

Regular Council Meeting Minutes

Commenced 7:10pm

TUESDAY, 26 APRIL 2016

Present: Cr Stephen Aguis (Mayor), Cr Nick Katris, Cr Lachlan McLean, Cr Michael Platt, Cr Sam Stratikopoulos, Cr Kathryn Landsberry, Cr Nathaniel Smith, Cr Nickolas Varvaris (Emeritus Mayor), Cr George Katsabaris, Cr Nick Aroney and Cr Jacinta Petroni.

In Attendance: Paul Woods (General Manager), Evan Hutchings (Director Governance and Corporate Services), Rod Logan (Director Planning and Environmental Services), Andrew Sharp (Director Assets and Services), Cathryn Bush (Manager Governance) and Lynne Denham (Minute Secretary).

Note: The recording of the National Anthem at tonight's meeting was sung beautifully by Hurstville Grove Infants School.

Note: Reverend Phillip Kendall – Kogarah Bay Congregational Church was present and offered prayer prior to the commencement of the meeting.

A. Apologies

An apology was received on behalf of Cr Annie Tang (Deputy Mayor).

50/2016 *Resolved:* (Katsabaris/Stratikopoulos)

That the apology be accepted and leave of absence granted.

B. Disclosures of Interest

There were no Disclosures of Interest.

C. Adjournment for Public Forum

There was no Adjournment for Public Forum.

D. Development Assessment Reports

1. **Subject:** No. 75 The Promenade, Sans Souci - Development Application No. 319/2014 - Section 96 Modification to approved dwelling and swimming pool - SAF Developments Pty Ltd (Applicant) - Mr M.S. Lee & Ms L.L. Hu (Owners) - North Ward - Annexure
- Author:** Rod Logan - Director Planning and Environmental Services (BL)
- Reason for Report:** Ward Councillor request.

- Present at the meeting were Mr Chris Mavris (Neighbour), Mrs Tania Antonopoulos (Neighbour) and Mr Nasser Hussein (Applicant/Contractor) who at the invitation of the Mayor addressed the Council concerning this item.

51/2016 *Resolved:* (Katris/McLean)

- a) *That Council, as the consent authority, pursuant to Section 96 (1A) of the Environmental Planning and Assessment Act, 1979, grant approval to the requested modifications to Development Consent No. 319/2014 dated 22 April 2015 for demolition of existing dwelling and construction of a new dwelling and swimming pool at No. 75 The Promenade, Sans Souci submitted on 13 November 2015 subject to the development consent being modified as follows:*

Condition 1 be modified as follows:

- (1) *Approved Plans of Consent*

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) *Architectural Plans – prepared by Saf Developments, Section 96 Issue 2 dated 17 February 2016, Drawing No.'s DA01, DA02, DA03, DA04, DA05, DA06, DA08 (refer to condition 35(a)).*
- (ii) *Stormwater plans project no. 2862, drawing S1 and S2 Revision A, drawn by Consulting Design and Inspection Engineers dated 24.12.2014 and stamped by Council on 09.04.2015*

The following additional conditions be inserted:

35(a) Deletion of Side Access Stairs

The external side access stairs along the northern boundary and rear door from the garage are to be deleted and do not form part of this consent. The proposed retaining wall on the northern boundary is to be reduced to a maximum height not exceeding existing ground level at the boundary at any point.

35(b) Height of building

That there is no increase in height to the living room that occurs on the lower ground floor (Proposed Level 1), which is the single storey element located on the North West Corner of the proposed building, and the floor to ceiling height is to remain at the previously approved height of 2800mm and the structural height of the concrete floor slab is to remain the same height as previously approved.

35(c) Deletion of Windows and Glazing Areas

That the full height windows and glazing areas, (nominated as W1 on the drawings) and which face directly onto 77 The Promenade Sans Souci (southern elevation), are to be deleted and replaced with solid cavity brick work.

35(d) Deletion of Windows to Lower Ground Floor Kitchen

That the window proposed to the lower ground floor kitchen area (Proposed Level 1), located on the southern elevation (nominated as W9 on the drawings) is to be deleted and replaced by cavity brickwork or, alternatively, the window must be constructed as a fixed, opaque, glazed window that does not incorporate any sliding tracks or mechanisms.

35(e) Changes to Proposed Window (Bedroom 2 on level 2)

That the window proposed to Bedroom 2 on floor level 2 located on the northern elevation (nominated as W14 on the drawings) is to be deleted and replaced by cavity brickwork or, alternatively, the window must be constructed as a fixed, opaque, glazed window that does not incorporate any sliding tracks or mechanisms.

b) That on submission of the amendments to the plans required by 1. above that copies of the drawings be provided to objectors that addressed the regular Council meeting of the 26th April 2016.

c) That the applicant be advised of their right of appeal to the Land and Environment Court with regard to Council's decision in this matter.

d) *That those who made a submission be advised of Council's decision in this matter.*

Speaker for the Motion: Councillor Nick Katris.

Planning Decision Voting Record Division

For the Motion: Councillors: Agius (Mayor)
Katris
McLean
Platt
Stratikopoulos
Landsberry
Smith
Varvaris (Emeritus Mayor)
Katsabaris
Aroney
Petroni.

As a result of the division the motion was declared carried.

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2. **Subject:** **No. 999 Beach Street, Blakehurst - Development Application No. 199/2015 - Construction of a new amenities building at Carss Bush Park (near the corner of Torrens and Beach Streets) - Kogarah City Council (Applicant & Owner) - Middle Ward - Annexures**
- Author:** Rod Logan - Director Planning and Environmental Services (PC)
- Reason for Report:** Unresolved objections and the submission of a petition.
- Present at the meeting were Ms Alina Edwards (Objector) and Mr Ash Agaibi who at the invitation of the Mayor addressed the Council concerning this item.

52/2016 *Resolved:* (Landsberry/Varvaris)

That Council as the Consent Authority pursuant to Section 80(1)(a) Environmental Planning & Assessment Act 1979, defer consideration of Development Application No. 199/2015 for the construction of a new amenities building at Carss Bush Park (near corner Torrens and Beach Street) to allow Council staff to review the proposed location of a new amenities block for Carss Bush Park, including review of the Carss Bush Park Plan of Management and Carss Bush Park Landscape Masterplan as those documents relate to the proposed siting of new amenity facilities.

Speakers for the Motion: Councillor Kathryn Landsberry
Councillor Nick Katris.

Planning Decision Voting Record Division

For the Motion: Councillors: Agius (Mayor)
Katris
McLean
Platt
Stratikopoulos
Landsberry
Smith
Varvaris (Emeritus Mayor)
Katsabaris
Aroney
Petroni.

As a result of the division the motion was declared carried.

E. Confirmation of Minutes

53/2016 *Resolved:* (Katris/Smith)

That the Minutes of the Regular Council Meeting held on 29 March 2016 be confirmed.

Note: Councillor Lachlan McLean left the Chamber at 8.06pm.

54/2016 *Resolved:* (Smith/Petroni)

That the Minutes of the Extraordinary Council Meeting held on 4 April 2016 be confirmed.

F. Mayoral Reports

There were no Mayoral Reports.

G. Consideration of Working Party and Committee Recommendations

G1. Subject: Adoption of the Minutes of the Traffic Committee Meeting of 5 April 2016

55/2016 Resolved: (Katris/Landsberry)

That the Minutes of the Traffic Committee held on 5 April 2016 be adopted.

G1.1. Subject: 1425 - Progress of Matters Report
Author: Andrew Sharp - Director Assets and Services (PC)
Reason for Report: Monthly update report on Traffic Committee items and projects.

(Adopted Minute No. 55/2016)

That the April 2016 Progress of Matters Report be received and noted.

G1.2. Subject: 2846 - Kogarah Local Government Area - ANZAC Marches
Author: Andrew Sharp - Director Assets and Services (PC)
Reason for Report: To consider the temporary closure of various roads in the Kogarah Local Government Area (LGA) for ANZAC marches.

(Adopted Minute No. 55/2016)

- a) *That approval be granted to temporarily close streets on the Oatley RSL Sub-Branch ANZAC march route from 1.45pm on Sunday, 17 April 2016, in accordance with the details outlined in paragraph 3 of the report and as shown on plan L566 attached to the report.*
 - b) *That approval be granted to temporarily close streets on the South Hurstville RSL Sub-Branch ANZAC march route from 5:30am on Monday, 25 April 2016, in accordance with the details outlined in paragraph 4 of the report and as shown on plan L567 attached to the report.*
 - c) *That approval be granted to temporarily close streets on the Kogarah RSL Sub-Branch ANZAC march route from 7:15am on Monday, 25 April 2016, in accordance with the details outlined in paragraph 5 of the report and as shown on plan L568 attached to the report.*
 - d) *That the RSL Sub-Branche be advised of Council's decision.*
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- G1.3. **Subject:** 2847 - Marie Dodd Crescent, Blakehurst - Proposed "No Parking" zone - UBD 313 P3
Author: Andrew Sharp - Director Assets and Services (SL)
Reason for Report: To consider the installation of a "No Parking" zone in Marie Dodd Crescent, Blakehurst

(Adopted Minute No. 55/2016)

That a 37m "No Parking, 5am – 2pm, Wed" zone be installed on the western side of the bend in Marie Dodd Crescent, Blakehurst, between the driveways of No. 's 6 and 10 Marie Dodd Crescent.

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- G1.4. **Subject:** 2848 - Ramsgate Road, Kogarah Bay - Proposed "Bus Zone" - UBD 294 E13
Author: Andrew Sharp - Director Assets and Services (SL)
Reason for Report: To consider the installation of a "Bus Zone" on Ramsgate Road, Kogarah Bay.

(Adopted Minute No. 55/2016)

That a 30m "Bus Zone" be installed on the southern side of Ramsgate Road, Kogarah Bay, at the bus stop adjacent to No. 9 Ramsgate Road, near the intersection of Park Road.

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- G1.5. **Subject:** 2849 - Neville Street, Oatley - Proposed Temporary Road Closure for Oatley Scouts - UBD 293 C13
Author: Andrew Sharp - Director Assets and Services (PC)
Reason for Report: To consider a request for the temporary road closure of Neville Street, Oatley.

(Adopted Minute No. 55/2016)

- a) *That approval be granted to temporarily close Neville Street, Oatley, from Oatley Parade to Oatley Avenue, between 6am and 5pm on Saturday, 4 June 2016, as shown on the Traffic Control Plan attached to the report.*
- b) *That the President of the 1st Oatley Bay Sea Scouts be advised of Council's decision.*

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- G2. **Subject:** **Adoption of the Minutes of the Governance and Corporate Services Working Party Meeting of 18 April 2016**

56/2016 *Resolved:* *(Smith/Stratikopoulos)*

That the Minutes of the Governance and Corporate Services Working Party held on 18 April 2016 be adopted.

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- G2.1. **Subject:** Southern Sydney Regional Organisation Of Councils (SSROC) Supply and Delivery of Print, Associated Products and Services
- Author:** Evan Hutchings - Director Governance and Corporate Services (MG)
- Reason for Report:** To consider the recommendations of the SSROC tender evaluation panel for a contract for Supply and Delivery of Print, Associated Products and Services.

(Adopted Minute No. 56/2016)

- a) *That in accordance with the recommendations of the Southern Sydney Regional Organisation of Councils (SSROC) tender evaluation panel (Confidential report dated February 2016 annexed to the report) for Supply and Delivery of Print, Associated Products and Services, the tender submissions from the parties as listed in paragraph 10 of the report be accepted for a term of three years subject to satisfactory performance as determined by SSROC, with an option to extend the agreement for a further two years (1 + 1 years).*
- b) *That the pre-approved panel referred to in (a) above be utilised to conduct a request for quote and execute commissioning agreements with the successful suppliers, and Council appoint its own panel under this agreement.*

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- G2.2. **Subject:** Tender: Lease of Parkside Drive Tennis Courts, No. 276 Princes Highway, Kogarah Bay
- Author:** Evan Hutchings - Director Governance and Corporate Services (KA)
- Reason for Report:** To consider tenders received for the Lease of the Parkside Drive Tennis facility for a period of five years with a further five year option.

(Adopted Minute No. 56/2016)

That the tender submission received from Graeme Wardrop be accepted in the amount of \$33,800 (excluding GST) for Year 1 for the lease over the Parkside Drive Tennis facility for a period of five years with a further five year option.

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- G2.3. **Subject:** Monthly Budget Review for March 2016
Author: Evan Hutchings - Director Governance and Corporate Services (FM)
Reason for Report: To provide an update on the status of the monthly budget review conducted for the month to 31 March 2016.

(Adopted Minute No. 56/2016)

That the proposed budget variations, described in the report, be adopted with the variations increasing Council's restricted working funds by \$18,209 and decreasing Council's unrestricted working funds by \$1,087.

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- G2.4. **Subject:** Draft Model Code of Conduct
Author: Evan Hutchings - Director Governance and Corporate Services (CB)
Reason for Report: To consider the adoption of a draft Code of Conduct that incorporates the provisions of the Office of Local Government's revised Model Code of Conduct November 2015.

(Adopted Minute No. 56/2016)

That the draft Code of Conduct annexed to the report be adopted as Kogarah City Council's Code of Conduct.

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- G2.5. **Subject:** Staff Movements
Author: Paul Woods - General Manager (CV)
Reason for Report: To advise of staff movements from 26 February - 31 March 2016.

(Adopted Minute No. 56/2016)

That the report on the February 2016 – March 2016 staff movements be received and noted.

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- G3. Subject: Adoption of the Minutes of the Planning and Environmental Services Working Party Meeting of 18 April 2016**

57/2016 *Resolved:* (Stratikopoulos/Smith)

That the Minutes of the Planning and Environmental Services Working Party held on 18 April 2016 be adopted.

- G3.1. **Subject:** Preparation of an Urban Design Study and Section 94 Contributions Plan for the Kogarah North Precinct
- Author:** Rod Logan - Director Planning and Environmental Services (RV)
- Reason for Report:** To seek endorsement to appoint a consultant to undertake an Urban Design Study and Section 94 Contributions Plan for the Kogarah North Precinct.

(Adopted Minute No. 57/2016)

- a) *That the Project Brief titled Kogarah North – Urban Design Study and Section 94 Contributions Plan Brief and dated April 2016 for the preparation of an Urban Design Study for the Kogarah North Precinct be endorsed for the purpose of seeking Expressions of Interest (EOI) from suitably qualified consultants.*
- b) *That Expressions of Interest (EOI) be sought from suitably qualified consultants to undertake the tasks outlined in the Project Brief.*
- c) *That a further report be presented to a future Planning & Environmental Services Working Party on any Expressions of Interest (EOI) received to undertake the project, including fee proposals provided by the consultants.*

- G3.2. **Subject:** Amendment to Section 94 Contributions Plan No. 8 - Kogarah Town Centre
- Author:** Rod Logan - Director Planning and Environmental Services (RV)
- Reason for Report:** To seek adoption of the proposed change to Section 94 Contributions Plan No. 8 – Kogarah Town Centre post public exhibition.

(Adopted Minute No. 57/2016)

That the amendment to Section 94 Contributions Plan No. 8 – Kogarah Town Centre, be adopted and that notification be placed in the St George Leader.

Planning Decision Voting Record Division

For the Motion:	Councillors:	Agius (Mayor) Katris Platt Stratikopoulos Landsberry Smith Varvaris (Emeritus Mayor)
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For the Motion (cont): Councillors Katsabaris
Aroney
Petroni

As a result of the division the motion was declared carried.

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- G3.3. **Subject:** Processing Development Applications reliant on the New City Plan
Author: Rod Logan - Director Planning and Environmental Services (GA)
Reason for Report: To give consideration to a process for dealing with development applications reliant on the provisions of the draft Local Environment Plan (LEP) also known as the New City Plan.

(Adopted Minute No. 57/2016)

- a) *That the process for dealing with development applications reliant on elements within the New City Plan as outlined in the recommendation to this report be adopted.*
- b) *That the information contained in a) above be placed in the 'Updates Section' of the New City Plan on Council's website.*

Planning Decision Voting Record Division

For the Motion: Councillors: Agius (Mayor)
Katriss
Platt
Stratikopoulos
Landsberry
Smith
Varvaris (Emeritus Mayor)
Katsabaris
Aroney
Petroni.

As a result of the division the motion was declared carried.

H. Notices of Motion of Rescission

There were no Notices of Motion of Rescission.

I. Reports from Officers

1. **Subject:** **Petitions Received**
Author: Evan Hutchings - Director Governance and Corporate Services (CT)
Reason for Report: Council has adopted a policy that a schedule of petitions received be submitted to each Council Meeting.

58/2016 *Resolved:* (Petroni/Katris)
That the schedule of petitions received since the last Council Meeting be received and noted.

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2. **Subject:** **Modifications to Pergola - Ma'anshan Friendship Park, Hurstville**
Author: Andrew Sharp - Director Assets and Services
Reason for Report: In response to a Notice of Motion in the name of Councillor Annie Tang dated 27 July 2015 (Minute No. 94/2015).

59/2016 *Resolved:* (Varvaris/Smith)
That mesh be affixed to the existing pergola at Ma'anshan Park to enable the spread of the climbing plants across the top of the structure.

Note: Councillor Lachlan McLean returned to the Chamber at 8.10pm.

J. Motions of Which Notice Has Been Given

1. **Subject:** **Consideration of Voluntary Contributions in lieu of On-Site Parking**
Author: Councillor Nick Katris

60/2016 *Resolved:* (Katris/Landsberry)
That to ensure there is sufficient provision of local parking facilities in areas subject to more intensive redevelopment, particularly within town centres, in any forthcoming review of development controls plans, car parking plans or s94 contribution plans, the opportunity to employ the use of voluntary monetary contributions in lieu of on-site parking be investigated.

Speaker for the Motion: Councillor Nick Katris.

K. Reports from Council Delegates

There were no reports from Council Delegates.

L. General Business

Councillor Kathryn Landsberry stated that Thursday, 28 April 2016 is 'International Day of Mourning' which commemorates those who lost their lives in workplace accidents. She added that a few years ago she moved a motion to install a plaque near Kogarah Library in the Town Square to commemorate workers who lost their lives in workplace accidents and that she thought it was timely to mention this matter given the recent debates in Federal Parliament regarding 'Safe Rates' for owner drivers.

Councillor Kathryn Landsberry stated that she was disappointed that an article on the front page of the Leader last week regarding Oatley RSL Soccer Club's use of The Green, Kyle Bay for soccer games misrepresented the facts. Cr Landsberry stated The Green was previously utilised as a full sized soccer field running North-South, however it didn't have the capacity to host a full sized field without balls going astray from the park. She added that Council has implemented a trial for this year to rectify the situation by utilising the ground as an East-West midi field (not mini field as stated in the Leader) for younger players which will significantly reduce the regularity of balls going astray from the park.

Cr Landsberry further stated that The Green is not big enough to accommodate anything larger than a midi field and that she had two discussions with the President of Oatley RSL and one with their Head Coaches and explained the situation and was assured that the information discussed would be conveyed to their Club parents. She added it was disappointing as a lot of work had gone into the discussions and solutions with all parties, particularly by Council's Manager Parks and Waterways, Glen Moody, who has gone above and beyond.

Councillor Michael Platt stated Councillor Agius (Mayor), Councillor Katris, Councillor McLean, Cr Katsabaris and himself attended the dawn service held by Kogarah RSL at Jubilee Park. Cr Platt stated it was wonderful that Cr McLean and Cr Katris again provided wreaths personally. He stated people who fought in the Second World War are currently now between 80 and 90 years old and there were only a few who marched on the day, however it was great to see young people representing veteran's families and marching on their behalf to uphold the tradition. Cr Platt stated that ANZAC is much more than just recognition of what those great men and women did over many, many years and over many, many conflicts. He stated it is ingrained in our community and Council has always participated throughout the Kogarah Local Government Area (LGA). He added he has attended the Kogarah RSL Club on ANZAC Day for some twenty years and the Club's premises will cease to exist for a few years due to development, but added he hopes the RSL continues the service at Jubilee Oval as it is a wonderful and serene event. Cr Platt also acknowledged Council and those Councillors who also attended other ANZAC Day ceremonies within Kogarah LGA and added it is an honour and privilege to be part of the ceremonies.

M. Closed Session

1. **Subject:** **Closed Session Report**
Author: Evan Hutchings - Director Governance and Corporate Services (CT)
Reason for Report: To consider resolving into Closed Session.

61/2016 *Resolved:* (Katris/Petroni)

That Council resolve into Closed Session in accordance with the provisions of Section 10A of the Local Government Act 1993 as addressed below to consider the following reports:

1. *Confidential Item – No. 247 Princes Highway, Kogarah.*
2. *Confidential Item – Beverley Park Golf Course – Request for Assistance.*
3. *Confidential Item – Naming Rights – Jubilee Oval.*

Reason:

1. *Section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
2. *Section 10A (2) (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
3. *Section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

Public Interest:

1. *It is considered that discussion of this matter in open meeting would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the Community.*
2. *Financial details, should they be revealed, may result in commercial disadvantage to the party involved in this matter. Some information provided to Council by the party has been provided on the basis that Council will treat it as commercial in confidence.*

It is considered that discussion of this matter in open meeting would, on balance, be contrary to the public interest as the party has provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by such parties could result in the withholding of such information and reduction in the provision of information relevant to Council's decisions.

3. *It is considered that discussion of this matter in open meeting would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the Community.*
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2. **Subject:** **Confidential Item - No. 247 Princes Highway, Kogarah**
Author: Evan Hutchings - Director Governance and Corporate Services
Reason for Report: To provide an update on the status of the property.

62/2016 *Resolved:* (Platt/McLean)

- a) *That subject to the consent of the Minister for Local Government, the property No. 247 Princes Highway, Kogarah be acquired by way of compulsory acquisition.*
- b) *That a further report be submitted to Council following receipt of the valuation referred to in paragraph 8 of the report.*
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3. **Subject:** **Confidential Item - Beverley Park Golf Club - Request for Assistance**
Author: Evan Hutchings - Director Governance and Corporate Services
Reason for Report: To consider a request for assistance in the form of a rent free period due to loss of revenue coinciding with the construction of a natural watercourse through Beverley Park Golf Course.

63/2016 *Resolved:* (Varvaris/Katris)

- a) *That the Beverley Park Golf Club be granted a twelve month rent free period for the lease of the Beverley Park Golf Course as detailed in the report.*
- b) *That the request by the Beverley Park Golf Club to present to Council an update on the Club's financial position in twelve months time be approved.*
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4. **Subject:** **Confidential Item - Naming Rights - Jubilee Oval**
 Author: Evan Hutchings - Director Governance and Corporate
 Services
 Reason for Report: To consider Expressions of Interest for Naming Rights
 of Jubilee Oval.

64/2016 *Resolved:* (Platt/Aroney)

- a) *That the offer from the University of Wollongong (UOW) for Naming Rights of Jubilee Oval as detailed in paragraph 5 of the report, be accepted.*
- b) *That Jubilee Oval be known as 'UOW Jubilee Oval' from 1 May 2016 to 31 October 2017.*
- c) *That a clause be included in the related agreement to the effect that in the event that the St George District Rugby League Football Club ceases to hold a licence for the use of the venue or the St George Illawarra Dragons cease to use the venue for home matches, the agreement may be terminated by either party.*

The meeting closed at 9.17 pm.

Confirmed on Monday, 23 May 2016

Councillor Stephen Agius
Mayor

Paul Woods
General Manager