

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 15 August 2023

Minutes of an Ordinary Council Meeting

Held on Tuesday 15 August 2023

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

Commencing at 6.02pm

Present:

Cr Tsirekas	Mayor
Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Cordaro	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 M Cologna	Director Environment and Planning
Mr E Hutchings	Director Corporate Services and Strategy
Ms M Lee	Manager Governance and Customer Services
Mr G Schuettrumpf	Director City Assets
Mr R Wolfe	Director Community, Culture and Leisure

NOTES

The meeting commenced at 6.02pm, moved into Closed Session at 9.13pm, resumed in Open Session at 9.19pm and concluded at 9.23pm.

Table of Contents

1	ACKNOWLEDGEMENT OF COUNTRY	4
2	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS	4
3	CONFIRMATION OF MINUTES	4
4	DISCLOSURES OF INTERESTS	4
5	MAYORAL MINUTE(S)	5
	Item 5.1 Mayoral Minute - Sydney Metro West Review.....	5
	Item 5.2 Mayoral Minute - Celebrating and supporting growth in women's sport.....	6
6	PUBLIC FORUM	6
7	ITEMS RESOLVED BY EXCEPTION	7
8	EXECUTIVE SERVICES DIRECTORATE REPORTS	7
9	ENVIRONMENT AND PLANNING DIRECTORATE REPORTS	7
	Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation	7
	Item 9.2 Revised Planning Agreement - 160 Burwood Road, Concord (Bushells site).....	8
10	CITY ASSETS DIRECTORATE REPORTS	8
	Item 10.1 City of Canada Bay Local Traffic Committee Minutes - 27 July 2023.....	8
	Item 10.2 Outcomes from the Review of Wire Mill Park Timed Dog Off Leash Area	9
11	COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS	10
	Item 11.1 Sponsorship Policy	10
	Item 11.2 City of Canada Bay Culture Plan and Associated Policies	10
	Item 11.3 City of Canada Bay Arts and Culture Committee - Membership.....	10
12	CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS	11
	Item 12.1 Local Government NSW Conference 2023 - Voting Delegates	11
	Item 12.2 Six Monthly Report on Progress - January to June 2023	12
	Item 12.3 Cash and Investments Report for July 2023	12
	Item 12.4 Howley Park, Victoria Place, Drummoyne - Road Closure	13
13	NOTICES OF MOTION	13
14	NOTICES OF MOTION OF RESCISSION	13
15	MATTERS OF URGENCY	13
16	QUESTIONS WITH NOTICE	13
17	CONFIDENTIAL MATTERS	14
	Item 17.1 Food Organics and Garden Organics (FOGO) Collection Service	14
	Item 17.2 Footpath Dining - Sydney Metro Works - Great North Road	14
18	CONFIDENTIAL RESOLUTIONS	16

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

Nil

Note: Councillor Cordaro noted that he needed to leave the meeting early due to family commitments. Councillor Cordaro subsequently left the meeting at 8.05pm.

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 18 July 2023

RESOLVED 192/23

Moved: Cr Ferguson

Seconded: Cr Megna

That the minutes of the Ordinary Council Meeting of 18 July 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 5.1 - Mayoral Minute - Sydney Metro West Review for the reason that:

"I am elected as the State Member for Drummoyne, and this Item is a State Government matter."

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 5.1 - Mayoral Minute - Sydney Metro West Review for the reason that:

"I work for the NSW Treasurer."

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 9.2 – Revised Planning Agreement – 160 Burwood Road, Concord (Bushell’s site) for the reason that:

“I am elected as the State Member for Drummoyne, and this Item is a State Government matter.”

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.1 – City of Canada Bay Local Traffic Committee Minutes – 27 July 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 12.4 – Howley Park, Victoria Place, Drummoyne - Road Closure for the reason that:

“I am elected as the State Member for Drummoyne, and this Item is a State Government matter.”

5 MAYORAL MINUTE(S)

Note: At 6.05pm, Councillors Di Pasqua and Little left the Chamber having both disclosed a significant non-pecuniary interest in this item.

ITEM 5.1 MAYORAL MINUTE - SYDNEY METRO WEST REVIEW

RESOLVED 193/23

Moved: Cr Tsirekas

That

1. Any delay to the project caused by a review of the 9-station alignment be kept to the Sydney Olympic Park to Parramatta segment of the Metro West line – allowing the line to open on schedule, or even before scheduled opening, between the Sydney CBD and Sydney Olympic Park.
2. Councils along the Sydney Metro West corridor be empowered to lead and inform any land use change for station precincts in consultation with affected communities and that one size fits all policies, like SEPPs, not be further considered for this project.
3. Council write to the NSW Premier Chris Minns, Minister for Transport Jo Haylen and Treasurer Daniel Mookhey urging the NSW Government to consider the measures above.
4. Council inform residents of relevant updates regarding Sydney Metro West through Council’s communications channels.

CARRIED

Note: At 6.15pm, Councillors Di Pasqua and Little returned to the chamber.

ITEM 5.2 MAYORAL MINUTE - CELEBRATING AND SUPPORTING GROWTH IN WOMEN'S SPORT

RESOLVED 194/23

Moved: Cr Tsirekas

That the Mayor consider opportunities to host a civic function to celebrate women's sport in our area.

CARRIED

6 PUBLIC FORUM

The 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.

SUSPENSION OF STANDING ORDERS

RESOLVED 195/23

Moved: Cr Tsirekas

Seconded: Cr Jago

That standing orders be suspended to bring forward Items 10.2 - Outcomes from the Review of Wire Mill Park Timed Dog Off Leash Area, 9.2 - Revised Planning Agreement - 160 Burwood Road, Concord (Bushells site) and 10.1 - City of Canada Bay Local Traffic Committee Minutes - 27 July 2023.

CARRIED

Note: Item 10.2 - Outcomes from the Review of Wire Mill Park Timed Dog Off Leash Area was dealt with next.

RESUMPTION OF STANDING ORDERS

RESOLVED 196/23

Moved: Cr Bazouni

Seconded: Cr Jago

That standing orders be resumed.

CARRIED

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 197/23

Moved: Cr Megna

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 July 2023 and 31 July 2023.

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

Against: Nil

CARRIED 8/0CARRIED

Note: Item 11.1 – Sponsorship Policy was considered next.

Note: At 8.06pm, Councillor Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in this item.

ITEM 9.2 REVISED PLANNING AGREEMENT - 160 BURWOOD ROAD, CONCORD (BUSHELLS SITE)

Note: The following people addressed Council on this Item:

- *Linda Bisnette (representing Pelican Quays Community Association and Bayview Action Group)*
- *Kate Foot (representing Bayview Action Group)*

RESOLVED 198/23

Moved: Cr Tsirekas

Seconded: Cr Megna

That:

1. Council approves the revised Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay Council and New Concord Development Pty Ltd, attached to the report at Attachment 1.
2. Authority be delegated to the General Manager to execute the Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay Council and New Concord Development Pty Ltd and sign all documents necessary to register the Draft Planning Agreement on the title to the land to which it relates.

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

Against: Cr Little

CARRIED 6/1

CARRIED

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 27 JULY 2023

Note: The following people addressed Council on this item:

- *Item 2 - Kuan Shieh*
- *Item 5 – Roger Clark*
- *Item 5 – Heather Hilton (president of Five Dock Public School P&C)*
- *Item 5 – Chandra Datt*

RESOLVED 199/23

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 27 July 2023, attached to the report, be adopted.

CARRIED

Note: At 9.01pm, Councillor Di Pasqua returned to the Chamber.

Note: Resumption of Standing Orders (Min No 196/23) was dealt with next.

ITEM 10.2 OUTCOMES FROM THE REVIEW OF WIRE MILL PARK TIMED DOG OFF LEASH AREA

Note: The following people addressed Council on this item:

- *Anne Ryan*
- *Elle Morgan-Thomas*
- *John Small*
- *Rita Smith*
- *Jennette Mountain*
- *David Gow*
- *Vanessa Szczesny*
- *Adam Cox*
- *Helen Waddell*
- *Hilary Lloyd*

RESOLVED 200/23

Moved: Cr Cordaro

Seconded: Cr Megna

That:

1. A councillor workshop be carried out on the varying uses of Lysaght Park in the context of safety issues and size.
2. Council scope enhancements to Lysaght Park permanent dog off leash park, consult with community and then implement enhancements, as outlined in the report, with funding to be allocated from the 2023/24 Off-leash Dog Area Upgrades budget.
3. The actions referred to in 2 above be expedited.
4. Wire Mill Park return to its previous status as an open space permitting dog on leash use only, on completion of the works referred to in 2 above.
5. Council undertakes an education campaign advising of and promoting the above actions.
6. All participants in the review process be informed of Council's decision.

.CARRIED

Note: Item 9.2 - Revised Planning Agreement - 160 Burwood Road, Concord (Bushells site) was dealt with next.

Note: Councillor Cordaro left the meeting at 8.05pm.

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS**ITEM 11.1 SPONSORSHIP POLICY**

RESOLVED 201/23

Moved: Cr Bazouni

Seconded: Cr Megna

That the draft *Sponsorship Policy*, attached to the report, be adopted.**CARRIED**

ITEM 11.2 CITY OF CANADA BAY CULTURE PLAN AND ASSOCIATED POLICIES

RESOLVED 202/23

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. Council notes the outcome of the public exhibition of the draft City of Canada Bay Culture Plan and associated drafts of the Public Art Strategy, Creative Hoarding Policy, Art Collection Policy and Community Events Strategy & Policy, provided in the report.
2. The draft City of Canada Bay Culture Plan and associated drafts of the Public Art Strategy, Creative Hoarding Policy, Art Collection Policy and Community Events Strategy & Policy, attached to the report, be adopted.

CARRIED

ITEM 11.3 CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE - MEMBERSHIP

RESOLVED 203/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That:

1. Councillor Jago, in addition to the Mayor or their nominee, be appointed as a member of the City of Canada Bay Arts and Culture Committee for the remainder of the term of the current Council.
2. The individuals nominated and recommended for membership of the City of Canada Bay Arts and Culture Committee contained in the report be appointed for the remainder of the term of the current Council.
3. All nominees be advised of the outcome of the nomination process.

CARRIED

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 LOCAL GOVERNMENT NSW CONFERENCE 2023 - VOTING DELEGATES

MOTION

Moved: Cr Di Pasqua

Seconded: Cr Bazouni

That Councillors Tsirekas, Megna, Bazouni, Jago, and Cordaro be nominated as voting delegates to accompany the General Manager and the Director Corporate Services and Strategy at the Local Government NSW (LGNSW) annual conference to be held from Sunday 12 to Tuesday 14 November 2023, at Rosehill Gardens Racecourse.

AMENDMENT

Moved: Cr Ferguson

Seconded: Cr Jago

That Councillors Tsirekas, Megna, Bazouni, Jago, and Ferguson be nominated as voting delegates to accompany the General Manager and the Director Corporate Services and Strategy at the Local Government NSW (LGNSW) annual conference to be held from Sunday 12 to Tuesday 14 November 2023, at Rosehill Gardens Racecourse.

LOST

Note: On being put to the vote, the Amendment was lost. A further Amendment was considered next.

AMENDMENT

Moved: Cr Di Pasqua

Seconded: Cr Bazouni

That Council nominate Councillors Tsirekas, Megna, Bazouni, Jago, and Cordaro, with Councillor Ferguson as an alternate voting delegate to accompany the General Manager and the Director Corporate Services and Strategy at the Local Government NSW (LGNSW) annual conference to be held from Sunday 12 to Tuesday 14 November 2023, at Rosehill Gardens Racecourse.

CARRIED

Note: On being put to the vote, the Amendment was carried and became the Motion.

RESOLVED 204/23

Moved: Cr Di Pasqua

Seconded: Cr Bazouni

That Council nominate Councillors Tsirekas, Megna, Bazouni, Jago, and Cordaro, with Councillor Ferguson as an alternate voting delegate to accompany the General Manager and the Director Corporate Services and Strategy at the Local Government NSW (LGNSW) annual conference to be held from Sunday 12 to Tuesday 14 November 2023, at Rosehill Gardens Racecourse.

CARRIED

ITEM 12.2 SIX MONTHLY REPORT ON PROGRESS - JANUARY TO JUNE 2023

RESOLVED 205/23

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That the six-monthly progress report for the period January to June 2023 be received and noted.

CARRIED

ITEM 12.3 CASH AND INVESTMENTS REPORT FOR JULY 2023

RESOLVED 206/23

Moved: Cr Jago

Seconded: Cr Megna

That the Cash and Investments Reports for July 2023, attached to the report, be received and noted.

CARRIED

Note: At 9.10pm, Councillor Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in this item.

ITEM 12.4 HOWLEY PARK, VICTORIA PLACE, DRUMMOYNE - ROAD CLOSURE

RESOLVED 207/23

Moved: Cr Bazouni

Seconded: Cr Jago

That Council:

1. Notes the submissions received following the public notification of the proposed road closure of Victoria Place, Drummoyne, within Howley Park Reserve, and the status of the respective responses.
2. Approves the necessary easement and rights of way on title required to progress the road closure of Victoria Place, Drummoyne, within Howley Park Reserve, as outlined in the report.
3. Authorises the General Manager to approve the road closure upon completion of the prescribed road closure process.

CARRIED

Note: At 9.12pm, Councillor Di Pasqua returned to the Chamber.

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 208/23

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 FOOD ORGANICS AND GARDEN ORGANICS (FOGO) COLLECTION SERVICE

This matter is considered to be confidential under Section 10A(2) - (d) (i) 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.

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 FOOTPATH DINING - SYDNEY METRO WORKS - GREAT NORTH ROAD

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: Council entered into Closed Session at 9.13pm.

ITEM 17.1 FOOD ORGANICS AND GARDEN ORGANICS (FOGO) COLLECTION SERVICE

RESOLVED 209/23Moved: 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:
 - (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Service Design Option 1 (Table 2) for the Food Organics and Garden Organics (FOGO) collection service, contained in the report, be adopted and implemented.
3. The commencement date for the introduction of Food Organics and Garden Organics (FOGO) collection service be in accordance with Timing Option 2 (Table 6) contained in the report.

CARRIED

ITEM 17.2 FOOTPATH DINING - SYDNEY METRO WORKS - GREAT NORTH ROAD

RESOLVED 210/23

Moved: Cr Megna

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:
 - (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. The actions contained within the report be adopted and undertaken.
3. The matter be reviewed at the conclusion of the 2023-2024 Financial Year and a report be prepared and submitted to Council.

CARRIED

RESOLVED 211/23

Moved: Cr Jago

Seconded: Cr Little

That the Council resume in Open Session.

CARRIED

Note: At 9.20pm, the Council in Closed Session returned to Open Session.

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 9.23pm.

This is the final page of the minutes comprising 15 pages numbered 1 to 15 of the Ordinary Council Meeting held on Tuesday 15 August 2023 and confirmed on Tuesday 19 September 2023.

Mayor

General Manager