

MINUTES

of the **Extraordinary 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 3 November 2021 at 7:00 pm.**

Present

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

Also Present

Meredith Wallace, General Manager
Peter Barber, Director City Futures
Michael Mamo, Director City Performance
Colin Clissold, Director City Presentation
Debra Dawson, Director City Life
Louise Farrell, Acting Major Projects Director
Jamie Motum, General Counsel
Fausto Sut, Manager Governance & Risk
Jourdan Di Leo, Manager Property
Jeremy Morgan, Manager City Infrastructure
Phoebe Mikhiel, Manager Compliance & Certification
Matthew Walker, Chief Financial Officer
Rodney Sanjivi, Financial Strategy & Reporting Manager
Cathryn Bush, Coordinator Governance
Clare Harley, Manager Strategic Planning
Christine Stamper, Communications & Events Lead
Bill Nikolovski, IT Technical Support Officer
Taif George, IT Technical Support Officer
Anne Suann, Governance Officer

The Mayor opened the meeting at 7:15 pm.

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

1 Acknowledgement of 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

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

Procedural Motion

RESOLUTION

Minute 2021/286

Resolved on the motion of Councillors Kalligas and Tsounis

That the Councillor in attendance at tonight's meeting by audio-visual link be permitted to do so on the basis of the current COVID restrictions.

3 Apologies

RESOLUTION

Minute 2021/287

Resolved on the motion of Councillors Tsounis and Nagi

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

- Councillor Vicki Poulos
- Councillor Joe Awada

4 Disclosures of Interest

Councillor Saravinovski declared a Pecuniary Interest in Item 8.2 on the basis that he has relatives who own property in the Rockdale CBD, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor McDougall declared that a conflict of duties arises in Item 8.4 on the basis that he is a delegate on the Sydney Eastern City Planning Panel, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Nagi declared that a conflict of duties arises in Item 8.4 on the basis that 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 declared a Less than Significant Non-Pecuniary Interest in Item 8.4 on the basis that he was present at a social function at which the applicant was also present, and stated he would leave the meeting for consideration and voting on the item.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 8.6 on the basis that he was invited, in his capacity as Councillor, to attend Greek Independence Day in March this year at the AHEPA building in Rockdale, but stated he would remain in the meeting for consideration and voting on the matter.

Councillor Kalligas declared a Less than Significant Non-Pecuniary Interest in Item 8.6 on the basis that he was a former member of AHEPA, but stated he would remain in the meeting for consideration and voting on the matter.

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 8.6 on the basis that he is a former member of AHEPA, although he had not attended any meetings, but stated he would remain in the meeting for consideration and voting on the matter.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 8.8 on the basis that his son plays for Rockdale Ilinden Soccer Club, although he has no role in the team, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Ibrahim declared a Significant Non-Pecuniary Interest in BTC21.116 of Item 9.2 on the basis that his daughter attends Al Zahra College and the matter concerns parking outside the school, and stated he would leave the Chamber for consideration and voting on the matter.

Procedural Motion

RESOLUTION

Minute 2021/288

Resolved on the motion of Councillors Saravinovski and Nagi

That Standing Orders be suspended in order to deal with Item 8.1 as one of the speakers is speaking via Teams from overseas.

8.1 2020/21 Audited General Purpose Financial Statements

The following people spoke at the meeting:

- Ms Jennifer Whitten, Chairperson of the Risk & Audit Committee, speaking for the Officer Recommendation.
- Ms Karen Taylor, Director – Financial Audit, NSW Audit Office.

RESOLUTION

Minute 2021/289

Resolved on the motion of Councillors Nagi and Barlow

That Council receives and notes the presentation of the audited financial report of Bayside Council for the year ended 30 June 2021.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 13 October 2021

RESOLUTION

Minute 2021/290

Resolved on the motion of Councillors Nagi and McDougall

That the Minutes of the Council meeting held on 13 October 2021 be confirmed as a true record of proceedings.

Presentations

A Certificate of Recognition – Shannon Gray and Wade Harper

On behalf of the Mayor, Councillors Curry and Morrissey presented a Certificate of Recognition to Shannon Gray and Wade Harper in recognition of their late father, Len Harper who was a mainstay of the Botany Rams Junior Rugby League Club in Botany for over 40 years.

B Certificate of Recognition – Cooper Fenton

On behalf of the Mayor, Councillors Curry and Morrissey presented a Certificate of Recognition to Cooper Fenton for winning the 2021 Sydney City and Eastern Suburbs Volunteer of the Year.

6 Mayoral Minutes

6.1 Mayoral Minute - Vale former Deputy Mayor David Jory

The Hon. Ron Hoenig, Member for Heffron, spoke, acknowledging the significant contribution of the former Councillor and Deputy Mayor, David Jory .

RESOLUTION

Minute 2021/291

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That Council acknowledges the significant contribution of Councillor David Jory, the Deputy Mayor of the former City of Botany Bay Council, who passed away on 27 September 2021.
- 2 That Council sends condolences to the family of David Jory along with a copy of this Mayoral Minute

6.2 Mayoral Minute - Bayside Locked out of NSW Government WestInvest Fund

RESOLUTION

Minute 2021/292

Resolved on the motion of Councillors McDougall and Morrissey

- 1 That Council notes that the NSW Government recently announced an investment of \$5 billion for the WestInvest program to build new and improved facilities and local infrastructure in local government areas but did not include Bayside as a Council eligible to apply for these funds.
- 2 That Council writes to the NSW Premier and the NSW Treasurer to remind them that Bayside was included as a Local Government Area of Concern during the recent lockdown and suffered the same economic impact as those local government areas listed in the WestInvest announcement, and to request that all local government areas impacted by harsher lockdown restrictions be eligible for these funds.
- 3 That Council requests our local state Members of Parliament to request their assistance in lobbying the NSW Government for our share of the WestInvest funds.

Procedural Motion

RESOLUTION

Minute 2021/293

Resolved on the motion of Councillors Nagi and Tsounis

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

Multiple Business Items

RESOLUTION

Minute 2021/294

Resolved on the motion of Councillors Saravinovski and Nagi

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

- 8.3 M6 Stage 1 - Potential Recreation and Open Space Upgrades
- 8.7 PCYC Lease Update - 9 Ador Avenue Rockdale
- 8.10 Fire Report - 619-629 Gardeners Road Mascot
- 8.12 Event Program Review
- 8.13 Clause 4.6 Variations to Development Standards - Quarterly Report
- 8.14 Quarterly Budget Review Statement - September 2021
- 8.15 Code of Meeting Practice
- 9.1 Minutes of the Extraordinary Risk & Audit Committee Meeting - 7 October 2021
- 9.2 Minutes of the Bayside Traffic Committee Meeting - 20 October 2021 with the exception of BTC21.110, BTC21.115 and BTC21.116

7 Public Forum

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

8.2 Amendment 1 to the Bayside Local Environmental Plan 2021

The Mayor, Councillor Saravinovski, vacated the Chair and left the Chamber due to his declaration of a Pecuniary Interest. The Deputy Mayor, Councillor Nagi, assumed the Chair.

The following person spoke at the meeting:

- Ms Jan Ricigliano, affected neighbour, speaking for the Officer Recommendation

RESOLUTION

Minute 2021/295

Resolved on the motion of Councillors Tsounis and Ibrahim

- 1 That Council acknowledges the submissions received during the Public Exhibition of the Planning Proposal for proposed Amendment 1 to the *Bayside Local Environmental Plan 2021*, and the officer's response to those submissions.
- 2 That Council, in accordance with Section 3.36(1) of the *Environmental Planning & Assessment Act 1979*, forwards a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Industry and Environment (the DPIE), subsequent to Council endorsing a Development Control Plan for the subject area, requesting that proposed Amendment 1 to the Bayside Local Environmental Plan be finalised and notified by the Minister.
- 3 That a future report including a Draft Development Control Plan (DCP) be provided to Council seeking endorsement for public exhibition of a Draft DCP at that time.

Division called by Councillors Tsounis and Ibrahim

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

The Motion was declared carried.

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

8.5 Funding Strategy - Barton Park Recreation Precinct & Botany Aquatic Centre

The following person spoke at the meeting:

- Mr Garnet Brownbill, interested resident, speaking against the Officer Recommendation.

RESOLUTION

Minute 2021/296

Resolved on the motion of Councillors Nagi and Ibrahim

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

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the 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 accepts NSW Treasury Corporation's Letter of Offer dated 14 October 2021 for loan facilities totalling \$9.65 million designated for the upgrade of Barton Park.
- 3 That Council notes that in the first half of 2022:
 - a comparative rates and other loan terms will be invited from NSW Treasury Corporation and the major Australian banks prior; and
 - b Council will be requested to endorse the selection of TCorp or one of the other major Australian banks as the lender for the \$9.65 million loan and approve the affixing of Council's common seal to the required documents.
- 4 That, additionally, on the basis that the BATA II Voluntary Planning Agreement (VPA) has been executed and all funding is available, Council provides approval to proceed with the detailed design and documentation for Stage 2 of the Botany Aquatic Centre project (based on the previously endorsed Option 3 concept for the project), and that funding of \$500,000 be allocated in the 2021/22 financial year and \$1.5 million in the 2022/23 financial year to undertake detailed design, documentation, approvals and tender documentation for the next phase of the project, with these to be allocated in accordance with the previously approved funding strategy and nominated funding sources for the project.

8.6 72 Laycock Street, Bexley North - Order of AHEPA NSW Inc

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

The following person spoke at the meeting:

- Dr Panayiotis Diamandis, Secretary, Order of AHEPA NSW Inc., applicant's representative, speaking for the Officer Recommendation

Procedural Motion**RESOLUTION**

Minute 2021/297

Resolved on the motion of Councillors Kalligas and McDougall

That this item be discussed in closed session (see Minute 2021/314).

NOTE: Also refer to Minute 2021/316 for final decision.

Division called by Councillors Nagi and Tsounis

For: Councillors Curry, Morrissey, Sedrak, Rapisardi, Kalligas, Saravinovski, Bezic, Macdonald and McDougall

Against: Councillors Ibrahim, Nagi, Tsounis and Barlow

The Motion was declared carried.

8.9 Riverine Park EOI - Expression of Interest for Sporting Partner

The following person spoke at the meeting:

- Mr Garnet Brownbill, interested resident, speaking against the Officer Recommendation.

RESOLUTION

Minute 2021/298

Resolved on the motion of Councillors Nagi and Ibrahim

- 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 the report be received and noted.
- 3 That for the purpose of inviting tenders in accordance with Section 55 (4) of the Local Government Act 1993, Council adopts the below list of recognised entities for selective tendering purposes for the sporting partners to create a sporting hub at Riverine Park:
 - Arncliffe Aurora Football Club Incorporated;
 - Cricket New South Wales;
 - St George DRLFC.
- 4 That Maccabi NSW Futsal Inc not be invited to submit a tender for the sporting hub at Riverine Park.

BTC21.115 15a Wolli Creek Road, Banksia - 35m Works Zone**of****Item 9.2 Minutes of the Bayside Traffic Committee Meeting – 20 October 2021**

The following person spoke at the meeting:

- Mr Garnet Brownbill, interested resident, speaking against the Officer Recommendation.

RESOLUTION

Minute 2021/299

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That the approval be given for additional time extension for 35m 'Works Zone, 7 am – 3:30 pm, Mon – Fri' restrictions along the western kerbline of Wolli Creek Road at the frontage of 38, 40 and 42 Wolli Creek Road, Banksia for the duration of 4 November 2021 to 29 December 2021, subject to relevant conditions.
- 2 That the Project Manager notify the affected residents regarding the extension of time for the Works Zone above.
- 3 That the applicant be advised to arrange removal of the Works Zone once the parking restriction is no longer required or by 29 December 2021.

8 Reports

Item 8.1 was dealt with in Public Forum

Item 8.2 was dealt with in Public Forum

8.3 M6 Stage 1 - Potential Recreation and Open Space Upgrades**RESOLUTION**

Minute 2021/300

Resolved on the motion of Councillors Saravinovski and Nagi

That Council endorses Concept Plans for Marsh Street Open Space (refer Figures 1 and 2) and Bicentennial Park (refer Figure 4) to be provided to Transport for NSW and the M6 Stage 1 contractors, CGU as the basis for further discussion and design resolution of these public spaces.

8.4 Draft Planning Proposal - 146-154 O'Riordan Street, Mascot

The Mayor, Councillor Saravinovski, vacated the Chair and left the Chamber due to his declaration of a Less than Significant Non-Pecuniary Interest. Councillor Macdonald assumed the Chair.

Councillors McDougall and Nagi had previously declared a conflict of duties on the basis that they are delegates on the Sydney Eastern City Planning Panel, and left the Chamber for consideration of, and voting on, this item.

MOTION

Motion moved by Councillor Kalligas

- 1 That Council considers the recommendation of the Bayside Local Planning Panel from 21st September 2021 to forward the draft Planning Proposal for land known as 146-154 O'Riordan Street, Mascot to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination.
- 2 That should a Gateway determination be issued, 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.

The Motion lapsed for want of a Secunder.

MOTION

That Council considered the recommendation of the Bayside Local Planning Panel from 21 September 2021 and rejects the draft Planning Proposal for land known as 146-154 O'Riordan Street, Mascot for reasons including that the proposal:

- is excessive in height (approximately double of the planning controls);
- adjoins a low rise residential zone;
- adjoins an item of local heritage significance under the Bayside LEP 2021, namely Mascot Oval (also known as Lionel Bowen Park); and
- is not in the best interest of the community.

and will not forward it to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

Division called by Councillors Morrissey and Barlow

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

The Motion was declared carried.

RESOLUTION

Minute 2021/301

Resolved on the motion of Councillors Morrissey and Barlow

That Council considered the recommendation of the Bayside Local Planning Panel from 21 September 2021 and rejects the draft Planning Proposal for land known as 146-154 O'Riordan Street, Mascot for reasons including that the proposal:

- is excessive in height (approximately double of the planning controls);
- adjoins a low rise residential zone;
- adjoins an item of local heritage significance under the Bayside LEP 2021, namely Mascot Oval (also known as Lionel Bowen Park); and
- is not in the best interest of the community.

and will not forward it to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

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

Item 8.5 was dealt with in Public Forum

**Item 8.6 was discussed Closed Session
and dealt with after the Resumption of the Open Council**

8.7 PCYC Lease Update - 9 Ador Avenue Rockdale

RESOLUTION

Minute 2021/302

Resolved on the motion of Councillors Saravinovski and Nagi

- 1 That Council receives and notes the content of the report.
- 2 That Council requires Police and Community Youth Clubs NSW (PCYC) to execute the proposed 5-year Lease for 9 Ador Avenue, Rockdale by no later than 5.00pm on Monday 22 November 2021 to facilitate a lease commencement on 1 December 2021.
- 3 That, in the event that the Lease is not executed within the timeframe outlined in recommendation 2 above, Council reserves the right to rescind the Agreement and a further report be presented to Council considering its position and exploring alternative options for the building and facilities at 9 Ador Avenue, Rockdale.

8.8 Proposed Licence to Rockdale Ilinden Soccer Club Incorporated over Brighton Memorial Playing Fields 43 Crawford Road Brighton Le Sands

The Mayor, Councillor Saravinovski, vacated the Chair and left the Chamber due to his declaration of a Less than Significant Pecuniary Interest. The Deputy Mayor, Councillor Nagi, assumed the Chair.

RESOLUTION

Minute 2021/303

Resolved on the motion of Councillors McDougall and Bezic

- 1 That Council notes and re-affirms the resolutions made in relation to the report titled '*Proposed Licence to Rockdale Ilinden Soccer Club Over Brighton Memorial Playing Fields dated 14 April 2021.*'
- 2 That Council further resolves to make an application to the Minister for consent to grant the licence over the land described as Lot 1 DP 849264 located at 43 Crawford Road, Brighton Le Sands to Rockdale Ilinden Soccer Club Inc. for a term of up to 13 September 2030 in accordance with section 47 of the Local Government Act 1993.
- 3 That the General Manager be authorised to finalise a licence agreement with Rockdale Ilinden Soccer Club over the football facilities contained within Brighton Memorial Playing Fields if Council receives an approval to grant the proposed licence from the Minister for Local Government.

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

Item 8.9 was dealt with in Public Forum

8.10 Fire Report - 619-629 Gardeners Road Mascot

RESOLUTION

Minute 2021/304

Resolved on the motion of Councillors Saravinovski and Nagi

- 1 That Report Reference number BFS 21/730 (14803) dated 23 July 2021, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
- 2 That Council notifies Fire & Rescue NSW of Council's actions in relation to this matter.

8.11 Smoke Free Foreshore - Breathe Easy

RESOLUTION

Minute 2021/305

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That the "Smoke Free Zones – Breathe Easy" Trail continue along the Lady Robinson Beach include its extension at Cook Park, Lady Robinsons Beach Kyeemagh to Sandringham, and associated amenities, including the beach enclosures at Kyeemagh, Brighton, Monterey, and Ramsgate for a 12-month period.
- 2 That the new smoke free zones are signposted, and smokers are encouraged to dispose of cigarette butts in the bins provided between Brighton-Le-Sands to Ramsgate, associated amenities, and beach enclosures.
- 3 That the newly designated BBQ areas are signposted.

8.12 Event Program Review

RESOLUTION

Minute 2021/306

Resolved on the motion of Councillors Saravinovski and Nagi

- 1 That Council continue with a COVID safe approach for the holding of events until the end of January 2022 and approves the revised program which continues to protect and safe-guard council against financial and reputational loss.
- 2 That Council re-invests the events savings into providing permanent lighting displays that will enhance the visual amenity of Bayside and provide a lasting legacy for all in the community to enjoy.
- 3 That Council endorses the proposed COVID safe events program for November and December.
- 4 That Council's Event Program for February to June 2022 be reviewed in accordance with the Health Orders at that time, at the first meeting ordinary meeting of Council to be held in 2022.

8.13 Clause 4.6 Variations to Development Standards - Quarterly Report

RESOLUTION

Minute 2021/307

Resolved on the motion of Councillors Saravinovski and Nagi

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 One of FY2022 to be received and noted.

8.14 Quarterly Budget Review Statement - September 2021

RESOLUTION

Minute 2021/308

Resolved on the motion of Councillors Saravinovski and Nagi

- 1 That attachment 2 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 the Quarterly Budget Review Statement by the Responsible Accounting Officer (RAO) for the quarter ended 30 September 2021 be received and noted.
- 3 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.
- 4 That Council approves the creation of a new 'Smart Compliance Reserve' to be included in the Financial Reserves Policy as an internally restricted reserve, for the purpose of funding future CCTV camera installations and replacements across the LGA as outlined in this report.
- 5 That the sundry debt identified in this report be written off as uncollectable from the provision for doubtful debts.

8.15 Code of Meeting Practice

RESOLUTION

Minute 2021/309

Resolved on the motion of Councillors Saravinovski and Nagi

- 1 That the attached amended Code of Meeting Practice be publicly exhibited for 28 days, allowing 42 days for submissions to be received.
- 2 That the draft Code be submitted to Council, along with submissions received.

9 Minutes of Committees

9.1 Minutes of the Extraordinary Risk & Audit Committee Meeting - 7 October 2021

RESOLUTION

Minute 2021/310

Resolved on the motion of Councillors Saravinovski and Nagi

That the Minutes of the Extraordinary Risk & Audit Committee meeting held on 7 October 2021 be received and the recommendations therein be adopted.

9.2 Minutes of the Bayside Traffic Committee Meeting - 20 October 2021

RESOLUTION

Minute 2021/311

Resolved on the motion of Councillors Saravinovski and Nagi

That the Minutes of the Bayside Traffic Committee meeting held on 20 October 2021 be received and the recommendations therein be adopted with the exception of Items BTC21.110, BTC115, BTC21.116.

NOTE:

Item BTC21. 110 - refer to Minute 2021/312

Item BTC21. 115 as previously decided in Public Forum - refer to Minute 2021/299

Item BTC21. 116 - refer to Minute 2021/313

BTC21.110 Pemberton Street, Botany - Proposed 'No Stopping' restrictions

of

Item 9.2 Minutes of the Bayside Traffic Committee Meeting – 20 October 2021

RESOLUTION

Minute 2021/312

Resolved on the motion of Councillors Morrissey and Curry

That this item be deferred for further consideration.

**BTC21.116 Wollongong Road, Arncliffe - Al Zahra College Review of
of Parking and Pedestrian Facilities**

**Item 9.2 Minutes of the Bayside Traffic Committee Meeting – 20
October 20**

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

RESOLUTION

Minute 2021/313

Resolved on the motion of Councillors Nagi and Saravinovski

- 1 That modifications to on-street parking to provide additional drop-off and pick-up bays in the area surrounding Al Zahra College not be supported due to the existing high provision of drop-off and pick-up areas.
- 2 That existing pedestrian facilities in the immediate area surrounding Al Zahra College remain as they are located on the predominant pedestrian desire lines.

10 Closed Session

In accordance with Section 10A(4) of the Local Government Act and Council's Code of Meeting Practice, the Mayor invited members of the public to make representations as to whether this part of the meeting should be closed to the public.

There were no representations.

Closed Council Meeting

RESOLUTION

Minute 2021/314

Resolved on the motion of Councillors Kalligas and McDougall

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

8.6 72 Laycock Street, Bexley North - Order of AHEPA NSW Inc

In accordance with section 10A (2) (d)(i) and (g) of the Local Government Act 1993, the matters dealt with in this report relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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.

Resumption of Open Council Meeting

RESOLUTION

Minute 2021/315

Resolved on the motion of Councillors Tsounis and Kalligas

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

8.6 72 Laycock Street, Bexley North - Order of AHEPA NSW Inc

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

MOTION

Motion moved by Councillors McDougall and Kalligas

- 1 That this report be received and noted.
- 2 That Council notes that the Order of AHEPA NSW Inc. have validly passed a special resolution to ratify the execution of the May 2021 Agreement for Licence and Lease and approve other associated matters.
- 3 That Council undertakes the process to seek an amendment to the Bayside Council Plan of Management for Community Land and Public Open Space 2016 to re-categorise 72 Laycock Street, Bexley North from part Sportsground (s36F) and part General Community Use (s36I) to a dual categorisation of Sportsground (s36F) and General Community Use (s36I).
- 4 That the outcomes of the public exhibition process and public hearing be reported back to Council for determination of the proposal.
- 5 That any decision in regard to the termination / rescission of the lease due to the failure in providing the bank guarantee only be made by the new Council.
- 6 That Council make efforts to preserve the heritage items on the site and any other documentation of the history of the club and building.

Division called by Councillors McDougall and Kalligas

For: Councillors Curry, Morrissey, Sedrak, Rapisardi, Kalligas, Saravinovski, Bezic, Macdonald and McDougall

Against: Councillors Ibrahim, Nagi, Tsounis and Barlow

The Motion was declared carried.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillor Nagi

- 1 That this report be received and noted.
- 2 That Council notes that the Order of AHEPA NSW Inc. have validly passed a special resolution to ratify the execution of the May 2021 Agreement for Licence and Lease and approve other associated matters.
- 3 That Council undertakes the process to seek an amendment to the Bayside Council Plan of Management for Community Land and Public Open Space 2016 to re-categorise 72 Laycock Street, Bexley North from part Sportsground (s36F) and part General Community Use (s36I) to a dual categorisation of Sportsground (s36F) and General Community Use (s36I).
- 4 That the outcomes of the public exhibition process and public hearing be reported back to Council for determination of the proposal.
- 5 That Council reaffirms that the General Manager has delegation of authority to take appropriate action for any breach including the issue of breach notices to AHEPA NSW if bank guarantees are not provided in accordance with the AFL, or if AHEPA NSW is otherwise in breach of the AFL, and subsequent rescission or termination if appropriate.

Foreshadowed Motion lapsed due to the Motion being adopted.

RESOLUTION

Minute 2021/316

Resolved on the motion of Councillors McDougall and Kalligas

- 1 That this report be received and noted.
- 2 That Council notes that the Order of AHEPA NSW Inc. have validly passed a special resolution to ratify the execution of the May 2021 Agreement for Licence and Lease and approve other associated matters.
- 3 That Council undertakes the process to seek an amendment to the Bayside Council Plan of Management for Community Land and Public Open Space 2016 to re-categorise 72 Laycock Street, Bexley North from part Sportsground (s36F) and part General Community Use (s36I) to a dual categorisation of Sportsground (s36F) and General Community Use (s36I).
- 4 That the outcomes of the public exhibition process and public hearing be reported back to Council for determination of the proposal.
- 5 That any decision in regard to the termination / rescission of the lease due to the failure in providing the bank guarantee only be made by the new Council.

- 6 That Council make efforts to preserve the heritage items on the site and any other documentation of the history of the club and building.

The Mayor closed the meeting at 10:51 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager