

# ORDINARY COUNCIL MEETING

## MINUTES

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

**Tuesday, 21 May 2024**

Unconfirmed

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

**Held on Tuesday 21 May 2024**

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

**Commencing at 6:04 PM**

### **Present:**

Cr Megna	Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Ruggeri	Councillor

### **Officers in attendance:**

J Clark	General Manager
M Cologna	Director Environment and Planning
E Hutchings	Director Corporate Services and Strategy
M Lee	Manager Governance and Customer Services
G Schuettrumpf	Director City Assets
R Wolfe	Director Community, Culture and Leisure

### **NOTES**

The meeting commenced at 6.04pm, moved into Closed Session at 7.35pm, resumed in Open Session at 7.55pm and concluded at 7.58pm.

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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

### APOLOGY

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*Note: Apologies were received on behalf of Councillors Di Pasqua and Little.*

#### RESOLVED 070/24

Moved: Cr Ferguson

Seconded: Cr Bazouni

Seconded:

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

**CARRIED**

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## 3 CONFIRMATION OF MINUTES

### 3.1 Minutes of Ordinary Council Meeting held 16 April 2024

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#### RESOLVED 071/24

Moved: Cr Bazouni

Seconded: Cr Jago

That the minutes of the Ordinary Council Meeting of 16 April 2024 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 Megna disclosed a pecuniary interest in relation to Item 9.2 - Proponent Initiated Planning Proposal - 171-179 Great North Road & 1A-1B Henry Street, Five Dock for the reason that:

*"I own property across from the address."*

Councillor Ferguson disclosed a pecuniary interest in relation to Item 9.2 - Proponent Initiated Planning Proposal - 171-179 Great North Road & 1A-1B Henry Street, Five Dock for the reason that:

*"The applicant is a client of the firm I work for."*

#### 5 MAYORAL MINUTE(S)

##### ITEM 5.1 MAYORAL MINUTE - CONGRATULATIONS DRUMMOYNE DEVILS

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###### RESOLVED 072/24

Moved: Cr Megna

That Council congratulates the Drummoyne Devils Water Polo Club for their historic achievements in their 120<sup>th</sup> year.

**CARRIED**

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##### ITEM 5.2 MAYORAL MINUTE - STEP UP FOR CANCER SURVIVORSHIP

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###### RESOLVED 073/24

Moved: Cr Megna

That Council, through its communication channels, promote this fundraising initiative at Concord Hospital to our local community.

**CARRIED**

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**ITEM 5.3 MAYORAL MINUTE - TELECOMMUNICATION CONTRACTORS  
UNSATISFACTORY WORKS IN THE CITY OF CANADA BAY**

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**RESOLVED 074/24**

Moved: Cr Megna

That the Mayor write to the relevant Federal Minister and the Federal Member for Reid detailing concern about the works being undertaken by telecommunication contractors and requesting assistance in ensuring future works are undertaken with minimal impact on Council infrastructure and the community.

**CARRIED**

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**ITEM 5.4 MAYORAL MINUTE - FOLLOW-UP ON STATE AND REGIONAL  
INFRASTRUCTURE IN RHODES**

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**RESOLVED 075/24**

Moved: Cr Megna

That:

1. The Mayor write to the NSW Premier and Minister for Planning and Public Spaces reiterating Council's request for a direct and detailed response on the matter of infrastructure planning in the Rhodes Peninsula, emphasising the urgency and importance of these infrastructure projects.
2. Council seek a meeting with the relevant Ministers and senior officials from Transport for NSW, School Infrastructure NSW, and the Department of Planning, Housing, and Infrastructure to address these concerns and obtain firm commitments.
3. Council communicate our dissatisfaction with the current response to the local community, ensuring they are aware of the challenges we face in securing essential infrastructure.
4. Council calls for the prioritisation of the Northern Sydney Freight Corridor Stage 2
5. Council calls for Transport for NSW or the relevant agency to prioritise resolution of any issues related to the delivery of the overhead bridge in Walker Street Rhodes.

**CARRIED**

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*Note: The following Mayoral Minute was submitted to Council as a late item.*

#### **ITEM 5.5 MAYORAL MINUTE – MAJORS BAY ROAD PEDESTRIAN ACCIDENT**

**Attachments:** Nil

Submitted by: Councillor ( )

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#### **MOTION**

That the Mayoral Minute be noted.

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#### **BACKGROUND**

Councillors may be aware of a pedestrian accident that occurred last week on Majors Bay Road near Coles. Our thoughts are with the person involved.

In response to this incident, I can advise that Council officers have commenced investigations into the circumstances surrounding the accident which will include a review of pedestrian safety measures along the shopping strip.

I am sure that fellow Councillors support this initiative, and as always we thank the community for their input and concern on this and all pedestrian safety matters.

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#### **RESOLVED 076/24**

Moved: Cr Megna

That the Mayoral Minute be noted.

**CARRIED**

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## **6 PUBLIC FORUM**

The Mayor requested each speaker to acknowledge they had been informed that the meeting (audio) was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

*Note: The following people addressed Council on the respective items listed on the Agenda:*

*Item 9.3: Rhodes East Public Domain*

- *Aks Walia – Sydney Yimby*

*Item 9.4: All Electric Homes and Businesses in Canada Bay LGA*

- *Jean Hay - Canada Bay Zero Carbon Community*

*Item 9.4: All Electric Homes and Businesses in Canada Bay LGA*

- *Emma Skowronski – Doctors for the Environment Australia*
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**SUSPENSION OF STANDING ORDERS**

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**RESOLVED 077/24**

Moved: Cr Jago

Seconded: Cr Ruggeri

That Council suspend standing orders to bring forward Item 9.4 - All Electric Homes and Businesses in Canada Bay LGA.

**CARRIED**

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*Note: Item 9.4 - All Electric Homes and Businesses in Canada Bay LGA was considered next.*

**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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**MOTION**

Moved: Cr Bazouni

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 1 April 2024 and 30 April 2024.

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

Against: Nil

**CARRIED 6/0**

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**ITEM 9.2 PROPONENT INITIATED PLANNING PROPOSAL - 171-179 GREAT NORTH ROAD & 1A-1B HENRY STREET, FIVE DOCK**

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*Note: Due to Councillors disclosures of interest (at Item 4) the quorum lapsed for this item. Accordingly this item Council will be unable to be considered at the meeting.*

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**ITEM 9.3 RHODES EAST PUBLIC DOMAIN PLAN**

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**RESOLVED 078/24**

Moved: Cr Jago

Seconded: Cr Bazouni

That the draft *Rhodes East Public Domain Plan*, attached to the report at **Attachment 1**, be endorsed for public exhibition.

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

Against: Nil

**CARRIED 6/0**

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*Note: Item 9.5 – Tree Canopy Matters was considered next.*

**ITEM 9.4 ALL ELECTRIC HOMES AND BUSINESSES IN CANADA BAY LGA**

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**RESOLVED 079/24**

Moved: Cr Jago

Seconded: Cr Ferguson

That:

1. The letter from the Minister for Energy dated 24 April 2024 attached to the report be noted.
  2. The attachment to the report that was previously presented to the Council Meeting of 20 February 2024 be adopted with the following change:
    - *The draft amendment to the Canada Bay Development Control Plan which requires new or replacement residential dwellings to use only electricity for all energy requirements, as outlined in Attachment 1 attached to the report of 20 February 2024 [Item 9.5], be amended to refer only to new or replacement dwellings, and then placed on public exhibition.*
  3. A further report be provided to Council following the conclusion of the exhibition period.
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In Favour: Crs Cordaro, Ferguson, Jago and Ruggeri

Against: Crs Megna and Bazouni

**CARRIED 4/2**

**CARRIED**

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

### **ITEM 9.5 TREE CANOPY MATTERS**

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#### **RESOLVED 080/24**

Moved: Cr Jago

Seconded: Cr Ferguson

That:

1. The report in response to the Council resolution of 16 May 2023 on Tree Canopy Matters be received and noted.
2. Council notes the review of the Tree Preservation Order Policy and formation of a Significant Tree Register has commenced.
3. No audit of recently completed dual occupancies be undertaken until the completion and formal endorsement of the Tree Preservation Order Policy and Significant Tree Register.

**CARRIED**

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### **ITEM 9.6 NEIGHBOURHOOD SCALE COMMUNITY BATTERY POLICY**

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#### **RESOLVED 081/24**

Moved: Cr Jago

Seconded: Cr Ferguson

That:

1. The draft Neighbourhood-Scale Batteries on Council Property Policy attached to the report be adopted.
2. The General Manager be authorised to make minor editorial amendments for clarity or correction of drafting errors and to undertake future reviews and amendments to the Policy.
3. The Policy be promoted through Council's communication channels.

**CARRIED**

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**ITEM 9.7 ENVIRONMENT ADVISORY COMMITTEE MEETING MINUTES - 18 APRIL 2024**

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**RESOLVED 082/24**

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. The Minutes of the Environment Advisory Committee held on 18 April 2024, attached to the report, be received and noted.
2. Council write to the State Government requesting the banning of Per- and Polyflourinated Substances (PFAS).

**CARRIED**

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**10 CITY ASSETS DIRECTORATE REPORTS****ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 18 APRIL 2024**

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**RESOLVED 083/24**

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 18 April 2024, attached to the report, be adopted.

**CARRIED**

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**ITEM 10.2 FIVE DOCK BUSINESS PARKING PERMITS**

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**RESOLVED 084/24**

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That Council's Parking Policy be updated to make Business Parking Permits transferable between vehicles in the Five Dock Area 6 Permit Parking Scheme.

**CARRIED**

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**11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS****ITEM 11.1 CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE MEETING MINUTES OF 2 MAY 2024 AND AMENDMENT TO COMMITTEE CHARTER**

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**RESOLVED 085/24**

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. The minutes of the ordinary meeting of the City of Canada Bay Arts and Culture Committee held on 2 May 2024, attached to the report, be received and noted.
2. The Arts and Culture Committee Charter membership be amended to include Council's Arts & Culture Citizen of the Year recipient, for the term of their appointment.

**CARRIED**

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**ITEM 11.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 18 APRIL 2024**

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**RESOLVED 086/24**

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held on 18 April 2024, attached to the report, be received and noted.

**CARRIED**

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**12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS****ITEM 12.1 CASH AND INVESTMENTS REPORT FOR APRIL 2024**

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**RESOLVED 087/24**

Moved: Cr Jago

Seconded: Cr Bazouni

That the Cash and Investments Report for April 2024, attached to the report, be received and noted.

**CARRIED**

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**ITEM 12.2 THIRD QUARTER BUDGET REVIEW - JULY TO MARCH 2024**

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**RESOLVED 088/24**

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. The Third quarter Budget Review for 2023/24, including the variations as identified in the report and attachments be adopted.
2. The proposal to contribute \$150,000 to support the Livvi's Place Living Room Project as outlined in the report be endorsed for public exhibition in accordance with S356 of the Local Government Act 1993.
3. In the event that no submissions are received in response to the public notification process referred to in 2 above, the financial assistance contribution to the Touched by Olivia Foundation, as described in the report, be provided.
4. In the event of submission(s) being received in response to the public notification process referred to in (2) above, a further report, including details of such submissions, be prepared and submitted to a future meeting of Council.

**CARRIED**

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**ITEM 12.3 CITY OF CANADA BAY AUDIT RISK AND IMPROVEMENT COMMITTEE -  
APPOINTMENT OF CHAIRPERSON**

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**RESOLVED 089/24**

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. Michael Ellacott be appointed to the role of Chairperson of the Audit, Risk and Improvement Committee for a period of four years, commencing 1 July 2024.
2. A further report be prepared and submitted to the June 2024 Council meeting recommending the appointment of an additional two independent members of the Audit, Risk and Improvement Committee for a period of four years, commencing 1 July 2024.

**CARRIED**

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**13 NOTICES OF MOTION**

Nil

**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 090/24**

Moved: Cr Jago

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 LEASE - IRON COVE CAFE**

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 LICENCE TO CONCORD GIANTS FOOTBALL CLUB FOR ST LUKE'S OVAL, CONCORD**

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.

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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, AND OTHER OPERATIONAL AREAS**

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**

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*Note: At 7.35pm, the Council moved into Closed Session.*

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**ITEM 17.1 LEASE - IRON COVE CAFE**

**RESOLVED 091/24**

Moved: Cr Ruggeri

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. The option provided by the party that submitted the higher rental and proposed capital investment amount be accepted.

**CARRIED**



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**ITEM 17.2 LICENCE TO CONCORD GIANTS FOOTBALL CLUB FOR ST LUKE'S OVAL,  
CONCORD**

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**RESOLVED 092/24**

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:
  - (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Council approves the granting of a winter sporting licence for St Lukes Oval, Concord to the Concord Giants Football Club for a 7 year term, commencing 1 April 2024, with a 6 year term option based on the offer contained 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 and execute the licence.
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.

**CARRIED**

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**ITEM 17.3 RHODES RECREATION CENTRE - EARLY CHILDHOOD EDUCATION AND  
CARE CENTRE, AND OTHER OPERATIONAL AREAS**

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**RESOLVED 093/24**

Moved: Cr Jago

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:
  - (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 endorses the recommended management models outlined within the body of the report for each space within the Rhodes Recreation Centre.
3. Further reports be submitted to future meetings of Council detailing the outcomes of the relevant market engagements for the operational lease areas within Rhodes Recreation Centre.

**CARRIED**

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**RESUMPTION OF OPEN SESSION**

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**RESOLVED 094/24**

Moved: Cr Cordaro

Seconded: Cr Jago

That the Council resume in Open Session.

**CARRIED**

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*Note: At 7.55pm, 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 7.58pm.

This is the final page of the minutes comprising 18 pages numbered 1 to 18 of the Ordinary Council Meeting held on Tuesday 21 May 2024 and confirmed on Tuesday 18 June 2024.

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Mayor

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General Manager