

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 15 November 2022

Unconfirmed

Minutes of an Ordinary Council Meeting

Held on Tuesday 15 November 2022

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

Commencing at 6.03pm

Present:

Cr Tsirekas	Mayor
Cr Di Pasqua	Deputy Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Ferguson	Councillor
Cr Little	Councillor
Cr Jago	Councillor (via MS Teams)
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 8.09pm, resumed in open session at 8.20pm and concluded at 8.24pm.

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Unconfirmed

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

Note: An apology was received on behalf of Councillor Ruggieri.

RESOLVED 262/22

Moved: Cr Di Pasqua

Seconded: Cr Megna

That the apology received for Councillor Ruggieri be accepted and leave of absence granted.

CARRIED

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 18 October 2022

RESOLVED 263/22

Moved: Cr Ferguson

Seconded: Cr Little

That the minutes of the Ordinary Council Meeting of 18 October 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting subject to Item 9.4 - Post Exhibition - Planning Proposal - 1-7 Ramsay Road and 5 and 7 Harrabrook Ave Five Dock being amended to read that the Item was 'Carried' with a vote of 4:3 in favour.

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 – 20 October 2022 for the reason that:

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

Councillor Ferguson disclosed a pecuniary interest in relation to Item 9.4 Rhodes Lunar New Year 2023 Reimagined Proposal for the reason that:

“The company I work for provides insurance products for one of the community groups referred to in the report.”

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - VALE ALAN WRIGHT

RESOLVED 264/22

Moved: Cr Tsirekas

That Council receive and note the report.

CARRIED

Note: A minutes silence was observed for Mr Alan Wright.

Note: Councillors Bazouni, Di Pasqua and Megna spoke in respect of Mr Wright.

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 265/22

Moved: Cr Megna

Seconded: Cr Bazouni

That standing orders be suspended to bring forward Item 11.2 – Proposed Special Rate Variation and Updated Draft Long Term Financial Plan - Outcomes of Community Engagement to be dealt with immediately.

CARRIED

Note: Item 11.2 – Proposed Special Rate Variation and Updated Draft Long Term Financial Plan was considered next.

RESUMPTION OF STANDING ORDERS

RESOLVED 266/22

Moved: Cr Megna

Seconded: Cr Ferguson

That standing orders be resumed.

CARRIED

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 267/22

Moved: Cr Bazouni

Seconded: Cr Megna

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 October 2022 and 31 October 2022.

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

Against: Nil

CARRIED 8/0

**ITEM 9.2 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE MINUTES -
27 OCTOBER 2022**

RESOLVED 268/22

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. The minutes of the City of Canada Bay Environment Advisory Committee meeting held 27th October 2022, attached to the report be received and noted.
2. Council endorse Sahar Khalili for membership of the Environment Advisory Committee for the period from November 2022 for the remainder of the current Council.

CARRIED

ITEM 9.3 SERVICE NSW PARTNERSHIP AGREEMENT FOR SMALL BUSINESSES

RESOLVED 269/22

Moved: Cr Megna

Seconded: Cr Bazouni

That Council authorises the General Manager to enter into the Partnership Agreement with Service NSW, attached to the report and execute any related documentation.

CARRIED

Note: At 7.57pm, Councillor Ferguson left the Chamber due to having disclosed a pecuniary interest in Item 9.4 – Rhodes Lunar New Year 2023 Reimagined Proposal.

ITEM 9.4 RHODES LUNAR NEW YEAR 2023 REIMAGINED PROPOSAL

RESOLVED 270/22

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. Council endorse the proposed 2023 Lunar New Year Program in Rhodes, outlined in the report.
 2. The waiving of the fees for the use of Foreshore Park and The Amphitheatre at Rhodes by the General Manager, under his delegation, to an amount of \$8,644 be endorsed.
-

3. The 2023 Lunar New Year Program in Rhodes be evaluated following its delivery, and recommendations regarding future event programming be submitted to Council for consideration by June 2023.

CARRIED

Note: At 7.58pm, Councillor Ferguson returned to the Chamber.

10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 20 OCTOBER 2022

RESOLVED 271/22

Moved: Cr Megna

Seconded: Cr Little

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 20 October 2022, attached to the report, be adopted.

CARRIED

ITEM 10.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 27 OCTOBER 2022

RESOLVED 272/22

Moved: Cr Tsirekas

Seconded: Cr Little

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held on 27 October 2022 attached to the report be received and noted.

CARRIED

11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 11.1 GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

RESOLVED 273/22

Moved: Cr Bazouni

Seconded: Cr Cordaro

That Council receive the audited Financial Statements for the year ended 30 June 2022 and the auditor's report from the Audit Office of NSW.

CARRIED

Note: Item 11.3 – Cash and Investments Report for October 2022 was considered next.

ITEM 11.2 PROPOSED SPECIAL RATE VARIATION AND UPDATED DRAFT LONG TERM FINANCIAL PLAN - OUTCOMES OF COMMUNITY ENGAGEMENT

Note: The following people addressed Council on this item:

- *Mr Christopher Castley*
- *Mr Richard Cowan*
- *Ms Anne Parsons*
- *Mr John Nijdam*
- *Mr Davide Defendi*
- *Ms Antonella Franze*
- *Mr Bruce Flood*
- *Mr Robert Price*
- *Ms Jennifer Dixon*
- *Mr Ross Butler*
- *Mr Grant Rogers*

Note: Ms Antonelle Franze tabled a petition.

RESOLVED 274/22

Moved: Cr Cordaro

Seconded: Cr Megna

That:

1. The feedback received through submissions received during the community engagement process relating to the updated Long Term Financial Plan (LTFP) and the proposed Special Rate Variation (SRV) be noted.
-

2. The updated Long-Term Financial Plan (2023/33) dated August 2022 attached to the report be adopted.
3. Council make application to the Independent Pricing and Regulatory Tribunal (IPART) for:
 - (i) under section 508A of the Local Government Act 1993, increases to the ordinary rate income of 15.49% in 2023/24 (including the rate peg), 4.81% in 2024/25 (including the rate peg), 4.69% in 2025/26 (including the rate peg), and 4.58% in 2026/27 (including the rate peg), representing a total cumulative increase of 32.5% over the four-year period, with that increase to be a permanent increase retained within the rate base.
 - (ii) the Minimum ordinary rate for residential and business categories to be set as follows:
2023/24 \$879.70 an increase of 15.49% (including the rate peg)
2024/25 \$953.95 an increase of 8.44% (including the rate peg)
2025/26 \$1,030.06 an increase of 7.98% (including the rate peg)
2026/27 \$1,108.07 an increase of 7.57% (including the rate peg).
4. The submissions received during the community engagement process relating to the proposed Special Rate Variation referred to in 1. above be included as part of the applications to IPART referred to in 3. above.
5. Two versions of the Operational Plan and Budget, one based on an approved SRV as proposed and the other based on the absence of the SRV, be presented to Council in conjunction with Council's consideration of the Delivery Program, Operational Plan and Budget for 2023/24.

CARRIED

Note: Resumption of Standing Orders (Min No. 266/22) was considered next.

ITEM 11.3 CASH AND INVESTMENTS REPORT FOR OCTOBER 2022

RESOLVED 275/22

Moved: Cr Little

Seconded: Cr Bazouni

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

CARRIED

ITEM 11.4 FIRST QUARTER BUDGET REVIEW - JULY TO SEPTEMBER 2022

RESOLVED 276/22

Moved: Cr Megna

Seconded: Cr Bazouni

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

CARRIED

ITEM 11.5 STATE OF THE BAY ANNUAL REPORT 2021-2022

RESOLVED 277/22

Moved: Cr Cordaro

Seconded: Cr Bazouni

That the State of the Bay Annual Report for 2021-2022, attached to the report, be endorsed.

CARRIED

ITEM 11.6 CITY OF CANADA BAY COUNCIL MEETING SCHEDULE FOR 2023

RESOLVED 278/22

Moved: Cr Megna

Seconded: Cr Ferguson

That the ordinary Council Meeting schedule for 2023 as contained in the report be adopted.

CARRIED

12 NOTICES OF MOTION**ITEM 12.1 NOTICE OF MOTION - COUNCILLOR JAGO - CITY OF CANADA BAY BAN ON FOSSIL FUEL AND GAMBLING ADVERTISING**

RESOLVED 279/22

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. Council notes:
 - (a) The City of Canada Bay endorsed a declaration of climate emergency in September 2019, in response to the risks of climate change and the need for strong action.
 - (b) Problem gambling contributes to major economic and social damage in the community.
 - (c) Advertising of gambling and/or fossil fuels on Council property or facilities is inconsistent with Council values.
2. The feasibility of, and options for, implementing a ban on advertising of fossil fuels and/or gambling on any Council controlled signage and on signage on any property owned or managed by Council, and at Council events be investigated and presented to a Councillor Workshop following which a report be prepared and submitted to Council.
3. The investigation and report referred to in 2. above also include consideration of:
 - (a) Precluding the sponsorship of Council events by entities that sell fossil fuel or gambling products.
 - (b) Working with other councils, SSROC, Local Government NSW and the Australian Local Government Association to encourage a consistent approach across local government to ban fossil fuel and gambling advertising.

CARRIED

13 NOTICES OF MOTION OF RESCISSION

Nil

14 MATTERS OF URGENCY

Nil

15 QUESTIONS WITH NOTICE

Nil

16 CONFIDENTIAL MATTERS

RESOLVED 280/22

Moved: Cr Di Pasqua

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 16.1 PROPOSED LEASE OF STRATUM AIRSPACE - BAKE HOUSE BRIDGE OVER GEORGE STREET, NORTH STRATHFIELD

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

ITEM 16.2 REQUEST FOR ADDITIONAL RENT RELIEF - KNOWLEDGE GROUNDS CAFÉ – PREMISES INSIDE CONCORD LIBRARY - 60 FLAVELLE ST, CONCORD

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

ITEM 16.3 CREATION OF AN EASEMENT-FORESHORE WALK WAY - MORTLAKE

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 8.09pm, the Council moved into Closed Session.

**ITEM 16.1 PROPOSED LEASE OF STRATUM AIRSPACE - BAKE HOUSE BRIDGE OVER
GEORGE STREET, NORTH STRATHFIELD**

RESOLVED 281/22

Moved: Cr Megna

Seconded: Cr Jago

That:

1. Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed or considered in relation to this agenda item is:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Council apply to the Secretary of the Department of Planning and Environment for endorsement of a Stratum Lease, pursuant to Section 149 of Roads Act 1993 to 3 George One Pty as Trustee for 3 George One Unit Trust of the airspace between 11 and 16-22 George Street, North Strathfield for a period of 99 years in accordance with the terms and conditions outlined in the report.
3. Subject to receipt of approval from the Secretary of the Department of Planning and Environment, grant a Stratum Lease pursuant to Section 149 of the Roads Act 1993 to 3 George One Pty as Trustee for 3 George One Unit Trust of the airspace between 11 and 16-22 George Street, North Strathfield for a period of 99 years in accordance with the terms and conditions outlined in the report.
4. The lessee is prohibited from subleasing and/ or otherwise transferring the lease or any rights, titles, or interests under the lease.
5. Council authorise the General Manager to execute any documents necessary to finalise to this matter.

CARRIED

ITEM 16.2 REQUEST FOR ADDITIONAL RENT RELIEF - KNOWLEDGE GROUNDS CAFÉ – PREMISES INSIDE CONCORD LIBRARY - 60 FLAVELLE ST, CONCORD

RESOLVED 282/22

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed or considered in relation to this agenda item is:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Council approves the rental abatement applicable for the period 1 April 2022 to 30 June 2022 and the actions within the body of the report.

CARRIED

ITEM 16.3 CREATION OF AN EASEMENT-FORESHORE WALK WAY - MORTLAKE

RESOLVED 283/22

Moved: Cr Ferguson

Seconded: Cr Megna

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 delegate authority to the General Manager to commence negotiations with the Owner's Corporation of Strata Plan 84124 for the acquisition of Right of Way for public access at the rear of 30-34 Hilly Street, Mortlake in accordance with the key terms proposed within this report.
3. A further report be prepared and submitted to Council on the outcome of the negotiations.

CARRIED

RESOLVED 284/22

Moved: Cr Little

Seconded: Cr Di Pasqua

That the Council resume in Open Session.

CARRIED

Note: At 8.20pm, 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 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 8.24pm.

This is the final page of the minutes comprising 17 pages numbered 1 to 17 of the Ordinary Council Meeting held on Tuesday 15 November 2022 and confirmed on Tuesday 6 December 2022.

Mayor

General Manager