

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 21 February 2023

Minutes of an Ordinary Council Meeting

Held on Tuesday 21 February 2023

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

Commencing at 6.10pm

Present:

Cr Tsirekas	Mayor
Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Little	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
Mr G Schuettrumpf	Director City Assets
Mr R Wolfe	Director Community, Culture and Leisure
Ms M Lee	Manager Governance and Customer Services

NOTES

The meeting commenced at 6.10pm, moved into Closed Session at 7.30pm, resumed in Open Session at 7.59pm and concluded at 8.03pm.

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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

Nil

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 6 December 2022

RESOLVED 001/23

Moved: Cr Megna

Seconded: Cr Cordaro

That the minutes of the Ordinary Council Meeting of 6 December 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 Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 10.1 - City of Canada Bay Local Traffic Committee Minutes – 8 December 2022 for the reason that:

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

Councillor Tsirekas disclosed a significant non-pecuniary interest in Item 11.1 - Touched By Olivia Foundation Social Inclusion Program for the reason that:

"I know the Perkins family."

Cr Di Pasqua disclosed a significant, non-pecuniary interest in relation to Item 13.2 – Notice of Motion – Cr Ferguson – North Strathfield Community Action Group and Community Concerns for the reason that:

"Clause 8.1 of Council's Code of Conduct includes that Councillors must not use Council resources for private purposes. Contents of the North Strathfield Community Action Group Interchange and Issues and Opportunities Paper predominantly deals with State Government matters and as a candidate for the State Election for the seat of Drummoyne, in the

upcoming election, I believe that involvement on discussion on the item would be using Council resources for my political campaign accordingly I will be removing myself from the Chamber being given this advice, whilst the Item is being considered and determined."

Councillor Little disclosed a significant, non-pecuniary interest in relation to Item 13.2 – Notice of Motion – Cr Ferguson – North Strathfield Community Action Group and Community Concerns for the reason that:

"I am a candidate for the upcoming State Election."

Cr Jago – disclosed a less than significant, non-pecuniary interest in relation to Item 13.2 – Notice of Motion – Cr Ferguson – North Strathfield Community Action Group and Community Concerns for the reason that:

"I am a candidate for the upcoming State Election."

Councillor Little disclosed a less than significant non-pecuniary interest in relation to Item 17.2 – Tender Outcome For The Provision of Five Dock Leisure Centre Gymnastics Equipment for the reason that:

"My daughter attends gymnastics classes at Five Dock Leisure Centre."

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - SCHEDULING OF MARCH 2023 COUNCIL MEETING

RESOLVED 002/23

Moved: Cr Tsirekas

That:

1. The March 2023 Council meeting be rescheduled to Tuesday, 28 March 2023.
2. Public notification of the rescheduling of the March 2023 Council meeting be undertaken through Council's regular communication channels.

CARRIED

ITEM 5.2 MAYORAL MINUTE - USE OF CONCORD OVAL FOR EVENTS AND MAJOR EVENT LIVE SITES

RESOLVED 003/23

Moved: Cr Tsirekas

That options for the various potential uses of Concord Oval, as outlined in the Mayoral Minute, be presented at a Councillor workshop, with a view to a subsequent report being prepared and submitted to Council as required.

CARRIED

ITEM 5.3 MAYORAL MINUTE - FEDERAL GOVERNMENT FUNDING FOR TROVE

RESOLVED 004/23

Moved: Cr Tsirekas

That Council:

1. Make representation to the Member for Reid, Sally Sitou. in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
2. Write to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
3. Endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

CARRIED

ITEM 5.4 MAYORAL MINUTE - VALE MARCUS PRENTICE

RESOLVED 005/23

Moved: Cr Tsirekas

That Council establish a plaque near Coles on Majors Bay Road acknowledging Marcus Prentice, his work, and his positive impact on the Concord community.

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.

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

RESOLVED 006/23

Moved: Cr Di Pasqua

Seconded: Cr Jago

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 19 November 2022 and 31 January 2023.

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

Against: Nil

CARRIED 9/0

ITEM 9.2 CITIES RACE TO ZERO 2022 REPORT

RESOLVED 007/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That Council:

1. Notes City of Canada Bay 2022 scores for Cities Race to Zero.
2. Notes the current actions in progress and that a report will be provided to Council when the climate risk framework has been finalised.

CARRIED

ITEM 9.3 DRAFT PLANNING AGREEMENT POLICY AND PROCEDURES MANUAL

RESOLVED 008/23

Moved: Cr Bazouni

Seconded: Cr Cordaro

That:

1. The draft *Planning Agreement Policy and Procedures Manual*, provided as Attachment 1, be placed on public exhibition.
2. Following the public exhibition period, a further report be provided to Council on submissions received.

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

Against: Nil

CARRIED 9/0

ITEM 9.4 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE MINUTES - 8 DECEMBER 2022

RESOLVED 009/23

Moved: Cr Jago

Seconded: Cr Di Pasqua

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 8 December 2022, attached to the report, be received and noted.

CARRIED

10 CITY ASSETS DIRECTORATE REPORTS**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 8 DECEMBER 2022**

RESOLVED 010/23

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 8 December 2022, attached to the report, be adopted.

CARRIED

ITEM 10.2 OUTCOMES FROM THE PUBLIC EXHIBITION OF THE DRAFT PLAN OF MANAGEMENT FOR CONCORD OVAL

RESOLVED 011/23

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. Council adopt the draft Plan of Management for Concord Oval.
2. All stakeholders who have expressed an interest are notified of Council's decision.
3. Crown Lands are informed of Council's decision and a copy of the adopted Plan of Management is forwarded for their records.

CARRIED

ITEM 10.3 CITY OF CANADA BAY FLOODPLAIN RISK MANAGEMENT COMMITTEE

RESOLVED 012/23

Moved: Cr Cordaro

Seconded: Cr Ruggeri

That:

1. Philip McKee and David Williamson (Local Residents) are appointed as community representatives on the Canada Bay Floodplain Risk Management Committee.
2. The Expression of Interest submitted by Tatjana Medvedev is unsuccessful and the applicant is thanked and advised of the outcome.
3. Mayor or their alternate is appointed as the Chair of the Canada Bay Floodplain Risk Management Committee and with Councillor Jago appointed as the other Councillor representative.

CARRIED

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

Note: At 6.45pm the Mayor, Councillor Tsirekas vacated the Chair and left the Chamber having disclosed a significant non-pecuniary interest in Item 11.1 – Touched by Olivia Foundation Social Inclusion Program.

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

ITEM 11.1 TOUCHED BY OLIVIA FOUNDATION SOCIAL INCLUSION PROGRAM

Note: The following person addressed Council on this item:

- *Mr John Perkins (Touched by Olivia Foundation)*

RESOLVED 013/23

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. Council allocate grant funding of \$20,000 from the Library & Community Services budget, for a 12-month pilot of Touched by Olivia Foundation's Community Circles program, as detailed in the report
2. Council staff be included in a Community Circle project steering group, which be established to oversee funding, develop key performance indicators, milestones and progress reporting.
3. Council receives acknowledgement as a founding partner in the promotion of the program.
4. A report be prepared and submitted to Council at the completion of the pilot.
5. Council provides up to \$20,000 of in-kind support in terms of marketing, promotion and program support.

CARRIED

Note: At 6.51pm the Mayor, Councillor Tsirekas returned to the Chamber and resumed the Chair.

ITEM 11.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 1 DECEMBER 2022

RESOLVED 014/23

Moved: Cr Little

Seconded: Cr Bazouni

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee Meeting held on 1 December 2022, attached to the report, be received, and noted.

CARRIED

ITEM 11.3 NAMING PROPOSAL FOR THE GODDARD PARK PAVILION

RESOLVED 015/23

Moved: Cr Tsirekas

Seconded: Cr Megna

That:

1. The Goddard Park pavilion be named the Dame Eadith Walker Pavilion.
2. A traditional naming plaque be installed on the exterior of the building.
3. A plaque providing information on the contribution of Dame Eadith Walker be installed on a wall in the upstairs club room.
4. An official opening ceremony be held after the completion of the building renewal works.
5. That Yaralla Cricket Club be consulted on appropriate wording for the plaques.

CARRIED

ITEM 11.4 HONOURING PETER WOODS - CREATING PETER WOODS PLACE IN MAJORS BAY ROAD

RESOLVED 016/23

Moved: Cr Megna

Seconded: Cr Jago

That:

1. The Jellicoe Street shared space created in 2021, be renamed Peter Woods Place, in honour of the former Mayor and his many achievements in Concord.
2. Funding of \$6,000 to implement the naming of Peter Woods Place be allocated from the 2022-23 budget, as outlined in the report.
3. An official naming ceremony of Peter Woods Place be held with Councillors and friends and family of the late Peter Woods, and the Majors Bay Chamber of Commerce.

CARRIED

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 DELEGATIONS - CHRISTMAS / NEW YEAR RECESS 2022/23**

RESOLVED 017/23

Moved: Cr Di Pasqua

Seconded: Cr Ruggeri

That the report on the exercise of delegations over the 2022/23 Christmas/New Year recess period by the General Manager, acting in consultation with the Mayor, be received and noted.

CARRIED

ITEM 12.2 SECOND QUARTER BUDGET REVIEW - OCTOBER TO DECEMBER 2022

RESOLVED 018/23

Moved: Cr Jago

Seconded: Cr Cordaro

That the Second Quarter Budget Review for 2022/23, including the variations as identified in the report and attachments, be adopted.

CARRIED

ITEM 12.3 SIX MONTHLY REPORT ON PROGRESS JULY TO DECEMBER 2022

RESOLVED 019/23

Moved: Cr Ferguson

Seconded: Cr Bazouni

That Council receives and notes the six-monthly progress report for the period July to December 2022.

CARRIED

ITEM 12.4 CASH AND INVESTMENTS REPORT FOR DECEMBER 2022 AND JANUARY 2023

RESOLVED 020/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That the Cash and Investments Reports for December 2022 and January 2023 attached to the report be received and noted.

CARRIED

13 NOTICES OF MOTION

ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - TRIBUTE AND RECOGNITION TO MARCUS PRENTICE

MOTION

That Council:

1. Notes with sadness the passing of Marcus Prentice in late 2022.
2. Congratulates the community on the raising of over \$20,000 for a fitting tribute and farewell for Marcus at the Concord Bowling Club, and a dignified burial.
3. Officers investigate potential opportunities for the provision of an appropriate tribute to Marcus, such as the naming of a bench seat or mural, ideally in the vicinity of Coles Concord, and prepare and submit a report to Council on the outcomes of this investigation.

Note: This matter was dealt with in Item 5.4 – Mayoral Minute – Vale Marcus Prentice and the Notice of Motion was withdrawn by the author.

Note: At 6.57pm Councillors Di Pasqua and Little left the Chamber having disclosed a significant non-pecuniary interests in Item 13.2 – Notice of Motion – Cr Ferguson – North Strathfield Community Action Group and Community Concerns.

Note: Councillor Jago disclosed a less than significant non-pecuniary interest in Item 13.2 – Notice of Motion – Cr Ferguson – North Strathfield Community Action Group and Community Concerns.

ITEM 13.2 NOTICE OF MOTION - CR FERGUSON - NORTH STRATHFIELD COMMUNITY ACTION GROUP AND COMMUNITY CONCERNS

Note: The following people addressed Council on this item:

- Joshua Young (North Strathfield Community Action Group)
 - Anita Catalano (North Strathfield Community Action Group)
-

RESOLVED 021/23

Moved: Cr Ferguson

Seconded: Cr Cordaro

That Council Officers review the North Strathfield Community Action Group's (NSCAG) 'Concord Interchange Issues and Opportunities Paper' and then present the outcomes of the review to a Councillor Workshop.

CARRIED

Note: Councillors Di Pasqua and Little returned to the Chamber at 7.29pm.

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY**MOTION OF URGENCY**

RESOLVED 022/23

Moved: Cr Cordaro

Seconded: Cr Ruggeri

That as a matter of urgency Council considers a report in relation to the Tender Outcome for the Provision of Five Dock Leisure Centre Gymnastics Equipment

CARRIED

Note: The matter was considered urgent and due to it being related to a tender process, deemed confidential and dealt with as Item 17.2 on the Agenda.

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RESOLVED 023/23

Moved: Cr Ruggeri

Seconded: Cr Bazouni

That:

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

ITEM 17.1 GENERAL MANAGER'S PERFORMANCE REVIEW

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals (other than councillors).

ITEM 17.2 TENDER OUTCOME FOR THE PROVISION OF FIVE DOCK LEISURE CENTRE GYMNASTICS EQUIPMENT

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 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: Item 17.2 – Tender Outcome for the Provision of Five Dock Leisure Centre Gymnastics Equipment was considered next.

ITEM 17.1 GENERAL MANAGER'S PERFORMANCE REVIEW

RESOLVED 024/23

Moved: Cr Megna

Seconded: Cr Cordaro

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:
 - (a) personnel matters concerning particular individuals (other than councillors).
2. The recommendations of the Performance Review Panel be adopted.

CARRIED

Note: Resumption in Open Session (Min No. 026/23) was considered next.

Note: Cr Little disclosed a less than significant non-pecuniary conflict of interest in Item 17.2 - Tender Outcome For The Provision of Five Dock Leisure Centre Gymnastics Equipment.

ITEM 17.2 TENDER OUTCOME FOR THE PROVISION OF FIVE DOCK LEISURE CENTRE GYMNASTICS EQUIPMENT

RESOLVED 025/23

Moved: Cr Ruggeri

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. Pursuant to clause 178 (1)(b) of the Local Government (General) Regulation 2021, Council decline to accept any tenders for the tender of Gymnastics Equipment.
 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 supply and install gymnastics equipment.
 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 equipment subject to terms and conditions that benefit the Community and Council.
- 5. Additional funding be allocated as detailed in the report.
 - 6. The General Manager be delegated authority to finalise any matters in relation to the issue of the tender in accordance with the key terms contained within the body of this report and to execute the agreement on behalf of Council.

CARRIED

Note: Item 17.1 – General Manager’s Performance Review was considered next.

RESUMPTION OF OPEN SESSION

RESOLVED 026/23

Moved: Cr Ruggeri

Seconded: Cr Little

That the Council resume in Open Session.

CARRIED

Note: At 7.59pm, the Council in Closed Session returned to Open Session.

18 CONFIDENTIAL RESOLUTIONS

In accordance with Council’s Code of Meeting Practice clauses 14.21 and 14.22 the resolutions passed in closed session were made public by the chairperson, displayed on the public screens and livestreamed during a part of the meeting that was webcast.

The meeting concluded at 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 21 February 2023 and confirmed on Tuesday 28 March 2023.

Mayor

General Manager