

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 18 October 2022

Minutes of an Ordinary Council Meeting

Held on Tuesday 18 October 2022

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

Commencing at 6.03pm

Present:

Cr Tsirekas	Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Di Pasqua	Deputy Mayor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Little	Councillor
Cr Megna	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 6.03pm, moved into closed session at 9.20pm, resumed in open session at 9.30pm and concluded at 9.33pm.

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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 Carmela Ruggeri.

RESOLVED 240/22

Moved: Cr Jago

Seconded: Cr Bazouni

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

CARRIED

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 20 September 2022

RESOLVED 241/22

Moved: Cr Cordaro

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 20 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 Little disclosed a significant non-pecuniary interest in relation to Item 9.3 - Planning Proposal (PP2022/0003) - Recreation Facilities (Indoor) in R1 General Residential Zone for the reason that:

“A friend of mine is a gym operator in the area under consideration.”

Councillor Tsirekas disclosed a significant non-pecuniary interest in relation to Item 9.4 - 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 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.”

Further and specifically in relation to Item 10.3 - City of Canada Bay Local Traffic Committee Minutes - 25 August 2022 (Item 1 – Five Dock Parking Permit Scheme, for the reason that:

“This item does not relate to a particular location in Five Dock, but rather a significant part of the area, and accordingly it does not impact on my judgement and ability to participate in discussion and voting on the matter.”

The Director Community and Environment Planning disclosed a less than significant non-pecuniary interest in relation to Item 9.2 – Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (Stage 1) – Post Exhibition for the reason that:

“My child attends Rosebank College which is within the corridor. This interest does not impact upon my ability to consider this item as a professional officer of Council.”

The General Manager disclosed a pecuniary interest in relation to Item 9.2 – Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (Stage 1) – Post Exhibition for the reason that:

“I have family members that live in the planning proposal area.”

5 MAYORAL MINUTE(S)

Nil

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 242/22

Moved: Cr Megna

Seconded: Cr Cordaro

That standing orders be suspended to deal with Items 9.1 through to 9.4 in and bring forward Item 10.3 – City of Canada Bay Traffic Committee Minutes – 29 September 2022 in conjunction with Public Forum.

CARRIED

Note: 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

Nil

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

RESOLVED 243/22

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 September 2022 and 30 September 2022.

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

Against: Nil

CARRIED 8/0

Note: The Director Planning and Environment disclosed a less than significant non-pecuniary interest in Item 9.2 – Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (Stage 1) – Post Exhibition.

Note: At 6.12pm, the General Manager left the Chamber due to having disclosed a pecuniary interest in Item 9.2 – Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (Stage 1) – Post Exhibition.

ITEM 9.2 PLANNING PROPOSAL - PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY (STAGE 1) - POST-EXHIBITION

Note: The following people addressed Council on this item:

- *Jacqueline Parker (Urbis)*
- *Tom Hore*
- *Christian Grahame (Home Apartments)*

MOTION

Moved: Cr Tsirekas

Seconded: Cr Megna

That:

1. Council note the Report on Submissions at Attachment 21 and the Landowner Submissions Review at Attachment 20.
 2. The Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 1 at Attachment 1, be submitted to the Department of Planning and Environment for making as a Local Environmental Plan.
 3. The draft Development Control Plan at Attachments 7-9 (Kings Bay, Burwood and Homebush North Precincts respectively), be adopted and come into effect upon the gazettal of the Local Environmental Plan.
 4. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal and draft Development Control Plan prior to finalisation.
-

AMENDMENT

Moved: Cr Little

Seconded: Cr Ferguson

That:

1. Consideration of the Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 1 be deferred for further community consultation.
2. Council write to the Department of Planning, Industry and Environment (DPIE) requesting an extension of the Gateway Determination for the Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 1.
3. The matter of the Gateway Determination and community consultation be the subject of a further Councillor workshop.

Note: The Amendment became the Motion.

RESOLVED 244/22

Moved: Cr Little

Seconded: Cr Ferguson

That:

1. Consideration of the Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 1 be deferred for further community consultation.
2. Council write to the Department of Planning, Industry and Environment (DPIE) requesting an extension of the Gateway Determination for the Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 1.
3. The matter of the Gateway Determination and community consultation be the subject of a further Councillor workshop.

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

Against: Nil

CARRIED 8/0

Note: At 7.02pm, the General Manager returned to the Chamber.

Note: At 7.02pm, Councillor Little left the Chamber due to having disclosed a significant non-pecuniary interest in Item 9.3 – Planning Proposal (PP2022/003) – Recreation Facilities (Indoor) in R1 General Residential Zone.

ITEM 9.3 PLANNING PROPOSAL (PP2022/0003) - RECREATION FACILITIES (INDOOR) IN R1 GENERAL RESIDENTIAL ZONE

RESOLVED 245/22

Moved: Cr Ferguson

Seconded: Cr Jago

That:

1. The Planning Proposal – Recreation Facilities (Indoor) in the R1 General Residential Zone at Attachment 1, be submitted to the Department of Planning and Environment for a Gateway Determination with the following amendment:
 - Recreational Facilities (Indoor) only be permitted on land within the R1 General Residential Zone that has a frontage to Tennyson Road, between Palace Lane and Herbert Street, and land that has a frontage to Edwin Street, between Tennyson Road to Hilly Street.
 2. It be noted that the area defined in 1. above is the area where presently all currently operating gyms in Mortlake are located.
-

3. Delegation be requested from the Department of Planning and Environment to manage the plan making process.
4. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal.

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

Against: Cr Tsirekas

CARRIED 7/1

Note: At 7.15pm, Councillor Little returned to the Chamber.

Note: At 7.15pm, the Mayor, Councillor Tsirekas vacated the Chair and left the Chamber due to having disclosed a significant non-pecuniary interest in Item 9.4 – 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 9.4 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:

- Gus Laviano – Harrabrook Avenue Residents Group
- Paul Anderson representing Ary Bornoush (Croftstar)

RESOLVED 246/22

Moved: Cr Bazouni

Seconded: Cr Cordaro

That:

1. Council note the matters raised in response to the public exhibition of the Planning Proposal for 1-7 Ramsay Road and 5 and 7 Harrabrook Ave, Five Dock at Attachment A;
 2. Council endorse the Planning Proposal at Attachment B to the report, subject to a maximum floor space ratio of 1.71:1 applied to that part of the land to be zoned B1 Neighbourhood Centre, a maximum building height of 14.5 metres on the part of the land fronting Ramsay Road, and a maximum building height of 10.5 metres for the remainder of the site;
 3. Council adopt the draft *Canada Bay Development Control Plan (DCP)* at Attachment C to the report with an additional planning control to restrict development on the rear part of the site to a maximum of 3 storeys plus lift overrun;
 4. The draft *Canada Bay Development Control Plan (DCP)* comes into effect on the date of publication of the Local Environmental Plan;
 5. Council adopt the draft *Affordable Housing Contribution Scheme* at Attachment D to the report, with the Scheme to come into effect on the date of the publication of the Local Environmental Plan;
 6. Authority be delegated to the General Manager to make minor amendment to the Planning Proposal to correct any drafting errors prior to finalisation of the Local Environmental Plan;
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7. Authority be delegated to the General Manager to make the Local Environmental Plan on behalf of Council, being nominated as the local plan making authority.

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

Against: Crs Little, Ferguson and Jago

CARRIED 4/3

Note: At 7.41pm, the Mayor, Councillor Tsirekas returned to the Chamber and resumed the Chair.

Note: Item 10.3 – City of Canada Bay Traffic Committee Minutes – 29 September 2022 was considered next.

ITEM 9.5 PLANNING PROPOSAL - LOCAL CHARACTER AREAS

RESOLVED 247/22

Moved: Cr Tsirekas

Seconded: Cr Jago

That:

1. Council note the Department of Planning and Environment's Gateway determination for the Local Character Area Planning Proposal (attached to the report) advising that the proposal should not proceed.
2. An investigation be undertaken to determine whether an amendment to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* is possible to respond to local circumstances relevant to the City of Canada Bay.

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

Against: Nil

CARRIED 8/0

ITEM 9.6 AMENDEMENTS TO 2022-23 SCHEDULE OF FEES AND CHARGES

RESOLVED 248/22

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. In accordance with section 610F of the Local Government Act 1993, the proposed new fees for additional 660L and 1100L recycling bins for multi-unit dwellings of \$260 and \$360 respectively, be placed on public exhibition for a 28 day period.
 2. A report be prepared on submissions received in response to the public exhibition and submitted to Council for consideration.
-

3. In the event that no submissions are received in response to the public exhibition, the new fees be determined as having been adopted and be included in the 2022/23 Schedule of Fees and Charges.

CARRIED

ITEM 9.7 CHRISTMAS CELEBRATIONS

RESOLVED 249/22

Moved: Cr Cordaro

Seconded: Cr Bazouni

That:

1. Council respond to the requests this year from Concord West shopping village and Rodd Point village by planting a permanent, sustainable living Christmas tree in each centre, as well as loaning Christmas wreath decorations to local businesses which provide a cohesive decoration theme to visually celebrate the festive season.
2. Christmas wreaths also be installed in appropriate locations in the public domain at Concord West Shopping Village.
3. Council invest in a rolling program of planting appropriate Christmas trees in shopping centres across the City, to provide a long term, sustainable decoration, and celebration site in each village shopping centre.
4. As an interim solution in 2022, a Christmas tree, as outlined in option 3 in the report, be installed in an appropriate location in the public domain at Concord West Shopping Village, at an approximate cost of \$10,000 to be funded by additional interest revenue that has been realised in the first quarter of the 2022/23 financial year.

CARRIED

10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

ITEM 10.1 TRANSPORT FOR NSW - TRANSFER OF LAND IN CONCORD WEST

RESOLVED 250/22

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. Council approve the cancellation of the erroneous Certificates of Title, being Lot 101 in DP 573047, Lot 102 in DP 573047 and Lot 103 in DP 573047.
 2. Council approve the registration of the Restriction on the Use of Land for Lot 1 in DP1223255.
 3. Council approve transfer of Lot 1 in DP 1223255 to Council as a carpark.
-

-
4. The General Manager be authorised to execute the related documents and finalise any matters in relation to the corrective actions contained within the body of the report.

CARRIED

ITEM 10.2 PROPOSED NAMING OF CONCORD OVAL COMMUNITY VENUES FOR HIRE

RESOLVED 251/22

Moved: Cr Cordaro

Seconded: Cr Megna

That the Event Space at the Concord Oval Community and Sports Precinct be named the “*Canadian Exiles Room*” and the Meeting Rooms be named the “*Sunnyside Rooms*” (Rooms 1, 2 and 3).

CARRIED

Note: Item 11.1 - Annual Pecuniary Interest Returns for Councillors and Designated Persons - 2021-2022 was considered next.

Note: Councillor Di Pasqua disclosed a less than significant non-pecuniary interests in 10.3 – City of Canada Bay Local Traffic Committee Minutes – 29 September 2022.

ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29 SEPTEMBER 2022

Note: The following people addressed Council on the respective items in the subject Local Traffic Committee Minutes:

- *Katrina Pham (Item 1)*
- *Paolo Miranda (Item 1)*
- *David Parmeter (Peninsula Action Group) (Item 1)*
- *Anne Xureb (Item 5)*
- *Heather Hilton (Five Dock Public School Parents & Carers Association) (Item 7)*
- *Andrew Glassock (Item 7)*

RESOLVED 252/22

Moved: Cr Megna

Seconded: Cr Jago

That:

1. The minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 29 September 2022, attached to the report, be adopted with the exception of Items 1, 5, 7 and 9.
-

2. The recommendations for Items 1, 5, 7 and 9 of the City of Canada Bay Traffic Committee Meeting held 29 September 2022, be dealt with “*ad seriatim*.”

CARRIED

**ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29
SEPTEMBER 2022 (ITEM 1 – FIVE DOCK – PERMIT PARKING SCHEME)**

RESOLVED 253/22

Moved: Cr Megna

Seconded: Cr Bazouni

That:

1. Five Dock permit parking scheme be implemented with the exception of the streets bordering Five Dock Public School.
2. The excepted streets referred to in 1 above be the subject of a Councillor workshop following consultation with the Five Dock Public School P&C Association and a subsequent report to Council.
3. A report be prepared and reported back to Council on the operation of the Five Dock Permit Parking Scheme and any refinements required, within 12 months of implementation of the Scheme.

CARRIED

**ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29
SEPTEMBER 2022 (ITEM 5 – RUSSELL LEA PUBLIC SCHOOL PROPOSED
CROSSINGS)**

RESOLVED 254/22

Moved: Cr Megna

Seconded: Cr Di Pasqua

That:

1. A raised pedestrian crossing and associated linemarking and signage be installed on Brent Street adjacent to Whittall Street as detailed in the attached plan.
2. The matter of the crossing in Barnstaple Road be deferred for further consultation including with Russell Lea School and the matter be referred back to Councillor Workshop prior to referral to the City of Canada Bay Traffic Committee.

CARRIED

ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29 SEPTEMBER 2022 (ITEM 7 – CABARITA - MORTLAKE PENINSULA TRAFFIC STUDY)

RESOLVED 255/22

Moved: Cr Megna

Seconded: Cr Ferguson

That:

1. The recommendations of the City of Canada Bay Traffic Committee be adopted.
2. The Peninsula Action Group be congratulated for the advocacy and input into the Mortlake Peninsula traffic, pedestrian safety and parking issues.
3. Council undertake further investigations and discussions with the Peninsula Action Group and the local community, and a further report in respect of Hilly/Bertram Streets, Tennyson Road, and the Mortlake Street/Cabarita Road intersection be prepared and submitted to Council.
4. Further consultation be undertaken in relation to a reduction of speed limits on the Mortlake Peninsula on Tennyson Rd and Hilly St and adjacent streets i.e. Whitaker, Northcote, Edwin, Bennett and McDonald, Bertram and Palace Lane, following receipt of a report from Transport for NSW, the release of which is pending.
5. Council give careful consideration to all traffic and parking implications in all future developments applications in the area subject of the study.

CARRIED

ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29 SEPTEMBER 2022 (ITEM 9 – REMOVAL OF MIPPS – VARIOUS LOCATIONS)

RESOLVED 256/22

Moved: Cr Megna

Seconded: Cr Little

That:

1. The MIPPS in front of 361 Victoria Place, 19 Therry Street, 164 Burwood Road, 33 Churchill Crescent and 41 Llewellyn Street be removed.
2. The temporary MIPPS at 46 Bertram Street, Mortlake, be retained while a review is being undertaken by Council Officers to determine if a permanent MIPPS should be installed at that location.

CARRIED

Note: Item 9.5 Planning Proposal – Local Character Areas was considered next.

11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 11.1 ANNUAL PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED PERSONS - 2021-2022**

RESOLVED 257/22

Moved: Cr Megna

Seconded: Cr Jago

That the tabling of the annual pecuniary interest returns for Councillors and designated persons for 2021-2022 be noted.

CARRIED

ITEM 11.2 CASH AND INVESTMENTS REPORT FOR SEPTEMBER 2022

RESOLVED 258/22

Moved: Cr Megna

Seconded: Cr Bazouni

That the Cash and Investments Report for September 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

16 CONFIDENTIAL MATTERS

RESOLVED 259/22

Moved: Cr Bazouni

Seconded: Cr Cordaro

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 FOOTWAY 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.

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 9.20pm, the Council moved into Closed Session.

ITEM 16.1 FOOTWAY DINING FEE WAIVER- SYDNEY METRO WORKS- GREAT NORTH ROAD

RESOLVED 260/22

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. Council endorse the actions contained within the report, for the current Financial Year.
3. The matter be reviewed at the conclusion of the 2022-2023 Financial Year and a report be prepared and submitted to Council.

CARRIED

RESOLVED 261/22

Moved: Cr Little

Seconded: Cr Jago

That the Council resume in Open Session.

CARRIED

Note: At 9.30pm, 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 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 9.33pm.

This is the final page of the minutes comprising 18 pages numbered 1 to 18 of the Ordinary Council Meeting held on Tuesday 18 October 2022 and confirmed on Tuesday 8 November 2022.

Mayor

General Manager