

# **ORDINARY COUNCIL MEETING**

## **MINUTES**

Held in the Council Chambers, City of Canada Bay Civic Centre, Drummoyne

**Tuesday, 17 May 2022**

## **Minutes of an Ordinary Council Meeting**

**Held on Tuesday 17 May 2022**

**At the Council Chambers, City of Canada Bay Civic Centre, Drummoyne**

**Commencing at 6.00pm**

### **Present:**

Cr Di Pasqua	Councillor (Deputy Mayor)
Cr Bazouni	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Little	Councillor
Cr Megna	Councillor
Cr Ruggeri	Councillor

### **Officers in attendance:**

Mr J Clark	General Manager
Ms L Loveridge	Director City Services & Assets
Ms M Cologna	Director Community & Environmental Planning
Mr E Hutchings	Director Corporate Services & Strategy
Ms M Lee	Manager Governance & Customer Services

### **NOTES**

*The meeting commenced at 6.04pm, moved into closed session at 8.45pm, resumed in open session at 9.37pm, and concluded at 9.42pm.*

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## **1 ACKNOWLEDGEMENT OF COUNTRY**

The City of Canada Bay acknowledges the Wangal clan, one of the 29 tribes of the Eora nation and the traditional custodians of this land.

The City's Council pays respect to Elders past and present and extends this respect to all Aboriginal people living in or visiting the City of Canada Bay.

## **2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

### **APOLOGIES**

Councillor Joseph Cordaro submitted an apology for the meeting.

### **LEAVE OF ABSENCE**

The following Councillors are on leave of absence:

Councillor Angelo Tsirekas from 14 April to 27 May 2022

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### **RESOLVED 097/22**

Moved: Cr Ruggeri

Seconded: Cr Megna

That the apology received from Councillor Joseph Cordaro be accepted and leave of absence granted.

**CARRIED**

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## **3 CONFIRMATION OF MINUTES**

### **3.1 Minutes of Ordinary Council Meeting held 19 April 2022**

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### **RESOLVED 098/22**

Moved: Cr Little

Seconded: Cr Ruggeri

That the minutes of the Ordinary Council Meeting of 19 April 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

**CARRIED**

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#### 4 DISCLOSURES OF INTERESTS

Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 9.1 - Submission to Sydney Metro West Exhibition of the Application and Environmental Impact Statement for Rail Infrastructure, Stations, Precincts and Operations for the reason that:

*“I know property owners in the Five Dock CBD, due to the high level and general content of the EIS relating to the whole of the Five Dock Precinct and other precincts as well including of Burwood North or Concord Oval as we refer to it and also North Strathfield, I am making the disclosure so as to ensure transparency and I am comfortable I am able consider this item in a totally impartial manner”.*

Councillor Little disclosed a less than significant non-pecuniary interest in relation to Item 9.1 - Submission to Sydney Metro West Exhibition of the Application and Environmental Impact Statement for Rail Infrastructure, Stations, Precincts and Operations for the reason that:

*“I am declaring this for the record only – I have a relative who owns property within a precinct in the submission. I will be involved in the discussion and voting on this matter as the subject matter is not of the type that Council’s determination of the matter will result in an appreciable financial gain or loss”.*

Councillor Megna disclosed a pecuniary interest in relation to Item 9.1 - Submission to Sydney Metro West Exhibition of the Application and Environmental Impact Statement for Rail Infrastructure, Stations, Precincts and Operations and chose not to take part in the discussion and voting on this item for the reason that:

*“My interest is in its relationship to Five Dock, as I am a property owner on Great North Road”.*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 9.2 - DA Determinations by the Local Planning Panel and Staff Under Delegation and chose not to take part in the discussion and voting on this item for the reason that:

*“I have received a neighbour notification regarding the DA, DA2022/0166, 140 Tennyson Road Mortlake”.*

Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 10.2 - City of Canada Bay Local Traffic Committee Minutes - 28 April 2022 for the reason that:

*“A professional colleague (State Member for Drummoyne) of mine sits on the Traffic Committee”.*

Councillor Ruggeri disclosed a significant non-pecuniary interest in relation to Item 16.1 - Concord Oval Cafe Tender and chose not to take part in the discussion and voting on this item for the reason that:

*“It is highly possible that a colleague or acquaintance in the hospitality industry could have an interest in being a potential lessee”.*

Councillor Bazouni disclosed a pecuniary interest in relation to Item 16.1 - Concord Oval Cafe Tender and chose not to take part in the discussion and voting on this item for the reason that:

*“Some information has been requested by my wife relating to this matter”.*

**PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS**

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**RESOLVED 099/22**

Moved: Cr Little

Seconded: Cr Jago

That standing orders be suspended in order to present small grant recipients with their grants.

**CARRIED**

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*Note: The Deputy Mayor, Councillor Di Pasqua presented the following recipients with their small grants:*

- *Eva Wong – Dragon Boat racing*
- *April Cviden – Irish Dance.*

**PROCEDURAL MOTION – RESUMPTION OF STANDING ORDERS**

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**RESOLVED 100/22**

Moved: Cr Little

Seconded: Cr Megna

That standing orders resume.

**CARRIED**

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**5 MAYORAL MINUTE(S)****ITEM 5.1 MAYORAL MINUTE - RHODES FIRE BRIGADE 100TH ANNIVERSARY**

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**RESOLVED 101/22**

Moved: Cr Di Pasqua

That Council congratulate the Rhodes Fire Brigade for their centenary of service.

**CARRIED**

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**ITEM 5.2 MAYORAL MINUTE - SAFETY CONCERNS RELATING TO BOAT AND TRAILER PARKING AROUND FIVE DOCK AND CAMPBELL PARKS**

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**RESOLVED 102/22**

Moved: Cr Di Pasqua

1. That Council officers undertake focused enforcement of the parking of boats and large vehicles/trailers within the vicinity of local schools, community facilities and Council's parks and reserves, such as but not exclusive to Five Dock Park, Campbell Park and Lysaght Park.
-

2. That Council officers bring a report to Council which investigates options to improve pedestrian safety and the regulation of parking of boat trailers and large vehicles and trailers adjacent to parks and reserves where there has been a recurring problem, such as Five Dock Park, Campbell Park and Lysaght Park.
3. That prior to the submission of the report to Council the outcomes of the investigation be presented to a Councillor Workshop.

**CARRIED**

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### **ITEM 5.3 MAYORAL MINUTE - BEATS AND EATS**

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#### **RESOLVED 103/22**

Moved: Cr Di Pasqua

That Council

1. Write to the NSW Department of Environment and Planning thanking them for their funding that assisted with the Beats and Eats program.
2. Seek funding opportunities to assist with costs associated with delivering future events, including operational resourcing.

**CARRIED**

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## **6 PUBLIC FORUM**

The Deputy Mayor requested each speaker to acknowledge they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

### **Item 12.1 – Notice of Motion – Second Bay Run**

- Frank Garzaniti addressed Council against the motion
- Roland Nguyen addressed Council against the motion
- Julie Nebauer addressed Council against the motion
- Roger Nebauer addressed Council against the motion
- Jeanette Biscotto addressed Council against the motion
- Victor Bivell addressed Council in support of the motion

## **7 ITEMS RESOLVED BY EXCEPTION**

Nil

## **8 EXECUTIVE SERVICES DIRECTORATE REPORTS**

Nil

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**PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS**

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**RESOLVED 104/22**

Moved: Cr Jago

Seconded: Cr Ferguson

That standing orders be suspended to bring forward Item 12.1 to be dealt with immediately.

**CARRIED**

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*Note: Item 12.1 – Notice of Motion – Second Bay Run was considered next.*

**PROCEDURAL MOTION – RESUMPTION OF STANDING ORDERS**

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**RESOLVED 105/22**

Moved: Cr Little

Seconded: Cr Bazouni

That standing orders resume.

**CARRIED**

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**9 COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS****ITEM 9.1 SUBMISSION TO SYDNEY METRO WEST EXHIBITION OF THE APPLICATION AND ENVIRONMENTAL IMPACT STATEMENT FOR RAIL INFRASTRUCTURE, STATIONS, PRECINCTS AND OPERATIONS**

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*Note: At 7.29pm, Councillor Megna having disclosed a pecuniary interest on this item left the chamber.*

**RESOLVED 106/22**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

1. That Council endorse the *City of Canada Bay Submission to the Sydney Metro West Critical State Significant Infrastructure and Environmental Impact Statement*, attached to the report.
2. That authority be delegated to the General Manager to make minor amendments to the City of Canada Bay Submission to the Sydney Metro West Critical State Significant Infrastructure and Environmental Impact Statement, prior to final submission.

In Favour: Crs Little, Di Pasqua, Bazouni, Ferguson, Jago and Ruggeri

Against: Nil

**CARRIED 6/0**

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*Note: At 7.32pm, Councillor Megna returned to the chamber.*

*Note: It was noted that an acting Chairperson would be required for Item 9.2 DA Determinations by the Local Planning Panel and Staff Under Delegation as the Chair, Councillor Di Pasqua had disclosed a significant non-pecuniary interest in the item and would be vacating the chair and leaving the chambers for the duration of the item.*

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## **PROCEDURAL MOTION – CHAIR THE MEETING**

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### **RESOLVED 107/22**

Moved: Cr Di Pasqua

Seconded: Cr Ruggeri

That Councillor Megna be acting Chairperson for Item 9.2 – DA Determinations by the Local Planning Panel and Staff Under Delegation.

**CARRIED**

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## **ITEM 9.2 DA DETERMINATIONS BY THE LOCAL PLANNING PANEL AND STAFF UNDER DELEGATION**

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*Note: At 7.32pm, Councillor Di Pasqua left the meeting due to having disclosed a significant non-pecuniary interest in Item 9.2 – DA Determinations by the Local Planning Panel and Staff Under Delegation. Councillor Megna assumed the chair for Item 9.2.*

### **RESOLVED 108/22**

Moved: Cr Little

Seconded: Cr Jago

That Council receive and note the information contained in the report on DA determinations by the Local Planning Panel and Staff under delegation (for the period 1 April 2022 and 30 April 2022).

In Favour: Crs Little, Bazouni, Ferguson, Jago, Megna and Ruggeri

Against: Nil

**CARRIED 6/0**

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*Note: At 7.34pm, Councillor Di Pasqua returned to the chamber and resumed the chair.*

## **ITEM 9.3 CANADA BAY LOCAL HERITAGE GRANTS PROGRAM 2021/2022**

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### **RESOLVED 109/22**

Moved: Cr Jago

Seconded: Cr Little

1. That Council acknowledges the completed projects of the 2021/2022 Local Heritage Grants Program.
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2. That Council commence the 2022/23 Heritage Grants Program based on a budget of \$25,000.00 (inclusive of the anticipated receipt of a \$5,500 grant from NSW Heritage Grant).

**CARRIED**

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#### **ITEM 9.4 APPOINTMENT OF DELEGATES TO RHODES COMMUNITY COMMITTEE**

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##### **RESOLVED 110/22**

Moved: Cr Ferguson

Seconded: Cr Jago

That Council appoint Councillor Ferguson as the Councillor delegate, in addition to the Mayor (or their delegate) for the Rhodes Community Committee for the current Council term.

**CARRIED**

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#### **ITEM 9.5 CITY OF CANADA BAY IPART SUBMISSION**

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##### **RESOLVED 111/22**

Moved: Cr Megna

Seconded: Cr Little

That Council endorse the submission on the Independent Pricing and Regulatory Tribunal of NSW's (IPART) review of the Domestic Waste Management Charge (DMWC) attached to the report.

**CARRIED**

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#### **ITEM 9.6 PLANNING PROPOSAL - STRATHFIELD TRIANGLE**

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##### **RESOLVED 112/22**

Moved: Cr Megna

Seconded: Cr Little

1. That the letter from the Department of Planning and Environment, dated 3 March 2022 and provided as an attachment to the report is noted.
2. That the planning proposal for the Strathfield Triangle Precinct be withdrawn.

In Favour: Crs Little, Di Pasqua, Bazouni, Ferguson, Jago, Megna and Ruggeri

Against: Nil

**CARRIED 7/0**

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**ITEM 9.7 COMMUNITY ASSOCIATION FORUM CHARTER**

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**RESOLVED 113/22**

Moved: Cr Ferguson

Seconded: Cr Megna

That the revised Community Association Forum Charter attached to the report be adopted and Councillor Bazouni be appointed as the Councillor representative, in addition to the Mayor (or their delegate), to the Forum.

**CARRIED**

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**10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS****ITEM 10.1 APPOINTMENT OF DELEGATES TO ACCESS AND INCLUSION COMMITTEE**

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**RESOLVED 114/22**

Moved: Cr Little

Seconded: Cr Bazouni

That Council appoint Councillor Little as the Councillor delegate, in addition to the Mayor (or their delegate), to the Access and Inclusion Committee for the current Council term.

**CARRIED**

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**ITEM 10.2 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 28 APRIL 2022**

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*Note: Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to this item.*

**RESOLVED 115/22**

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 28 April 2022, attached to the report, be adopted.

**CARRIED**

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**ITEM 10.3 DRAFT CONCORD OVAL PLAN OF MANAGEMENT - PRE-PUBLIC EXHIBITION**

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**RESOLVED 116/22**

Moved: Cr Megna

Seconded: Cr Ferguson

1. That the draft Plan of Management for Concord Oval is referred to the Department of Planning and Environment - Crown Lands, for formal approval to place on public exhibition.
2. That following public exhibition, a report be prepared and submitted to Council for the formal adoption of the final Plan of Management for Concord Oval.

**CARRIED**

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**11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS****ITEM 11.1 THIRD QUARTER BUDGET REVIEW - JANUARY TO MARCH 2022**

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**RESOLVED 117/22**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

1. That the Third Quarter Review Budget for 2021/22, including the variations as identified in the report and attachments, be adopted.
2. That Council note that the loans from TCorp totalling \$15 million that Council resolved to accept at its meeting on 19 April 2022 were drawn down on 6 May 2022 at interest rates detailed in the report.

**CARRIED**

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**ITEM 11.2 CODE OF CONDUCT POLICY REVIEW**

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**RESOLVED 118/22**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That Council adopt the Code of Conduct attached to the report.

**CARRIED**

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**ITEM 11.3 CASH AND INVESTMENT REPORT FOR APRIL 2022**

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**RESOLVED 119/22**

Moved: Cr Little

Seconded: Cr Bazouni

That the Cash and Investments Report for April 2022 attached to the report be received and noted.

**CARRIED**

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**ITEM 11.4 COVID 19 VACCINATION PROGRAM AT THE CONNECTION - RHODES**

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**RESOLVED 120/22**

Moved: Cr Little

Seconded: Cr Jago

1. That Council agree to the request from Health NSW for the hire of the space at The Connection, Rhodes to accommodate a short term COVID-19 vaccination program for a period of approximately five weeks, with the fees for this use to be waived subject to compliance with section 610F of the Local Government Act 1993.
2. That the requirement to lodge the bond amount of \$1,000.00 applicable to the hire of the space at The Connection, Rhodes by Health NSW be waived on this occasion.
3. That Council publicly exhibit the proposed waiving of the applicable fees for the use contained in Council's adopted Fees and Charges, for a period of 28 days, in accordance with section 610F of the Local Government Act 1993.
4. That any submissions received as a result of the public exhibition process be submitted to Council for consideration and in the event that no submissions are received, it be determined that the fees have been waived without the requirement for any additional consideration by Council.

**CARRIED**

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**12 NOTICES OF MOTION****ITEM 12.1 NOTICE OF MOTION - SECOND BAY RUN**

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**RESOLVED 121/22**

Moved: Cr Ferguson

Seconded: Cr Jago

1. That Council reaffirms its commitment to extending foreshore and improving connectivity and access to the foreshore in the City of Canada Bay including around Kings and Hen and Chicken Bays.
  2. That the report requested at the October 2021 Council Meeting appropriately focus on this broader issue of foreshore access.
-

3. That Council acknowledges that construction of the Kings Bay Section of the proposed 'Second Bay Run' is a priority, subject to community consultation and securing external funding.

**CARRIED**

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*Note: Item 9.1 - Submission to Sydney Metro West Exhibition of the Application and Environmental Impact Statement for Rail Infrastructure, Stations, Precincts and Operations was considered next.*

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## **ITEM 12.2 NOTICE OF MOTION - COMMUNITY ORGANISATION CONSULTATION, PARTICIPATION AND EMPOWERMENT**

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### **MOTION**

Moved: Cr Ferguson

Seconded: Cr Little

1. That Council welcomes the recent establishment of the following three community organisations:
- Rhodes Action Group
  - North Strathfield Community Action Group
  - Peninsulas Action Group-Mortlake, Breakfast Point and Cabarita
2. That representatives (maximum two) of each of these three groups be invited to attend separately future Council workshops to outline their respective issues, concerns and priorities within the next 3 months.

In Favour: Crs Little, Ferguson and Jago

Against: Crs Di Pasqua, Bazouni, Megna and Ruggeri

**LOST 3/4**

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## **ITEM 12.3 NOTICE OF MOTION - CITY OF CANADA BAY COUNCIL INDIGENOUS RECOGNITION AND COMMUNITY EDUCATION**

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### **RESOLVED 122/22**

Moved: Cr Ferguson

Seconded: Cr Jago

1. That Council commits to continuing and strengthening its commitment to promoting Indigenous recognition and reconciliation.
2. That Council officers liaise with appropriate Indigenous groups such as ANTaR with a view to determining options and costs for the production and printing of leaflet(s) for New Citizens of Australia living in the City of Canada Bay and a Welcome to Canada Bay, similar to those that were made available to citizens in 2013 and 2014.
3. That a report be prepared and submitted to Council following the actions in (2) above.

**CARRIED**

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**ITEM 12.4 NOTICE OF MOTION - CABARITA SWIMMING POOL**

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**RESOLVED 123/22**

Moved: Cr Megna

Seconded: Cr Ruggeri

1. That Council officers consider the request made through the petition from the residents both near and surrounding Cabarita Pool, to extend the opening time from the 1st September to the 31st May, commencing in Spring 2022.
2. That consideration of this matter include that, in view of the relatively mild weather in the month of May, more use can be made of the pool use for an extra month, rather than closing on the 30 April.
3. That the report referred to in 1 above be extended to include options for year round opening at both Cabarita and Drummoyne pools.
3. That the pool operator be consulted on the proposal.
4. That a report be prepared and submitted to Council as soon as practicable.

**CARRIED**

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**ITEM 12.5 NOTICE OF MOTION - BOAT AND TRAILER PARKING IN LOCAL STREETS**

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**MOTION**

1. Council acknowledges the ongoing community frustration with boats and trailers parking in our local government area.
  2. That Council officers investigate options to reduce the impact of trailers and boats parking, in particular, adjacent to parks, foreshore, schools and community facilities and present the outcomes of the investigation to a Councillor Workshop in the next 6 months.
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*Note: This item was withdrawn by Councillor Little as the subject matter was considered at Item 5.2 – Mayoral Minute – Safety Concerns Relating to Boat and Trailer Parking around Five Dock and Campbell Parks.*

**ITEM 12.6 NOTICE OF MOTION - DON'T LEAVE LOCAL COMMUNITIES BEHIND CAMPAIGN**

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**RESOLVED 124/22**

Moved: Cr Little

Seconded: Cr Megna

1. That Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs.
  2. That Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local
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Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:

- a) express support for ALGA's funding priorities;
- b) identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
- c) seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

**CARRIED**

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### **13 NOTICES OF MOTION OF RESCISSION**

Nil

### **14 MATTERS OF URGENCY**

#### **ITEM 14.1 CONSIDERATION OF CONFIDENTIAL REPORT FROM THE DIRECTOR CORPORATE SERVICES AND STRATEGY**

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##### **RESOLVED 125/22**

Moved: Cr Di Pasqua

Seconded: Cr Megna

That as a matter of urgency Council considers a confidential report from the Director Corporate Services and Strategy titled 'Governance – Legal Proceedings'.

**CARRIED**

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*Note: The Confidential staff report titled Governance – Legal Proceedings was considered in Closed Session as Item 16.2 on the Agenda.*

### **15 QUESTIONS WITH NOTICE**

Nil

### **16 CONFIDENTIAL MATTERS**

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##### **RESOLVED 126/22**

Moved: Cr Megna

Seconded: Cr Little

That

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act, 1993* for the reasons specified:
-

**ITEM 16.1 CONCORD OVAL CAFE TENDER**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

**ITEM 16.2 GOVERNANCE - LEGAL PROCEEDINGS**

This matter is considered to be confidential under Section 10A(2) – (d)(i) and (g) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

In relation to (d)(i) it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as the release of the information may discourage service providers from furnishing such commercial information in similar circumstances in the future and therefore prejudice Council's ability to appropriately resolve such matters.

In relation to (g) it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as the release of the information may prejudice Council's ability to comply with its obligations.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the Local Government Act, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the Local Government Act.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the Local Government Act.
4. The resolutions made by the Council in Closed Session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

**CARRIED**

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*Note: At 8.45pm, the Council moved into Closed Session*

**PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS**

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**RESOLVED 127/22**

Moved: Cr Megna

Seconded: Cr Jago

That standing orders be suspended to bring forward Item 16.2 to be dealt with immediately.

**CARRIED**

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*Note: Item 16.2 – Governance – Legal Proceedings was considered next.*

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*Note: At 9.09pm, Councillors Bazouni and Ruggeri having disclosed a pecuniary interest on this item left the chamber.*

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**ITEM 16.1 CONCORD OVAL CAFE TENDER**

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**RESOLVED 128/22**

Moved: Cr Jago

Seconded: Cr Megna

1. The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993*, the information to be received, discussed or considered in relation to this agenda item is:
  - (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. That pursuant to clause 178 (1)(b) of the Local Government (General) Regulation 2021, Council decline to accept any tenders for the lease of the Concord Oval Cafe.
3. That in view of (2) above, and in accordance with clause 178 (3)(e) of the Local Government General Regulation 2021, Council enter into negotiations with any person with a view to entering into a contract for the lease of the Concord Oval Cafe.
4. That in determining to enter into negotiations as referred to in (2) above, in accordance with clause 178 (4) of the Local Government (General) Regulation 2021, Council:
  - i. is declining to invite fresh tenders as it is considered that no better procurement result would be achieved by doing so; and
  - ii. is of the view that entering into negotiations with any person, as referred to in (3) above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the Community and Council.
5. That the General Manager be delegated authority to negotiate any matters in relation to the issue of the lease and to report back to Council.

**CARRIED**

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*Note: At 9.37pm, Crs Bazouni and Ruggeri returned to the chamber.*

*Note: Procedural Motion – Resumption of Standing Orders (Min No. 13/22 was considered next.)*

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**ITEM 16.2 GOVERNANCE - LEGAL PROCEEDINGS**

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**RESOLVED 129/22**

Moved: Cr Megna

Seconded: Cr Bazouni

1. The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993*, the information to be received, discussed or considered in relation to this agenda item is:
    - (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
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- (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. That the details contained in the report be noted and the allocation of funds in the 2021/22 budget as detailed in the report be endorsed.

**.CARRIED**

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*Note: Item 16.1 – Concord Oval Café Tender was considered next.*

### **PROCEDURAL MOTION – RESUMPTION OF STANDING ORDERS**

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#### **RESOLVED 130/22**

Moved: Cr Jago

Seconded: Cr Megna

That standing orders resume.

**CARRIED**

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#### **RESOLVED 131/22**

Moved: Cr Little

Seconded: Cr Megna

That Council resume in Open Session.

**CARRIED**

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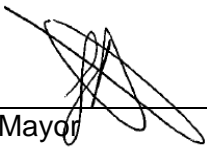
At 9.37pm, the Council in Closed Session returned to Open Session.

### **17 CONFIDENTIAL RESOLUTIONS**

In accordance with Council's Code of Meeting Practice clauses 14.21 and 14.22 the resolutions passed in closed session were made public by the chairperson, displayed on the public screens and livestreamed during a part of the meeting that was webcast.

The meeting concluded at 9.42pm.

This is the final page of the minutes comprising 20 pages numbered 1 to 20 of the Ordinary Council Meeting held on Tuesday 17 May 2022 and confirmed on Tuesday 14 June 2022.

  
Deputy Mayor

  
General Manager