

COUNCIL MEETING - 6 JUNE 2016

Club Rivers, 32-34 Littleton St, Riverwood 2210

MINUTES OF MEETING

Present

Council Members

Administrator, Mr John Rayner

Council Staff

Interim General Manager, Ms G Connolly

Director Service Delivery, Mr L O'Connor

Director Administration, Mr J Tripp

Acting Director Planning & Development, Ms T Christy

Director Assets and Services, Mr A Sharp

Director Planning and Environmental Services, Mr R Logan

Manager Public Relations & Events, Ms A Gregory-Desmond

General Counsel, Ms J Ware

Acting Manager Governance, Mr T Gearon

Governance Officer, Ms S Camilleri

Opening

The Administrator, Mr J Rayner opened the meeting at 6.05pm.

Acknowledgement of Country

The Administrator acknowledged the traditional custodians of the land, the Biddegal people.

Apologies

There were no apologies.

Disclosure of Interest

There were no disclosures of interest made.

PROCEDURAL MOTION

Minute No. 11

THAT standing orders be suspended to enable registered speakers to address Council.

(Moved by Administrator, Mr J Rayner)

The following registered speakers addressed Council:

- Mr J Cook, against recommendation of the Georges River Council - Overland Flood Study for Hurstville Mortdale and Peakhurst Wards

- Mr B Shaw, in favour of the recommendation of the Georges River Council – Overland Flood Study for Hurstville Mortdale and Peakhurst Wards
- Mr P Mahoney, against recommendation of the Proposed Change of Name for Council
- Ms A Wagstaff, expressed concerns that there was no report on the Audit Committee on the Agenda.

It was noted that the following motion was moved at 6.16pm.

PROCEDURAL MOTION

Minute No. 12

THAT standing orders be resumed.

(Moved by Administrator, Mr J Rayner)

Administrator's Minutes

2. Code of Meeting Practice

By legislation a Council must have a Code of Meeting Practice to regulate the conduct of Council and Committee Meetings.

The Proclamation of Georges River Council (Schedule 6, Cl8) provides that the Code of Meeting Practice of the former Hurstville City Council is to be the Code of Meeting Practice of the new Council until it is amended or replaced in accordance with the Act.

The Code has now been reviewed to take into account practices of both Councils, the Model Code and best practice of other Councils' Codes.

It is proposed to adopt a new Code for the Georges River Council.

Changes proposed include:

- Council meetings to conclude by 11.00pm rather than midnight.
- Councillors to be given reasons for the need to call an Extraordinary meeting and given 8 hours to respond, prior to the meeting being called.
- A requirement for the General Manager to consider whether a Notice of Motion has legal, strategic, financial or policy implications and if so, to recommend deferral or include a report to the business paper.
- Notices of Motion may be lodged up to 12 noon on the Wednesday prior to the meeting.
- An act of disorder to include abuse of a member of the public gallery.
- Provisions for censure of a Councillor for misbehaviour and for breach of a Council Code or Policy.
- Further explanation of Pecuniary Interest.
- The introduction of a Forum prior to the commencement of the Council meeting to allow presentations from members of the public. This replaces the provision for residents to speak during debate at a Council meeting.
- A requirement to record meetings of Council and Committee.

As required under Section 361 of the Local Government Act, the draft Code will be placed on exhibition and public submissions invited.

Minute No. 13

1. THAT this Minute be considered in conjunction with Report CCL016-16
2. THAT the Minute be received and noted.
3. THAT the draft Code of Meeting Practice be placed on public exhibition as required under the provisions of Section 361 of the Local Government Act 1993.
4. THAT the public exhibition be brought to the attention of former Councillors of the Hurstville City Council and Kogarah City Council and their submissions be invited.
5. THAT the proposed Code of Meeting Practice be referred to the Implementation Action Committee to obtain input from the Committee.

(Moved by Administrator, Mr J Rayner)

3. Implementation Advisory Committee

The Premier and the Minister for Local Government have proposed that merged Councils establish Committees comprising Councillors from the former Councils to assist in the successful implementation of the new Councils.

The knowledge and experience of the former Councillors can be of value in establishing Georges River Council. Also, there can be a feeling in the community that residents are no longer represented and therefore former Councillors can provide a link between the community and the Administrator.

Whilst there are models for the structure of and role of the new Committee(s), it is up to the Administrator to determine all aspects of their establishment and operation.

Generally I am seeking the assistance of former Councillors through a Committee, to provide:

- Input to assist in the establishment of Georges River Council
- Advice on local views and issues
- Background to matters before the Council/Administrator
- Input to operational plans
- Advice on policies, as requested by the Administrator
- Representation in the community

It is proposed that an Implementation Advisory Committee (IAC) be established comprising an equal number from each of the former Councils. The Charter for the IAC is below.

In addition, there will be other advisory committees where former Councillors can provide ongoing input.

Over the coming weeks the Implementation Advisory Committee membership will be finalised. Members of that Committee must be committed to the success of the merger, constructive and helpful.

The Charter**Implementation Advisory Committee – Terms of Reference****Name**

The name of the committee is the Georges River Implementation Advisory Committee (GRIAC).

Purpose

The purpose of the GRIAC is to provide input to the Council and the Administrator on local views and issues. This includes:

- Input to assist in the establishment of Georges River Council
- Advice on local views and issues
- Background to matters before the Council/Administrator
- Input to Operational Plan
- Advice on policies, as requested by the Administrator
- Representation in the community

Chairperson and Minutes

The Administrator will be the Chairperson of the GRIAC.

Secretariat support will be provided to prepare agendas and minutes of each meeting.

Membership

The GRIAC comprises councillors of the former Councils who have demonstrated a commitment to the success of the new council.

The Administrator will appoint members of the GRIAC and may appoint further representatives where appropriate, at the Administrator's discretion. The Administrator may also remove members from the Committee.

Membership of the GRIAC is as follows:

- TBD
- TBD
- TBD
- TBD
- TBD
- TBD
- TBD
- TBD

The Administrator may add to or reduce the size of the GRIAC.

Staff Attending

The General Manager will attend meetings plus other Council staff as required, on the invitation of the Chairperson.

Reporting

The GRIAC will be appointed by, and report to, the Administrator of Georges River Council.

Meeting Schedule

The GRIAC will meet as required.

Meeting schedules will be determined by the Chairperson, in consultation with the GRIAC members.

Principles

The following principles are based on the way the NSW Government expects the implementation of new Councils to be conducted.

These principles also provide high-level guidance for the IAC.

1. **Respect for our history** – Respect and honour the history and traditions of the former Councils.
2. **Community and residents** – Focus on service delivery continuity for residents, the community and other stakeholders during the transition.
3. **Collaborative and cooperative transition** – Work collaboratively to lead, plan and implement a smooth and timely transition.
4. **Integrity and mutual respect** – Act with integrity, mutual respect and professionalism at all times, trusting our colleagues.
5. **Prepared for incoming Councillors** – Establish a professional and supportive environment to work towards the newly elected council, based upon the implementation of a sound transition plan.
6. **Open and clear communications** – Engage in open, clear and consistent communications (no back channels) to minimise uncertainty for all stakeholders impacted by the transition.
7. **Respect, support and involve employees** – Respect and value employees.
8. **Fact-based decision-making** – Make decisions based on objective, data-based criteria and on merit.
9. **A ‘best of both’ or enhanced approach** – Select the most appropriate existing (or enhanced) services, systems, processes and policies from either council to minimise effort during the transition phase.
10. **A structured approach, with flexibility** – Focus initially on ‘transition’ not optimisation, using interim and pragmatic solutions to ensure seamless service delivery. Deliver the transition in a phased, disciplined and robust manner, leveraging consistent tools and processes across all areas of the business. We will be flexible and adaptable and continuously review and evaluate the transition plans.
11. **Represent impartially** – When representing the Council or Administrator, do so impartially with the Council’s image and position taking priority over personal interests.

Code of Conduct

The Georges River Council Code of Conduct applies to the members of the GRIAC.

Remuneration of Members

Members of the GRIAC will be remunerated at a rate which complies with rates established by the Local Government Remuneration Tribunal. Out of pocket expenses of Committee members will be reimbursed.

Media Liaison

The Administrator is the designated media spokesperson for the Georges River Council.

Meeting Arrangements

Arrangements for meetings will be as follows:

- The agenda and supporting material will be circulated at least five calendar days prior to a meeting
- Any supporting material or papers that are confidential will be clearly marked as such and remain confidential to members, and treated as confidential within the meaning of Council's Code of Conduct and the Local Government Act.
- Any general business items tabled during meetings will be short, requiring no more than a short presentation then discussion.
- Meetings will be run in a fair and independent manner and support open and constructive dialogue.
- Minutes will be circulated within seven days of each meeting.

Standard Agenda Items

Agendas will be determined by the Chairperson. As a minimum, agendas will include the following standard items:

- Meeting open and apologies
- Confirmation of previous minutes and matters arising
- Reports on priority actions
- Specific items varying from meeting to meeting
- Review of relevant meeting action or follow up requirements
- Formal close

Committee's Views

The views expressed in GRIAC meetings and by GRIAC members outside of the meeting do not represent the views of the IAC, the Council or the Administrator.

GRIAC members, with the exception of the Administrator, may not purport to represent the views of Council on any matter, whether or not a matter is discussed within the GRIAC.

Minute No. 14

1. THAT the Minute be received and noted.
2. THAT the Georges River Implementation Advisory Committee be established and the Charter be adopted.
3. THAT the Administrator be authorised to appoint former Councillors from Hurstville and Kogarah City Councils to the Committee and other Advisory Committees.

(Moved by Administrator, Mr J Rayner)

4. Severe Weather Conditions (3 June 2016 – 5 June 2016)

From Friday evening, 3rd June 2016 until late on Sunday 5 June 2016, Sydney experienced torrential rain and winds of up to 120kph. This was part of an east coast low which impacted on the whole of the NSW coast. The severe weather conditions uprooted trees, caused local

flooding and damaged private and public property.

The Georges River Council area escaped the storm's severe conditions however it did experience a 1 in 20 year rainfall.

As usual, the Hurstville and Kogarah State Emergency Services (SES) did a magnificent job in responding to over 70 tasks in the Georges River Council area. In addition, a number of units were also deployed to assist the Sutherland Shire SES over the weekend.

Council responded to 30 call outs which mostly related to tree debris, blocked drains and local flooding.

Council crews are currently undertaking a clean-up of the Georges River Council area, including street sweeping, clearing drains and the removal of debris from streets and parks.

Damage was reported at a number of Council facilities including Narani Childcare Centre, Peshurst Long Day Care Centre, Jack High Long Day Care Centre and the meeting rooms at the Hurstville Entertainment Centre. Council staff worked tirelessly to limit the damage at Narani Childcare Centre. Staff pumped water from the facility on Saturday and Sunday and assisted in minimising further damage and flooding.

The response from both Council staff and the SES volunteers is worthy of recognition.

Minute No. 15

1. THAT the Minute be received and noted.
2. THAT the volunteers from Hurstville and Kogarah SES be thanked and congratulated on their significant efforts during the severe weather event.
3. THAT acknowledgement and appreciation be extended to Council's staff who were involved during the peak of the severe conditions and for the clean-up which is currently underway.

(Moved by Administrator, Mr J Rayner)

Minutes of previous meetings

EXTRAORDINARY COUNCIL MEETING - 19 MAY 2016

Minute No. 16

RESOLVED THAT the Minutes of the Extraordinary Council Meeting held on 19 May 2016 be adopted.

(Moved by Administrator, Mr J Rayner)

EXTRAORDINARY COUNCIL MEETING - 30 MAY 2016

Minute No. 17

RESOLVED THAT the Minutes of the Extraordinary Council Meeting held on 30 May 2016 be adopted.

(Moved by Administrator, Mr J Rayner)

KOGARAH TRAFFIC COMMITTEE MEETING - 3 MAY 2016**Minute No. 18**

RESOLVED THAT the Minutes of the Kogarah Traffic Committee Meeting held on 3 May 2016, be adopted.

(Moved by Administrator, Mr J Rayner)

HURSTVILLE TRAFFIC ADVISORY COMMITTEE MEETING - 5 MAY 2016**Minute No. 19**

RESOLVED THAT the Minutes of the Hurstville Traffic Advisory Committee Meeting held on 5 May 2016, be adopted.

(Moved by Administrator, Mr J Rayner)

Council Reports**CCL012-16 Alterations to the Interim General Manager's Delegations**

(Report by Manager Governance, Ms C Bush)

Minute No. 20

RESOLVED THAT any previous delegations to the Interim General Manager be revoked.

THAT the Independent Hearing and Assessment Panel (IHAP) Charter and Guidelines 2016 and the Policy for the Determination of Development Applications be amended to align with the revised functions of the Georges River IHAP as outlined in the body of the report.

THAT the Interim General Manager, or the person who acts in that position be delegated; all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the Local Government Act 1993, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like) other than those functions prescribed in section 377(1) of the Local Government Act 1993 as functions which may not be delegated and subject to those restrictions outlined in paragraph 7 of this report and Attachment 1 - Interim General Manager's Delegation (Instrument of Delegation).

THAT the restrictions of the Interim General Manager outlined in paragraph 7 of the report as detailed in Appendix 1 – Interim General Manager's Delegation (Instrument of Delegation), be delegated to IHAP.

(Moved by Administrator, Mr J Rayner)

CCL013-16 Proposed Delegations from Council to the Administrator

(Report by General Counsel, Ms J Ware)

Minute No. 21

RESOLVED THAT subject to sections 226, 258 and 377 of the Local Government Act, 1993, and as a matter of policy, Council delegates to the Administrator, on an on-going basis, the functions, set out in this report, to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time.

(Moved by Administrator, Mr J Rayner)

CCL014-16 Proposed Change of Name for Council
(Report by Interim General Manager, Ms G Connolly)

Minute No. 22

RESOLVED

1. THAT Council undertake a public exhibition process to explore a change of name from Georges River Council to the City of Georges River Council.
2. FURTHER THAT the matter be referred to the Implementation Advisory Committee for consideration.

(Moved by Administrator, Mr J Rayner)

CCL015-16 Conduct Reviewers' Panel
(Report by General Counsel, Ms J Ware)

Minute No. 23

RESOLVED

1. THAT Council note Council complaints coordinators may now refer Code of Conduct complaints about Councillors or the General Manager to a supplier specified under the Performance and Management Services Prequalification Scheme administered by NSW Procurement as "Conduct Reviewers" for matters within Council.
2. THAT Council utilise the suppliers specified under the NSW Procurement Performance and Management Services Prequalification Scheme for all future Code of Conduct complaints against Councillors and the General Manager from the date of this resolution.
3. THAT those who provided tenders for the former Hurstville City Council Conduct Reviewers' Panel be notified of the Council's decision.

(Moved by Administrator, Mr J Rayner)

CCL016-16 Draft Code of Meeting Practice
(Report by Acting Manager Corporate Governance, Mr A Gearon)

Minute No. 24

RESOLVED THAT the draft Code of Meeting Practice be approved for public exhibition for a period of at least 28 days, further allowing a period of at least 42 days during which any public submissions may be received about the draft Code.

(Moved by Administrator, Mr J Rayner)

CCL017-16 Preliminary Certificate of Cash and Investments as at 12 May 2016
(Report by Chief Financial Officer, Mr T Caltabiano)

Minute No. 25

RESOLVED THAT the preliminary Certificate of Cash and Investments be received and noted.

(Moved by Administrator, Mr J Rayner)

CCL018-16 Compulsory Acquisition of Lease by Roads & Maritime Services - West Connex Site Compound - Kirrang Street, Beverly Hills
(Report by Property Portfolio Manager, Mr B Morabito)

Minute No. 26

RESOLVED

1. THAT approval be granted to Roads & Maritime Services to commence the compulsory acquisition of a lease over Lots 26 & 27 in DP1076996 as detailed in this report.

2. FURTHER THAT the Administrator and Interim General Manager be authorised to execute all documentation in relation to the compulsory acquisition of the lease and settlement of the determined compensation.

(Moved by Administrator, Mr J Rayner)

CCL019-16 Request for Funding - Kingsgrove Colts Junior Rugby League Football Club

(Report by Manager Engineering Services, Mrs M Whitehurst)

Minute No. 27

RESOLVED

1. THAT Council undertake a tender for the works as per Council's Procurement.
2. THAT the request for funding for \$115,000 by Kingsgrove Colts JRLFC be rejected until a tender is called.
3. THAT Council Officers forward the selected Contractor to Kingsgrove Colts JRLFC whereby they will need to commit their funds in writing.
4. THAT Council Officers' investigate potential sources of funding from Federal and State Government Grants and NSW Rugby League.
5. FURTHER THAT if the project is approved, Council is to Project Manage the work.

(Moved by Administrator, Mr J Rayner)

CCL020-16 Voluntary Planning Agreement Policy

(Report by General Counsel, Ms J Ware)

Minute No. 28

RESOLVED

1. THAT Council endorse the draft Georges River Voluntary Planning Agreement (VPA) Policy for public exhibition for 28 days.
2. THAT the matter be reported back to Council following the exhibition process.
3. THAT current VPA negotiations by Georges River Council officers be conducted generally in accordance with the draft VPA Policy until such time as the Policy is adopted by Council.

(Moved by Administrator, Mr J Rayner)

CCL021-16 Georges River Council - Overland Flood Study for Hurstville Mortdale and Peakhurst Wards

(Report by Director - Service Delivery, Mr L O'Connor)

Minute No. 29

RESOLVED

1. THAT Council endorse the Georges River Council - Overland Flow Flood Study 2015 for Hurstville, Mortdale and Peakhurst Wards.
2. THAT Council delegate authority to the Interim General Manager to undertake editorial amendments to the final Report and Maps of the Overland Flow Flood Study to reflect the recently formed Georges River Council.
3. THAT Council adopt the following flood development standards as Council Policy:
 - a. an overflow flood development standard to be equivalent to the 1% AEP (Annual Exceedance Probability) or 1 in 100 year storm event

- b. overland flow free-board levels of 500mm for habitable and 300mm for non-habitable buildings and
 - c. an overland flow flood "cut off" level of 150mm.
4. THAT Council endorse the inclusion of the required legal notation on the Section 149(5) Planning Certificates.
 5. THAT Council prepare a Floodplain Risk Management Study and Plan for the City in accordance with the NSW Government's Floodplain Development Manual.
 6. THAT Council allocate matching funding of approximately \$70,000, in support of a grant application to the NSW Office of Environment and Heritage for the preparation of a Floodplain Risk Management Study and Plan for the City.
 7. THAT Council make available to the public the flood modelling data for the purpose of preparing development applications and amend its Fees and Charges 2016/17 to accommodate the cost associated with this service.
 8. THAT Council give public notice in the local paper and on its website of the decision to endorse the Georges River Council - Overland Flow Flood Study 2015 for Hurstville, Mortdale and Peakhurst Wards.

(Moved by Administrator, Mr J Rayner)

PROCEDURAL MOTION

Minute No. 30

THAT item CON003-16 - Advice on Court Proceedings – May 2016 be brought forward into open Council.

(Moved by Administrator, Mr J Rayner)

CON003-16 Advice on Court Proceedings - May 2016

(Report by General Counsel, Ms J Ware)

Minute No. 31

RESOLVED THAT the information be received and noted.

(Moved by Administrator, Mr J Rayner)

Consideration of Business of Closed Session

The Administrator asked the General Manager if any representations had been received from the public that an item should not be discussed in closed session.

The General Manager replied that no representations had been received to talk to the items in closed session.

The Administrator asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider items in closed session.

The Administrator informed that he would not close the meeting as he thought it would be an inconvenience to those members of the public present and then moved the following motions in bulk.

Minute No. 32

RESOLVED THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local

Government Act 1993, the following matters listed for consideration in closed Council at which the press and public are excluded be resolved in accordance with the recommendations within the reports.

CON001-16 Appointment of External Auditor for Georges River Council

(Report by Chief Financial Officer, Mr T Caltabiano)

THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council at which the press and public are excluded. In accordance with Section 10A(2) (d(ii)) it is considered the matter commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.

THAT in accordance with Section 10D it is considered that if the matter were discussed in an open Council Meeting, it would on balance, be contrary to the public interest as it commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.

CON002-16 Car Parking Lease - 12-22 Woniora Road, Hurstville

(Report by Director Administration, Mr J Tripp)

THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council at which the press and public are excluded. In accordance with Section 10A(2) (d(ii)) it is considered the matter commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.

THAT in accordance with Section 10D it is considered that if the matter were discussed in an open Council Meeting, it would on balance, be contrary to the public interest as it commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.

CON004-16 Senior Staff Structure

(Report by Acting Manager Human Resources, Ms M Mitchell)

THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council at which the press and public are excluded. In accordance with Section 10A(2) (a) it is considered the matter deals with personnel matters concerning particular individuals.

THAT in accordance with Section 10D it is considered that if the matter were discussed in an open Council Meeting, it would on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals.

THAT in accordance with the provisions of Section 11(2) of the Act, the reports and correspondence relating to these matters be withheld from the press and public.

(Moved by Administrator, Mr J Rayner)

Consideration of Recommendations from Closed Session

CON001-16 Appointment of External Auditor for Georges River Council

(Report by Chief Financial Officer, Mr T Caltabiano)

Minute No. 33

RESOLVED THAT pursuant to Section 28 Local Government (Council Amalgamations) Proclamation 2016 (NSW), Georges River Council hereby determines the firm Pitcher Partners as auditor for the period 13 May 2016 to 30 June 2019 in accordance with the terms as recommended in the report.

FURTHER THAT the Interim General Manager be authorised to formally issue letters of advice to the firms Pitcher Partners and Hill Rogers.

(Moved by Administrator, Mr J Rayner)

CON002-16 Car Parking Lease - 12-22 Woniora Road, Hurstville

(Report by Director Administration, Mr J Tripp)

Minute No. 34

RESOLVED

1. THAT the offer of the Owner/Lessor of the car park at No.'s 12-22 Woniora Road, Hurstville as detailed in the report be accepted in lieu of the provision of replacement parking spaces during the demolition and construction period of the new development.
2. THAT the acceptance of the offer is on the proviso that the lease be amended to accurately reflect the number of car spaces contained in the leased area and to be re-instated in the new development.
3. THAT Council Officers prepare a report on expenditure options for the funds referred to above, including those outlined in the report.
4. THAT a follow-up report be prepared by Council Officers on the utilisation of the leased car spaces to be re-instated in the new development.

(Moved by Administrator, Mr J Rayner)

CON004-16 Senior Staff Structure

(Report by Acting Manager Human Resources, Ms M Mitchell)

Minute No. 35

RESOLVED

1. THAT In accordance with Section 333 of the Local Government Act 1993, Council's Organisational Structure at the Senior Staff level be re-determined, as contained in this report.
2. THAT the Interim General Manager (IGM) proceeds to implement the changes to, the Senior Staff structure as contained in this report.

(Moved by Administrator, Mr J Rayner)

Conclusion

The Meeting was closed at 6.37pm.

Minutes confirmed Monday, 4 July 2016.



Chairperson