

GEORGES RIVER COUNCIL

COUNCIL MEETING

MINUTES OF MEETING

Monday, 6 March 2017

Present

Council Members

Administrator, Mr John Rayner

Council Staff

General Manager, Ms Gail Connolly

Director Assets and Infrastructure, Mr Laurie O'Connor

Director Environment and Planning, Ms Meryl Bishop

Acting Director Community and Culture, Ms Margaret Le

Chief Operating Officer, Ms Carole Todd

Director Transformation and Change, Ms Marissa Racomelara

General Counsel, Ms Jenny Ware

Executive Manager, Jubilee Stadium and Facilities, Mr Luke Coleman

Executive Manager, Office of the General Manager, Ms Rebekah Schulz

Chief Financial Officer, Mr Rob Owens

Manager Strategic Property, Ms Claire Stuckey

Property Portfolio Manager, Mr Bernard Morabito

Manager Library Services, Ms Wilma Bancroft

Manager Community and Cultural Development, Mr Scott Andrew

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.

PROCEDURAL MOTION

Minute No. 21

The Administrator moved that standing orders be suspended to enable registered speakers to address the Council at 6.01pm.

The following registered speakers addressed the Council:

- *Ms Melissa Derwent – Item CCL017-17 – Community Consultation on the Former Oatley Bowling Club site – progress report*
- *Mr Rod Smith - Item CCL131-08 & COW040-08 – Property Matter – Civic Precinct*

PROCEDURAL MOTION

Minute No. 22

The Administrator moved and declared carried that standing orders be resumed at 6.10pm.

Administrator's Minutes

20 Charity Events

The purpose of this Minute is to provide an update on two charity Golf Days supported by Council and to support the St George Lions Charity Golf Day to be held on the 7 April 2017.

1. 2016 Wayne Riley Georges River Council 'Legends' Pro-Am Golf Day

On 7 November 2016, Council agreed to provide assistance for the Lugarno Lions Club and the delivery of their fundraiser for the Cancer Care Centre at St George Hospital the "2016 Wayne Riley Georges River Council Legends Pro-AM". This event was organised by a committee chaired by Mr Kevin Greene and supported by Council staff.

The event raised \$14,306.82 for the Cancer Care Centre of St George Hospital.

2. 2017 Georges River Council Charity Golf Day

In previous years, the former Hurstville Council assisted in the delivery of the "Mayoral Golf Day". This event was also organised by a committee chaired by Mr Kevin Greene and supported by Council staff.

The Georges River Council Golf Day was scheduled at Hurstville Golf Course for 3 March 2017, but due to wet weather has been postponed to be held on 31 March 2017.

The proceeds of this fundraiser will go to the Cancer Care Centre of St George Hospital.

Lugarno Lions Club is involved in both the Legends Pro-Am and the Georges River Council Charity Golf Day.

The organising committee comprises:

- Kevin Greene (Chair)
- Mr Phil Bates
- Mr Brian Anson (Lugarno Lions)
- Mr Todd McHardy
- Mr Peter de Meur (St George Lions)

3. St George Annual Charity Golf Day 2017

Council has received an invitation from the St George Lions Club to attend and sponsor the St George Charity Golf Day on 7 April 2017. This year the event will be held at Beverley Park Golf Club.

The Lions Club advised that funds raised will go to St George Hospital Prostate Cancer Clinic.

The former Hurstville City Council supported the event over a number of years.

Minute No. 23

The Administrator moved and declared carried:

- (a) That Council thank the organising committee, Lugarno Lions Club and St George Lions Club for their contributions to the success of the Legends Pro-Am Golf Day and support for Georges River Council Charity Golf Day.
- (b) That as provided under Section 356 of the Local Government Act, Council provide \$250 hole sponsorship for the St George Annual Charity Golf Day, 2017 to promote a Council service.

21. 23 Cook Street, Mortdale

By letter to the Office of Local Government dated 8 December 2014, following a decision of Council on 19 November 2014, the former Hurstville City Council sought the Minister for Local Government's approval to compulsorily acquire the property at 23 Cook Street, Mortdale for public purposes. The stated public purpose of the acquisition was to, *"expand the parking capacity of Council's existing Cook Street public car park at 27 Cook Street, Mortdale which lies immediately adjacent to Mortdale railway station, in close proximity to Mortdale town centre"*.

Previously a similar motion had been passed by Council on 5 February 2014.

The property, 23 Cook Street, is owned by Mr & Mrs Koutsoullis, according to newspaper report aged 85 and 77 respectively.

Council records indicate that between 2013 and 2015 unsuccessful negotiations occurred between the former Hurstville City Council and the owners of 23 Cook Street.

On 21 September 2016, the Office of Local Government advised Georges River Council that the then Minister for Local Government approved the compulsory acquisition.

The purpose of the acquisition was advised to the office of Local Government by Hurstville City Council on 8 January 2016 as:

"The public purpose of the proposed acquisition of the subject sites is for the provision of public car parking facilities appropriate to current and future needs of the local community and to the wider public. In particular, the acquisition is necessary to expand the parking capacity of Council's existing Cook Street public car park at 27 Cook Street, Mortdale which lies immediately adjacent to Mortdale railway station, in close proximity to Mortdale town centre".

The issue which has attracted public media and political attention is that the Council would be compulsorily acquiring the home of an elderly couple.

As early as October 2015, and on-going throughout 2016, the Council and the owners' family discussed the possibility of the couple remaining in their property following the compulsory acquisition. Agreement on purchase was not reached and Council, at the request of the owners, served a Proposed Acquisition Notice (PAN) on 6 December 2016 to facilitate the process.

The PAN is a document issued under the *Land Acquisition (Just Terms Compensation) Act, 1991* (the Act) and gave formal notice of Council's intention to compulsorily acquire the property by publishing an Acquisition Notice in the Government Gazette within not less than 90 days, after giving the PAN. Gazettal must occur between 90 and 120 days of the PAN being served.

After the service of the PAN, Council staff made a number of requests to the owners' family to meet to discuss the issue of the owners remaining in their home, as long as they required. However, the family advised they would not meet until after a proposed meeting was held with the Minister for Local Government. This response was respected.

In mid February, the Administrator and representatives of the family agreed that:

- Council will withdraw the Property Acquisition Notice (PAN)

- Mr & Mrs Koutsoullis will stay in their home as long as they desire
- Council could purchase the property after Mr & Mrs Koutsoullis pass away or until they can no longer remain there independently.

These arrangements other than the withdrawal of the PAN continue to be the subject of final legal negotiations.

Minute No. 24

The Administrator moved and declared carried:

- (a) That Council withdraw the PAN dated 6 December 2016 issued to the owners of 23 Cook Street, Mortdale pursuant to section 16(1) of the Land Acquisition (Just Terms Compensation) Act, 1991.
- (b) That the General Manager is authorised to finalise remaining matters pursuant to the Land Acquisition (Just Terms) Compensation) Act 1991.
- (c) That the Administrator and General Manager are authorised to negotiate and finalise any legal agreements with the owners in relation to the property 23 Cook Street, Mortdale.
- (d) That the General Manager is authorised to sign any associated legal documents on behalf of Council.

The Administrator moved the following matter of urgency:

MU001-17 Baptist Church, 4-6 Dora Street, Hurstville

Minute No. 25

The Administrator moved and declared carried:

- (a) That the business of making report COW040-08 "*Property Matter – Civic Precinct*" an open document be transacted at this meeting.
- (b) That in light of the discussions between Council and the Baptist Church, the Administrator rules that this is a matter of great urgency.
- (c) That the report from the former Hurstville City Council considered by Council on 27 August 2008 - COW040-08 – "*Property Matter – Civic Precinct*" be considered as an open report and be released within 7 days.

Minutes of previous meetings

COUNCIL MEETING - 6 FEBRUARY 2017

Minute No. 26

The Administrator moved and declared carried that the Minutes of the Council Meeting held on 6 February 2017 be adopted.

Environment and Planning

CCL015-17 Review of Georges River Council's IHAP (Report by Project Manager - Change Program)

Minute No. 27

The Administrator moved and declared carried:

- (a) That the amended IHAP Charter and IHAP Guidelines be adopted.
- (b) That the General Manager investigate the establishment of a Section 82A application process including the creation of a separate S82A IHAP Review Panel and writing to other Sydney Councils that utilise an IHAP Panel and she be delegated to implement an

- outcome that meets the requirements of the Environmental Planning and Assessment Act.
- (c) That subject to the introduction a process for the determination of Section 82A Review Applications, the IHAP Charter and Guidelines be amended to reflect this and updated on Council website.

CCL016-17 Summary of Development Applications lodged and determined
(Report by Manager Development and Building)

Minute No. 28

The Administrator moved and declared carried that the information on development applications lodged and determined for November 2016 - January 2017 be received and noted.

CCL017-17 Community Consultation on the Former Oatley Bowling Club site - Progress Report
(Report by Executive Manager)

Minute No. 29

The Administrator moved and declared carried:

- (a) That the progress report on the community consultation process for the former Oatley Bowling Club site is received and noted.
- (b) That respondents to the community survey be sent an update on the community consultation process contained in this report.

Finance and Governance

CCL018-17 Operational Plan 2016-2017 Performance Report July 2016 - December 2016
(Report by Coordinator Integrated Planning)

Minute No. 30

The Administrator moved and declared carried:

- (a) That the attached Operational Plan 2016-2017 Performance Report July 2016 – December 2016 be approved.
- (b) That the Operational Plan 2016-2017 Performance Report July 2016 – December 2016 be published on Council's website for the community to access.

CCL019-17 Transformation and Change Program Progress Report
(Report by Director Transformation and Change)

Minute No. 31

The Administrator moved and declared carried that the progress report on the Transformation and Change Program is received and noted.

CCL020-17 Advice on Court Proceedings - February 2017
(Report by General Counsel)

Minute No. 32

The Administrator moved and declared carried that the information be received and noted.

CCL021-17 Investment Report as at 31 December 2016
(Report by Team Leader Financial Reporting)

Minute No. 33

The Administrator moved and declared carried that the Investment Report as at 31 December 2016 be received and noted.

CCL022-17 Investment Report as at 31 January 2017
(Report by Team Leader Financial Reporting)

Minute No. 34

The Administrator moved and declared carried that the Investment Report as at 31 January 2017 be received and noted.

CCL023-17 Quarterly Budget Review Statement to 31 December 2016
(Report by Chief Financial Officer)

Minute No. 35

The Administrator moved and declared carried:

- (a) That the report in relation to the December 2016 Quarterly Budget Review Statement be received and noted.
- (b) That the proposed budget variations as detailed in the report be approved.

CCL024-17 University of Wollongong Jubilee Oval
(Report by Executive Manager Jubilee Stadium and Facilities)

Minute No. 36

The Administrator moved and declared carried:

- (a) That Council receives the report and endorses the outcome of the review and adopts Option C to bring the management of Jubilee Oval in house;
- (b) That the transition of existing contractual arrangements are to be novated as indicated;
- (c) That the appointment of the Executive Manager, Jubilee Stadium and Facilities be noted;
- (d) That delegated authority to the General Manager to negotiate and approve commercial terms in respect to the hire of University of Wollongong (UOW) Jubilee Oval to the St George Illawarra Dragons.

Assets and Infrastructure

CCL025-17 Property Matter - Leasing of Former Kogarah City Council Civic Buildings
(Report by Property Portfolio Manager)

Minute No. 37

The Administrator moved and declared carried:

- (a) That the report be received and noted.
- (b) That the General Manager be delegated authority to negotiate and enter lease agreements for the various commercial office spaces and car parking located at 2 Belgrave Street (including the former Council Chambers) and 84 Railway Parade, Kogarah as dictated by the market but not exceeding a term of 20 years inclusive of any option periods.

CCL026-17 Tender for the Construction of the Jubilee Park Adventure Playground
(Report by Manager Project Delivery)

Minute No. 38

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 Construction of Jubilee Park Adventure Playground 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.

CCL027-17 Georges River Traffic Advisory Committee Meeting Minutes - 21 February 2017

(Report by Manager Infrastructure)

Minute No. 39

The Administrator moved and declared carried that the recommendations contained within the Minutes of the Georges River Traffic Advisory Committee Meeting held on 21 February 2017 be adopted.

Community and Culture

CCL028-17 Aboriginal Advisory Committee Meeting Minutes - 6 February 2017

(Report by Manager Community and Cultural Development)

Minute No. 40

The Administrator moved and declared carried that the recommendations contained within the Minutes of the Aboriginal Advisory Committee meeting held on Monday, 6 February 2017 be adopted.

CCL029-17 Community Development and Services Advisory Committee Meeting Minutes - 13 February 2017

(Report by Manager Community and Cultural Development)

Minute No. 41

The Administrator moved and declared carried that the recommendations contained within the Minutes of the Community Development and Services Advisory Committee meeting held on Monday, 13 February 2017 be adopted.

CCL030-17 Stronger Communities Fund Projects

(Report by Acting Director Community and Culture)

Minute No. 42

The Administrator moved and declared carried:

- (a) That the outcome of the community consultation process for the Stronger Communities Fund Projects as listed in this report is received and noted.
- (b) That Council adopt the Stronger Communities Fund Projects as listed in this report.
- (c) That Council use funds from its Asset Reserve to fund the projected shortfall if needed, as the cost estimates in this report are preliminary only and that detailed designs will occur following Council approval of the major projects.
- (d) That Council receive regular reports (at least quarterly) on the progress of the projects to ensure that both Council and the public are made aware upon each projects' completion.
- (e) That a further report be presented to Council detailing the proposed projects within each of the following funding allocations: Customer Service Hubs \$1.5m, Town Centres', Place Making and Economic Development Program \$1.1m and Georges River Aquatic Facilities Refurbishment Program \$1m.

CCL031-17 Council Owned and or Managed Facilities Policy - Venue Hire Grant Funding Program

(Report by Manager Community and Cultural Development)

Minute No. 43

The Administrator moved and declared carried:

- (a) That the *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.
- (b) That an ad hoc round of Venue Hire Grant applications be opened following the adoption of the new policy to accommodate any venue hire subsidy requests within the remaining 2016-2017 financial year.
- (c) That an extraordinary round of Venue Hire Grant applications be opened following the adoption of the new policy for the 2017-2018 financial year, prior to the commencement of the ordinary round of funding.
- (d) That following the determination and notification of the first round applicant approvals of the Venue Hire Grant Funding Program, a consultation session is delivered to obtain applicants' feedback on the process for future improvements to the policy.

CCL032-17 Library Services Integrated Library Management System -Tender T16-029
(Report by Manager Library Services)

Minute No. 44

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 Library Service Integrated Library Management System be considered in closed session, in accordance with the provision 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.

Confidential items (Closed Council Meeting)

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

The General Manager replied that no representations had been received to the item 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.

Minute No. 45

That in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the following matters be considered in closed Council at which the press and public are excluded.

CON002-17 Tender for the Construction of the Jubilee Park Adventure Playground
(Report by Manager Project Delivery)

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.

CON003-17 Library Services Integrated Library Management System
(Report by Manager Library Services)

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) (c) it is considered the matter information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

Consideration of Confidential Recommendations

CON002-17 Tender for the Construction of the Jubilee Park Adventure Playground
(Report by Manager Project Delivery)

Minute No. 46

The Administrator moved and declared carried:

- (a) That Regal Innovations Pty Ltd be awarded the Contract for the Construction of the Jubilee Park Adventure Playground for a total cost of \$2,366,960 (excluding GST).
- (b) That \$1,069,174 of section 94 'open space' funds be allocated from the Hurstville Section 94 Development Contributions Plan 2012 for the embellishment of Jubilee Park.
- (c) That \$611,368 of section 94 'open space' funds be allocated from the Hurstville Section 94 Development Contributions Plan 2012 for the Adventure Playground.
- (d) That the remainder of the funds be allocated from the Local Infrastructure Renewal Scheme and Working Capital Surplus.
- (e) That the General Manager be authorised to sign the Contract with the preferred Contractor on behalf of Council.

CON003-17 Library Services Integrated Library Management System
(Report by Manager Library Services)

Minute No. 47

The Administrator moved and declared carried:

- (a) That Civica Pty Ltd be awarded the contract for the implementation of the Integrated Library Management System and the migration of existing data from the former Kogarah and Hurstville library networks for a total cost of \$360,475 (excluding GST) over the five

(5) year contract.

- (b) That the General Manager be authorised to sign the contract with the preferred supplier on behalf of Council.

Open Council

Minute No. 48

Resolved that the meeting revert to Open Council.

Consideration of Recommendations from Closed Session

Minute No. 49

Resolved that the Report of the Closed session recommendations be adopted.

Conclusion

The Meeting was closed at 6.26pm.

Minutes confirmed Monday, 3 April 2017.



Chairperson