

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 20 September 2022

Minutes of an Ordinary Council Meeting

Held on Tuesday 20 September 2022

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
Cr Megna	Councillor
Cr Ruggeri	Councillor

Officers in attendance:

Mr J Clark	General Manager
Mr R Wolfe	Acting Director City Services and Assets
Ms M Cologna	Director Community and Environmental Planning
Mr E Hutchings	Director Corporate Services and Strategy
Ms M Lee	Manager Governance and Customer Services

NOTES

The meeting commenced at 6.01pm, moved into closed session at 8.15pm, resumed in open session at 8.59pm, moved again into closed session at 9.04pm, resumed again in open session at 9.19pm and concluded at 9.20pm.

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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

An apology was received on behalf of Councillor Cordaro

APOLOGY

RESOLVED 245/22

Moved: Cr Megna

Seconded: Cr Di Pasqua

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

CARRIED

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 16 August 2022

RESOLVED 246/22

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That the minutes of the Ordinary Council Meeting of 16 August 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting subject to Item 9.2 - Post Exhibition - Planning Proposal - 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue Five Dock being amended to read that the Mayor, Councillor Angelo Tsirekas having disclosed a significant non-pecuniary interest for the reason that *'I know the owner and their family'*.

CARRIED

3.2 Minutes of Extraordinary Council Meeting held 6 September 2022

RESOLVED 247/22

Moved: Cr Ruggeri

Seconded: Cr Jago

That the minutes of the Extraordinary Council Meeting of 6 September 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 Tsirekas disclosed a significant non-pecuniary interest in relation to Item 9.2 - Post Exhibition - Planning Proposal - 1-7 Ramsay Road and 5 and 7 Harrabrook Ave Five Dock for the reason that:

"I know the owner and their family".

Councillor Ferguson disclosed a pecuniary interest in relation to Item 10.2 - Rhodes Recreation Centre Voluntary Planning Agreement- Deed of Variation 3 for the reason that:

"The applicant is a client of the firm that I work for".

Councillor Tsirekas disclosed a pecuniary interest in relation to Item 10.2 - Rhodes Recreation Centre Voluntary Planning Agreement- Deed of Variation 3 for the reason that:

"I know the owner of the company who is the applicant".

Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 10.3 - City of Canada Bay Local Traffic Committee Minutes - 25 August 2022 for the reason that:

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

Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 12.2 - Notice of Motion – Metro for the reason that:

"The report isn't site specific and I will vote on the matter as it is related to the whole Five Dock area".

Councillor Megna disclosed a less than significant non-pecuniary interest in relation to Item 12.2 - Notice of Motion – Metro for the reason that:

"I own property in the area".

Councillor Ruggeri disclosed a significant non-pecuniary interest in relation to Item 12.5 - Notice of Motion - Sydney Cricket Club 125 Years for the reason that:

"One of the representatives supported a fundraiser during our political campaign".

Councillor Tsirekas disclosed a significant non-pecuniary interest in relation to Item 12.5 - Notice of Motion - Sydney Cricket Club 125 Years for the reason that:

"One of the representatives supported a fundraiser during our political campaign".

Councillor Tsirekas disclosed a pecuniary interest in relation to Item 16.5 - Notice of Motion - Legal Matter - Governance for the reason that:

"I can't discuss the matter as it relates to a current ICAC investigation".

5 MAYORAL MINUTE(S)**ITEM 5.1 MAYORAL MINUTE - 2021 MINISTERS' AWARDS FOR WOMEN IN LOCAL GOVERNMENT**

RESOLVED 248/22

Moved: Cr Tsirekas

That Council commend Kristyne Arneill from the City of Canada Bay's Place Management Team, recipient of the Young Achievers Award – Metro in the 2021 Ministers' Awards for Women in Local Government.

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.

The speakers spoke at the time of consideration of the respective Items on the agenda.

7 ITEMS RESOLVED BY EXCEPTION

Nil

8 EXECUTIVE SERVICES DIRECTORATE REPORTS**ITEM 8.1 ELECTION OF DEPUTY MAYOR**

RESOLVED 249/22

Moved: Cr Tsirekas

Seconded: Cr Megna

That Council:

1. Elect a Deputy Mayor to hold office through to September 2023.
2. Note the procedure for the election of a Deputy Mayor by Councillors in accordance with Schedule 7 of the Local Government (General) Regulation 2021.
3. Determines the method of voting for the election of a Deputy Mayor to be the open voting method, if more than one councillor is nominated.

CARRIED

Note: The Director Corporate Services and Strategy acted as the Returning Officer and proceeded to conduct the election of the Deputy Mayor.

One nomination was received for Councillor Di Pasqua.

The Director Corporate Services and Strategy called for further nominations. No further nominations were received.

As there was only one nomination received, Deputy Mayoral Candidate, Councillor Di Pasqua was declared elected as Deputy Mayor through to September 2023, unopposed.

9 COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS

ITEM 9.1 DA DETERMINATIONS BY THE LOCAL PLANNING PANEL AND STAFF UNDER DELEGATION

RESOLVED 250/22

Moved: Cr Ferguson

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 August 2022 and 31 August 2022.

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

Against: Nil

CARRIED 8/0

Note: At 6.18pm, the Mayor, Councillor Tsirekas vacated the Chair and left the Chamber due to having disclosed a significant non-pecuniary interest in Item 9.2 - Post Exhibition - Planning Proposal - 1-7 Ramsay Road and 5 and 7 Harrabrook Ave Five Dock.

Note: The Deputy Mayor, Councillor Di Pasqua assumed the Chair.

ITEM 9.2 POST EXHIBITION - PLANNING PROPOSAL - 1-7 RAMSAY ROAD AND 5 AND 7 HARRABROOK AVE FIVE DOCK

Note: The following people addressed Council on this Item:

- *Mr Guy Laviano*
- *Mr Paul Anderson (Crofstar)*

RESOLVED 251/22

Moved: Cr Di Pasqua

Seconded: Cr Megna

That consideration of Item 9.2 – Post Exhibition – Planning Proposal – 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue, Five Dock be deferred to a Councillor Briefing and subsequent Council Meeting.

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

Against: Nil

CARRIED 7/0

Note: At 6.44pm, the Mayor, Councillor Tsirekas returned to the Chamber and resumed the Chair.

ITEM 9.3 RETURN AND EARN

RESOLVED 252/22

Moved: Cr Di Pasqua

Seconded: Cr Ruggeri

That Council

1. Notes that, following a thorough investigation, no suitable sites for a 'Return and Earn' reverse vending machine within the City of Canada Bay LGA have been identified.
2. Continue to investigate suitable sites for a Return and Earn reverse vending machine.
3. Write to the management of the two shopping centres located in Rhodes in relation to seeking to install a Return and Earn reverse vending machine at either of the two sites.

CARRIED

ITEM 9.4 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE MINUTES - 18 AUGUST 2022

RESOLVED 253/22

Moved: Cr Jago

Seconded: Cr Di Pasqua

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 18 August 2022, attached to the report be received and noted.

CARRIED

ITEM 9.5 COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY ENGAGEMENT POLICY REPORT

RESOLVED 254/22

Moved: Cr Jago

Seconded: Cr Megna

That Council:

1. Notes the feedback received during the exhibition period from Thursday 16 June to Friday, 15 July 2022.
2. Adopts the Community Engagement Policy and Community Engagement Strategy with amendments as recommended in Attachment 1 and promotes the final documents through Council's communication channels.

CARRIED

ITEM 9.6 RHODES COMMUNITY COMMITTEE MINUTES - 25 AUGUST 2022

RESOLVED 255/22

Moved: Cr Di Pasqua

Seconded: Cr Ferguson

That the minutes of the meeting of the Rhodes Community Committee held 25 August 2022 be received and noted

CARRIED

ITEM 9.7 PROPOSED MOTION TO LGNSW CONFERENCE 2022 - MATTRESS PRODUCT STEWARDSHIP SCHEME

RESOLVED 256/22

Moved: Cr Jago

Seconded: Cr Ruggeri

That City of Canada Bay Council submits the motion and accompanying note, attached to the report, to the upcoming Local Government New South Wales (LGNSW) Annual Conference for LGNSW to advocate to the Federal Government for a transition to a co-regulatory or mandatory product stewardship scheme for mattress collections and recycling.

CARRIED

Note: Item 10.1 Urban Tree Canopy Strategy Six Monthly Update - January to June 2022 was considered next.

Note: Item 9.8 - Planning Proposal - Local Character Areas was considered as the last Item in Open Session (following Item 12.5 – Notice of Motion – Sydney Cricket Club 125 Years, to allow Council Staff to update Councillors in relation to this Item.

Note: The Director Environment and Planning gave a brief update on Item 9.8 to the Councillors prior to debate on this Item.

ITEM 9.8 PLANNING PROPOSAL - LOCAL CHARACTER AREAS

RESOLVED 257/22

Moved: Cr Tsirekas

Seconded: Cr Di Pasqua

That:

1. This item be deferred and considered at the next Councillor Briefing.
2. Council requests an extension from the Department of Planning and Environment to make a submission in relation to the Gateway determination.
3. An Extraordinary Council Meeting be held if required to determine Council's position on the matter.

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

Against: Nil

CARRIED 8/0

Note: Item 16.1 – Affordable Housing was considered next.

10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

ITEM 10.1 URBAN TREE CANOPY STRATEGY SIX MONTHLY UPDATE - JANUARY TO JUNE 2022

RESOLVED 258/22

Moved: Cr Jago

Seconded: Cr Ferguson

That the report on the implementation of Council's Urban Tree Canopy Strategy for the period 1 January 2022 to 30 June 2022 be received and noted.

CARRIED

Note: At 7.00pm, Councillor Ferguson left the Chamber due to having disclosed a pecuniary interest in Item 10.2 – Rhodes Recreation Centre Voluntary Planning Agreement- Deed of Variation 3.

Note: At 7.00pm, the Mayor, Councillor Tsirekas vacated the Chair and left the Chamber due to having disclosed a significant non-pecuniary interest in Item 10.2 – Rhodes Recreation Centre Voluntary Planning Agreement- Deed of Variation 3.

Note: The Deputy Mayor, Councillor Di Pasqua assumed the Chair.

ITEM 10.2 RHODES RECREATION CENTRE VOLUNTARY PLANNING AGREEMENT- DEED OF VARIATION 3

RESOLVED 259/22

Moved: Cr Megna

Seconded: Cr Bazouni

That authority be delegated to the General Manager, on behalf of Council, to execute the Deed of Variation 3 between the City of Canada Bay and Walker Street Development Pty Ltd and Billbergia Pty Ltd, attached to the report as Attachment 2.

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

Against: Nil

CARRIED 6/0

Note: At 7.05pm Councillors Ferguson and Tsirekas returned to the meeting and the Mayor, Councillor Tsirekas resumed the Chair.

Note: Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 10.3 – City of Canada Bay Local Traffic Committee Minutes – 25 August 2022.

ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 25 AUGUST 2022

RESOLVED 260/22

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 25 August 2022, attached to the report, be adopted.

CARRIED

**ITEM 10.4 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING
MINUTES - 31 AUGUST 2022**

RESOLVED 261/22

Moved: Cr Tsirekas

Seconded: Cr Little

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held 31 August 2022, attached to the report be received and noted.

CARRIED

ITEM 10.5 MAJORS BAY RESERVE RECREATION PRECINCT MASTERPLAN

Note: The following people addressed Council on this Item:

- *Mr Allen Habbouchi*
- *Vicky Habbouchi spoke on behalf of Simona Bridge*
- *Mr Anthony (Tony) Solano (Concord Baseball Club Inc.)*

RESOLVED 262/22

Moved: Cr Di Pasqua

Seconded: Cr Jago

That Council:

1. Adopt the Masterplan for Majors Bay Reserve attached to the report.
2. Continue to engage with the community and relevant stakeholder and sporting groups on the implementation of the Masterplan.

CARRIED

Note: At 7.25pm Councillor Ruggeri left the Chambers.

SUSPENSION OF STANDING ORDERS

RESOLVED 263/22

Moved: Cr Tsirekas

Seconded: Cr Di Pasqua

That standing orders be suspended to bring forward Item 12.4 – Notice of Motion – Ross Maniaci to be dealt with immediately.

CARRIED

Note: At 7.26pm, Councillor Ruggeri returned to the Chambers.

Note: Item 12.4 – Notice of Motion – Ross Maniaci was considered next.

ITEM 10.6 REQUEST FOR FEE RELIEF FOR BARNWELL PARK GOLF CLUB DUE TO THE IMPACT OF COVID-19

RESOLVED 264/22

Moved: Cr Tsirekas

Seconded: Cr Megna

That Council:

1. Accepts Barnwell Park Golf Club's offer for a payment of \$5,000 (inc GST) of the outstanding amount owed to Council.
2. Waives the remaining amount of \$9,014 (inc GST) in acknowledgement of the significant impact of Covid-19 on Barnwell Park Golf Club's operations.

CARRIED

ITEM 10.7 OUTCOMES FROM INVESTIGATION INTO AN EXTENSION OF THE SEASON AT COUNCIL'S SWIMMING CENTRES

RESOLVED 265/22

Moved: Cr Megna

Seconded: Cr Ruggeri

That:

1. Council's swimming season at Cabarita and Drummoyne Swimming Centres from September through April remains unchanged.
2. The petition signatories be informed of Council's decision.

CARRIED

11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 11.1 UPDATED INVESTMENT POLICY - ADOPTION

RESOLVED 266/22

Moved: Cr Megna

Seconded: Cr Jago

That Council's Investment Policy as publicly exhibited and attached to the report be adopted.

CARRIED

ITEM 11.2 CASH AND INVESTMENT REPORT FOR AUGUST 2022

RESOLVED 267/22

Moved: Cr Jago

Seconded: Cr Megna

That the Cash and Investments Report for August 2022 attached to the report be received and noted.

CARRIED

ITEM 11.3 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 30 AUGUST 2022

RESOLVED 268/22

Moved: Cr Megna

Seconded: Cr Jago

That the Minutes of the Audit Risk and Improvement Committee meeting held 30 August 2022 as attached to the report be adopted.

CARRIED

12 NOTICES OF MOTION**ITEM 12.1 NOTICE OF MOTION - HONOURING PETER WOODS - RENAMING OF JELlicoe STREET CLOSED SPACE TO PETER WOODS PLACE**

RESOLVED 269/22

Moved: Cr Megna

Seconded: Cr Jago

That:

1. The naming of Jellicoe Street closed space be named "Peter Woods Place".
2. The Majors Bay Chamber of Commerce be asked to supply input into the proposal.

CARRIED

Note: Councillors Di Pasqua and Megna disclosed less than significant non-pecuniary interests in relation to Item 12.2 – Notice of Motion – Metro.

ITEM 12.2 NOTICE OF MOTION - METRO

RESOLVED 270/22

Moved: Cr Ruggeri

Seconded: Cr Tsirekas

That:

1. The State Government be requested to provide funding for the construction of a suitable car parking facility at the site of Council's Kings Road car park to cater for the significant increase in parking demand that will result from the opening and operation of the Metro Station at Five Dock.
2. The General Manager request a meeting with the Minister for Transport, David Elliott MP, to receive Council's representations in relation to this matter.
3. Support of the Member for Drummoyne be sought in Council's representations.

CARRIED

ITEM 12.3 NOTICE OF MOTION - CITY OF CANADA BAY'S TREE CANOPY

RESOLVED 271/22

Moved: Cr Ferguson

Seconded: Cr Jago

That:

1. A report be prepared and submitted to Council on options for expanded or new initiatives to increase the tree canopy in the City of Canada Bay local government area.
2. A report be prepared and submitted to Council on the feasibility, options and costs of conducting an audit on an appropriate cross section of sites in the Council area where duplexes have been built in the last 12 months where there were trees removed, including whether suitable replacement trees have been reinstated.
3. Council generally opposes the removal of mature healthy trees in the City of Canada Bay LGA by state government agencies e.g. Metro.
4. Council supports the replacement of mature trees that have been removed by state government agencies with suitable mature trees where possible.
5. Council officers enter into discussions with staff of other councils with a view to developing a joint approach to seeking the replacement of mature trees removed by state government agencies with suitable mature trees.

CARRIED

Note: Item 12.5 – Notice of Motion – Sydney Cricket Club 125 Years was considered next.

ITEM 12.4 NOTICE OF MOTION - ROSS MANIACI

RESOLVED 272/22

Moved: Cr Di Pasqua

Seconded: Cr Jago

That:

1. Council work with Mr Maniaci's family to consider an appropriate way to honour former Drummoynne Mayor, Mr Ross Maniaci.
2. Options be presented to a Councillor workshop as soon as practicable.

CARRIED

RESUMPTION OF STANDING ORDERS

RESOLVED 273/22

Moved: Cr Tsirekas

Seconded: Cr Di Pasqua

That standing orders resume.

CARRIED

Note: Item 10.6 – Request for Fee Relief for Barnwell Park Golf Club Due to the Impact of Covid-19 was considered next.

Note: At 8.01pm, Councillor Ruggeri left the Chamber due to having disclosed a significant non-pecuniary interest in Item 12.5 – Notice of Motion – Sydney Cricket Club 125 Years.

Note: At 8.01pm, the Mayor, Councillor Tsirekas vacated the Chair and left the Chamber due to having disclosed a significant non-pecuniary interest in Item 12.5 – Notice of Motion – Sydney Cricket Club 125 Years.

Note: The Deputy Mayor, Councillor Di Pasqua assumed the Chair.

ITEM 12.5 NOTICE OF MOTION - SYDNEY CRICKET CLUB 125 YEARS

RESOLVED 274/22

Moved: Cr Di Pasqua

Seconded: Cr Megna

That:

1. The City of Canada Bay congratulate the Sydney Cricket Club on its 125th anniversary.
-

-
2. The City of Canada Bay promote to locals the celebration event at Drummoyne Oval to be held on 3 October.

CARRIED

Note: At 8.06pm, Councillor Ruggeri and the Mayor, Councillor Tsirekas returned to the Chamber.

Note: At 8.06pm, The Mayor, Councillor Tsirekas resumed the Chair.

Note: Item 9.8 - Planning Proposal - Local Character Areas was considered next.

13 NOTICES OF MOTION OF RESCISSION

Nil

14 MATTERS OF URGENCY

Nil

15 QUESTIONS WITH NOTICE

Nil

16 CONFIDENTIAL MATTERS

RESOLVED 275/22

Moved: Cr Little

Seconded: Cr Di Pasqua

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 AFFORDABLE HOUSING

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 16.2 TENDER OUTCOME FOR THE LEASING OF THE RHODES PARK CAFE - 'KOKODA CAFE'

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 16.3 FOOTPATH DINING FEE WAIVER - 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 16.4 DIVESTMENT OF 283 CONCORD ROAD, CONCORD WEST

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 16.5 NOTICE OF MOTION - LEGAL MATTER - GOVERNANCE

This matter is considered to be confidential under Section 10A(2) - (g) of the Local Government Act, as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

ITEM 16.1 AFFORDABLE HOUSING

RESOLVED 276/22

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:
 - (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Council approves an extension to the current Bridge Housing Managing Agency Agreement by a further 12 months, to 30 September 2023
3. Council approves an option to extend the current Bridge Housing Managing Agency Agreement for a further 12 months, to 30 September 2024, at Council's sole discretion.
4. The General Manager be authorised to execute the extended Managing Agency Agreement.

CARRIED

ITEM 16.2 TENDER OUTCOME FOR THE LEASING OF THE RHODES PARK CAFE - 'KOKODA CAFE'

RESOLVED 277/22

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. pursuant to clause 178 (1)(b) of the Local Government (General) Regulation 2021, Council decline to accept any tenders for the lease of the Rhodes Park Café site.
 3. in view of (2) above, and in accordance with clause 178 (3)(e) of the Local Government General Regulation 2021, Council enter into negotiations with any person with a view to entering into a contract for the lease of the Rhodes Park Café site.
 4. in determining to enter into negotiations as referred to in (3) above, in accordance with clause 178 (4) of the Local Government (General) Regulation 2021, Council:
 - i. is declining to invite fresh tenders as it is considered that no better procurement result would be achieved by doing so; and
 - ii. is of the view that entering into negotiations with any person, as referred to in (3) above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the Community and Council.
-

5. The General Manager be authorised to undertake negotiations in accordance with the key terms contained within the body of this report and subsequently prepare a report to Council to determine the matter.

CARRIED

ITEM 16.3 FOOTPATH DINING FEE WAIVER - SYDNEY METRO WORKS - GREAT NORTH ROAD

RESOLVED 278/22

Moved: Cr Ruggeri

Seconded: Cr Jago

That consideration of this item be deferred to a Councillor Workshop and a subsequent report to a future Council Meeting

CARRIED

ITEM 16.4 DIVESTMENT OF 283 CONCORD ROAD, CONCORD WEST

RESOLVED 279/22

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 revised sale strategy, subject to retaining the previously resolved reserve price, as detailed in the report.
3. Council authorises the General Manager to enter into negotiations associated with the sale of 283 Concord Road, West Concord and to execute all documentation to affect the transfer of the land on the terms outlined in the report.
4. A further report be presented and submitted to Council on the outcome of the sale.

CARRIED

RESOLVED 280/22

Moved: Cr Little

Seconded: Cr Ruggeri

That the Council resume in Open Session.

CARRIED

Note: At 8.59pm, the Council in Closed Session returned to Open Session.

Note: In accordance with Council's Code of Meeting Practice clauses 14.21 and 14.22 the resolutions passed in closed session (Items 16.1 through to 16.4 inclusive) were made public by the Chairperson, displayed on the public screens and livestreamed during a part of the meeting that was webcast.

Note: At 9.04pm, the Mayor, Councillor Tsirekas left the meeting and the Deputy Mayor, Councillor Di Pasqua assumed the Chair.

RESOLVED 281/22

Moved: Cr Little

Seconded: Cr Jago

That Council move into Closed Session to consider Item 16.5 – Notice of Motion – Legal Matter – Governance.

CARRIED

ITEM 16.5 NOTICE OF MOTION - LEGAL MATTER - GOVERNANCE

MOTION

Moved: Cr Ferguson

Seconded: Cr Little

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:
 - (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 2. Legal advice be obtained from Council's legal representatives for this matter on the ability and appropriateness of the Mayor, Cr Tsirekas continuing in public office, and in particular in the role of Mayor of the City of Canada Bay.
 3. Upon receipt of the legal advice referred to in 2 above, the General Manager call an Extraordinary Meeting as soon as practicable for Council to consider the legal advice.
-

AMENDMENT

Moved: Cr Bazouni

Seconded: Cr Megna

That it be noted as follows:

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:
 - (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. The report on ICAC's Operation Tolosa has not yet been published.
3. Upon publication of the report on ICAC's Operation Tolosa, the General Manager will be preparing and submitting a report to Council.

Note: The Amendment became the Motion.

RESOLVED 282/22

Moved: Cr Bazouni

Seconded: Cr Megna

That it be noted as follows:

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:
 - (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. The report on ICAC's Operation Tolosa has not yet been published.
3. Upon publication of the report on ICAC's Operation Tolosa, the General Manager will be preparing and submitting a report to Council.

CARRIED

RESOLVED 283/22

Moved: Cr Little

Seconded: Cr Ruggeri

That the Council resume in Open Session.

CARRIED

Note: At 9.19pm, the Council in Closed Session returned to Open Session.

17 CONFIDENTIAL RESOLUTIONS

In accordance with Council's Code of Meeting Practice clauses 14.21 and 14.22 the resolution passed in closed session (Item 16.5) was 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 9.20pm.

This is the final page of the minutes comprising 24 pages numbered 1 to 24 of the Ordinary Council Meeting held on Tuesday 20 September 2022 and confirmed on Tuesday 18 October 2022.

Mayor

General Manager