

# **ORDINARY COUNCIL MEETING**

## **MINUTES**

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

**Tuesday, 18 July 2023**

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

**Held on Tuesday 18 July 2023**

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

**Commencing at 6.01pm**

### **Present:**

Cr Tsirekas	Mayor
Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Little	Councillor ( <i>via MS Teams</i> )
Cr Megna	Councillor

### **Officers in attendance:**

Mr J Clark	General Manager
Mr T Pavlovic	Acting 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 6.01pm moved into Closed Session at 6.39pm, resumed in Open Session at 6.41pm and concluded at 6.42pm.*

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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

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*Note: Apologies were received on behalf of Councillors Cordaro and Ruggeri.*

#### RESOLVED 176/23

Moved: Cr Jago

Seconded: Cr Ferguson

That the apologies received from Councillors Cordaro and Ruggeri be accepted and leave of absence granted.

**CARRIED**

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## 3 CONFIRMATION OF MINUTES

### 3.1 Minutes of Ordinary Council Meeting held 20 June 2023

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#### RESOLVED 177/23

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 20 June 2023 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 significant non-pecuniary interest in relation to Item 5.1 - Mayoral Minute - Leading a Reform Agenda on Waste for the reason that:

*"In view of the content of this matter, and my role as the State Member for Drummoyne."*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.1 – City of Canada Bay Local Traffic Committee Minutes – 29 June 2023 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 11.1 - Victoria Avenue Precinct Memorandum of Understanding Renewal for the reason that:

*“In view of the content of this matter, and my role as the State Member for Drummoyne.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 12.3 - Cash and Investments Report for June 2023 for the reason that:

*“In view of the content of this matter, and my role the State Member for Drummoyne.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 12.4 - Howley Park East - Appointment as Crown Land Manager for the reason that:

*“In view of the content of this matter, and my role as the State Member for Drummoyne.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 17.1 – Memorandum of Understanding Five Dock for the reason that:

*“In view of the content of this matter, and my role as the State Member for Drummoyne.”*

Councillor Megna disclosed a significant non-pecuniary interest in relation to Item 17.1 – Memorandum of Understanding Five Dock for the reason that:

*“I am a landowner on Great North Road.”*

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

*Note: At 6.08pm Councillor Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in this item.*

### **ITEM 5.1 MAYORAL MINUTE - LEADING A REFORM AGENDA ON WASTE**

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#### **RESOLVED 178/23**

Moved: Cr Tsirekas

That Council:

1. Notes councils have a key role to play in reducing waste and its impact on the environment.
  2. Notes across the Sydney metropolitan area, 55 per cent of household and commercial waste goes to landfill each year, resulting in loss of valuable resources, costing businesses and households more than \$750 million in waste levies each year.
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3. Will work with other Sydney councils to:
    - a. reduce waste;
    - b. improve environmental outcomes where waste has to be processed;
    - c. find solutions for the residue that is left; and
    - d. coordinate our advocacy, communications and collective buying power to bring the benefits of scale, efficiency and industry confidence.
  4. Write to the NSW Government to invest the revenue from its waste levy for council and industry initiatives that:
    - a. accelerate the transition to a circular economy;
    - b. build the waste infrastructure needed to meet the growing pressures of population growth, loss of landfill capacity and a lack of competition in the sector;
    - c. educate and support communities to reduce waste; and
    - d. set the waste levy at an appropriate level with realistic hypothecation allocation, to streamline planning approvals for infrastructure, and to increase clarity and efficiency of licensing procedures.
  5. Write to the Commonwealth Government to expedite bans on materials that cannot be recycled or recovered, and to increase extended producer responsibilities including labelling to specify recycled content in product and packaging.
  6. Work with the other tiers of government to ensure the delivery of infrastructure solutions locally to reduce waste hauled long distances or to landfill.

**CARRIED**

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*Note: At 6.10pm Councillor Di Pasqua returned to the Chamber.*

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#### **ITEM 5.2 MAYORAL MINUTE - FUNDRAISER FOR THE BIG ISSUE**

##### **RESOLVED 179/23**

Moved: Cr Tsirekas

That Council receive and note the report.

**CARRIED**

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#### **ITEM 5.3 MAYORAL MINUTE - VALE RON YEO OAM**

##### **RESOLVED 180/23**

Moved: Cr Tsirekas

That Council receive and note the report.

**CARRIED**

**ITEM 5.4 MAYORAL MINUTE - NEW GOVERNOR OF THE RESERVE BANK OF AUSTRALIA**

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**RESOLVED 181/23**

Moved: Cr Tsirekas

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 182/23**

Moved: Cr Bazouni

Seconded: Cr Megna

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 June 2023 and 30 June 2023.

In Favour: Crs Tsirekas, Di Pasqua, Bazouni, Ferguson, Jago, Little and MegnaAgainst: Nil**CARRIED 7/0**

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**10 CITY ASSETS DIRECTORATE REPORTS**

*Note: At 6.19pm Councillor Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in the following two items.*

**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29 JUNE 2023**

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**RESOLVED 183/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 29 June 2023, attached to the report, be adopted.

**CARRIED**

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**11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS****ITEM 11.1 VICTORIA AVENUE PRECINCT MEMORANDUM OF UNDERSTANDING RENEWAL**

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**RESOLVED 184/23**

Moved: Cr Jago

Seconded: Cr Ferguson

That the General Manager be authorised to sign the Victoria Avenue Precinct Memorandum of Understanding.

**CARRIED**

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*Note: At 6.21pm Councillor Di Pasqua returned to the Chamber.*

**ITEM 11.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 29 JUNE 2023**

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**RESOLVED 185/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting held on 29 June 2023, attached to this report, be received and noted.

**CARRIED**

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**12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS****ITEM 12.1 COUNCILLOR SUPERANNUATION**

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**RESOLVED 186/23**

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. From 1 July 2023 Council make a superannuation contribution payment, in accordance with Section 254B of the Local Government Act 1993, to the nominated superannuation account of each Councillor.
2. The amount of each superannuation contribution payment shall be equal to the amount Council would have been required to contribute under Commonwealth Superannuation legislation, as at the date of each payment, as if the Councillor were an employee of Council.

**CARRIED**

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**ITEM 12.2 BUSINESS USE OF FOOTPATH POLICY UPDATE**

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**RESOLVED 187/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That:

1. The updated Business Use of Footpath Policy, attached to the report, be adopted.
2. Negotiations with the applicable approval holders with fixed structures upon the footway commence in accordance with the information contained in the report.

**CARRIED**

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*Note: At 6.29pm Councillor Di Pasqua left the Chamber (and did not return) having disclosed a significant non-pecuniary interest in the following two items.*

**ITEM 12.3 CASH AND INVESTMENTS REPORT FOR JUNE 2023**

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**RESOLVED 188/23**

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. The Cash and Investments Reports for June 2023, attached to the report, be received and noted.
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2. Council write to the NSW Treasurer and the financial spokespersons of the NSW Opposition and NSW Greens requesting that Treasury provide, in the near future, a range of sustainable investment products (ie excluding those which include investments in fossil fuel industries) which meet the investment requirements of NSW councils.
3. Council officers prepare and submit a report to Council on the ability to, and options for informing Council on which of the financial institutions in which Council invests offer loans to the fossil fuel industry.

**CARRIED**

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#### **ITEM 12.4 HOWLEY PARK EAST - APPOINTMENT AS CROWN LAND MANAGER**

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##### **RESOLVED 189/23**

Moved: Cr Bazouni

Seconded: Cr Ferguson

That:

1. Application be made to NSW Department of Industry – Lands and Water under section 3.3 of the *Crown Land Management Act 2016 (NSW)* for Council to be appointed as Crown Land Manager for Part Lot 7058 / DP94083, also known as Howley Park East.
2. The General Manager be authorised to execute on behalf of Council any documents associated with the application to NSW Department of Industry – Lands and Water.

**CARRIED**

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#### **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**

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**RESOLVED 190/23**

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 MEMORANDUM OF UNDERSTANDING FIVE DOCK**

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.

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 6.39pm, the Council moved into Closed Session.*

*Note: At 6.39pm, Councillor Megna left the Chamber having disclosed a significant non-pecuniary interest in this item.*

*Note: Councillor Di Pasqua had not returned to the meeting, however it is noted that she had previously disclosed a significant non-pecuniary interest in this item.*

**ITEM 17.1 MEMORANDUM OF UNDERSTANDING FIVE DOCK**

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

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. The General Manager be authorised to execute the MOU attached to the report and proceed in accordance with the recommendations contained in the report.
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**RESUMPTION OF OPEN SESSION**

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**RESOLVED 191/23**

Moved: Cr Bazouni

Seconded: Cr Ferguson

That the Council resume in Open Session.

**CARRIED**

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*Note: At 6.41pm, 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 6.42pm.

This is the final page of the minutes comprising 12 pages numbered 1 to 12 of the Ordinary Council Meeting held on Tuesday 18 July 2023 and confirmed on Tuesday 15 August 2023.

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Mayor

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General Manager