

# ORDINARY COUNCIL MEETING

## MINUTES

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

**Tuesday, 18 April 2023**

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

**Held on Tuesday 18 April 2023**

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

**Commencing at 6.05pm**

### **Present:**

Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Ferguson	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 6.05pm, moved into Closed Session at 7.42pm, resumed in Open Session at 7.56pm and concluded at 8.03pm.

## Table of Contents

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY.....</b>	<b>5</b>
<b>2</b>	<b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....</b>	<b>5</b>
<b>3</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>5</b>
<b>4</b>	<b>DISCLOSURES OF INTERESTS .....</b>	<b>6</b>
<b>5</b>	<b>MAYORAL MINUTE(S) .....</b>	<b>6</b>
<b>6</b>	<b>PUBLIC FORUM .....</b>	<b>7</b>
<b>7</b>	<b>ITEMS RESOLVED BY EXCEPTION.....</b>	<b>7</b>
<b>8</b>	<b>EXECUTIVE SERVICES DIRECTORATE REPORTS .....</b>	<b>7</b>
<b>9</b>	<b>ENVIRONMENT AND PLANNING DIRECTORATE REPORTS.....</b>	<b>8</b>
	Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation .....	8
	Item 9.2 Changes to Sydney, Regional and Local Planning Panels.....	8
	Item 9.3 City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions .....	9
	Item 9.4 Local Character Areas - Update .....	10
	Item 9.5 CITY OF CANADA BAY Environment Advisory Committee 23 February 2023 Meeting Minutes .....	10
<b>10</b>	<b>CITY ASSETS DIRECTORATE REPORTS.....</b>	<b>11</b>
	Item 10.1 Beaconsfield Lane, Concord - Green Corridor Site Remediation .....	11
<b>11</b>	<b>COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS .....</b>	<b>11</b>
	Item 11.1 Draft Reconciliation Action Plan - Public Exhibition.....	11
	Item 11.2 Evaluation Report - Reimagined Rhodes Lunar New Year Program 2023 .....	11
	Item 11.3 Draft Place Management Framework .....	12
	Item 11.4 The City of Canada Bay Arts and Culture Committee .....	12
<b>12</b>	<b>CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS.....</b>	<b>13</b>
	Item 12.1 Draft Delivery Program 2022-2026 and Draft Operational Plan including Revenue Policy, Budget and Fees and Charges for 2023-24 - Public Exhibition.....	13
	Item 12.2 Cash and Investments Report for March 2023.....	13
<b>13</b>	<b>NOTICES OF MOTION.....</b>	<b>14</b>
	Item 13.1 Notice of Motion - Cr Ferguson - Support for Crohn's and Colitis Awareness ....	14
	Item 13.2 Notice of Motion - Councillor Ferguson - Support for Crohn's and Colitis Awareness and future City of Canada Bay Public Health Commemorations.....	14
	Item 13.3 Notice of Motion - Councillor Ferguson - The Voice .....	14
	Item 13.4 Notice of Motion - Councillor Jago - Community Batteries to Benefit the Community .....	15
	Item 13.5 Notice of Motion - Councillor Cordaro - Health Promotion and Awareness .....	15
<b>14</b>	<b>NOTICES OF MOTION OF RESCISSION .....</b>	<b>16</b>

<b>15</b>	<b>MATTERS OF URGENCY .....</b>	<b>16</b>
<b>16</b>	<b>QUESTIONS WITH NOTICE .....</b>	<b>16</b>
<b>17</b>	<b>CONFIDENTIAL MATTERS .....</b>	<b>16</b>
	Item 17.1 Procurement of Waste Services Update .....	16
	RESUMPTION OF OPEN SESSION .....	17
<b>18</b>	<b>CONFIDENTIAL RESOLUTIONS.....</b>	<b>18</b>

## 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 Little and Tsirekas*

#### RESOLVED 053/23

Moved: Cr Megna

Seconded: Cr Ruggeri

That the apologies received from Councillors Little and Tsirekas be accepted and leave of absence granted.

**CARRIED**

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## 3 CONFIRMATION OF MINUTES

### 3.1 Minutes of Ordinary Council Meeting held 28 March 2023

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#### RESOLVED 054/23

Moved: Cr Jago

Seconded: Cr Cordaro

That the minutes of the Ordinary Council Meeting of 28 March 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 9.2 – Changes to Sydney, Regional and Local Planning Panels for the reason that:

*There is a panel member nominated and proposed to be appointed who was a participant in the preselection for the state seat of Drummoyne that I was involved in.*

Councillor Megna disclosed a pecuniary interest in relation to Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions for the reason that:

*“My family own property in the designated area.”*

Councillor Ruggeri disclosed a pecuniary interest in relation to Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions for the reason that:

*“My family own property in that area.”*

Councillor Cordaro disclosed a less than significant non-pecuniary interest in relation to Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions for the reason that:

*“My brother lives in Henry Street.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions for the reason that:

*“Sydney metro is a project of a State Government department.”*

The General Manager, Mr Clark disclosed a pecuniary interest in relation to Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions for the reason that:-

*“My family owns property in the North Strathfield precinct.”*

The Director Planning and Environment, Ms Cologna disclosed a less than significant non-pecuniary interest in relation to Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions for the reason that:

*“My daughter does dance classes at the McDonald College, which is within the North Strathfield Metro Precinct.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 9.4 – Local Character Areas - Update for the reason that:

*“Sydney metro is a project of a State Government department.”*

#### 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.

### Item 13.3 – Notice of Motion – Councillor Ferguson – The Voice

- Ms Robyn Hutchinson (representing Mr Peter Lucas) in support of the motion

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### SUSPENSION OF STANDING ORDERS

#### RESOLVED 055/23

Moved: Cr Bazouni

Seconded: Cr Jago

That standing orders be suspended to bring forward Item 9.3 – City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions

**CARRIED**

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*Note: Item 9.3 - City of Canada Bay draft Planning Studies - North Strathfield, Concord and Five Dock Metro Precincts - Report on Submissions was dealt with next.*

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### RESUMPTION OF STANDING ORDERS

#### RESOLVED 056/23

Moved: Cr Bazouni

Seconded: Cr Jago

That standing orders be resumed.

**CARRIED**

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## 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 057/23

Moved: Cr Bazouni

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 March 2023 and 31 March 2023.

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

Against: Nil

**CARRIED 7/0**

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*Note: Due to Councillor Di Pasqua having disclosed a significant non-pecuniary interest in Items 9.2 – Changes to Sydney, Regional and Local Planning Panels and 9.4 – Local Character Areas - Update, Councillor Di Pasqua (as Chair) called for nominations from the floor for an acting Chairperson for those two items. Councillors Ferguson and Ruggeri nominated Councillor Jago and Councillors Bazouni and Cordaro nominated Councillor Megna.*

*Following an ordinary ballot (show of hands), Councillor Megna was elected Acting Chairperson for the consideration of Items 9.2 and 9.4 on the Agenda.*

*Note: At 6.28pm Councillor Di Pasqua vacated the Chair and left the Chamber.*

*Note: Councillor Megna assumed the Chair.*

### ITEM 9.2 CHANGES TO SYDNEY, REGIONAL AND LOCAL PLANNING PANELS

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#### RESOLVED 058/23

Moved: Cr Bazouni

Seconded: Cr Cordaro

That:

1. Council reappoint Mr Jason Perica, Ms Larissa Ozog, Ms Toney Hallahan and Ms Judith Clark to the Canada Bay Local Planning Panel (CBLPP) as independent experts through to 29 February 2024.
  2. Council appoint Ms Tina Christy, Ms Lindsey Day, Ms Juliet Suich, Ms Heather Warton, Ms Marcia Doheny, Ms Kim Crestani, Mr Peter Monks, Mr John O'Grady, Mr Garry Chapman, Mr Stephen Alchin, and Ms Julie Walsh to the Canada Bay Local Planning Panel (CBLPP) as independent experts through to 29 February 2024.
  3. Council reappoint Ms Helen McCaffrey and Ms Ruth Frettingham to the Canada Bay Local Planning Panel (CBLPP) as community representatives through to 29 February 2024.
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4. Council appoint Ms Alison Webb, Mr Hallum Jennings, and Ms Anita Kazi to the Canada Bay Local Planning Panel (CBLPP) as community representatives through to 29 February 2024.
  5. Council reappoint Councillor Joseph Cordaro, Councillor Bazouni, Mr John Brockhoff and Mr Kevin Hoffman as nominated Council representatives for the Sydney Eastern City Planning Panel.

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

Against: Cr Ferguson (*see note below*)

**CARRIED 5/1**

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*Note: Councillor Ferguson requested that it be noted in the minutes that he voted against the resolution to the extent that he opposed part 4 of the above resolution.*

*Note: Item 9.4 – City of Canada Bay Environment Advisory Committee 23 February 2023 Meeting Minutes was considered next.*

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### **ITEM 9.3 CITY OF CANADA BAY DRAFT PLANNING STUDIES - NORTH STRATHFIELD, CONCORD AND FIVE DOCK METRO PRECINCTS - REPORT ON SUBMISSIONS**

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*Note: Due to:*

- a) *Councillors Tsirekas and Little being noted as apologies and on leave of absence, and;*
  - b) *Councillors Megna and Ruggeri having disclosed pecuniary interests, and;*
  - c) *Councillor Di Pasqua having disclosed a significant non-pecuniary interest*
- there was an absence of a quorum for this item and, as such, it could not be considered and will be resubmitted to the next ordinary meeting of Council.*

### **RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

#### **Five Dock**

That:

1. Council note the Report on Submissions, provided at Attachment 1 and Survey Report provided at Attachment 2.
2. The draft Planning Study for Five Dock, provided at Attachment 3, be adopted.
3. A Planning Proposal and draft Development Control Plan be prepared for Five Dock Planning Study Area.

#### **Concord Oval/Burwood North**

That:

1. Council note the Report on Submissions, provided at Attachment 1 and Survey Report provided at Attachment 2.
2. The draft Planning Study for Concord Oval/Burwood-North, provided at Attachment 4, be adopted.

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**North Strathfield**

That:

1. Council note the Report on Submissions, provided at Attachment 1 and Survey Report provided at Attachment 2.
2. The draft Planning Study for North Strathfield, provided at Attachment 5, be adopted.
3. A Planning Proposal and draft Development Control Plan be prepared for North Strathfield Planning Study Area.

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*Note: Item 9.1 – DA Determinations by the Local Planning Panel and Staff Under Delegation was considered next.*

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**ITEM 9.4 LOCAL CHARACTER AREAS - UPDATE****RESOLVED 059/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

That:

1. Council note advice received from the Department of Planning and Environment, provided at Attachment 1, advising that a planning proposal seeking to amend *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* to protect local character would not be supported.
2. Representations be made to the new Minister for Planning and Public Spaces the Hon. Paul Scully MP to express Council's disappointment with the decision and to request a review of the decision.

In Favour: Crs Bazouni, Cordaro, Ferguson, Jago, Megna and Ruggeri

Against: Nil

**CARRIED 6/0**

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*Note: At 6.34pm, Cr Di Pasqua returned to the chamber and assumed the Chair.*

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**ITEM 9.5 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE 23 FEBRUARY 2023 MEETING MINUTES****RESOLVED 060/23**

Moved: Cr Jago

Seconded: Cr Megna

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 23 February 2023, attached to the report, be received and noted.

**CARRIED**

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**10 CITY ASSETS DIRECTORATE REPORTS**

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**ITEM 10.1 BEACONSFIELD LANE, CONCORD - GREEN CORRIDOR SITE REMEDIATION**

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**RESOLVED 061/23**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That Council:

1. Approves the remediation of Community Land (Lots 2 and 3 DP 1161664) adjacent to the Beaconsfield Lane, Concord site (former Depot) allowing public access and opening of a green corridor.
2. Reaffirms the decision of Council from its meeting of 20 July 2021 to the effect that Council endorses the removal of the fencing at the Beaconsfield site as long as there are no safety issues preventing this.

**CARRIED**

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**11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS**

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**ITEM 11.1 DRAFT RECONCILIATION ACTION PLAN - PUBLIC EXHIBITION**

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**RESOLVED 062/23**

Moved: Cr Ferguson

Seconded: Cr Megna

That:

1. The draft Reflect Reconciliation Action Plan, provided as Attachment 1, be placed on public exhibition.
2. Following the public exhibition period, a further report be prepared and submitted to Council.

**CARRIED**

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**ITEM 11.2 EVALUATION REPORT - REIMAGINED RHODES LUNAR NEW YEAR PROGRAM 2023**

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**RESOLVED 063/23**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That the evaluation report on the 2023 Reimagined Rhodes Lunar New Year Program be received and noted.

**CARRIED**

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**ITEM 11.3 DRAFT PLACE MANAGEMENT FRAMEWORK**

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**RESOLVED 064/23**

Moved: Cr Megna

Seconded: Cr Ruggeri

That:

1. The draft Place Management Framework, attached to the report, be placed on public exhibition.
2. Following the exhibition period, a further report be prepared and submitted to Council, including details of any submissions received.

**CARRIED**

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**ITEM 11.4 THE CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE**

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**RESOLVED 065/23**

Moved: Cr Ferguson

Seconded: Cr Megna

That:

1. The draft Arts and Culture Committee Charter attached to the report (Attachment 1) be adopted.
2. Subject to adoption of the Charter, expressions of interest for membership of the Committee be sought from community members and that this participation be sought broadly across the arts and culture community.
3. Subject to adoption of the Charter, a report be prepared and submitted to Council regarding the outcome of the expressions of interest.

**CARRIED**

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**12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS****ITEM 12.1 DRAFT DELIVERY PROGRAM 2022-2026 AND DRAFT OPERATIONAL PLAN INCLUDING REVENUE POLICY, BUDGET AND FEES AND CHARGES FOR 2023-24 - PUBLIC EXHIBITION**

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**RESOLVED 066/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That:

1. The draft Delivery Program 2022-26, and draft Operational Plan, including the draft Statement of Revenue Policy incorporating the draft Budget and draft Schedule of Fees and Charges for 2023-24, attached to the report, be placed on public exhibition for a period of not less than 28 days in accordance with the requirements in the Local Government Act 1993.
2. The period of exhibition be from 21 April – 21 May 2023.
3. A further report be prepared and submitted to Council following the exhibition period.

**CARRIED**

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

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**RESOLVED 067/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

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

**CARRIED**

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**13 NOTICES OF MOTION**

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

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**MOTION**

That Council officers prepare a report on ways in which the City of Canada Bay Council could support, on an annual basis, World IBD Day for sufferers of Crohn's and Colitis commemorated on 19 May each year, including the lighting up of one or more buildings and or town centre(s) or appropriate local site/street in purple, the international colour of IBD awareness, and submit to the report to the next Council meeting.

*Note: At the request of the author, Councillor Ferguson, this Notice of Motion was withdrawn by the Author.*

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**ITEM 13.2 NOTICE OF MOTION - COUNCILLOR FERGUSON - SUPPORT FOR CROHN'S AND COLITIS AWARENESS AND FUTURE CITY OF CANADA BAY PUBLIC HEALTH COMMEMORATIONS**

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**RESOLVED 068/23**

Moved: Cr Ferguson

Seconded: Cr Jago

That Council:

1. Supports the International Day of Inflammatory Bowel Disease (IBD) awareness.
2. Implements appropriate purple lighting, the international colour of IBD awareness, at the Jellicoe Street Plaza uplights, for the day of 19 May 2023, and suitable promotion on the smart screen at the Formosa Street and Church Street communal spaces if possible, to demonstrate the City of Canada Bay's support of the International Day of IBD Awareness.

**CARRIED**

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**ITEM 13.3 NOTICE OF MOTION - COUNCILLOR FERGUSON - THE VOICE**

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**RESOLVED 069/23**

Moved: Cr Ferguson

Seconded: Cr Jago

That Council:

1. Supports the Uluru Statement from the Heart and supports constitutional recognition for Aboriginal and Torres Strait Islander people through a voice to Parliament.
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2. Notes the proposed dissemination of information by ANTaR to our community at the planned Support for The Voice Public Meeting to be held at the Connection Rhodes on the evening of 15 May 2023.
  3. Promotes resident attendance at the public meeting through Council's communication channels.

**CARRIED**

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#### **ITEM 13.4 NOTICE OF MOTION - COUNCILLOR JAGO - COMMUNITY BATTERIES TO BENEFIT THE COMMUNITY**

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##### **RESOLVED 070/23**

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. Council notes with concern the request for a "community battery" in Kendall Reserve Cabarita, on the basis that:
  - a) the proposal does not provide specific community benefits beyond those intrinsic to the functioning of the electricity grid, and
  - b) any such battery must be appropriately located in regard to use of Council land.
2. A policy in regard to community batteries be developed and submitted to a future Council meeting, with Policy to be designed to ensure maximum community benefits.
3. Council write to the member for Reid, Ms Sally Sitou MP noting Council's concerns.
4. This matter be brought to a Councillor workshop as soon as practicable.

**CARRIED**

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#### **ITEM 13.5 NOTICE OF MOTION - COUNCILLOR CORDARO - HEALTH PROMOTION AND AWARENESS**

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##### **RESOLVED 071/23**

Moved: Cr Cordaro

Seconded: Cr Bazouni

That Council officers investigate available grants from NSW Health (Population Health Research and Evaluation), for the promotion of awareness of diseases with high economic and non-economic morbidity burdens on NSW residents (such as Sleep apnoea, Endometriosis, Prostate cancer and Crohn's Disease), and that the outcomes of the investigation be presented at a Councillor workshop for further discussion regarding potential appropriate Health Promotion strategies in the City of Canada Bay.

**CARRIED**

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**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 072/23**

Moved: Cr Megna

Seconded: Cr Ruggeri

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act, 1993* for the reasons specified:

**ITEM 17.1 PROCUREMENT OF WASTE SERVICES UPDATE**

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 7.42pm, the Council moved into Closed Session.*

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**ITEM 17.1 PROCUREMENT OF WASTE SERVICES UPDATE**

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**RESOLVED 073/23**

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:
  - (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Council pursuant to s 55(3)(i) of the Local Government Act 1993 (NSW) resolves not to invite tenders for the provision of the waste service, as it considers that a satisfactory result will not be achieved by inviting tenders due to extenuating circumstances detailed in the report.
3. Council pursue the actions detailed in the report for the provision of waste services.
4. The General Manager be authorised to sign the contract and any associated documentation on behalf of City of Canada Bay Council in accordance with information contained in the report.
5. In the event that the actions in part 3 above be determined by the General Manager to be unsuccessful, the additional actions proposed at the Council Meeting be pursued.

**CARRIED**

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**RESUMPTION OF OPEN SESSION**

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**RESOLVED 074/23**

Moved: Cr Megna

Seconded: Cr Ruggeri

That the Council resume in Open Session.

**CARRIED**

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*Note: At 7.56pm, 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.

*Note: Prior to the conclusion of the meeting Councillor Megna recognised the election of Councillor Di Pasqua to the seat of Drummoyne following the recent State Government Elections. Councillors Jago, Ferguson and Bazouni added their support to this recognition. Councillor Di Pasqua responded with thanks for the kind words of the Councillors.*

The meeting concluded at 8.03pm.

This is the final page of the minutes comprising 18 pages numbered 1 to 18 of the Ordinary Council Meeting held on Tuesday 18 April 2023 and confirmed on Tuesday 16 May 2023.

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Mayor

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General Manager