

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 27 April 2022** at **7:00 pm**

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The meeting will be video recorded and live streamed to the community via Council's YouTube page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace
General Manager

1 OPENING MEETING**2 ACKNOWLEDGEMENT OF COUNTRY**

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

3 OPENING PRAYER**4 APOLOGIES****5 DISCLOSURES OF INTEREST**

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

6 MINUTES OF PREVIOUS MEETINGS

Council Meeting

27/04/2022

Item No	6.1
Subject	Minutes of the Council Meeting - 23 March 2022
Report by	Michael Mamo, Director City Performance
File	SF21/5810

Officer Recommendation

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

Present

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

Also Present

Meredith Wallace, General Manager
Peter Barber, Director City Futures
Michael Mamo, Director City Performance
Colin Clissold, Director City Presentation
Debra Dawson, Director City Life
Clare Harley, Manager Strategic Planning
Rani Param, Manager Community Life
Jourdan Di Leo, Manager Property
Jeremy Morgan, Manager City Infrastructure
Christine Stamper, Communications & Events Lead
Cathryn Bush, Coordinator Governance & Risk
Lauren Thomas, Governance Officer
Suhdraham Patel, IT Technical Support Officer

1 Opening Meeting

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:08 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 page, in accordance with Council's Code of Meeting Practice.

2 Acknowledgement of Country

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

3 Opening Prayer

Father Maurizio of St Therese Catholic Church, Mascot, opened the meeting in prayer. Father Maurizio included in his prayer, remembrance of Scott Field, Council's Manager of Sport and Recreation, who sadly recently passed away after a long battle with cancer and offered condolences and words of comfort to his wife, family and friends.

The Mayor, Councillor Curry, also spoke in remembrance of Scott Field, Council's Manager of Sport and Recreation, and of his valuable contribution to Bayside Council. The Mayor requested all those present to stand and observe one-minute's silence in remembrance of Scott.

4 Apologies and Attendance

Apologies

RESOLUTION

Minute No. 2022/084

Resolved on the motion of Councillors Nagi and Jansyn

That the following apology be received:

- Councillor Ed McDougall

Attendance Via Audio-Visual Link

RESOLUTION

Minute No. 2022/085

Resolved on the motion of Councillors Nagi and Awada

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

5 Disclosures of Interest

Item 10.4 - Botany Golf Club - Clubhouse - Proposed Expression of Interest (EOI) Campaign

Councillor Muscat declared a Less-Than-Significant Non-Pecuniary Interest in Item 10.4 on the basis that she is a member of the Botany RSL Sub Branch, and stated will remain in the Chamber for consideration and voting on this item.

Item 10.2 - Amendment to Rockdale Development Control Plan 2011 - Land Subject to Proposed Amendment 1 to Bayside Local Environmental Plan (Rockdale Centre)

Councillor Saravinovski declared a Significant Non-Pecuniary Interest in Item 10.2 on the basis that he has relatives who own property in Rockdale, and stated will leave the Meeting for consideration and voting on this item.

6 Minutes of Previous Meetings

6.1 Minutes of the Council Meeting - 9 February 2022

That Item 10.5 of the Minutes of the 9 February 2022 Council meeting – Notice of Motion – Climate Action 2022 be recommitted to deal with a procedural irregularity.

RESOLUTION

Minute No. 2022/086

Resolved on the motion of Councillors Curry and Tsounis

That this matter be deferred to a Councillor Information Session so that Councillors can better understand the full details of the Notice of Motion.

Note: The amendment (as above) to item 10.5 of the 9 February 2022 Council meeting, was moved By Councillor Jansyn and Councillor Tsounis. The amendment became the motion but was not voted on at the meeting of 9 February 2022 and recommitted for voting.

RESOLUTION

Minute No. 2022/087

Resolved on the motion of Councillors Curry and Tsounis

That the Minutes of the Council meeting held on 9 February 2022 be confirmed as a true record of proceedings with the inclusion of the procedural amendment to Item 10.5 and the inclusion of the following correction to Item 10.1 Notice of Motion – Request for Ministerial Visit to Bayside – Grand Parade, Brighton; Forest Road and Stoney Creek road Bexley to include Council also write to the Minister for Metropolitan Roads the Hon. Natalie Wood and Minister for Active Transport the Hon. Robert Stokes (as outlined below).

That Council write to the Minister for Transport, the Hon. David Elliott MP, the Minister for Police, the Hon. Paul Toole MP, Minister for Metropolitan Roads the Hon. Natalie Wood and Minister for Active Transport the Hon. Robert Stokes, inviting them to visit the following two sites in Bayside:

1. The Grande Parade Brighton Le sands to see first-hand, the car honing at this location; and
2. Stoney Creek Road and Forest Road, Bexley to witness the impacts of the increased traffic from the M5 on the residents and businesses of Bayside.

6.2 Minutes of the Extraordinary Council Meeting - 23 February 2022

RESOLUTION

Minute No. 2022/088

Resolved on the motion of Councillors Nagi and Tsounis

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

7 Mayoral Minutes

7.1 Mayoral Minute - Response to the NSW Flood Crisis

RESOLUTION

Minute No. 2022/089

Resolved on the motion of Councillor Curry

1. That Council donates \$5,000 on behalf of our community to GIVIT as a financial donation to the NSW Flood Appeal.
2. That Council supports local residents whose property has been impacted by the recent floods by providing an additional free pick up of water damaged items.

7.2 Mayoral Minute - Landmark Contract for 100% Renewable Energy

RESOLUTION

Minute No. 2022/090

Resolved on the motion of Councillor Curry

- 1 That Council acknowledges the significance of the new contract established in partnership with the Southern Sydney Regional Organisation of Councils

(SSROC) including 25 other NSW councils for the supply of 100% renewable energy by 2023 to all Bayside Council large and small sites and facilities.

- 2 That Council makes a commitment to continue to implement environmentally sustainable initiatives with the focus on reducing and offsetting our carbon emissions by including specific actions and targets in the new 4 year Delivery Program to be adopted by this Council before July 2022.

8 Items by Exception

RESOLUTION

Minute No. 2022/091

Resolved on the motion of Councillors Fardell and Jansyn

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

Multiple Business Items

RESOLUTION

Minute No. 2022/092

Resolved on the motion of Councillors Fardell and Jansyn

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

- 10.4 Botany Golf Club - Clubhouse - Proposed Expression of Interest (EOI) campaign
- 10.5 Place Naming Proposal: Ador Reserve Precinct & Marsh Street Open Space
- 10.6 Disclosure of Pecuniary Interest Returns - Councillors and Designated Persons Appointment
- 10.8 Response to Question - Caledonian Street, Bexley Blackspot Program
- 10.9 Response to Question - Sydney Water Overflows
- 11.4 Minutes of the City Works & Assets Committee Meeting - 9 March 2022
CWA22.001 Stormwater Drainage Across the Bayside LGA

9 Public Forum

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

12.1 Notice of Motion - Recognition of Significant Historical Sites, People and Events: Installation of Historical Plaques and Interpretive Signs

The following person spoke at the meeting on this item:

- Anne Field, interested citizen, speaking for the motion.

12.2 Notice of Motion - Reduce the Use of Number of People Smoking Along the Cook Park Foreshore

The following person spoke at the meeting:

- Mr Charbel Elhage, interested resident, speaking for the motion.

12.3 Notice of Motion - Climate Change Mitigation And Adaptation Plan

Note: Public Forum was re-adjourned to consider Item 12.3.

The following person spoke at the meeting:

- Stephen Bell, affected neighbour, speaking for the motion.

10 Reports**10.1 Community Strategic Plan - Draft for Public Exhibition****RESOLUTION**

Minute No. 2022/093

Resolved on the motion of Councillors Barlow and Tsounis

That Council resolve to place the Draft Community Strategic Plan on public exhibition for 28 days commencing 24 March 2022.

10.2 Amendment to Rockdale Development Control Plan 2011 - Land Subject to Proposed Amendment 1 to Bayside Local Environmental Plan (Rockdale centre)

Councillor Saravinovski had previously declared a Significant Non-Pecuniary Interest in Item 10.2 on the basis that he has relatives who own property in Rockdale, and left the meeting for consideration and voting on the matter.

RESOLUTION

Minute No. 2022/094

Resolved on the motion of Councillors Jansyn and Tsounis

- 1 That, in accordance with Clause 18 of the NSW Environmental Planning and Assessment Regulation 2000, the draft Development Control Plan for land subject to Proposed Amendment 1 to Bayside Local environmental Plan be exhibited for a period of 28 days.
- 2 That, in accordance with Clause 21A of the NSW Environmental Planning and Assessment Regulation 2000, the draft Development Control Plan be referred to the Bayside Design Review Panel for comment and recommendations.
- 3 That Council receives a further report post-exhibition to consider any submissions made during the public exhibition period.

Division called by Councillor Curry

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

The division was declared carried.

10.3 Update on Deployment of Smart CCTV Across Bayside LGA

Councillor Saravinovski returned to the meeting.

RESOLUTION

Minute No. 2022/095

Resolved on the motion of Councillors Sedrak and Tsounis

That Council receive and note the report.

10.4 Botany Golf Club - Clubhouse - Proposed Expression of Interest (EOI) campaign

Councillor Muscat had previously declared a Less-Than-Significant Non-Pecuniary Interest in Item 10.4 on the basis that is a member of the Botany RSL Sub Branch, and remained in the Chamber for consideration and voting on the matter.

RESOLUTION

Adopted Minute No. 2022/092

Resolved on the motion of Councillors Fardell and Jansyn

- 1 That the attachments to this report be withheld from the press and public as they are confidential for the following reason:
With reference to Section 10(A) (2) (d)(iii), (d)(ii) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, reveal a trade secret and 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 approve for a Public Expression of Interest campaign to be undertaken for the future use of the Botany Golf Clubhouse;
- 3 That Council note that all Expression of Interest will be assessed and a future report submitted to the City Works and Assets Committee, with a recommended way forward for the future use of the Clubhouse.

10.5 Place Naming Proposal: Ador Reserve Precinct & Marsh Street Open Space

Councillor Muscat returned to the Council Chamber.

RESOLUTION

Adopted Minute No. 2022/092

Resolved on the motion of Councillors Fardell and Jansyn

That Council endorses a proposal be submitted to the Geographic Names Board of NSW requesting that the following place names be officially gazetted:

- 1 That the Ador Reserve Precinct (former Rockdale Bowling Club) be named Gujaga Park.
- 2 That the location of Marsh Street open space in Arncliffe be named Pemulwuy Park.

10.6 Disclosure of Pecuniary Interest Returns - Councillors and Designated Persons Appointment

RESOLUTION

Adopted Minute No. 2022/092

Resolved on the motion of Councillors Fardell and Jansyn

That the information in this report be received and noted.

10.7 Review of Organisational Structure

RESOLUTION

Minute No. 2022/096

Resolved on the motion of Councillors Jansyn and Morrissey

- 1 That Council confirms that the current four departmental structure continues to provide the appropriate level of senior management and span of control for Bayside, which is categorised as a large metropolitan council.
- 2 That Council notes that each department is led by a director responsible for the functions within that department.
- 3 That Council notes that Business Transformation, Media and Events, City Projects, the Office of the Mayor and the Office of the General Manager will continue to report directly to the General Manager.
- 4 That Council notes that the proposed changes have no impact on the majority of council staff and the services they provide and will not result in additional costs to council. For those staff who are impacted, the changes are generally reporting line changes or changes to the composition of their team.
- 5 That information on the organisational structure be provided to councillors at the next Information Session.

10.8 Response to Question - Caledonian Street, Bexley Blackspot Program

The response was received and noted.

10.9 Response to Question - Sydney Water Overflows

The response was received and noted.

10.10 Response to Question - Management and Lease of Angelo Anestis Aquatic Centre (Bexley Aquatic)

The response was received and noted.

11 Minutes of Committees

11.1 Minutes of the Bayside Traffic Committee Meeting - 16 February 2022

RESOLUTION

Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

That the Minutes of the Bayside Traffic Committee meeting held on 16 February 2022 be received and the recommendations therein be adopted with the exception of items BTC22.010, BTC22.013 and BTC22.015.

BTC22.009 Banksia Station Upgrade - Proposed Street Signage in Railway Street and Hattersley Street

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That the proposed signage and linemarking adjustments in Railway Street as detailed in the attached plans be approved.
- 2 That the proponent undertake community engagement in this precinct associated with the parking changes and removal of resident parking scheme with alternate parking options for those affected.
- 3 That the proponent present the outcomes of community engagement and alternate parking scheme for consideration by Bayside Traffic Committee prior to any parking changes along Hattersley Street.

BTC22.010 Bayview Street and Reginald Street, Bexley - Review and proposed replacement of rubber speed cushions with watts profile speed humps at roundabout

RESOLUTION

Minute No. 2022/098

Resolved on the motion of Councillors Tsounis and Barlow

That this item be deferred for an on-site meeting to be held with interested Councillors, the appropriate Council officer and affected residents for consultation on proposed replacement of rubber speed cushions with watts profile speed humps at roundabout in Bayview Street and Reginald Street, Bexley.

BTC22.011 21 Daphne Street, Mascot - Renewal of 30m 'Works Zone' for additional 4 weeks from 31st March 2022

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That approval be given for the installation of a 30m 'Works Zone 7 am – 6:30 pm, Mon – Fri and 8 am – 3:30 pm Sat' restriction along the eastern kerb line of Rose Street fronting the work site of 21 Daphne Street, Botany, (immediately south of the 10m statutory 'No Stopping' zone) for additional duration of 4 weeks from 31 March 2022, subject to relevant conditions.

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

BTC22.012 35-37 George Street, Rockdale - Renewal of 24m 'Works Zone' for 18 Weeks from 31st March 2022

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That approval be given for the renewal of 24m of 'Works Zone, 7 am – 6:30 pm, Mon – Fri - and 8 am – 3:30 pm Sat' restriction along the western kerbline of George Street fronting number 35-37 George Street, Rockdale, for additional duration of 18 weeks from 31 March 2022, subject to relevant conditions.
- 2 That the applicant be advised that Works Zone cannot be utilised to erect site sheds or any other temporary structure associated with the construction activity.

BTC22.013 Hannam Street, Bardwell Valley - Proposed changes to parking restrictions

RESOLUTION

Minute No. 2022/099

Resolved on the motion of Councillors Tsounis and Saravinovski

That this item be deferred for an on-site meeting to be held with interested Councillors, the appropriate Council officer and affected residents for consultation on proposed changes to parking restrictions in Hannam Street, Bardwell Valley.

BTC22.014 Midjuburi Lane, Kogarah - Proposed 'No Parking 7am-9am Mon-Fri' for 1 angle parking space to access waste pit.

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

That approval be given to convert one (1) unrestricted parking space to 'No Parking 7am-9am Mon-Fri' on Midjuburi Lane near the Scarborough Park Amenities building to allow access to the waste pits.

BTC22.015 Midjuburi Lane, Kogarah - Proposed Changes to Parking Conditions**RESOLUTION**

Minute No. 2022/100

Resolved on the motion of Councillors Tsounis and Hanna

- 1 1 That the existing 102m '4P, 8:30am – 6pm, Sat & Sun' restriction be modified to '3P, 8:30am – 6pm, Sat & Sun' along the eastern kerbline, south of Midjuburi Lane, as per the attached plan.
- 2 That the existing 10.4m '4P, 8:30am – 6pm, Sat & Sun' restriction be modified to '3P, 8:30am – 6pm, Sat & Sun' along the western kerbline south of Midjuburi Lane.
- 3 That the existing 'No Stopping' directly adjacent to the amenities building be converted to 'No Parking' to assist with pick-up/drop-off activities.
- 4 That a review be held in 6-months' time with the relevant sporting groups regarding the trial implementation of the proposed changes to parking conditions to Midjuburi Lane, Kogarah.

BTC22.016 M6 Project - Proposed Traffic Management Plans**RESOLUTION**

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That the Traffic Management Plans as proposed by CGU to facilitate the works on the M6-Stage 1 around President Avenue and West Botany Street, Kogarah be acknowledged.
- 2 That the entire precinct be notified of this proposal by CGU and/or TFNSW with project contact information provided (to include all residents and businesses between Bay Street, Princes Highway, Rocky Point Road, Civic Avenue, President Avenue, O'Connell Street/Chuter Avenue/ Ramsgate Road and The Grand Parade)
- 3 That a copy of this notification be provided to Council along with contact details for Project contact to relay any public queries or concerns received.

BTC22.017 President Lane, Brighton Le Sands between Crawford Road and Wycombe Avenue - Proposed removal of one parking bay**RESOLUTION**

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

That approval be given for the removal of one parking bay along the northern kerbline of President Lane, east of Crawford Road as per drawing attached.

BTC22.018 96-102 Princes Highway, Arncliffe - Renewal of 25m 'Works Zone' for 4 weeks from 31st March 2022**RESOLUTION**

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That approval be given for the renewal of 25m of 'Works Zone, 7 am – 6:30 pm, Mon – Fri - and 8 am – 3:30 pm Sat' restriction along the northern kerbline of Kyle Street fronting number 96-102 Princes Highway, Arncliffe, for additional duration of 4 weeks from 31st March 2022, subject to relevant conditions.
- 2 That the route for heavy vehicles be limited to entering Kyle Street from Princes Highway and leaving Kyle Street to West Botany Street through Duncan Street.
- 3 The applicant to provide traffic controllers at both ends in Duncan Street, if Council deems it necessary for safe passage of vehicles especially at the narrow section of Duncan Street near the split level section.

BTC22.019 Turrella Station Upgrade**RESOLUTION**

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That a temporary pedestrian crossing in Turrella Street east of Reede Street be provided for the duration of the Project (12 months)
- 2 That two 'Works Zones' in Henderson Street (western end) to facilitate access to the station be supported.
- 3 That support be given for the relocation of the existing 'Pick up and Drop off' zone slightly west of its location as shown in the attachment to this report.
- 4 That the applicant provide signage and line-marking plan for the proposed changes including parking changes, relocation of the bus zones and the new

pedestrian crossing for Traffic Committee endorsement prior to commencement of any works.

- 5 That the applicant provide detailed design drawings for the proposal to relocate the raised pedestrian crossing slightly west of its current location upon completion of the upgrade works to Turrella Station for endorsement by the Traffic Committee.
- 6 That that applicant reinstate all existing arrangements to Council's satisfaction upon completion of works.

BTC22.020 Wentworth Avenue and Baker Street, Banksmeadow - Introduction of temporary 'No Stopping' restrictions related to intersection upgrades (signalised intersection)

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That approval be given to relocate the existing 'No Stopping' sign on the eastern kerbline of Baker Street approximately 30 meters south towards the driveway.
- 2 That approval be given to relocate the existing 'No Stopping' sign on the eastern kerbline of Holloway Street approximately 20 meters north towards the cul-de-sac.
- 3 That the parking be reverted back to existing restrictions upon completion of the project by the proponent.

BTC22.021 Willis Street, Wolli Creek – Proposed changes to parking for Waste Collection Vehicles

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That approval be given to reduce the existing 'No Stopping' restrictions at the cul-de-sac end of Willis Street, Wolli Creek as per attached drawing
- 2 That approval be given to create one parking with part-time 'No Stopping 6am-11am Mon and Thurs' restrictions along the northern kerbline of Willis Street, immediately west of the driveway in Willis Street, Wolli Creek as per attached drawing.
- 3 That the linemarking for this new parking bay be removed to ensure it does not create confusion for motorists.

BTC22.022 Australian Rail Track Corporation (ARTC) Botany Rail Duplication Project**RESOLUTION**

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

- 1 That the proposed temporary partial and full closures of O'Riordan Street and the detour through Robey Street, Mascot as detailed in the attached plans be noted.
- 2 That a communication plan be developed and shared with Councillors and Member for Heffron and Member for Maroubra outlining a timeline for the proposed road closures and works.

Note: Electorate - Heffron.

BTC22.023 Matters referred to the Bayside Traffic Committee by the Chair**RESOLUTION**

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

That the matters raised by the Chair be considered.

- 1 The matter regarding traffic issues associated with trucks along Botany Road Botany near the intersection of Livingston Street were raised. The concerns arise from large trucks/vehicles queuing along Botany Road waiting to access the BP truck stop. It was mentioned that the trucks idle in front of residential houses for long periods of time waiting to enter the service station. In addition it was noted that a No Trucks over 12.5m restriction is in place, and that reports have been received that the restriction appears to be regularly breached. The Chair request that a report be provided to next meeting of Bayside Traffic Committee.
 - a. That Council request information from Transport for New South Wales on the current of 12.5m restriction along Botany Road and the enforcement regime as Botany Road is a state road.
 - b. That Council request information from Transport for New South Wales regarding any recent or proposed driver education for the existing restrictions.
 - c. That Council request a response from Transport for New South Wales the on concerns from the residents regarding truck use along Botany Road as per query submitted via their online portal (01393995) on 7 Feb 2022
 - d. That the Committee be provided with the response received from Transport for New South Wales on the matter

- 2 The matter regarding the new crossing pedestrian crossing in Swinbourne Avenue, Botany was raised. Residents have raised concerns about safety and drivers not noticing the crossing.
- 3 That the matter be investigated for any additional treatments to alert drivers to the presence of the crossing to enhance safety and refer to next meeting of Bayside Traffic Committee.
- 4 The matter regarding traffic conditions along Slade Road, Bexley North was raised. An update was provided to the committee via the informal item relating to the implementation of vehicle activated signs along Slade Road.
- 5 That the Committee note the information provided

BTC22.024 General Business

RESOLUTION

Adopted Minute No. 2022/097

Resolved on the motion of Councillors Awada and Douglas

That the Chair confer with formal Committee members on Items without notice.

Councillor Douglas Raised the following matters:

- 1 The matter regarding safe pedestrian access to Thomas Moore School, was raised. It was stated that the footpath is narrow and large vehicles are parked on eastern side of Francis Avenue. This forces children to cross at a location other than the actual crossing facility. The request to restrict parking and provide another crossing north of the existing location was made.

Committee Recommendation

That the matter be investigated.

- 2 The matter regarding resident parking in Lena Street, Sandringham was raised where residents would like parking permits. An update was provided, and the Committee was informed that this request was received and investigated. The residents are not eligible for parking permits and some of the households are not part of the resident parking scheme. An alternate option was proposed to remove parking restrictions in Lena Street and feedback received from residents was largely not supportive of the proposed changes. Residents can park in other streets in the area and no further changes to parking are currently proposed in this area.

Committee Recommendation

That the information be noted, and Councillor Douglas be provided with further details to enable her to respond to the residents.

- 3 The matter regarding hooning along Bay Street, Brighton Le Sand was raised in relation to enforcement being undertaken using the newly installed Licence Plate Recognition (LPR) camera footage. Councillor Douglas requested that

information be provided on convictions resulting from LPR camera footage to garner community trust in the process.

Committee Recommendation

That the Committee note the comments and request from Councillor Douglas and the matter be referred to the relevant Council team for response.

11.2 Minutes of the Bayside Traffic Committee Meeting - 9 March 2022

RESOLUTION

Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

That the Minutes of the Bayside Traffic Committee meeting held on 9 March 2022 be received and the recommendations therein be adopted with the exception of BTC22.031.

BTC22.026 ANZAC March and Dawn Services 2022 - Botany Road, Mascot & Bay Street, Daphne Street, Ivy Street, Daniel Street, Botany

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 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 of that it notes 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.

BTC22.027 Ramadan Food Market 2022

RESOLUTION

Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 1 That the proposed street food fair in Walz Street, Rockdale from 7:00 pm to midnight, the event is proposed to on Saturday 30 April 2022 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.

BTC22.028 St Catherine Greek Orthodox Church, Coward Street, Mascot - Road Closures for the Easter Service on Friday 22 April 2022 & Saturday 23 April 2022 through to Sunday 24 April 2022

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 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 22 April, 2022 starting from 9:00 pm to 10:30 pm and closure of Coward Street on 23 April, 2022 11 pm – concluding at 2:30 am 24 April, 2022 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 Botany Bay Area Local Command (Mascot Police) 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.

BTC22.029 1 Arncliffe Street, Wolli Creek - Proposed Traffic Signage "2P and No Stopping" for FW-2021/13

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 1 That approval be given for the relocation of "No Stopping" signage restrictions along the western kerbline between the property boundary of Nos. 3-5 Arncliffe Street and 7 Arncliffe Street as per the attached plan.
- 2 That approval be given for the installation of "No Stopping" signage restrictions at the southern kerbline of No. 1 Arncliffe Street frontage as per the attached plan.
- 3 That approval be given for "2P 8:30am-6pm Mon-Fri" parking restrictions along the kerbline frontages of Nos. 1 Arncliffe Street and 3-5 Arncliffe Street as per the attached plan.

BTC22.030 90 Bestic Street BANKSIA - Proposed Roundabout to Entry of Barton Park Precinct DA-2021/431 Construction of New Grandstand With Capacity of 404 Spectators and Associated Works

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 1 That approval be given to construct the proposed roundabout, islands, signage and linemarking at the entrance of Barton Park Precinct development as per standards.
- 2 That approval be given to construct the traffic treatment consisting of a new centreline, rumble strips (insitu reinforced concrete construction) and kerb extension between Francis Avenue Roundabout and the proposed access.
- 3 That approval be given to construct a pedestrian barrier on the southern footpath along Bestic Street commencing from the east side of the bridge over Muddy Creek to beyond the proposed traffic calming islands on the west side of the roundabout.

BTC22.031 Bayview Street, Bexley - Amendments to Operation of a Church and School located at 339-377 Forest Road - DA2020/1064

RESOLUTION

Minute No. 2022/102

Resolved on the motion of Councillors Barlow and Tsounis

That this item be deferred for an on-site meeting to be held with interested Councillors, the appropriate Council officer and affected residents for consultation on amendments to Operation of a Church and School located at 339-377 Forest Road and Bayview Street, Bexley.

BTC22.032 Bryant Street, Rockdale - Amended Detailed Design Drawings for the Roundabout at Gibbes Street Intersection

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 1 The Committee note that support has been given to install a single lane roundabout at the intersection of Bryant Street/Gibbes Street and all associated signage and line-marking adjustments as per the detailed drawing attached through electronic voting undertaken on 17 February 2022.

- 2 The implementation of the proposed roundabout will commence shortly.
- 3 That Transport for New South Wales be requested to assist Council with the relocation of the School Zone pavement marking impacted due to the implementation of the roundabout.

**BTC22.033 MS Ride from Sydney to Wollongong - Sunday 1 May 2022 -
Proposed Traffic Management and Control Plan**

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

- 1 That approval be granted for the Multiple Sclerosis Society of NSW Outdoor to conduct the annual bicycle ride from Sydney to Wollongong through Arncliffe, Rockdale, Kyeemagh, Brighton Le Sands, Monterey, Ramsgate Beach, Dolls Point and Sans Souci on Sunday 1 May 2022 commencing from 6:00 am.
- 2 That the applicant seek approval from TfNSW for the establishment of temporary "Clearway, 4 am – 11 am" restrictions as required on Sunday 1 May 2022:
 - a Along West Botany Street between Princes Highway and Bestic Street;
 - b Along Bestic Street between West Botany Street and General Holmes Drive
 - c Along The Grand Parade between Bestic Street and Sellwood Street; and
 - d To remove and reinstate the removable bollards in The Grand Parade (The Little Grand Parade) at General Holmes Drive.
- 3 The concurrence be given to event organisers/police/TfNSW to install temporary restrictions at the following locations:
 - a "No Left Turn" from Princes Highway into West Botany Street in the southbound direction;
 - b "No Left Turn" from Flora Street into West Botany Street in the southbound direction;
 - c "No Right Turn" from West Botany Street into Bestic Street in the eastbound direction;
 - d "No Entry" on the eastern arm of the signalised intersection of West Botany Street and Bestic Street in the eastbound direction between 6 am and 8 am due to sun glare;
 - e "No Entry" along Bestic Street from Jacobson Avenue to General Holmes Drive in the eastbound direction;

- f "No Entry" into Cook Park car park opposite Culver Street between 4 am and 9:30 am; and
 - g "No Entry, Buses Excepted" into Malua Street from The Grand Parade in the southbound direction for State Transit Authority and Veolia Transport's buses to travel northbound from Malua Street to The Grand Parade as there is no alternative route for the buses.
- 4 That the organisers of the event advise affected local residents of Bestic Street and The Grand Parade where the proposed "Clearway" and the proposed road closure restriction will be imposed.
 - 5 That access for residents of Valda Avenue to be maintained during the event.
 - 6 That the organisers of the event comply with all the requirements of public authorities for the event.
 - 7 That the event organisers liaise with Council's City Presentations Department to temporarily remove the bollards at The Little Grand Parade with General Holmes Drive to allow cyclists to pass through and reinstate them in a timely manner.
 - 8 That Council authorise bike riders and Multiple Sclerosis Society to use Cook Park at the corner of The Grand Parade and Carruthers Drive, Ramsgate Beach as a minor water, bike repair and first aid stop and assist them in removing the bollards in The Little Grand Parade with General Holmes Drive for the event on Sunday 1 May 2022.

BTC22.034 Tingwell Boulevard, Finch Drive and Studio Drive, Eastgardens - Proposed "2P 8.30am-6pm" parking restrictions to replace existing "2P" parking restrictions

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

That approval be given to introduce start and finish time for the existing 2 hour parking restrictions along Tingwell Boulevard, Studio Drive, Finch Drive to operate as "2P 8:30 am - 6 pm" parking restrictions as per the attached plan.

BTC22.035 Matters referred to the Bayside Traffic Committee by the Chair

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

There were no matters raised by the Chair.

BTC22.036 General Business

RESOLUTION

Adopted Minute No. 2022/101

Resolved on the motion of Councillors Nagi and Fardell

There were no Items Without Notice raised.

11.3 Minutes of the City Planning & Environment Committee Meeting - 9 March 2022

RESOLUTION

Minute No. 2022/103

Resolved on the motion of Councillors Nagi and Jansyn

That the Minutes of the City Planning & Environment Committee meeting held on 9 March 2022 be received and the recommendations therein be adopted with the exception of Item CPE22.006.

CPE22.001 Draft Planning Proposal - Deletion of Additional Permitted Uses 34 & 35 from Bayside Local Environmental Plan 2021

RESOLUTION

Adopted Minute No. 2022/103

- 1 That Council considers the recommendations of the Bayside Local Planning Panel, and, pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), endorse the draft Planning Proposal – Deletion of Additional Permitted Uses Items 34 and 35 from the Bayside Local Environmental Plan 2021 to be submitted to the Department of Planning and Environment for a Gateway determination; and
- 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.
- 3 That Council inform the affected property owners when the matter is on public exhibition.

CPE22.002 Improvements to Flood Risk Assessment and Flood Hazard Mitigation in Bayside LGA Resulting From Increased Rainfall and Rising Sea Levels

RESOLUTION

Adopted Minute No. 2022/103

- 1 That Council officers prepare, for Council's consideration, an analysis of the impact of climate change on flood modelling, and a draft policy recommending sea level and rainfall parameters for flood modelling over the whole Bayside Local Government Area.
- 2 That this item be referred to a Councillor Information Session once the report is prepared and prior to referral to a further committee meeting.

CPE22.003 Draft Local Heritage Grant Policy

RESOLUTION

Adopted Minute No. 2022/103

- 1 That the draft Heritage Grant Policy, attached to the report as Attachment 1, be endorsed by Council and placed on public exhibition for a period of 28 days.
- 2 That Council receives a further report post exhibition to consider any submissions.

CPE22.004 Draft Submission Design and Place State Environmental Planning Policy

RESOLUTION

Adopted Minute No. 2022/103

- 1 That the City Planning and Environment Committee recommends endorsement of the Draft Submission - Design and Place SEPP and lodgement of the submission with the Department of Planning and Environment subject to the submission clarifying the terminology around main streets and high streets and additional clarification.
- 2 That where full and safe separation cannot be achieved, the cycleway networks should be prioritised in secondary streets.

CPE22.005 Submission to Employment Zones Reform - Translation of Bayside Local Environmental Plan 2021

RESOLUTION

Adopted Minute No. 2022/103

- 1 That the City Planning and Environment Committee endorse the attached submission to the Department of Planning and Environment in relation to the proposed translation of Bayside Local Environmental Plan 2021 business and industrial zones under the Employment Zones Reform initiative.
- 2 That Council notifies the public once the Department of Planning and Environment places the matter on exhibition.

CPE22.006 Submission to NSW Department of Planning & Environment - Discussion Paper: A New Approach to Rezoning

RESOLUTION

Minute No. 2022/104

Resolved on the motion of Councillors Fardell and Nagi

- 1 That Council endorse the attached draft submission to the NSW Department of Planning and Environment on the *Discussion Paper: A New Approach to Rezoning*s.
- 2 That Council writes to all local members advising them that Council strongly disagrees with the Department's proposals.
- 3 That Council write to the Minister for Planning and Environment expressing Council's disgust with the proposals being advanced in the discussion paper, thus taking away the role of local Councils.
- 4 That Council's delegates to SSROC raise this matter at the next SSROC meeting.
- 5 That Council write to the Local Government Association and request that representations be made on Council's behalf to the Minister for Planning and Environment.

Note: Public Forum was re-adjoined and Item 12.3 was considered next in Public Forum.

11.4 Minutes of the City Works & Assets Committee Meeting - 9 March 2022

RESOLUTION

Adopted Minute No. 2022/092

Resolved on the motion of Councillors Fardell and Jansyn

That the Minutes of the City Works & Assets Committee meeting held on 9 March 2022 be received and the recommendations therein be adopted.

CWA22.001 Stormwater Drainage Across the Bayside LGA

RESOLUTION

Adopted Minute No. 2022/092

- 1 That the report titled Stormwater Drainage Across the Bayside LGA and associated attachments be received and noted.
- 2 That a report be provided to the next City Works and Assets Committee meeting which:
 - re-tables the flood studies with a summary for the LGA;
 - provides a list of all known flooding hotspots across the LGA, including any new areas that may have been impacted recently; and
 - provides a list of the top-10 flooding hotspots and plans for long-term mitigation of those areas, including funding options.
- 3 That Council provides a "Have Your Say" page on the Council website to allow residents to post photos of regular flood-prone areas.

12 Notices of Motion

Note: Item 12.1 was dealt with in Public Forum.

12.1 Notice of Motion - Recognition of Significant Historical Sites, People and Events: Installation of Historical Plaques and Interpretive Signs

The following person spoke at the meeting:

- Anne Field, interested citizen, speaking for the motion.

RESOLUTION

Minute No. 2022/105

Resolved on the motion of Councillors Sedrak and Tsounis

- 1 That Council create an annual program, which provides residents the chance to 'Nominate a Significant Historical Site, Person or Event'.
- 2 That a policy statement and procedure be developed for the proposed program to recognise our history, heritage, and culture.
- 3 That Council collaborate with the Botany Historical Trust and the St George Historical Society to assess the 'historical nominations' and determine the number of nominations to be acknowledged annually.
- 4 That funding for the program be considered at part of the development of the 2022/23 budget.
- 5 That, in addition to Council's financial contribution, Council is to investigate funding sources from state and federal government, including the NSW State Government 'Blue plaque program'.
- 6 That a report be provided to the next appropriate Committee meeting.

Note: Item 12.2 was dealt with in Public Forum.

12.2 Notice of Motion - Reduce the Use of Number of People Smoking Along the Cook Park Foreshore

The following person spoke at the meeting:

- Mr Charbel Elhage, interested resident, speaking for the motion.

RESOLUTION

Minute No. 2022/106

Resolved on the motion of Councillors Sedrak and Tsounis

That a report be provided to the City Services Committee as soon as practicable and in any case within three months, that investigates strategies with costings on ways to reduce the number of people smoking along the Cook Park Foreshore, whether it includes more signage along the foreshore, increasing the user-paid police presence and or rangers in the evenings.

Note: Item 10.1 was considered next.

Note: Public Forum was re-adjourned to consider Item 12.3.

12.3 Notice of Motion - Climate Change Mitigation And Adaptation Plan

The following person spoke at the meeting:

- Stephen Bell, affected neighbour, speaking for the motion.

MOTION

Moved by Councillors Werner and Douglas

That this matter be deferred until the new organisational structure has been established.

RESOLUTION

Minute No. 2022/107

Resolved on the motion of Councillors Werner and Douglas

That this matter be deferred until the new organisational structure has been established.

12.4 Notice of Motion - Pump Track in Sir Joseph Banks Park

RESOLUTION

Minute 2022/108

Resolved on the motion of Councillors Jansyn and Morrissey

- 1 That Council undertakes an initial scoping of issues to be addressed for the repurpose of a disused carpark which fronts Foreshore Road, Sir Joseph Banks Park, or a site in the vicinity of this location, for a pump track .
- 2 That Council notes that the scope would include future consideration of potential land contamination, flooding, soil type, biodiversity and plant habitat, permissibility under the coastal SEPP and any other initial issues that would need to be included in a preliminary scoping exercise.
- 3 That Council identifies any internal and external funding sources to assist with progressing a design concept and ultimately for implementation.
- 4 That Council provides a report to the relevant Committee.

12.5 Notice of Motion - TfNSW Consultation With Residents of O'Connell Street and Crawford Road, Brighton Le Sands

RESOLUTION

Minute No. 2022/109

Resolved on the motion of Councillors Saravinovski and Awada

That Council writes to Minister Ward to:

- i. express concern that Transport for NSW (TfNSW) has ceased meeting with residents of O'Connell Street and Crawford Road Brighton Le Sands regarding the construction of the M6 Motorway tunnel;
- ii. request the Minister direct TfNSW to resume these meetings; and
- iii. request TfNSW provide a briefing to Bayside Council on the current status of the project.

12.6 Notice of Motion - Traffic Measures for Emmaline Street Ramsgate Beach

RESOLUTION

Minute No. 2022/110

Resolved on the motion of Councillors Saravinovski and Morrissey

That Council investigate traffic measures that may be employed to deal with illegal turns into Emmaline Street and report back to Council as soon as practicable but in any case, by the Council Meeting in May.

Petition

On behalf of the petitioners, Councillor Awada presented a petition to Council about the increase in traffic on Forrest Road .

13 Questions With Notice

13.1 Baseball Park

Question raised by Councillor Douglas:

I request information about the old baseball park, on the edge of the Landing lights wetland northern entry and West Botany St. Is this park part of the plan for redevelopment plans of Riverine Park? Is there any contamination on this site? If so, what is the contamination?

13.2 Tenure and Leasing of Two Premises at Kyeemagh

Question raised by Councillor Douglas:

I ask council for an update on the tenure and leasing of two premises formally the site of the C side fish and chips shop at Kyeemagh, and the formal dining venue in that building.

13.3 Community Consultation - Muddy Creek Community Site

Question raised by Councillor Douglas:

I ask council for an update on the community consultation about the development of the Muddy Creek community site, with existing community groups at Muddy Creek, aka Fisherman's Club, and The Bay Community Garden. This community consultation was agreed to as per a motion mid-2021 and the public health orders now allow for such public meetings.

13.4 Gardiner Park

Question raised by Councillor Werner:

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

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

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

13.5 How is Transport for NSW Keeping Affected Residents Informed About Construction of the M6 Motorway

Question raised by Councillor Barlow:

The residents of Moorefield's Estate are impacted by the construction of the M6 Motorway. However, Transport for NSW (TfNSW) has never informed the residents of Moorefield's Estate about any stage of the construction. I believe that Transport for NSW have regular meetings with Council. At the next meeting, could you please ask them how they correspond with affected residents because residents are not being kept informed about what is going on with the construction of the M6.

14 Confidential Reports / Matters

There were no confidential items.

15 Conclusion of Meeting

The Mayor closed the meeting at 10:13 pm.

Councillor Christina Curry
Mayor

Meredith Wallace
General Manager

Attachments

Nil

7 MAYORAL MINUTES

Council Meeting

27/04/2022

Item No	7.1
Subject	Mayoral Minute - Support for ALGA Campaign: Don't Leave Local Communities Behind
File	F20/102

Motion

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

Mayoral Minute

The Australian Local Government Association (ALGA) is the national organisation of Local Government representing 537 Council’s Australia wide.

In response to the upcoming Federal election the Association has launched a campaign titled “Don’t Leave Local Communities Behind”.

This campaign responds to the unprecedented challenges faced by local communities as a result of the Covid 19 pandemic, combined with the legacies of drought and fires and more recently devastating floods. ALGA calls upon federal candidates to recognise and respond to the challenges facing local communities.

Informed by motions submitted by councils at the ALGA National General Assembly, seventeen policy initiatives have been developed that will optimise Federal/local government partnerships designed to benefit every community.

While many of these initiatives are focussed on regional and rural communities, there are direct synergies with the priorities of this Council, recognised in our most recent work on the 10 year Community Strategic Plan, including climate change, community resilience, economic recovery for our community and local businesses and proposals for better models for funding partnerships with government.

ALGA is seeking our support by endorsing their proactive policy initiatives, identifying local projects and programs that could be delivered with better funding partnerships and by writing to local members and candidates confirming Council’s support for ALGA initiatives and highlighting the value that local focus and strong funding partnerships can bring to their community.

I propose that we write to our local members and candidates endorsing the ALGA initiatives that will support local councils to weather these unprecedented challenging times.

Attachments

Nil

Council Meeting

27/04/2022

Item No	7.2
Subject	Mayoral Minute - No Cruise Ships in Botany Bay
File	SF20/540

Motion

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

Mayoral Minute

With the easing of travel restrictions following the worst of the pandemic, the passenger cruise ship industry is re-starting. While there is currently no publicly available proposal on the table, the threat of Botany Bay becoming a new port for this growing industry is still present.

Council must continue to make known its opposition to a cruise ship terminal being developed at Yarra Bay or Molineux Point.

A study commissioned by Council on the erosion problems along the Bayside foreshore is soon to be released. The study has found that the biggest contributor to the environmental damage caused to the Bay and the devastating erosion of the beaches was the change in wave action following the development of Port Botany.

The community cannot tolerate any further degradation of the Bay and surrounds through the construction of massive infrastructure projects. Traffic and pressure on infrastructure, open space and the use of land is already beyond capacity. Council needs to remind the State Government that enough is enough and that a more suitable site in Sydney Harbour needs to be found to accommodate the cruise ship industry.

Attachments

Nil

Council Meeting

27/04/2022

Item No	7.3
Subject	Mayoral Minute - South East Sydney Bus Network Privatisation
File	F09/836.002

Motion

That Council writes to the NSW Premier, NSW Minister for Transport and all local members of Parliament expressing strong dissatisfaction with:

- 1 the changes introduced to the South East Sydney Bus Network in December 2021, which reduced the extent and convenience of the network, and
 - 2 the privatisation of bus services, which threatens to bring to Bayside the problems that have been experienced by parts of Sydney with privately operated services.
-

Mayoral Minute

Despite over 8800 members of the community expressing their concerns during the consultation period, Transport for NSW pushed ahead with implementing changes to the South East Sydney Bus Network in December 2021, and privatisation in April 2022.

Passengers are now forced to switch back and forth between light rail and buses at sub-standard interchanges. The requirement to change modes impacts school children, the elderly, and members of our community that are otherwise less mobile or able bodied who rely on public transport.

Although the additional express and night services have been introduced on some routes, other parts of Bayside are now worse off with some routes having been withdrawn or shortened. While Council has long advocated for better east-west connections across Bayside, the changes have actually made this more difficult.

This month the NSW Government handed over the operation of this network to a private company. This move comes before the conclusion of a Parliamentary Enquiry that will investigate the modelling, rationale and process of privatising bus services, and its economic, social, safety, employment and environmental implications.

The Premier's priority of "well connected communities with quality local environments" will not be achieved without an attractive, convenient, safe and efficient public transport network. The Bayside community deserves better and the changes introduced to the South East Sydney bus network need to be reviewed immediately.

Attachments

Nil

8 ITEMS BY EXCEPTION

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation.

9 PUBLIC FORUM

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

10 REPORTS TO COUNCIL

Council Meeting

27/04/2022

Item No	10.1
Subject	Rate Peg 2022/23
Report by	Michael Mamo, Director City Performance
File	F21/615

Summary

This report recommends that Council apply to the Independent Pricing and Regulatory Tribunal (IPART), for a rate peg limit of 2.5 per cent for 2022/23, to achieve the general rate income as budgeted within the 2021/22 Long Term Financial Plan.

In December 2021, the Independent Pricing and Regulatory Tribunal (IPART) announced an extraordinarily low 'base' rate peg of 0.7 per cent for all NSW councils for 2022/23. Bayside Council also received a population factor increase of 0.9 per cent, resulting in a total rate peg for 2022/23 of just 1.6 per cent.

This is of particular concern given the increased cost pressures that council experiences, particularly given that the Reserve Bank has forecast for underlying inflation to increase to 3.25 per cent by mid-2022, and the ABS have advised the latest annual CPI increase to December 2021 is 3.5 per cent (Sydney 3.1 per cent).

The Minister for Local Government has subsequently recognised the inadequacy of both the announced IPART 2022/23 rate peg, and the underlying methodology. In response, the Minister announced on 7 March 2022 that councils could seek approval for an amended rate peg of up to 2.5% for the 2022/23 financial year. This amount would then remain in the rates revenue on a permanent basis as do all annual rate peg increases.

The 2021/22 Long Term Financial Plan (LTFP) adopted by Council, outlines the income and expenditure projections for the next 10 years. The 2021/22 LTFP contains a forecast for rates income to increase at 2.5% based on historical averages and the long term rate peg estimate used by IPART.

The income received from rates revenue is required to support Council's operations, services and our capital works program to ensure assets are maintained and services are delivered to the satisfaction of the community.

Officer Recommendation

- 1 That Council applies for a rate peg (ASV) increase of 2.5% for the 2022/23 financial year under section 508(2) of the Local Government Act 1993, with the increase in revenue to be retained permanently in the rate base into the future.
 - 2 That Council will receive around \$880,000 in 2022/23 over the current approved rate peg of 1.6%, and a forecasted \$11.2m over the next 10 years.
-

- 3 That Council's adopted 2021/22 Long Term Financial Plan (LTFP) will include a forecasted rate peg of 2.5%, which is consistent with IPART's long term estimated rate peg.
 - 4 That Council has considered that the impact on ratepayers and the community is reasonable if the rate peg of 2.5% is approved in 2022/23.
 - 5 That the rate peg of 2.5% for 2022/23 be applied across all rating categories based on option 1 which is identified in this report.
-

Background

The Independent Pricing and Regulatory Tribunal (IPART) released the determination of the base Rate Peg of 0.7% plus a population factor (0.9% for Bayside Council) for relevant councils on 13 December 2022. This had originally provided Bayside Council with an approved rate peg including population factor of 1.6%.

Council had previously included in the Long Term Financial Plan (LTFP) an assumed rate peg of 2.5% and was preparing its draft budget on the assumption of a rate peg of 2.5%. Based on the original IPART approved rate peg of 1.6%, this would represent a reduction in rates revenue in the order of \$880,000 when compared to the projections contained in the LTFP. This will have a negative long term cumulative impact of \$11.2 million over the next 10 years of the LTFP. This will further impact the long-term financial sustainability issues previously highlighted to the former Council.

The assumed rate peg of 2.5% which is contained in the LTFP is lower than inflation. The Australian Bureau of Statistics (ABS) have advised the latest annual CPI increase to December 2021 is 3.5 per cent (Sydney 3.1 per cent), which is in line with what Council expected when the LTFP was finalised as part of its long term forecasts. This means that our costs are expected to grow at a faster rate than our revenues will increase. This is not financially sustainable in either the short or the long term.

As a consequence of significant local government industry feedback on the IPART determination of the 'rate peg' for 2022/23, the Office of Local Government issued advise to all NSW councils in Circular 22/03 that there will be an opportunity to allow councils to adopt a Rate Peg which is the lower of 2.5% or the rate peg utilised in its 2021-22 Long Term Financial Plan.

The Minister for Local Government, The Hon Wendy Tuckerman, has also advised that IPART has now been tasked with undertaking a broader review of its rate peg methodology, including the Local Government Cost Index, to prevent a reoccurrence of the 2022-23 anomaly. The basis of this review was the utilisation of backward looking core inputs, despite consistent evidence of rising costs for key inputs used to deliver services and maintenance/renewal of infrastructure assets.

A report was presented to the Corporate Performance Committee on 6 April 2022 and Council staff have completed financial modelling for the revenue (around \$880,00) based on a difference in the rate peg of 1.6% and the 2.5%. Attached to this report is a copy of the analysis presented to Councillors at the Councillor Information session on 20 April 2022, which includes the following 3 options which have been assessed for the impact to ratepayers if the rate peg of 2.5% is applied:

- Option 1 – allocation of the rate over all rating categories
- Option 2 – allocation over the residential rating categories only
- Option 3 – allocation over the business rating categories only.

It is important to note that in all options considered, the minimum rate for 2022/23 is the same based on the previously approved IPART instrument for harmonising minimum rates over 4 years. This is shown on page 7 of the attachment to this report.

Based on the analysis undertaken and having regard for the fairness and equity principles which guide the way rates are levied, this report recommends that option1 be implemented, whereby the rate peg increase is applied overall rating categories.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Not applicable

Attachments

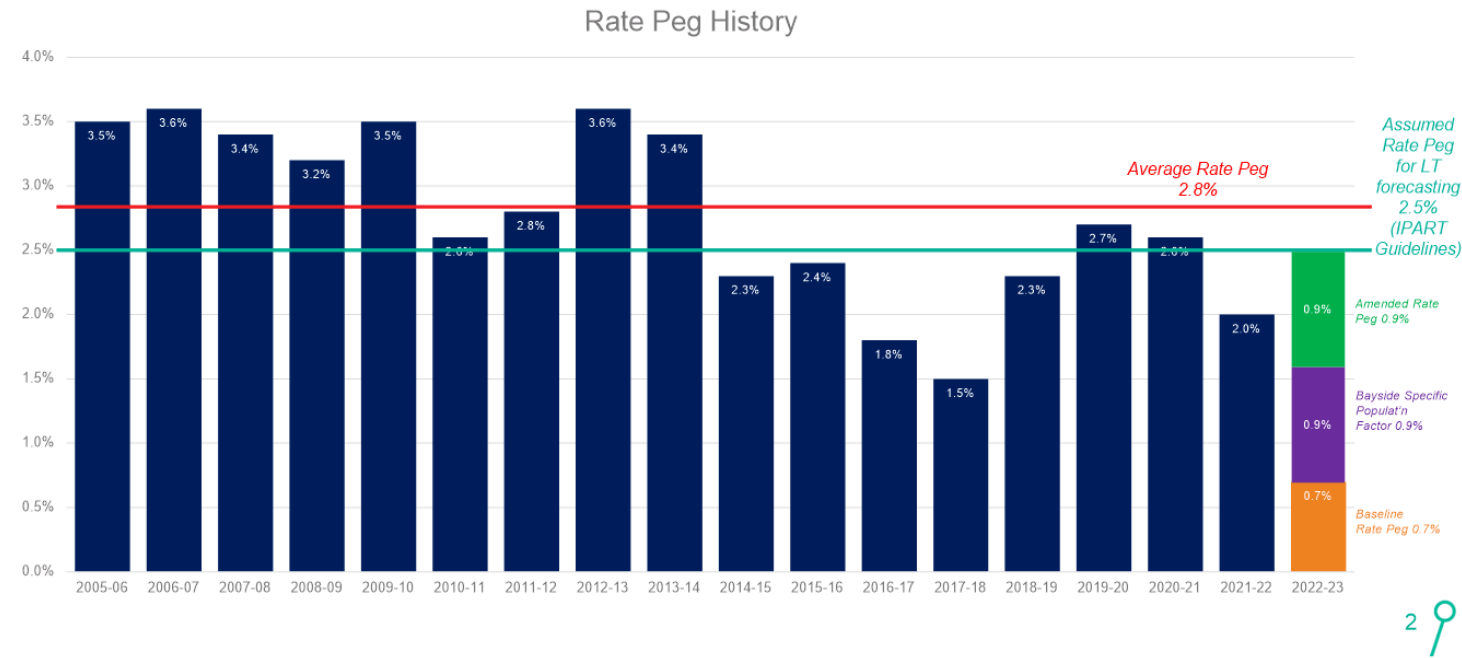
Rate Peg Analysis [↓](#)

FY2022/23 Rate Peg analysis



- Rates and Annual Charges are Councils largest revenue source making up 70% of total revenue
- The amount of rates councils can levy is severely limited by the rate peg set by the Independent Pricing and Regulatory Tribunal (IPART)
- For FY22/23 - IPART announced the lowest rate cap in more than 20 years, setting the baseline rate peg at 0.7%
- Based on the “costs of goods” during the 2020-21 financial year, when the economy and related fiscal activity was in a pandemic-induced slump.
- Long term rate peg average is 2.8%
- IPART Guidelines for Long Term Planning (Rate Peg) - 2.5%
- Major Industry backlash – highlighting significantly flawed methodology !
- Ministerial intervention required - Overriding IPARTs decision and allowing Councils to take up the amended rate peg (in line with their original forecasts).

FY2022/23 Rate Peg analysis



FY2022/23 Rate Peg analysis



Item	Increase	\$	
General Rates [*]	0.7% (rate peg)	\$0.65m	↑
General Rates [*]	0.9% (population factor)	\$0.85m	↑
Employee Costs [^]	4.5% [^]	\$3.5m	↑
Impact on General Fund		(\$2m)	↓
Amended rate peg (0.9%)		\$0.9m	↑
Impact on General Fund		(\$1.1m)	↓

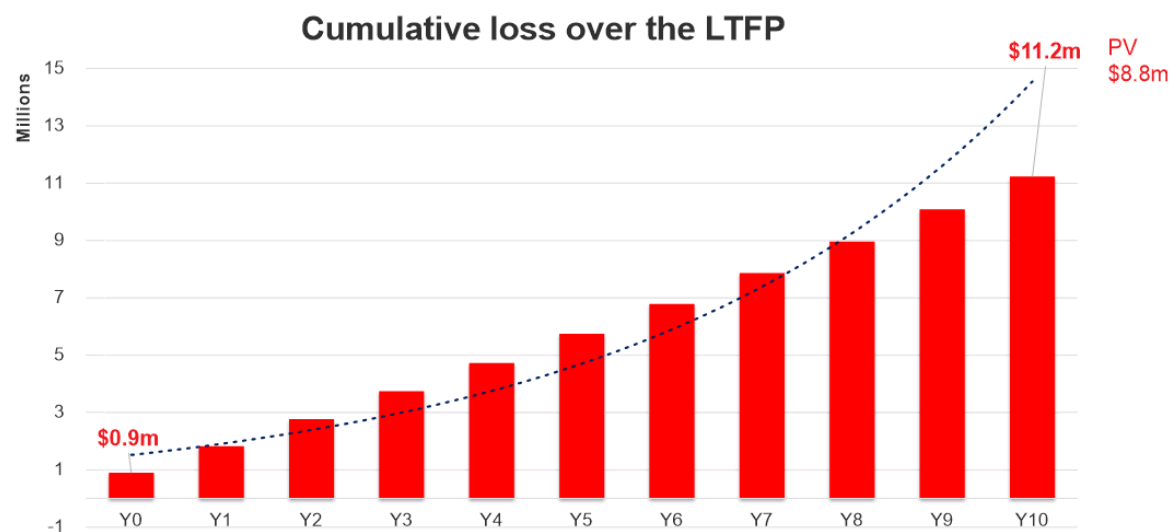
^{*} Figures above excludes income and expenditure related to Domestic Waste – which is fully funded.

[^] Employee costs increase of 4.5% is a result of – 2% award increase, 0.5% increase in super guarantee, and effect of assumed step increases.

FY2022/23 – 2.5% Rate Peg analysis



Cumulative impact of not taking up the 2.5% rate peg:



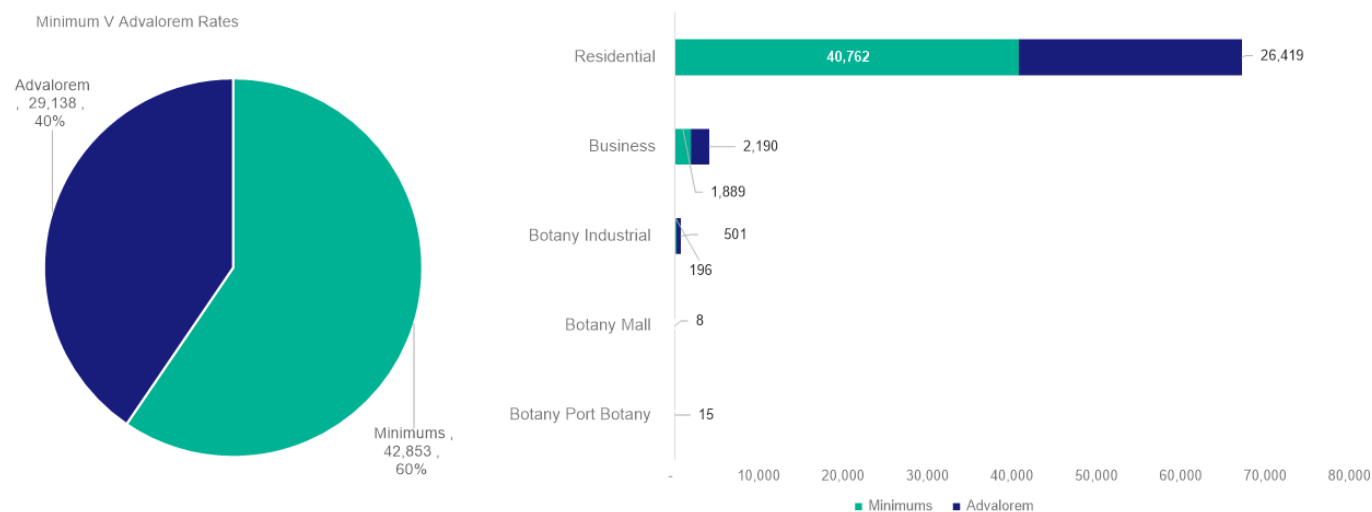
FY2022/23 Rate Peg analysis



Council has modelled the following options in applying the additional rate peg:

- Per the Corporate Performance Committee Report 6 April 2022
- Apply it consistently across entire rate base (all categories) **(Recommended)**.
- Applied to residential rate payers only.
- Applied to business rate payers only.
- Report to Council on 27th April recommending Council to take up the amended rate peg and apply it across the entire rate base (all categories) providing for the most fair and equitable method for distributing the rate burden.

Rate Peg Analysis – Minimum V Advalorem Rates



Transition Path – Minimum Rates



Year	Minimum ordinary rate – parcels of land within the Former Botany Bay Area	Minimum ordinary rate – parcels of land within the Former Rockdale Area
2021-22	\$626.26	\$783.89
2022-23	\$689.89	\$803.49
2023-24	\$771.53	\$823.57
2024-25	\$844.16	\$844.16



Rate Peg Analysis – Advalorem Rates



Rate Category	2021/22 Averages	2022/23 @1.6% Averages	Option 1 @ 2.5% All	Option 2 @ 2.5% Residential	Option 3 @ 2.5% Business
Rockdale Residential	\$ 1,287.31	\$ 1,184.29	\$ 1,202.34	\$ 1,206.67	\$ 1,198.01
Botany Residential	\$ 1,113.84	\$ 1,276.73	\$ 1,292.35	\$ 1,296.09	\$ 1,288.60
Rockdale Farmland	\$ 1,433.00	\$ 1,394.66	\$ 1,414.76	\$ 1,407.11	\$ 1,422.43
Rockdale Business	\$ 3,971.72	\$ 3,866.07	\$ 3,921.79	\$ 3,900.58	\$ 3,943.03
Botany Business	\$ 7,570.03	\$ 7,362.61	\$ 7,468.80	\$ 7,428.39	\$ 7,509.30
Botany Port Botany	\$196,073.20	\$190,827.33	\$ 193,577.90	\$192,531.09	\$ 194,626.81
Botany Industrial	\$ 10,075.42	\$ 9,751.33	\$ 9,892.67	\$ 9,838.88	\$ 9,946.57
Botany Mall	\$ 29,359.13	\$ 28,550.10	\$ 28,961.96	\$ 28,805.21	\$ 29,119.02

Movements in Averages \$

Rate Category						
Rockdale Residential		-\$ 103.02	-\$ 84.96	-\$ 80.64	-\$ 89.30	
Botany Residential		\$ 162.88	\$ 178.51	\$ 182.25	\$ 174.76	
Rockdale Farmland		-\$ 38.34	-\$ 18.24	-\$ 25.89	-\$ 10.57	
Rockdale Business		-\$ 105.65	-\$ 49.93	-\$ 71.14	-\$ 28.68	
Botany Business		-\$ 207.42	-\$ 101.23	-\$ 141.64	-\$ 60.73	
Botany Port Botany		-\$ 5,245.87	-\$ 2,495.30	-\$ 3,542.11	-\$ 1,446.39	
Botany Industrial		-\$ 324.09	-\$ 182.75	-\$ 236.54	-\$ 128.85	
Botany Mall		-\$ 809.02	-\$ 397.17	-\$ 553.91	-\$ 240.11	



Rate Peg Analysis – Minimum Rates



Rate Category	2021/22 Averages	2022/23 @1.6% Averages	Option 1 @ 2.5% All	Option 2 @ 2.5% Residential	Option 3 @ 2.5% Business
Rockdale Residential	783.89	803.49	803.49	803.49	803.49
Botany Residential	626.26	689.89	689.89	689.89	689.89
Rockdale Business	783.89	803.49	803.49	803.49	803.49
Botany Business	626.26	689.89	689.89	689.89	689.89
Botany Port Botany	626.26	689.89	689.89	689.89	689.89
Botany Industrial	626.26	689.89	689.89	689.89	689.89
Botany Mall	626.26	689.89	689.89	689.89	689.89



Rate Peg - Next Steps



- Council to consider and make a decision on the 27th April ordinary Council meeting.
- Subject to Council decision, submit an application to IPART by 29th April.
- 11th May Extraordinary meeting - Council to resolve to place on exhibition, the draft rating structure placed on exhibition.
- 21st June – IPART decision.
- 29th June – Adopt budget and revenue policy.



Council Meeting

27/04/2022

Item No	10.2
Subject	Feedback Submission - IPART's Review of Domestic Waste Management Charges
Report by	Colin Clissold, Director City Presentation
File	F14/78

Summary

On 18 August 2020, IPART released a Discussion Paper on Review of DWM service charges. The Discussion Paper explains their preliminary views and asked for feedback on whether stakeholders (Councils, Industry, and General Public) consider if there are issues with the prices charged for DWM services, and, if so, what recommendations should be considered.

Bayside Council formally submitted feedback on 19 October 2020, that was well received resulting in an invitation by IPART for Bayside Council to participate in a small working group to review, unpack and address any discrepancies or concerns. These working group discussions were productive, however, did not receive full consideration as IPART disregarded valid critical concerns raised by working group members, including Bayside Council.

During these discussions, IPART was made aware that the DWM charges are heavily influenced by external cost factors, outside the control of council, noting that no two councils are the same and that attempting to compare them would be a futile exercise. Creating competition between councils would not affect how each council calculates DWM charges as the services, frequency, capacity, appetite for higher recovery, access to facilities, tendering requirements, density, topography, and the manner in which services are provided or offered to each local area differs significantly, inclusive of unexpected external factors like China Sword.

The proposed approach to reform the domestic waste management charge (DWMC) in IPART's "Draft Report" is different to what was proposed in their earlier published Discussion Paper or in discussions held within an IPART working group.

The following is a condensed summary:

- Rebalancing & Benchmarking:** IPART's Discussion Paper recommended. Councils would apply the pricing principles to "rebalance" costs attributed between the DWMC and general rates, with a one-off variation to council's general rate base (with a 2-year window provided to do so). IPART would monitor "like-for-like" councils against their benchmarks and report on outlier councils each year, with outliers triggering questions to be asked and/or an audit to be undertaken.
- Waste Peg:** IPART's Draft Report in 2021, released in mid-December, recommended adoption of pricing principles and an annual "benchmark" waste peg on the DWMC starting at 1.1% waste charge increase in 2022/23. IPART would publish an annual report on the extent to which councils' annual DWMC increased more than their benchmark peg.

IPART's proposed approach would result in significant changes to the way that councils determine their waste charges and services provided, with Councils having to frequently burden the community through Special Rate Variations applications.

Note: that the proposed waste peg on charges is a blunt instrument that:

1. will not fix the issues IPART has identified around consistency,
2. is not consistent with how DWM charges should be calculated in relation to the Local Government Act, and
3. All SSROC Councils are opposed to its introduction.

Both LGNSW and SSROC member Councils believe that the focus should be on:

1. councils providing increased transparency to their own community in relation to all DWM Charges (Bayside provides this information in their Fees & Charges and the Delivery Program & Operational Plan annually),
2. updating definitions and guidance on what is in/out of the DWM Charges in the first instance via the Office of Local Government's Council Rating and Revenue Raising Manual,
3. advocating hypothecation of the state waste levies to waste and recycling initiatives and activities (Bayside currently receives only \$185,000 of the \$7 million in levies paid),
4. auditing council outliers when their DWM charges are significantly different to other councils in their region.

LGNSW and SSROC have both developed their respective position paper, which outlines the key issues for local government and will now be submitted to IPART by 29th April 2022.

LGNSW's paper also notes that we consider IPART is going beyond its remit with respect to other reform elements it has proposed, such as requiring councils to report to IPART.

A Bayside presentation highlighting key concerns is attached.

Officer Recommendation

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

Background

NSW local councils provide a range of Domestic Waste Management (DWM) services to their residents, such as kerbside collection, drop-off facilities and periodic clean-up services. To recover the cost of these services, local councils levy DWM charges (separate to ordinary rates) on their residential ratepayers.

On 18 August 2020, IPART released a Discussion Paper on Review of DWM service charges. The Discussion Paper explains their preliminary views and asked for feedback on whether stakeholders (Councils, Industry, and General Public) consider if there are issues with the prices charged for DWM services, and, if so, what recommendations should be considered.

IPART's preliminary analysis failed to consider a plethora of external cost drivers (out of local council control) that led to DWM charges increasing at a higher rate, over the last decade, than the state rate peg or inflation. It was an initial IPART 'view', in lieu of a comprehensive understanding of the waste industry and cost drivers, that DWM charges may not be delivering good value for ratepayers and there may be challenges for local councils in purchasing and pricing these services.

In the past IPART have not regulated DWM charges. In their 2020 Discussion Paper, IPART was considering whether this approach remains appropriate and suggested that ***"caution is needed, and prescriptive regulation may not be appropriate"***. Which Local Government in principle agreed with.

Bayside Council formally submitted feedback on 19 October 2020, that was well received resulting in an invitation by IPART to participate in a small working group. These working group discussions were productive, however, did not receive full consideration as IPART disregarded valid concerns raised by members, including Bayside Council.

From Bayside's submission inclusive of one-on-one discussions, IPART was made aware that the DWM charges are heavily influenced by external cost factors, outside the control of council, and include but are not limited to:

1. Metropolitan State Waste Levy
2. Waste Levies flowing out of waste and recycling activities
3. Reduction in NSW EPA Better Waste Recycling Funds (BWRf)
4. Increased Cost of Recycling Processing
5. State Target & Cost of Higher Resource Recovery
6. Contamination & Resourcing in High Density Areas
7. Lack of Waste Infrastructure within the Sydney Metropolitan area
8. Natural Disasters
9. Pandemics & Global Supply Chain Issues
10. Increased need to utilise of smart technology and data

The overwhelming consensus was that no two councils are the same and that attempting to compare them would be a futile exercise. Creating competition between councils would not affect how each council calculates DWM charges as the services, frequency, capacity, appetite for higher recovery, access to facilities, tendering requirements, density, topography

and the manner in which services are provided or offered to each local area differs significantly. This view is supported by the March 2020 NSW Government Issues Paper, 'Cleaning Up Our Act: The Future for Waste and Resource Recovery in NSW', whereby it states that: ***"Waste charges and outcomes can vary by council area, but the link between the two is not always easily comparable across different council areas."***

IPART attempted to itemise activities/costs that in their view were not direct or indirect (associated with) with DWM and they suggested that these costs be re-directed to general rates, via a ***rebalancing activity or a special rate variation***. Once again, the overwhelming consensus was that their logic was flawed and that local councils would not support this as the charges in question, in our view, are in alignment with the Local Government Act and its intent of having a separate variable charge dependent on service provisions.

In all IPART discussions, there was ***no mention about the imposition of a 'waste peg'*** or any other similar regulatory control.

Participating working group members focused on the need to expand the current OLG Council Rating and Revenue Raising Manual (January 2007) to assist councils with calculating DWM charges inclusive of direct (DWM services), indirect (associated with providing DWM services), and other reasonable considerations that ensuring stable incremental costing and financial sustainability is assured.

On the 13 December 2021, IPART released a subsequent Draft Report - Review of Domestic Waste Management Charges, of which Bayside Council and SSROC members will be furnishing representations.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

N/A

Attachments

IPART Presentation DWMC [↓](#)



Bayside Council

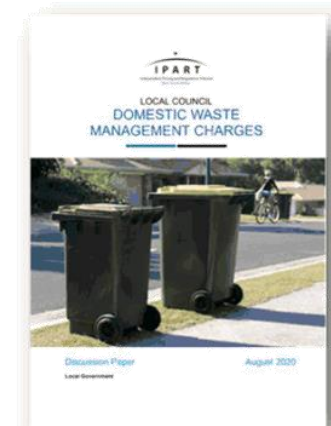
IPART Review Domestic Waste Management Charges

Joe Logiacco – Manager Waste & Cleansing Services





Discussion Paper 2020



BAYSIDE COUNCIL

Aim

Discussion Paper 2020 – Background Data Gathering

- **DWM Charges & Affordability**
 - What are the cost drivers?
- **Services Variations**
 - service levels,
 - community expectations,
 - preferences across different councils.
- **Competition**
 - Is there sufficient competition?
 - What are the barriers to effective procurement?



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Aim

Discussion Paper 2020 – IPART options

- **Compliance / Regulation**
 - Is greater oversight of DWM charges needed?
 - Are there any other approaches that IPART should consider?
- **Reporting & Benchmarking**
 - How could differences in services and service levels, as well as drivers of different levels of efficient cost, be accounted for?
 - Is there merit in monitoring and benchmarking approach and pricing principles for setting DWM charges?
- **Audits**
 - Would IPART's proposed approach be preferable to audits of local councils' DWM charges by OLG?



IPART Review of DWM

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Aim

Discussion Paper 2020 – IPART options

- **Centralised Database**
 - Are there any issues that should be considered with regards to developing an online centralised database for all NSW councils' DWM charges to allow councils and ratepayers to benchmark council performance against their peers?
- **Pricing Principles**
 - Do you agree with IPART's proposed pricing principles? Why/why not?



IPART Review of DWM



IPART Working Group 2020/21









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Working Group Feedback




Discussion Paper 2020 – Background Data Gathering

- **DWM Charges & Affordability**
 - Many *external cost drivers* – including Metro Waste *Levy*
 - Waste Levies *hypothecation* – returning funds back to Council and Industry
- **Services Variations**
 - Too *difficult to compare* councils
- **Competition**
 - *Lack of* competition





IPART Review of DWMC









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Working Group Feedback

Discussion Paper 2020 – IPART options

- **Compliance / Regulation**
 - *More clarity needed* on what can be charged by DWM charges
- **Reporting & Benchmarking**
 - *Too difficult to compare* differences in services, service levels, service quality, localised issues.
 - *No community merit* in benchmarking
- **Audits**
 - *Outliers* should be audited





IPART Review of DWC

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Working Group Feedback

Discussion Paper 2020 – IPART options

- **Centralised Dashboard to Compare Councils**
 - *No benefit* to the community comparing DWM charges if *services differ*, or the manner in which services are provided differ.
- **Pricing Principles**
 - Councils did not agree with IPART in relation to *associated services* to include in DWM charges
 - Monitoring & *transparency* is already *provided* – DWM charges are available on website
 - IPART & OLG to *provide more clarity* – in conjunction with council engagement



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IPART Review of DWC




IPART Draft Review DWMC 2021/22





IPART Domestic Waste Management (DWM) Charges 'User-pays'





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'User Pays'

IPART 'User Pays' Definition

According to IPART, "DWM charges are the price paid for household waste services on a 'user-pays' basis, while general rates are a tax based on land value."


IPART further concludes that "User-pays charges are reflective of *the cost of providing the service to that customer.*"

The interpretation provided by IPART for 'user-pays' *implies that the resident should be charged according to use, instead of the availability of service.*


IMPACTS:




Fluctuating Collection Fee



Fluctuating Processing Fee



Unsavoury Practices & Neighbour Disputes



IPART Review of DWM



IPART 'Benchmark' Waste Peg



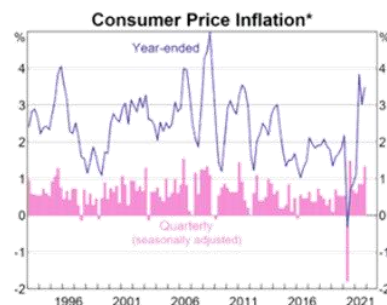
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'Benchmark' Waste Peg

IPART 'Benchmark' Waste Peg

IPART propose to release annually a 'benchmark' waste peg that gives guidance on how much the reasonable costs of providing DWM services have changed over the previous year. *The proposed benchmark waste peg for 2022–23 is 1.1%.*

This is a *lagging indicator* or blunt instrument that *looks back at historical data*. Any proposed waste peg has *no merit* and will not assist any council because *DWM charges are not arbitrary and are based on the reasonable costs* of providing DWM services, as per the Local Government Act.



RBA posted CPI of 3.8%, 3%, 3.5% for the last 3 quarters

- ▶ Higher prices for petrol and other commodities
- ▶ Supply-side issues
- ▶ Increased overall labour costs

RBA Inflationary Concerns



Local Government Act




IPART Review of DWC



IPART 'Benchmarking' Centralised Reporting





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Centralised Benchmarking

IPART Proposes to 'Benchmark' Councils' DWMC


IPART proposes to have councils *report directly to them*, which may be *beyond the limit of their powers*, to present and *compare council DWM charges in a centralised location*.

Due to the *vast differences* in services and service levels required or provided, benchmarking and reporting *would not provide an accurate or reliable measurement to different communities*.



There are multiple factors that could influence value such as:

- ▶ quality,
- ▶ volume,
- ▶ frequency,
- ▶ community, social and environmental outcome,
- ▶ localised issues (such as topography, narrow roadways or density)
- ▶ location & proximity/access to facilities,
- ▶ and government policy.

Attempting to benchmark and report the findings to communities *could lead to social, environmental, and political dissatisfaction*.



IPART Review of DWC



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Service Variations




It is difficult to compare apples to oranges!

Each council will have differing levels of service and guarantees of service addressing community expectations in their respective *Community Strategic Plan*, and *Delivery Program and Operational Plan* and other *Council policies*.

Examples of differences include:

- Bin systems (i.e. 2 bins v 3 bins v 4 bins),
- Processing and disposal systems (i.e. AWT, MBT, RDF, EfW, FOGO, FO, landfill, co-mingled recycling, separated recycling),
- Frequencies (i.e. 4 scheduled clean up vs 2 scheduled clean ups vs booked clean up services),
- Volumes (i.e., offer 360L of bin capacity v 480L per week across all waste streams),
- Items accepted,
- Topography & vehicles or methods of collection required (i.e. heavy/medium or small rigid compaction vehicles; flatbed platform lift collection vehicles; side arm, rear load, front load, hook lift),
- Bin presentation (i.e., self presented in multi units or valet contractor wheel out/wheel in service),
- Overall landfill diversion rates (unverified self reported rates vary significantly).

March 2020 NSW Government Issues Paper, 'Cleaning Up Our Act: The Future for Waste and Resource Recovery in NSW', states that: *"Waste charges and outcomes can vary by council area, but the link between the two is not always easily comparable across different council areas."*




IPART Review of DWC



External Cost Drivers that hinder a Rate Peg






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External Cost Drivers

DWMC hindered by external factors

The DWM charges cannot be pegged because the costs are *heavily influenced by a plethora of external cost drivers that councils cannot control*. These external cost drivers include, but are not limited to:

- ▶ State Waste Levy
- ▶ NSW Waste Levies flowing out of waste and recycling activities
- ▶ Reduction in NSW EPA Better Waste Recycling Funds (BWRF)
- ▶ Recycling Processing
- ▶ NSW Government Targets
- ▶ State mandated services
- ▶ Contamination and resourcing in high density growth
- ▶ Lack of waste infrastructure within the Sydney Metropolitan area



IPART Review of DWC

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External Cost Driver

Driver 1 : NSW Metropolitan Waste Levy

There has been an **increase of 144.2% in the last decade** in the NSW Metro Waste Levy, **increasing by an average rate of 9.34% per annum**, well above CPI and an average LG NSW rate peg of 2.89% per annum.

Period	Metro NSW Waste Levy (MWL)	Metro NSW Waste Levy Change (%)	Annual LGNSW Rate Peg (%)
2009/10	\$58.80		3.50%
2010/11	\$70.30	19.56%	2.60%
2011/12	\$82.20	16.93%	2.80%
2012/13	\$95.20	15.82%	3.60%
2013/14	\$107.80	13.24%	3.40%
2014/15	\$120.90	12.15%	2.30%
2015/16	\$133.10	10.09%	2.40%
2016/17	\$135.70	1.95%	1.80%
2017/18	\$138.20	1.84%	1.50%
2018/19	\$141.20	2.17%	2.30%
2019/20	\$143.60	1.70%	2.70%

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IPART Review of DWC

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External Cost Driver

Driver 1 : NSW Metropolitan Waste Levy

Councils have been playing catch up to keep up with the 9.34% annualised rise in the NSW metro waste levy.



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IPART Review of DWC

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External Cost Driver

Driver 2: NSW Waste Levies flowing out of waste industry

NSW municipal solid waste (MSW) that was disposed or landfilled in 2017/18 *generated over \$250M in revenue for NSW Treasury via a NSW Waste Levy*, of which a *small percentage was provided to local government and the industry* to design, plan and implement affordable, reliable, and sustainable waste management solutions.



This data *excludes an additional \$541M generated in NSW waste levies* in 2017/18, associated with construction & demolition (C&D) waste and commercial & industrial (C&I) waste.

NSW Levy Area	Disposal Tonnage	NSW Waste Levy Fee 2017/18	NSW MSW Waste Levies 2017/18
NSW Metropolitan Levy Area	1,741,000	\$138.20	\$240,606,200
NSW Rural Levy Area	200,000	\$79.60	\$15,920,000
NSW Non Levy Area	505,000	NIL	NIL
NSW Total	2,446,000	Ave: \$104.88	\$256,526,200

Source: Provided in Draft SSROC Waste Infrastructure Options Analysis Briefing Paper 2020.



IPART Review of DWC



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External Cost Driver

Driver 2: NSW Waste Levies flowing out of waste industry


The *2019 National Waste & Recycling Industry's White Paper Review of Waste Levies* in Australia estimated that **19.9% of NSW waste levies were spent on waste and recycling activities**, inclusive of State EPA agency funding.

The irony is that the State Government can introduce a waste charge (levy) and **spend the lion share of the revenue at its discretion (80.1%)**, whereas local government is under review by IPART in relation to domestic waste charges.

If IPART is claiming to protect the ratepayer on how the DWM charges are spent, they should be making a recommendation for hypothecation of the waste levies for waste and recycling activities.



IPART Review of DWC




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External Cost Driver



Driver 2: NSW Waste Levies flowing out of waste industry

*In March 2018, a **parliamentary inquiry into waste** handed down recommendations in relation to the NSW waste levies. It found that NSW is the second highest per capita producer of waste in the world, with the final report acknowledging that successive **NSW Governments have “failed to effectively leverage levy funds”** to support the development of much-needed services and infrastructure, leaving the state dependent on landfill.*

The committee made several recommendations to overcome this issue, including *that the **NSW Government hypothecate a greater percentage of waste levy funds to local councils and the waste industry** to support the provision of additional waste services, initiatives, and infrastructure.*



IPART Review of DWC




BAYSIDE COUNCIL

External Cost Driver


Driver 2: NSW Waste Levies flowing out of waste industry

In *November 2020 the Auditor-General for New South Wales, Margaret Crawford, released a report* that examined the effectiveness of the waste levy and grants for waste infrastructure in minimising the amount of waste sent to landfill and increasing recycling rates.

The audit found that the *NSW EPA has not conducted a review since 2009* to confirm whether the levies are set at the optimal level. The audit also found that there were *no objective and transparent criteria for which local government areas should pay the levy*, and the list of levied local government areas has not been reviewed since 2014.



IPART Review of DWC



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External Cost Driver


Driver 3 : Reduction in NSW EPA Better Waste Recycling Funds (BWRf)

- Councils received 43.3% less uncontested funds from NSW waste levies in the 2017-21 funding cycle than in 2013-17 funding cycle. This was despite of increased levy contributions made by councils due to population growth, increased waste generation and levy increases.
- Bayside Council only received approximately 3% or \$180,000 from the NSW EPA from the waste levies that Council contributed (>\$6M) to NSW Treasury in 2019/20 in the form of BWRf to spend on a plethora of waste related issues, such as increased cost of recycling, illegal dumping, littering, education, regulation, achieving higher recycling & resource recovery, and so on.


NSW EPA BWRf Cycle	Levy returned to Councils
2013-17	\$68.8M over 4 years
2017-21	\$39.0M over 4 years

Source of 2013-2017 funding : <https://www.epa.nsw.gov.au/working-together/grants/councils/better-waste-and-recycling-fund>

Source of 2017-2021 funding: <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wastegrants/19p2055-better-waste-and-recycling-fund-2017-2021.pdf?la=en&hash=4EA91157B313D717950E3940694F71DE5CF1DFA2>



IPART Review of DWC



BAYSIDE COUNCIL


External Cost Driver

Driver 4 : Increased Cost of Recycling Processing


- **International and national waste bans** and the **lack of local recycling infrastructure** related to the lack of recycling end markets in Australia have contributed to an increase in recycling costs.
- With the closure of the Polytrade Material Recovery Facility (MRF), **the recycling industry in the Sydney metropolitan area has become monopolistic** (Visy), **or a duopoly** if you include SUEZ utilising a transfer station at Rockdale to transport material to their Spring Farm MRF. This has contributed to a rise in gate fees and little leverage in negotiating Container Deposit Scheme (CDS) Refund Share Agreements (RSA).

Cost of Recycling Processing	Market Cost (\$) / Tonne
Prior to 2018	\$35 rebate to NIL cost
2018 - 20	\$60 - \$120
2020 - 21	\$90 - \$150

Source: Contractor prices charged by three suppliers (Contractor names withheld in relation to respective pricing).



IPART Review of DWC



BAYSIDE COUNCIL


External Cost Driver

Driver 4 : Increased Cost of Recycling Processing


The decline in **commodity prices** (particularly mixed paper, mixed plastic, and glass), and the lack of **supplier competition** in the sector have contributed to a **significant increase in recycling costs**.

This graph was provided by a leading recycler on the state of commodity prices:

Commodity sell prices history



Source: <https://www.thechainsaw.com/australia-recycling-crisis-2018-2>



IPART Review of DWC

BAYSIDE COUNCIL

External Cost Driver

Driver 5 : Increased Cost for Higher Resource Recovery (State Targets)

The **NSW Government recently released its Waste and Sustainable Materials Strategy 2041** (Waste Strategy) outlines actions to ensure that the State has the services and infrastructure in place to deal with waste safely, achieve waste recovery and recycling targets, and support a circular economy.

A major **current and future driver of cost has and will be the pursuit for higher resource recovery in line with a Circular Economy model**, which includes advanced processing infrastructure and increased source separation. This has resulted in an increase and/or an improvement in solutions such as, but not limited to:

This has resulted in an increase and/or an improvement in solutions such as:

- AWT facilities,
- FOGO facilities,
- Processed Engineered Fuels,
- Anaerobic digestion,
- Glass crushing and asphalt recycling,
- Material Recovery Facilities (MRF),
- Transfer Stations.

Circular Economy Model



In the future, this could include **more advanced technologies** that may include energy recovery and changes to the chemical composition of recyclables, which **may come at a higher cost**.

NSW Government (State) recovery or recycling targets are set for local governments to aspire to, without the appropriate distribution of waste levies that are charged to local communities and not returning to local

PART Review of DWC

BAYSIDE COUNCIL

External Cost Driver

Driver 5 : Increased Cost for Higher Resource Recovery (State Targets)

In the future, this could include *more advanced technologies* that may include energy recovery and changes to the chemical composition of recyclables, which *may come at a higher cost*.

NSW Government (State) recovery or recycling targets are set for local governments to aspire to, without the appropriate distribution of waste levies that are charged to local communities and not returning to local communities, so *local communities in effect are paying much more than they should for waste and higher resource recovery initiatives*, firstly through state levies that are not returned and then through potential increased domestic waste charges to make up for this non-returned State charge.

Circular Economy Model



Bayside Council
Serving Our Community



IPART Review of DWC



BAYSIDE COUNCIL

External Cost Driver


Driver 6 : State Mandated Services (FOGO)

All councils in NSW have been mandated by the NSW Government to implement a Food Organic & Garden Organic (FOGO) service by 2030.

*A recent study undertaken by the Southern Sydney Regional Organisation of Councils (SSROC) with the assistance of an independent Consultant (MRA consulting) **unpacked the true costs** of FOGO in metropolitan areas. The poor capture rate of this service in metro high density areas indicates **a considerable increase in cost will be expected compared to 'business as usual'** whilst not guaranteeing a higher recovery rate, particularly for those councils currently sending their waste to an alternate waste treatment facility (with a NSW EPA mixed waste organic output site specific exemption).*



IPART Review of DWC



BAYSIDE COUNCIL


External Cost Driver

Driver 7 : Contamination and resourcing in high density growth

- A major challenge for local government has been the **exponential growth of high density living** which is typically associated with **higher waste contamination rates**.
- These **recyclables are no longer exported** and the contamination rate that was once tolerated in foreign negotiations has now created a **local contamination issue and cost**.
- This requires an **increase in resources** for monitoring, education and enforcement and can lead to **significant tiered contamination penalty charges**. Common penalty charges are:

Contamination (%)	Payable by Council
00.0 – 9.99	NIL
10.0 – 19.99	\$30 / Tonne
20.0 and above	Load rejected

Source: Provided by a MRF Supplier.



IPART Review of DWC

BAYSIDE COUNCIL**External Cost Driver****Driver 8 : Lack of Waste Infrastructure within the Sydney Metropolitan area**

- A **lack of local infrastructure capacity** and **increases in proximity to facilities** (distance travelled to facilities from local government area centroids) has placed additional pressure on operational costs.
- **Productivity losses**, which result in additional costs, are incurred with **additional travel time** and **time lost due to increased traffic congestion**.
- A **future scarcity of landfill infrastructure** is likely to increase the value of the remaining landfill space and **increase disposal costs**.



PHOTO: Veolia MBT facility located at Woodlawn.



PHOTO: BINGO landfill located at Eastern Creek.

**IPART Review of DWC**



BAYSIDE COUNCIL

External Cost Driver

Driver 8 : Lack of Waste Infrastructure within the Sydney Metropolitan area

During the recent *natural disasters (severe floods and inclement weather)* many SSROC metropolitan councils were impacted by:

- ▶ the *closure of the rail line* that delivers SSROC waste from Banksmeadow to Tarago (Picton line affected) where the waste is processed,
- ▶ the *EPA restrictions and limits on stockpiling* waste at Transfer Stations,
- ▶ the *EPA restrictions and limitation on transporting* the waste by road to Tarago (7-hour round trip per load) and the *availability of resources at short notice*,
- ▶ the *temporary closure of Waste Transfer Stations* (including Banksmeadow, Clyde, Rockdale, Artarmon, etc.),
- ▶ the *temporary lack of access to the Lucas Heights Landfill* (flood affected and significant queuing delays), and,
- ▶ the *re-direction of waste by road to the Central Coast* (Woy Woy) which was a 4-hour round trip per load.




IPART Review of DWC



IPART Proposed Pricing Principles





BAYSIDE COUNCIL

Pricing Principles


Guidance & Determining Value

IPART proposes to recommend to the **NSW Office of Local Government (OLG)** that they provide **guidance** to councils through pricing principles in their **Council Rating and Revenue Raising Manual**, on how to set DWM charges to **ensure they reflect the costs of providing the service and best value for ratepayers**. IPART propose pricing principles for inclusion in OLG's Manual.


Definition & Feedback on Value & Benchmarking

Bayside Council and all other participating stakeholders within the IPART working group (formed after IPART's Discussion Paper) focused on this area. There was and still is a major disconnect from **IPART's interpretation of value (focused on price / affordability) with their intent to compare councils in a centralised location**, in contrast to what councils have explained to IPART that value not only incorporates price and service levels, **but also includes addressing:**

- ▶ **localised issues,**
- ▶ **quality of service, and**
- ▶ **meeting community expectations and satisfaction levels.**



IPART Review of DWC



BAYSIDE COUNCIL

Pricing Principles

Definition & Feedback on Domestic Waste Management Services


Both the Local Government Act and the OLG Manual need to be more explicit about what can and cannot be charged and broaden definitions to embrace a circular economy model to: align with State targets and mandates; to other legislation (such as POEO Act); and to incorporate all direct costs and associated costs with providing best practice waste and resource recovery services.

DWM services, as defined in the Local Government Act, comprise two components:


- ▶ the periodic collection of domestic waste from individual parcels of rateable land (*periodic collection services*); and
- ▶ services associated with periodic collection services (*associated services*).

Legal advice suggests that a court is likely to regard the phrase “services associated with those services” (i.e., *associated with periodic collection services*) as meaning the services that are performed by or on behalf of council that:

- ▶ have some *direct relationship* to the periodic collection services; and
- ▶ are in some sense *subordinate, ancillary or consequential* to the periodic collection services.



IPART Review of DWC



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Pricing Principles

Definition & Feedback on Domestic Waste Management Services


Ultimately, we are of the view that the *terminology used in the Local Govt. Act is not capable of precise definition* in the abstract, and it would not be appropriate to propose an interpretation by listing services that are or are not associated services. *Whether or not a service is an associated service will be a question of fact and degree.*

As per the definition of 'domestic waste management services' the periodic collection services must be in relation to '*domestic waste*', which according to its definition, is waste that:

- ▶ is '*on domestic premises*' (i.e., the material becomes waste before leaving the domestic premises); and
- ▶ is of a '*kind and quantity ordinarily generated on domestic premises*' (e.g., it would exclude waste that is ordinarily considered to be commercial waste and non-typical domestic waste should not be allocated to DWM charges).



IPART Review of DWC



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Pricing Principles

Definition & Feedback on Domestic Waste Management Services


Legal advice suggests, the requirement that the waste must be *'on' domestic premises does not mean that the waste will stop being domestic waste once it leaves the premises*. Otherwise, it would cease being waste as soon as it was placed in a mobile bin and taken to the kerb for collection.

The better view is that *it is a reference to the location at which the waste is generated*, i.e., the location where the material transforms into waste because, for example, it is discarded, unwanted, surplus etc.


This means that waste that is generated in a domestic premises, placed in a mobile bin at that premises, and *then falls from the bin to the street, is still to be considered to be domestic waste*.

IPART incorrectly states in their report that "associated services" of the "periodic collections" can not be included as DWM charges, such as:

- ▶ street sweeping (*associated with bin collection spills and containers for refund scavenging*), and
- ▶ illegal dumping (*associated with early, late, excessive and/or non-compliant bulky items of clean up services*).



IPART Review of DWM



BAYSIDE COUNCIL


Pricing Principles

Calculating DWMC & Feedback


The IPART Report notes that when determining DWM charges, councils are required to ensure that their DWM charges are **calculated so as not to exceed the reasonable cost to the council of providing DWM services**. This general proposition reflects s 504(4) of the LGA.

The IPART Report identifies that the **approach** to allocating costs in determining DWM charges is **not consistent across councils**. In particular, IPART notes that:

- ▶ councils are concerned about a **lack of clarity** as to what costs can be attributed to DWM charges;
- ▶ councils are **unclear as to whether specific items** such as pensioner concessions, street sweeping, public space bins and illegal dumping costs **should be attributed to DWM** charges or general rates;
- ▶ the approach taken by councils in making DWM **charges varied significantly**; and
- ▶ **the way councils allocate corporate overheads** to DWM charges can also lead to variations in prices across councils.



IPART Review of DWM



BAYSIDE COUNCIL


Pricing Principles

Calculating DWMC & Feedback


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IPART Review of DWMC




BAYSIDE COUNCIL

Pricing Principles


Calculating DWMC & Feedback

It is clear from the IPART Report that there are *different views as to the correct application of the Local Govt. Act in determining DWM charges*. The lack of clarity as to what is an associated service contributes to the lack consistency across councils. In this context, the IPART Report attempts to describe pricing principles that can be applied by councils when determining DWM charges. In doing so, **IPART** expressly acknowledges that it is *unable to make principles that are binding on councils (limited powers)*, and accordingly intends only to recommend that the OLG provide further guidance to councils through the setting of pricing principles, which IPART recommends.

The pricing principles recommended in the IPART Report are described as being intended to 'identify the categories of costs that can be included in DWM charges.' **IPART** accepts that the *principles*, where applied, *might result in a reduction in income from DWM charges*. It notes in this regard that *councils in this position can apply for a special rate variation to address any revenue shortfall*.



IPART Review of DWC



BAYSIDE COUNCIL

Pricing Principles

Calculating DWMC & Feedback


Of the four pricing principles identified by IPART, the first pricing principle is most relevant to Council's identification of the types of costs that can be recovered through DWM charges. It states that:

"Revenue from DWM charges should equal the **efficient incremental cost** of providing the DWM services."


This principle is similar to the position at s 504(3) of the Local Govt. Act. However, instead of adopting the words used in that section of the Local Govt. Act (i.e., the reasonable costs of providing the services), IPART describes the costs recoverable as being the efficient incremental cost of providing the DWM services. **IPART is therefore taking a view that reasonable costs should be understood as, and be limited to, 'efficient incremental costs'.**

IPART does not explain what it means by 'efficient' in this principle, although we understand that to relate to the cost efficiency of the provision of the periodic collection services and associated services. This is supported, in our view, by IPART's comment that an incremental costs approach is important:

"This is particularly important where a council might be considering the most cost-efficient way of providing the service, including evaluating options such as competitively tendering out the services or providing them in-house".



IPART Review of DWC



BAYSIDE COUNCIL


Pricing Principles

Calculating DWMC & Feedback


However, **cost-efficiency is only one outcome** that might be important to a council when considering the provision of DWM services. **Other outcomes, such as environmental outcomes might compete with cost-efficiency and therefore require a more nuanced weighing of competing factors.** Therefore, to the extent that IPART is suggesting that recovered costs should be limited to only the most cost-efficient services, we disagree with that position. A better position is that the costs must be reasonable. IPART goes on to explain the concept of incremental costs to mean:

“...the additional cost of providing the domestic waste service over and above the cost of providing its general or base functions (e.g., roads, libraries, planning). This is the **costs that would not be incurred by the council if the council no longer undertook its DWM function.**”

In our view, that is an appropriate and reasonable way in which to think about DWM charges and accords with the general statutory principle at s 504(3) that income from DWM charges should not exceed the reasonable costs of providing DWM services.



IPART Review of DWM




BAYSIDE COUNCIL

Pricing Principles


Calculating DWMC & Feedback

IPART goes on to describe the DWM services that can be funded from income derived from DWM charges, and states that:

- ▶ 'Domestic waste is waste generated on domestic premises and includes waste that may be recycled (not including sewage).
- ▶ This expresses IPART's interpretation of the definition of 'domestic waste' under the Local Govt. Act, which **defines domestic waste as 'waste on domestic premises' rather than 'waste generated on domestic premises'**. However, this view does accord with our understanding of that definition.
- ▶ 'DWM charges **recover only the costs directly related to the service** of removing waste from domestic properties. Again, this **statement is not entirely accurate as it does not specifically include the concept of 'associated services'**.



IPART Review of DWMC



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Pricing Principles

Calculating DWMC & Feedback


However, IPART does *later in the Report correctly identify that associated services can be allocated to DWM charges*. However, IPART provide a limited list of what they believe associated services can be.

The IPART Report states in this regard: In practice this means ***councils should only levy charges to cover the cost of providing the following services, and services associated with these services:***

1. Landfill waste (normally a red lidded bin),
2. Dry recycling (normally a yellow or blue lidded bin),
3. Green waste and FOGO (normally a green lidded bin),
4. Bulk collections &/or tip vouchers for bulk collections.



IPART Review of DWC



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Pricing Principles


Calculating DWMC & Feedback

In describing the categories of costs that are attributable to those services and associated services, IPART notes:


Costs that can reasonably be collected through DWM charges include:

- ▶ **direct costs** of providing services or contracts for DWM services, including staff on-costs,
- ▶ **some** council **overheads** (discussed below),
- ▶ **education costs** directly related to **separating recycling**.

IPART states that, "Education costs directly related to sorting of waste and inspections of bins should be included to the extent education helps reduce the level of contamination in recyclables (normally yellow or blue lidded bins) and lowers landfill costs."



IPART Review of DWC




BAYSIDE COUNCIL

Pricing Principles



Calculating DWMC & Feedback

This limited knowledge of the industry fails to acknowledge the necessary education associated with other services and associated activities, such as:

- ▶ red-lidded bin service (avoiding problematic items such as asbestos, chemicals, long items that can become an entanglement at processing facilities, and so on),
- ▶ food organic and garden organics (FOGO) service (increasing capture rates, as they are poor in high density metro areas, i.e., A Sydney Metropolitan Council recently claimed only 28% diversion of this FOGO material from their red-lidded bin when most Council have up 50% FOGO in their red-lidded bins),
- ▶ clean-up service (avoiding problematic items such as, but not limited to, batteries which have been the greatest cause of fires within collection vehicles),
- ▶ other low-cost domestic waste services made available to ratepayers (such as scheduled, booked and/or paid clean-up services, direct waste facility drop off discounts, council recycling drop off events that increase recovery and/or reduce illegal dumping activities and/or reduce costs to the ratepayer).



IPART Review of DWC



BAYSIDE COUNCIL

Pricing Principles




Calculating DWMC & Feedback

In describing the categories of costs that are **not attributable to those services and associated services, IPART notes:**


“Other functions related to waste which do not involve the periodic collection of domestic waste from households should be funded through general rates. To the extent that the functions do not involve the periodic collection of domestic waste from premises, the following costs should not be collected through DWM charges:

- ▶ street sweeping
- ▶ public place rubbish bins
- ▶ general litter reduction campaigns not related to collecting domestic waste
- ▶ cleaning up illegal dumping.”

This IPART statement was **unanimously disputed by participating members of the IPART Working Group** in 2020/21 and ignored by IPART.



IPART Review of DWC



BAYSIDE COUNCIL

Pricing Principles


Calculating DWMC & Feedback

IPART adopts strange terminology in describing these non-recoverable costs.

IPART refers to 'functions' that do not 'involve' the periodic collection of domestic waste as being non-recoverable.

The word 'involve', in our view implies a higher standard than what is set out in the Local Govt. Act. *The Local Govt. Act merely requires that the costs be reasonable costs for providing the collection services and associated services.*

It is trite to say that the examples listed by IPART do not involve the periodic collection services, but certain of these examples might be characterised as associated services. Furthermore, *it is not the costs of exercising a function that are recoverable, but rather the cost of providing services.* Therefore, the loose terminology employed by IPART makes it difficult to understand the precise intention.



IPART Review of DWC

BAYSIDE COUNCIL

Pricing Principles

Calculating DWMC & Feedback

As discussed earlier it is Bayside's position that the waste material that originates in a domestic capacity, placed in an appropriate bin, makes its way to the ground (spillage), and requires *clean-up for waste spillages or windblown litter from the periodic collections is an associated service, which includes the use of street sweeping services.*



PHOTO: IPART's position on what can be charged to DWM incorrectly suggests that a bin collection service can be charged to DWM but the associated cost of the clean-up of that service needs to be charged to general rates. This is not consistent with the Local Govt. Act terminology and our interpretation



IPART Review of DWM

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Pricing Principles

Calculating DWMC & Feedback

Between *July 2019 and February 2022*, the *Sydney Regional Illegal Dumping (RID) Squad* reported that **72.1% of illegal dumping incidences were household (domestic) waste**.

This is supported by the *March 2020 NSW Government Issues Paper, 'Cleaning Up Our Act: The Future for Waste and Resource Recovery in NSW'*, which anecdotally claims that **"Almost 50% of illegally dumped waste is household waste."**

A great deal of the reported illegal dumps investigated within the Bayside local government area are part of a scheduled clean-up service, including:



- ▶ early presentation,
- ▶ late presentation, or
- ▶ non-compliant presentation.

This is **an associated service of the periodic collection service**.



Photo: Illegal dump consisting of domestic waste in front of high-density domestic dwellings.





BAYSIDE COUNCIL

Pricing Principles


Calculating DWMC & Feedback

It is not clear from the IPART Report whether the use of the phrase emphasised above: i.e. 'to the extent that...', is intended to qualify IPART's position that the listed costs cannot be recovered through DWM charges, or whether IPART's view in relation to the non-recovery of those costs is absolute.


For example, the first bullet point deals with street sweeping. *If the costs of street sweeping can be proportioned so that a council is able to allocate a specific portion of the cost of that service* to cleaning up domestic waste that has spilled from bins in the course of the collection process etc, then *it could be argued that that proportion of the street sweeping service involves, or more properly, is associated with, the periodic collection services.*

Given the general tenor of the IPART Report, and the fact that none of the 'non-recoverable' costs are discussed elsewhere in the IPART Report (and in particular in the worked example at Appendix D) it appears that IPART's view is that these costs are non-recoverable in an absolute sense, and proportional cost allocation is not appropriate.

If that is in fact IPART's view, then that absolute approach is not supported by the Local Govt. Act. In our view, *a proportional costs allocation process is appropriate, provided that the costs are reasonable and are in relation to a service associated with periodic collection services.*



IPART Review of DWC



BAYSIDE COUNCIL


Pricing Principles

Proportional DWM Costs


In examples provided by IPART, what is immediately apparent is that *IPART considers proportional cost allocation to be appropriate*. Further, several associated services are expressly described, i.e., education, HR and IT, leasing. These are noted as being recoverable on the basis that council would not incur the costs if another agency was providing the DWM function and reflect IPART's incremental costs principle.

Bayside agree that proportional costs allocation is appropriate. However, *we do not consider that IPART has provided any proper guidance on what is an associated service* for the purpose of determining DWM charges.

There may be services where the relationship to periodic collection services is not as clear. In our view, street sweeping services and services relating to illegal dumping fall within this category. For these types of services, Council would only be entitled to recover proportional costs as it is clear that the service is not entirely provided in relation to periodic collection services. *In determining the proportion of costs that can be allocated, Council would need to act reasonably*. That is, Council would need to *base its determination on all available information*.



IPART Review of DWC



BAYSIDE COUNCIL

Pricing Principles

Flawed Benchmark Data


In Appendix A, *IPART presents recycling rates provided by 2018–19 NSW DPIE WARR data* which is to be proposed to be published in a centralised location for community benchmarking). However, *the data is unverified by NSW DPIE* and due to some *councils' misinterpretation of the WARR questions they have presented incorrect or skewed data that the community will be evaluating.*

In 2018/19 *due to revocation of the MWOO exemption* it would be *mathematically impossible for four (4) councils to achieve the recycling rate posted.*

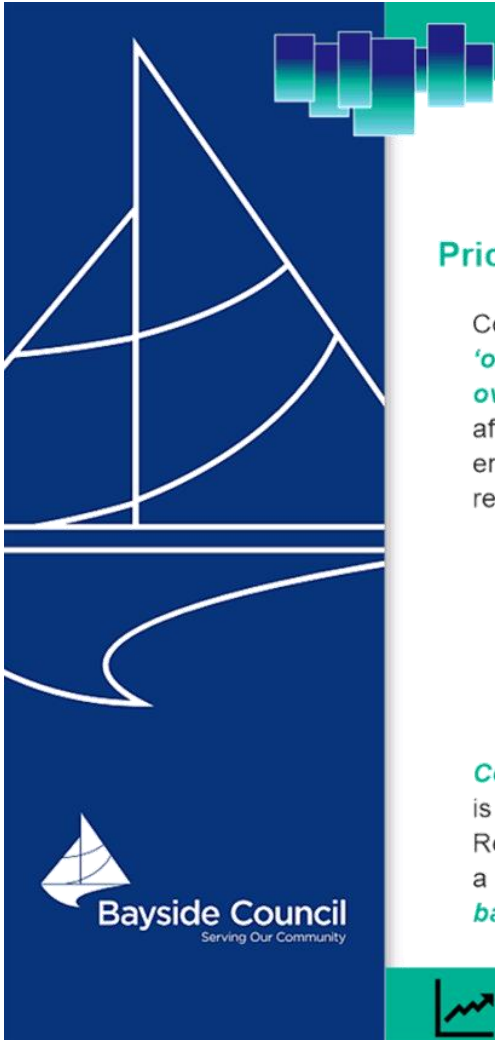

Instead of reported the actual recycling rate, they misunderstood the question and *reported the expected recycling rate* as though the MWOO was still processed.

In contrast, three (3) other councils sharing the same processing contract, reported the actual recycling rate.

This is a prime example of how a lack of data verification can create a significant concern that communities can be accidentally misled and misinformed.



IPART Review of DWC



BAYSIDE COUNCIL




Pricing Principles

Price Stability via Restricted Waste Reserve Planning & Movements

Council does *ensure price stability through small annual changes to the fees and charges, and manages 'one-off' larger expenditure acquisitions and programs through the restricted Domestic Waste Reserve over a ten-year period*. However, changes in policy, strategy, technology, funding and associated levies can affect the price stability. The Domestic Waste Reserve assists in smoothing the year-to-year cost variances, ensuring some level of stability. This includes budgeting for fleet, plant, equipment, minor assets, landfill remediation, future acquisition of land to provide necessary domestic waste services.

EXAMPLE: Council recently acquired considerable warehouse and office space for a waste and recovery depot to meet the exponential growth of residential development and population in the local government area. This was incrementally charged annually and will provide the community with a significant savings compared to if council had to borrow the funds at current and future rates (interest rate increases). It is estimated that this approach will save the ratepayer approximately \$20M over 30 years in interest payments had Council not had the funds in the Restricted Domestic Waste Reserve.

Costs do not have to be incurred prior to the DWM charge being made or levied. It is sufficient that there is some reasonable basis on which the costs are being included in the determination of the DWM charge. Reserves in relation to *future capital expenditure* (such as acquiring land or equipment) would, in our view, be a cost that could be *factored into the determination of DWM charges*, provided that there is *reasonable basis on which to assert that those costs will be incurred*.



IPART Review of DWM



The slide features a blue background with a white line-art sailboat on the left. A teal banner at the top right contains the text 'BAYSIDE COUNCIL' and 'Thank You.' Below this, a teal box contains the text 'Thank you for providing a platform for Council feedback.' and contact information for Mr Joe Logiaccio. The bottom of the slide has a teal banner with three icons (line graph, target, clock) and the text 'BAYSIDE COUNCIL SUBMISSION'. The background image shows a coastal scene with a beach, water, and buildings, including a large hotel labeled 'NOVOTEL'.

BAYSIDE COUNCIL

Thank You.

Thank you for providing a platform for Council feedback.

For further details, please contact:
Manager Waste & Cleansing Services
Mr Joe Logiaccio
0401 77 99 51 or 9562 1536
joe.logiaccio@bayside.nsw.gov.au

BAYSIDE COUNCIL SUBMISSION

Council Meeting

27/04/2022

Item No	10.3
Subject	Bayview Street, Bexley - Traffic and Parking Associated with DA2020/1064
Report by	Peter Barber, Director City Futures
File	SF21/5621

Summary

Council at its meeting of 23 March 2022 considered the Minutes of the Bayside Traffic Committee and in relation to item BTC22.031 Bayview Street, Bexley - Amendments to Operation of a Church and School located at 339-377 Forest Road - DA2020/1064, resolved as follows:

Minute No. 2022/001

Resolved on the motion of Councillors Barlow and Tsounis

That this item be deferred for an on-site meeting to be held with interested Councillors, the appropriate Council officer and affected residents for consultation on amendments to Operation of a Church and School located at 339-377 Forest Road and Bayview Street, Bexley.

The matter is referred back to Council to reconsider the recommendation of the Bayside Traffic Committee on this matter.

Officer Recommendation

- 1 That approval be given for the installation of a central median island 25m in length in Bayview Street, as per the attached plan.
 - 2 That the existing part time 'Bus Zone' be converted to 'No Parking 8:30 am -9:30 am and 3 pm – 3:30 pm Mon – Fri School Days' to the western side of Vehicular Access Gate 1 (Church access).
 - 3 That the existing 'P5 minute 8:30 am – 9:30 am and 3 pm – 3:30 pm Mon – Fri School Days' be converted to 'No Parking 8:30 am – 9:30 am and 3 pm – 3:30 pm Mon – Fri School Days' including the provision of "Kiss & Ride Area" signs (Sign No. R9-302).
 - 4 That approval be given to install 'No Stopping 8 am – 9:30 am Mon- Fri School days' south of the southernmost new driveway (closer to Forest Road end) to assist traffic flow in the morning peak.
 - 5 That any redundant signage and/or linemarking be removed.
 - 6 That driveway delineation lines be installed and maintained at the cost of the applicant for all driveways to the subject site.
 - 7 That approval be given for modifications to be made to the existing pedestrian refuge in
-

Bayview Street at the intersection with Forest Road to be undertaken on the Bayview Street approach to the intersection for a length extending not less than 20 metres for the intersection, as per the attached plan with the exception of the designated left and right turn arrows and associated linemarking.

- 8 That the applicant notify the residents of the proposed traffic devices and parking changes in the street.
 - 9 That any proposed removal of trees to accommodate new driveways be replaced as per Council's 'Two for One Tree' Policy in the vicinity.
-

Background

The matter was considered at the March 2022 Bayside Traffic Committee (BTC). The background information from the report is provided below.

The site visit required by the above Council resolution was scheduled for 26 April, 2022. As the matter has already been considered by the BTC and a recommendation made, the matter is referred back to Council to consider the original recommendation and make a final decision.

Development Approval

DA 2020/1064 (for a childcare centre) also sought approval for amendments to be made to the operation of a Church and school located at 339-377 Forest Road, Bexley. The approval, granted by the Land and Environment Court, included a deferred commencement condition requiring changes to parking and traffic arrangements on the street to accommodate the development.

In response, the applicant presented detailed designs conveying the proposed changes as per the deferred conditions to restrict turning movements into and out of the property to left in and left out movements. Further changes have been proposed to modify the existing on-street parking arrangement to improve road network operation and road user safety within the vicinity of the development.

The applicant's proposal was presented for consideration by the Traffic Committee.

Some of the parking rearrangement proposed by the proponent is not recommended by Officers, with the following changes proposed including reasoning:

1. The proposed 'No Stopping' restrictions 5m on either side of the new driveway (closest to Forest Road) is not supported. No turning diagrams were provided to demonstrate a requirements for this proposal. Installation of 'No Stopping' restrictions adjoining driveways it typically not supported unless there is a demonstrated warrant. There are offence provisions under road rules for blocking access to driveways. The driveway is a double driveway and sightlines will be adequate for exiting it safely.
2. The proposed 'No Parking 8am-9.30am Schools Days' closest to Forest Road has been proposed to assist with traffic flow in the morning peak and it is therefore recommended that 'No Stopping 8am-9.30am Schools Days' restriction must be installed to ensure this area remains free of parked vehicles and is not used as a pick-up and drop-off area.

3. Conversion of Bus Zone in Bayview Street along the school frontage to pick up and drop off has been recommended based on a separate request from the School management instead of relocating it as proposed by the proponent. The School previously confirmed that the school is no longer operating the bus service and as such the bus zone is no longer needed.

If the changes required by the consent condition are not approved by Council, the applicant will not be able to act on the development consent. If the applicant wanted to proceed with the development, they would need to apply to amend the consent condition to reflect whatever changes to traffic and parking Council is prepared to support.

Financial Implications

- | | | |
|--------------------------------------|-------------------------------------|--|
| Not applicable | <input checked="" type="checkbox"/> | Works are at the cost of the applicant |
| Included in existing approved budget | <input type="checkbox"/> | |
| Additional funds required | <input type="checkbox"/> | |

Community Engagement

A site meeting was arranged for 26 April 2022 with interested stakeholders (this report was prepared prior to the site meeting taking place).

Attachments

Nil

Council Meeting

27/04/2022

Item No	10.4
Subject	Statutory Financial Report - January 2022
Report by	Michael Mamo, Director City Performance
File	F22/81

Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report and the Statutory Financial Reports are presented as follows:

- Investment Performance against Benchmark
- Statement of Bank Balances
- Schedule of Investments

As at 31 January 2022, Bayside Council had \$478m in cash and investments with an adjusted portfolio return on investments of 0.40%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$18.8m from rates, grants, childcare subsidies, bookings/leases and construction fees.
- Expenses from operating activities totalled \$11.2m for payments for employee costs, utilities, waste, contract and infrastructure work.

Cash and Investment Reserve Balances as at 31 January 2022 amounts to \$478 million:

Council's cash and investments balance of \$478 million comprises externally restricted funds of \$370m and internally restricted and unrestricted funds of \$108m.

Officer Recommendation

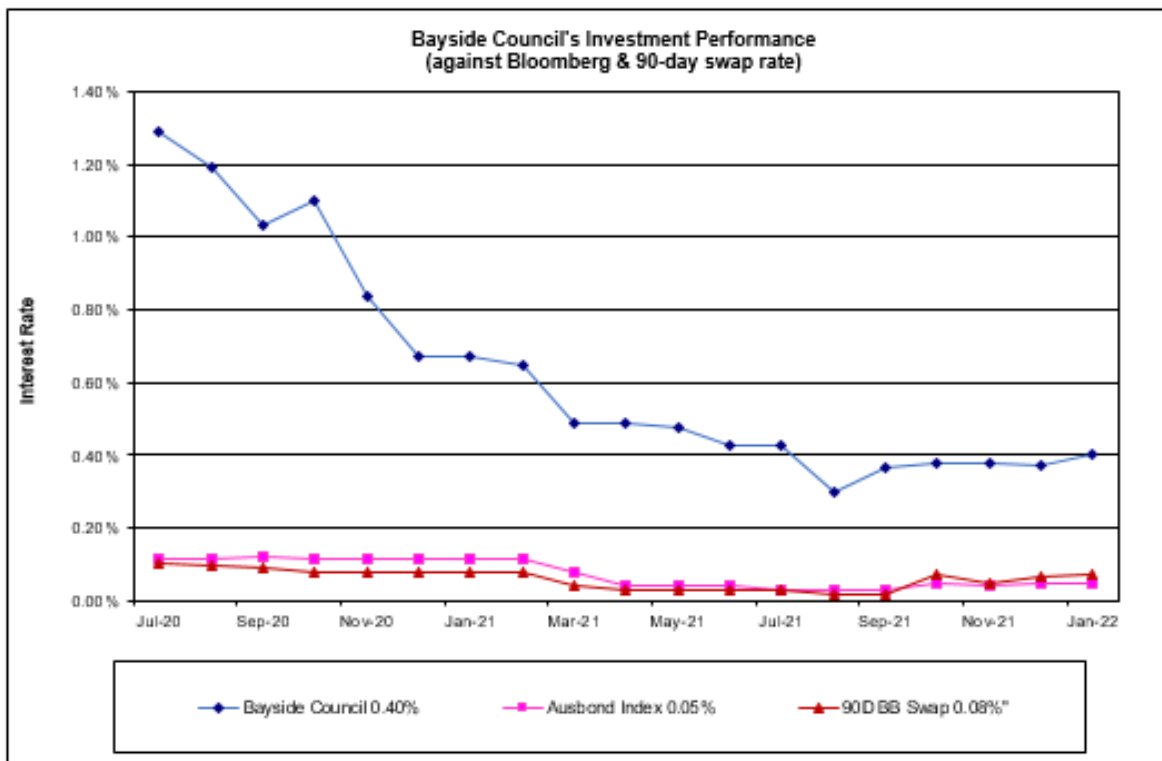
That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Background

The following table shows the performance of Council's investments since July 2020. The Bloomberg (former UBS) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the

worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance.

For the current period, Council outperformed the market by 35 basis points. As demonstrated by the investment performance graph, investment returns continue to decline due to the challenging economic conditions but remain consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for January 2022.

STATEMENT OF BANK BALANCE AS AT 31 JANURARY 2022		
Cash at bank as per general ledger as at:	31-Dec-21	10,478,949
Income from operating activities		
Rates and annual charges received	\$ 1,568,333	
User fees and charges received	\$ 3,518,144	
Grant and contributions received	\$ 0	
Interest revenue received	\$ 99,936	
GST received / (paid)	\$ 870,545	
Other income received	\$ 12,736,850	
Total Income from Operating Activities for the Period	\$ 18,793,809	
Expenses from operating activities		
Accounts paid for period (includes cheques and refunds)	-\$ 7,624,283	
Direct payroll	-\$ 3,761,860	
Bonds received / (paid)	\$ 218,246	
Borrowing costs	-\$ 4,934	
Total Expenses from Operating Activities for the Period	-\$ 11,172,832	
Total Net Movement from Operating Activities		\$ 7,620,977
Investment Activities for the Period		
(Purchase) / Redemption of TD's	-\$ 4,981,803	
Net Funding Flows for the Period	-\$ 4,981,803	
		-\$ 4,981,803
Funding Activities for the Period		
Loan repayments	-\$ 28,288	
Net Funding Flows for the Period	-\$ 28,288	
		-\$ 28,288
Cash at bank as per general ledger as at:	31-Jan-22	13,089,835

Schedule of Investments

Bayside Council currently holds \$478m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF COUNCIL AS AT 31/01/2022								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Term Deposits								
AMP Bank	A2	\$2,000,000	10-Nov-21	1-Jun-22	203	0.44%	0.85%	\$2,000,000
AMP Bank	A2	\$3,000,000	15-Dec-21	15-Jun-22	182	0.66%	1.00%	\$3,000,000
AMP Bank	A2	\$5,000,000	17-Nov-21	15-Jun-22	210	1.03%	0.85%	\$5,000,000
						2.18%		
Illawarra Mutual Building Society (IM)	A2	\$5,000,000	28-Jul-21	2-Feb-22	189	1.03%	0.24%	\$5,000,000
Illawarra Mutual Building Society (IM)	A2	\$5,000,000	22-Sep-21	21-Sep-22	364	1.03%	0.30%	\$5,000,000
						2.18%		
National Australia Bank	A1	\$5,000,000	24-Feb-21	16-Feb-22	357	1.03%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	31-Mar-21	30-Mar-22	364	1.03%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	16-Jun-21	15-Jun-22	364	1.03%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	13-Oct-21	5-Oct-22	357	1.03%	0.40%	\$5,000,000
National Australia Bank	A1	\$5,000,000	8-Dec-21	7-Dec-22	364	1.03%	0.65%	\$5,000,000
National Australia Bank	A1	\$5,000,000	19-Jan-22	18-Jan-23	364	1.03%	0.74%	\$5,000,000
National Australia Bank	A1	\$10,000,000	7-Jul-21	6-Jul-22	364	2.18%	0.33%	\$10,000,000
National Australia Bank	A1	\$10,000,000	23-Sep-21	28-Sep-22	364	2.18%	0.33%	\$10,000,000
						10.92%		
CBA	A1	\$5,000,000	17-Mar-21	16-Mar-22	364	1.03%	0.42%	\$5,000,000
CBA	A1	\$5,000,000	14-Apr-21	13-Apr-22	364	1.03%	0.41%	\$5,000,000
CBA	A1	\$5,000,000	19-May-21	18-May-22	364	1.03%	0.36%	\$5,000,000
CBA	A1	\$5,000,000	2-Feb-22	1-Feb-23	364	1.03%	0.33%	\$5,000,000
CBA	A1	\$10,000,000	10-Mar-21	9-Mar-22	364	2.18%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	7-Apr-21	30-Mar-22	357	2.18%	0.40%	\$10,000,000
CBA	A1	\$10,000,000	7-Apr-21	6-Apr-22	364	2.18%	0.40%	\$10,000,000
CBA	A1	\$10,000,000	21-Apr-21	20-Apr-22	364	2.18%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	30-Apr-21	27-Apr-22	362	2.18%	0.41%	\$10,000,000
CBA	A1	\$10,000,000	12-May-21	11-May-22	364	2.18%	0.33%	\$10,000,000
CBA	A1	\$10,000,000	10-Jun-21	25-May-22	349	2.18%	0.44%	\$10,000,000
CBA	A1	\$10,000,000	23-Jun-21	22-Jun-22	364	2.18%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	30-Jun-21	1-Jun-22	336	2.18%	0.41%	\$10,000,000
CBA	A1	\$10,000,000	30-Jun-21	8-Jun-22	343	2.18%	0.41%	\$10,000,000
CBA	A1	\$10,000,000	12-Jan-22	11-Jan-23	364	2.18%	0.55%	\$10,000,000
						28.38%		
ME Bank	A2	\$5,000,000	6-Oct-21	6-Apr-22	182	1.03%	0.35%	\$5,000,000
ME Bank	A2	\$5,000,000	19-Jan-22	20-Jul-22	182	1.03%	0.63%	\$5,000,000
ME Bank	A2	\$8,000,000	10-Feb-21	9-Feb-22	364	1.75%	0.45%	\$8,000,000
						2.94%		
ING Direct	A	\$5,000,000	23-Jun-21	23-Mar-22	273	1.03%	0.36%	\$5,000,000
ING Direct	A	\$10,000,000	17-Mar-21	16-Mar-22	364	2.18%	0.35%	\$10,000,000
ING Direct	A	\$10,000,000	15-Dec-21	23-Mar-22	98	2.18%	0.35%	\$10,000,000
ING Direct	A	\$10,000,000	16-Dec-21	9-Mar-22	83	2.18%	0.35%	\$10,000,000
						7.64%		
Westpac	AA-	\$5,000,000	3-Mar-21	2-Mar-22	364	1.03%	0.36%	\$5,000,000
Westpac	AA-	\$5,000,000	24-Mar-21	23-Mar-22	364	1.03%	0.34%	\$5,000,000
Westpac	AA-	\$5,000,000	3-Jun-21	25-May-22	356	1.03%	0.34%	\$5,000,000
Westpac	AA-	\$5,000,000	9-Jun-21	8-Jun-22	364	1.03%	0.33%	\$5,000,000
Westpac	AA-	\$5,000,000	1-Jul-21	29-Jun-22	363	1.03%	0.36%	\$5,000,000
Westpac	AA-	\$5,000,000	7-Jul-21	6-Jul-22	364	1.03%	0.35%	\$5,000,000
Westpac	AA-	\$5,000,000	14-Jul-21	13-Jul-22	364	1.03%	0.33%	\$5,000,000
Westpac	AA-	\$5,000,000	5-Aug-21	3-Aug-22	363	1.03%	0.31%	\$5,000,000
Westpac	AA-	\$10,000,000	25-Aug-21	24-Aug-22	364	2.18%	0.31%	\$10,000,000
Westpac	AA-	\$5,000,000	1-Sep-21	31-Aug-22	364	1.03%	0.31%	\$5,000,000
Westpac	AA-	\$5,000,000	15-Sep-21	14-Sep-22	364	1.03%	0.30%	\$5,000,000
Westpac	AA-	\$5,000,000	13-Oct-21	12-Oct-22	364	1.03%	0.41%	\$5,000,000
Westpac	AA-	\$5,000,000	20-Oct-21	19-Oct-22	364	1.03%	0.45%	\$5,000,000
Westpac	AA-	\$5,000,000	4-Nov-21	2-Nov-22	363	1.03%	0.57%	\$5,000,000
Westpac	AA-	\$8,000,000	19-Jan-22	18-Jan-23	364	1.75%	0.78%	\$8,000,000
Westpac	AA-	\$20,000,000	10-Mar-21	9-Mar-22	364	4.37%	0.38%	\$20,000,000
Westpac	AA-	\$10,000,000	24-Mar-21	23-Mar-22	364	2.18%	0.34%	\$10,000,000
Westpac	AA-	\$10,000,000	3-Jun-21	4-May-22	335	2.18%	0.34%	\$10,000,000
Westpac	AA-	\$10,000,000	11-Aug-21	10-Aug-22	364	2.18%	0.32%	\$10,000,000
Westpac	AA-	\$10,000,000	8-Sep-21	7-Sep-22	364	2.18%	0.31%	\$10,000,000
Westpac	AA-	\$10,000,000	2-Dec-21	30-Nov-22	363	2.18%	0.56%	\$10,000,000
Westpac	AA-	\$10,000,000	16-Dec-21	14-Dec-22	363	2.18%	0.61%	\$10,000,000
						35.53%		
BOQ	A2	\$5,000,000	3-Nov-21	11-May-22	189	1.03%	0.40%	\$5,000,000
BOQ	A2	\$5,000,000	10-Nov-21	18-May-22	189	1.03%	0.40%	\$5,000,000
BOQ	A2	\$10,000,000	15-Dec-21	9-Mar-22	84	2.18%	0.33%	\$10,000,000
						4.37%		

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF COUNCIL AS AT 31/01/2022 (Continued)								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Macquarie Bank	A+	\$5,000,000	18-Aug-21	23-Feb-22	189	1.03%	0.20%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	25-Aug-21	4-May-22	252	1.03%	0.20%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	8-Sep-21	13-Jul-22	308	1.03%	0.20%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	15-Sep-21	20-Jul-22	308	1.03%	0.20%	\$5,000,000
						<u>4.37%</u>		
Direct Investments (Floating Rate & Fixed Rate Term Deposits -TDs)								
CBA - Rabobank FRN	A+	\$2,000,000	3-Mar-17	3-Mar-22	1826	0.44%	1.17%	\$2,014,257
						<u>0.44%</u>		
Unlisted Community Bank Shares								
NRMA/IAG Shares		\$7,552				0.00%		\$7,552
Bendigo Bank	BBB	\$5,000				0.00%		\$5,000
						<u>0.00%</u>		
Total Investments		\$458,012,552				100.00%		\$458,026,809
Total Investments and Cash (at FY)								
Total Investments		\$458,026,809						
CASH: Operating Account		\$13,089,835						
CASH: Management Account (CDA)		\$6,450,192						
		<u>\$477,566,835</u>						
Movement in total investments and cash:								
		31-Dec-21	31-Jan-22	Net Movement				
Total investments		\$ 453,051,229	\$ 458,026,809	\$ 4,975,580				
Operating accounts		\$ 10,478,949	\$ 13,089,835	\$ 2,610,886				
Short term money market		\$ 18,447,841	\$ 6,450,192	-\$ 11,997,650				
		<u>\$ 481,978,019</u>	<u>\$ 477,566,835</u>	<u>-\$ 4,411,184</u>				

NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

Matthew Walker
RESPONSIBLE ACCOUNTING OFFICER

Investment Translation

The following investment information is provided as translation of what the types of investments are:

- * A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- * A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- * A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- * A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- * A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- * A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- * Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- * Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

Credit Ratings

- * AAA - Extremely strong capacity to meet financial commitments (highest rating).
- * AA - Very strong capacity to meet financial commitments.
- * A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- * BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- * BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- * B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- * CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- * CC - Currently highly vulnerable.
- * C - Highly likely to default.

Financial Implications

- | | |
|--------------------------------------|-------------------------------------|
| Not applicable | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/> |
| Additional funds required | <input type="checkbox"/> |
-

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

27/04/2022

Item No	10.5
Subject	Statutory Financial Report - February 2022
Report by	Michael Mamo, Director City Performance
File	F22/81

Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report and the Statutory Financial Reports are presented as follows:

- Investment Performance against Benchmark
- Statement of Bank Balances
- Schedule of Investments

As at 28 February 2022, Bayside Council had \$484m in cash and investments with an adjusted portfolio return on investments of 0.42%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$18.8m from rates, grants, childcare subsidies, bookings/leases, and construction fees.
- Expenses from operating activities totalled \$12.3m for payments for employee costs, utilities, waste, contract, and infrastructure work.

Cash and Investment Reserve Balances as at 28 February 2022 amounts to \$484 million:

Council's cash and investments balance of \$484 million comprises externally restricted funds of \$374m and internally restricted and unrestricted funds of \$110m.

Officer Recommendation

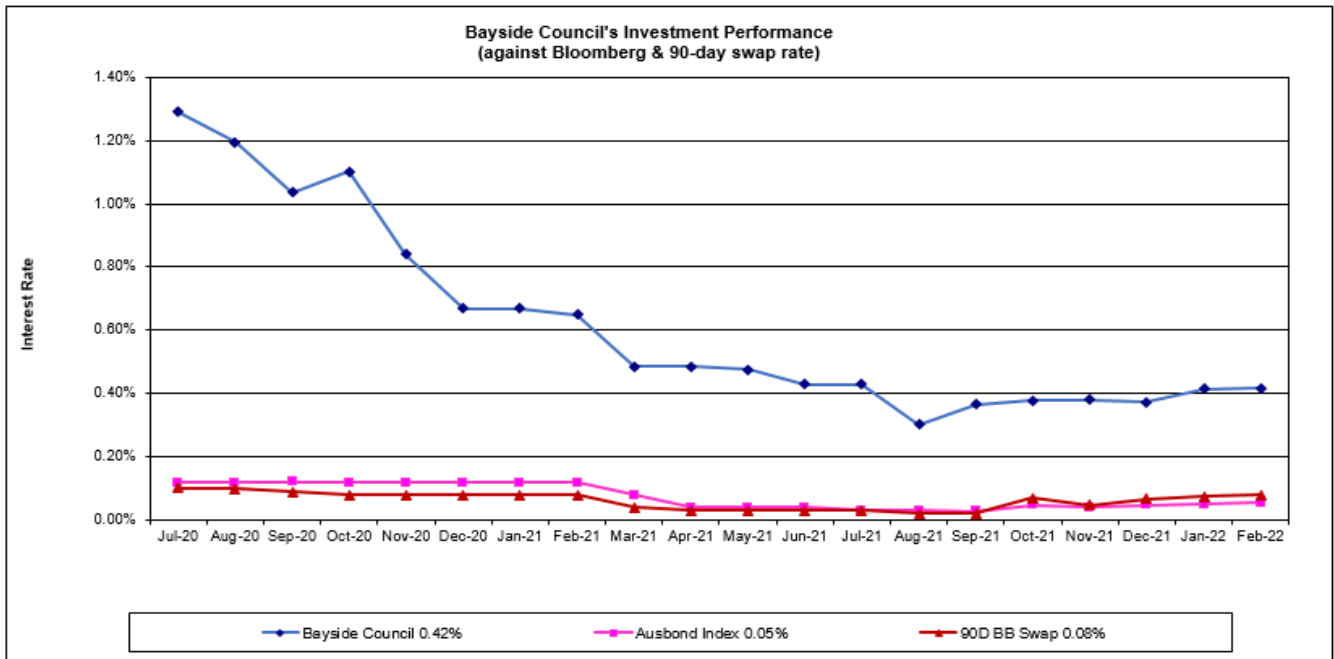
That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Background

The following table shows the performance of Council's investments since July 2020. The Bloomberg (former UBS) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the

worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance.

For the current period, Council outperformed the market by 37 basis points. As demonstrated by the investment performance graph, investment returns continue to decline due to the challenging economic conditions but remain consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for February 2022.

STATEMENT OF BANK BALANCE AS AT 28 February 2022		
Cash at bank as per general ledger as at:	31-Jan-22	13,089,835
Income from operating activities		
Rates and annual charges received	\$ 13,421,089	
User fees and charges received	\$ 1,021,289	
Grant and contributions received	\$ 2,435,876	
Interest revenue received	\$ 157,338	
GST received / (paid)	\$ 506,031	
Other income received	\$ 1,229,376	
Total Income from Operating Activities for the Period	\$ 18,770,999	
Expenses from operating activities		
Accounts paid for period (includes cheques and refunds)	-\$ 7,133,911	
Direct payroll	-\$ 4,886,927	
Bonds received / (paid)	-\$ 247,414	
Borrowing costs	\$ 0	
Total Expenses from Operating Activities for the Period	-\$ 12,268,252	
Total Net Movement from Operating Activities		\$ 6,502,748
Investment Activities for the Period		
(Purchase) / Redemption of TD's	-\$ 5,006,223	
Net Funding Flows for the Period	-\$ 5,006,223	
		-\$ 5,006,223
Funding Activities for the Period		
Loan repayments	\$ -	
Net Funding Flows for the Period	\$ -	
		\$ -
Cash at bank as per general ledger as at:	28-Feb-22	14,586,359

Schedule of Investments

Bayside Council currently holds \$484m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF COUNCIL AS AT: 28/02/2022								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Term Deposits								
AMP Bank	A2	\$2,000,000	10-Nov-21	1-Jun-22	203	0.43%	0.85%	\$2,000,000
AMP Bank	A2	\$3,000,000	15-Dec-21	15-Jun-22	182	0.65%	1.00%	\$3,000,000
AMP Bank	A2	\$5,000,000	17-Nov-21	15-Jun-22	210	1.08%	0.85%	\$5,000,000
						2.16%		
Illawarra Mutual Building Society (IMB)	A2	\$5,000,000	22-Sep-21	21-Sep-22	364	1.08%	0.30%	\$5,000,000
						1.08%		
National Australia Bank	A1	\$5,000,000	31-Mar-21	30-Mar-22	364	1.08%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	16-Jun-21	15-Jun-22	364	1.08%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	13-Oct-21	5-Oct-22	357	1.08%	0.40%	\$5,000,000
National Australia Bank	A1	\$5,000,000	8-Dec-21	7-Dec-22	364	1.08%	0.65%	\$5,000,000
National Australia Bank	A1	\$5,000,000	19-Jan-22	18-Jan-23	364	1.08%	0.74%	\$5,000,000
National Australia Bank	A1	\$5,000,000	16-Feb-22	11-May-22	84	1.08%	0.35%	\$5,000,000
National Australia Bank	A1	\$10,000,000	7-Jul-21	6-Jul-22	364	2.16%	0.33%	\$10,000,000
National Australia Bank	A1	\$10,000,000	29-Sep-21	28-Sep-22	364	2.16%	0.33%	\$10,000,000
						10.80%		
CBA	A1	\$5,000,000	17-Mar-21	16-Mar-22	364	1.08%	0.42%	\$5,000,000
CBA	A1	\$5,000,000	14-Apr-21	13-Apr-22	364	1.08%	0.41%	\$5,000,000
CBA	A1	\$5,000,000	19-May-21	18-May-22	364	1.08%	0.39%	\$5,000,000
CBA	A1	\$5,000,000	2-Feb-22	1-Feb-23	364	1.08%	0.76%	\$5,000,000
CBA	A1	\$10,000,000	10-Mar-21	9-Mar-22	364	2.16%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	7-Apr-21	30-Mar-22	357	2.16%	0.40%	\$10,000,000
CBA	A1	\$10,000,000	7-Apr-21	6-Apr-22	364	2.16%	0.40%	\$10,000,000
CBA	A1	\$10,000,000	21-Apr-21	20-Apr-22	364	2.16%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	30-Apr-21	27-Apr-22	362	2.16%	0.41%	\$10,000,000
CBA	A1	\$10,000,000	12-May-21	11-May-22	364	2.16%	0.39%	\$10,000,000
CBA	A1	\$10,000,000	10-Jun-21	25-May-22	349	2.16%	0.44%	\$10,000,000
CBA	A1	\$10,000,000	23-Jun-21	22-Jun-22	364	2.16%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	30-Jun-21	1-Jun-22	336	2.16%	0.41%	\$10,000,000
CBA	A1	\$10,000,000	30-Jun-21	8-Jun-22	343	2.16%	0.41%	\$10,000,000
CBA	A1	\$10,000,000	12-Jan-22	11-Jan-23	364	2.16%	0.55%	\$10,000,000
						28.08%		
ME Bank	A2	\$5,000,000	6-Oct-21	6-Apr-22	182	1.08%	0.35%	\$5,000,000
ME Bank	A2	\$5,000,000	19-Jan-22	20-Jul-22	182	1.08%	0.63%	\$5,000,000
ME Bank	A2	\$5,000,000	2-Feb-22	3-Aug-22	182	1.08%	0.55%	\$5,000,000
						3.24%		
ING Direct	A	\$5,000,000	23-Jun-21	23-Mar-22	273	1.08%	0.36%	\$5,000,000
ING Direct	A	\$5,000,000	16-Feb-22	11-May-22	84	1.08%	0.38%	\$5,000,000
ING Direct	A	\$10,000,000	17-Mar-21	16-Mar-22	364	2.16%	0.35%	\$10,000,000
ING Direct	A	\$10,000,000	15-Dec-21	23-Mar-22	98	2.16%	0.35%	\$10,000,000
ING Direct	A	\$10,000,000	16-Dec-21	9-Mar-22	83	2.16%	0.35%	\$10,000,000
						8.64%		
Westpac	AA-	\$5,000,000	3-Mar-21	2-Mar-22	364	1.08%	0.36%	\$5,000,000
Westpac	AA-	\$5,000,000	24-Mar-21	23-Mar-22	364	1.08%	0.34%	\$5,000,000
Westpac	AA-	\$5,000,000	3-Jun-21	25-May-22	356	1.08%	0.34%	\$5,000,000
Westpac	AA-	\$5,000,000	9-Jun-21	8-Jun-22	364	1.08%	0.33%	\$5,000,000
Westpac	AA-	\$5,000,000	1-Jul-21	29-Jun-22	363	1.08%	0.36%	\$5,000,000
Westpac	AA-	\$5,000,000	7-Jul-21	6-Jul-22	364	1.08%	0.35%	\$5,000,000
Westpac	AA-	\$5,000,000	14-Jul-21	13-Jul-22	364	1.08%	0.33%	\$5,000,000
Westpac	AA-	\$5,000,000	5-Aug-21	3-Aug-22	363	1.08%	0.31%	\$5,000,000
Westpac	AA-	\$10,000,000	25-Aug-21	24-Aug-22	364	2.16%	0.31%	\$10,000,000
Westpac	AA-	\$5,000,000	1-Sep-21	31-Aug-22	364	1.08%	0.31%	\$5,000,000
Westpac	AA-	\$5,000,000	15-Sep-21	14-Sep-22	364	1.08%	0.30%	\$5,000,000
Westpac	AA-	\$5,000,000	13-Oct-21	12-Oct-22	364	1.08%	0.41%	\$5,000,000
Westpac	AA-	\$5,000,000	20-Oct-21	19-Oct-22	364	1.08%	0.45%	\$5,000,000
Westpac	AA-	\$5,000,000	4-Nov-21	2-Nov-22	363	1.08%	0.57%	\$5,000,000
Westpac	AA-	\$8,000,000	19-Jan-22	18-Jan-23	364	1.73%	0.78%	\$8,000,000
Westpac	AA-	\$8,000,000	9-Feb-22	8-Feb-23	364	1.73%	0.88%	\$8,000,000
Westpac	AA-	\$20,000,000	10-Mar-21	9-Mar-22	364	4.32%	0.38%	\$20,000,000
Westpac	AA-	\$10,000,000	24-Mar-21	23-Mar-22	364	2.16%	0.34%	\$10,000,000
Westpac	AA-	\$10,000,000	3-Jun-21	4-May-22	335	2.16%	0.34%	\$10,000,000
Westpac	AA-	\$10,000,000	11-Aug-21	10-Aug-22	364	2.16%	0.32%	\$10,000,000
Westpac	AA-	\$10,000,000	8-Sep-21	7-Sep-22	364	2.16%	0.31%	\$10,000,000
Westpac	AA-	\$10,000,000	2-Dec-21	30-Nov-22	363	2.16%	0.56%	\$10,000,000
Westpac	AA-	\$10,000,000	16-Dec-21	14-Dec-22	363	2.16%	0.61%	\$10,000,000
						36.93%		
BOQ	A2	\$5,000,000	3-Nov-21	11-May-22	189	1.08%	0.40%	\$5,000,000
BOQ	A2	\$5,000,000	10-Nov-21	18-May-22	189	1.08%	0.40%	\$5,000,000
BOQ	A2	\$10,000,000	15-Dec-21	9-Mar-22	84	2.16%	0.33%	\$10,000,000
						4.32%		

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF COUNCIL AS AT: 28/02/2022 (Continued)								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Macquarie Bank	A+	\$5,000,000	25-Aug-21	4-May-22	252	1.08%	0.20%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	8-Sep-21	13-Jul-22	308	1.08%	0.20%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	15-Sep-21	20-Jul-22	308	1.08%	0.20%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	23-Feb-22	18-May-22	84	1.08%	0.35%	\$5,000,000
						<u>4.32%</u>		
Direct Investments (Floating Rate & Fixed Rate Term Deposits -TDs)								
CBA - Rabobank FRN	A+	\$2,000,000	3-Mar-17	3-Mar-22	1826	0.43%	1.17%	\$2,014,257
						<u>0.43%</u>		
Unlisted Community Bank Shares								Market Value
NRMA/AG Shares		\$7,552				0.00%		\$7,552
Bendigo Bank	BBB	\$5,000				0.00%		\$5,000
						<u>0.00%</u>		
Total Investments		\$463,012,552				100%		\$463,026,809
Total Investments and Cash (at FY)								
Total Investments		\$463,026,809						
CASH: Operating Account		\$14,586,359						
CASH: Management Account (CDA)		\$6,451,556						
		<u>\$484,064,724</u>						
Movement in total investments and cash:								
		31-Jan-22	28-Feb-22	Net Movement				
Total investments	\$	458,026,809	\$ 463,026,809	\$ 5,000,000				
Operating accounts	\$	13,089,835	\$ 14,586,359	\$ 1,496,524				
Short term money market	\$	6,450,192	\$ 6,451,556	\$ 1,364				
	\$	<u>477,566,835</u>	\$ <u>484,064,724</u>	\$ <u>6,497,889</u>				

NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

Matthew Walker
RESPONSIBLE ACCOUNTING OFFICER

Investment Translation

The following investment information is provided as translation of what the types of investments are:

- * A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- * A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- * A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- * A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- * A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- * A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- * Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- * Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

Credit Ratings

- * AAA - Extremely strong capacity to meet financial commitments (highest rating).
- * AA - Very strong capacity to meet financial commitments.
- * A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- * BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- * BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- * B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- * CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- * CC - Currently highly vulnerable.
- * C - Highly likely to default.

Financial Implications

- | | |
|--------------------------------------|-------------------------------------|
| Not applicable | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/> |
| Additional funds required | <input type="checkbox"/> |
-

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

13/04/2022

Item No	10.6
Subject	Disclosure of Pecuniary Interest Returns - Designated Persons (First Returns)
Report by	Michael Mamo, Director City Performance
File	SF21/3255

Summary

This report provides information regarding Pecuniary Interest Returns recently lodged with the General Manager by Designated Persons. The Code of Conduct details the requirements in respect of the lodgement of Disclosure of Pecuniary Interest and Other Matters Returns by Councillors and Designated Persons upon commencement at Council, annually, and when there is a change in circumstances disclosed in the Return. It requires any Returns of Interest lodged with the General Manager to be tabled at the first meeting of Council held after the last day for lodgement of the Return.

This report provides information regarding the Returns recently lodged with the General Manager by a Designated Person who has recently commenced at Council and has been requested to lodge their Return within three (3) months of starting.

In accordance with those requirements Council is asked to note that the Disclosure of Pecuniary Interest and Other Matters lodged with the General Manager has been tabled.

Officer Recommendation

That the information in this report be received and noted.

Background

Part 4 of the Code of Conduct establishes the requirements for the disclosure of pecuniary interests by councillors and designated persons. This includes disclosures of interests in written returns (returns of interests) and disclosures of pecuniary interests at meetings.

The Model Code is made under section 440 of the *Local Government Act 1993* (NSW) (LGA) and Part 8 the *Local Government Regulation 2005*. Part 4 of the Model Code replicates and replaces the requirements previously set out in sections 441-449 of the LGA.

By virtue of clauses 4.9, 4.20 and 4.21 of the Code of Conduct, councillors and designated persons are required to prepare and submit written returns of interest within three (3) months after:

- becoming a councillor or designated person, and
- 30 June of each year, and
- becoming aware of an interest they are required to disclose.

A 'designated person' is defined in clause 4.8 of the Code of Conduct as:

- *the general manager*
- *other senior staff of the council*
- *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under the LGA or any other Act (such a regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest.*
- *a person who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such a regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

The returns are a further mechanism to promote openness and transparency in local government, and to avoid a conflict of interest on the part of councillors and senior council staff who exercise decision-making functions.

The Code of Conduct and Part 8 the *Local Government Regulation 2005* sets out the matters that must be disclosed in the returns of interests in the following categories:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- interests as a property developer or a close associate of a property developer
- positions in trade union and professional or business associations
- dispositions of real property
- sources of income
- debts
- discretionary disclosures: (A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of the Schedule).

In accordance with Clause 4.21(a), the table below shows the employee who has commenced at Council and is a "Designated Person" and has lodged a Return. The return has been lodged by the due date.

With regarding to Clause 4.25, all Returns lodged by Designated Person must be tabled at the first Council Meeting held after the last day of the three (3) month lodgement date. Returns are available for inspection if required.

Position	Return Date	Due Date	Date Lodged
Fire Safety Officer	10/01/2022	10/04/2022	11/01/2022

Financial Implications

Not applicable ☒

Included in existing approved budget ☐

Additional funds required ☐

Community Engagement

The issue raised in this report does not require community consultation under Council's Community Engagement Policy.

Attachments

Nil

Council Meeting

27/04/2022

Item No	10.7
Subject	Response to Question - M6 Stage 1 Project - Transport for NSW correspondence with affected residents
Report by	Michael Mamo, Director City Performance
File	F21/529

Question

The following Question With Notice was submitted at Council's Meeting of 23 March 2022 by Councillor Barlow:

The residents of Moorefield Estate are impacted by the construction of the M6 Motorway. However, Transport for NSW (TfNSW) has never informed the residents of Moorefield Estate about any stage of the construction. I believe that Transport for NSW have regular meetings with Council. At the next meeting, could you please ask them how they correspond with affected residents because residents are not being kept informed about what is going on with the construction of the M6.

Response

Following the Question with Notice, Council officers met with Transport for NSW (TfNSW) and their sub-contractors to firstly notify them of the residents' concerns and secondly to seek clarity on their community consultation approach and process.

TfNSW have since responded indicating that they are preparing correspondence addressed to the Mayor that deals with a response to the residents' concerns as well as outlining their approach to community consultation and engagement. As an interim they have confirmed that they regularly communicate via newsletters, their website and on site meetings with residents.

Once received the correspondence will be forwarded to all Councillors and made available on the Councillor portal.

Attachments

Nil

Council Meeting

27/04/2022

Item No	10.8
Subject	Response to Question - Update on the tenure and leasing of the former C-Side Site
Report by	Michael Mamo, Director City Performance
File	F20/967

Question

The following Question With Notice was submitted at Council's Meeting of 23 March 2022 by Councillor Douglas:

I ask council for an update on the tenure and leasing of two premises formally the site of the C-side fish and chips shop at Kyeemagh, and the formal dining venue in that building.

Response

Background

The former C-side Restaurant (2 Cook Park, General Holmes Drive, Kyeemagh) was leased to the Cyprus Hellene Club Inc, who vacated the site in June 2021. Prior to the tenants vacating the site, Council conducted a tender and undertook negotiations to secure a new tenancy.

An Agreement for Lease was negotiated in August 2021 between Council and the Lessee to document the Lessee's performances in the period leading up to the completion of the fit out works and the commencement of the Lease. The lease is for a period of 5 years with a 5-year option. The lease term will commence on completion of the fit-out works by the tenant.

Current Status

The fit-out works require development consent and the Lessee submitted a Development Application on 26 October 2021 but formal lodgement was finalised 26 November 2021 once all required documentation was submitted. The DA assessment is underway, and the matter is scheduled for determination by the Bayside Local Planning Panel at its meeting of 26 April 2022.

Next Key Milestones and Anticipated Timeframes

The Agreement for Lease (AFL) requires the Lessee, subject to development consent and meeting consent conditions, to undertake the following:

- Obtain Construction Certificate - within 2 months of the issue of a Development Consent.
- Commence fit-out works - within 2 weeks of Construction Certificate being issued.
- Complete Fit-out works - within 16 weeks of commencing.

Council is in discussions with the Lessee and their architect to monitor that their timeframes continue align with the timeframes in the AFL and are not impacted.

Attachments

Nil

11 MINUTES AND REPORTS OF COMMITTEES

Council Meeting

27/04/2022

Item No	11.1
Subject	Minutes of the City Services Committee Meeting - 6 April 2022
Report by	Debra Dawson, Director City Life
File	SF21/5810

Officer Recommendation

That the Minutes of the City Services Committee meeting held on 6 April 2022 be received and the recommendations therein be adopted.

Summary of Substantial Recommendations

The minutes of this Committee include the following significant recommendations:

CS22.003 Bayside Community Grants Program 2021-22

Committee Recommendation

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

CS22.004 Draft Public Art Policy

Committee Recommendation

- 1 That the draft Public Art Policy be adopted by Council subject to the following amendments:
 - That Council representation be included in the public art assessment.
 - That the wording of 5.1 be amended to “Council should decide” and stronger wording be used.
 - That the public art policy purpose includes loans as well as commissions and acquisitions.
 - That the capital funding incorporates cash donations and sponsorships as a source of funding.
- 2 That Council investigate including provisions in the DCP to require public art donations as part of developments, over a certain value, to be determined by Council.
- 3 That a Mural Art Program be investigated for the next financial year.

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

- 1 That Council support the Officer Recommendations as below.

 Ward 1 - Rhodes Street Reserve, Hillsdale - Unenclosed

 Ward 2 - Hughes Avenue Reserve, Mascot - Enclosed

 Ward 3 - Nattai Place Reserve, Banksia - Enclosed

 Ward 4 - Flynns Reserve, Bexley - Enclosed

 Ward 5 - Riverside Drive, Sans Souci - Unenclosed
- 2 That Council determine the costing and funding strategy for these recommendations, to be the subject of a further report.
- 3 That Officers undertake any necessary studies should environmental considerations be identified throughout this process.
- 4 That Council investigates future planning areas within Firmstone Gardens, adjoining West Botany Street, and the spacing under fencing to prevent small dogs from escaping.

Present

Councillor Awada, Chair
Councillor Jansyn, Deputy Chair
Councillor Morrissey
Councillor Muscat
Councillor Nagi
Councillor Saravinovski
Councillor Sedrak

Also Present

Mayor, Councillor Curry
Councillor Douglas
Councillor Fardell
Councillor Barlow
Meredith Wallace, General Manager
Debra Dawson, Director City Life
Michael Mamo, Director City Performance
Rani Param, Manager Community Life
Gavin Ross, Acting Manager Sport and Recreation
Fausto Sut, Manager Governance & Risk
Cathryn Bush, Coordinator Governance
Lauren Thomas, Governance Officer
Gina Nobrega, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:40 pm.

1 Acknowledgement of Country

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

2 Apologies (Clr Sedrak / Clr Jansyn)

The following apologies were received:

Councillor Saravinovski

The anticipated late arrival of Councillor Nagi.

3 Disclosures of Interest

Councillor Sedrak declared a Less-Than-Significant Non-Pecuniary Interest in Item CS22.003 on the basis of his past association with the Rockdale City Raiders Football Club, but stated he would remain in the meeting for consideration and voting on the matter.

4 Minutes of Previous Meetings

There were no Minutes to confirm as this was the inaugural meeting of the Corporate Performance Committee.

5 Items by Exception

There were no items by exception.

6 Public Forum

Councillor Nagi arrived at the meeting during this item.

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

7 Reports

CS22.003 Bayside Community Grants Program 2021-22

Committee Recommendation (Clr Nagi / Clr Morrissey)

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

CS22.005 Council Events Update Report

A written submission was received from the following person:

- Mr Eamon Penner-Dilworth, interested citizen, for the officer recommendation.

and was distributed to Councillors prior to the Committee Meeting.

Committee Recommendation (Clr Sedrak / Clr Jansyn)

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

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

The following person spoke at the meeting:

- Mr Mitesh Kushwaha, affected neighbour, speaking for the officer recommendation.

Committee Recommendation (Clr Sedrak / Clr Jansyn)

- 1 That Council support the Officer Recommendations as below.
Ward 1 - Rhodes Street Reserve, Hillsdale - Unenclosed
Ward 2 - Hughes Avenue Reserve, Mascot - Enclosed
Ward 3 - Nattai Place Reserve, Banksia - Enclosed
Ward 4 - Flynn's Reserve, Bexley - Enclosed
Ward 5 - Riverside Drive, Sans Souci - Unenclosed
- 2 That Council determine the costing and funding strategy for these recommendations, to be the subject of a further report.

- 3 That Officers undertake any necessary studies should environmental considerations be identified throughout this process.
- 4 That Council investigates future planning areas within Firmstone Gardens, adjoining West Botany Street, and the spacing under fencing to prevent small dogs from escaping.

CS22.004 Draft Public Art Policy

Committee Recommendation (Clr Jansyn / Clr Morrissey)

- 4 That the draft Public Art Policy be adopted by Council subject to the following amendments:
 - That Council representation be included in the public art assessment.
 - That the wording of 5.1 be amended to “Council should decide” and stronger wording be used.
 - That the public art policy purpose includes loans as well as commissions and acquisitions.
 - That the capital funding incorporates cash donations and sponsorships as a source of funding.
- 5 That Council investigate including provisions in the DCP to require public art donations as part of developments, over a certain value, to be determined by Council.
- 6 That a Mural Art Program be investigated for the next financial year.

The next meeting will be held in the Botany Town Hall Committee Room at 6:30 pm on Wednesday, 4 May 2022.

The Chairperson closed the meeting at 7:42 pm.

Attachments

Nil

Council Meeting

27/04/2022

Item No	11.2
Subject	Minutes of the Corporate Performance Committee Meeting - 6 April 2022
Report by	Michael Mamo, Director City Performance
File	SF21/5810

Officer Recommendation

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

Summary of Substantial Recommendations

The minutes of this Committee include the following significant recommendations:

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

Committee Recommendation

That the Committee recommends a fee increase to the independent members of the Risk & Audit Committee to the same level as those paid to the Chair and independent specialist members of the Bayside Local Planning Panel, that is, \$2,200 and \$1,650 per meeting respectively.

CP22.003 Tender - Sir Joseph Banks Park playspace

Committee Recommendation

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

CP22.004 Councillor Superannuation**Committee Recommendation** (Clr Werner / Clr Fardell)

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

Present

Deputy Mayor Scott Morrissey, Chair
Councillor Anne Fardell, Deputy Chair
Mayor Christina Curry
Councillor Michael Nagi
Councillor Paul Sedrak
Councillor Andrew Tsounis
Councillor Greta Werner

Also Present

Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Matthew Walker, Chief Financial Officer
Fausto Sut, Manager Governance and Risk
Cathryn Bush, Coordinator Governance
Gina Nobrega, Governance Officer
Lauren Thomas, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 7:52 pm.

1 Acknowledgement of Country

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

2 Apologies

There were no apologies.

3 Disclosures of Interest

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

Committee as one of Council's delegate representatives and does not receive remuneration for her participation as is not an external independent member, and stated she would remain in the meeting for consideration and voting on the matter.

4 Minutes of Previous Meetings

There were no Minutes to confirm as this was the inaugural meeting of the Corporate Performance Committee.

5 Items by Exception

There were no Items by Exception.

6 Public Forum

There were no items to be considered in Public Forum.

7 Reports

CP22.001 Amended Rate Peg 2022-23

Committee Recommendation (Clr Werner / Clr Fardell)

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

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

Committee Recommendation (Clr Fardell / Clr Curry)

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

CP22.003 Tender - Sir Joseph Banks Park playspace

Committee Recommendation (Clr Curry / Clr Morrissey)

- 1 That the attachments to this report be withheld from the press and public as they

are confidential for the following reason:

With reference to Section 10(A) (2) (d)(i), (c) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

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

CP22.004 Councillor Superannuation

Committee Recommendation (Clr Werner / Clr Fardell)

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

The next meeting will be held in the Botany Town Hall Committee Room on Wednesday 4 May 2022.

The Chairperson closed the meeting at 8:22 pm.

Attachments

Nil

Council Meeting

27/04/2022

Item No	11.3
Subject	Minutes of the City Planning & Environment Committee Meeting - 13 April 2022
Report by	Peter Barber, Director City Futures
File	SF21/5810

Officer Recommendation

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

Summary of Substantial Recommendations

The minutes of this Committee include the following significant recommendations:

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

Committee Recommendation

- 1 That the public benefit for 133-137 Baxter Road and 118 Robey Street, Mascot, offered within the 15 March 2022 updated Offer and the revised Draft Advertising and Signage Planning Agreement be received and endorsed.
- 2 That the revised Draft Advertising and Signage Planning Agreement contained in Attachment 3 to the report be publicly notified in accordance with legislative requirements.

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

Committee Recommendation

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

Present

Councillor Jo Jansyn, Chairperson
Councillor Christina Curry, Mayor (*via audio visual*)
Councillor Liz Barlow
Councillor Greta Werner
Councillor Jennifer Muscat (*via audio visual*)

Also present

Councillor Andrew Tsounis
Councillor Anne Fardell
Meredith Wallace, General Manager (*via audio visual*)
Peter Barber, Director City Futures
Michael Mamo, Director City Performance (*via audio visual*)
Fausto Sut, Acting Director City Performance
Cathryn Bush, Coordinator Governance
Clare Harley, Manager Strategic Planning
Charlotte Lowe, Acting Co-ordinator Policy & Strategy
Nigel Riley, Senior Urban Planner
Bryce Spelta, Manager City Works
Jourdan Di Leo, Manager Property
Ben Heraud, Coordinator Property
Jamie Motum, General Counsel
Joe Logiacco, Manager Waste & Cleansing
Jeremy Morgan, Manager City Works (*via audio visual*)
Matthew Walker, Chief Financial Officer (*via audio visual*)
Taif George, IT Support Officer

Opening of the Meeting

The Chairperson, Cr Jansyn, opened the meeting in the Botany Town Hall at 6.38pm.

The Chairperson 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 page, in accordance with Council's Code of Meeting Practice.

1 Acknowledgement of Country

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

2 Apologies and Attendance

Apologies (Clr Werner / Clr Barlow)

That the following apologies be received:

- Councillor Bill Saravinovski (Deputy Chairperson); and
- Councillor Heidi Lee Douglas.

Attendance Via Audio-Visual Link (Clr Werner / Clr Barlow)

That Councillor Dr. Christina Curry (Mayor) and Councillor Jennifer Muscat's attendance at tonight's meeting via audio-visual link be granted.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

CPE22.008 Minutes of the City Planning & Environment Committee Meeting - 9 March 2022

Committee Recommendation (Clr Barlow / Clr Curry)

That the Minutes of the City Planning & Environment Committee meeting held on 9 March 2022 be confirmed as a true record of proceedings.

5 Items by Exception

There were no items by exception.

6 Public Forum

Mr Christopher Fletcher, affected neighbour, addressed the meeting speaking against the officer's recommendation on Item CPE22.009 Draft Planning Proposal - 187 Slade Road, Bexley North.

Note: Item CPE22.009 was considered next.

7 Reports

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

Committee Recommendation (Clr Barlow / Clr Muscat)

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

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

Committee Recommendation (Clr Curry / Clr Barlow)

- 1 That the public benefit for 133-137 Baxter Road and 118 Robey Street, Mascot, offered within the 15 March 2022 updated Offer and the revised Draft Advertising and Signage Planning Agreement be received and endorsed.

- 2 That the revised Draft Advertising and Signage Planning Agreement contained in Attachment 3 to this report be publicly notified in accordance with legislative requirements.
- 3 That the General Manager and delegate(s) are authorised to negotiate and finalise all documentation necessary following the conclusion of the public notification period, taking into consideration any submissions.
- 4 That authority be delegated to the General Manager to execute all documentation (including the final Planning Agreement) necessary to give effect to these resolutions.

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

Note: Mr Christopher Fletcher, affected neighbour, spoke against the officer's recommendation on this item.

Committee Recommendation (Cllr Curry / Cllr Barlow)

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

Note: Item CPE22.007 was considered next.

The next meeting will be held in the Botany Town Hall Committee Room at 6:30 pm on Wednesday, 11 May 2022.

The Chairperson closed the meeting at 7.13pm.

Attachments

Nil

Council Meeting

27/04/2022

Item No	11.4
Subject	Minutes of the City Works & Assets Committee Meeting - 13 April 2022
Report by	Colin Clissold, Director City Presentation
File	SF21/5810

Officer Recommendation

That the Minutes of the City Works & Assets Committee meeting held on 13 April 2022 be received and the recommendations therein be adopted.

Summary of Substantial Recommendations

The minutes of this Committee include the following significant recommendations:

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

Committee Recommendation

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

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

Committee Recommendation

- 2 That Council receives the information contained in this report and notes that the Order of AHEPA NSW Inc. have remedied the Default Notice and provided the Works Licence Security bank guarantee and the parties are proceeding with the

redevelopment project in accordance with the requirements of the Agreement for Licence and Lease for the site.

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

Committee Recommendation

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

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

Committee Recommendation

- 2 That the contents of this report be received and noted and the funding for the purchase of 1-7 Green Street, Banksmeadow be included in the next quarterly budget review in line with the proposed funding strategy contained within this report.
- 5 That Council approves the proposed funding strategy contained within this report for the acquisition of 1-7 Green Street, Banksmeadow, including approval for an application to be submitted in accordance with section 410 of the Local Government Act NSW 1993 to the Minister for Local Government seeking approval for an internal loan from the Domestic Waste Reserve in line with the funding strategy and repayment plan set out in this report.
- 6 That, should the Minister for Local Government not approve the internal loan application referenced in recommendation 4 above, then that amount is to also be borrowed from the Strategic Priorities Reserve as referenced in this report.

Present

Councillor Ed McDougall, Chairperson

Councillor Christina Curry (Mayor), Deputy Chair (*via audio visual*)

Councillor Liz Barlow
Councillor Anne Fardell
Councillor Jo Jansyn
Councillor Andrew Tsounis

Also Present

Councillor Greta Werner
Councillor Jennifer Muscat (*via audio visual*)
Meredith Wallace, General Manager (*via audio visual*)
Peter Barber, Director City Futures
Michael Mamo, Director City Performance (*via audio visual*)
Fausto Sut, Acting Director City Performance
Cathryn Bush, Coordinator Governance
Gina Nobrega, Governance Officer
Bryce Spelta, Manager City Works
Jourdan Di Leo, Manager Property
Ben Heraud, Coordinator Property
Jamie Motum, General Counsel
Joe Logiacco, Manager Waste & Cleansing
Matthew Walker, Chief Financial Officer (*via audio visual*)
Taif George, IT Support Officer

Opening of the Meeting

The Chairperson, Cr McDougall, opened the meeting in the Botany Town Hall at 7.25pm.

The Chairperson 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 page, in accordance with Council's Code of Meeting Practice.

1 Acknowledgement of Country

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

2 Apologies and Attendance

Apologies (Clr Fardell / Clr Jansyn)

That the following apology be received:

Councillor Heidi Lee Douglas

Attendance Via Audio-Visual Link (Clr Jansyn / Clr Fardell)

That Councillor Dr. Christina Curry's (Mayor) attendance at tonight's meeting via audio-visual link be granted.

3 Disclosures of InterestItem CWA22.009

Clr Tsounis declared a Less-Than-Significant Non-Pecuniary Interest in Item CWA22.009 as he is a member of AHEPA and remained in the meeting for consideration and voting on the matter.

Item CWA22.010

The Mayor, Councillor Curry declared a Significant Non-Pecuniary Interest in Item CWA22.010 on the basis that she attended a fundraiser for the Bayside Women's Shelter at the lessee's venue and is Chair of the Committee that received the donation, and stated she would leave the meeting for consideration and voting on the matter.

Councillor Jansyn declared a Less-Than-Significant Non-Pecuniary Interest in Item CWA22.010 on the basis that she attended a fundraiser for the Bayside Women's Shelter at the lessee's venue, and stated will remain in the meeting for consideration and voting on the matter.

Councillor Werner declared a Less-Than-Significant Non-Pecuniary Interest in Item CWA22.010 on the basis that she attended a fundraiser for the Bayside Women's Shelter at the lessee's venue. As she is not a member of the City Works and Assets Committee she will not be voting on this item however will remain in the meeting for consideration of this matter.

4 Minutes of Previous Meetings**4.1 Minutes of the City Works & Assets Committee Meeting - 9 March 2022****Committee Recommendation** (Clr Barlow / Clr Jansyn)

That the Minutes of the City Works & Assets Committee meeting held on 9 March 2022 be confirmed as a true record of proceedings.

5 Items by Exception

There were no items by exception.

6 Public Forum

Item CWA22.002 Flooding Behaviour - Bayside Local Government Area

Ms Elise Bruce, affected resident, addressed the meeting speaking for the officer's recommendation on Item CWA22.002 Flooding Behaviour - Bayside Local Government Area.

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

Mrs Maria Alexandrou, Member of AHEPA, addressed the meeting speaking against the officer's recommendation on Item CPE22.009 Draft Planning Proposal - 187 Slade Road, Bexley North.

Note: Item CWA22.002 was considered next.

7 Reports

CWA22.002 Flooding Behaviour - Bayside Local Government Area

Ms Elise Bruce, affected resident, spoke for the officer's recommendation on this item.

Committee Recommendation (Clr Curry / Clr Tsounis)

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

Note: Item CWA22.004 was considered next.

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

A written submission was received.

A written submission signed by the head petitioner accompanied by the petition was received.

Committee Recommendation (Clr Jansyn / Clr Fardell)

- 1 That the submission and petition attached to the report signed by 27 residents, meeting the mandatory criteria outlined in section 2.2 of Council's Petition Policy be received and noted.
- 2 That Salisbury Avenue, Bexley be identified as a location of concern for TfNSW to investigate as part of its Road Network Performance Review Plan.
- 3 That traffic count data be obtained from TfNSW to assist in quantifying the extent

of traffic and heavy vehicle mix in Salisbury Avenue, Bexley.

- 4 That a written response be provided to the head petitioner advising of Council's resolutions relating to this report and any associated actions and outcomes.
- 5 That this Item be referred to the Traffic Committee to investigate deterrents to stop heavy vehicles, trucks using Salisbury Avenue as a thoroughfare.
- 6 That the Mayor and Council advocate to support the residents' concerns by writing to the relevant authorities including TfNSW, local Members of Parliament (The Hon. Steve Kamper Member for Rockdale and The Hon. Christopher Minns Member for Kogarah) and the Minister of Transport NSW.

Note: Item CWA22.005 was considered next.

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

Note: Mrs Maria Alexandrou, Member of AHEPA, spoke against the officer's recommendation on this item.

Note: Cllr Tsounis declared a Less-Than-Significant-Interest in this Item and remained in the meeting for consideration and voting on the matter.

Committee Recommendation (Cllr Jansyn / Cllr Curry)

- 1 That attachment 2 to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Council receives the information contained in this report and notes that the Order of AHEPA NSW Inc. have remedied the Default Notice and provided the Works Licence Security bank guarantee and the parties are proceeding with the redevelopment project in accordance with the requirements of the Agreement for Licence and Lease for the site.

Note: Item CWA22.003 was considered next.

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

Note: Cllr Curry declared a Significant Non-Pecuniary Interest in this item and left the meeting at 8.20pm before the commencement of consideration of this item.

Note: Cllr Jansyn declared a Less-Than-Significant Non-Pecuniary-Interest in this

Item and remained in the meeting for consideration and voting on the matter.

Note: Cllr Werner declared a Less-Than-Significant Non-Pecuniary-Interest in this Item and remained in the meeting for consideration of this item and did not participate in voting on this item as not a member of this committee.

Note: Item CWA.006 was dealt with next.

Committee Recommendation (Cllr McDougall / Cllr Fardell)

That Standing Orders be suspended to deal with Item CWA22.005 in Closed Session.

Committee Recommendation (Cllr Tsounis / Cllr Fardell)

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

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

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

CWA22.006 Acquisition - 1-7 Green Street Banksmeadow.**Committee Recommendation** (Clr Jansyn / Clr Tsounis)

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

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That the contents of this report be received and noted and the funding for the purchase of 1-7 Green Street, Banksmeadow be included in the next quarterly budget review in line with the proposed funding strategy contained within this report.
- 3 That in accordance with Section 34 of the Local Government Act 1993, Council undertakes public notification of its intention to classify *Lot 20 in DP 832134* as Operational Land in accordance with Section 31 (2) of the same Act.
- 4 That a further report is submitted to Council post the completion of the public notification period.
- 5 That Council approves the proposed funding strategy contained within this report for the acquisition of 1-7 Green Street, Banksmeadow, including approval for an application to be submitted in accordance with section 410 of the Local Government Act NSW 1993 to the Minister for Local Government seeking approval for an internal loan from the Domestic Waste Reserve in line with the funding strategy and repayment plan set out in this report.
- 6 That, should the Minister for Local Government not approve the internal loan application referenced in recommendation 4 above, then that amount is to also be borrowed from the Strategic Priorities Reserve as referenced in this report.

Note: Item CWA22.005 was considered with next in closed session.

Committee Recommendation (Clr McDougall / Clr Fardell)

That Standing Orders be resumed to Open Session..

Closing of the Meeting

The next meeting will be held in the Botany Committee Room of Botany Town Hall, Corner of Edward Street and Botany Road, Botany on Wednesday 11 May 2022 at the conclusion of the City Planning and Environment Committee.

The Chairperson closed the meeting at 8.45 pm.

Attachments

Nil

Council Meeting

27/04/2022

Item No 11.5
Subject **Minutes of the Botany Historical Trust Meeting - 28 March 2022**
Report by Bobbi Mayne, Manager Customer Experience
File SF21/5810

Officer Recommendation

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

Summary of Substantial Recommendations

The minutes of this Committee contain the following significant recommendation:

5.3 Election Of Office Bearers for BHT Executive Committee

That BHT Members:

2. Elect the following nominated Executive Office Bearers in accordance with the BHT Constitution:

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

Present

Anne Slattery, President
Christopher Hanna, Vice President
Robert Hanna, Secretary
Richard Smolenski, Treasurer
Jacqueline Milledge, Committee Member

Peter Orlovich, Committee Member
Jo Jansyn, Member
Jennifer Muscat, Member
Ron Hoenig, Member for Heffron
Barry McGrath, Member
John O'Brien, Member
Paul Pickering, Member
Carlyn Johnston, Member
Pamela Richardson, Member
Irene Vains, Member
Robert Brazil, Member
Robert Jordan, Member
Neil and Margaret Lee, Members
Mary Hanna, member
Carolyn McMahon, Member
Carla Smolenski, Member

Also Present

Bobbi Mayne, Manager Libraries & Customer Experience
Alison Wishart, Community History Project Officer
Fausto Sut, Manager, Governance and Risk
Meredith Wallace, General Manager
Christine Stamper, Manager, Communications and Events

The Chairperson opened the meeting in the Mascot Library at 6:40 pm and welcomed members and special guests.

1 Acknowledgement of Country

The Chairperson 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 Apologies

The following apologies were received:

Alice McCann, Senior Vice President

Clarence Jones, Committee Member

Barbara Keeley, Committee Member

Leslie and Mavis Morrison, Members

Giovanna Fuoti, Member

Lyle Underwood, Member

Maria Privitera, Member

Matthew Thistlethwaite, Member for Kingsford Smith

Debra Dawson, Director, City Life
Coordinator Customer Experience, Lisa Marschall

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Botany Historical Trust Meeting - 6 December 2021

Committee Recommendation

Moved by Richard Smolenski, seconded by Chris Hanna:

That the Minutes of the Botany Historical Trust meeting held on 6 December 2021 be confirmed as a true record of proceedings.

5 Reports

Reports were dealt with in the following order:

5.2 BHT President's Report

Anne Slattery presented her final report as BHT President.

Committee Recommendation

That the President's Report is noted.

Address by Ron Hoenig, MP

Ron spoke about the BHT and Anne Slattery's great work and legacy as BHT President. Ron encouraged Botany Historical Trust to continue to raise their profile by educating our community about local history as well as advocating to protect our local heritage including buildings.

Address by Councillor Jennifer Muscat and Councillor Jo Jansyn

Councillors Muscat and Jansyn thanked Anne Slattery for her dedication to the BHT as president during the term and presented her with flowers on behalf of Council.

5.3 Election Of Office Bearers for BHT Executive Committee

Fausto Sut acted as returning officer.

The following positions were appointed:

President: Robert Hanna

Four nominations were received to elect Robert Hanna

No other nominations received

Robert accepted the position.

Senior Vice President: Christopher Hanna

A nomination was received for Chris Hanna as Vice President

No other nominations were received

Chris accepted the position.

Vice President: Jacqueline Milledge

During the Election of Office Bearers nominations were called for Vice President as no nominations were received prior to the AGM.

Richard Smolenski nominated Jacqueline Milledge for the position of Senior Vice President.

No other nominations were received

Jacqueline accepted the position.

Secretary: Carolyn McMahon

During the Election of Office Bearers nominations were called for Secretary as no nominations were received prior to the AGM.

Jacqueline Milledge nominated Carolyn McMahon for the position of Secretary.

No other nominations were received

Carolyn accepted the position.

Treasurer: Richard Smolenski

A nomination was received for Richard Smolenski for Treasurer

No other nominations were received

Richard accepted the position.

General Committee Member:

A nomination was received for Peter Orlovich

No other nominations were received

Peter accepted the position.

General Committee Member: Vacant

No nomination was received for this position.

Up to 3 Community Members / Independent Experts: Vacant

The new Executive once elected may nominate up to 3 community members and/or independent experts to also join the Committee

No nominations were received at the AGM.

Committee Recommendation

That BHT Members:

1. Note the Report and Constitution attached.

2. Elect the following nominated Executive Office Bearers in accordance with the BHT Constitution:

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

5.1 Update on Community History Audit

Bobbi Mayne presented the report and drew attention to the large volume of material that the audit had documented. She thanked Alison Wishart and others for their work. The next step is to report back to the BHT Executive with plans to improve the storage and accessibility of the local history collection and the Council archives.

Committee Recommendation

That the Executive Committee and Members note the report.

6 General Business

6.1 Comments by Rob Hanna

As the new President of the BHT, Rob thanked Ron Hoenig for his speech and noted that he had 'big shoes' to fill taking over from the former President Anne Slattery. He thanked Anne for her leadership during very difficult times over the past two years due to the Pandemic. He also thanked Clarence Jones and Alice McCann who are also retiring from the committee. He spoke of the BHT's achievements and his plans for the future.

6.2 Comments by Richard Smolenski

Richard added his thanks to Anne, Alice and Clarence and encouraged other members to nominate for the BHT Executive.

He noted that 3 April 2022 was the 20th anniversary of the death of Constable Glenn McEnallay, a policeman from the Mascot highway patrol unit. The Glenn McEnallay Reserve in Sutherland street is named in his honour. It suggested that Council and BHT do something at the reserve to honour and remember Constable McEnallay.

6.3 Comments by Peter Orlovich

Peter spoke about the importance of preserving council archives, particularly after amalgamations, and the importance of keeping RSL sub-branch archives since their headquarters was not interested in this.

Peter gave Ron Hoenig a copy of a letter dated 1905 which stated that the Minutes of the Botany Progress Association were being donated to Botany Council.

6.4 Comments by Cr Jenny Muscat

Councillor Muscat informed the meeting that Warner Bros are filming a new series for the ABC about the history of corner shops. They have set up an old corner shop on the corner of Swinborne and Trevellyn Streets Botany and have called for locals to be extras in the cast.

7 Next Meeting

That the next meeting be held in the **Mascot Library and George Hanna Memorial Museum on Tuesday, 3 May 2022 commencing at 6:30 pm.** To be confirmed by the President BHT at least 10 days prior to the meeting.

Rob Hanna closed the meeting at 7:56 pm.

Attachments

Nil

Council Meeting

27/04/2022

Item No	11.6
Subject	Minutes of the Bayside Traffic Committee Meeting - 13 April 2022
Report by	Taseen Hassan, Traffic Engineer
File	SF21/5810

Officer Recommendation

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

Present

Councillor Liz Barlow, Bayside Council (Convener)
Nina Fard, representing Transport for NSW

Also present

Peter Barber, Director City Futures, Bayside Council
Mariam Fares, Acting Manager City Infrastructure, Bayside Council
Councillor Heidi Lee Douglas
David Carroll, Senior Parking Patrol Officer, Bayside Council
Mark Goddard, Events Officer, Bayside Council
Shayal Singh, Traffic Engineer, Bayside Council
Taseen Hassan, Traffic Engineer, Bayside Council
Raj Shah, Graduate Engineer, Bayside Council
Pat Hill, Traffic Committee Administration Officer, Bayside Council

The Convenor opened the meeting via audio visual link at 9:16 am and 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.

1 Apologies

The following apologies were received:

Jeremy Morgan, Manager City Infrastructure, Bayside Council
Agasteena Patel, Coordinator Traffic and Road Safety
Constable Hugo Pezzotti, Eastern Beaches Area Command
Sergeant Matthew Thompson, Eastern Beach Police Area Command
Traffic Sergeant Sandra Dodd, St George Police Area Command
Senior Constable Matthew Chaplin, St George Police Area Command
Councillor Christina Curry, Mayor, Bayside Council
Les Crompton, representing State Member for Kogarah
George Perivolarellis, representing State Members for Rockdale and Heffron

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

BTC22.037 Minutes of the Bayside Traffic Committee Meeting - 9 March 2022

Committee Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 9 March 2022 be confirmed as a true record of proceedings.

4 Reports

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

Committee Recommendation

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

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

Committee Recommendation

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

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

Committee Recommendation

That approval be given for the existing 'Bus Zone 9 am - 1:30 pm Tuesday School

Days' be replaced with 'Bus Zone 12:30 pm - 2:30 pm Thursday School Days'.

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

Committee Recommendation

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

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

Committee Recommendation

- 1 That approval be given for the installation of a 30m 'Works Zone 7 am – 6:30 pm, Mon – Fri and 8 am – 3:30 pm Sat' restriction along the eastern kerb line of Rose Street fronting the work site of 21 Daphne Street, Botany, (immediately south of the 10m statutory 'No Stopping' zone) for additional duration of 8 weeks from 30 April 2022, subject to relevant conditions.
- 2 That vehicles exceeding 12.5m in length require separate application with supporting traffic management plan demonstrating provisions for safe access to the site, such as temporary road closures.

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

Committee Recommendation

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

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

Committee Recommendation

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

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

Committee Recommendation

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

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

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

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

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

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

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

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

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

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

That the matters raised by the Chair be considered.

BTC22.051 General Business**Committee Recommendation**

That the Chair confer with formal Committee members on Items without notice.

Councillor Heidi Lee Douglass raised the following item:

- 1 Councillor Heidi raised concerns regarding Riverside Drive requesting for the investigation of potential 'No Stopping 9pm to 5am' parking restrictions along the parking bays located between Tuffy Avenue and Napoleon Street for a trial period of 6 to 12 months to prevent anti-social behaviour.

Committee Recommendation:

That the matter be investigated and reported back to a future meeting of Bayside Traffic Committee.

The Member for Heffron raised the following item:

- 2 The Member for Heffron has made the following statement: 'I reject the contents of BTC21.099 and BTC22.051. The Traffic Committee is not a council committee and no council employee can prevent any matter being raised by any member of the Traffic Committee at any time with or without notice. A council administrative officer has no role or authority to decide what the Traffic Committee may or may not discuss or consider. For my part if the Police wish to raise a road safety concern on any matter without notice then I insist that they do so. If Transport for NSW wish to discuss any issue that it is concerned about that impacts road safety that I or my representative need to hear or to seek advice on then they are entitled to do so.'

Transport for NSW issues guidelines and they are no more than guidelines, not binding statutory requirements with parliamentary authority. For my part I resent the council misusing resources by continuing to publish erroneous material that has nothing to do with road safety or road efficiency.'

Committee Recommendation:

The Committee made no recommendation on the statement.

The Convenor closed the meeting at 9:38 am.

Attachments

Nil

Council Meeting

27/04/2022

Item No	11.7
Subject	Minutes of the Risk & Audit Committee Meeting - 31 March 2022
Report by	Fausto Sut, Manager Governance & Risk
File	SF21/5810

Officer Recommendation

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

Summary of Substantial Recommendations

The minutes of this Committee contain the following significant recommendations:

ARI22.005 Progress on the Internal Audit Work Program

Committee Recommendation

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

Present

Jennifer Whitten, Independent External Member (Chairperson)
Mark Sercombe, Independent External Member
Sheridan Dudley, Independent External Member
Robert Lagaida, Independent External Member
Councillor Ann Fardell (Councillor Representative)
Councillor Scott Morrissey (Councillor Representative)

Also present

Michael Mamo, Director City Performance
Fausto Sut, Manager Governance & Risk
Cathryn Bush, Coordinator Governance
Natasha Balderston, Internal Auditor
Umayal Sivanandan, Internal Auditor
Matthew Walker, Chief Financial Officer

Rodney Sanjivi, Financial Strategy & Reporting Manager
Rania Jaber, Financial Performance Manager
Ben Thompson, Manager Business Transformation
Mark Cleland, Manager Information Technology
Karen Taylor, Director – Financial Audit, NSW Audit Office

Opening of the meeting

The Chairperson opened the meeting in the Yarra Conference Room Bayside Council at 6.33pm.

1 Acknowledgement of Country

The Chairperson 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 Apologies

The following apologies were received:

- Councillor Liz Barlow (Alternate Councillor Representative)
- Meredith Wallace, General Manager
- Monique Bartley, Audit Lead, NSW Audit Office

3 Disclosures of Interest

Mark Sercombe, Independent External Member declared a Less than Significant Non-Pecuniary Interest on the basis that he is a member of the Audit and Risk Committee for Australian Taxation Office of which Bayside Council is a client.

Mark Sercombe, Independent External Member declared a Less than Significant Non-Pecuniary Interest on the basis that he is a member of the Audit and Risk Committee for the NSW Electoral Commission who is a supplier to Bayside Council.

4 Minutes of Previous Meetings

4.1 Minutes of the Risk & Audit Committee Meeting - 25 November 2021

Committee Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 25 November 2021 be confirmed as a true record of proceedings.

5 Reports

ARI22.001 Election of Chairperson

Committee Recommendation

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

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

Committee Recommendation

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

With reference to Section 10(A) (2) General of the Local Government Act 1993, the attachment relates to The matters in this report are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.

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

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

Committee Recommendation

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

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

Committee Recommendation

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

ARI22.005 Progress on the Internal Audit Work Program

Committee Recommendation

- 1 That the report on the progress of the Internal Audit Work Program be received and noted.

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

ARI22.006 Business Improvement Delivery Program

Committee Recommendation

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

ARI22.007 Governance Framework - Revised

Committee Recommendation

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

ARI22.008 Proposed Meeting Schedule for 2022

Committee Recommendation

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

6 General Business

There was no General Business.

7 Next Meeting

That the next meeting be held in the Yarra Conference Room, Level 2, Bayside Council Administration Building, 2 Bryant Street, Rockdale, at 6:30pm on 12 May 2022.

The Chairperson closed the meeting at 8.35pm.

Attachments

Nil

12 NOTICES OF MOTION

Council Meeting

27/04/2022

Item No	12.1
Subject	Notice of Motion - Brighton Le Sands Safety Concern
Submitted by	Joe Awada, Councillor
File	F10/309.002

Summary

This Motion was submitted by Councillor Awada.

Motion

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

Background

Supporting Statement by Councillors

On the overhead pedestrian bridge which connects the Novotel Brighton Le Sands to the beach, the balustrades on the beach-side steps are full of rust. At that section of the steps, it is approximately a two-story drop to the ground below. The balustrade has been in this state for years and I am concerned that someone may get hurt.

This overhead bridge has one of the best coastline views in the area and it is such a shame that it has not been maintained even for safety. At 5:00 am, the view is quite majestic.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

27/04/2022

Item No	12.2
Subject	Notice of Motion - Update on The Boulevard Car Park, Brighton Le Sands - Options Analysis
Submitted by	Paul Sedrak, Councillor
File	F18/182

Summary

This Motion was submitted by Councillor Sedrak.

Motion

That Councillors be provided an update at the June Works and Assets Committee meeting on the concept plan options for the redevelopment of the Boulevard Carpark, Brighton Le Sands, and the recommended next steps to progress the project and deliver the best outcome for the community.

Background

Supporting Statement by Councillors

At the Council Meeting on the 14 July 2021 a Notice of Motion was submitted by Councillors James Macdonald and Andrew Tsounis regarding The Boulevard Car Park - Options Analysis.

The original motion submitted was proposing for Council “to look at options for converting an existing asset to provide long term financial, community and social benefits for generations to come”.

The primary objective for the previous motion and this current motion is to address the shortfall in available public car parking spaces within the Brighton Le Sands town centre. Car parking in Brighton has been an ongoing issue for not only the surrounding residents but for the whole Bayside community as well as visitors to our area. It is imperative to see real progress made for the carpark so that this long standing issue of under supply of parking can finally be addressed and our community can see some real action on the ground.

It is vital for our residents and businesses in Brighton Le Sands for Council to be provided with adequate parking facilities in the area. We need to investigate and develop a financially sustainable plan for Council to fund this enhancement to our area for the betterment of our whole LGA. For many years Council has been considering the best way forward with regard to this Council owned car park, but no tangible progress has been made, we need to make a commitment to our community that this Council term, we will make real progress to resolve the parking supply issue in Brighton Le Sands.

On a separate, but related note, it is pleasing to see that our staff have been very responsive in putting in place a plan to address concerns raised by residents about the condition of

sections of the current car park where there has been recurring water leaking. The City Presentation team will be undertaking the necessary remediation works over the next few months, which weather permitting, the works expected are completed by the end June.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Council Meeting 14/07/2021 - Item 10.5 - Notice of Motion - The Boulevard Car Park - Options Analysis [↓](#)

Council Meeting**14/07/2021**

Item No	10.5
Subject	Notice of Motion - The Boulevarde Car Park - Options Analysis
Submitted by	James Macdonald, Deputy Mayor, Councillor Andrew Tsounis, Councillor
File	SF20/7376

Summary

This Motion was submitted by Deputy Mayor, Councillors Macdonald and Tsounis.

Motion

- 1 That, following the decision by Council to not support the Planning Proposal for 1-13 The Boulevarde, Brighton Le Sands, Council officers to undertake an analysis on options to maximise the potential for the redevelopment of the Council owned car park, to not only address the shortfall in public car spaces but to also identify innovative opportunities to integrate positive community and or commercial outcomes on the site to improve the overall long term feasibility of the site from a financial, social and community benefits perspective.
 - 2 That the analysis of options be reported back to Council for further consideration.
-

Background**Supporting Statement by Councillors**

Council has for many years been considering the best way forward with regard to the Council owned car park located on The Boulevarde, Brighton Le Sands. The primary objective for Council has been to address the shortfall in public car parking spaces within the Brighton Le Sands core area.

The most recent draft planning proposal for the site was not supported by the Local Planning Panel or subsequently by Council on the basis that what was being proposed lacked both strategic and site-specific merit.

This now leaves Council with the need to revisit the options for the site and look at how we can deliver the best outcome for our community.

The purpose of this motion is to make sure we do not let the community wait any longer than they need to in order to realise the potential of this important community asset. This motion is asking for not only a parking solution, but also analysis of opportunities that Council could consider for the site to future proof the function of what could be delivered and to integrate innovative design elements which deliver parking benefits, but also accommodates other community and social benefits which maximise the potential and location of this strategic asset. This motion is proposing for Council to look at options for converting an existing asset to provide long term financial, community and social benefits for generations to come.

Item 10.5

1

Council Meeting

14/07/2021

We propose the investigations consider the feasibility of the redevelopment of the Council owned site, as well as the potential for expanding under and /or above the adjoining roadways and public access way. We also propose that the options consider the opportunity to develop an innovative Council led Planning Proposal for the site which could potentially deliver a diverse range of community outcomes to supplement the overarching parking objective.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Item 10.5

2

Council Meeting

27/04/2022

Item No	12.3
Subject	Notice of Motion - Investigate Need and Potential Sites for Indoor and Outdoor Basketball Courts Across Bayside LGA
Submitted by	Paul Sedrak, Councillor
File	F09/1129.002

Summary

This Motion was submitted by Councillor Sedrak.

Motion

- 1 That Council provides an update on the proposed creation or installation of indoor / outdoor basketball courts across the Bayside LGA.
- 2 That Council further investigates potential locations, and undertakes costings, for outdoor half-court or full-court basketball courts.

Possible sites have been identified by St George Basketball at:

- Bicentennial Park East
- Bicentennial Park West
- Scarborough Park Nth
- Rotary Park
- Riverine Park
- Mutch Park
- Sir Joseph Banks Park
- Adjacent to Georges River 16ft Sailing Club

- 3 That Council further investigate potential locations, and undertake a feasibility study, for a multi-court indoor facility, with a minimum of four (4) courts. The study should determine the facility mix, use, location, capital and operational cost, and management arrangements.
 - 4 Possible sites have been identified by St George Basketball Association at:
 - Bicentennial Park, utilising carpark space and tree area next to Pet-O,
 - Bicentennial Park East, behind Brighton Memorial Field,
 - Muddy Creek location, site of the former Fisho's venue, and
 - Marsh Street, Arncliffe, currently M6 site (if not utilised post completion).
-

Background

Supporting Statement by Councillors

Basketball is a fast-growing sport across Australia, catering to players of all ages, genders and abilities, with options from casual outdoor recreation through to representative basketball for junior and senior elite athletes. Basketball is the 2nd biggest team sport, both within Australia and within the Bayside LGA. However, due to the lack of facilities in the area, over 800 Bayside residents (according to Basketball NSW records) play organised basketball outside of the Bayside area, and also limits their ability to enjoy the sport outside.

Across the Bayside LGA, we have many spaces for sports such as soccer, football, netball and cricket. However, Bayside is lacking spaces for basketball courts, both outdoor and indoor. The following current facilities available in the area are limited:

- St George PCYC – limited space (one indoor court, one half-court outdoor), high court hire costs, no seating available for spectators, equipment is often damaged (e.g. scoreboard), limited parking and major impact on residential streets
- Arncliffe Youth Centre – new facility, two indoor courts (concrete floor on one, synthetic floor on the other - not suitable for official games), rings not adjustable height for use with younger players
- L'Estrange Park – outdoor half court

Hogben Park (at Kogarah, within Georges River Council) is full outdoor concrete court and given it is always full to overflowing with players, it is evident more space is needed.

In addition to outdoor court space for casual recreation, Bayside is also lacking indoor facilities for multisport use, including:

- Volleyball – Endeavour Volleyball is NSW's largest volleyball group
- Netball – have an abundance of outdoor courts, but limited indoor space
- Badminton

As part of the Bayside Council 2030 Delivery Plan, and in anticipation of the Social Infrastructure Strategy, this project would create accessible places, value the community and be people focussed:

- Deliver Sporting facilities to ensure community focused sports & recreation services
- Support the improvement of the sporting facilities across the LGA
- Promote and support active recreation, leisure and sporting activities and initiatives
- Enhance Sport and Recreation facilities within Bayside LGA
- All segments of Bayside catered for – children, families, young people & seniors
- Create a healthier community with access to active recreation

Comment by General Manager:

There are financial implications that arise from this Notice of Motion, particularly in relation to a feasibility study which includes location, design, costings and options for a future management model. Should Council resolve to undertake this work a budget will need to be identified in the 2022-23 Budget.

It should also be noted that representatives from St George Basketball Association met with the Mayor earlier this year. In conjunction with St George Leagues they were investigating opportunities to locate at Riverine Park.

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Attachments

Nil

Council Meeting

27/04/2022

Item No	12.4
Subject	Notice of Motion - Petanque Court in Bexley Park
Submitted by	Mark Hanna, Councillor
File	SF21/5810

Summary

This Motion was submitted by Councillor Hanna.

Motion

- 1 That Council resolves to investigate the practicality of creating a Petanque Court in Bexley Park adjacent to the current playground for use by residents.
 - 2 That Council identifies a suitable location, with toilet amenities, for the establishment of 10 Petanque Courts to allow residents to participate in competition Petanque and Bocce.
 - 3 That a report be prepared on the possible locations for Petanque Courts along with associated construction and maintenance costs.
-

Background

Supporting Statement by Councillors

The game of Petanque is popular with senior residents. There is, however, no facilities within Bayside LGA for participation in the game, which brings both physical and mental health benefits to senior citizens. It is, however, a game open to all ages and abilities, so provision of courts will benefit the entire community.

The game court is generally constructed of compressed gravel and is easy to construct and requires little maintenance.

The provision of a court in Bexley Park and multiple courts for competition purposes at a suitable location within Bayside, will provide immense benefits for those who use the facilities.

Comment by General Manager:

Investigation will confirm whether the above suggestion is consistent with the Heritage Conservation Management Plan for Bexley Park.

Assessment, design and costing for 10 courts (adjacent to amenities) will require more extensive research and can be included in the 2022-23 Operational Plan should Council resolve to support this Notice of Motion.

Attachments

Nil

Council Meeting

27/04/2022

Item No	12.5
Subject	Notice of Motion - Increase in Fines for Heavy and Oversized Vehicles Parking for Extended Periods in Residential Streets
Submitted by	Mark Hanna, Councillor
File	F14/415

Summary

This Motion was submitted by Councillor Hanna.

Motion

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

Background

Supporting Statement by Councillors

Many residents are suffering from heavy and oversized vehicles parking for extended periods in residential streets. Some trucks are parked outside or near residential homes for days and sometimes weeks. Many park overnight and cause disturbance early mornings when started.

The current fine for parking over one hour is grossly inadequate and does not act as a deterrent for parking illegally. It is also cumbersome to administer as it requires two visits from an authorised Council Officer to issue the fine, currently sitting at \$117.

Trucks are reportedly often issued with multiple fines, yet continue to park illegally.

This motion seeks to have the fine increased substantially, to at least \$500, to provide a strong financial disincentive and hopefully dramatically reduce the number of trucks parking illegally in residential areas.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

27/04/2022

Item No	12.6
Subject	Notice of Motion - Anti-Social Behaviour in Riverside Drive, Sans Souci - Petition from Residents
Submitted by	Heidi Lee Douglas, Councillor
File	F08/752P02

Summary

This Motion was submitted by Councillor Douglas.

More than 500 residents have signed a petition by local resident Ria Michels asking for Bayside Council to investigate and implement solutions to hooning and high levels of anti-social night time behaviour in the public car park between Napoleon Street and Tuffy Avenue at Riverside Drive, Sans Souci.

Motion

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

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

Background

Supporting Statement by Councillors

Residents of Riverside Drive, Sans Souci led a petition signed by more than 500 neighbours, which is being delivered to the Council Meeting.

Residents of Riverside Drive have been suffering anxiety from noise generated by anti-social behaviour on Thursday, Friday and Saturday nights from 10pm. Gatherings of noisy high performance vehicles, motorbikes, revving, donuts, burnouts, sexual activity, and suspected drug deals are regular weekly occurrence. Residents report this activity has gotten significantly worse over the last two to three years.

Residents of Riverside Drive dread weekend nights. Anti-social behaviour wakes both adults and young children regularly throughout the night, leading to anxiety. Residents have often called Kogarah police station but have often been told that police are too busy to attend.

At a recent meeting with St George Police, the police told residents to contact Bayside Council about the matter, and the police suggested parking restrictions after 9pm and before 5am may be an adequate solution.

This suggestion has been further discussed with the Director of City Futures and the Traffic Committee, and it was agreed a trial would allow us to see if this parking restriction has a positive impact on the anti-social behaviour upsetting residents.

Any parking restriction would need to be further policed, therefore residents also ask Bayside Council to advocate to the police on their behalf for further policing in future.

Residents also request a street light that was previously removed be replaced, as the dark shadows currently encourage anti-social gatherings. Replacement of this light has previously been requested to Bayside Council and MP Steve Kamper. It is in Bayside Council's budget and could be considered for priority.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

27/04/2022

Item No	12.7
Subject	Notice of Motion - Safer Lighting at the West Botany Street Skate Park
Submitted by	Heidi Lee Douglas, Councillor
File	F08/669P02

Summary

This Motion was submitted by Councillor Douglas.

The new skate park on West Botany Street is extremely popular with all ages, but the lighting is currently too dim and unsafe. Users are requesting Bayside Council investigate solutions for additional lighting to create a safer environment for evening use of the facilities.

Motion

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

Background

Supporting Statement by Councillors

Bayside Council and the NSW State Government have recently opened a fantastic new skate park facility on West Botany Street. However, the lighting is currently inadequate and unsafe for users of this facility at night, creating high risk for users.

Users have requested that Bayside Council investigates adding additional lighting to the facility, possibly by adding LED solar street lights with self-contained batteries, to enhance the safety of the site. Additional lighting must also be strategically placed, to ensure safe and consistent illumination which minimises shadows on the skate ramps.

Having improved lighting would improve both the usability and attendance of the facility, as some riders have avoided using the park when lit up due to the safety concerns.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

27/04/2022

Item No	12.8
Subject	Notice of Motion - Smoking Bans
Submitted by	Andrew Tsounis, Councillor
File	F09/462.002

Summary

This Motion was submitted by Councillor Tsounis.

Motion

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

Background

Supporting Statement by Councillors

The Council resolution of 9 December 2020 resolved as follows:

- 1 *That Council investigates opportunities to create designated non-smoking zones at Cook Park, Lady Robinsons Beach and associated amenities, including the beach enclosures at Kyeemagh, Brighton, Monterey and Ramsgate.*
- 2 *That if designated as non-smoking zones, these areas be equipped with multiple waste receptacles and be appropriately sign-posted to inform that littering of cigarette-butts is an offence attracting a fine.*
- 3 *That smoking (in all its forms) is banned in new licensed outdoor areas in Council premises or on Council owned or managed land; and that if this ban is not maintained by the licence holder then the licence may be revoked, putting the onus on the licence holder to maintain the smoking ban.*

Commercial operators can offer a smoking/dining environment subject to meeting NSW State government legislation by providing a compliant smoking area.

The Council resolution effectively is a restriction of trade to tenants of Council who wish to provide the same offer.

This notice is to modify the resolution of Council by enabling tenants of Council who wish to offer compliant smoking, are permitted to do so only within a compliant smoking area as determined by NSW State Government legislation.

Any costs associated to design, modification and compliance are to be met by the tenant.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

27/04/2022

Item No	12.9
Subject	Notice of Motion - Licence Plate Recognition Cameras - Creating a future plan for their roll out
Submitted by	Ed McDougall, Councillor
File	F08/752P02

Summary

This Motion was submitted by Councillor McDougall.

Motion

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

Supporting Statement by Councillors

The installation of LPR cameras across parts of Bayside has been well received by local residents and businesses as a deterrent to hooning and anti-social behaviour.

Stage 1 of the rollout includes the commercial core of Bay Street and the Grand Parade and Vanston Pde Sandringham which has experienced a substantial drop in hooning incidents since the introduction of the fixed cameras. The next area to be covered will address the behaviours currently occurring at the eastern end of Sanoni Ave, Sandringham beside the 16ft sailing Club.

Council will need to source additional funding to expand the program and to complete the areas identified at Brighton-Le-Sands and determine future priority areas.

The strategy will need to take into account police data and community feedback on the recently published Have Your Say Hooning Hot Spot heat map.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

13 QUESTIONS WITH NOTICE

14 CONFIDENTIAL REPORTS / MATTERS

15 CLOSING OF THE MEETING