

ORDINARY COUNCIL MEETING

MINUTES

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

Tuesday, 16 April 2024

Unconfirmed

Minutes of an Ordinary Council Meeting

Held on Tuesday 16 April 2024

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

Commencing at 6:00 PM

Present:

Cr Megna	Mayor
Cr Bazouni	Councillor
Cr Cordaro	Councillor
Cr Di Pasqua	Councillor (via MS Teams)
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
J Kalouche	Governance Officer
G Schuetrumpf	Director City Assets
R Wolfe	Director Community, Culture and Leisure

NOTES

The meeting commenced at 6.00pm, moved into Closed Session at 7.00pm, resumed in Open Session at 7.06pm and concluded at 7.10pm.

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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.

Note: The Meeting observed one minute silence in recognition of the lives lost at Bondi Junction last Saturday, 13 April 2024.

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

APOLOGY

Note: An apology was received on behalf of Cr Little.

RESOLVED 053/24

Moved: Cr Bazouni

Seconded: Cr Ferguson

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

CARRIED

3 CONFIRMATION OF MINUTES

3.1 Minutes of Ordinary Council Meeting held 19 March 2024

RESOLVED 054/24

Moved: Cr Bazouni

Seconded: Cr Ruggeri

That the minutes of the Ordinary Council Meeting of 19 March 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

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 10.1 – City of Canada Bay Local Traffic Committee Minutes – 19 March 2024 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 5.1 – Mayoral Minute – Amendments to Waste Tendering requirements under the Local Government (General) Regulation 2021 (NSW) for the reason that:

“I am the State Member for Drummoyne and the item relates to a State Government matter”.

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 5.2 – Mayoral Minute – Rozelle Interchange Update for the reason that:

“I am the State Member for Drummoyne and the item relates to a State Government matter”.

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 13.2 – Notice of Motion – Cr Ferguson – Yaralla Estate Foreshore Pathway for the reason that:

“I am the State Member for Drummoyne and the item relates to a State Government matter”.

Councillor Di Pasqua disclosed a significant non-pecuniary interest in relation to Item 17.3 – Strategic Property Update for the reason that:

“I am the State Member for Drummoyne and the item relates to a State Government matter”.

Councillor Megna disclosed a pecuniary interest in relation to Item 17.3 – Strategic Property Update for the reason that:

“I am a property owner within the vicinity”.

Note: At 6.06pm, Councillor Di Pasqua left the Meeting having disclosed a significant non-pecuniary interest in Items 5.1 and 5.2.

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - AMENDMENTS TO WASTE TENDERING REQUIREMENTS UNDER THE LOCAL GOVERNMENT (GENERAL) REGULATION 2021 (NSW)

RESOLVED 054/24

Moved: Cr Megna

That:

1. Council writes to the NSW Minister for Industrial Relations, NSW Minister for Local Government, and local Member of Parliament:
 - a. Expressing serious concerns about recent amendments to the *Local Government (General) Regulation 2021* made by the *Local Government (General) Amendment (Tendering) Regulation (No 2) 2023* (NSW) on 15 December 2023, as highlighted in a legal opinion by Arthur Moses (Senior Counsel) dated 26 February 2024, and
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- b. Calling on the NSW Government to reconsider the amendments as a matter of urgency and to engage in proper consultation with all relevant stakeholders on an appropriate way forward.

CARRIED

ITEM 5.2 MAYORAL MINUTE - ROZELLE INTERCHANGE UPDATE

RESOLVED 055/24

Moved: Cr Megna

That Council:

1. Write to the NSW Minister for Roads, the Hon. John Graham MLC, requesting
 - a. A public meeting at Council's Civic Centre Chambers with the NSW Minister for Roads to address the issue of the Rozelle Interchange.
 - b. That any local traffic management resultant from the gridlock created by the opening of the Rozelle Interchange be funded by the NSW Government.
2. Write to the NSW Minister for Transport, the Hon. Jo Haylen MP reiterating Council's request for an increase of ferry services to wharves in the City of Canada Bay LGA, and consideration of additional services that begin further east at Cabarita Wharf, and the resumption of services to Birkenhead Point Wharf, which would incentivise mode of transport shifts for residents.
3. Continues to advocate for better outcomes for our local community on this matter.

CARRIED

Note: Councillor Di Pasqua returned to the Meeting at 6.16pm.

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 respective Items listed on the Agenda:

Item 13.1 – Notice of Motion – Cr Ferguson – Childrens' Playgrounds in Rhodes

- Vivek Goyal – resident

Item 13.3 – Notice of Motion – Cr Ferguson – Pedestrian Crossing – Nullawarra Avenue, Concord close to Intersection Boronia Street, Concord West:

- Amelia Scott – employee at Concord Repatriation General Hospital

Item 13.4 – Notice of Motion – Cr Di Pasqua – Pedestrian Crossing – Nullawarra Avenue, Concord West:

- Amelia Scott – employee at Concord Repatriation General Hospital

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 056/24

Moved: Cr Bazouni

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 March 2024 and 31 March 2024.

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

Against: Nil

CARRIED 7/0

Note: At 6.24pm, Councillor Di Pasqua left the Meeting having disclosed a significant non-pecuniary interest in Item 10.1.

10 CITY ASSETS DIRECTORATE REPORTS**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 28 MARCH 2024**

RESOLVED 057/24

Moved: Cr Megna

Seconded: Cr Bazouni

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 28 March 2024, attached to the report, be adopted.

CARRIED

Note: Councillor Di Pasqua returned to the Meeting at 6.25pm

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

Nil

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 DRAFT DELIVERY PROGRAM 2022-2026 AND DRAFT OPERATIONAL PLAN INCLUDING REVENUE POLICY, BUDGET AND FEES AND CHARGES FOR 2024-25 - PUBLIC EXHIBITION**

RESOLVED 058/24

Moved: Cr Bazouni

Seconded: Cr Cordaro

That:

1. The draft Delivery Program 2022-26, and draft Operational Plan, including the draft Statement of Revenue Policy incorporating the draft Budget and draft Schedule of Fees and Charges for 2024-25, attached to the report, be placed on public exhibition for a period of not less than 28 days in accordance with the requirements in the Local Government Act 1993.
2. The period of exhibition be from 19 April to 19 May 2024.
3. A further report be prepared and submitted to Council following the exhibition period.

CARRIED

ITEM 12.2 CASH AND INVESTMENTS REPORT FOR MARCH 2024

RESOLVED 059/24

Moved: Cr Jago

Seconded: Cr Cordaro

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

CARRIED

**ITEM 12.3 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CONFERENCE
2024**

RESOLVED 060/24

Moved: Cr Jago

Seconded: Cr Bazouni

That Councillor Megna (Mayor) and Councillor Jago be nominated as Council's delegate and alternate delegate respectively, to attend the National General Assembly of Local Government with the General Manager, in Canberra from 2-4 July 2024.

CARRIED

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - CHILDRENS' PLAYGROUNDS IN RHODES**

Note: The following person addressed Council on this item during Public Forum:

- Vivek Goyal - resident
-

RESOLVED 061/24

Moved: Cr Ferguson

Seconded: Cr Bazouni

That:

1. Council officers undertake a review of the usage of Shoreline Park, Phoenix Park and Peg Patterson Children's Playgrounds.
2. Following the review referred to in 1 above, a report be prepared and submitted to Council on the outcomes and consideration of options of consulting with the community on enhancing and/or expanding children's play facilities in Rhodes.
3. The report referred to in 2 above also consider the suitability of existing facilities for older children.

CARRIED

Note: At 6.34pm, Councillor Di Pasqua left the Meeting having disclosed a significant non-pecuniary interest in Item 13.2.

ITEM 13.2 NOTICE OF MOTION - CR FERGUSON - YARALLA ESTATE FORESHORE PATHWAY

RESOLVED 062/24

Moved: Cr Ferguson

Seconded: Cr Jago

That Council reaffirms the Yaralla Estate foreshore pathway as a priority and urges the NSW Minister of Health to assist in expediting this important project.

CARRIED

Note: Councillor Di Pasqua returned to the Meeting at 6.38pm.

ITEM 13.3 NOTICE OF MOTION - CR FERGUSON - PEDESTRIAN CROSSING - NULLAWARRA AVENUE, CONCORD CLOSE TO INTERSECTION BORONIA STREET, CONCORD WEST

Note: The following person addressed Council on this item during Public Forum:

- *Amelia Scott – employee of Concord Repatriation General Hospital*

RESOLVED 063/24

Moved: Cr Ferguson

Seconded: Cr Di Pasqua

That:

1. The action taken by Council officers regarding pedestrian safety on Nullawarra Avenue, Concord West near the intersection with Boronia Street Concord West, be noted.
2. That a report on the outcomes of the investigation be prepared and submitted to the Traffic Committee and subsequently to Council.
3. A briefing be provided to a future Councillor workshop on the matter as appropriate.

CARRIED

ITEM 13.4 NOTICE OF MOTION - CR DI PASQUA - PEDESTRIAN CROSSING AT NULLAWARRA AVENUE, CONCORD WEST

Note: The following person addressed Council on this item during Public Forum:

- *Amelia Scott – employee of Concord Repatriation General Hospital*

Note: As the content of this Notice of Motion was considered in Item 13.3, at the request of the author, the Notice of Motion was withdrawn.

ITEM 13.5 NOTICE OF MOTION - CR DI PASQUA - CABARITA PARK SHELTERS - ACCESSIBILITY

RESOLVED 064/24

Moved: Cr Di Pasqua

Seconded: Cr Bazouni

That Council:

1. Officers investigate, and prepare and submit a report to Council on the feasibility of making the existing shelters in Cabarita Park accessible for all with the provision of pathways.
2. Circulate to Councillors the Cabarita Park Accessibility Audit Report with recommendations, dated 7 December 2022, noting that this Report provides recommendations in respect of a broad range of access and disability issues that need urgent attention including to the Picnic Shelter in the north side of the park.
3. Arrange a Councillor workshop to review these recommendations and the recommendations of staff to address these issues comprehensively subject to the budget.

CARRIED

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RESOLVED 065/24

Moved: Cr Jago

Seconded: Cr Cordaro

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 10 THORNLEIGH AVENUE CONCORD

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

ITEM 17.2 LEASE - SIENELLA PTY LTD T/AS NIELD PARK 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 17.3 STRATEGIC PROPERTY UPDATE

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

ITEM 17.1 10 THORNLEIGH AVENUE CONCORD

RESOLVED 066/24

Moved: Cr Jago

Seconded: Cr Ferguson

That:

1. Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed or considered in relation to this agenda item is:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Council approves the consolidation of the lots as defined in the report.
3. Council approves a right of carriageway over the lot as defined in the report.
4. The General Manager be authorised to execute any related legal agreement and documents associated with the contents contained in the body of the report.
5. A further report be prepared and submitted to a future meeting of Council with options for future use or divestment of the lots.

CARRIED

ITEM 17.2 LEASE - SIENELLA PTY LTD T/AS NIELD PARK CAFE

RESOLVED 067/24

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. The draft lease be amended by the removal of a key term as detailed in the report.

CARRIED

Note: At 7.04pm Councillor Megna left the meeting having disclosed a pecuniary interest in Item 17.3.

Note: At 7.04pm Councillor Di Pasqua left the meeting having disclosed a significant non-pecuniary interest in Item 17.3.

Note: In the absence of the Mayor, at 7.04pm Councillor Cordaro assumed the Chair.

ITEM 17.3 STRATEGIC PROPERTY UPDATE

RESOLVED 068/24

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:
 - (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. The General Manager be authorised to continue the investigations and feasibility assessments included in the report.
3. The General Manager be authorised to execute on behalf of Council any documents associated with the application to NSW Department of Industry – Lands and Water referred to in the report.
4. Further reports be prepared and submitted to Council on options for future use of the properties referred to in the report

.CARRIED

Note: At 7.06pm Councillors Megna and Di Pasqua returned to the meeting and Councillor Megna resumed the chair.

RESOLVED 069/24

Moved: Cr Jago

Seconded: Cr Cordaro

That the Council resume in Open Session.

CARRIED

Note: At 7.06pm, the Council in 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 7.10.

This is the final page of the minutes comprising 16 pages numbered 1 to 16 of the Ordinary Council Meeting held on Tuesday 16 April 2024 and confirmed on Tuesday 21 May 2024.

Mayor

General Manager