

MINUTES

of the **Ordinary Meeting** of
Bayside Council
held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 22 March 2023 at 7:07 pm**

Present

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

Also Present

Meredith Wallace, General Manager
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
Jourdan Di Leo, Manager Property
Hong Nguyen, Manager Environment & Resilience
Danijel Andric, Chief Information Officer
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer
Tamara Lukic, Governance Officer

1 Opening Meeting

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:07 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 Youtube channel, 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.

One Minute's Silence for Christian Jones

The Mayor, Councillor Curry, advised the Council of the passing of Christian Jones who worked in the Mayor's office in 2022 as a Communication Assistant when the new Office of the Mayor was established.

The Mayor invited everybody in the Chamber to pause for 1 minute's silence to remember Christian.

3 Opening Prayer

Reverend Colin Watts from St Stephen's Anglican Church, Eastlakes, opened the meeting in prayer.

4 Apologies and Attendance via audio visual link

Apologies

There were no apologies.

Attendance Via Audio Visual Link

RESOLUTION

Minute No. 2023/034

Resolved on the motion of Councillors Jansyn and Muscat

That Councillor Morrissey's attendance at tonight's meeting via audio-visual link be granted.

5 Disclosures of Interest

Councillor Curry

11.3 CPE23.008 – Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

Councillor Curry declared a Pecuniary Interest in Item 11.3 CPE23.008 on the basis that she owns a secondary residence, and stated she would leave the meeting for consideration and voting on the matter.

12.3 – Notice of Motion – Petition – Synthetic Field Gardiner Park

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 12.3 on the basis that she attended the Banksia Tigers presentation night and has visited the club before, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Morrissey

11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

Councillor Morrissey declared a special disclosure as he may have a Pecuniary Interest in Item 11.3 CPE23.008 re Draft Bayside DCP on the basis that he only has an interest in land which is his principal place of residence, and as such he would remain in the meeting for consideration and voting on the matter.

12.3 – Notice of Motion – Petition – Synthetic Field Gardiner Park

Councillor Morrissey declared a Less than Significant Non-Pecuniary Interest in Item 12.3 on the basis that he attended the Banksia Tigers presentation night, and stated he would remain in the meeting for consideration and voting on the matter.

Councillor Muscat

11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

Councillor Muscat declared a Less than Significant Non-Pecuniary Interest in Item 11.3 CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Jansyn

11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

Councillor Jansyn declared a Less than Significant Non-Pecuniary Interest in Item 11.3 CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

12.3 – Notice of Motion – Petition – Synthetic Field Gardiner Park

Councillor Jansyn declared a Less than Significant Non-Pecuniary Interest in Item 12.3 on the basis that she attended the Banksia Tigers presentation night, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Nagi**10.2 – Amendment to Voluntary Planning Agreement - Pagewood Green - 128 Bunnerong Road & 120 Banks Avenue, Pagewood**

Councillor Nagi declared that a conflict of duties arises in Item 10.2 on the basis that he is Council's delegate on the Sydney Eastern City Planning Panel which will consider this proposal, and stated he would leave the meeting for consideration and voting on the matter.

11.3 CPE23.006 – Draft Planning Proposal - Heritage Conservation Areas

Councillor Nagi declared a Pecuniary Interest in Item 11.3 CPE23.006 on the basis that he owns a property on Lansdowne Street, Bardwell Valley, which is in the Heritage Conservation Area, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Saravinovski**11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Saravinovski declared a Pecuniary Interest in Item 11.3 CPE23.008 on the basis that he has relatives who own property in Rockdale Town Centre, and stated he would leave the meeting for consideration and voting on the matter.

12.3 – Notice of Motion – Petition – Synthetic Field Gardiner Park

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 12.3 on the basis that he attends the Gardiner Park on Saturdays and that he attended the Banksia Tigers presentation night, and stated he would remain in the meeting for consideration and voting on the matter.

Councillor Werner**11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Werner declared a Less than Significant Non-Pecuniary Interest in Item 11.3 CPE23.008 on the basis that she and her family have an interest in land which are their principal places of residence which are not impacted by the proposed changes, but stated she would remain in the meeting for consideration and voting on the matter.

12.3 – Notice of Motion – Petition – Synthetic Field Gardiner Park

Councillor Werner declared a Less Than Significant Non-Pecuniary interest in Item 12.3 as under clause 5.2 of the Bayside Code of Conduct she no longer has a private interest as she is no longer a member of Friends of Gardiner Park Inc. Under 5.9 b) she does not have a close personal relationship with anyone who will benefit from this decision, nor is she under 5.9 c) involved in any management or administration, or any other activities of any organisation involved. On this basis she will remain in the meeting for consideration and voting on this item.

12.5 – Notice of Motion – Friends of Gardiner Park

Councillor Werner declared a Significant Pecuniary and Non-Pecuniary Interest in item 12.5 as she was a spokesperson for Friends of Gardiner Park Before December 2021 and this item may apply to historical actions of the community group. On this basis she will leave the meeting for consideration and voting on this item.

Councillor Barlow**11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Barlow declared a Less than Significant Non-Pecuniary Interest in Item 11.3 CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Hanna**12.5 – Notice of Motion - Friends of Gardiner Park**

Councillor Hanna made a disclosure that there was a registered speak with the same surname as his but he is not related to the Councillor.

Councillor Awada**12.3 – Notice of Motion - Petition - Synthetic Field Gardiner Park**

Councillor Awada declared a Less than Significant Non-Pecuniary Interest in Item 12.3 on the basis that he attended the Banksia Tigers presentation night, and stated he would remain in the meeting for consideration and voting on the matter.

11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

Councillor Awada declared a Pecuniary Interest in Item 11.3 CPE23.008 on the basis that he owns a secondary residence, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Lee Douglas**11.3 CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Lee Douglas declared a Less than Significant Non-Pecuniary Interest in Item 11.3 CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor McDougall**10.2 – Amendment to Voluntary Planning Agreement - Pagewood Green - 128 Bunnerong Road & 120 Banks Avenue, Pagewood**

Councillor McDougall declared that a conflict of duties arises in Item 10.2 on the basis that he is Council's delegate on the Sydney Eastern City Planning Panel which will consider this proposal, and stated he would leave the meeting for consideration and voting on the matter.

6 Minutes of Previous Meetings

6.1 Minutes of the Council Meeting - 22 February 2023

RESOLUTION

Minute No. 2023/035

Resolved on the motion of Councillors Tsounis and Nagi

That the Minutes of the Council Meeting held on 22 February 2023 be confirmed as a true record of proceedings subject to the following change to the Disclosures of Interest:

12.2 – Notice of Motion - Gambling Harm Minimisation

Councillor Curry declared a Significant Non-Pecuniary Interest in Item 12.1 on the basis that she is on the Board of ClubNSW, which is a club member association for the interest of clubs in NSW, and stated she would leave the Chamber for consideration and voting on the matter.

7 Mayoral Minutes

7.1 Mayoral Minute - Outstanding Community Events

RESOLUTION

Minute No. 2023/036

Resolved on the motion of Councillor Curry

That Council acknowledges the success of recent events, Active Fest and the Sir Joseph Banks nature playground opening, and thanks all Bayside Council staff involved in the design and delivery of a great project and community events.

8 Items by Exception

RESOLUTION

Minute No. 2023/037

Resolved on the motion of Councillors Nagi and Jansyn

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

Multiple Business Items**RESOLUTION**

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

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

- 10.4 Georges River Catchment Coastal Management Program
- 10.5 Response to Notice of Motion – Rodent Problem, Cook Park
- 10.9 Clause 4.6 Variations to Development Standards – Quarterly Report
- 10.10 Statutory Financial Report – February 2023
- 10.11 Disclosure of Pecuniary Interest Return – Designated Persons (First Return)
- 10.12 Response to Question with Notice – Syringes on the Foreshore
- 10.13 Supplementary - Councillor Expenses & Facilities Six Monthly Report (July-December 2022)

- 11.1 Minutes of the City Services Committee Meeting – 1 March 2023
- 11.2 Minutes of the Corporate Performance Committee Meeting – 1 March 2023
 - CP23.006 Customer Experience Strategy, Policy and Charter
- 11.3 Minutes of the City Planning & Environment Committee Meeting – 8 March 2023
 - CPE23.004 Post-Exhibition Report: Draft Bayside Council Planning Agreement Policy
 - CPE23.005 Information Report – Finalisation of Bayside LEP 2021 Translation (Employment Zones Reform)
 - CPE23.007 Bayside Local Housing Strategy Implementation & Delivery Plan
- 11.4 Minutes of the City Works & Assets Committee Meeting – 8 March 2023
 - CWA23.005 Proposed Closure and Sale – Part of Road Reserve at the Rear of 232 and 234 King Street, Mascot
- 11.5 Minutes of the Bayside Traffic Committee Meeting – 8 March 2023
 - BTC23.022 Albyn Street, Bexley - Construction of a pedestrian refuge island
 - BTC23.023 ANZAC March and Dawn Services 2023 - Botany Road, Mascot & Bay Street, Daphne Street, Ivy Street, Daniel Street, Botany
 - BTC23.024 Bestic Street & Francis Avenue Intersection Kyeemagh - Proposed Pedestrian Platform
 - BTC23.025 Church Avenue, Mascot – Proposed Modifications to Cycleway
 - BTC23.026 M6 Project - Local Area Roadworks

- BTC23.027 Riverside Drive, Sans Souci - Proposed changes to parking restrictions along southern kerblane
- BTC23.028 St Catherine Greek Orthodox Church, Coward Street, Mascot - Road Closures for the Easter Service on Friday 14 April 2023 & Saturday 15 April 2023 through to Sunday 16 April 2023
- BTC23.029 Stephen Road, Botany - Provision of part time and full time Bus Zones and Brighton Street, Botany - Replacing of Giveway with Stop sign
- BTC23.030 Walz Street, Rockdale Ramadan Festival - Proposed temporary changes and closures
- BTC23.031 Matters referred to the Bayside Traffic Committee by the Chair
- BTC23.032 General Business
- 11.6 Minutes of the Audit Risk & Improvement Committee Meeting 9 March 2023

9 Public Forum

12.3 Notice of Motion - Petition - Synthetic Field Gardiner Park

The following people spoke at the meeting:

- Mrs Maria Ellensohn, affected neighbour, speaking for the Motion.
- Mr Garnett Brownbill, interested resident, speaking for the Motion.
- Ms Louise Karnib, interested resident, speaking against the Motion.
- Ms Irene Hatzipetros, Chairperson and Executive Director – Football St George, speaking against the Motion.

12.4 Notice of Motion - Bayside Artist in Residence Program

The following person spoke at the meeting:

- Mrs Tina Workman, interested resident, speaking for the Motion.

Procedural Motion – Adjournment of Meeting

Councillor Curry adjourned the meeting at 9:20 pm for 10 minutes to allow Councillors and the public to take a break.

The meeting reconvened at 9:30 pm with all Councillors, previously present, present.

10 Reports

10.1 6 Month Progress Report - Operational Plan 2022/23

RESOLUTION

Minute No. 2023/041

Resolved on the motion of Councillors Tsounis and Awada

That Council receives and notes the attached 6 Month Progress Report on the Bayside Delivery Program 2022-2026 and Operational Plan 2022/23 for the period 1 July 22 to 31 December 2022.

10.2 Amendment to Voluntary Planning Agreement - Pagewood Green - 128 Bunnerong Road & 120 Banks Avenue, Pagewood

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

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

RESOLUTION

Minute No. 2023/042

Resolved on the motion of Councillors Awada and Tsounis

- 1 That Council endorses the proposed amendments to the Voluntary Planning Agreement between Meriton Group and Bayside Council in relation to 128 Bunnerong Rd and 120 Banks Av Pagewood, as outlined in Attachment 1 to this report.
- 2 That the proposed amendment to the Voluntary Planning Agreement be the subject of public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulation.
- 3 That delegation be granted to the General Manager to make minor administrative changes, if required, and to execute the amended Voluntary Planning Agreement, if satisfied that the substance of any submissions received do not require a further report to Council.

10.3 Sydney Gateway - Active Transport Strategy

RESOLUTION

Minute No. 2023/043

Resolved on the motion of Councillors Douglas and Jansyn

- 1 That Council receives and notes the *Sydney Gateway Active Transport Strategy* prepared by Transport for NSW (TfNSW).
- 2 That Council notes that it prioritises six (6) Strategic Route Options (priority projects), 5 of which are located within the Bayside LGA.
- 3 That Council inform Transport for NSW that the Bayside residents would benefit most from improvements in east-west active transport corridor connections, and that Council's preference is for Priority 4 (Joyce Drive connection to Wentworth Avenue), and Priority 5 (Coward Street) to be considered as priorities.

10.4 Georges River Catchment Coastal Management Program

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That Council notes the new requirements to implement an adopted and Minister certified Coastal Management Plan (CMP) under the Coastal Management Act 2016 to be eligible for funding under the NSW Coastal and Estuary Grant Program.
- 2 That continued involvement in the Georges River Catchment Coastal Management Program (Georges River Catchment CMP) for stages 2 to 4 is supported.
- 3 That \$40,000 (excl. GST) is allocated in Council's 2023/2024 operational budget to enable Georges Riverkeeper to apply for a grant under the NSW Coastal Estuary Grants Program to complete the Georges River Catchment CMP
- 4 That a letter of commitment is provided to the Georges Riverkeeper in response to their letter dated 10 January 2023 (see Attachment 1).

10.5 Response to Notice of Motion - Rodent Problem, Cook Park

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the report be received and noted.

10.6 Australian Local Government Association (ALGA) National General Assembly 2023 - Proposed Motions

MOTION

MOTION moved by Councillors Werner and Hanna

- 1 That the proposed motions included in the body of the report to be submitted for the 2023 National General Assembly.
- 2 That Council nominates any other motions to be submitted for the 2023 National General Assembly.
- 3 That the General Manager or nominee be authorised to make minor editorial amendments to the adopted motions to ensure it meets the required format prior to submission to the National General Assembly.
- 4 That in relation to proposed Motion 3 in the report, that the following be added as Point 4 to the proposed Motion:

Encourage all eligible superannuation funds to offer members various investment choices, including environmentally friendly ones.

Division called by Councillors Werner and Hanna

For: Councillors Werner, Hanna and Douglas

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

The Motion was declared lost.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillors Jansyn and Nagi

- 1 That the proposed motions included in the body of the report to be submitted for the 2023 National General Assembly subject to the deletion of proposed Motion 3 in the report.
- 2 That Council nominates any other motions to be submitted for the 2023 National General Assembly.
- 3 That the General Manager or nominee be authorised to make minor editorial amendments to the adopted motions to ensure it meets the required format prior to submission to the National General Assembly.

The Foreshadowed Motion became the Motion.

RESOLUTION

Minute No. 2023/044

Resolved on the motion of Councillors Jansyn and Nagi

- 1 That the proposed motions included in the body of the report to be submitted for the 2023 National General Assembly subject to the deletion of proposed Motion 3 in the report.
- 2 That Council nominates any other motions to be submitted for the 2023 National General Assembly.
- 3 That the General Manager or nominee be authorised to make minor editorial amendments to the adopted motions to ensure it meets the required format prior to submission to the National General Assembly.

10.7 ALGWA NSW Branch Annual Conference

RESOLUTION

Minute No. 2023/045

Resolved on the motion of Councillors Fardell and Werner

- 1 That Council endorses Councillor Werner's attendance at the ALGWA – NSW Branch Annual Conference in Forbes from Thursday 27 April – Saturday 29 April 2023.
- 2 That Councillor Werner has her attendance recorded against her Professional Development Plan for 2023 and be required to provide an Attendance Report to Council, as soon as possible after the conference.

10.8 Councillor Expenses & Facilities Six Monthly Report (July - December 2022)

RESOLUTION

Minute No. 2023/046

Resolved on the motion of Councillors Fardell and Nagi

That the six-monthly report for the period July to December 2022 on the Councillor Expenses & Facilities be received and noted.

10.9 Clause 4.6 Variations to Development Standards - Quarterly Report

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the report on the use of Clause 4.6 of Council's Local Environmental Plans to vary development standards in the determination of development applications during quarter two (2) of FY2023 to be received and noted.

10.10 Statutory Financial Report - February 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

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

10.11 Disclosure of Pecuniary Interest Return - Designated Persons (First Return)

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the information in this report be received and noted.

10.12 Response to Question with Notice - Syringes on the Foreshore

The response was received.

10.13 Supplementary - Councillor Expenses & Facilities Six Monthly Report (July-December 2022)

RESOLUTION

Minute No. 2023/047

Resolved on the motion of Councillors Fardell and Nagi

That the supplementary report Councillor Expenses & Facilities Six Monthly Report (July – December 2022) replacing the Tables in the original report be received and noted.

11 Minutes of Committees

11.1 Minutes of the City Services Committee Meeting - 1 March 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the City Services Committee meeting held on 1 March 2023 be noted with the exception of 11.1 CS23.008 and 11.1 CS23.009.

11.1 CS23.008 Response to Notice of Motion - Bayside Advisory Groups

RESOLUTION

Minute No. 2023/048

Resolved on the motion of Councillors Jansyn and McDougall

- 1 That this report be received and noted by Council.
- 2 That the establishment of community reference groups to consider issues such as disability inclusion and implementation of the Reconciliation Action Plan are key actions under the Disability Inclusion Action and Reconciliation Action Plans, respectively (Actions 2.1.3.1 and 2.1.4.2 in the 2022-23 Operational Plan). To be convened by Manager Community Life.
- 3 That the Public Art Assessment Group be a requirement of the Public Art Policy and will be convened by Manager Communications and Events, and will consider public art proposals across the local government area.
- 4 That a Youth Advisory Group, currently being developed, with details, will be convened by Manager Libraries & Lifestyle.
- 5 That the appropriateness of establishing other reference groups has been considered, with feedback presented in this report to be noted.
- 6 That progress on achievement of the Operational Plan, including a progress update on all Community Life events, is reported to Council every six months. Any substantive issues arising within any of the above advisory groups will be reported to Council through that mechanism.
- 7 That a report on the draft timeline for all activities mentioned above be submitted to the next City Services Committee.
- 8 That the LGBTIQ+ Forum is prioritised.

11.1 CS23.009 The Voice to Parliament Referendum**MOTION**

Motion moved by Councillors Jansyn and McDougall

- 1 That Council supports the Australian Government's proposal to amend the Constitution to include the Aboriginal and Torres Strait Islander Voice.
- 2 That Council endorses and promotes to the community a vote for Yes in the upcoming referendum on a Voice to Parliament.
- 3 That a plan be presented at the April committee demonstrating what internally funded actions will be taken to promote a vote for Yes.

PROCEDURAL MOTION

Motion moved by Councillors Morrissey and Jansyn

That the Motion be put.

The Procedural Motion was declared carried.

Division called by Councillors Jansyn and McDougall

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

Abstained: Councillors Barlow and Hanna

The Motion was declared carried.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillors Barlow and Hanna

- 1 That the report be received and noted due to the fact that the Federal Government has agreed to legislation on how this year's Referendum on an Indigenous Voice to Parliament will be managed.
- 2 That Council actively campaigns using their media outlets on the Yes and No vote.

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

RESOLUTION

Minute No. 2023/049

Resolved on the motion of Councillors Jansyn and McDougall

- 1 That Council supports the Australian Government's proposal to amend the

Constitution to include the Aboriginal and Torres Strait Islander Voice.

- 2 That Council endorses and promotes to the community a vote for Yes in the upcoming referendum on a Voice to Parliament.
- 3 That a plan be presented at the April committee demonstrating what internally funded actions will be taken to promote a vote for Yes.

11.2 Minutes of the Corporate Performance Committee Meeting - 1 March 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the Corporate Performance Committee meeting held on 1 March 2023 be noted.

11.2 CP23.006 Customer Experience Strategy, Policy and Charter

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That this matter be deferred pending further development of a roadmap to deliver the plan that is the subject of this report.
- 2 That a cultural awareness and change program, that includes internal and external communication with relevant stakeholders, be included in the report and presented at the April committee meeting.

11.3 Minutes of the City Planning & Environment Committee Meeting – 8 March 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the City Planning & Environment Committee meeting held on 8 March 2023 be noted with the exception of 11.3 CPE23.006 and 11.3 CPE23.008

11.3 CPE23.004 Post-Exhibition Report: Draft Bayside Council Planning Agreement Policy

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That Council adopts the Draft Bayside Council Planning Agreement Policy, as exhibited.
- 2 That Council gives public notice of its decision to adopt the Draft Bayside Council Planning Agreement Policy on Council's website.
- 3 That the General Manager be authorised to make further minor modifications, if required, to any administrative (numerical, typographical, interpretation and formatting) errors identified in the finalisation of the Draft Bayside Council Planning Agreement Policy.
- 4 That the Draft Bayside Council Planning Agreement Policy immediately comes into effect once adopted by Council.

11.3 CPE23.005 Information Report - Finalisation of Bayside LEP 2021 Translation (Employment Zones Reform)

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That Council receives and notes this report on the NSW Government's Employment Zones Reform and translation of *Bayside Local Environmental Plan 2021*.

CPE23.006 Draft Planning Proposal - Heritage Conservation Areas

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

RESOLUTION

Minute No. 2023/050

Resolved on the motion of Councillors Douglas and Werner

- 1 That the draft Planning Proposal be updated to include the changes proposed by the independent Heritage Consultant, as outlined in this report.
- 2 That, pursuant to s3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the updated draft Planning Proposal be submitted to the

Department of Planning and Environment for a Gateway Determination.

- 3 That, pursuant to Clause 14 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposed draft Development Control Plan amendments be endorsed for public exhibition for a period of no less than 28 days, and be exhibited concurrently with the draft Planning Proposal, should a Gateway determination for the draft Planning Proposal be issued.
- 4 That, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period of the draft Planning Proposal and draft DCP amendments, to provide details of any submissions received throughout that process.

Division (Planning Matter)

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

The Motion was declared carried.

11.3 CPE23.007 Bayside Local Housing Strategy Implementation & Delivery Plan

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That Council endorses the draft Bayside Local Housing Strategy Implementation and Delivery Plan for submission to DPE.

11.3 CPE23.008 Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

The Mayor, Councillor Curry, vacated the Chair and left the Chamber due to her declaration of a Significant Non-Pecuniary Interest. As the Deputy Mayor was online he declined to take the Chair and the General Manager undertook the process to elect the Chair for this item.

Councillor McDougall was nominated Chair for this item, and there being no other nominations the General Manager declared Councillor McDougall the Chair for this item.

Councillors Saravinovski and Awada had previously declared a Pecuniary Interest, and left the meeting for consideration of, and voting on, this item.

Councillor Morrissey had previously declared Special Disclosure as he indicated he may have a Pecuniary Interest.

Councillors Muscat, Jansyn, Werner, Barlow and Douglas had previously declared a

Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute No. 2023/051

Resolved on the motion of Councillors Morrissey and Jansyn

- 1 That Council notes the submissions (**Attachment 6**) received during the re-exhibition of the draft Bayside Development Control Plan 2022.
- 2 That, pursuant to section 3.43 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and in accordance with section 14 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), Council adopts the Bayside Development Control Plan 2022 as exhibited (**Attachment 1**), subject to the amendments specified in **Attachment 7** and an amendment to **3.5 Transport, Parking and Access** on page 51 of the draft DCP to add the following words:

The provision of parking to satisfy the rates in Table 3 below must not be at the expense of providing landscaped area in accordance with part 3.7.1 of this plan. This may require parking to be located within the building footprint, either inside the building or in a basement, to maximise the area of the site available for landscaping and tree planting.

- 3 That, in accordance with section 16 of the EP&A Regulation, Council repeals the following Development Control Plans:
 - (i) Botany Bay Development Control Plan 2013; and
 - (ii) Rockdale Development Control Plan 2011.
- 4 That Council adopts the associated Technical Specifications (2022) (**Attachments 2, 3, 4 and 5**) and repeals existing Technical Specifications (2011), relating to:
 - (i) Traffic, Parking and Access
 - (ii) Stormwater Management
 - (iii) Waste Management
 - (iv) Landscape.
- 5 That, in accordance with section 14(2) of the EP&A Regulation, Council gives public notice of its decision to adopt the Bayside DCP 2022 and repeal the Botany Bay Development Control Plan 2013 and the Rockdale Development Control Plan 2011, on Council's website, within 28 days of its decision.
- 6 That, in accordance with section 20(1) of the EP&A Regulation, Council provides a copy of the Bayside Development Control Plan 2022 to the Planning Secretary (NSW Department of Planning and Environment) within 28 days of its decision.

- 7 That the General Manager be authorised to make further minor modifications, if required, to any administrative (numerical, typographical, interpretation and formatting) errors identified in the finalisation of the Bayside Development Control Plan 2022.
- 8 That all persons who made a submission in relation to the Bayside Development Control Plan 2022 be advised of Council's resolution.
- 9 That the adopted Bayside Development Control Plan 2022 come into effect on **10 April 2023** and that the Botany Bay Development Control Plan 2013 and the Rockdale Development Control Plan 2011 be repealed on that date.
- 10 That subject to Council completing its currently adopted group of Town Centre Masterplans, Council then commence the process of reviewing and updating the Bexley Town Centre Masterplan, in consultation with the relevant stakeholders, including the Bexley Chamber of Commerce.

Division (Planning Matter)

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

The Motion was declared carried.

Councillor McDougall vacated the Chair at the conclusion of this item and the Mayor, Councillor Curry, resumed the Chair.

11.4 Minutes of the City Works & Assets Committee Meeting – 8 March 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

that the Minutes of the City Works & Assets Committee meeting held on 8 March 2023 be noted.

11.4 CWA23.007 Proposed Closure and Sale - Part of Road Reserve at the rear of 232 and 234 King Street, Mascot

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That subject to the outcome of an application under the *Roads Act 1993* for closure and sale of the subject section of road reserve and classification of the

site as operational land, Council approves of the sale of part of the road reserve in Hatfield Street, Mascot located at the rear of 234 King Street, Mascot to the owner of 234 King Street, Mascot on the basis of the commercial terms outlined in this report.

- 2 That Council commences the process for an application under the *Roads Act 1993* for consideration of the proposal for closure and sale of the subject section of road reserve and a further report be considered following the public exhibition stage.
- 3 That Council authorises the General Manager to enter into an appropriate Deed of Agreement with the owner of 234 King Street, Mascot to address key issues with the proposal and to confirm his responsibilities for meeting all Council costs in this matter.

11.5 Minutes of the Bayside Traffic Committee Meeting – 8 March 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the Bayside Traffic Committee meeting held on 8 March 2023 be received and the recommendations therein be adopted.

11.5 BTC23.022 Albyn Street, Bexley - Construction of a pedestrian refuge island

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That a pedestrian refuge island be constructed in Albyn Street, Bexley on the eastern side of the intersection with Harrow Road.
- 2 That in principle support for the proposed refuge island be provided subject to a detailed design being prepared and submitted to TfNSW.

11.5 BTC23.023 ANZAC March and Dawn Services 2023 - Botany Road, Mascot & Bay Street, Daphne Street, Ivy Street, Daniel Street, Botany

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the following recommendations be approved subject to a TMP being submitted to the Bayside Traffic Committee for electronic circulation and approval:

- 1 That the ANZAC Day March be designated as a Class 4 Special Event in accordance with the Guide to Traffic and Transport Management for Special Events.
- 2 That Council advise the relevant Police Local Area Commands to note the proposed route and temporary road closures to facilitate the ANZAC Day March event.
- 3 That all relevant agencies not present at the meeting be notified by Council's Events Team.
- 4 That a TMP be submitted to TfNSW for approval of the proposed road closure along the state road network.

11.5 BTC23.024 Bestic Street & Francis Avenue Intersection Kyeemagh - Proposed Pedestrian Platform

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That the Report on this proposed Bestic Street Pedestrian Platform be received and noted.
- 2 That in principle support for the proposal to construct a raised pedestrian platform across Bestic Street east of the Francis Avenue Roundabout be provided subject to a detailed design and an RSA submitted to TfNSW.
- 3 That the final design be brought back to the Traffic Committee for review.

11.5 BTC23.025 Church Avenue, Mascot – Proposed Modifications to Cycleway

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That approval be given to remove the 'Give Way' signage outside the vehicular crossing at 42 Church Avenue, Mascot as shown in the attachment.
- 2 That approval be given to install green cycleway markings and green coloured pavement across the vehicular crossing outside 42 Church Avenue, Mascot as shown in the attachment.

- 3 That approval be given to linemark 'TB' Give way and 'C4' dashed line markings outside 42 Church Avenue, Mascot as shown in the attachment.
- 4 That approval be given to green cap over the existing give way 'TBB' lines directly west and east of the vehicular crossing outside 42 Church Avenue, Mascot.
- 5 That the residents/businesses in the vicinity be notified of the works to be implemented.

11.5 BTC23.026 M6 Project - Local Area Roadworks

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That the item be deferred until April Meeting for CGU to present to the Traffic Committee.
- 2 That CGU present and provide information about their community engagement strategy with details of consultation process at the April Committee meeting.

11.5 BTC23.027 Riverside Drive, Sans Souci - Proposed changes to parking restrictions along southern kerbline

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That timed 'No Stopping' restrictions between the hours of 9.00 pm to 5.00 am – 7 days a week, on the southern side of Riverside Drive, Sans Souci, be installed as indicated in the attached locality plan.
- 2 That a review of the timed 'No Stopping' restrictions be undertaken in 6 months.
- 3 That the St George Police Area Command be informed of the changes once endorsed and implemented.

11.5 BTC23.028 St Catherine Greek Orthodox Church, Coward Street, Mascot - Road Closures for the Easter Service on Friday 14 April 2023 & Saturday 15 April 2023 through to Sunday 16 April 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the following recommendations be approved subject to a TMP being submitted to the Bayside Traffic Committee for electronic approval:

- 1 That the event be classified as a Class 3 and Class 4 Special Event in accordance with the Guide to Traffic and Transport Management for Special Events.
- 2 That approval be granted for the proposed partial road closures of Oliver Street, Forster Street, Aloha Street, and Coward Street near St Catherine Greek Orthodox Church on Friday, 14 April, 2023 starting from 9:00 pm to 10:30 pm and closure of Coward Street on Saturday, 15 April 2023 from 11 pm – concluding at 2:30 am, Sunday, 16 April 2023 subject to conditions including compliance with relevant and current NSW public health orders at the date of the activity.
- 3 That the Church Management be requested to organise with South Sydney Police Area Command for requirements associated with traffic control of the Class 4 Event and notify public authorities of their event.
- 4 That the Church Management be requested to instruct the participants to keep the noise levels to a minimum when participating in the street procession.
- 5 That Church Management notify affected residents and local businesses in the area of the event at least 5 days prior to the date.

11.5 BTC23.029 Stephen Road, Botany - Provision of part time and full time Bus Zones and Brighton Street, Botany - Replacing of Give way with Stop sign

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the matter be deferred for further investigation.

11.5 BTC23.030 Walz Street, Rockdale Ramadan Festival - Proposed temporary changes and closures

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

- 1 That the proposed street food fair in Walz Street, Rockdale from 7:00 pm to 11.30 pm, proposed on Saturday 15 April 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.

11.5 BTC23.031 Matters referred to the Bayside Traffic Committee by the Chair

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the matters raised by the Chair be considered and noted.

11.5 BTC23.033 Matters referred to the Bayside Traffic Committee by the Chair - No Right Turn restriction from O'Riordan Street into Gardeners Road, Mascot (southbound)

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That Council writes to the TfNSW's Network Efficiency Unit to review the changes given the significant impact this has had on the local residents.

11.5 BTC23.032 General Business - Hale Street / Botany Road, Botany

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That Council investigates further design improvements to the Hale Street entry in order to deter the illegal left turn movement.

11.6 Minutes of the Audit Risk & Improvement Committee Meeting – 9 February 2023

RESOLUTION

Minute No. 2023/038

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the Audit Risk & Improvement Committee meeting held on 9 February 2023 be received and the recommendations therein be adopted.

12 Notices of Motion

12.1 Notice of Motion - Still Gardening Program

RESOLUTION

Minute No. 2023/052

Resolved on the motion of Councillors Douglas and Barlow

That Council, as part of Council's Age Friendly Community Strategy 2022 - 2026:

- 1 Investigates the Still Gardening program, funded by the Australian Government Department of Health.
- 2 Reports back to the relevant Committee on the outcome of the investigation including whether it may be implemented in our local community and if so how.

12.2 Notice of Motion - Gardens for Wildlife

RESOLUTION

Minute No. 2023/053

Resolved on the motion of Councillors Douglas and Jansyn

- 1 That Council Investigates the potential for creating a program like 'Gardens for Wildlife', for the Bayside Local Government area.
- 2 That Council brings a report back to the relevant Committee within 3 months, outlining if such a program can be replicated in Bayside.

12.3 Notice of Motion - Petition - Synthetic Field Gardiner Park

A petition was tabled at the meeting.

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

The following people spoke at the meeting:

- Mrs Maria Ellensohn, affected neighbour, speaking for the Motion.
- Mr Garnett Brownbill, interested resident, speaking for the Motion.
- Ms Louise Karnib, interested resident, speaking against the Motion.
- Ms Irene Hatzipetros, Chairperson and Executive Director – Football St George, speaking against the Motion.

Written Submissions were received from the following people:

- Miss Lynda Ward, for the Motion
- Mrs Gabriela Gimenez, for the Motion

and were distributed to Councillors prior to the Council Meeting.

MOTION

MOTION moved by Councillors Werner and Douglas

- 1 That Council notes the concerns of residents, in the tabled petition, that synthetic fields in Bayside can become dangerously hot on days over 28 degrees Celsius.
- 2 That Council provides a report to the relevant Council committee on policy options to protect the public and especially children who play soccer on these fields in both formal and informal settings.

Division called by Councillors Werner and Douglas

For: Councillors Werner and Douglas

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

The Motion was declared lost.

FORESHADOWED MOTION

Foreshadowed Motion moved by Councillors Awada and Tsounis

- 1 That Council notes that there is a Chief Scientist report pending in relation to all weather fields due to be released this calendar year, including the Department of Planning & Environment guidelines, and that once the report is released a report will be provided to Council.
- 2 That Council writes to the Local Members seeking their support to the government releasing the documents as soon as possible.

The Foreshadowed Motion became the Motion.

RESOLUTION

Minute No. 2023/039

Resolved on the motion of Councillors Awada and Tsounis

- 1 That Council notes that there is a Chief Scientist report pending in relation to all weather fields due to be released this calendar year, including the Department of Planning & Environment guidelines, and that once the report is released a report will be provided to Council.
- 2 That Council writes to the Local Members seeking their support to the government releasing the documents as soon as possible.

12.4 Notice of Motion - Bayside Artist in Residence Program

The following person spoke at the meeting:

- Mrs Tina Workman, interested resident, speaking for the Motion.

MOTION

RESOLUTION

Minute No. 2023/040

Resolved on the motion of Councillors Jansyn and Fardell

- 1 That Council investigates opportunities to implement an appropriate annual Bayside Artist in Residence Program and present a report to the relevant Committee.
- 2 That the investigation:
 - a) include an audit of local suitable venues/spaces, and a desk top analysis of non-residential Residency Programs.
 - b) looks at a broad range of artistic genres and benefits for artists which may include residency exhibitions and retail sales and paid creative opportunities in Council programs wherever possible.
 - c) incorporates the inclusion of community benefits of the residency including

opportunities for community members to participate in public programs.

- d) is aligned with and recognises outcomes of key Council Strategic documents where possible, for example the Reflect, Reconciliation Action Plan and the inclusion of artists of diverse backgrounds.

12.5 Notice of Motion - Friends of Gardiner Park

Councillor Tsounis withdrew this Notice of Motion.

13 Questions With Notice

13.1 Question With Notice - LGBTIQ+ Forum

Councillor Werner asked the following question:

In Item 11.1 CS23.008, Response to Notice of Motion - Bayside Advisory Groups, Point 8 resolves that the LGBTIQ+ forum be prioritised. When will this forum be held?

13.2 Question With Notice - Debt Collection

Councillor Barlow asked the following question:

In reference to an article in the Sydney Morning Herald dated 7 March 2004 titled 'Banned: pest who can't win a case', has Mr Wy Kanak completed paying off his proportion according to this article?

13.3 Question With Notice - Transport - Bus Services

Councillor Muscat asked the following question:

Is Council able to write to the State Government about the lack of bus services within the Botany area?

14 Conclusion of Meeting

The Mayor closed the meeting at 10:49 pm.

Councillor Christina Curry
Mayor

Meredith Wallace
General Manager