

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 3 December 2024

Unconfirmed

Minutes of an Ordinary Council Meeting

Held on Tuesday 3 December 2024

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

Commencing at 6:01 PM

Present:

Cr Megna	Mayor
Cr Bazouni	Councillor
Cr Cirillo	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Mansford	Councillor
Cr Meuross	Councillor
Cr Robinson	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 6.01pm, moved into Closed Session at 6.27pm, resumed in Open Session at 6.32pm and concluded at 6.40pm.

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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

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

RESOLVED 229/24

Moved: Cr Robinson

Seconded: Cr Jago

That the apology received from Cr Alafaci be accepted and leave of absence granted.

CARRIED

Note: The Mayor welcomed two former councillors to the meeting who were in attendance in the gallery – Mr Joe Cordaro and Ms Carmel Ruggeri.

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 12 November 2024

RESOLVED 230/24

Moved: Cr Ferguson

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 12 November 2024 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

The Director Environment and Planning disclosed a less than significant non-pecuniary interest in relation to Item 9.3 - Homebush and North Strathfield Transport Oriented Development for the reason that:

“My daughter does dance classes at the McDonald College after school, which is located within the precinct.”

The General Manager disclosed a pecuniary interest in relation to Item 9.3 - Homebush and North Strathfield Transport Oriented Development for the reason that:

“I have a family member who owns property in the North Strathfield TOD precinct.”

5 MAYORAL MINUTE(S)

Nil

6 PUBLIC FORUM

Note: There were no speakers in Public Forum.

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 231/24

Moved: Cr Bazouni

Seconded: Cr Mansford

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 26 October 2024 to 22 November 2024.

In Favour: Crs Megna, Bazouni, Cirillo, Ferguson, Jago, Mansford, Meuross and Robinson

Against: Nil

CARRIED 8/0

ITEM 9.2 DEVELOPMENT APPLICATION ASSESSMENT TIMEFRAME CONSIDERATIONS

RESOLVED 232/24

Moved: Cr Jago

Seconded: Cr Bazouni

That Council write to the Minister for Planning, Housing and Infrastructure seeking that:

1. the period from 20 December to 10 January be considered as a “blackout” period where development applications across NSW are not placed on neighbour notification during this period.
2. this “blackout” period be excluded from the median assessment times identified in the State government’s Council League tables.
3. the “Stop the Clock” period allowed under the *Environmental Planning and Assessment Regulations 2021* which allow councils to seek additional information on a development application from the applicant, be excluded from the median assessment times identified in the State government’s Council League tables.

In Favour: Crs Megna, Bazouni, Cirillo, Ferguson, Jago, Mansford, Meuross and Robinson

Against: Nil

CARRIED 8/0

Note: At 6.07pm, the General Manager, Mr John Clark left the Chamber having declared a pecuniary interest in this item.

ITEM 9.3 HOMEBUSH AND NORTH STRATHFIELD TRANSPORT ORIENTED DEVELOPMENT

RESOLVED 233/24

Moved: Cr Jago

Seconded: Cr Robinson

That Council note the commencement of:

1. The Homebush Accelerated Transport Oriented Development precinct through a State government-led amendment to the *Canada Bay Local Environmental Plan 2013*.
2. The North Strathfield Transport Oriented Development precinct under Chapter 5 of *State Environmental Planning Policy (Housing) 2021*.

In Favour: Crs Megna, Bazouni, Cirillo, Ferguson, Jago, Mansford, Meuross and Robinson

Against: Nil

CARRIED 8/0

Note: The General Manager, Mr John Clark returned to the meeting at 6.14pm.

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 URBAN TREE CANOPY STRATEGY SIX MONTHLY UPDATE - JANUARY TO JUNE 2024

RESOLVED 234/24

Moved: Cr Jago

Seconded: Cr Robinson

That the Urban Tree Canopy Strategy Six Monthly Update report for the period January to June 2024 be received and noted.

CARRIED

ITEM 10.2 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 14 NOVEMBER 2024

RESOLVED 235/24

Moved: Cr Megna

Seconded: Cr Meuross

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 14 November 2024, attached to the report, be adopted.

CARRIED

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS**ITEM 11.1 FERRAGOSTO 2025 - STALLHOLDER FEES AND CHARGES**

RESOLVED 236/24

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. The proposed Ferragosto 2025 stallholder fees and charges, presented in the report, be placed on public exhibition for a period of not less than 28 days in accordance with section 610F of the Local Government Act 1993.
2. A further report be prepared and submitted to Council following the exhibition period.

CARRIED

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 CODE OF CONDUCT COMPLAINTS STATISTICS FOR 2023-2024**

RESOLVED 237/24

Moved: Cr Jago

Seconded: Cr Meuross

That the Code of Conduct Complaint Statistics return for 2023/24 attached to the report be submitted to the Office of Local Government.

CARRIED

Note: A further submission was received and circulated to Councillors prior to the meeting for their consideration.

ITEM 12.2 RHODES WEST STATION PRECINCT – MARQUET AND WALKER STREETS PLANNING AGREEMENT 4TH DEED OF VARIATION - OUTCOME OF PUBLIC EXHIBITION

RESOLVED 238/24

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. Council notes the content of the submission(s) received during the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation public exhibition period.
2. Council approves the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation attached to the report.
3. The General Manager be authorised to execute the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation attached to the report.

In Favour: Crs Megna, Bazouni, Cirillo, Ferguson, Jago, Mansford, Meuross and Robinson

Against: Nil

CARRIED 8/0

13 NOTICES OF MOTION

ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - NEW DEVELOPMENTS AND MAINTENANCE OF LANDSCAPED STREET FRONTING AREAS

RESOLVED 239/24

Moved: Cr Ferguson

Seconded: Cr Jago

That:

1. Council officers prepare and submit a report to Council on whether provision can be placed in Council and state planning instruments to ensure landscaped areas and tree canopy required as part of a development are maintained.
2. The report referred to in (1) above include consideration of the need for legislative changes and what action would be required to facilitate such change.

In Favour: Crs Megna, Bazouni, Cirillo, Ferguson, Jago, Mansford, Meuross and Robinson

Against: Nil

CARRIED 8/0

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RESOLVED 240/24

Moved: Cr Robinson

Seconded: Cr Meuross

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 THE LIVING ROOM - ROAD RESERVE LEASE HENLEY MARINE DRIVE

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 17.2 TENDER - CONCORD LIBRARY CAFE

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 17.3 RHODES RECREATION CENTRE EARLY CHILDHOOD EDUCATION AND CARE CENTRE - TENDER

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 6.27pm, the Council moved into Closed Session.

ITEM 17.1 THE LIVING ROOM - ROAD RESERVE LEASE HENLEY MARINE DRIVE

RESOLVED 241/24

Moved: Cr Meuross

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 Lease over a portion of road reserve at Timbrell Park, Henley Marine Drive, Five Dock with an approximate area of 230sqm (subject to final survey) and as represented in diagrams 1 and 2 in the report, pursuant to s149 of the Roads Act 1993 to Touched by Oliva Foundation Limited for a term of 30 years and subject to the terms and conditions contained in the body of the report.
 3. Subject to the Secretary of the Department of Planning and Environment's consent referred to in 2 above, and pursuant to s149 of the Roads Act 1993, Council enter a lease agreement with the Touched by Oliva Foundation Limited over a portion of road reserve at Timbrell
-

Park, Henley Marine Drive, Five Dock with an approximate area of 230sqm (subject to final survey) and as represented in diagrams 1 and 2 in the report, for a term of 30 years and subject to the terms and conditions contained in the body of the report.

4. That subject to 2 and 3 above, the General Manager be authorised to finalise any matters contained within the body of the report and execute the Lease on behalf of Council.

CARRIED

ITEM 17.2 TENDER - CONCORD LIBRARY CAFE

RESOLVED 242/24

Moved: Cr Jago

Seconded: Cr Ferguson

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. Following Tender (2024/CSS2) Council approves the granting of a 5 x 5-year lease to Ebenezer Mission Limited based on the offer summarised within the body of the report, and subject to compliance with the public notice provisions of s47 of the Local Government Act 1993.
3. In the event that no submissions are received in response to the public notice process referred to in (2) above, the General Manager be authorised to finalise any matters contained within the body of the report and execute the lease on behalf of Council.
4. In the event of submission(s) being received in response to the public notice process referred to in (2) above, a further report, including details of such submissions, be prepared and submitted to a future meeting of Council.
5. All respondents to the Tender be advised of Council's resolution and thanked for their involvement in the Tender process.

CARRIED

ITEM 17.3 RHODES RECREATION CENTRE EARLY CHILDHOOD EDUCATION AND CARE CENTRE - TENDER

Resolved 243/24

Moved: Cr Jago

Seconded: Cr Robinson

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 lease of the Rhodes Recreation Centre Early Childhood Education and Care Centre.
3. In view of (2) above, and in accordance with clause 178 (3) (e) of the Local Government General Regulation 2021, Council enter negotiations with the one tenderer and any other person with a view to entering a contract for the lease of the Rhodes Recreation Centre Early Childhood Education and Care Centre.
4. In determining to enter 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 negotiations with the one tenderer and any person, as referred to in (3) above, is more likely to result in the securing of a suitable lessee subject to terms and conditions that benefit the Community and Council.
5. The respondent to the Tender be advised of Council's resolution and advised of the next steps in the process.
6. Pursuant to s179 of the Local Government (General) Regulation 2021, a public notice be displayed confirming all tenders were rejected.
7. A further report be prepared and submitted to a future meeting of Council detailing the outcome of the negotiations referred to in (3) above.

CARRIED

RESUMPTION OF OPEN SESSION

RESOLVED 244/24

Moved: Cr Jago

Seconded: Cr Bazouni

That the Council resume in Open Session.

CARRIED

Note: At 6.32pm, 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 6.40pm.

This is the final page of the minutes comprising 14 pages numbered 1 to 14 of the Ordinary Council Meeting held on Tuesday 3 December 2024 and confirmed on Tuesday 18 February 2025.

Mayor

General Manager