

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 21 November 2023

Minutes of an Ordinary Council Meeting

Held on Tuesday 21 November 2023

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

Commencing at 6.00pm

Present:

Cr Bazouni	Councillor
Cr Cordaro	Councillor (via MS Teams)
Cr Di Pasqua	Councillor (via MS Teams)
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Megna	Councillor
Cr Ruggeri	Councillor

Officers in attendance:

Mr J Clark	General Manager
Ms M Cologna	Director Environment and Planning
Mr E Hutchings	Director Corporate Services and Strategy
Mr G Schuettrumpf	Director City Assets
Mr R Wolfe	Director Community, Culture and Leisure
Ms M Lee	Manager Governance and Customer Services

NOTES

The meeting commenced at 6.00pm, moved into Closed Session at 6.19pm, resumed in Open Session at 6.21pm and concluded at 6.25pm.

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NOTE: THE DEPUTY MAYOR, COUNCILLOR CORDARO, AND COUNCILLOR DI PASQUA WERE PRESENT ONLINE VIA MS TEAMS.

NOTE: AS A RESULT OF THE MAYOR, COUNCILLOR TSIREKAS NOT BEING PRESENT AT THE MEETING AND THE DEPUTY MAYOR, COUNCILLOR CORDARO BEING PRESENT ONLINE AND UNABLE TO CHAIR THE MEETING, THE GENERAL MANAGER, MR CLARK OPENED THE MEETING AT 6.00PM, AND CALLED FOR NOMINATIONS FOR A CHAIRPERSON FOR THE MEETING.

COUNCILLORS RUGGERI AND BAZOUNI NOMINATED COUNCILLOR MEGNA.

COUNCILLORS FERGUSON AND JAGO NOMINATED COUNCILLOR JAGO.

THERE BEING TWO NOMINATIONS AND FOLLOWING AN ORDINARY BALLOT (SHOW OF HANDS) COUNCILLOR MEGNA WAS ELECTED CHAIRPERSON FOR THE MEETING.

NOTE: AT 6.02PM, COUNCILLOR MEGNA ASSUMED THE CHAIR.

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

APOLOGY

Note: An apology was received on behalf of Councillor Little

RESOLVED 248/23

Moved: Cr Bazouni

Seconded: Cr Jago

That the apology received from Cr Little be accepted and leave of absence granted.

CARRIED

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 17 October 2023

RESOLVED 249/23

Moved: Cr Ferguson

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 17 October 2023 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED

4 DISCLOSURES OF INTERESTS

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.1 – City of Canada Bay Local Traffic Committee Minutes – 26 October 2023 for the reason that:

“In my role as the State Member for Drummoyne I sit on the Traffic Committee.”

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 12.7 – Licence - Dragon Sports Association Incorporated INC9884721 - Part of Uhrs Point Reserve, 484P Concord Road, Rhodes for the reason that:

“The land referred to in the report is Crown Land and I am the Local State Member for Drummoyne.”

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 17.2 – Lease of the Rhodes Park Café for the reason that:

“The land referred to in the report is Crown Land and I am the Local State Member for Drummoyne.”

5 MAYORAL MINUTE(S)

Nil

6 PUBLIC FORUM

Note: *There were no speakers in public forum.*

7 ITEMS RESOLVED BY EXCEPTION

Nil

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS**ITEM 9.1 DA DETERMINATIONS BY THE LOCAL PLANNING PANEL AND STAFF UNDER DELEGATION**

RESOLVED 250/23

Moved: Cr Jago

Seconded: Cr Bazouni

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 October 2023 and 31 October 2023.

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

Against: Nil

CARRIED 7/0

ITEM 9.2 ENVIRONMENT ADVISORY COMMITTEE MINUTES - 26 OCTOBER 2023

RESOLVED 251/23

Moved: Cr Jago

Seconded: Cr Ferguson

That the Minutes of the Environment Advisory Committee held on 26 October 2023, attached to the report, be received and the recommendations therein be adopted.

CARRIED

10 CITY ASSETS DIRECTORATE REPORTS

Note: At 6.06pm, Councillor Di Pasqua left the meeting (online) having disclosed a significant non-pecuniary interest in this item.

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 26 OCTOBER 2023

RESOLVED 252/23

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Local Traffic Committee Meeting held on 26 October 2023, attached to the report, be adopted.

CARRIED

Note: At 6.07pm, Councillor Di Pasqua returned to the meeting (online.)

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS**ITEM 11.1 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 19 OCTOBER 2023**

RESOLVED 253/23

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held on 19 October 2023, attached to the report, be received and noted.

CARRIED

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 CITY OF CANADA BAY COUNCIL MEETING SCHEDULE FOR 2024**

RESOLVED 254/23

Moved: Cr Bazouni

Seconded: Cr Jago

That the ordinary Council Meeting schedule for 2024 as contained in the report be adopted.

CARRIED

ITEM 12.2 ANNUAL REPORT 2022-23

RESOLVED 255/23

Moved: Cr Ruggeri

Seconded: Cr Jago

That the Annual Report for 2022-23, attached to the report, be endorsed.

CARRIED

ITEM 12.3 FIRST QUARTER BUDGET REVIEW - JULY TO SEPTEMBER 2023

RESOLVED 256/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That the first Quarter Review Budget for 2023/24, including the variations as identified in the report and attachments be adopted.

CARRIED

ITEM 12.4 REVIEW OF DEBT RECOVERY POLICY

RESOLVED 257/23

Moved: Cr Ferguson

Seconded: Cr Jago

That:

1. The Debt Recovery Policy (2009) and the Hardship Policy (2009) be rescinded.
2. The Rates, Charges and Other Debts Recovery and Hardship Policy be placed on public exhibition for a period of 28 days.
3. In the event that no submissions are received in response to the public exhibition referred to in 2 above, the Policy be adopted.
4. In the event of submission(s) being received in response to the public exhibition referred to in 2 above, a further report, including details of such submissions, be prepared, and submitted to Council.

CARRIED

ITEM 12.5 GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023

RESOLVED 258/23

Moved: Cr Jago

Seconded: Cr Bazouni

That Council receive the audited Financial Statements for the year ended 30 June 2023 and the auditor's report from the Audit Office of NSW.

CARRIED

ITEM 12.6 CASH AND INVESTMENTS REPORT FOR OCTOBER 2023

RESOLVED 259/23

Moved: Cr Jago

Seconded: Cr Bazouni

That the Cash and Investments Report for October 2023, attached to the report, be received and noted.

CARRIED

Note: At 6.16pm, Councillor Di Pasqua left the meeting (online) having disclosed a significant non-pecuniary interest in this item.

ITEM 12.7 LICENCE - DRAGON SPORTS ASSOCIATION INCORPORATED INC9884721 - PART OF UHRS POINT RESERVE, 484P CONCORD ROAD, RHODES

RESOLVED 260/23

Moved: Cr Ferguson

Seconded: Cr Bazouni

That:

1. Pursuant to s47A of the Local Government Act 1993, Council enter a Licence agreement with Dragon Sports Association Incorporated for a period of 5 years commencing 31 January 2024, including the terms and conditions contained in the body of the report and subject to compliance with the public notice provisions of s47 of the Local Government Act 1993.
 2. In the event that no submissions are received in response to the public notice process referred to in (1) above, the General Manager be delegated authority to finalise any matters contained within the body of the report and execute the licence on behalf of Council.
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3. In the event of submissions being received in response to the public notice process referred to in (1) above, a further report, including details of such submissions, be prepared, and submitted to a future meeting of Council.

CARRIED

Note: At 6.18pm, Councillor Di Pasqua returned to the meeting (online.)

13 NOTICES OF MOTION

Nil

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RESOLVED 261/23

Moved: Cr Jago

Seconded: Cr Bazouni

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 17.1 LEASE DEBTOR WRITE-OFFS

This matter is considered to be confidential under Section 10A(2) - (b) and (c) of the Local Government Act, as it deals with discussion in relation to the personal hardship of a resident

or ratepayer and 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 17.2 LEASE OF THE RHODES PARK CAFE, "KOKODA CAFE" TO KOKODA BAY PTY LTD

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.

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

Note: At 6.19pm, the meeting moved into Closed session.

ITEM 17.1 LEASE DEBTOR WRITE-OFFS

RESOLVED 262/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That:

1. 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:
 - (b) discussion in relation to the personal hardship of a resident or ratepayer
 - (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. In accordance with the provisions of Clause 213 of the Local Government Regulation 2021, the outstanding debt relating to the three (3) entities totalling \$62,735.41, as documented in the report, be written off.

CARRIED

Note: At 6.20pm, Councillor Di Pasqua left the meeting (online) having disclosed a significant non-pecuniary interest in this item.

ITEM 17.2 LEASE OF THE RHODES PARK CAFE, "KOKODA CAFE" TO KOKODA BAY PTY LTD

RESOLVED 263/23

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. 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. Council approves the granting of a 5 x 5-year lease to Kokoda Bay Pty Ltd for a portion of Crown Land within Rhodes Park, Concord West based on the offer contained within the body of the report and subject to compliance with the public notice provisions of s47 of the Local Government Act 1993.
3. In the event that no submissions are received in response to the public notice process referred to in 2 above, the General Manager be delegated authority to finalise any matters contained within the body of the report and execute the lease on behalf of Council.
4. In the event of submission(s) being received in response to the public notice process referred to in 2 above, a further report, including details of such submissions, be prepared, and submitted to Council.

CARRIED

RESOLVED 264/23

Moved: Cr Ruggeri

Seconded: Cr Bazouni

That the Council resume in Open Session.

CARRIED

Note: At 6.21pm, the Council in Closed Session returned to Open Session.

Note: At 6.21pm, Councillor Di Pasqua returned to the meeting (online.)

18 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 6.25pm.

This is the final page of the minutes comprising 13 pages numbered 1 to 13 of the Ordinary Council Meeting held on Tuesday 21 November 2023 and confirmed on Tuesday 5 December 2023.



Chairperson



General Manager