

MINUTES

of the **Ordinary Meeting** of
Bayside Council
held by Audio Visual Link and
in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 8 April 2020** at **7.07 pm**

Present

Councillor Joe Awada, Mayor
Councillor James Macdonald, Deputy Mayor
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor Petros Kalligas
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
Councillor Bill Saravinovski
Councillor Paul Sedrak
Councillor Andrew Tsounis

Also present

Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Debra Dawson, Director City Life
Michael McCabe, Director City Futures
Colin Clissold, Director City Presentation
Fausto Sut, Manager Governance & Risk
Karin Targa, Major Projects Director
Rodney Sanjivi, Financial Lead – Accounting Services
Clare Harley, Manager Strategic Planning
Ben Heraud, Acting Manager Property
Taif George, IT Technical Support Officer
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.07 pm, and by audio visual link to Councillors.

The Mayor informed the meeting, including members of the public, that the meeting is being video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

1 Acknowledgement of Country

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

2 Opening Prayer

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

3 Apologies

There were no apologies received

4 Disclosures of Interest

Councillor McDougall declared a Significant Non-Pecuniary Interest in Item 8.2 on the basis that he is Council's representative on the Sydney Eastern City Planning Panel which will consider this proposal, and stated he would leave the online meeting for consideration and voting on the matter.

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 8.2 on the basis that she is Chair of a charity which has received funding from Westfields in the past, but stated she would remain in the online meeting for consideration and voting on the matter.

Councillor Nagi declared a Significant Non-Pecuniary Interest in Item 8.2 on the basis that he is Council's representative on the Sydney Eastern City Planning Panel which will consider this proposal, and stated he would leave the online meeting for consideration and voting on the matter.

Councillor Nagi declared a Less than Significant Non-Pecuniary Interest in Item 8.8 on the basis that he was aware that the company personnel attended the Mayoral Christmas Party, and to deal with any perception issues would leave the online meeting for consideration and voting on the item.

Cr Saravinovski declared a Significant Non-Pecuniary Interest in Item 8.3 on the basis that he has family members who own property in the Rockdale CBD, and stated he would leave the online meeting for consideration and voting on the matter.

Councillor Ibrahim declared a Less than Significant Non-Pecuniary Interest in Item 8.8 on the basis that he was aware that the company personnel attended the Mayoral Christmas Party, and to deal with any perception issues would leave the online meeting for consideration and voting on the item.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 11 March 2020

RESOLUTION

Minute 2020/062

Resolved on the motion of Councillors Nagi and Tsounis

That the Minutes of the Council meeting held on 11 March 2020 be confirmed as a true record of proceedings.

5.2 Minutes of the Extraordinary Council Meeting - 1 April 2020

RESOLUTION

Minute 2020/063

Resolved on the motion of Councillors Bezic and Nagi

That the Minutes of the Extraordinary Council Meeting held on 1 April 2020 be confirmed as a true record of proceedings.

6 Mayoral Minutes

6.1 Mayoral Minute - Child Care Centres under threat from new Federal Government Funding Plan

RESOLUTION

Minute 2020/064

Resolved on the motion of Councillor Awada

That the Mayoral Minute be acknowledged and that Council note, as a result of the new funding plan for Child Care Centres, there will be a potential loss of revenue to Council of up to \$440,000 over the next 3 months.

7 Public Forum

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

8.2 Planning Proposal - 152 Bunnerong Road, Eastgardens

Councillors McDougall and Nagi had previously declared a 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.

Council received the following three written submissions (attached) for this item

- Richard Hogg, affected neighbour
- Michael Antolovich, affected neighbour
- Robert Johnston, applicant

MOTION

Motion moved by Councillors Awada and Macdonald

- 1 That, pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EPAA), Council considers the recommendation of the Bayside Local Planning Panel from 18th February 2020 and forwards the draft Planning Proposal for land known as 152 Bunnerong Road, Eastgardens to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
- 2 That, pursuant to Clause 18 of the Environmental Planning and Assessment Regulation 2000, if a Gateway Determination is issued by DPIE, Council publicly exhibits the site-specific Development Control Plan (DCP) concurrently with the Planning Proposal for 28 days, subject to the following refinements being made to the site-specific DCP prior to exhibition:
 - a The draft DCP being updated to include further details and controls in relation to:
 - landscape strategy with the provision of canopy trees;
 - public domain interfaces and active street frontages;
 - car park screening;
 - maximum building length, maximum footprint area, building depths and articulation;
 - pedestrian connections;
 - building separation;
 - building height strategy; and
 - primary and secondary building setbacks.
 - b Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.

- 3 The Council invite the Scentre Group to enter into a Planning Agreement with Council to ensure public benefits are provided to the local community, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
- 4 That if a Gateway Determination is issued by DPIE, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.

AMENDMENT

Amendment moved by Councillors Saravinovski and Tsounis

That this item be deferred for an independent peer review of the work to be done and be referred back to Council.

Division called by Councillors Saravinovski and Tsounis

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

Against: Nil

The Amendment was declared carried.

The Amendment became the Motion.

Division called by Councillors Saravinovski and Tsounis

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

Against: Nil

The Motion was declared carried.

RESOLUTION

Minute 2020/065

Resolved on the motion of Councillors Saravinovski and Tsounis

That this item be deferred for an independent peer review of the work to be done and be referred back to Council.

Attachments

- 1 Public Forum Submissions - Item 8.2

8.3 Proposed Sale of 429 Princes Highway, Rockdale

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

Council received the following two submissions (attached) for this item:

- Greig Martin, applicant
- Lynette Overton from Better Connected Community Services

MOTION

Motion moved by Councillors Nagi and Tsounis

That the matter be deferred to enable further discussion between the Council, the proponent and the church to endeavour to get mutual agreement between all parties.

AMENDMENT

Amendment moved by Councillors Barlow and Macdonald

- 1 That Attachments 1, 2, 3, 5, 6, 7, 8, 9 and 10 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)(ii) of the Local Government Act 1993, the attachments relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. 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 update within the body of this report which seeks to address the matters raised within its resolution of 11 March 2020, namely to explore options to work closer with Better Connected Community Services and address formal communications with the Church who are the southern adjoining owner.
- 3 That Council approves the execution of the Probity Plan which facilitates this transaction; as shown at Confidential Attachment 1.
- 4 That Council approves the sale of 429 Princes Highway, Rockdale (Lot 10 DP 825235), to City West Housing Pty Ltd for the purchase price as shown at Confidential Attachment 2 and Confidential Attachment 3.
- 5 That Council enters into appropriate Documentation with City West Housing, with Key Terms outlined within Confidential Attachment 2.
- 6 That Council authorises the General Manager to finalise formal negotiations and the commercial terms associated with the transfer and sale of 429 Princes Highway, Rockdale and execute all documentation to affect the transfer of the land on the terms outlined within this report.

Division called by Councillors Barlow and Macdonald

For: Councillors Curry, Morrissey, Sedrak, Rapisardi, Barlow, Macdonald, McDougall and Awada

Against: Councillors Ibrahim, Nagi, Kalligas, Tsounis, Bezic and Poulos

The Amendment was declared carried.

The Amendment became the Motion.

Division called by Councillors Ibrahim and Tsounis

For: Councillors Curry, Morrissey, Sedrak, Rapisardi, Barlow, Macdonald, McDougall, and Awada

Against: Councillors Ibrahim, Nagi, Kalligas, Tsounis, Bezic and Poulos

The Motion was declared carried.

RESOLUTION

Minute 2020/066

Resolved on the motion of Councillors Barlow and Macdonald

- 1 That Attachments 1, 2, 3, 5, 6, 7, 8, 9 and 10 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)(ii) of the Local Government Act 1993, the attachments relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. 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 update within the body of this report which seeks to address the matters raised within its resolution of 11 March 2020, namely to explore options to work closer with Better Connected Community Services and address formal communications with the Church who are the southern adjoining owner.
- 3 That Council approves the execution of the Probity Plan which facilitates this transaction; as shown at Confidential Attachment 1.
- 4 That Council approves the sale of 429 Princes Highway, Rockdale (Lot 10 DP 825235), to City West Housing Pty Ltd for the purchase price as shown at Confidential Attachment 2 and Confidential Attachment 3.
- 5 That Council enters into appropriate Documentation with City West Housing, with Key Terms outlined within Confidential Attachment 2.

- 6 That Council authorises the General Manager to finalise formal negotiations and the commercial terms associated with the transfer and sale of 429 Princes Highway, Rockdale and execute all documentation to affect the transfer of the land on the terms outlined within this report.

Attachments

- 1 Public Forum Submissions - Item 8.3

Procedural Motion

RESOLUTION

Minute 2020/067

Resolved on the motion of Councillors Curry and McDougall

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

Procedural Motion

RESOLUTION

Minute 2020/068

Resolved on the motion of Councillors Curry and McDougall

That the following items are dealt with by exception with the recommendations as printed in the business paper being adopted:

- 8.1 Rate relief for ratepayers impacted by COVID-19
- 8.4 Temporary Parking Arrangements - Response to COVID-19 - Permit Parking Areas, Work Zones and No Parking
- 8.6 Tender - Botany Town Hall Access Improvements
- 8.7 Tender - Brighton Baths Building Refurbishment Works
- 8.9 Response to Question - Councillor Printing
- 8.10 Disclosure of Interest Return
- 9.1 Minutes of the Risk & Audit Committee Meeting - 27 February 2020
- 9.2 Minutes of the Bayside Traffic Committee Meeting - 1 April 2020

8 Reports

8.1 Rate relief for ratepayers impacted by COVID-19

RESOLUTION

Minute 2020/069

Resolved on the motion of Councillors Curry and McDougall

- 1 That Council allow ratepayers experiencing financial hardship as a consequence of the COVID-19 pandemic the option to defer the payment of their rates and annual charges until 30 June 2020 based on providing to Council a copy of the supporting documentation required by Federal and State Government agencies for COVID-19 financial support due to unexpected financial hardship.
- 2 That Council reduce the interest rate applicable on overdue rates and annual charges from 7.5% to 0% for the period 1 April 2020 to 30 June 2020 for ratepayers who meet the deferral requirements and establish and maintain an agreed payment plan.
- 3 That Council ceases formal legal recovery proceedings otherwise required under Council's Rates & Sundry Charges Recovery Policy until 30 June 2020.
- 4 That the General Manager be delegated authority to extend the above dates should the Public Health Orders dealing with COVID-19 extend beyond 30 June 2020.
- 5 That any cash flow shortfalls experienced during this period as a consequence of rate payment deferrals be reported back to Council for approval to establish an internal loan from internally restricted reserves.

8.4 Temporary Parking Arrangements - Response to COVID-19 - Permit Parking Areas, Work Zones and No Parking

RESOLUTION

Minute 2020/070

Resolved on the motion of Councillors Curry and McDougall

That Council authorise the following temporary parking arrangements to assist the Bayside Community in managing parking demands associated with the changed operating environment associated with the COVID-19 pandemic:

- 1 That all existing permit parking areas be suspended and signs covered for a period of 3 months, with the exception of "No Stopping permit holders excepted" areas.
- 2 That the General Manager be granted delegated authority to approve the extension of Works Zone operating hours to facilitate the extended Construction

Work Days approved under the *Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020*.

- 3 That the General Manager be granted delegated authority to approve temporary No Parking restrictions in retail centres to facilitate kerbside goods collection.

8.5 Tender - Botany Aquatic Centre Lead Design Consultant

MOTION

Motion moved by Councillor Curry and Morrissey

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

With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment relates to the 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 issues it deals with.

- 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts stage 1 of the Tender from CO-OP Studio Pty Ltd for the Contract F19/1266 being the Botany Aquatic Centre Principal Consultant Engagement: Design Phase for the amount of \$1,488,010.00 exclusive of GST.
- 3 That following successful completion of Stage 1 and Council approval to engage a contractor to undertake the construction of the Botany Aquatic Centre CO-OP Studio Pty Ltd be engaged for the Stage 2: Construction Phase of the Botany Aquatic Centre Principal Consultant Engagement for the amount of \$447,375 exclusive of GST.

Division called by Councillors Nagi and Tsounis

For: Councillors Curry, Morrissey, Sedrak, Ibrahim, Rapisardi, Saravinovski, Barlow, Bezic, Macdonald, McDougall and Awada

Against: Councillors Nagi, Kalligas, Tsounis and Poulos

The Motion was declared carried.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillors Nagi and Tsounis

That all tenders be rejected and this matter be deferred for 6 months and for Council to revisit the project at the end of the pandemic.

The Foreshadowed Motion lapsed as a result of the Motion being adopted.

RESOLUTION

Minute 2020/071

Resolved on the motion of Councillors Curry and Morrissey

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

With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment relates to the 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 issues it deals with.

- 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts stage 1 of the Tender from CO-OP Studio Pty Ltd for the Contract F19/1266 being the Botany Aquatic Centre Principal Consultant Engagement: Design Phase for the amount of \$1,488,010.00 exclusive of GST.
- 3 That following successful completion of Stage 1 and Council approval to engage a contractor to undertake the construction of the Botany Aquatic Centre CO-OP Studio Pty Ltd be engaged for the Stage 2: Construction Phase of the Botany Aquatic Centre Principal Consultant Engagement for the amount of \$447,375 exclusive of GST.

8.6 Tender - Botany Town Hall Access Improvements**RESOLUTION**

Minute 2020/072

Resolved on the motion of Councillors Curry and McDougall

- 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 the 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 Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from RELD Group Pty Ltd for the Contract F20/72 being the Botany Town Hall access improvements for the amount of \$378,942.77 exclusive of GST;

- 3 That Council notes that a Q3 budget adjustment will be made to transfer \$96,500.00 from the Botany Town Hall Roof Works budget to the Botany Town Hall Access Works budget.

8.7 Tender - Brighton Baths Building Refurbishment Works

RESOLUTION

Minute 2020/073

Resolved on the motion of Councillors Curry and McDougall

- 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 the 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 Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from Mainserve Australia Pty Ltd for the Contract F20/49 being the remediation works to the Brighton Baths Building for the amount of \$732,755 exclusive of GST.

8.8 Tender - Swinbourne Street Neighbourhood Centre and Retaining Wall

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

RESOLUTION

Minute 2020/074

Resolved on the motion of Councillors Curry and Morrissey

- 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 in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Mack Civil Pty Ltd for Contract F20/64 being for the Swinbourne Street neighbourhood centre and retaining wall for the amount of \$1,755,626.47 exclusive of GST.

8.9 Response to Question - Councillor Printing

The response was received.

8.10 Disclosure of Interest Return

Minute 2020/075

Resolved on the motion of Councillors Curry and McDougall

That the information be received and noted.

9 Minutes of Committees

9.1 Minutes of the Risk & Audit Committee Meeting - 27 February 2020

RESOLUTION

Minute 2020/076

Resolved on the motion of Councillors Curry and McDougall

That the Minutes of the Risk & Audit Committee meeting held on 27 February 2020 be received and the recommendations therein be adopted

9.2 Minutes of the Bayside Traffic Committee Meeting - 1 April 2020

RESOLUTION

Minute 2020/077

Resolved on the motion of Councillors Curry and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 1 April 2020 be received and the recommendations therein be adopted.

10 Notices of Motion

There were no Notices of Motion.

11 Questions With Notice

There were no Questions With Notice.

The Mayor closed the meeting at 9.16 pm.

Councillor Joe Awada
Mayor

Meredith Wallace
General Manager