

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 6 December 2022

Minutes of an Ordinary Council Meeting

Held on Tuesday 6 December 2022

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

Commencing at 6.00pm

Present:

Cr Tsirekas	Mayor
Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Little	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Megna	Councillor
Cr Ruggeri	Councillor

Officers in attendance:

Mr J Clark	General Manager
Mr R Wolfe	Director Community Culture and Leisure
Ms M Cologna	Director Community and Environmental Planning
Mr E Hutchings	Director Corporate Services and Strategy
Mr G Schuettrumpf	Director City Assets
Ms J Kalouche	Governance Officer

NOTES

The meeting commenced at 6.00pm, moved into Closed Session at 8.20pm, resumed in Open Session at 8.55pm and concluded at 9.00pm.

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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

Nil.

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 15 November 2022

RESOLVED 285/22

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 15 November 2022 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 less than significant non-pecuniary interest in relation to Item 10.4 - City of Canada Bay Local Traffic Committee Minutes – 17 November 2022 for the reason that:

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

Councillor Jago disclosed a significant non-pecuniary interest in relation to Item 10.4 -City of Canada Bay Local Traffic Committee Minutes – 17 November 2022 (Related to Attachment 4 - Stuart Street) for the reason that:

“I live in Stuart Street.”

Councillor Tsirekas disclosed a less than significant, non-pecuniary interest in relation to Item 16.1 – Five Dock Bowling Club – Lease to Docapiro Five Dock Pty Ltd – Variation of Lease for the reason that:

“I know the applicant.”

Councillor Ferguson disclosed a pecuniary interest in relation to Item 16.2 – Rhodes Recreation Centre – Management Model for the reason that:

“The firm I work for provides insurance services to the applicant.”

Councillor Tsirekas disclosed a less than significant, non-pecuniary interest in relation to Item 16.2 – Rhodes Recreation Centre – Management Model for the reason that”

“I know the applicant.”

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - IRON COVE BRIDGE LANE CLOSURE

RESOLVED 286/22

Moved: Cr Tsirekas

That:

1. The Mayor write to NSW Minister for Transport David Elliott, Member for Drummoyne John Sidoti and Transport for NSW representatives requesting traffic counts and travel time observations be conducted on Victoria Road in peak periods during the Iron Cove Bridge lane closure and following the opening of the new tunnel entry.
2. The Mayor write to NSW Minister for Transport David Elliott, Member for Drummoyne John Sidoti and Transport for NSW representatives requesting additional priority be given to local traffic attempting to access Victoria Rd via the various traffic signals from Lyons Rd to the Iron Cove Bridge.

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 287/22

Moved: Cr Jago

Seconded: Cr Ruggeri

That Council suspend standing orders to bring forward Items 9.3 – Planning Proposal – 160 Burwood Road, Concord (the Bushells site) and 10.1 – Planning Agreement – 16 Burwood Road, Concord (the Bushells site) to be dealt with immediately.

CARRIED

Note: Item 9.3 – Planning Proposal 160 Burwood Road, Concord (the Bushells site) was considered next.

RESUMPTION OF STANDING ORDERS

RESOLVED 288/22

Moved: Cr Di Pasqua

Seconded: Cr Bazouni

That standing orders be resumed.

CARRIED

7 ITEMS RESOLVED BY EXCEPTION

Nil

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

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

RESOLVED 289/22

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 November 2022 and 18 November 2022.

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

Against: Nil

CARRIED 9/0

ITEM 9.2 RHODES COMMUNITY COMMITTEE MINUTES - 27 OCTOBER 2022

RESOLVED 290/22

Moved: Cr Di Pasqua

Seconded: Cr Bazouni

That:

1. The minutes of the meeting of the Rhodes Community Committee held 27 October 2022 be received and noted.
2. Arising from the business of the committee, the matter of the footbridge in Walker Street be the subject of a Councillor workshop.

CARRIED

ITEM 9.3 PLANNING PROPOSAL - 160 BURWOOD ROAD, CONCORD (THE BUSHHELLS SITE)

Note: Ms Jodie Wright – representing Phillips Landing addressed Council in relation to Item 9.3.

The following people addressed Council in relation to both Items 9.3 and 10.1:

- Ms Kate Foot
 - Ms Linda Bisnette – representing Bayview Action Group
-

- *Mr John McKeon – representing Bayview Action Group*
- *Ms Helen McCaffrey – representing Bayview Action Group*
- *Mr Stephen Moore – Urban Design Consultant (representing the land owner)*
- *Mr John Elliott – owner’s representative*
- *Mr Brett Maynard – Stantec -Transport consultant engaged by land owner*

Note: Ms Kate Foot and Mr John McKeon tabled documents associated with their respective presentations.

RESOLVED 291/22

Moved: Cr Megna

Seconded: Cr Cordaro

That:

1. The matter be deferred for a Councillor workshop to consider the issues raised by residents at the Council meeting of 6 December 2022, and to discuss the amendments recommended in the Council report.
2. The matter be reported to a future Council meeting in 2023.

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

Against: Cr Jago

CARRIED 8/1

Note: Item 10.1 – Planning Agreement – 160 Burwood Road, Concord (the Bushells site) was considered next.

10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

ITEM 10.1 PLANNING AGREEMENT - 160 BURWOOD ROAD, CONCORD (THE BUSHHELLS SITE)

RESOLVED 292/22

Moved: Cr Megna

Seconded: Cr Cordaro

That:

1. The matter be deferred for a Councillor workshop to consider the issues raised by residents at the Council meeting of 6 December 2022, and to discuss the amendments recommended in the Council report.
2. The matter be reported to a future Council meeting in 2023.

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

Against: Crs Ferguson and Litte.

CARRIED 7/2

Note: Resumption of Standing Orders (Min No. 288/22) was considered next.

ITEM 10.2 POWELLS CREEK FLOOD STUDY

RESOLVED 293/22

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. Council adopts the Draft Powell's Creek Flood Study, attached to the report.
2. Council undertakes the Powell's Creek Floodplain Risk Management study.
3. Council establishes a Floodplain Risk Management Committee, and adopts the associated Charter, as attached to the report.
4. Expressions of Interest be invited from members of the community to be representatives on the Floodplain Risk Management Committee.
5. The five Agencies specified in the Floodplain Risk Management Committee Charter be requested to nominate one representative for the Committee.
6. A report be prepared and submitted to Council on the outcome of the Expression of Interest and the nomination of the five Agency representatives.

CARRIED

ITEM 10.3 BARNWELL PARK GOLF COURSE DRAFT PLAN OF MANAGEMENT

RESOLVED 294/22

Moved: Cr Jago

Seconded: Cr Ruggeri

That:

1. Subject to approval from Crown Lands, the draft Plan of Management for Barnwell Park Golf Course, attached to the report, be placed on public exhibition.
2. Following public exhibition, the draft Plan of Management for Barnwell Park Golf Course be reported back to Council with any submissions received for consideration of formal adoption.

CARRIED

Note: At 8.08pm, Councillor Jago left the Chamber due to having disclosed a significant non pecuniary interest in Item 10.4 – City of Canada Bay Traffic Committee Minutes – 17 November 2023 (Attachment 4 – Stuart Street.)

Note: Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in Item 10.4 – City of Canada Bay Local Traffic Committee Minutes – 17 November 2022.

**ITEM 10.4 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES -
17 NOVEMBER 2022**

RESOLVED 295/22

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 17 November 2022, attached to the report, be adopted.

CARRIED

Note: At 8.12pm, Councillor Jago returned to the Chamber.

At 8.16pm, Councillor Little left the Chamber.

11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 11.1 ANNUAL CODE OF CONDUCT COMPLAINTS STATISTICS 2021-2022**

RESOLVED 296/22

Moved: Cr Jago

Seconded: Cr Cordaro

That the report and associated attachment to the report be received and noted.

CARRIED

ITEM 11.2 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 8 NOVEMBER 2022

RESOLVED 297/22

Moved: Cr Megna

Seconded: Cr Bazouni

That the Minutes of the Audit Risk and Improvement Committee meeting held 8 November 2022 as attached to this report be received and noted.

CARRIED

ITEM 11.3 COUNCILLOR AND STAFF INTERACTION POLICY

RESOLVED 298/22

Moved: Cr Ferguson

Seconded: Cr Jago

That:

1. The draft Councillor and Staff Interaction Policy attached to the report be adopted.
2. The list of staff to which Councillors may interact, in accordance with the Policy, be reviewed with a view to augmentation in the first half of 2023.

CARRIED

ITEM 11.4 ADMINISTRATION OF THE SEPTEMBER 2024 ORDINARY ELECTION

RESOLVED 299/22

Moved: Cr Jago

Seconded: Cr Ruggeri

That pursuant:

1. to S296(2) and (3) of the Local Government Act 1993 (NSW) (the Act), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. to S296(2) and (3) of the Act, as applied and modified by s. 18, that a poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. to S296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

CARRIED

ITEM 11.5 DELEGATED AUTHORITY - CHRISTMAS / NEW YEAR RECESS 2022/23

RESOLVED 300/22

Moved: Cr Megna

Seconded: Cr Jago

That:

1. Pursuant and subject to the limitations of Section 377 of the Local Government Act, authority be delegated to the General Manager to act in consultation with the Mayor, or in their
-

absence, the persons acting in these roles, to determine those matters that cannot be held over until the first scheduled meeting of Council in 2023.

2. A report on the exercise of these delegations be presented to the first Council meeting in 2023.

CARRIED

ITEM 11.6 CASH AND INVESTMENTS REPORT FOR NOVEMBER 2022

RESOLVED 301/22

Moved: Cr Jago

Seconded: Cr Megna

That the Cash and Investments Report up to 25th November 2022 attached to the report be received and noted.

CARRIED

12 NOTICES OF MOTION

Nil

13 NOTICES OF MOTION OF RESCISSION

Nil

14 MATTERS OF URGENCY

Nil

15 QUESTIONS WITH NOTICE

Nil

NOTE: AT 8.20PM COUNCILLOR LITTLE RETURNED TO THE CHAMBER.

NOTE: AT 8.20PM THE MAYOR, COUNCILLOR TSIREKAS VACATED THE CHAIR AND LEFT THE CHAMBER.

NOTE: THE DEPUTY MAYOR, COUNCILLOR DI PASQUA ASSUMED THE CHAIR.

16 CONFIDENTIAL MATTERS

RESOLVED 302/22

Moved: Cr Bazouni

Seconded: Cr Ruggeri

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 FIVE DOCK BOWLING CLUB - LEASE TO DOCAPIRO FIVE DOCK PTY LTD - VARIATION OF LEASE

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 RHODES RECREATION CENTRE - MANAGEMENT MODEL

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 8.20pm, the Council moved into Closed Session.

ITEM 16.1 FIVE DOCK BOWLING CLUB - LEASE TO DOCAPIRO FIVE DOCK PTY LTD - VARIATION OF LEASE

RESOLVED 303/22

Moved: Cr Ruggeri

Seconded: Cr Jago

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 approve the issue of a deed of variation to the existing lease agreement between the City of Canada Bay Council and Docapiro Five Dock Pty Ltd for the Five Dock Bowling Club site, with key terms as outlined in the report.
3. The General Manager be delegated authority to finalise any matters contained within the body of the report on behalf of the Council.

CARRIED

Note: At 8:34pm, Councillor Ferguson left the Chamber due to having disclosed a pecuniary interest in Item 16.2 – Rhodes Recreation Centre Management Model.

ITEM 16.2 RHODES RECREATION CENTRE - MANAGEMENT MODEL

RESOLVED 304/22

Moved: Cr Bazouni

Seconded: Cr Jago

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 endorse the recommended management models outlined within the body of the report for each space within the Rhodes Recreation Precinct, with the exception of the Childcare Centre;
3. In relation to the Childcare Centre, a market assessment be undertaken and the outcomes of that assessment be submitted to Council for consideration;
4. Council proceed with the lodgement of all necessary approvals to finalise the detailed design and documentation, and to implement tenancy arrangements for the Rhodes Recreation Precinct, as contained within the report;
5. A further report be prepared and submitted back to Council regarding the public parking.

CARRIED

RESOLVED 305/22

Moved: Cr Ruggeri

Seconded: Cr Little

That the Council resume in Open Session.

CARRIED

*Note: At 8.55pm, the Council returned to Open Session.**Note: Councillors Ferguson and Tsirekas did not return to the Chamber for Item 17 – Confidential Resolutions.***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 9.00pm.

This is the final page of the minutes comprising 15 pages numbered 1 to 15 of the Ordinary Council Meeting held on Tuesday 6 December 2022 and confirmed on Sunday 25 December 2022.

Mayor

General Manager