

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 18 February 2025

Minutes of an Ordinary Council Meeting

Held on Tuesday 18 February 2025

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

Commencing at 6:01 PM

Present:

Cr Megna	Mayor
Cr Alafaci	Councillor
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 Risk

NOTES

The meeting commenced at 6.01pm, moved into Closed Session at 7.09pm, resumed in Open Session at 8.08pm and concluded at 8.12pm.

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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

Nil

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 3 December 2024

RESOLVED 001/25

Moved: Cr Bazouni

Seconded: Cr Meuross

That the minutes of the Ordinary Council Meeting of 3 December 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

Nil

5 MAYORAL MINUTE(S)**ITEM 5.1 MAYORAL MINUTE - VALE ARTHUR MCGILL**

RESOLVED 002/25

Moved: Cr Megna

That Council receive and note the report.

CARRIED

ITEM 5.2 MAYORAL MINUTE - UPDATE ON UNSATISFACTORY TELECOMMUNICATIONS WORKS IN FIVE DOCK

RESOLVED 003/25

Moved: Cr Megna

That:

1. The Mayor write to the Minister for Communications Michelle Rowland MP and the Member for Reid Sally Sitou MP:
 - Reaffirming Council's disappointment in the works undertaken by Xenith IG and the significant negative impact on our community.
 - Advocating for stronger oversight by Councils of telecommunications contractors
 - Seeking support and assistance to rectify the damage caused.
2. Council communicate to residents that this work is not undertaken or approved by Council.

CARRIED

ITEM 5.3 MAYORAL MINUTE - STEP UP FOR CANCER SURVIVORSHIP

RESOLVED 004/25

Moved: Cr Megna

That Council, through its communication channels, promote the Step Up for Cancer Survivorship fundraising initiative at Concord Hospital to our local 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 following people addressed Council on the item listed on the Agenda:

Item 17.3 – Notice of Rescission – re: Item 17.1 – Lease – Iron Cove Café - Council Meeting 21 May 2024 min. no. 091/24

- *Peter Lufi – architect representing proponent*
- *Robert Price - resident*
- *Jessica Deligne - former lessee*
- *David Bartnik*
- *Jean Turner*
- *Bruce Dodd - resident*
- *John Dymond - resident*

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 005/25

Moved: Cr Jago

Seconded: Cr Alafaci

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 23 November 2024 to 31 January 2025.

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

Against: Nil

CARRIED 9/0

ITEM 9.2 CITY OF CANADA BAY DEVELOPMENT CONTROL PLAN - MISCELLANEOUS AMENDMENTS

RESOLVED 006/25

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. The draft *City of Canada Bay Development Control Plan* proposed housekeeping amendments, attached to the report, be placed on public exhibition.
2. Amendments be made to the draft *City of Canada Bay Development Control Plan* to ensure consistency with the resolution made on the item titled 'All electric homes and businesses in Canada Bay LGA'.
3. A further report be provided to Council following the exhibition period to advise of any submissions received.

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

Against: Nil

CARRIED 9/0

ITEM 9.3 PARRAMATTA ROAD CORRIDOR TRANSFORMATION STRATEGY STAGE 2 PLANNING PROPOSAL

RESOLVED 007/25

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. the Gateway determination conditions from the Department of Planning, Housing and Infrastructure for the Parramatta Road Corridor Urban Transformation Strategy Stage 2 Planning Proposal, attached to the report, be noted;
 2. the Parramatta Road Corridor Urban Transformation Strategy Stage 2 Planning Proposal be reviewed to facilitate additional housing to address the Gateway determination conditions;
 3. it be noted that an additional budget allocation of \$120,000 is included in the 2024-25 budget as part of the 2nd Quarter Budget Review;
 4. a further \$120,000 allocation be supported for inclusion in the 2025-26 draft budget to fund the review and update to the Planning Proposal;
 5. the revised Planning Proposal be reported back to Council prior to resubmission to the Department of Planning, Housing and Infrastructure.
-

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

Against: Nil

CARRIED 9/0

ITEM 9.4 ALL ELECTRIC HOMES AND BUSINESSES IN CANADA BAY LGA

RESOLVED 008/25

Moved: Cr Jago

Seconded: Cr

Mansford That:

1. A draft amendment to the *Canada Bay Development Control Plan* that requires new or replacement dwellings and new commercial buildings to use only electricity for all energy requirements, attached to the report (Attachment 5), be placed on public exhibition.
2. A further report be provided to Council following the conclusion of the exhibition period.

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

Against: Nil

CARRIED 9/0

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY TRAFFIC COMMITTEE MEETING MINUTES - 5 DECEMBER 2024

RESOLVED 009/25

Moved: Cr Robinson

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held on 5 December 2024 be adopted.

CARRIED

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS**ITEM 11.1 ADOPTION OF STALLHOLDER FEES & CHARGES FOR FERRAGOSTO 2025**

RESOLVED 010/25

Moved: Cr Jago

Seconded: Cr Bazouni

That:

1. Council note that no submissions were received in response to the public exhibition of the proposed Stallholder Fees and Charges for Ferragosto 2025.
2. The proposed Stallholder Fees and Charges for Ferragosto 2025, presented in the report, be adopted.

CARRIED

ITEM 11.2 ARTS AND CULTURE COMMITTEE UPDATE

RESOLVED 011/25

Moved: Cr Robinson

Seconded: Cr Alafaci

That:

1. The update regarding the Arts and Culture Committee be noted.
2. Expressions of Interest for the vacant position on the Arts and Culture Committee be sought from community members as proposed in the report.
3. A report be prepared and submitted to Council on the outcome of the Expressions of Interest process.

CARRIED

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 CASH AND INVESTMENTS REPORT - NOVEMBER 2024**

RESOLVED 012/25

Moved: Cr Jago

Seconded: Cr Mansford

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

CARRIED

ITEM 12.2 CASH AND INVESTMENTS REPORT - DECEMBER 2024

RESOLVED 013/25

Moved: Cr Jago

Seconded: Cr Mansford

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

CARRIED

ITEM 12.3 CASH AND INVESTMENTS REPORT - JANUARY 2025

RESOLVED 014/25

Moved: Cr Jago

Seconded: Cr Mansford

That the Cash and Investments Report for January 2025, attached to the report, be received and noted.

CARRIED

ITEM 12.4 SIX MONTHLY REPORT ON PROGRESS - JULY TO DECEMBER 2024

RESOLVED 015/25

Moved: Cr Robinson

Seconded: Cr Jago

That the six-monthly progress report for the period July to December 2024 be received and noted.

CARRIED

ITEM 12.5 SECOND QUARTER BUDGET REVIEW - OCTOBER TO DECEMBER 2024

RESOLVED 016/25

Moved: Cr Jago

Seconded: Cr Bazouni

That the second quarter Budget Review for 2024/25, including the variations as identified in the report and attachments be adopted.

CARRIED

ITEM 12.6 COUNCILLOR ENGAGEMENT WITH RESIDENTS IN COMMERCIAL LOCATIONS

RESOLVED 017/25

Moved: Cr Jago

Seconded: Cr Robinson

That the process for Councillors to access Council's insurance coverage when making bookings at commercial locations to undertake community engagement activities, as detailed in this report, be approved and implemented with no limitations on the number of occasions.

CARRIED

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR CIRILLO - AFFORDABLE HOUSING AND ADVERSE DOMESTIC SITUATIONS**

RESOLVED 018/25

Moved: Cr Cirillo

Seconded: Cr Jago

That:

1. Council Officers undertake an investigation, including a review of Council's Affordable Housing Policy and Affordable Housing Management Guidelines, on the potential and feasibility to enable families or individuals escaping adverse domestic situations access to a number of Council owned Affordable Housing dwellings.
2. A report be prepared and submitted to a Councillor workshop following the investigation referred to in 1 above and subsequently to Council.

CARRIED

14 NOTICES OF MOTION OF RESCISSION

The Notice of Motion of Rescission re: Item 17.1 Lease – Iron Cove Café – Council Meeting 21 May 2024 (min no. 091/24) submitted by Councillors Mansford, Ferguson and Cirillo is listed as Item 17.3 in Confidential Matters and was considered in Closed Session.

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RESOLVED 019/25

Moved: Cr Bazouni

Seconded: Cr Ferguson

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 REVIEW OF THE ABORIGINAL CULTURAL HERITAGE STUDY AND MANAGEMENT STRATEGY

This matter is considered to be confidential under Section 10A(2) - (h) of the Local Government Act, as it deals with information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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 FOR MANAGEMENT AND OPERATIONS OF DRUMMOYNE AND CABARITA SWIMMING CENTRES

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 NOTICE OF RESCISSION - RE: ITEM NO. 17.1 LEASE – IRON COVE CAFE - COUNCIL MEETING 21 MAY 2024 (MIN NO 091/24)

This matter is considered to be confidential under Section 10A(2) - (d) (i) and (g) 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 and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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 7.09pm, the Council moved into Closed Session.

ITEM 17.1 REVIEW OF THE ABORIGINAL CULTURAL HERITAGE STUDY AND MANAGEMENT STRATEGY

RESOLVED 020/25

Moved: Cr Bazouni

Seconded: Cr Meuross

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:
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
2. The status and application of the Aboriginal Cultural Heritage Study and Management Strategy be modified in accordance with the recommendations contained in the report.

CARRIED

ITEM 17.2 TENDER FOR MANAGEMENT AND OPERATIONS OF DRUMMOYNE AND CABARITA SWIMMING CENTRES

RESOLVED 021/25

Moved: Cr Jago

Seconded: Cr Meuross

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 Management and Operations of Drummoyne and Cabarita Swimming Centres.
 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 two tenderers and any person with a view to entering a contract for the management and operations of Drummoyne and Cabarita Swimming Centres.
 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 two tenderers and any person, as referred to in (3) above, is more likely to result in the securing of a suitable agreement subject to terms and conditions that benefit the Community and Council.
5. All respondents 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

**ITEM 17.3 NOTICE OF RESCISSION - RE: ITEM NO. 17.1 LEASE – IRON COVE CAFE -
COUNCIL MEETING 21 MAY 2024 (MIN NO 091/24)**

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

- *Peter Lufi – architect representing proponent*
- *Robert Price - resident*
- *Jessica Deligne - former lessee*
- *David Bartnik*
- *Jean Turner*
- *Bruce Dodd - resident*
- *John Dymond - resident*

MOTION

Moved: Cr Mansford

Seconded: Cr Cirillo

That the Council's resolution relating to ITEM NO.17.1 - Titled: Lease – Iron Cove Cafe passed at the meeting of the Council held on 21 May 2024 (Min no 091/24), as follows, be and is hereby rescinded.

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.*

On being put to the meeting, the Motion of Rescission was **LOST**.

LOST

RESUMPTION OF OPEN SESSION

RESOLVED 022/25

Moved: Cr Jago

Seconded: Cr Ferguson

That the Council resume in Open Session.

CARRIED

Note: At 8.08pm, 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 8.12pm.

This is the final page of the minutes comprising 17 pages numbered 1 to 17 of the Ordinary Council Meeting held on Tuesday 18 February 2025 and confirmed on Tuesday 18 March 2025.



Mayor

General Manager