

# ORDINARY COUNCIL MEETING

## MINUTES

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

**Tuesday, 5 December 2023**

UNCONFIRMED

## Minutes of an Ordinary Council Meeting

Held on Tuesday 5 December 2023

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

Commencing at 6.00pm

### Present:

Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Di Pasqua	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 (via MS Teams)
Ms M Lee	Manager Governance and Customer Services

### NOTES

The meeting commenced at 6.01pm, moved into Closed Session at 8.07pm, resumed in Open Session at 8.20pm and concluded at 8.25pm.

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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

Nil

## 3 CONFIRMATION OF MINUTES

### 3.1 Minutes of Ordinary Council Meeting held 21 November 2023

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#### RESOLVED 265/23

Moved: Cr Jago

Seconded: Cr Bazouni

That the minutes of the Ordinary Council Meeting of 21 November 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

Cr Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 9.3 – 1 King Street, Concord West - Proponent Planning Proposal for the reason that:

*"It has been recommended for submission to the State Government for Gateway determination and I am the State Member."*

Cr Jago disclosed a pecuniary interest in relation to Item 9.3 – 1 King Street, Concord West - Proponent Planning Proposal for the reason that:

*"I live across the train line from the proposal."*

Cr Ferguson disclosed a pecuniary interest in relation to Item 9.3 – 1 King Street, Concord West - Proponent Planning Proposal for the reason that:

*"The company I work for provides insurance services for the applicant or companies that are associated with the applicant."*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.1 – City of Canada Bay Local Traffic Committee Minutes – 26 October 2023 for the reason that:

*“In my role as the State Member for Drummoyne I sit on the Traffic Committee.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.2 – Howley Park Masterplan for the reason that:

*“Because of the interactions with the relevant State Government Department.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.3 – Draft Plan of Management and Masterplan for Drummoyne Oval Precinct for the reason that:

*“Because of the interactions with the relevant State Government Department.”*

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 11.1 Review of the 2024 Events Program for the reason that:

*“I am referred to and named in the Report.”*

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 11.1 Review of the 2024 Events Program for the reason that:

*“As I work for the State Treasury Department.”*

Councillor Di Pasqua disclosed a less than significant non-pecuniary interest in relation to Item 13.1 Notice of Motion - Councillor Ruggeri - Five Dock Parking for the reason that:

*“My electoral office is located on Great North Road, however the property is not eligible for the scheme.”*

Councillor Megna disclosed a less than significant non-pecuniary interest in relation to Item 13.1 Notice of Motion - Councillor Ruggeri - Five Dock Parking for the reason that:

*“I have a business in Five Dock, however the property is not eligible for the scheme.”*

Councillor Ruggeri disclosed a less than significant non-pecuniary interest in relation to Item 13.1 Notice of Motion - Councillor Ruggeri - Five Dock Parking for the reason that:

*“I have a business in Five Dock, however the property is not eligible for the scheme.”*

## **5 MAYORAL MINUTE(S)**

### **ITEM 5.1 MAYORAL MINUTE - PAPUA NEW GUINEA TOURISM AUTHORITY - MEMORANDUM OF UNDERSTANDING**

#### **RESOLVED 266/23**

Moved: Cr Cordaro

That Deputy Mayor Joseph Cordaro meet with Papua New Guinea Minister for Tourism, Arts and Culture, The Hon Isi Leonard, and the Governor of the National Capital District Commission, The Hon Powes Parkop at the Kokoda Track Memorial Walkway and sign the attached Memorandum of Understanding on behalf of Council.

**CARRIED**

## 6 PUBLIC FORUM

The Deputy 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: At 6.09pm, Councillors Ferguson and Jago left the Chamber having disclosed pecuniary interests in Item 9.3 – 1 King Street, Concord West - Proponent Planning Proposal.*

*Note: At 6.09pm, Councillor, Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in Item 9.3 – 1 King Street, Concord West - Proponent Planning Proposal.*

*Note: The following people addressed Council on the following Items listed on the Agenda:  
Item 9.3 - 1 King Street, Concord West - Proponent Planning Proposal*

- Saul Moran (representing Billbergia)
- Paul Addison (representing Billbergia)
- Steve Maxwell, resident
- Alice Mantel, resident
- Gordon Cole, resident

*Note: At 6.29pm, Councillors Ferguson, Di Pasqua and Jago returned to the Chamber.*

*Item 13.2 - Notice of Motion - Councillor Megna - Livvi's Place*

- Justine Perkins
- Joey Close

*Item 13.3 – Notice of Motion - Councillor Ferguson - Operation Tolosa*

- Fiona Horn
- Robert Price
- Kate Foot
- David Mansford
- Gary Conaty

## 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**

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**RESOLVED 267/23**

Moved: Cr Megna

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 November 2023 and 24 November 2023.

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

Against: Nil

**CARRIED 8/0**

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**ITEM 9.2 UPDATED DRAFT CITY OF CANADA BAY COMMUNITY PARTICIPATION PLAN**

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**RESOLVED 268/23**

Moved: Cr Ferguson

Seconded: Cr Jago

That:

1. The draft City of Canada Bay Community Participation Plan, provided at Attachment 1, be placed on public exhibition for 28 days.
2. Following the public exhibition period, a further report be provided to Council advising of the outcome of the public exhibition and any submissions received.

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

Against: Nil

**CARRIED 8/0**

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*Note: At 6.56pm, Councillors Ferguson and Jago left the Chamber having disclosed pecuniary interests in this Item.*

*Note: At 6.56pm, Councillor, Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in this Item.*

### **ITEM 9.3 1 KING STREET, CONCORD WEST - PROPONENT PLANNING PROPOSAL**

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*Note: The following people addressed Council on this Item during Public Forum:*

- *Saul Moran (representing Billbergia)*
- *Paul Addison (representing Billbergia)*
- *Steve Maxwell, resident*
- *Alice Mantel, resident*
- *Gordon Cole, resident*

#### **RESOLVED 269/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That:

1. Council endorse Planning Proposal – 1 King Street, Concord West, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendments:
    - a) Application of a R4 High Density Residential Zone consistent with the draft Land Zoning Map at Attachment X
    - b) The maximum Floor Space Ratio be reduced to 2.23:1, consistent with the draft Floor Space Ratio Map, provided at Attachment X
    - c) The maximum height of buildings be reduced, consistent with the draft Height of Buildings Map, provided at Attachment X
    - d) Application of Active Street Frontages, consistent with the draft Active Street Frontages Map, provided at Attachment X
    - e) Identification of reservation for local road widening, consistent with the draft Land Reservation Acquisition Map, provided at Attachment X
    - f) Inclusion of the land on the Key Sites Map at Attachment X
    - g) Inclusion of new clause that requires the total gross floor area of all buildings on the land, other than residential accommodation, to be a minimum of 3,500m<sup>2</sup> and a maximum of 5,000m<sup>2</sup>.
    - h) The proposed 'Exception to height of buildings' clause, 'Balconies on certain residential buildings' clause and the proposed 'Additional Permitted Use' be removed.
  2. The following information be provided prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination:
    - a) a 'Better Outcomes Study' that clearly demonstrates better outcomes are delivered than identified in the *Parramatta Road Corridor Urban Transformation Strategy* and
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- the *Parramatta Road Corridor Implementation Plan* as required by Local Planning Direction 1.5;
- b) an Arborist Report that identifies the Safe Useful Life Expectancy (SULE) Rating of all existing trees and confirms the significance of trees to be retained, trees to be removed and strategies to ensure the health of retained and new trees;
  - c) an updated Economic Impact Assessment that addresses the inconsistency with Local Planning Direction 7.1 Employment Zones;
  - d) an updated Flood Assessment that demonstrates consistency with Local Planning Direction 4.1 Flooding and considers the preferred mitigation strategy for George Street; and
  - e) an updated Traffic Report that addresses the Peer Review prepared by Stantec on behalf of Council, provided at Attachment V and assesses the proposed upgrade to the intersection of George and Pomeroy Streets.
3. The following information be provided prior to public exhibition:
    - a) a Detailed Environmental Site Investigation (DESI)
    - b) a preliminary assessment carried out in accordance with the ASSMAC Acid Sulphate Soil Manual
  4. Council prepare a draft Development Control Plan for the site.
  5. Council prepare a draft amendment to the Canada Bay Local Infrastructure Contribution Plan to include the upgrade to the intersection of George Street and Pomeroy Street.
  6. Authority be delegated to the General Manager to negotiate a draft planning agreement.
  7. Authority be delegated to the General Manager to make any minor variations to the Planning Proposal to correct any drafting errors or ensure it is consistent with the Planning Proposal following the receipt of a Gateway Determination.
  8. The updated Planning Proposal – 1 King Street, Concord West, the draft Development Control Plan, draft Local Infrastructure Contribution Plan and draft Planning Agreement be endorsed for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination.
  9. Council notes with concern that the George St and Pomeroy St intersection is forecast to have unacceptable queuing and delays.
  10. The matter of the intersection be referred to a Councillor Workshop as soon as possible for Council officers to present progress on intersection design, funding options, and program to upgrade the intersection.

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

Against: Nil

**CARRIED 5/0**

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*Note: Crs Di Pasqua, Ferguson and Jago returned to the chamber at 7.07pm.*

**ITEM 9.4 FOOD ORGANICS AND GARDEN ORGANICS (FOGO) TRIAL EVALUATION AND RECOMMENDATIONS**

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**RESOLVED 270/23**

Moved: Cr Jago

Seconded: Cr Ferguson

That Council:

1. Receives and notes the results and findings from the Food Organics Garden Organics (FOGO) trial in Rhodes.
2. Supports the continuation of the FOGO service for properties currently participating in the FOGO trial until 2026, funded from the Domestic Waste Management (DWM) charge.
3. Supports the option to expand the offering of a food collection service to other Multi-Unit Dwelling (MUD) properties within the LGA, as outlined in the report, funded from the DWM charge.

**CARRIED**

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*Note: At 7.08pm, Councillor Di Pasqua left the Chamber having disclosed a significant non-pecuniary interest in the following four Items (Items 10.1, 10.2, 10.3 and 11.1.)*

**10 CITY ASSETS DIRECTORATE REPORTS****ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 16 NOVEMBER 2023**

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**RESOLVED 271/23**

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 16 November 2023, attached to the report, be adopted.

**CARRIED**

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**ITEM 10.2 HOWLEY PARK MASTERPLAN**

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**RESOLVED 272/23**

Moved: Cr Megna

Seconded: Cr Jago

That Council adopt the Howley Park Masterplan attached to the report.

**CARRIED**

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**ITEM 10.3 DRAFT PLAN OF MANAGEMENT AND MASTERPLAN FOR DRUMMOYNE OVAL PRECINCT**

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**RESOLVED 273/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

That:

1. Council endorse the draft Plan of Management and Masterplan for Drummoyne Oval Precinct for referral to the Department of Planning and Environment - Crown Lands, for formal approval to place on public exhibition.
2. Following public exhibition, a report be prepared and submitted to Council for the formal adoption of the final Plan of Management and Masterplan for Drummoyne Oval Precinct.

**CARRIED**

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*Note: At 7.11pm (at the time the Item was being considered) Councillor Little disclosed a significant non-pecuniary interest in the Item and left the Chamber.*

**11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS****ITEM 11.1 REVIEW OF THE 2024 EVENTS PROGRAM**

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**RESOLVED 274/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

That Council staff undertake a review of the 2024 Events Program and potential additional sponsorship opportunities, and present the findings at a Councillor workshop to occur on or before 29 February 2024.

**CARRIED**

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*Note: Councillors Di Pasqua and Little returned to the Chamber at 7.18pm.*

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**12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS****ITEM 12.1 DRAFT INFORMATION MANAGEMENT POLICY**

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**RESOLVED 275/23**

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. The Records Management Policy adopted by Council on 6th July 2010 be rescinded.
2. The draft *Information Management Policy* provided as Attachment 1 to the report be adopted.
3. The General Manager be authorised to undertake future reviews and amendments to the Information Management Policy.

**CARRIED**

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

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**RESOLVED 276/23**

Moved: Cr Jago

Seconded: Cr Megna

That the Cash and Investments Report for November 2023 (as at 23 November 2023), attached to the report, be received and noted.

**CARRIED**

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*NOTE: COUNCILLORS DI PASQUA, MEGNA AND RUGGERI DISCLOSED LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS IN THIS ITEM.*

**13 NOTICES OF MOTION****ITEM 13.1 NOTICE OF MOTION - COUNCILLOR RUGGERI - FIVE DOCK PARKING**

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**RESOLVED 277/23**

Moved: Cr Ruggeri

Seconded: Cr Bazouni

That:

1. In accordance with section 610F of the Local Government Act 1993, the proposed new fees for Business Parking Permits in Five Dock be placed on public exhibition for a 28 day period.
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2. A report be prepared on submissions received in response to the public exhibition and submitted to Council for consideration and including the identification of a funding source for projected forgone revenue.
  3. Council survey businesses in the Five Dock Parking Scheme area as soon as possible in early 2024 to capture feedback to determine whether extra visitor parking permits for eligible businesses is supported across the business community.

**CARRIED**

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### **ITEM 13.2 NOTICE OF MOTION - COUNCILLOR MEGNA - LIVVI'S PLACE**

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*Note: The following people addressed Council on this Item during Public Forum:*

- *Justine Perkins (representing Touched by Olivia)*
- *Joey Close (representing Touched by Olivia)*

#### **RESOLVED 278/23**

Moved: Cr Megna

Seconded: Cr Ruggeri

That Council Officers prepare a report to Council and a presentation to a Councillor Workshop, as appropriate, on the feasibility and options to support The LIVVing Room project with funding of up to \$150,000 to progress the project to the next stage to Tender documentation.

**CARRIED**

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### **ITEM 13.3 NOTICE OF MOTION - COUNCILLOR FERGUSON - OPERATION TOLOSA**

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*Note: The following people addressed Council on this Item during Public Forum:*

- *Fiona Horn - resident*
- *Robert Price - resident*
- *Kate Foot – resident*
- *David Mansford – resident*
- *Gary Conaty - resident*

#### **MOTION**

Moved: Cr Ferguson

Seconded: Cr Jago

1. That the Council notes that following its investigation titled Operation Tolosa which examined the conduct of Angelo Tsirekas, the City of Canada Bay Mayor, in relation to planning matters involving a number of developers and the conduct of those developers in their interactions with Angelo Tsirekas, the Independent Commission Against Corruption:
    - a) Found that Angelo Tsirekas engaged in serious corrupt conduct by:
      - between November 2015 and February 2019, seeking and/or accepting benefits from I-Prosperity and/or Mr Chidiac, including overseas flights and
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accommodation, to the value of at least \$18,800, as an inducement or reward for exercising his official functions to favour the interests of I-Prosperty in relation to planning matters affecting 1–9 Marquet Street and 4 Mary Street, Rhodes, that came before the Council during the periods he was mayor

- between November 2015 and February 2019, deliberately failing to disclose a conflict of interest arising from his relationships with representatives of I-Prosperty and Mr Chidiac, when he knew he was required to do so
- b) Is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Angelo Tsirekas:
- for an offence of misconduct in public office and offences pursuant to s249B of the Crimes Act 1900 (NSW)
  - for offences of providing false or misleading evidence to the Commission contrary to s 87 of the ICAC Act
- c) Is of the opinion that consideration should be given to the suspension of Mr Tsirekas from civic office with a view to his dismissal in relation to the serious corrupt conduct findings set out in chapter 4 of the Operation Tolosa report.
2. That Council:
- a) expresses grave concern with the reputational damage to the City of Canada Bay Council arising from the proceedings, evidence and most significantly the findings of the investigation referred to in 1 above
  - b) notes that following the Inquiry, Angelo Tsirekas returned from leave of absence and resumed his role as Mayor with full receipt of the Mayoral fee from Council
  - c) calls on Angelo Tsirekas to put the interests of council, council staff, ratepayers and our community first and resign from office.
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## AMENDMENT

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Moved: Cr Megna

Seconded: Cr Bazouni

That:

1. Council notes that following publication of the report on ICAC's Operation Tolosa, the Minister for Local Government has suspended Angelo Tsirekas from the Office of Mayor.
2. Council notes that it has no legislative mechanism to suspend or dismiss an elected Mayor or Councillor and the Minister for Local Government will follow the relevant legislative processes in dealing with the matter.
3. Council awaits further advice of the Minister for Local Government, the Hon. Ron Hoenig MP in this matter.
4. Council write to the Minister requesting an urgent expedition on his response to the findings.

**CARRIED**

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*Note: The Amendment was Carried and became the Motion.*

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**AMENDMENT**

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Moved: Cr Jago

Seconded: Cr Ferguson

That:

1. Council note that following publication of the report on ICAC's Operation Tolosa, the Minister for Local Government has suspended Angelo Tsirekas from the Office of Mayor.
2. Council expresses grave concern with the reputational damage to the City of Canada Bay Council arising from the proceedings, evidence and most significantly the findings of the investigation referred to in 1 above.
3. Council note it has no legislative mechanism to suspend or dismiss an elected Mayor or Councillor and the Minister for Local Government will follow the relevant legislative processes in dealing with the matter.
4. Council calls on Angelo Tsirekas to put the interests of council, council staff, ratepayers and our community first and resign from office.
5. Council awaits further advice of the Minister for Local Government, the Hon. Ron Hoenig MP in this matter.
6. Council write to the Minister requesting an urgent expedition on his response to the findings.

**LOST**

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*Note: The Amendment was lost.*

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**RESOLVED 279/23**

Moved: Cr Megna

Seconded: Cr Bazouni

That:

1. Following publication of the report on ICAC's Operation Tolosa, the Minister for Local Government has suspended Angelo Tsirekas from the Office of Mayor.
2. Council has no legislative mechanism to suspend or dismiss an elected Mayor or Councillor and the Minister for Local Government will follow the relevant legislative processes in dealing with the matter.
3. Council awaits further advice of the Minister for Local Government, the Hon. Ron Hoenig MP in this matter.
4. Council write to the Minister requesting an urgent expedition on his response to the findings.

**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 280/23**

Moved: Cr Di Pasqua

Seconded: Cr Jago

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 LEASE OF FIVE DOCK PARK TENNIS CENTRE**

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.

**ITEM 17.2 ASSIGNMENT OF LEASE - ANGELO'S RESTAURANT PTY LTD - 51 PHILLIP ST, CABARITA**

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.

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**ITEM 17.3 TENDER RFT 2023/CSS1 - LEGAL SERVICES PANEL**

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.

**ITEM 17.4 GENERAL MANAGER'S ANNUAL 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).

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 8.07pm, the Council moved into Closed Session.*

**ITEM 17.1 LEASE OF FIVE DOCK PARK TENNIS CENTRE**

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**RESOLVED 281/23**

Moved: Cr Megna

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. A lease of Five Dock Park Tennis Centre be granted to Top Serve Tennis Academy for a period of five (5) years with a further five (5) year option, and the other terms and conditions contained within the report and Tender (2023/CSS2) responses, subject to compliance with the public notification 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.
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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**

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**ITEM 17.2 ASSIGNMENT OF LEASE - ANGELO'S RESTAURANT PTY LTD - 51 PHILLIP ST, CABARITA**

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**RESOLVED 282/23**

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 in its capacity as Crown Land Manager for Prince Edward Park assign the existing lease from Angelo's Restaurant Pty Ltd to Zivaan Pty Ltd based on the terms and conditions contained within the report and subject to Zivaan Pty Ltd providing Council with a bank guarantee equivalent to 6 months' rent plus GST.
3. The General Manager be authorised to execute the deed of assignment

**CARRIED**

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**ITEM 17.3 TENDER RFT 2023/CSS1 - LEGAL SERVICES PANEL**

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**RESOLVED 283/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

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 appoint the following legal firms to Council's Legal Services Panel for all nominated areas of law for a period of three (3) years commencing 1 January 2024 with an option to extend for a period of two (2) years:
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- (a) Houston Dearn O'Conner
  - (b) Lindsay Taylor Lawyers
  - (c) Matthews Folbigg Lawyers
  - (d) Pikes and Verekers Lawyers
  - (e) Wilshire Webb Staunton Beattie
3. Council appoint the following legal firms to Council's Legal Services Panel for a period of three (3) years commencing 1 January 2024 with an option to extend for a period of two (2) years in specific areas of law as follows:
- (a) Hall and Wilcox
    - (i) Contract and Commercial Law
    - (ii) Government and Regulatory and Administrative Law
  - (b) Bartier Perry
    - (i) Industrial, Employment, Workers Compensation and Work Health and Safety Law
  - (c) HWL Ebsworth Lawyers
    - (i) Property Law
  - (d) Maddocks
    - (i) Contract and Commercial Law
4. The successful and unsuccessful tenderers be advised of Council's decision.
5. The General Manager be authorised, as and when required, to engage specialist legal firms outside the panel, or where a firm not on the panel has a significant history dealing with a particular matter

**CARRIED**

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#### **ITEM 17.4 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**

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##### **RESOLVED 284/23**

Moved: Cr Megna

Seconded: Cr Jago

That this item be deferred to the first ordinary Council Meeting of 2024.

**CARRIED**

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#### **RESUMPTION OF OPEN SESSION**

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##### **RESOLVED 285/23**

Moved: Cr Jago

Seconded: Cr Ruggeri

That the Council resume in Open Session.

**CARRIED**

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*Note: At 8.20pm, the Council is Closed Session returned to Open Session.*

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## 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 8.25pm.

This is the final page of the minutes comprising 21 pages numbered 1 to 21 of the Ordinary Council Meeting held on Tuesday 5 December 2023 and confirmed on Monday 25 December 2023.

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Mayor

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General Manager