

# **ORDINARY COUNCIL MEETING**

## **MINUTES**

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

**Tuesday, 18 June 2024**

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

**Held on Tuesday 18 June 2024**

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

**Commencing at 6:02 PM**

### **Present:**

Cr Megna	Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Little	Councillor
Cr Ruggeri	Councillor

### **Officers in attendance:**

E Hutchings	Acting General Manager
M Cologna	Director Environment and Planning
M Lee	Acting Director Corporate Services and Strategy
G Schuettrumpf	Director City Assets
R Wolfe	Director Community, Culture and Leisure

### **NOTES**

The meeting commenced at 6.02pm, moved into Closed Session at 6.52pm, resumed in Open Session at 6.55pm and concluded at 7.02pm.

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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, present and emerging 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

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*Note: An apology was received on behalf of Councillor Di Pasqua.*

#### RESOLVED 095/24

Moved: Cr Ruggeri

Seconded: Cr Ferguson

That the apology received from Councillor Di Pasqua be accepted and leave of absence granted.

**CARRIED**

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## 3 CONFIRMATION OF MINUTES

### 3.1 Minutes of Ordinary Council Meeting held 21 May 2024

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#### RESOLVED 096/24

Moved: Cr Cordaro

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 21 May 2024 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 Little disclosed a significant non-pecuniary interest in relation to Item 5.1 - Mayoral Minute - Rhodes Walker Street Pedestrian Bridge for the reason that:

*"My employment in the office of the Treasurer of NSW may present a perception that my judgement in this matter could be influenced."*

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Councillor Little disclosed a significant non-pecuniary interest in relation to Item 9.2 - Planning Proposal - Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 2 for the reason that:

*“My employment in the office of the Treasurer of NSW may present a perception that my judgement in this matter could be influenced.”*

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 9.3 - Planning Proposal - 7 Concord Avenue, Concord West for the reason that:

*“My employment in the office of the Treasurer of NSW may present a perception that my judgement in this matter could be influenced.”*

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 9.4 - Planning Proposal - Post-exhibition report - Removal of 3 Wolseley Street Drummoyne as a Local Heritage Item for the reason that:

*“My employment in the office of the Treasurer of NSW may present a perception that my judgement in this matter could be influenced.”*

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 11.1 - Community Grants 2024-2025 for the reason that:

*“My child attends one of the schools listed.”*

## **5 MAYORAL MINUTE(S)**

*Note: At 6.06pm, Councillor Little left the Chamber having disclosed a significant non-pecuniary interest in this item.*

### **ITEM 5.1 MAYORAL MINUTE - RHODES WALKER STREET PEDESTRIAN BRIDGE**

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#### **RESOLVED 097/24**

Moved: Cr Megna

That Council:

1. Note the content of the Mayoral Minute
2. Staff provide a detailed presentation on this matter at a future Councillor Workshop.

**CARRIED**

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*Note: At 6.12pm, Councillor Little returned to the Chamber.*

**ITEM 5.2 MAYORAL MINUTE - NSW LOCAL GOVERNMENT 2024 EXCELLENCE AWARDS AND PARKS AND LEISURE AUSTRALIA - NSW/ACT REGION AWARDS OF EXCELLENCE**

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**RESOLVED 098/24**

Moved: Cr Megna

That Council receive and note the report.

**CARRIED**

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**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**

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**RESOLVED 099/24**

Moved: Cr Bazouni

Seconded: Cr Jago

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 May 2024 and 31 May 2024.

In Favour: Crs Megna, Bazouni, Cordaro, Ferguson, Jago, Little and RuggeriAgainst: Nil**CARRIED 7/0**

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*Note: At 6.16pm, Councillor Little left the Chamber having disclosed a significant non-pecuniary interest in the following three Items (Items 9.2; 9.3 and 9.4.)*

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**ITEM 9.2 PLANNING PROPOSAL - PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY (PRCUTS) - STAGE 2**

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**RESOLVED 100/24**

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. The Planning Proposal for Stage 2 of the Parramatta Road Corridor Urban Transformation Strategy, provided as Attachment 1 to the report, be endorsed for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. Delegation be requested from the Department of Planning, Housing and Infrastructure to manage the plan making process.
3. Authority be delegated to the General Manager to make minor variations to the Planning Proposal to correct any drafting errors or to ensure that it is consistent with the Gateway Determination.
4. The Canada Bay Affordable Housing Contribution Scheme be amended prior to public exhibition to apply 5% contribution rate to Key Site 47.
5. The Planning Proposal, draft Development Control Plan and draft Affordable Housing Contribution Scheme be endorsed for public exhibition in accordance with relevant conditions imposed under the Gateway Determination.
6. Council write to the relevant government department to seek an update on the delivery of the rapid transport along Parramatta Road as proposed in the original PRCUTS documentation.

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

Against: Nil

**CARRIED 6/0**

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**ITEM 9.3 PLANNING PROPOSAL - 7 CONCORD AVENUE, CONCORD WEST**

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*Note: A letter dated 18 June 2024 from Gyde Consulting requesting that consideration be given to deferral of the Item was distributed to all Councillors prior to the meeting.*

**RESOLVED 101/24**

Moved: Cr Jago

Seconded: Cr Ferguson

That the Planning Proposal for 7 Concord Avenue, Concord West prepared by Gyde Consulting for FTD Holdings Pty Ltd and Floridana Pty Ltd not proceed to the Department of Planning, Housing and Infrastructure for a Gateway Determination, for the following reasons:

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- a) The Planning Proposal does not have strategic merit as the proposal is inconsistent with:
- i) the Objectives, Priorities and Actions of the Greater Sydney Metropolitan Plan, the Eastern City District Plan and the Canada Bay Local Strategic Planning Statement regarding reducing exposure to natural and urban hazards.
  - ii) the Canada Bay Local Strategic Planning Statement and Local Planning Direction 1.5 to implement rezoning in accordance with the Parramatta Road Corridor Urban Transformation Strategy (Action 5.1) and provide a minimum of 5% affordable housing (Action 5.5).
  - iii) Local Planning Direction 4.1 – Flooding, as the land is within a flood planning area and is seeking to permit a significant increase in the dwelling density on the land, is likely to significantly increase the requirement for government spending and the inconsistency with the Direction is not of a minor significance.
- b) The Planning Proposal does not have site-specific merit in regard to the proposed floor space ratio, building height and the suitability of the site for the development proposed.

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

Against: Nil

**CARRIED 6/0**

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#### **ITEM 9.4 PLANNING PROPOSAL - POST-EXHIBITION REPORT - REMOVAL OF 3 WOLSELEY STREET DRUMMOYNE AS A LOCAL HERITAGE ITEM**

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##### **RESOLVED 102/24**

Moved: Cr Bazouni

Seconded: Cr Jago

That Council endorse amendment to *Canada Bay Local Environmental Plan 2023* to remove the heritage listing of a house at 3 Wolseley Street, Drummoyne (Item no. I505) from Schedule 5.

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

Against: Nil

**CARRIED 6/0**

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*Note: Councillor Little returned to the Chamber at 6.40pm.*

#### **ITEM 9.5 CHANGES TO LOCAL PLANNING PANELS**

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##### **RESOLVED 103/24**

Moved: Cr Bazouni

Seconded: Cr Jago

That Council:

1. Appoint Mr Jason Perica as the permanent chair of the Canada Bay Local Planning Panel from 1 July 2024.
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2. Appoint Ms Pamela Soon and Mr Chris Wilson as the alternate chairs of the Canada Bay Local Planning Panel from 1 July 2024.
  3. Appoint Ms Sheridan Burke, Ms Noni Ruker, Mr Tony Tribe, Ms Judith Clark, Ms Larissa Ozog, Ms Toney Hallahan, Ms Tina Christy, Ms Lindsey Dey, Ms Juliet Suich, Ms Heather Warton, Ms Marica Doheny, Mr Peter Monks, Mr Garry Chapman, Mr Stephen Alchin and Ms Julie Walsh as independent experts to the Canada Bay Local Planning Panel from 1 July 2024.
  4. Note that \$75,000 to fund the Panel's operations for the 2024/2025 financial year is included in the draft 2024/25 budget.

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

Against: Nil

**CARRIED 7/0**

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## **ITEM 9.6 CANADA BAY LOCAL HERITAGE GRANTS PROGRAM 2023/2024**

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### **RESOLVED 104/24**

Moved: Cr Little

Seconded: Cr Jago

That Council:

1. Acknowledges the completed projects of the 2023/24 Local Heritage Grants Program.
2. Commence the 2024/25 Heritage Grants Program, noting that a budget of \$19,000 (excluding Heritage NSW Grant funding) has been provided in the draft FY24/25 budget.

**CARRIED**

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## **10 CITY ASSETS DIRECTORATE REPORTS**

### **ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 30 MAY 2024**

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#### **RESOLVED 105/24**

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 30 May 2024, attached to the report, be adopted.

**CARRIED**

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**11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS****ITEM 11.1 CITY OF CANADA BAY RHODES COMMUNITY COMMITTEE MEETING MINUTES  
- 30 MAY 2024**

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**RESOLVED 106/24**

Moved: Cr Megna

Seconded: Cr Ferguson

That the minutes of the Rhodes Community Committee meeting held on 30 May 2024, attached to the report, be received and noted.

**CARRIED**

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*Note: At 6.45pm, Councillor Little left the Chamber having disclosed a significant non-pecuniary interest in the following Item.*

**ITEM 11.2 COMMUNITY GRANTS 2024-2025**

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**RESOLVED 107/24**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

**Community Project Grants Program**

That Council approve the recommendations for funding under the 2024-2025 Community Project Grants Program to a total amount of \$65,987, as specified in the 2024-2025 Community Grants – Funding Recommendations (Community Project Grants Program) (Attachment 1).

**Environmental Grants Program**

That Council approve the recommendations for funding under the 2024-2025 Environmental Grants Program to a total amount of \$25,791.50, as specified in the 2024-2025 Community Grants – Funding Recommendations (Environmental Grants Program) (Attachment 1).

**Event Grants Program**

That:

1. Council approve the recommendations for funding under the 2024-2025 Event Grants Program to a total amount of \$65,000, as specified in the 2024-2025 Community Grants – Funding Recommendations (Event Grants Program) (Attachment 1).
  2. The unallocated budgets from the Community Project Grants Program (\$7,513) and the Environmental Grants Program (\$4,208.50) be reallocated to the Events Grants Program.
  3. That, subject to approval of point 2 above, Council approve the three additional recommendations for funding under the 2024-2025 Event Grants Program to a total amount of \$11,721.50, as specified in the 2024-2025 Community Grants – Funding Recommendations (Additional - Event Grants Program) (Attachment 1).
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**General**

That:

1. Funding recipients be invited to attend the City of Canada Bay Community Grants Presentation Ceremony on 24 July 2024.
2. Council writes to unsuccessful organisations advising of the outcome of their applications, including the provision of feedback.

**CARRIED**

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*Note: At 6.47pm, Councillor Little returned to the Chamber.*

**12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS****ITEM 12.1 ADOPTION OF DELIVERY PROGRAM 2022-2026, OPERATIONAL PLAN 2024-25 AND STATEMENT OF REVENUE, INCLUDING BUDGET AND SCHEDULE OF FEES AND CHARGES**

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**RESOLVED 108/24**

Moved: Cr Cordaro

Seconded: Cr Bazouni

That:

1. Council consider the submissions received in response to the public exhibition of the draft Delivery Program 2022-2026 and draft Operational Plan 2024-25, as summarised in Attachment 1 to the report.
  2. Amendments to the document following exhibition included in Attachment 1 be noted.
  3. The Delivery Program 2022-2026 and Operational Plan 2024-25 at Attachment 2 be adopted with the addition of changes identified in Attachment 1, in accordance with Section 404 and 405 of the Local Government Act 1993 (the Act).
  4. The Schedule of Fees and Charges 2024-25 applying from 1 July 2024 to 30 June 2025 at Attachment 3 be adopted in accordance with Sections 535 and 608 of the Act with amendments as per Attachment 1.
  5. Council make the following ordinary rates and charges in accordance with Section 494 and 535 of the Act:
    - (a) Council's general income is increased by 5.3% in the 2024-25 financial year.
    - (b) Residential – Ordinary Rate  
An ad valorem rate in the \$ of 0.00066935 with a Minimum Rate of \$953.95  
The Residential – Ordinary Rate is to be applied to all land categorised as Residential throughout the whole City of Canada Bay Local Government Area.
    - (c) Business – Ordinary Rate  
An ad valorem rate in the \$ of 0.00188136 with a Minimum Rate of \$953.95  
The Business – Ordinary Rate is to be applied to all land categorised as Business throughout the whole City of Canada Bay Local Government Area.
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(d) Residential – Stormwater Management Charge

A stormwater management service charge amounting to \$25 per residential allotment.

A stormwater management service charge amounting to \$12.50 per residential strata allotment.

(e) Business – Stormwater Management Charge

A stormwater management service charge amounting to \$25 per business allotment per 350m<sup>2</sup> or part thereof.

For a lot in a strata scheme that is categorised as business – the greater of:

\$5.00 or

the relevant portion of the maximum annual charge that would apply to the land subject to the strata scheme if it were a parcel of land categorised as business.

(f) Residential Domestic Waste Management Charge

The standard Domestic Waste Management Charge is set at \$460.00 for each residential property in the City of Canada Bay Local Government Area with further detail provided in the Schedule of Fees and Charges 2024-25 (Attachment 3)

6. Ordinary Rates and Charges included in 5 above are to be made in respect to the twelve month rating year commencing 1 July 2024 in accordance with Section 534 of the Local Government Act 1993.
7. If the levying of a minimum rate would apply unfairly, or cause hardship to a rateable person who is rateable in respect of two or more separate parcels of land subject to the rate, then Council may aggregate the land values of such of the parcels as it determines and levy the rate on the aggregated land values in accordance with sections 548A and 531B of the Local Government Act 1993.
8. An interest rate of 10.5% per annum on overdue rates and charges for the period 1 July 2024 to 30 June 2025, be adopted in accordance with Section 566(3) of the Act, subject to Council reserving the right to vary the interest chargeable on overdue rates to accord with any variations made to the Act and regulations thereunder.

**CARRIED**

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## **ITEM 12.2 CASH AND INVESTMENTS REPORT - MAY 2024**

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### **RESOLVED 109/24**

Moved: Cr Jago

Seconded: Cr Little

That the Cash and Investments Report for May 2024, attached to the report, be received and noted.

**CARRIED**

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**ITEM 12.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION 2024/25**

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**RESOLVED 110/24**

Moved: Cr Cordaro

Seconded: Cr Jago

That, pursuant to section 248 of the *Local Government Act 1993*, the annual fee for the Mayor and Councillors, payable monthly in arrears, for the period 1 July 2024 to 30 June 2025 be fixed as follows:

- (a) Councillors at \$22,540 per annum
- (b) Mayor at \$49,170 per annum.

**CARRIED**

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**ITEM 12.4 CITY OF CANADA BAY AUDIT RISK AND IMPROVEMENT COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS**

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**RESOLVED 111/24**

Moved: Cr Jago

Seconded: Cr Bazouni

That Ms Simone Schwarz and Mr Barry Husking be appointed to the two independent member roles of the Audit, Risk and Improvement Committee for a period of four years, commencing 1 July 2024.

**CARRIED**

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**13 NOTICES OF MOTION**

Nil

**14 NOTICES OF MOTION OF RESCISSION**

Nil

**15 MATTERS OF URGENCY**Nil

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**16 QUESTIONS WITH NOTICE**

Nil

**17 CONFIDENTIAL MATTERS**

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**RESOLVED 112/24**

Moved: Cr Jago

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 17.1 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.

**ITEM 17.2 WASTE DISPOSAL AND PROCESSING 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.

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: Council moved into Closed Session at 6.52pm.*

**ITEM 17.1 FOOTPATH DINING - SYDNEY METRO WORKS - GREAT NORTH ROAD**

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**RESOLVED 113/24**

Moved: Cr Little

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 2024-2025 Financial Year and a report be prepared and submitted to Council.

**CARRIED**

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**ITEM 17.2 WASTE DISPOSAL AND PROCESSING TENDER**

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**RESOLVED 114/24**

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 receives the confidential Tender Evaluation Report for RFT 2023/EP1;
  3. Council,
    - (a) in accordance with s. 178 (1) (b) of the *Local Government (General) Regulation 2021 (NSW) (Regulation)*, declines to accept any of the tenders submitted in response to the RFT; and
    - (b) in accordance with s. 178 (3) (e) of the Regulation, resolves to enter into negotiations with the persons identified for that purpose in the Tender Evaluation Report as Nominated Persons, in respect of the particular services for which each Nominated Person is nominated in the Tender Evaluation Report, or in the manner described in the Tender Evaluation Report, or persons nominated in the Council report with a view to entering into contracts for the services relating to the subject matter of the RFT.
  4. Council, in accordance with s. 178 (4)(a) of the Regulation, notes that the reason for Council declining to invite fresh tenders or applications as referred to in ss. 178(3)(b)-(d) of the Regulation, is that:
    - (a) it is not expected that further market testing will provide a more satisfactory result; and
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- (b) it is anticipated that a satisfactory result can be achieved through negotiating with one or more of the Nominated Persons in the manner described in the Tender Evaluation Report or persons nominated in the Council report.
5. Council, in accordance with s. 178 (4)(b) of the Regulation, notes that the reason for Council determining to enter into negotiations with the Nominated Persons, is that:
- (a) Council is satisfied that the Nominated Persons would be capable of undertaking the relevant services, pending conditions being achieved, as nominated in the Tender Evaluation Report; and the Council report;
- (b) it is anticipated that an improved outcome from the tendered positions can be achieved through negotiations with one or more of the Nominated Persons and persons nominated in the Council report so as to achieve an acceptable contract.
6. All tenderers be notified as appropriate that no tenders for RFT 2023/EP1 were accepted; and
7. The General Manager:
- (a) be authorised to directly negotiate with one or more of the Nominated Persons in the manner described in the Tender Evaluation Report, and progress arrangements for the most advantageous outcomes for Council as outlined in the 'Conclusion and Recommendation' section of the Council Report, for the purpose of entering into contracts in relation to the subject matter of the RFT; and
- (b) at the completion of any negotiations or agreed contracts, prepare and submit a report to Council for acceptance by further resolution.

**CARRIED**

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**RESOLVED 115/24**

Moved: Cr Little

Seconded: Cr Jago

That the Council resume in Open Session.

**CARRIED**

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*Note: At 6.55pm, 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 7.02pm.

This is the final page of the minutes comprising 17 pages numbered 1 to 17 of the Ordinary Council Meeting held on Tuesday 18 June 2024 and confirmed on Tuesday 16 July 2024.

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Mayor



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General Manager

