

# **ORDINARY COUNCIL MEETING**

## **MINUTES**

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

**Tuesday, 28 March 2023**

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

**Held on Tuesday 28 March 2023**

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

**Commencing at 6.04pm**

### **Present:**

Cr Tsirekas	Mayor
Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Jago	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 6.04pm moved into Closed Session at 9.12pm, resumed in Open Session at 9.17pm 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

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*Note: Apologies were received on behalf of Councillors Ferguson and Little.*

#### RESOLVED 027/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That the apologies received from Councillors Ferguson and Little 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 February 2023

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#### RESOLVED 028/23

Moved: Cr Bazouni

Seconded: Cr Cordaro

That the minutes of the Ordinary Council Meeting of 21 February 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 less than significant non-pecuniary interest in relation to Item 10.1 - City of Canada Bay Local Traffic Committee Minutes – 23 February 2023 and 16 March 2023 for the reason that:

*“At the time a professional colleague (State Member for Drummoyne) of mine sat on the Traffic Committee.”*

Councillor Megna disclosed a pecuniary interest in relation to Item 5.3 – Mayoral Minute – Civic Hub at Five Dock for the reason that:

*“My family have property on Great North Road”*

#### 5 MAYORAL MINUTE(S)

##### ITEM 5.1 MAYORAL MINUTE - FUNDRAISER FOR THE BIG ISSUE

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###### RESOLVED 029/23

Moved: Cr Tsirekas

That Council host a fundraising event to celebrate the contribution of Marcus Prentice to our local community and to raise awareness and funds for The Big Issue.

**CARRIED**

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##### ITEM 5.2 MAYORAL MINUTE - 2023 AUSTRALIA DAY HONOURS

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###### RESOLVED 030/23

Moved: Cr Tsirekas

That Council congratulates Justine Perkins and Jennifer Collins on their Australia Day honours.

**CARRIED**

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*Note: At 6.15pm, Councillor Megna left the Chamber due to having disclosed a pecuniary interest in Item 5.3 – Mayoral Minute – Civic Hub at Five Dock.*

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### **ITEM 5.3 MAYORAL MINUTE - CIVIC HUB AT FIVE DOCK**

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#### **RESOLVED 031/23**

Moved: Cr Tsirekas

That Council investigates the opportunity for a Civic Hub in Five Dock and present the outcome of this investigation to Council at a future meeting.

**CARRIED**

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*Note: At 6.18pm Councillor Megna returned to the Chamber.*

## **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.

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### **SUSPENSION OF STANDING ORDERS**

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#### **RESOLVED 032/23**

Moved: Cr Jago

Seconded: Cr Megna

That standing orders be suspended to bring forward Items 9.3 - Planning Proposal - 160 Burwood Road, Concord (Bushells Site), 9.4 - Planning Agreement - 160 Burwood Road, Concord (the Bushells site) and 10.1 - City of Canada Bay Local Traffic Committee Meeting Minutes 23 February 2023 and 16 March 2023 to be dealt with immediately.

**CARRIED**

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*Note: Item 9.3 - Planning Proposal - 160 Burwood Road, Concord (Bushells Site) was dealt with next.*

## **7 ITEMS RESOLVED BY EXCEPTION**

Nil

## **8 EXECUTIVE SERVICES DIRECTORATE REPORTS**

Nil

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**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 033/23**

Moved: Cr Megna

Seconded: Cr Ruggeri

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 February 2023 and 28 February 2023.

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

Against: Nil

**CARRIED 7/0**

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**ITEM 9.2 DEVELOPMENT CONTROL PLAN - PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY (STAGE 1) - POST EXHIBITION**

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**RESOLVED 034/23**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That the draft Development Control Plan at Attachments 1-4 (Kings Bay, Burwood and Homebush North Precincts; and amended General Controls), attached to the report, be adopted.

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

Against: Cr Jago

**CARRIED 6/1**

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*Note: Item 9.5- Electric Vehicle Charging Strategy and Action Plan - Public Exhibition was considered next.*

**ITEM 9.3 PLANNING PROPOSAL - 160 BURWOOD ROAD, CONCORD (BUSHELLS SITE)**

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*Note: The Manager Strategic Planning addressed Council on matters including those raised in public forum at the Council Meeting of 6 December 2022.*

*Note: The following people addressed Council on this item:*

- *Kate Foot*
- *John Mckeen*
- *Helen McCaffrey*
- *Stephen Moore (representing the owner)*

**ADJOURNMENT OF ITEMS 9.3 - PLANNING PROPOSAL - 160 BURWOOD ROAD, CONCORD (BUSHELLS SITE) AND 9.4 - PLANNING AGREEMENT - 160 BURWOOD ROAD, CONCORD (THE BUSHELLS SITE)**

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**RESOLVED 035/23**

Moved: Cr Bazouni

Seconded: Cr Megna

That consideration of Items 9.3 - Planning Proposal - 160 Burwood Road, Concord (Bushells Site) and 9.4 - Planning Agreement - 160 Burwood Road, Concord (the Bushells site) be deferred until later in the Meeting to allow staff to consider the matters raised in tonight's public forum.

**.CARRIED**

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*Note: Item 10.1 - City of Canada Bay Local Traffic Committee Meeting Minutes 23 February 2023 and 16 March 2023 was considered next.*

**ITEM 9.3 PLANNING PROPOSAL - 160 BURWOOD ROAD, CONCORD (BUSHELLS SITE)**

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**RESOLVED 036/23**

Moved: Cr Cordaro

Seconded: Cr Megna

That:

1. Council notes the Report on Submissions at Attachment 3 and the Urban Design Review at Attachment 4.
  2. That the Planning Proposal – 160 Burwood Road, Concord at Attachment 1 be submitted to the Department of Planning and Environment for making as a Local Environmental Plan, subject to the following amendments:
    - (a) The Land Use Zones being consistent with the proposed Land Zoning Map at Attachment 2.
    - (b) The maximum building heights being consistent with the proposed Height of Building Map at Attachment 2.
    - (c) The maximum Floor Space Ratio being consistent with the proposed Floor Space Ratio Map at Attachment 2 with the LEP including a bonus 0.15 Floor Space Ratio where the Central Roasting Hall is retained and adaptively reused.
    - (d) The Local Heritage Listing being consistent with the proposed Heritage Map at Attachment 2.
    - (e) The Foreshore Building Line being consistent with the proposed Foreshore Building Line Map at Attachment 2.
    - (f) Reduction of the minimum amount of non-residential floor space from 10,000sqm to 7,500sqm.
    - (g) Additional permitted uses to be limited to office premises, shops, restaurants and cafes within the proposed R3 Medium Density Residential zone.
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3. The draft Development Control Plan at Attachments 5 and 6 be adopted and come into effect upon the gazettal of the Local Environmental Plan, with an amendment to the alignment of the Zoeller St entry to ensure there is no encroachment on the golf course.
4. The draft Affordable Housing Contribution Scheme at Attachment 20 be adopted and come into effect upon the gazettal of the Local Environmental Plan subject to an amendment for an affordable contribution on the site of 10%.
5. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal and draft Development Control Plan prior to finalisation.

In Favour: Crs Tsirekas, Bazouni, Cordaro, Megna and Ruggeri

Against: Crs Di Pasqua and Jago

**CARRIED 5/2**

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#### **ITEM 9.4 PLANNING AGREEMENT - 160 BURWOOD ROAD, CONCORD (THE BUSHHELLS SITE)**

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*Note: The following person addressed Council on this item:*

- *Stephen Moore (on behalf of the owner)*

#### **RESOLVED 037/23**

Moved: Cr Cordaro

Seconded: Cr Megna

That:

1. The Draft Planning Agreement be re-negotiated to update the terms to:
  - a. state the developer of 160 Burwood Road, Concord, will be responsible for the maintenance of the proposed Foreshore Park, for a period of 10 years post completion of the park embellishment works; and
  - b. require a Stage 1 Development Application to be submitted for the adaptive reuse of the Roasting Hall.
2. Subject to the parties agreeing to the modification outlined in 1. above, the Draft Planning Agreement be revised and authority be delegated to the General Manager to execute the revised Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay and New Concord Development Pty Ltd, and sign all documents necessary to register the Planning Agreement on the title to the land to which it relates.

In Favour: Crs Tsirekas, Bazouni, Cordaro, Megna and Ruggeri

Against: Crs Di Pasqua and Jago

**CARRIED 5/2**

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**RESUMPTION OF STANDING ORDERS**

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**RESOLVED 038/23**

Moved: Cr Di Pasqua

Seconded: Cr Jago

That standing orders be resumed.

**CARRIED**

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*Note: Item 9.1 - DA Determinations by the Local Planning Panel and Staff Under Delegation was dealt with next.*

**ITEM 9.5 ELECTRIC VEHICLE CHARGING STRATEGY AND ACTION PLAN - PUBLIC EXHIBITION**

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**RESOLVED 039/23**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That:

1. Council endorse the draft *Electric Vehicle Charging Strategy and Action Plan* attached to the report for public exhibition for a period of at least 28 days.
2. Following the public exhibition period, a report be prepared and submitted to Council on any submissions received, and any subsequently proposed amendments to the draft *Electric Vehicle Charging Strategy and Action Plan*.
3. Authority be delegated to the General Manager to make minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft *Electric Vehicle Charging Strategy and Action Plan*.

**CARRIED**

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*Note: Item 11.1 - Major Events Evaluation Report - Ferragosto 2022 was considered next.*

**10 CITY ASSETS DIRECTORATE REPORTS****ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MEETING MINUTES 23 FEBRUARY 2023 AND 16 MARCH 2023**

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*Note: Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 10.1 City of Canada Bay Local Traffic Committee Meeting Minutes 23 February 2023 and 16 March 2023.*

*Note: The following people addressed Council on Item 1 – Heath Street, Five Dock – Cycleway Review of the Minutes of the 16 March 2023 meeting:*

- Rolf Muller – representing Canada Bay Bicycle User Group (BayBUG)
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- *David Martin – representing BayBUG*
  - *Francis O’Neill - representing Bicycle NSW*
  - *Mike Botton – President BayBUG*
  - *Anne Xuereb – representing Peninsulas Action Group*
  - *Ross Butler*
  - *Maria Capezio*
  - *Joey Tropicano*
- 

**RESOLVED 040/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meetings held 23 February 2023 and 16 March 2023, attached to the report, be adopted.

**CARRIED**

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**RESUMPTION OF STANDING ORDERS**

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**RESOLVED 041/23**

Moved: Cr Tsirekas

Seconded: Cr Megna

That standing orders be resumed.

**CARRIED**

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*Note: Suspension of Standing Orders Minute No. 041/23 was dealt with next.*

**SUSPENSION OF STANDING ORDERS**

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**RESOLVED 042/23**

Moved: Cr Jago

Seconded: Cr Bazouni

That Council suspend standing orders to deal with Items 9.3 - Planning Proposal - 160 Burwood Road, Concord (Bushells Site) and 9.4 - Planning Agreement - 160 Burwood Road, Concord (the Bushells site) that were deferred for consideration earlier in the meeting.

**CARRIED**

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*Note: Item 9.3 - Planning Proposal - 160 Burwood Road, Concord (Bushells Site) was considered next.*

**11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS****ITEM 11.1 MAJOR EVENTS EVALUATION REPORT - FERRAGOSTO 2022**

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**RESOLVED 043/23**

Moved: Cr Di Pasqua

Seconded: Cr Megna

That:

1. The evaluation report on Ferragosto 2022 be received and noted;
2. Council notes that the former government in the last term provided the City of Canada Bay with \$300,000 for Ferragosto and made an election commitment in 2023 to continue this funding arrangement;
3. Council write to the new Minister for Multiculturalism seeking a matched commitment of \$300,000 or better over 4 years to ensure that Ferragosto continues into the future.

**CARRIED**

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**ITEM 11.2 RHODES COMMUNITY COMMITTEE MEETING MINUTES - 23 FEBRUARY 2023**

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**RESOLVED 044/23**

Moved: Cr Ruggeri

Seconded: Cr Di Pasqua

That the minutes of the Rhodes Community Committee meeting held 23 February 2023 be received and noted.

**CARRIED**

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**ITEM 11.3 HONOURING ROSS MANIACI - CREATING ROSS MANIACI PLACE IN FIVE DOCK TOWN CENTRE**

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**RESOLVED 045/23**

Moved: Cr Di Pasqua

Seconded: Cr Ruggeri

That:

1. The shared space adjacent to the Five Dock Post Office in Great North Road be renamed Ross Maniaci Place, in honour of the former Mayor and his many achievements in the City of Canada Bay.
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2. Funding of \$6,000 to implement the naming of Ross Maniaci Place be allocated from the Roads and Traffic and Place Management 2022-23 operating budgets.
3. An official naming ceremony of Ross Maniaci Place be held with Councillors and friends and family of the late Ross Maniaci.

**CARRIED**

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#### **ITEM 11.4 PROVIDING ANTAR INFORMATION FOR NEW CITIZENS**

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##### **RESOLVED 046/23**

Moved: Cr Jago

Seconded: Cr Megna

That:

1. The information in the report to celebrate Indigenous culture be noted.
2. Funding be allocated for the printing and distribution of the ANTaR brochures, as detailed in the report.

**CARRIED**

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## **12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**

#### **ITEM 12.1 AMENDMENT TO JUNE 2023 COUNCIL MEETING DATE**

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##### **RESOLVED 047/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

That the June Council Meeting be rescheduled to Tuesday, 20 June 2023.

**CARRIED**

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**ITEM 12.2 CASH AND INVESTMENTS REPORT FOR FEBRUARY 2023**

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**RESOLVED 048/23**

Moved: Cr Ruggeri

Seconded: Cr Bazouni

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

**CARRIED**

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**13 NOTICES OF MOTION****ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - SUPPORT FOR CROHN'S AND COLITIS AWARENESS**

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**RESOLVED 049/23**

Moved: Cr Jago

Seconded: Cr Cordaro

That consideration of this Notice of Motion be deferred to the next Council Meeting.

**CARRIED**

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**14 NOTICES OF MOTION OF RESCISSION**

Nil

**15 MATTERS OF URGENCY**

Nil

**16 QUESTIONS WITH NOTICE**Nil

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**17 CONFIDENTIAL MATTERS**

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**RESOLVED 050/23**

Moved: Cr Bazouni

Seconded: Cr Megna

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 LEASE - D'ALBORA MARINA (CABARITA MARINA) - OFF 138 CABARITA ROAD, CABARITA NSW 2137**

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: At 9.12pm, the Council moved into Closed Session.*

**ITEM 17.1 LEASE - D'ALBORA MARINA (CABARITA MARINA) - OFF 138 CABARITA ROAD, CABARITA NSW 2137**

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**RESOLVED 051/23**

Moved: Cr Bazouni

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.
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2. In accordance with s55(3)(i) of the Local Government Act 1993, that due to extenuating circumstances tenders not be invited for the subject lease as a satisfactory result would not be achieved by inviting tenders for the following reasons:
    - It is considered that Council's portion of the land would be deemed redundant without Transport for NSW being a partner in the lease agreement, as Council's portion of the land is only valuable for facilitating access to the marina.
    - A separate use of the land would not be appropriate given the above access issues, meaning finding a different tenant to successfully utilise the land, without negatively affecting the operation of the Marina would not be feasible.
    - Transport for NSW, having no tendering restrictions, have already offered the Lessee a further 20-year agreement for their portion of the land.
  3. Council approve the granting of a lease to the Owners – Strata Plan 50237(Lessee), in accordance with the key terms outlined in the report.
  4. The General Manager be delegated authority to finalise any matters contained within the body of the report and execute the lease on behalf of Council.

**CARRIED**

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## RESUMPTION OF OPEN SESSION

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### RESOLVED 052/23

Moved: Cr Di Pasqua

Seconded: Cr Jago

That the Council resume in Open Session.

**CARRIED**

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*Note: At 9.17pm, the Council is 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 9.20pm.

This is the final page of the minutes comprising 17 pages numbered 1 to 17 of the Ordinary Council Meeting held on Tuesday 28 March 2023 and confirmed on Tuesday 18 April 2023.

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Deputy Mayor

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General Manager