

# GEORGES RIVER COUNCIL

## EXTRAORDINARY COUNCIL MEETING

### MINUTES OF MEETING

Tuesday, 13 December 2016

#### **Present**

##### **Council Members**

Administrator, Mr John Rayner

##### **Council Staff**

General Manager, Ms Gail Connolly

Director Environment and Planning, Ms Meryl Bishop

Chief Operating Officer, Ms Carole Todd

Director Assets and Infrastructure, Mr Laurie O'Connor

Director Community and Culture, Mr David Tuxford

Director Transformation and Change, Ms Marissa Racemelara

Chief Financial Officer, Mr Tino Caltabiano

Chief Financial Officer, Mr John Maunder

Senior Planner, Ms Rebecca Lau

Co-Ordinator Integrated Planning, Ms Jessica Lee

Internal Auditor, Mr Tony Gearon

Executive Services Officer, Ms Sina Camilleri

#### **Opening**

The Administrator, Mr J Rayner opened the meeting at 6.00pm.

#### **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.

#### **Environment and Planning**

**CCL126-16 Draft Georges River Council Section 94A Development Contributions Plan 2016**

(Report by Senior Planner, Rebecca Lau)

##### **Minute No. 209**

The Administrator moved and declared carried:

- (a) That the “*draft Georges River Council Section 94A Development Contributions Plan 2016*” attached to this report be adopted with amendments as outlined in the body of the report.
- (b) That public notification of the adoption of the “*Georges River Council Section 94A*”

*Development Contributions Plan 2016*” be undertaken and the adopted Plan be forwarded to the Minister for Planning in accordance with the requirements of s94EA of the EP&A Act and the Environmental Planning and Assessment Regulation.

- (c) That public notification of the repeal of “*Kogarah City Council Section 94A Development Contributions Plan 2014*” be undertaken in accordance with the requirements of s94EA of the EP&A Act and the Environmental Planning and Assessment Regulation.

**CCL127-16 Planning Proposal to amend Hurstville Local Environmental Plan 2012 - Nos 108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville**  
(Report by Coordinator Strategic Planning, Rita Vella)

**Minute No. 210**

The Administrator moved and declared carried:

- (a) That Council endorse the forwarding of the Planning Proposal to the NSW Department of Planning and Environment to request a Gateway Approval for an amendment to the Hurstville Local Environmental Plan 2012 in relation to Nos. 108, 112 and 124 Forest Road and Nos 1 and 3 Wright Street, Hurstville to:
- Amend the Land Zoning Map (LZM) to rezone Nos 108 and 112 Forest Road Hurstville from B2 - Local Centre Zone to B4 – Mixed Use Zone;
  - Amend the Land Zoning Map (LZM) to rezone Nos 1 - 3 Wright Street, Hurstville from R3 - Medium Density Residential Zone to B4 - Mixed Use Zone;
  - Amend the Height of Building map (HOB) to increase the height of buildings for Nos 108 and 112 Forest Road and 1 and 3 Wright Street, Hurstville to 34.5m;
  - Amend the Height of Buildings map (HOB) to increase the height of buildings for No 124 Forest Road, Hurstville to 46.5m;
  - Amend the floor space ratio map (FSR) to increase the maximum floor space ratio for Nos 108 and 112 Forest Road and Nos 1 and 3 Wright Street, Hurstville to 4:1; and
  - Amend the Lot Size Map (Sheet LSZ\_008) to remove Nos. 1 and 3 Wright Street Hurstville from its application and consistent with the B4 - Mixed Use zone; and
  - Amend Clause 4.4A of HLEP 2012 to include the a provision relating to the subject site stating that development consent must not be granted for development unless the non-residential floor space is at least 0.5:1.
- (b) That Council also note the IHAP resolution to support the following:
- (i) The preparation of an amendment to the *Hurstville Section 94 Development Contributions Plan 2012* to include 108 Forest Road, 112 Forest Road and 1 and 3 Wright Street in the boundaries of the Hurstville City Centre to reflect the proposed B4 Mixed Use zoning of the land; and
  - (ii) The preparation of an amendment to the *Hurstville Development Control Plan No. 2 - Hurstville City Centre (Amendment No. 6)* to include the subject site within the boundary of the Hurstville City Centre and site specific provisions including (but not limited to), setbacks to the adjoining residential development, street activation provisions and vehicular access points, building massing and form as well as provisions to upgrades to public domain, provide deep soil landscaped areas and through site connections and linkages.

**CCL128-16 Voluntary Planning Agreement offer by Shanghai Lihua Hurstville Pty Ltd and SLH 108 Pty Ltd for 108, 112 and 124 Forest Road and 1-3 Wright Street, Hurstville**  
(Report by Executive Strategic Planner, Nerida Stores)

**Minute No. 211**

The Administrator moved and declared carried:

- (a) That the report be received and noted.
- (b) That the Confidential report *item CON029-16 - Voluntary Planning Agreement offer by Shanghai Lihua Hurstville Pty Ltd and SLH 108 Pty Ltd for 108, 112 and 124 Forest Road and 1-3 Wright Street, Hurstville* be moved and resolved in open Council with exception of any commercial in confidence information.

**CON029-16 Voluntary Planning Agreement offer by Shanghai Lihua Hurstville Pty Ltd and SLH 108 Pty Ltd in relation to a Planning Proposal for 108, 112 and 124 Forest Road and 1-3 Wright Street, Hurstville**  
(Report by Executive Strategic Planner, Nerida Stores)

**Minute No. 212**

The Administrator declared carried:

- (a) That Council accept the written offer dated 7 December 2016 from Shanghai Lihua Hurstville Pty Ltd and SLH 108 Pty Ltd to enter into a Voluntary Planning Agreement in relation to the Planning Proposal PP2014/0004 which seeks amendments to Hurstville LEP 2012 at 108, 112 and 124 Forest Road and 1-3 Wright Street, Hurstville, which will deliver the following public benefits (summarised) over and above the usual Section 94 Contributions applicable to the development:
  1. the Developer will provide a monetary contribution of \$3,775,750 within 28 days of the date of the Instrument Change is gazetted.
  2. the Developer will dedicate the Dedication Land for the purpose of road widening, at no cost to Council, if the Instrument Change is gazetted. The timing of the dedication of the land and the construction of the road is still to be agreed between the parties.
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, and if a Gateway is issued by the Department of Planning and Environment for the Planning Proposal.
- (c) That the General Manager be given delegated authority to:
  1. Authorise any minor changes to the draft Voluntary Planning Agreement following public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
  2. Subsequently enter into the Voluntary Planning Agreement on behalf of Council; and
  3. Any land to be dedicated to Council, other land for the purposes of a road, under the terms of the Voluntary Planning Agreement is to be classified as Operational Land in accordance with the provisions of Section 31(2) of the Local Government Act 1993.

**Finance and Governance**

**CCL129-16 Former Hurstville City Council Annual Financial Statements 2015-2016 - Present For Audit**  
(Report by Chief Financial Officer, Tino Caltabiano)

**Minute No. 213**

The Administrator moved and declared carried:

- (a) That in accordance with Section 413 (2) (c) of the Local Government Act (NSW) 1993, Council authorises the Administrator, Interim General Manager and Responsible Accounting Officer to sign the 2015/2016 Statutory Accounts relating to former Hurstville City Council.
- (b) That the Annual Financial Statements for the year ended 12 May 2016 be referred to the Council's Auditor, Pitcher Partners, for audit in accordance with sections 415, 416 and 417 of the Local Government Act (NSW) 1993.
- (c) That Council delegate to the Interim General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public as per Section 418 (1) of the Local Government Act (NSW) 1993.
- (d) That Council delegate to the Interim General Manager the authority to "authorise the year end accounts for issue immediately upon receipt of the auditor's report" subject to there being no material audit changes or audit issues, in accordance with AASB 110.
- (e) That arrangements are made to place copies of the audited financial reports on public exhibition and the necessary notice be published on Council's web site and in the St George and Sutherland Shire Leader.
- (f) That upon receipt of the audit report, a copy of the audited financial reports be forwarded to the Office of Local Government.
- (g) That the audited financial reports be presented at a Meeting of Council to be held on 22 December 2016 in accordance with Section 418 of the Local Government Act (NSW) 1993.

**CCL130-16 Former Kogarah City Council Annual Financial Statements 2015-2016 - Present For Audit**

(Report by Chief Financial Officer, John Maunder)

**Minute No. 214**

The Administrator moved and declared carried:

- (a) That in accordance with Section 413 (2) (c) of the Local Government Act (NSW) 1993, Council authorises the Administrator, Interim General Manager and Responsible Accounting Officer to sign the 2015/2016 Statutory Accounts relating to former Kogarah City Council.
- (b) That the Annual Financial Statements for the year ended 12 May 2016 be referred to the Council's Auditor, Pitcher Partners, for audit in accordance with sections 415, 416 and 417 of the Local Government Act (NSW) 1993.
- (c) That Council delegate to the Interim General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public as per Section 418 (1) of the Local Government Act (NSW) 1993.
- (d) That Council delegate to the Interim General Manager the authority to "authorise the year end accounts for issue immediately upon receipt of the auditor's report" subject to there being no material audit changes or audit issues, in accordance with AASB 110.

- (e) That arrangements be made to place copies of the audited financial reports on public exhibition and the necessary notice in required form be published on Council's website and in the St George and Sutherland Shire Leader.
- (f) That upon receipt of the audit report, a copy of the audited financial reports be forwarded to the Office of Local Government.
- (g) That the audited financial reports be presented at a Meeting of Council to be held on 22 December 2016 in accordance with Section 418 of the Local Government Act (NSW) 1993.

### **Assets and Infrastructure**

#### **CCL131-16 Tender for Architectural Consultancy Services for Hurstville Central Plaza** (Report by Manager Project Delivery, Michelle Whitehurst)

##### **Minute No. 215**

The Administrator moved and declared carried:

- (a) That the report be received and noted.
- (b) That the separate report on this agenda relating to Tender Architectural Consultancy Services for Hurstville Central Plaza be considered in closed session, in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, Section 10A (2) (c) as it is considered the information, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **CCL132-16 Tender for the Provision of Workplace Furniture to Georges River Council** (Report by Manager Project Delivery, Michelle Whitehurst)

##### **Minute No. 216**

The Administrator moved and declared carried:

- (a) That the report be received and noted.
- (b) That the separate report on this agenda relating to Tender for the Provision of Workplace Furniture to Georges River Council be considered in closed session, in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, Section 10A (2) (c) as it is considered the information, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### **Community and Culture**

#### **CCL133-16 Draft Council Owned and Managed Facilities Policy - Venue Hire Grant Funding Program**

(Report by Coordinator Integrated Planning, Jessica Lee)

##### **Minute No. 217**

The Administrator moved and declared carried:

- (a) That the *Draft Council Owned and/or Managed Facilities Policy, Venue Hire Grant Funding Program* which aims to provide equitable and transparent access to grant funding, attached to this report, be endorsed for an extended 8 week public exhibition period.
- (b) That during the public exhibition, Council runs a community consultation session on Tuesday, 31 January 2017 to respond to any questions or concerns from interested

community organisations.

- (c) That comment on the draft policy be sought from the Community Development and Services Advisory Committee and the Implementation Advisory Committee.
- (d) That, following the public exhibition, a future report on the submissions received and the revised Policy be provided to Council for approval of the Policy including the budget for the program.
- (e) That a budget of \$10,000 be established to provide promotion and training for the community to apply for grants and to provide an introductory session to the Venue Hire Grant Funding Program

### **Confidential items (Closed Council Meeting)**

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

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

The Administrator informed that he would not close the meeting to inconvenience those members of the public in attendance and then moved the following motion.

### **Minute No. 218**

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 session of Council at which the press and public are excluded be resolved in bulk in accordance with the recommendations within the reports.

#### **CON027-16 Tender for Architectural Consultancy Services for Hurstville Central Plaza** (Report by Manager Project Delivery, Michelle Whitehurst)

*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 Meeting at which the press and public are excluded. In accordance with Section 10A(2) (d(i)) it is considered the matter concerns commercial information of a confidential nature that would if disclosed prejudice the position of a person who supplied it.*

*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 concerns commercial information of a confidential nature that would if disclosed prejudice the position of a person who supplied it.*

#### **CON028-16 Tender for the Provision of Workplace Furniture to Georges River Council** (Report by Manager Project Delivery, Michelle Whitehurst)

*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 Meeting at which the press and public are excluded. In accordance with Section 10A(2) (d(i)) it is considered the matter concerns commercial information of a confidential nature that would if disclosed prejudice the position of a person who supplied it.*

*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 concerns commercial information of a confidential nature that would if disclosed prejudice the position of a person who supplied it.*

### **Consideration of Confidential Recommendations**

#### **CON027-16 Tender for Architectural Consultancy Services for Hurstville Central Plaza** (Report by Manager Project Delivery, Michelle Whitehurst)

##### **Minute No. 219**

The Administrator moved and declared carried:

- (a) That GROUP GSA be awarded the Contract for Architectural Services for Hurstville Central Plaza for the amount of \$176,450 (plus GST).
- (b) THAT the General Manager be authorised to sign the Contract with the preferred Contractors on behalf of Council.

#### **CON028-16 Tender for the Provision of Workplace Furniture to Georges River Council** (Report by Manager Project Delivery, Michelle Whitehurst)

##### **Minute No. 220**

The Administrator moved and declared carried:

- (a) That in accordance with Regulation 178 (1)(b) Local Government (General) Regulation 2005 Council declines to accept any of the tenders received for the Provision of Workplace Furniture to Georges River Council for the following reasons and as set out in the confidential report:
  - a. That no tender fully met the requirements of:
    - i. Value for money
    - ii. Compliance with the Workplace Furniture specifications
    - iii. Ability to supply the complete range workplace furniture requirements
- (b) That in accordance with Regulation 178 (3)(e) Local Government (General) Regulation 2005 Council enter into negotiations with Schiavello Systems NSW Pty Ltd and Table Chairs & Workstations Pty Ltd to allow Council to obtain the required range of workplace furniture within the required timeframe whilst delivering value for money.
- (c) That delegation is granted to the General Manager to enter into contract with Schiavello Systems NSW Pty Ltd and Table Chairs & Workstations Pty Ltd should negotiations result in a value-for-money outcome for Council.
- (d) That delegation is granted to the General Manager to negotiate and / or enter into contract directly with the manufacturers as outlined in the tender documentation should negotiations with Schiavello Systems NSW Pty Ltd and Table Chairs & Workstations Pty Ltd be deemed unsuccessful due to the time constraints and staging of the project.

**Consideration of Recommendations from Closed Session**

**Minute No. 221**

Resolved that the Closed session recommendations be adopted.

**Conclusion**

The Meeting was closed at 6.10pm.

Minutes confirmed Monday, 6 February 2017.



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Chairperson