

MINUTES

Finance and Governance Committee

Monday, 11 February 2019

6.00pm

Georges River Civic Centre

Hurstville



Present

Council Members

Councillor Vince Badalati (Chair), Councillor Sandy Grekas, Councillor Colleen Symington, Councillor Sam Elmir, Councillor Lou Konjarski, Councillor Nancy Liu, Councillor Con Hindi, Councillor Stephen Agius

Council Staff

Director Business and Corporate Services - Mr David Tuxford, Director Legal Services - Ms Jenny Ware, Director City Strategy and Innovation – Ms Sue Weatherly, Chief Finance Officer – Ms Danielle Parker, Chief Information Officer – Ms Fresia Segovia, Executive Manager Premium Facilities – Mr Luke Coleman, Head of Strategic Property – Mr Bernard Morabito, Strategic Property Specialist – Mr Joe Milinkovic, Strategic Property Officer – Francene Christophorou, Head of Strategic Partnerships and Performance – Ms Marissa Racomelara, Executive Assistant to Director Business and Corporate Services – Ms Melissa Dunn

Opening

Councillor Badalati, opened the meeting at 6.05pm.

Acknowledgement of Country

Councillor Badalati acknowledged the traditional custodians of the land, the Biddegal people of the Eora Nation.

Apologies

Resolved: Councillor Hindi and Councillor Agius

That apologies for Councillor Rita Kastanias and Councillor Warren Tegg be accepted.

Record of Voting:

For the Motion: Unanimous

Disclosures of Interest

Councillor Agius declared a Pecuniary interest in item FIN005-19 – Property Matter – Licence Agreement for St George Football Association, Peakhurst Park, for the reason that his business is sponsoring St George Football Association.

Councillor Grekas declared a Non-Significant Non-Pecuniary interest in item FIN006-19 - Licence Agreement for Renown United Football Club, for the reason that her son plays for the Renown United Football Club.

Public Addresses To The Meeting

There were no public requests received to address the meeting.

Minutes of previous meetings

FINANCE AND GOVERNANCE COMMITTEE - 3 DECEMBER 2018

Recommendation: Councillor Hindi and Councillor Agius

That the Minutes of the Finance and Governance Committee held on 3 December 2018, be confirmed.

Record of Voting:

For the Motion: Unanimous

Committee Reports

FIN001-19 Advice on Costs and Status of Council's Court Proceedings - December 2018 and January 2019

(Report by Director Legal Services and General Counsel)

Recommendation: Councillor Symington and Councillor Grekas

That the report "Advice on Costs and Status of Council's Court Proceedings – December 2018 and January 2019" be received and noted.

Record of Voting:

For the Motion: Unanimous

FIN002-19 Investment Report as at 31 December 2018

(Report by Senior Financial Accountant - Reporting)

Recommendation: Councillor Grekas and Councillor Hindi

That Council receive and note the contents of the Investment Report as at 31 December 2018.

Record of Voting:

For the Motion: Unanimous

FIN003-19 Property Matter - Licence Agreement for Oatley Football Club, Renown Reserve

(Report by Strategic Property Officer)

Recommendation: Councillor Agius and Councillor Hindi

That the report "Property Matter – Licence Agreement for Oatley Football Club, Renown Reserve" be received and noted.

Record of Voting:

For the Motion: Unanimous

FIN004-19 Property Matter - Licence Agreement for Sans Souci Football Club, Claydon Reserve

(Report by Strategic Property Officer)

Recommendation: Councillor Agius and Councillor Hindi

That the report "Property Matter – Licence Agreement for Sans Souci Football Club, Claydon Reserve" be received and noted.

Record of Voting:

For the Motion: Unanimous

FIN005-19 Property Matter - Licence Agreement for St George Football Association, Peakhurst Park

(Report by Strategic Property Officer)

Recommendation: Councillor Hindi and Councillor Konjarski

That the report "Property Matter – Licence Agreement for St George Football Association, Peakhurst Park" be received and noted.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Agius declared a Pecuniary interest in item FIN005-19, left the meeting and took no part in the discussions.

FIN006-19 Property Matter - Licence Agreement for Renown United Football Club, Renown Reserve

(Report by Strategic Property Officer)

Recommendation: Councillor Hindi and Councillor Konjarski

That the report "Property Matter – Licence Agreement for Renown United Football Club, Renown Reserve" be received and noted.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Grekas declared a Non-Significant Non-Pecuniary interest in item FIN006-19, and remained in the meeting but took no part in the discussion.

FIN007-19 Property Matter - Proposed Lease of Community Land - 296 Forest Road, Hurstville

(Report by Strategic Property Specialist)

Recommendation: Councillor Hindi and Councillor Symington

- (a) That Council resolve to enter into a lease with Ganellen Pty Ltd (or its nominee) for part of the Hurstville Plaza on the terms and conditions as generally detailed in this report, to allow construction hoarding to be erected.
- (b) That rent be charged in accordance with the rate for *Hoardings* in the Georges River Council Fees & Charges as are applicable to each month of the Lease.
- (c) That the Lease be exhibited in the manner prescribed by section 47A of the *Local Government Act 1993*.
- (d) That the General Manger execute the Lease under delegated authority, subject to no major submissions being received during the exhibition period.

Record of Voting:

For the Motion: Unanimous

Suspension of Standing Orders

Resolved: Councillor Hindi and Councillor Agius

That Standing Orders be suspended to allow reports FIN008-19 Property Matter – 38A Inverness Avenue Penshurst – Granting of Easement, and FIN010-19 Tender for Advertising Signs – T18/061, to be discussed in the confidential/closed section of the meeting to enable the confidential attachments that accompany these reports to be discussed.

Record of Voting

For the Motion: Unanimous

FIN009-19 Property Matter - New Lease Over Retail Shop - 34 MacMahon Street Hurstville

(Report by Strategic Property Specialist)

Recommendation: Councillor Grekas and Councillor Elmir

- (a) That the report “Property Matter – New Lease Over Retail Shop – 34 MacMahon Street, Hurstville” be received and noted.

Record of Voting:

For the Motion: Unanimous

FIN011-19 Transformation and Change Program Closure Report

(Report by Director Transformation and Change)

Recommendation: Councillor Grekas and Councillor Agius

- (a) That the attached report “The Amalgamation Journey: Final Report” outlining the activities and outcomes of the Amalgamation Implementation Plan be provided to the Office of Local Government as Council’s acquittal report on the New Council Implementation Fund grant.
- (b) That the attached report “The Amalgamation Journey: Final Report” be published on Council’s website
- (c) That staff be congratulated on all their hard work throughout the amalgamation process.

Record of Voting:

For the Motion: Unanimous

Confidential items (Closed Session)

At this stage of the meeting the Chair – Councillor Badalati, advised that the meeting would move into a Confidential Session to allow consideration of matters in Closed Session in accordance with Section 10A of The Local Government Act 1993. Accordingly, members of the press and public are excluded from the closed session and access to the correspondence, reports and attachments relating to the items considered during the course of the closed session to be withheld.

This action was taken to allow discussion of the following items:

FIN003A-19 Supreme Court Proceedings 2018/215935 (Request for Land Owner's Consent - 59 Park Road, Kogarah Bay

(Report by Director Legal Services and General Counsel)

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) (g) it is considered the matter contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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 contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

FIN008-19 Property Matter - 38A Inverness Avenue Penshurst - Granting of Easement
(Report by Strategic Property Officer)

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 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.

FIN010-19 Tender for Advertising Signs - T18/061
(Report by Strategic Property Specialist)

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 contains 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.

These matters will be considered in closed session in accordance with Section 10A(2) (c) of the Local Government Act 1993, as they contain information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

The Chair, Councillor Badalati asked the Director Business and Corporate Services if any representations had been received from the public that the items should not be discussed in closed session.

The Director Business and Corporate Services replied that no representations had been received to the items in closed session.

The Chair, Councillor Badalati 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.

There were none.

Note: Councillor Katris joined the meeting as an observer at 6.42pm.

Consideration of Confidential Recommendations

FIN003A-19 Supreme Court Proceedings 2018/215935 (Request for Land Owner's Consent - 59 Park Road, Kogarah Bay
(Report by Director Legal Services and General Counsel)

Recommendation: Councillor Hindi and Councillor Symington

That Council receive and note the advice that no formal request for land owner's consent to the lodgement of a development application over 59 Park Road, Kogarah Bay has been received from Council.

Record of Voting:

For the Motion: Unanimous

FIN008-19 Property Matter - 38A Inverness Avenue Penshurst - Granting of Easement
(Report by Strategic Property Officer)

Recommendation: Councillor Hindi and Councillor Agius

- (a) That Council grant an Easement for Drainage over Lot 64 Deposited Plan (DP) 3446 as detailed in this report.
- (b) That the General Manager and Mayor be authorised to execute the s88B Instrument or Transfer Granting Easement and all associated documentation to create the easement and under Common Seal of the Council, if required.
- (c) That all costs associated with the granting of the easement be met by the applicant.

Record of Voting:

For the Motion: Unanimous

FIN010-19 Tender for Advertising Signs - T18/061
(Report by Strategic Property Specialist)

Recommendation: Councillor Hindi and Councillor Symington

- (a) That Council, in accordance with Section 178 of the Local Government (General) Regulation 2005 (NSW) accepts the tender from QMS Media Limited in the amount of \$312,000 per annum (excluding GST), after having regard to all the circumstances, as the tender that appears to be the most advantageous and for contract number T18/061 – Tender for Advertising Signs.
- (b) That the General Manager be delegated authority to enter into and sign all lease documentation and any associated documentation with the preferred Tenderer on behalf of Council.
- (c) That Council Officers inform the unsuccessful Tenderers of the resolution.

Record of Voting:

For the Motion: Unanimous

Open Session

Recommendation: Councillor Elmir and Councillor Symington

That the meeting revert to Open Session.

Record of Voting:

For the Motion: Unanimous

Consideration of Recommendations from Closed Session

Recommendation: Councillor Hindi and Councillor Symington

That the recommendations of the Closed Session be adopted.

Record of Voting:

For the Motion: Unanimous

Conclusion

The Meeting was closed at 6.47pm.

Chairperson