response to Question - Bush Regeneration Sites

The response was received.

**10.9 Response to Question - Natural Resource Management**

The response was received.

**10.10 Response to Question - LGBTIQ+ Forum**

The response was received.

**11 Minutes and Reports of Committees****11.1 Minutes of the City Services Committee Meeting - 3 May 2023****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the Minutes of the City Services Committee meeting held on 3 May 2023 be noted with the exception of CS23.019 and CS23.020 which were separately dealt with.

**CS23.017 Community Consultation Report - Draft Place Naming Policy****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That the Council notes the Engagement Report outlining community feedback during the consultation and public exhibition period(s).
- 2 That the Council receives and notes the updated Place Naming Policy, including proposed amendments to the Policy.
- 3 That the Place Naming Policy be adopted by Council at its Meeting of 24 May 2023.

**CS23.018 Draft Domestic Violence Action Plan 2022-2026****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That Council notes the Engagement Report outlining community feedback

during the consultation and public exhibition period.

- 2 That Council updates the action plan to include alignment to Council's strategic plans, formulation of goals, articulates objectives, describes activities, responsibility timeframes and how outcomes are measured, with the update to come back to the July committee.

### **CS23.019 Progress on Notice of Motion regarding additional Basketball Courts**

#### **RESOLUTION**

Minute No. 2023/080

Resolved on the motion of Councillors Sedrak and Morrissey

- 1 That the Council notes the progress on the Notice of Motion regarding current and future basketball courts.
- 2 That the installation of a 3 point basketball court at Tonbridge Reserve, Ramsgate Beach, and Shaw Street Reserve, Bexley North, funded from the 2023/24 City Projects Program is endorsed.
- 3 That subject to further site investigation and funding, that Council recommend the following sites:
  - Gilchrist Park, Bexley (northern end) for a full court; and
  - Arncliffe Park or surrounding area for a 3 point ring / full court
- 4 That community engagement through 'Have Your Say' on the locations and concept designs be endorsed.

### **CS23.020 Sport Field Allocations**

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

The following person spoke at the meeting:

- Mr Garnet Brownbill, interested resident, speaking for the Committee Recommendation.

#### **RESOLUTION**

Minute No. 2023/076

Resolved on the motion of Councillors Awada and Nagi

That the presentation is noted and that the information contained within the presentation inform a Bayside Sports Field Allocation Policy.

## **11.2 Minutes of the Corporate Performance Committee Meeting - 3 May 2023**

### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the Minutes of the Corporate Performance Committee meeting held on 3 May 2023 be noted.

## **CP23.009 Draft Customer Experience Strategy**

### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That the Council receives and notes the report and the actions.
- 2 That Council undertakes a Customer Satisfaction Survey to gain a baseline to inform the Customer Experience Strategy and to ensure appropriate measurements are in place. A Progress Report be presented to the Committee within 3 months.
- 3 That actions to be included in the 2023/24 Operational Plan and are reported on twice a year.

## **CP23.010 Tender - Bexley Oval Lighting Towers**

### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:

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

- 2 That, in accordance with Section 178(1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Havencord Pty Ltd for the construction of sports lighting upgrades for Bexley Park for the amount of \$173,000 exclusive of GST.

### **11.3 Minutes of the City Planning & Environment Committee Meeting - 10 May 2023**

#### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the Minutes of the City Planning & Environment Committee meeting held on 10 May 2023 be noted with the exception of CPE23.012, CPE23.013 and CPE23.015 which were separately dealt with.

### **CPE23.012 Planning Proposal - Housekeeping and other amendments to Bayside Local Environmental Plan 2021**

#### **RESOLUTION**

Minute No. 2023/081

Resolved on the motion of Councillors Morrissey and McDougall

- 1 That Council endorses the planning proposal for housekeeping and other amendments to the Bayside Local Environmental Plan 2021 and forward the planning proposal to the Department of Planning and Environment requesting a Gateway Determination pursuant to s3.34 of the *Environmental Planning & Assessment Act 1979*.
- 2 That Council, subject to receiving a Gateway Determination, publicly exhibits the planning proposal in accordance with the conditions of the Gateway determination and the Bayside Community Participation Plan 2019.
- 3 That Council receives a further report following public exhibition of the planning proposal detailing any submissions received.

Division (Planning Matter)

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

The Motion was declared carried.

**CPE23.013 Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot**

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

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

**RESOLUTION**

Minute No. 2023/081

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That the planning proposal request for land at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot be deferred for the following reasons:
  - a) The site is in an area that has been identified in the Bayside Local Strategic Planning and Local Housing Strategy for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.
  - b) Proceeding with a site-specific planning proposal prior to the masterplan finalisation would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision to be established by the master planning process.
  - c) There are unresolved issues including heritage impacts, traffic and access, urban design, impacts on adjoining properties and the streetscape, and impact on community services and commercial activity in the precinct.
- 2 That the planning investigation area along Botany Road, Mascot that Council resolved to progress at its meeting in October 2022 be prioritised ahead of the West Kogarah and Bexley North investigation areas to assist in deciding the NSW Land and Housing planning proposal.
- 3 That Council seeks the view of our Local Members of Parliament on the matter.

Division (Planning Matter)

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

The Motion was declared carried.



**CPE23.014 Clause 4.6 Variations to Development Standards - Quarterly Report****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

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 FY2023 to be received and noted.

**CPE23.015 Planning Proposal Request - 200 Coward Street, Mascot**

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

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

**RESOLUTION**

Minute No. 2023/082

Resolved on the motion of Councillors Morrissey 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 Council notes the correspondence received from the proponent regarding a potential Planning Agreement.
- 3 That Council rejects the planning proposal request for land at 200 Coward Street, Mascot.

Division (Planning Matter)

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

The Motion was declared carried.

**CPE23.016 Safer Cities Her Way Program - Project Update and Engagement Strategy****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That Council receives and notes this report, including the draft Engagement Plan.

**11.4 Minutes of the City Works & Assets Committee Meeting - 10 May 2023****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the Minutes of the City Works & Assets Committee meeting held on 10 May 2023 be noted with the exception of CW23.013 which was separately dealt with.

**CWA23.013 Disposal of Asset - 2 Hollingshed Street Mascot****RESOLUTION**

Minute No. 2023/083

Resolved on the motion of Councillors Saravinovski and Jansyn

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:

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

- 2 That Council endorses the disposal of 2 Hollingshed Street, Mascot by way of an Expressions of Interest (EOI) sales campaign to determine the best offer and sale outcome.
- 3 That Council authorises the General Manager to enter into an Agency Sales Agreement with the recommended Agency identified in annexure 1.
- 4 That Council authorises the General Manager to execute all documentation required to finalise the matter and, where required, the application of the Council Seal, including an authorisation for the Mayor to co-sign any document (pursuant to s400 Local Government (General) Regulation 2005).

**11.5 Minutes of the Bayside Traffic Committee Meeting - 10 May 2023**

## RESOLUTION

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the Minutes of the Bayside Traffic Committee meeting held on 10 May 2023 be received and the recommendations therein be adopted with the exception of BTC23/054, BTC23/055 and BTC23.064 which were separately dealt with.

**BTC23.054 27 Albyn Street, Bexley - Proposed 21.5m Works Zone for 26 Weeks**

## RESOLUTION

Minute No. 2023/084

Resolved on the motion of Councillors Barlow and Hanna

- 1 That approval be given to the installation of a 21.5m 'Works Zone, 7 am – 5 pm, Mon – Fri and 8 am – 1 pm Sat' restriction along the northern kerb line of Albyn Street, for the duration of 26 weeks, subject to relevant conditions.
- 2 That the applicant must ensure that construction vehicles do not queue within Albyn Street or any other local roads in the vicinity especially concrete trucks during the construction period waiting to deliver goods to the site.
- 3 That the existing parking restrictions in Albyn Street not be changed on account of this proposal and two-way traffic flow be maintained in Albyn Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team.
- 4 That approval not be given to the movement of 'Heavy Rigid Vehicles' due to constraints in the existing road infrastructure and be limited to 'Medium Rigid Vehicle'.
- 5 That the applicant notifies Council six weeks in advance of required extension to the 26 week 'Works Zone'.

**BTC23.055 Bay Street, Brighton Le Sands - Trial Road Closure**

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

## RESOLUTION

Minute No. 2023/085

Resolved on the motion of Councillors Jansyn and Werner

That the Council notes the proposed two-weekend trial of the temporary and partial road closure of Bay Street, Brighton Le Sands, from Friday 2 June 2023 to Monday 12 June 2023, subject to TfNSW approval of the submitted TMP.

### **BTC23.056 Greek Festival - Bay Street, Brighton Le Sands**

#### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That the proposed Greek Festival in Bay Street, Brighton Le Sands, proposed from Friday 26 May 2023 to Sunday 28 May 2023, be designated a Class 2 Special Event in accordance with the Guide to Traffic and Transport for Special Events.
- 2 That the event be authorised to proceed subject to relevant conditions and Transport for NSW approval of the submitted Traffic Management Plan (TMP).

### **BTC23.057 73 Hirst Street, Arncliffe - Proposed 12m Works Zone for 42 Weeks**

#### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That approval be given to the installation of a 12m 'Works Zone, 7 am – 5 pm, Mon – Fri and 8 am – 1 pm Sat' restriction along the northern kerb line of Hirst Street, for the duration of 42 weeks, subject to relevant conditions.
- 2 The applicant must ensure that construction vehicles do not queue within Hirst Street or any other local roads in the vicinity especially concrete trucks during the construction period waiting to deliver goods to the site.
- 3 That the existing parking restrictions in the Hirst Street not be changed on account of this proposal and two-way traffic flow be maintained in Hirst Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team.
- 4 That approval not be given to the movement of 'Heavy Rigid Vehicles' due to constraint in the existing road infrastructure and be limited to 'Medium Rigid Vehicle'.
- 5 That approval not be given to construction vehicles to arrive or depart from the site during school zone hours i.e. 8:00 am – 9:30 am and 2:30 pm – 4:00 pm school days.

- 6 That the applicant notifies Council six weeks in advance of required extension to the 42 week 'Works Zone'.

**BTC23.058 Horsell Avenue, Arncliffe - Proposed changes to parking for Athelstane Public School**

RESOLUTION

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That approval be given for the removal of all existing 'No Parking 8:30 am – 9:30 am, 2:30 pm – 3:30 pm School Days Permit Holders Excepted' signage on the southern kerb line of Horsell Avenue, as per the attached drawings.
- 2 That approval be given for a 21.0m 'No Parking 8:30 am – 9:30 am, 2:30 pm – 3:30 pm School Days' restriction on the southern kerb line of Horsell Avenue, as per the attached drawings.
- 3 That approval be given for a 10.5m 'No Parking School Days restriction' on the southern kerb line of Horsell Avenue, as per the attached drawings.

**BTC23.059 Kings Road, Brighton Le Sands - Proposed Extension of 'No Stopping' restrictions**

RESOLUTION

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That approval be given to relocate the existing 'No Stopping' restriction 6.0m west, on the northern kerb line of Kings Road, Brighton Le Sands, as per the attached drawings.

**BTC23.060 McBurney Avenue, Mascot – Proposed 'No Parking 8:00 am - 9:30 am & 2:30 pm - 4:00 pm Mon-Fri' restrictions**

RESOLUTION

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That approval be given for the installation of 'No Parking 8:00 am – 9:30 am, 2:30 pm – 4:00 pm Mon-Fri' restrictions on the southern kerb line of McBurney Avenue, Mascot, as per the attached drawing.

**BTC23.061 87 Rhodes Street, Hillsdale - Renewal of 14m Works Zone for 12 Weeks from 11 June 2023****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That approval be given to the installation of a 14m 'Works Zone, 7 am – 5 pm, Mon - Fri and 7 am – 1 pm Sat' restriction at 87 Rhodes Street, Hillsdale, on the western kerb line for a duration of 32 weeks, subject to relevant conditions.
- 2 That approval be given for the temporary relocation of 'No Stopping' restriction by 5m on the western kerb line to facilitate the construction vehicles as per the attached drawing.
- 3 That approval not be given to the movement of 'Heavy Rigid Vehicles' due to constraint in the existing road infrastructure.
- 4 That other existing parking restrictions on the Rhodes Street not be changed and two-way traffic flow be maintained in Rhodes Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team.
- 5 That applicant must ensure that the construction vehicles do not queue within Rhodes Street and any other local roads in the vicinity especially concrete trucks during the construction period waiting to deliver goods to the site.
- 6 That the applicant notifies Council six weeks in advance of required extension to the 32 week 'Works Zone'.
- 7 That approval is not given for construction vehicles to use Flint Street as part of ingress and egress routes.

**BTC23.062 Scarborough Lane, Kogarah - Proposed 4P Parking Restrictions To replace 2P Parking Restrictions****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That approval be given to replace the existing timed parking restrictions within the car park in Scarborough Lane, Kogarah, along the eastern kerb line between Wilson Street and Austral Street, from '2P, 8 am – 1 pm, SAT' to '4P, 8 am – 4 pm, SAT'.

**BTC23.063 Stephen Road, Botany - Proposed 'Bus Zone 8:30 am – 3:30 pm School Days' and changes to 'No Stopping' restrictions****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

- 1 That approval be given to reduce the existing 'No Stopping' restriction on the western kerb line of Stephen Road, north of Brighton Street, from 25.0m to 15.0m.
- 2 That approval be given to increase the 'No Stopping' restriction on the western kerb line of Stephen Road, south of Brighton Street, from 15.0m to 23.0m.
- 3 That approval be given for the installation of a '20.0m school 'Bus Zone 8:30 am – 3:30 pm School Days' adjacent to the 'No Stopping' zone along the western kerb line of Stephen Road, south of Brighton Street.

**BTC23.064 Matters referred to the Bayside Traffic Committee by the Chair****RESOLUTION**

Minute No. 2023/086

Resolved on the motion of Councillors McDougall and Barlow

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

**BTC23.065 General Business****RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the matters raised in General Business be received, noted and action taken as necessary.

## **11.6 Minutes of the Lydham Hall Advisory Committee Meeting - 11 April 2023**

### **RESOLUTION**

Adopted Minute No. 2023/075

Resolved on the motion of Councillors Morrissey and Muscat

That the Minutes of the Lydham Hall Advisory Committee meeting held on 11 April 2023 be noted.

### **Procedural Motion – Adjournment of Meeting**

Councillor Curry adjourned the meeting at 9:25 pm for 15 minutes to allow Councillors and the public to take a break.

The meeting reconvened at 9:40 pm with all Councillors, previously present, present.

## **12 Notices of Motion**

### **12.1 Notice of Motion - Shorebird Friendly Zones**

#### **RESOLUTION**

Minute No. 2023/087

Resolved on the motion of Councillors Douglas and Jansyn

That Council requests Georges River Keeper (a collaboration of Councils along the River and extending into Botany Bay) to:

- Provide a shorebird protection plan which acknowledges the different character and capacity of parts of the river system and Bay to accommodate shore and migratory birds.
- Include both advocacy to the State and Federal Government, and actions that Council can undertake.

### **12.2 Notice of Motion - Electric Lawn Mowers**

#### **RESOLUTION**

Minute No. 2023/088

Resolved on the motion of Councillors Douglas and Nagi

- 1 That Council investigates and reports back to the relevant Committee in regards to transitioning Council's ride-on mower fleet from diesel to electric.



- 2 That Council undertakes additional investigation on all minor and major plant.

### **12.3 Notice of Motion - Restricting Advertising on Council-owned Sites for Companies Involved in the Extraction/Sale of Fossil Fuels.**

#### **MOTION**

Motion moved by Councillors Werner and Douglas

That, in recognition of the health and climate impacts of fossil fuels, Council:

- a Will not accept sponsorships from companies involved in the extraction or sale of fossil fuels.
- b Provides a report into options to restrict advertising from companies whose main business is the extraction or sale of coal, oil, and gas across council owned sites. Staff are encouraged to look at numerous councils around Australia who are currently implementing a similar process.

Division called by Councillors Werner and Douglas

For: Councillors Werner and Douglas

Against: Councillors Curry, Morrissey, Muscat, Jansyn, Nagi, Saravinovski, Tsounis, Awada, Barlow, Hanna, McDougall and Sedrak

The Motion was declared lost.

### **12.4 Notice of Motion - Affordable Public Housing**

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

#### **MOTION**

Motion moved by Councillors Werner and Douglas

That Council:

- 1 believes that public housing should not just be a safety net for vulnerable people but should be a significant element of the housing system that should be available to everyone who needs it, including low income earners;
- 2 notes previous Council resolution in support of affordable housing including 'Taking action on Affordable Housing across Bayside LGA (Minute 2022/355);
- 3 notes that according to Council's Delivery Program and Operational Plan 2023-24, 35.9% of households are in rental stress and 23.1% are in mortgage stress;

- 4 notes the significant reduction in available public housing stock in the Eastern Suburbs and Inner City between 2016 - 2021, dropping from 3103 to 2803 (-300) in the Randwick LGA, 2127 to 1835 (-292) in the Bayside LGA, and 6534 to 5689 (-845) in City of Sydney according to the 2021 ABS census;
- 5 notes that as of June 2022 there were 51,031 applicants listed on the NSW Housing Register, with an additional 6, 519 on the priority list, with a waiting time of 10 + years for studio or single bedroom dwellings, and 10 + years for 2 to 4+ bedroom dwellings in the St George region;
- 6 notes that during the 2023 NSW election campaign, NSW Labor committed to immediately end the sale of public housing in NSW, and to implement legislation to place a moratorium on the privatisation of public housing including the sale, outsourcing, or leasing of any public housing assets or services; and committed to urgently reviewing re-development projects which have been announced, or are underway, on public land; and
- 7 calls on the NSW State Government to:
  - a. institute an immediate ban and reversal on all public housing sell offs, including loss of public land through redevelopment of LAHC sites such as the estates at Eden Street, Arncliffe and at Henry Kendall Crescent, Mascot;
  - b. invest in building more public housing;
  - c. retain all current public housing stock as public housing;
  - d. ban no-grounds evictions and forced re-locations;
  - e. ensure security of tenure for housing tenants;
  - f. ensure prompt maintenance and repair of public housing - no more 'demolition by neglect'; and
  - g. protect long standing communities.

The Motion was put and lost.

#### FORESHADOWED MOTION

Foreshadowed Motion moved by Councillor Saravinovski and Tsounis

That Council writes to the Premier and the Minister for Housing to congratulate them on their swift action to freeze all sales of public and social housing in NSW.

The Foreshadowed Motion became the Motion and was carried.

#### RESOLUTION

Minute No. 2023/089

Resolved on the motion of Councillors Saravinovski and Tsounis

That Council writes to the Premier and the Minister for Housing to congratulate them on their swift action to freeze all sales of public and social housing in NSW.

**12.5 Notice of Motion - Accessibility to Cenotaphs**

## RESOLUTION

Minute No. 2023/090

Resolved on the motion of Councillors Jansyn and Muscat

- 1 That Council inspects all Bayside Cenotaphs to ensure that access is available to all members of the community.
- 2 That Council ensures that appropriate safety standards are in place at each location by Anzac Day 2024.
- 3 That Council installs, as a minimum, site appropriate handrails where there are none, to a standard that is befitting of a cenotaph.
- 4 That Council considers further opportunities and funding for accessibility improvements (for example, ramps) where memorial services are held.

**12.6 Notice of Motion - Old Botany Police Station - Transfer of Ownership and Community Use**

## RESOLUTION

Minute No. 2023/091

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That Council advocate to the relevant Ministers and The Hon Michael Daley, Attorney General and Member for Maroubra, and liaise with NSW Land and Housing Corporation to transfer the ownership of the locally heritage listed Old Botany Police Station to Bayside Council after conservation and refurbishment works are complete, to facilitate it's use for community purposes.
- 2 That Council write to the Honourable Member for Heffron to support Council's request to transfer ownership.

**12.7 Notice of Motion - Code of Meeting Practice – Amendment to Order of Business to Recognise Condolences**

## RESOLUTION

Minute No. 2023/092

Resolved on the motion of Councillors Barlow and Tsounis

That Council receive a report as to the appropriate amendments to the Code of Meeting Practice and processes required to formally recognise, as an item of business, the practice of providing condolences on the death of residents and employees (including former employees) who have made a significant contribution to the Council and/or the Bayside community.

## 13 Questions With Notice

### 11.1 Question With Notice - Recording Gender on Council Documents

Councillor Werner asked the following question:

How is sex and/or gender recorded on Council forms and in Council systems (particularly those forms not related to the department of education such as library membership and memberships of pools and sporting facilities etc)? Do we follow the ABS standards?

### 11.2 Question With Notice - Council Exit Interviews

Councillor Werner asked the following question:

Does Bayside Council conduct exit interviews with staff who leave the organisation? If so, what percentage of people who've left the organisation have completed an exit interview?

## 14 Confidential Reports

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

### 14.1 Agreement For Lease Status for 72 Laycock Street, Bexley North

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

#### RESOLUTION

Minute No. 2023/093

Resolved on the motion of Councillors Saravinovski and McDougall

- 1 That 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 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 Council receives and notes the information contained in this report.
- 3 That Council notes that clause 5.2 of the Agreement for Licence and Lease

(AFL) includes the right for either Council or AHEPA to rescind the AFL from 21 May 2023.

- 4 That Council also notes that:
  - a following refusal of AHEPA's DA by the Bayside Planning Panel, the AFL mandates that Council and AHEPA discuss in good faith whether the DA Works can be varied;
  - b Council is attempting to convene a meeting for this purpose; and
  - c the content of such discussion, or AHEPA's failure to meet with Council in a timely fashion for such discussion, will be one consideration for Council to take into account if it wishes to consider whether to rescind the AFL.
- 5 That should a future decision be made by either party to rescind, Council will need to consider options for the use of 72 Laycock Street, Bexley North.

## 15 Conclusion of Meeting

The Mayor closed the meeting at 10:47 pm.

Councillor Christina Curry  
**Mayor**

Meredith Wallace  
**General Manager**

## **MINUTES**

of the **City Planning & Environment Committee**  
held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 10 May 2023 at 8:42 pm**

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### **Present**

Councillor Bill Saravinovski, (Chairperson)  
Councillor Christina Curry  
Councillor Heidi Lee Douglas  
Councillor Jennifer Muscat  
Councillor Greta Werner  
Councillor Scott Morrissey

### **Also present**

Meredith Wallace, General Manager  
Peter Barber, Director City Futures  
Richard Sheridan, Director City Performance  
Fausto Sut, Manager Governance & Risk  
David Smith, Manager Strategic Planning  
Eli Cowley, Coordinator Strategic Property  
Tamara Lukic, Governance Officer  
Taif George, IT Service Management Officer

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The Chairperson opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 8:42pm

## **1 Acknowledgement of Country**

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

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

### **Apologies**

**Committee Recommendation** (Councillors Douglas and Warner)

That the following apologies be received

- Councillor Jansyn
- Councillor Barlow

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

There were no requests for attendance via audio visual link.

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the City Planning & Environment Committee Meeting - 12 April 2023**

**Committee Recommendation** (Councillors Muscat and Curry)

That the Minutes of the City Planning & Environment Committee meeting held on 12 April 2023 be noted.

### **4.2 Business Arising**

The Committee notes that the Minutes of the City Planning & Environment Committee meeting held on 12 April 2023 were received and the recommendations therein were adopted by the Council at its meeting of 26 April 2023.

## **5 Items by Exception**

There were no Items by Exception.

## 6 Public Forum

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

### **Item CPE23.013 - Planning Proposal - 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot**

The following people spoke at the meeting:

- Mr Michael File, Planning Consultant from Land and Housing Corporation, speaking against the Committee Recommendation.
- Mr Fouad Habbouche, Applicant, speaking against the Committee Recommendation.

**Note:** Item CPE23.013 was dealt with next

## 7 Reports

### **CPE23.012 Planning Proposal - Housekeeping and other amendments to Bayside Local Environmental Plan 2021**

#### **Committee Recommendation** (Councillors Douglas and Curry)

- 1 That Council endorses the planning proposal for housekeeping and other amendments to the Bayside Local Environmental Plan 2021 and forward the planning proposal to the Department of Planning and Environment requesting a Gateway Determination pursuant to s3.34 of the *Environmental Planning & Assessment Act 1979*.
- 2 That Council, subject to receiving a Gateway Determination, publicly exhibits the planning proposal in accordance with the conditions of the Gateway determination and the Bayside Community Participation Plan 2019.
- 3 That Council receives a further report following public exhibition of the planning proposal detailing any submissions received.

### **CPE23.013 Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot**

The following people spoke at the meeting:

- Mr Michael File, Planning Consultant from Land and Housing Corporation, speaking against the Committee Recommendation.
- Mr Fouad Habbouche, Applicant, speaking against the Committee Recommendation.

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



1. That the planning proposal request for land at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot be deferred for the following reasons:
  - a) The site is in an area that has been identified in the Bayside Local Strategic Planning and Local Housing Strategy for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.
  - b) Proceeding with a site-specific planning proposal prior to the masterplan finalisation would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision to be established by the master planning process.
  - c) There are unresolved issues including heritage impacts, traffic and access, urban design, impacts on adjoining properties and the streetscape, and impact on community services and commercial activity in the precinct.
2. That the planning investigation area along Botany Road, Mascot that Council resolved to progress at its meeting in October 2022 be prioritised ahead of the West Kogarah and Bexley North investigation areas to assist in deciding the NSW Land and Housing planning proposal.

#### **CPE23.014 Clause 4.6 Variations to Development Standards - Quarterly Report**

##### **Committee Recommendation** (Councillors Curry and Saravinovski)

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 FY2023 to be received and noted.

#### **CPE23.015 Planning Proposal Request - 200 Coward Street, Mascot**

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

- 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 Council notes the correspondence received from the proponent regarding a potential Planning Agreement.

- 3 That Council rejects the planning proposal request for land at 200 Coward Street, Mascot.

**CPE23.016 Safer Cities Her Way Program - Project Update and Engagement Strategy**

**Committee Recommendation** (Councillors Curry and Werner)

That Council receives and notes this report, including the draft Engagement Plan.

The next meeting will be held in the Committee Room, Botany Town Hall, Botany at 6:30pm on Wednesday, 14 June 2023.

The Chairperson closed the meeting at 9:19pm.

**City Planning & Environment Committee**

**10/05/2023**

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Item No	CPE23.013
Subject	<b>Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot</b>
Report by	Lisa Ho, Senior Urban Planner
File	S17/120

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**Summary**

Council is in receipt of a planning proposal request (**Attachment 1**) for land at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot. For ease of reference, all individual attachments to the planning proposal request in Attachment 1 are also attached separately to this report (**Attachments 4-18**).

The site is zoned B2 Local Centre and comprises six lots on the western side of Botany Road at the intersection with Coward Street, with an area of approximately 5,771 sqm

The planning proposal request seeks the following amendments to the Bayside Local Environmental Plan 2021:

- Increase the Height of Buildings development standard from 14m to 28m
- Allow residential flat buildings as an additional permitted use
- Remove the active street frontage requirement.

The site is owned by the NSW Land and Housing Corporation (LAHC), and the objective of the planning proposal is to enable the redevelopment of the site to deliver a mix of private and social housing of up to 8 storeys.

The site has the potential to be developed as a transition site between the higher densities of the Mascot Town Centre and the lower density areas to the east. However, the current proposal does not provide for an appropriate transition and there remains unresolved issues relating to traffic, heritage, impact on adjacent properties, provision of local community and commercial services, and urban design matters.

At its meeting of 26 October 2022, Council resolved to support the future planning of three investigation areas identified in the Bayside Local Strategic Planning Statement and Local Housing Strategy. Botany Road was identified for further investigation due to its potential contribution to the future provision and diversity of housing in Bayside.

The LAHC planning proposal was considered by the Bayside Local Planning Panel on 21 September 2021. The panel unanimously agreed that Council should defer the planning proposal request as:

- the site is in an area that has been identified for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct
- proceeding with a site-specific planning proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning and could undermine any future vision to be established by the master planning process.

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## Officer Recommendation

1. That the planning proposal request for land at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot be deferred for the following reasons:
    - a) The site is in an area that has been identified in the Bayside Local Strategic Planning and Local Housing Strategy for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.
    - b) Proceeding with a site-specific planning proposal prior to the masterplan finalisation would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision to be established by the master planning process.
    - c) There are unresolved issues including heritage impacts, traffic and access, urban design, impacts on adjoining properties and the streetscape, and impact on community services and commercial activity in the precinct.
  2. That the planning investigation area along Botany Road, Mascot that Council resolved to progress at its meeting in October 2022 be prioritised ahead of the West Kogarah and Bexley North investigation areas to assist in deciding the NSW Land and Housing planning proposal.
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## Background

### Applicant:

NSW Land and Housing Corporation

### Owner:

NSW Land and Housing Corporation  
Health Administration Corporation

### Site Description:

Lots subject to the Planning Proposal request are identified in **Table 1**, below:

**Table 1:** Lots subject to the Planning Proposal request

Lot	DP	Address	Current zoning	Current Height of Buildings	Owner
A	36472	33 Henry Kendall Crescent, Mascot	B2 Local Centre	14m	NSW Land and Housing Corporation

B	36472	35 Henry Kendall Crescent, Mascot			
C	36472	37 Henry Kendall Crescent, Mascot			
D	36472	794 Botany Road, Mascot			
E	36472	792 Botany Road, Mascot			
1	36486	776 Botany Road, Mascot	B2 Local Centre	14m	Health Administration Corporation

## The Site

The site at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot comprises six lots on the western side of Botany Road at the intersection with Coward Street, with an area of approximately 5,771sqm (**Figure 1**).



Figure 1: Subject Site

The site houses 25 social housing dwellings owned by NSW Land and Housing Corporation (LAHC) within five two storey brick buildings, including three walk-up apartment buildings and two townhouse style buildings constructed in the late 1950s. The site at 776 Botany Road, contains the Mascot Ambulance Station, being a two-storey brick building fronting Botany Road to the north of the social housing buildings.

## The Locality

Mascot Train Station and Mascot Town Centre is located approximately 850m to the west of the site. To the south of the site is Mascot Memorial Park, which is identified in the Bayside LEP 2021 as a local Heritage Item. The NSW State Heritage Inventory statement of significance describes the park, *'as a locally significant cultural landscape that provides evidence of the community's memorialisation of their sacrifice and losses in the first world war'*.

Adjoining the site to the north are single storey dwellings and to the west across Henry Kendall Crescent are a mix of single and two storey dwellings. To the east of the site, on the opposite side of Botany Road, are a mix of two storey commercial buildings and located diagonally opposite the site to the south-east is Mascot Town Hall (former Botany Bay Council chambers), which is identified as a local heritage item in Bayside LEP 2021.

## Existing Planning Controls

Under the Bayside LEP 2021, the site has the following zoning and development standards:

- B2 Local Centre
- 2:1 Floor Space Ratio
- 14m maximum Height of Buildings
- Subject to Clause 6.9 - Active Street Frontage
- Adjacent to heritage items

## Planning Proposal Request

A planning proposal request was originally submitted to Council in December 2017. This proposal requested an amendment to the Botany Bay Local Environmental Plan 2013 (BBLEP 2013), now superseded by Bayside LEP 2021.

The original planning proposal request proposed the following amendments to Height of Buildings and Floor Space Ratio development standards:

- Amend the Height of Buildings Map to increase the maximum height of buildings from 14m to 22m and 28m.
- Amend the Floor Space Ratio (FSR) Map to increase the maximum FSR from 2:1 to 2.5:1.

Following an assessment of this proposal, a number of issues were raised by staff and the proponent updated the planning proposal request in October 2021.

The current planning proposal request seeks the following amendments to the Bayside LEP 2021:

- Increase the Height of Buildings development standard from 14m to 28m;
- Allow residential flat buildings as an additional permitted use as the existing B2 Local Centre zone prohibits residential uses at ground floor level; and

- Remove the active street frontage requirement.

The planning proposal request seeks a 100% residential use on this site, which the proponent says is consistent with the existing use and will enable LAHC to maximise additional social housing supply in this location.

The objective of the planning proposal is to enable the renewal of the site to deliver a mix of private and social housing of up to 8 storeys comprising:

- Three residential buildings ranging from 3 to 8 storeys.
  - Building along Coward Street – 8 storeys stepping down to 4 storeys on the corner of Coward Street and Henry Kendall Crescent.
  - Building along Henry Kendall Crescent – 3 storeys.
  - Building along Botany Road – part 6 storeys and part 4 storeys.
- 152 residential apartments – 45 (30%) will be for social housing and 107 private dwellings.
- Provision of a through site link.
- Deep soil - 28%.

### **Planning proposal for 995-1005 Botany Road and 124-128 Coward Street**

A planning proposal request for land directly opposite the subject site at 995-1005 Botany Road (site 1) and 124-128 Coward Street, Botany (site 2) has previously been considered by the Bayside Local Planning Panel. The proposal sought to:

- Amend zoning for site 2 from R2 Low Density Residential to B2 Local Centre.
- Amend the Floor Space Ratio development standard from 2:1 to 4.6:1 (site 1) and from 0.55:1 to 3.4:19 (site 2)
- Amend the Height of Building development standard from 9m and 14m to 36m.
- Remove a heritage item I266 from the site.

The planning proposal request was considered by the Bayside Local Planning Panel on 21 September 2021, where they recommended that Council not support the planning proposal request as it did not have strategic merit.

The Panel's advice stated:

*The Panel notes the fundamental principle that land use planning should promote the orderly and economic development of land consistent with section 1.3(c) of the Environmental Planning & Assessment Act, 1979. The strategic planning context in which this is to occur in this case requires alignment between the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement and its Local Environmental Plan, 2021.*

*The absence of such alignment can reduce community trust in the planning system and can also result in ad hoc development not supported by adequate infrastructure and/or development that sets a precedent which can then undermine future opportunities for wholistic, high-quality 'precinct' planning.*



*The Panel notes that the Planning Proposal has been the subject of considerable high-quality work which has illustrated well the potential for the broader area. However, in the absence of alignment with the strategic planning framework, the Panel could not identify any justification for the very significant increase in bulk and scale sought in the Planning Proposal which would be excessive and out of character with the local area. Accordingly, the Panel does not support the Planning Proposal in its present form and does not recommend that it proceed to Gateway determination.*

*Options available to the applicant include either a more modest redevelopment consistent with the current controls or working with nearby landowners and Council to develop a more holistic approach to the precinct. This advice is consistent and in line with the recommendations proposed by Allen Jack + Cottier Architects who independently reviewed the Planning Proposal on behalf of Council.*

The Panel's advice in relation to the need to develop a more holistic approach to the precinct is consistent with Council's recent decision to proceed with master planning for the Botany Road Investigation Area.

The Planning Proposal request was due to be considered by Council at its meeting of 13 October 2021, however, the applicant considered the advice of staff and the Bayside Local Planning Panel and withdrew the proposal prior to the Council meeting.

## **Botany Road Investigation Area**

At the City Planning and Environment Committee (CP&E) meeting on 12 October 2022, the Committee considered a report on the Bayside Local Housing Strategy, including the status of all the identified investigation areas. The report recommended that work commence on the following three areas:

- West Kogarah
- Botany Road
- Bexley North

These locations were identified for investigation as they could offer a contribution to the future provision and diversity of housing.

In relation to Botany Road, and the reasons it was identified for further investigation, the report notes:

*Botany Road in Mascot and Botany has been identified as a place that requires investigation because it is apparent that there is a mismatch of the Floor Space Ratio and the Height of Building controls. This has resulted in several Planning Proposals in recent years. A height study is needed to inform master planning and potential changes to the BLEP and Development Control Plan.*

*There are several larger land holdings and owners interested in redevelopment, which may provide impetus for the development of new dwelling stock. The location has reasonable access to public transport. Economic Impact Analysis and traffic studies will also be required.*

*Council has landholdings in this area so will need to be mindful of probity considerations.*



The report further notes an undertaking to investigate does not commit Council or imply that there will be any change to the current planning controls, it is only seeking a commitment from Council to investigate these areas further.

The Committee's recommendation in relation to this matter was:

1. *That Council endorses commencement of project planning and master planning for three investigation areas in the following order: West Kogarah, Botany Road south of Gardeners Road, and Bexley North.*
2. *That Council requests a subsequent report that provides more detailed information about project scope, timeframes, and milestones for each of the Investigation Areas.*

The Committee's recommendations were considered at the Council meeting on 26 October 2022, where Council resolved to adopt the Committee's recommendation.

Project planning is underway to inform a future report to Council, responding to item 2 of the resolution above, and will recommend that work on the investigation areas be staged. Given that there have now been two proponent lead planning proposals submitted in this area, it is recommended that this investigation area be given priority.

## Height of Buildings and Floor Space Ratio Development Standards

A key reason why Botany Road has been identified for further investigation is due to an apparent mismatch between Height of Buildings and Floor Space Ratio development standards in the Bayside LEP 2021. A significant section of land along Botany Road, zoned B2 Local Centre, is subject to the following key planning controls:

- Height of Buildings: 14m
- Floor Space Ratio: 2:1
- Active Street Frontage

The planning proposal request proposes a doubling in the height of buildings development standard from 14m to 28m. The justification provided in the Planning Proposal report includes:

*The existing maximum FSR of 2:1 would be retained meaning that the proposal is not seeking additional floor space than is currently permissible. The proposal seeks to increase the permissible height of buildings from 14m to 28m to enable an improved configuration of the allowable floor space across the site.*

Given that Height of Buildings and Floor Space Ratio development standards have been identified for further investigation along Botany Road, and a height study is needed to inform the master planning process and potential changes to the Bayside LEP 2021 and Development Control Plan (DCP), it would be premature to proceed with amendments to the Height of Buildings development standard proposed through the LAHC planning proposal request in isolation of the remainder of Botany Road.

## Implications of proceeding with planning proposal request

It is important that Council effectively plans for its growing population and Council has recognised this through the endorsement of master planning for the Botany Road

Investigation Area. This process will allow for a more comprehensive and holistic planning outcome to be delivered in the broader precinct.

Proceeding with a site-specific planning proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning, and could undermine any future vision to be established by the master planning process.

It is considered appropriate that further consideration of this proposal should be deferred until the master planning of the area is complete.

### Assessment of the planning proposal request

Council has undertaken an assessment of the planning proposal including an assessment of urban design, heritage, economic impact and traffic and parking.

A detailed assessment of the proposal's strategic and site-specific merit in accordance with the Department of Planning and Environment LEP Making Guidelines is included in the planning assessment report to the Bayside Local Planning Panel in **Attachment 2**.

In summary, the assessment indicates that the excessive bulk and scale of the proposed development is not justified and there are unresolved issues including heritage impacts, traffic and access, urban design, impact on adjoining properties and the streetscape and impact on community services and commercial activity in the precinct.

### Bayside Local Planning Panel Advice

The planning proposal request was considered by the Bayside Local Planning Panel at its meeting on 21 March 2023. The advice of the Panel is included in **Attachment 3**.

The Panel considers that the planning proposal request should be deferred for the following reasons:

- 1. The site is in an area that has been identified for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.*
- 2. Proceeding with a site-specific Planning Proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning, and could undermine any future vision to be established by the master planning process.*

*While the Panel understands the need for affordable and social housing, this is a strategically important precinct, which requires an appropriate level of investigation to enable master planning for the Botany Road corridor at Mascot (Coward/Botany Road) as outlined in the Bayside Local Strategic Planning Statement (Planning Priority 9, Action 9.6). Those investigations could establish the parameters for the most appropriate built form outcomes and planning controls.*

*Consideration of significant changes to planning controls for this site without a master planning process may prevent the achievement of quality outcomes for the Botany Road corridor as a whole. Council has been consistent in avoiding ad-hoc decision making for this important precinct and this Planning Proposal does not create any justification for not maintaining that approach.*

*A future master planning process as noted in the Local Strategic Planning Statement should consider the broader transport strategy, positioning of bulk and scale, impact on adjoining lower density sites, impacts on Mascot Memorial Park and other heritage items and vegetation within the master planning area including retention of significant trees. If the planning proposal does progress, the Panel recommends that any LEP amendment include a clause requiring preparation of a detailed site specific development control plan.*

## Conclusion

The planning proposal request has been subject to a detailed merit-based assessment against the strategic and statutory planning framework as required by the Environmental Planning and Assessment Act 1979, relevant guidelines, Planning Circulars and Practice Notes. In considering whether to progress a planning proposal to a Gateway Determination, Council is required to consider if the proposed changes to the Bayside LEP 2021 have both strategic and site-specific merit.

Council has identified the Botany Road area for further investigation. Proceeding with a site-specific planning proposal prior to the finalisation of a masterplan would set an undesirable precedent, lead to ad-hoc planning, and undermine any future vision for the Botany Road investigation area.

It is recommended that further consideration of the planning proposal should be deferred until the desired future outcomes associated with the planning parameters for the broader Botany Road Corridor are established.

Regarding site specific merit, the assessment undertaken has identified impacts on the locality that would arise if the planning proposal proceeded in its current form. These include visual impact due to bulk and scale of future buildings, loss of employment land, heritage, and traffic impacts.

## Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Council charges a fee for the assessment of planning proposal requests. Costs associated with assessing planning proposal requests are included in the 2022/23 budget for the Strategic Planning unit.
Additional funds required	<input type="checkbox"/>	

## Community Strategic Plan

Theme One	– In 2032 Bayside will be a vibrant place	<input checked="" type="checkbox"/>
Theme Two	– In 2032 Our people will be connected in a vibrant place	<input type="checkbox"/>
Theme Three	– In 2032 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four	– In 2032 Bayside will be a prosperous community	<input type="checkbox"/>

## Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
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Low risk	<input type="checkbox"/>
Medium risk	<input checked="" type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

There is a risk that if Council defers or does not support this planning proposal request, that the proponent will lodge a rezoning review with the Department of Planning and Environment.

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## Community Engagement

Should Council support the planning proposal request, it will be drafted and submitted to the Department of Planning and Environment seeking a Gateway determination. If a Gateway determination is issued, the planning proposal will be subject to community consultation in accordance with Section 3.34(2)(C) of the *Environmental Planning and Assessment Act 1979* and *Council's Community Participation Plan*. The specific requirements for community consultation will be listed in the Gateway Determination, including the requirement to consult with any government agencies.

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## Attachments

- 1 Draft Planning Proposal Report (Under separate cover Attachments Part One)
- 2 Bayside Local Planning Panel Planning Assessment Report (Under separate cover Attachments Part One)
- 3 Advice of the Bayside Local Planning Panel (Under separate cover Attachments Part One)
- 4 Urban Design Report (Under separate cover Attachments Part Two)
- 5 Transport and Movement Study (Under separate cover Attachments Part One)
- 6 Updated Transport Advice (Under separate cover Attachments Part One)
- 7 Acoustic Report (Under separate cover Attachments Part One)
- 8 Updated Acoustic Advice (Under separate cover Attachments Part One)
- 9 Economic Impact Assessment (Under separate cover Attachments Part One)
- 10 Commercial Market Study (Under separate cover Attachments Part One)
- 11 Aboricultural Advice (Under separate cover Attachments Part One)
- 12 Heritage Assessment Report (Under separate cover Attachments Part One)
- 13 Draft Site Specific Development Control Plan (Under separate cover Attachments Part One)
- 14 Market Needs Assessment (Under separate cover Attachments Part One)
- 15 NSW Health Letter (Under separate cover Attachments Part One)
- 16 GML Heritage Response (Under separate cover Attachments Part One)
- 17 Independent Peer Review - Traffic and Transport (Under separate cover Attachments Part One)
- 18 Independent Peer Review - Economic Impact Assessment (Under separate cover Attachments Part One)