

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 19 September 2023

Unconfirmed

Minutes of an Ordinary Council Meeting

Held on Tuesday 19 September 2023

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

Commencing at 6.01pm

Present:

Cr Tsirekas	Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Ferguson	Councillor
Cr Jago	Councillor
Cr Little	Councillor (arrived at 6.19pm)
Cr Megna	Councillor
Cr Ruggeri	Councillor

Officers in attendance:

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

NOTES

The meeting commenced at 6.01pm, moved into Closed Session at 7.09pm, resumed in Open Session at 7.19pm and concluded at 7.21pm.

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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

Note: An apology was received on behalf of Councillor Di Pasqua

RESOLVED 212/23

Moved: Cr Bazouni

Seconded: Cr Ruggeri

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

CARRIED

Note: Councillor Little arrived to the meeting at 6.19pm (following consideration of Item 5.2 – Mayoral Minute – Securing the Future of Ferragosto in Five Dock and prior to consideration of Item 8.1 – Election of Deputy Mayor) and apologised for her late arrival.

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 15 August 2023

RESOLVED 213/23

Moved: Cr Megna

Seconded: Cr Ruggeri

That the minutes of the Ordinary Council Meeting of 15 August 2023 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

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 5.2 - Mayoral Minute - Securing the Future of Ferragosto in Five Dock for the reason that:

"I work for the NSW Treasurer".

Councillor Little disclosed a significant non-pecuniary interest in relation to Item 9.3 - Electric Vehicle Charging Infrastructure Policy (EVCI) - Post Exhibition for the reason that:

"I work for the NSW Treasurer".

Councillor Ruggeri disclosed a significant non-pecuniary interest in relation to Item 17.1 - Concord Community Club and Majors Bay Reserve Parking for the reason that:

"One of the Directors of the club supported our local community campaign at the last election campaign."

The Mayor, Councillor Tsirekas disclosed a significant non-pecuniary interest in relation to Item 17.1 - Concord Community Club and Majors Bay Reserve Parking for the reason that:

"One of the Directors of the club supported me and my members in the last election campaign and that, that Director also supported my election campaign in 2017, back then I was a Labor candidate and he did support my team."

Councillor Cordaro disclosed a significant non-pecuniary interest in relation to Item 17.1 - Concord Community Club and Majors Bay Reserve Parking for the reason that:

"One of the Directors of the club supported our local community campaign at the last election campaign."

SUSPENSION OF STANDING ORDERS

RESOLVED 214/23

Moved: Cr Ruggeri

Seconded: Cr Cordaro

That standing orders be suspended in order for the Mayor to make a statement in relation to an email received on a matter that is currently before ICAC.

CARRIED

Note: The Mayor made a statement in relation to an email on a matter that is currently before ICAC.

RESUMPTION OF STANDING ORDERS

RESOLVED 215/23

Moved: Cr Megna

Seconded: Cr Cordaro

That standing orders be resumed.

CARRIED

5 MAYORAL MINUTE(S)**ITEM 5.1 MAYORAL MINUTE - CONCORD REPATRIATION GENERAL HOSPITAL COMMEMORATION FOR THE AHS CENTAUR AND VIETNAM VETERANS' DAY**

RESOLVED 216/23

Moved: Cr Tsirekas

That the Mayor write to the General Manager of Concord Repatriation General Hospital Joseph Jewitt, the NSW Minister for Health Ryan Park MP and the NSW Minister for Veterans Affairs Matt Keogh MP requesting that the annual commemorations for the sinking of the AHS Centaur and Vietnam Veterans' Day resume as soon as is practicable.

CARRIED

ITEM 5.2 MAYORAL MINUTE - SECURING THE FUTURE OF FERRAGOSTO IN FIVE DOCK

Note: Councillor Little disclosed a significant non-pecuniary interest in this Item (noting that she was not yet present at the meeting for this Item.) Councillor Little disclosed her interests upon entering the meeting.

RESOLVED 217/23

Moved: Cr Tsirekas

That the Mayor write to the Federal Minister for Immigration, Citizenship and Multicultural Affairs, Andrew Giles MP, the Member for Reid Sally Sitou MP, the NSW Treasurer Daniel Mookhey, the NSW Minister for Multiculturalism Steve Kamper MP, Member for Drummoyne Stephanie Di Pasqua MP and the CEO of Multicultural NSW Joseph La Posta requesting funding commitment from the Federal and State Government to supplement Council's investment in Sydney's most important celebration of Italian culture and contribution.

CARRIED

Note: Councillor Little arrived at the meeting at 6.19pm.

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 speakers spoke at the time of consideration of the respective Items on the agenda.

7 ITEMS RESOLVED BY EXCEPTION

Nil

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

ITEM 8.1 ELECTION OF DEPUTY MAYOR

RESOLVED 218/23

Moved: Cr Tsirekas

Seconded: Cr Megna

That Council:

1. Elect a Deputy Mayor to hold office through to September 2024.
2. Note the procedure for the election of a Deputy Mayor by Councillors in accordance with Schedule 7 of the Local Government (General) Regulation 2021.
3. Determines the method of voting for the election of a Deputy Mayor to be the open voting (show of hands) method, if more than one councillor is nominated.

CARRIED

Note: The Director Corporate Services and Strategy undertook the role of Returning Officer and proceeded to conduct the election of the Deputy Mayor.

The Returning Officer announced that one nomination had been received for Councillor Cordaro and called for further nominations. A further nomination was received from Cr Jago.

On their being no further nominations and as there were two nominations received, a vote took place through the open voting method (show of hands).

As a result of the vote for each Councillor (in order of receipt of their nomination i.e. Councillor Cordaro, followed by Councillor Jago), Councillor Cordaro received 5 votes and Councillor Jago received 3 votes and, Councillor Cordaro was duly declared elected as Deputy Mayor through to September 2024.

Note: Councillors Cordaro, Jago and Megna spoke following the election of the Deputy Mayor, with Councillor Megna also speaking on behalf of the outgoing Deputy Mayor Councillor Di Pasqua in her absence.

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS**ITEM 9.1 DA DETERMINATIONS BY THE LOCAL PLANNING PANEL AND STAFF UNDER DELEGATION**

RESOLVED 219/23

Moved: Cr Bazouni

Seconded: Cr Ferguson

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 August 2023 and 31 August 2023.

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

Against: Nil

CARRIED 8/0

ITEM 9.2 LOCAL CHARACTER AREAS - UPDATE

RESOLVED 220/23

Moved: Cr Tsirekas

Seconded: Cr Cordaro

That:

1. Council note advice received from the Hon Paul Scully MP, Minister for Planning and Public Spaces, provided at Attachment 1.
2. The advice referred to in 1 above be the subject of a future Councillor Workshop.

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

Against: Nil

CARRIED 8/0

Note: At 6.36pm Councillor Little left the Chamber having disclosed a significant non-pecuniary interest in this Item.

ITEM 9.3 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE POLICY (EVCI) - POST EXHIBITION

Note: The following person addressed Council on this Item:

- *Stephen Matthews (on behalf of Breakfast Point EV Charging Project Team)*

RESOLVED 221/23

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. Council adopts the *Electric Vehicle Charging Infrastructure Policy*, attached to the report.
2. In accordance with section 610F of the *Local Government Act 1993*, the proposed new application fee of \$1,000 for Occupation of Public Space for EV Infrastructure be placed on public exhibition for a 28-day period.
3. Following the public exhibition referred to in 2 above, a further report be prepared and submitted to Council on any submissions received.
4. In the event that no submissions are received, the further not be prepared and the new fee become effective immediately.

CARRIED

Note: At 6.45pm, Councillor Little returned to the Chamber.

**ITEM 9.4 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE MINUTES -
24 AUGUST 2023**

RESOLVED 222/23

Moved: Cr Jago

Seconded: Cr Megna

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 24 August 2023, attached to the report, be received, and noted.

CARRIED

10 CITY ASSETS DIRECTORATE REPORTS

**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES -
31 AUGUST 2023**

RESOLVED 223/23

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 31 August 2023, attached to the report, be adopted.

CARRIED

ITEM 10.2 MCILWAINE PARK PROPOSED PROHIBITED AREA

RESOLVED 224/23

Moved: Cr Jago

Seconded: Cr Bazouni

That dogs are prohibited from the newly established foreshore ecological and beach area at McIlwaine Park, Rhodes.

CARRIED

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS**ITEM 11.1 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 17 AUGUST 2023**

RESOLVED 225/23

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 17 August 2023, attached to the report, be received and noted.

CARRIED

ITEM 11.2 CITY OF CANADA BAY RHODES COMMUNITY COMMITTEE MEETING MINUTES - 24 AUGUST 2023

RESOLVED 226/23

Moved: Cr Cordaro

Seconded: Cr Ferguson

That:

1. The minutes of the Rhodes Community Committee meeting held 24 August 2023, attached to the report, be received and noted.
2. Copies of the following presentations be provided to Rhodes Community Committee Members: Urban Canopy Strategy, Rhodes Trolley Management Strategy and Place Management Update.

CARRIED

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 DRAFT PUBLIC INTEREST DISCLOSURES POLICY**

RESOLVED 227/23

Moved: Cr Bazouni

Seconded: Cr Jago

That:

1. The *Public Interest Disclosures Internal Reporting Policy* be rescinded as at 30 September 2023.
2. The draft *Public Interest Disclosures Policy* attached to the report be adopted and come into effect on 1 October 2023.

CARRIED

ITEM 12.2 GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023

RESOLVED 228/23

Moved: Cr Jago

Seconded: Cr Ruggeri

That:

1. Council confirms the receipt, certification and referral of the Draft Financial Statements for the year ended 30 June 2023 to Council's external auditor, the Audit Office of NSW, in accordance with section 413 of the Local Government Act 1993.
2. The Statement by Councillors and Management for the General Purpose Financial Statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer, in accordance with Section 413(2)(c) of the Local Government Act 1993.
3. An electronic copy of the audited financial statements be forwarded to the NSW Office of Local Government no later than 31 October 2023.
4. The General Manager be authorised to set the date for public presentation of the audited financial statements, and to give public notice of the public presentation in accordance with section 418 of the Local Government Act 1993.

CARRIED

ITEM 12.3 CASH AND INVESTMENTS REPORT FOR AUGUST 2023

RESOLVED 229/23

Moved: Cr Megna

Seconded: Cr Jago

That:

1. The Cash and Investments Reports for August 2023, attached to the report, be received and noted.
2. The information contained in the report regarding the financial institutions in which Council invests that offer loans to the fossil fuel industry, be received and noted.

CARRIED

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR JAGO - CREATNG ALL-ELECTRIC HOMES AND BUSINESSES IN CANADA BAY LGA**

RESOLVED 230/23

Moved: Cr Jago

Seconded: Cr Cordaro

That:

1. Council note:
 - (a) "Natural" gas is a fossil fuel which can significantly degrade human health, especially indoors in gas heating or gas cooking. The literature on health issues and other risks related to the use of gas include:
 - (i) An Australian study published in the Medical Journal of Australia (1) found that gas cooktops are associated with around 12 per cent of childhood asthma in Australia.
 - (ii) According to Doctors for the Environment Australia, the most serious complication of burning gas indoors arises from carbon monoxide poisoning (2), which can cause fatigue, headaches, nausea, confusion, shortness of breath, chest pain and death. Longer-term exposure at lower levels can also lead to significant illness. Carbon monoxide poisoning is the leading cause of accidental poisoning worldwide (3), with the actual extent far higher than actually diagnosed (4).
 - (iii) Burning of gas produces oxides of nitrogen (and specifically NO₂) cause airway constriction and sensitisation to allergens (5). Short-term exposure to NO₂ may be associated with cardiovascular effects and premature mortality and that long-term exposure may be associated with cardiovascular effects, diabetes, poorer
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birth outcomes, premature mortality, and cancer (6) (with some qualifications regarding those effects).

(iv) In addition, US researchers from Stanford University have linked gas stoves and ovens to carcinogenic chemicals like benzene (7). Long-term exposure to benzene is linked to acute lymphocytic leukaemia, chronic lymphocytic leukaemia, multiple myeloma, childhood leukaemia and non-Hodgkins lymphoma (8).

(v) Gas appliances create a risk of fires.

(b) The Australian Capital Territory and Victoria have now introduced new planning rules which require new developments (both residential and non-residential) to be all-electric and have set dates to phase out their gas supply networks. In the USA, similar measures have been passed so far in New York State and 50 municipalities in California, including San Jose, Berkeley and San Francisco. Likewise, Holland and Denmark also are banning many connections of new developments to the gas network. In addition, the UK is phasing out new gas boilers for home heating.

(c) In addition, a number of councils in NSW and Victoria have made recent decisions to replace gas with electricity in new developments on health grounds (not covering existing dwellings). Specifically:

(i) In December 2022, Waverley Council implemented a new DCP which requires electric stoves, cooktops and heaters (not gas) to be installed in new residential development.

(ii) Parramatta Council recently implemented new planning rules that require new developments (both residential and non-residential) in its city centre to be all-electric. They are currently considering further changes to require all new non-residential buildings to be all-electric.

(iii) The City of Sydney has recently agreed to investigate amending their planning controls to require all new residential developments to be all electric, with a report back to councillors as soon as possible.

(iv) The City of Canterbury Bankstown Council has introduced plans to ban gas in a precinct of new apartments.

(v) Melbourne City Council has introduced plans to ban gas in new apartments.

2. Council staff prepare a report on options for updating Council's planning documents to ban gas installations and appliances in all new residential and commercial developments, to address the range of issues arising in implementing this direction, and to identify possible further measures to reduce the prevalence of gas installations in buildings.

CARRIED

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

Note: Due to the Mayor, Councillor Tsirekas, and the Deputy Mayor, Councillor Cordaro having disclosed significant non-pecuniary interests in this Item, the Mayor called for nominations from the floor for an acting Chairperson for these two items. Councillors Bazouni and Ferguson nominated Councillor Megna.

On their being no further nominations, Councillor Megna was Acting Chairperson for consideration of Item 17 – Confidential Matters and 17.1 – Concord Community Club and Majors Bay Reserve Parking on the Agenda.

Note: At 7.03pm, the Mayor, Councillor Tsirekas vacated the Chair, left the Chamber and did not return.

Note: At 7.03pm, Councillors Cordaro and Ruggeri left the Chamber having disclosed significant non-pecuniary interests in this Item.

Note: Councillor Megna assumed the Chair.

Note: Kerrie Wadwell (Director Concord Community Club) spoke to Item 17.1 in Open Session prior to Council moving into Closed Session to consider the Confidential matter.

17 CONFIDENTIAL MATTERS

RESOLVED 231/23

Moved: Cr Ferguson

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 CONCORD COMMUNITY CLUB AND MAJORS BAY RESERVE PARKING

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.
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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 CONCORD COMMUNITY CLUB AND MAJORS BAY RESERVE PARKING

Note: The following person had addressed Council on this Item, prior to Council moving into Closed Session.

- *Kerrie Wadwell (Director Concord Community Club)*

RESOLVED 232/23

Moved: Cr Jago

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:
 - (a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. That the General Manager be authorised to:
 - (a) Negotiate acquisition of the easement in line with the terms detailed in the report.
 - (b) Execute any related legal agreement and related documents

CARRIED

RESUMPTION OF OPEN SESSION

RESOLVED 233/23

Moved: Cr Jago

Seconded: Cr Bazouni

That the Council resume in Open Session.

CARRIED

Note: At 7.19pm, the Council is Closed Session returned to Open Session.

Note: At 7.19pm, Councillors Cordaro and Ruggeri returned to the Chamber.

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 7.21pm.

This is the final page of the minutes comprising 17 pages numbered 1 to 17 of the Ordinary Council Meeting held on Tuesday 19 September 2023 and confirmed on Tuesday 17 October 2023.

Mayor

General Manager