

MINUTES

Council Meeting

Tuesday, 23 April 2019

Council Chambers, Civic Centre, Hurstville



PRESENT

Council Members

The Mayor, Councillor Kevin Greene, Deputy Mayor, Councillor Sam Elmir, Councillor Stephen Agius, Councillor Vince Badalati, Councillor Sandy Grekas, Councillor Con Hindi, Councillor Nick Katris, Councillor Lou Konjarski, Councillor Kathryn Landsberry, Councillor Leesha Payor, Councillor Warren Tegg and Councillor Christina Wu.

Council Staff

General Manager - Ms Gail Connolly, Acting Director Assets and Infrastructure – Ms Michelle Whitehurst, Acting Director Environment and Planning – Mr Andrew Spooner, Director Community and Culture - Ms Rebekah Schulz, Director Business and Corporate Services - Mr David Tuxford, Director City Strategy and Innovation – Ms Sue Weatherley, General Counsel - Ms Jenny Ware, Manager, Office of the General Manager - Ms Roxanne Thornton and Head of Executive Services - Ms Jennifer Anderson.

OPENING

The Mayor, Councillor Kevin Greene, opened the meeting at 7.24pm.

NATIONAL ANTHEM

All those present stood for the singing of the National Anthem.

PRAYER

Father Naum Despotovski, from the Macedonian Orthodox Church of Saints Kiril and Metodij, offered a prayer for the meeting.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land, the Bidjegal people of the Eora Nation.

APOLOGIES

RESOLVED: Councillor Katris and Councillor Elmir

That apologies be accepted and leave of absence granted for Councillor Nancy Liu, Councillor Rita Kastania and Councillor Colleen Symington.

RECORD OF VOTING:

FOR THE MOTION: UNANIMOUS

NOTICE OF WEBCASTING

The Mayor advised staff and the public that the meeting is being recorded for minute-taking purposes and is also webcast live on Council's website, in accordance with section 1 and 8 of Council's Code of Meeting Practice. This recording will be made available on Council's Website.

CODE OF MEETING PRACTICE

The order of business is as shown in the agenda.

Council's Code of Meeting Practice prohibits the electronic recording of meetings without the express permission of Council.

DISCLOSURES

Councillor Badalati disclosed a Significant, Non-Pecuniary Interest in item NM033-19 – Maintaining Public Confidence in Georges River Council for the reason that the Notice of Motion mentions his name.

Councillor Hindi disclosed a Significant, Non-Pecuniary Interest in item NM033-19 – Maintaining Public Confidence in Georges River Council for the reason that the Notice of Motion mentions his name.

Councillor Elmir disclosed a Non-Significant, Non-Pecuniary Interest in Item CCL021-19 (vii) - Applications Pursuant to Councillor Ward Discretionary Fund Policy, for the reason that his children play for Connells Point Rovers. To exercise an abundance of caution, Councillor Elmir will leave the Chamber and not take part in discussion and voting on this item.

The General Manager, Gail Connolly, disclosed a Non-Significant, Non-Pecuniary Interest in CCL015-19 – Report of the Assets and Infrastructure Committee Meeting held on 08 April 2019 (Item ASS007-19) and CCL021-19 - Applications Pursuant to Councillor Ward Discretionary Fund Policy for the reason that she is a volunteer coach of a Connells Point Netball Club Team.

PUBLIC ADDRESSES TO THE MEETING

| SPEAKER | ITEM |
|-----------------|---|
| Kathryn Skelsey | MM04-19 Premium Sporting Facilities |
| Theresa Kot | NM031-19 Preparation of a new Development Control Plan for the Kogarah Bay Precinct Princes Highway |

MINUTES OF PREVIOUS MEETINGS

COUNCIL MEETING - 25 MARCH 2019

Resolved: Councillor Grekas and Councillor Katris

That the Minutes of the Council Meeting held on 25 March 2019 be adopted.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

MM004-19 Premium Sporting Facilities
(The Mayor, Councillor Greene)

RESOLVED: The Mayor, Councillor Kevin Greene and Councillor Badalati

That Council congratulates our Premium Facility staff on the public recognition of their work and in particular notes the success of Hurstville Oval in being named NSW Premier Cricket Ground of the Year.

Record of Voting:

For the Motion: Unanimous

MM005-19 Congratulations to Mortdale RSL Sub Branch
(The Mayor, Councillor Greene)

RESOLVED: The Mayor, Councillor Kevin Greene and Councillor Badalati

That Council note the 100th Anniversary of the formation of Mortdale RSL Sub Branch and congratulates its members on this important milestone.

Record of Voting:

For the Motion: Unanimous

MM006-19 Diversity and Inclusion
(The Mayor, Councillor Greene)

MOTION: The Mayor, Councillor Kevin Greene and Councillor Grekas

That Council acknowledges the diversity of the Georges River community and commends Council's program of inclusive events.

Record of Voting:

For the Motion: Unanimous

MATTERS OF PRIVILEGE

Condolences

The Mayor, Councillor Kevin Greene - commented on the tragedy that struck on Easter Sunday in Sri Lanka and that Council expresses sympathy for the nation of Sri Lanka, particularly the families of the 290 people who, at this stage, have been killed in those tragic events, and the over 500 people injured. The coordinated blasts in churches and hotels have caused not only damage to buildings but, sadly, significant loss of life. This has impacted severely throughout the world, including Australia. Council extends its condolences also to the Sri Lankan community within our local area. A minute's silence will be held at the conclusion of Condolences.

Councillor Hindi - requested that in addition to holding a minute's silence as a mark of respect for the victims of the Sri Lankan bombings, that Council fly the flags at half mast for the next day.

The Mayor, Councillor Greene - advised of the passing, on 13 April 2019, of Barry John Symington. Mr Symington was well known in the local community and a very successful businessman with a number of successful patisseries within this community including La Promenade Patisserie in Sans Souci and Encore Patisserie in South Hurstville. He was also awarded with three St George Business Awards, and was also well known in the Sans Souci community particularly with regard to the Sans Souci Football Club. Council extends condolences to his wife Yen Yen, and also to Colleen and their two sons.

SUSPENSION OF STANDING ORDERS

Standing Orders were suspended and Council observed a minute's silence as a mark of respect for the victims of the Sri Lankan Easter terrorist attack.

RESUMPTION OF STANDING ORDERS

Standing Orders resumed following the minute's silence observed by Council.

Other

Councillor Konjarski – congratulated local Peakhurst resident, Bilal Akkawy, success in his upcoming interim WBA Super Middleweight title in Las Vegas against John Ryder. Councillor Konjarski also commented that when Bilal wins (against all odds) he will be on track to challenge Callum Smith for the full WBA title. He went on to say that his trainer who is also his father, Mahmood (Mick) Akkawy can be approached any day in Westfields Hurstville, and will be the man wearing the 'Prize Fighter' T-shirt.

Councillor Badalati – asked Councillor Grekas if she had written the Notice of Motion (NM033-19) which appears on the business papers listed as authored by Councillor Grekas. Councillor Grekas took the question on notice.

Councillor Wu – congratulated Council staff on the success of the official opening of Hurstville Plaza on Friday 12 April 2019 and the equally successful Eat Art Hurstville Night Markets on Friday night.

Councillor Grekas – congratulated Lauren Kelly, a 15 year old Riverwood resident, who represented Australia in the IAAF Cross Country Championships in Denmark in March. Lauren competed in the gruelling 6km race, U20 Women's event, and placed 16th. This was the highest place by an Australian for 10 years in this event. Councillor Grekas once again congratulated Lauren, and her family who do so much for St George Little Athletics Club, as well as all of her supporters. Councillor Grekas requested the Mayor send Lauren a letter of congratulations on behalf of Georges River Council.

Councillor Tegg – acknowledged that 23 April is St George's Day. He commented that the city of Barcelona in Spain has St George as its Patron Saint. On this day men present women with a single rose, and the women present the men with a book. Councillor Tegg suggested that Georges River Council and Bayside Council may wish to actively celebrate this day more in future years as we are the St George Region of Sydney.

Councillor Landsberry – advised that she had the pleasure of attending the annual Anzac Day Service at St Marks Church, on 14 April. In the past this service has been attended by contingents from Turkey and New Zealand. This year it was attended by Professor The Honourable Dame Marie Bashir AD CVO, an eminent Australian and former Governor of NSW.

Councillor Badalati – commented further to Councillor Tegg's matter of privilege regarding St Georges Day, and advised that the Major Events Advisory Committee had been looking at developing a festival around St Georges Day.

Councillor Hindi – commented regarding articles in the newspaper over the past few weeks regarding Councillor Badalati and Councillor Hindi. He advised that, contrary to the newspaper reports, he did not accompany any developer on a trip to China. He further stated that it was a private trip, where he was invited by a private citizen to visit his waste and energy factory in

Tangshan. This person or company did not have any development applications, planning proposals or any other application within Hurstville Council or Georges River Council. Councillor Hindi stated that he does not believe he has any conflict of interest in any of the matters highlighted in the recent newspaper articles. Councillor Hindi went on to say that he paid for his airfares and accommodation, and he has documentary evidence.

Councillor Hindi - stated that he does not have a close relationship with Mr Norman Sarraf, and that he does not believe that a conflict of interest exists.

COMMITTEE REPORTS

CCL015-19 Report of the Assets and Infrastructure Committee - Meeting held on 08 April 2019 (Report by Head of Executive Services)

RESOLVED: Councillor Grekas and Councillor Tegg

That the Committee recommendations for items ASS007-19 to ASS009-19 inclusive, detailed below, be adopted by Council.

Record of Voting:

For the Motion: Unanimous

ASS007-19 Tender for the Construction of Poulton Park Public Amenities Building - Stronger Communities Fund and Domestic Waste Reserve

- (a) That Council, in accordance with Section 178 of the *Local Government (General) Regulation 2005 (NSW)*, accepts the Tender from Sullivans Constructions, in the amount of \$449,425 (excluding GST), after having regard to all the circumstances, as the tender that appears to be the most advantageous and appoint Sullivans Constructions as the Principal Contractor under the Contract Number T18/062 Tender for the Poulton Park Public Amenities Building.
- (b) That the General Manager be authorised to sign the Contracts with the preferred Contractor on behalf of Council.
- (c) That Council Officers inform the unsuccessful Tenderers of the resolution to decline to accept those tenders.

Record of Voting:

For the Motion: Unanimous

ASS008-19 Georges River Traffic Advisory Committee Meeting - 2 April 2019

That the recommendations contained within the minutes of the Georges River Traffic Advisory Committee Meeting held on 2 April 2019 be adopted by Council.

Record of Voting:

For the Motion: Unanimous

ASS009-19 Public Amenities Building at Ruby Wing Reserve

That Council approves the reallocation of the funding for the construction of a public amenities building at Ruby Wing Reserve to Nicol Murray Reserve.

Record of Voting:

For the Motion: Unanimous

CCL016-19 Report of the Community and Culture Committee - Meeting held on 08 April 2019

(Report by Head of Executive Services)

RESOLVED: Councillor Katris and Councillor Elmir

That the Committee recommendations for items COM009-19 to COM013-19 inclusive, detailed below, be adopted by Council.

Record of Voting:

For the Motion: Unanimous

COM009-19 Place Naming Requests

- (a) That Council endorses and submits an application to the Geographical Names Board to officially name:
- i. The currently unnamed road reserve informally known as Shunde Gardens on South Street, Kogarah to Edith Blake Reserve;
 - ii. The currently unnamed road reserve informally known as Edgbaston Road Reserve in Beverly Hills to Merv Lynch Reserve;
 - iii. The currently unnamed road reserve informally known as Gloucester Road Reserve in Beverly Hills to Gloucester Reserve;
 - iv. The currently unnamed road reserve informally known as River Road Reserve No.1 in Oatley to Boorea Reserve;
 - v. The currently unnamed park adjoining Anglo Square in Carlton to Nethery Park;
 - vi. The currently unnamed lane between Hardwicke Street and Littleton Street in Riverwood to Lauricella Lane;
 - vii. The currently unnamed lane between Edgbaston Road and Stoney Creek Road in Beverly Hills to Evans Lane;
 - viii. The currently unnamed lane between King Georges Road and Hampden Street in Beverly Hills to St James Lane;
 - ix. The currently unnamed lane between Hampden Street and Melvin Street in Beverly Hills to Cable Lane.
- (b) That the following name proposals be declined:
- i. To divide and define Mortdale Heights as a distinct suburb from Mortdale;
 - ii. To name the currently unnamed rivulet in Peakhurst, Penname Rivulet;
 - iii. To name the currently unnamed island in Lugarno, Future Island.
- (c) That the proposal to name the currently unnamed waterway in Oatley as Myles

Dunphy Creek be endorsed to be placed on public exhibition in accordance with the Georges River Council Place Naming Policy;

- (d) That following endorsement and public exhibition period of the Myles Dunphy Creek proposal, final approval be sought from the Geographical Names Board, and a further report be submitted to Council.

Record of Voting:

For the Motion: Unanimous

COM010-19 Award of book vouchers to local schools during presentation ceremonies

That Council receive and note the allocation of book vouchers for presentation to local schools, in the event that councillors are invited to attend school award ceremonies.

Record of Voting:

For the Motion: Unanimous

COM011-19 Public Art Project at Ellen Subway, Mortdale

- (a) That Council, following unsuccessful negotiations with Sydney Trains, receives and notes Council's inability to proceed with the public art project at Ellen Subway, Mortdale;
- (b) That Council review the provision of future public art projects as part of the 2019/20 budget process, following adoption of the Georges River Council Public Art Policy.

Record of Voting:

For the Motion: Unanimous

COM012-19 Minutes of the Major Events Advisory Committee 11 March 2019

That Council adopts the recommendations contained within the Minutes of the Major Events Advisory Committee meeting held on Monday 11 March 2019.

Record of Voting:

For the Motion: Unanimous

COM013-19 Outgoing Sponsorships and Donations

- (a) That Council approve the event sponsorship request of \$2,000.00 (\$2,000.00 of financial support) to hold the Riverwood 2019 Spring Fair presented by Riverwood Community Centre to be held 7 September 2019 at Salt Pan Creek Wetlands Park.
- (b) That Council not approve the event sponsorship request of various packages ranging from \$500.00 to \$3,000.00 to hold The Gowland Awards 2019 presented by Gowland Legal to be held in November 2019 at NSW Parliament House.
- (c) That Council receive and note the Quick Response Sponsorship granted to the amount of \$250.00 for sponsorship of the St George Lions Annual Charity Golf Day 2019.

Record of Voting:

For the Motion: Unanimous

CCL017-19 Report of the Environment and Planning Committee - Meeting held on 08 April 2019

(Report by Head of Executive Services)

RESOLVED: Councillor Hindi and Councillor Badalati

That the Committee recommendations for items ENV008-19 to ENV010-19 inclusive, detailed below, be adopted by Council.

Record of Voting:

For the Motion: Unanimous

ENV008-19 Beverly Hills Masterplan - Phase 1

- (a) That Council receives and notes the report, including the community vision report and technical studies undertaken in Phase 1 of the Beverly Hills Masterplan.
- (b) That Council endorses proceeding with Phase 2 to prepare a Masterplan of Beverly Hills Town Centre to develop a coordinated approach to the future development of the Centre.

Record of Voting:

For the Motion: Unanimous

ENV009-19 Planning Proposal 2017/0001 - No. 84D Roberts Avenue, Mortdale

- (a) That Council publicly exhibit the Planning Proposal PP2017/0001 for No. 84D Roberts Avenue, Mortdale in accordance with the conditions of the Gateway Determination issued by the Department of Planning and Environment.
- (b) That a further report be submitted to Council following the public exhibition period.

Record of Voting:

For the Motion: Unanimous

ENV010-19 Hurstville Oval and Timothy Reserve Draft Plan of Management and Masterplan

That a further report be submitted to the Committee that undertakes a feasibility study examining the extension of the Booth Saunders Pavilion towards the entrance gate.

Record of Voting:

For the Motion: Unanimous

CCL018-19 Report of the Finance and Governance Committee - Meeting held on 08 April 2019

(Report by Head of Executive Services)

RESOLVED: Councillor Badalati and Councillor Elmir

That the Committee recommendations for items FIN022-19 to FIN028-19 inclusive, detailed below, be adopted by Council.

Record of Voting:

For the Motion: Unanimous

FIN022-19 Draft 2019/20 Budget - Consideration of Upgrading Simpson Reserve Oatley

That Council considers the upgrading of the Simpson Reserve Oatley Playground when the 2019/20 draft budget is being formulated.

Record of Voting:

For the Motion: Unanimous

FIN023-19 Property Matter - Ellen Subway Mortdale - Licence Agreement and Road Dedication from Sydney Trains

- (a) That the General Manager be authorised to sign all documentation to effect the dedication of land described as Lot 1 in DP1181159, Lot 1 in DP171156, Lot 1 in DP455333 and Lot 10 Section 1 in DP1884, known as Ellen Subway, Mortdale as public road, from RailCorp (Sydney Trains).
- (b) That pending dedication, the General Manager be authorised to enter into licence with Sydney Trains or its nominated licensor, for the Ellen Subway, Mortdale, described as Lot 1 in DP1181159, Lot 1 in DP171156, Lot 1 in DP455333 and Lot 10 Section 1 in DP1884 on terms and conditions as generally detailed in this report.

Record of Voting:

For the Motion: Unanimous

FIN024-19 Property Matter - Lease of Commercial Office Space - Suite 4D, 34 MacMahon Street Hurstville

That the report "Property Matter – Lease of Commercial Office Space – Suite 4D, 34 MacMahon Street Hurstville" be received and noted.

Record of Voting:

For the Motion: Unanimous

FIN025-19 Investment Report as at 28 February 2019

That Council receive and note the contents of the Investment Report as at 28 February 2019.

Record of Voting:

For the Motion: Unanimous

FIN026-19 Advice on Costs and Status of Council's Court Proceedings - March 2019

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

Record of Voting:

For the Motion: Unanimous

FIN027-19 Councillor Meeting Attendance Record - September 2017 - February 2019

That the meeting attendance record of all Councillors for the period September 2017 to March 2019 inclusive, as detailed in Attachment 1 to this report, be received and noted.

Record of Voting:

For the Motion: Unanimous

FIN028-19 Tabling of Disclosure of Interest Returns

That the tabling of Disclosure of Interest Returns be noted.

Record of Voting:

For the Motion: Unanimous

ENVIRONMENT AND PLANNING**CCL019-19 Draft Tree Management Policy**
(Report by Senior Environment Officer)

MOTION: Councillor Katris and Councillor Agius

- (a) That Council endorse the Tree Management Policy contained in Attachment 1, as amended to address the resolutions of Council at its meeting dated 25 February 2019.
- (b) That Council publicly exhibit for a period of 28 days the following proposed amendments to the Schedule of Fees and Charges, under Section 1.11 Tree Management and Section 1.21 Deposit for Damage During Construction, respectively to read:
- Offset Fee for Tree Replacement (per tree) for trees on private land – As valued by Thyer (2011) Tree Valuation Method (fee range between \$1,000 and \$10,000); and
 - Security against compliance with tree preservation requirements/conditions (Street Tree) - As valued by Thyer (2011) Tree Valuation Method (deposit range between \$1,000 and \$10,000)
 - Along with the proposed exhibition the following also be exhibited. In line with the review process of both Canterbury Bankstown and Sutherland Shire Councils, add to clauses 3.4 and 4.4 a third tier of review of Council Officers' decisions that allows, in the event that an applicant or a Councillor is dissatisfied with the outcome of a review, then they can elect to have it forwarded to a Council meeting for a final decision on the matter
- (c) In the Definition of Terms, include a diagram similar to that which appears in Figure 3 – Thyer Tree valuation work sheet 2011 of this report. This will further clarify the definition of a Tree and leave very little doubt.

- (d) Council write to the Minister for Planning requesting clause 4.17 – Imposition of Conditions sub clause (6)(a) of the Environment Planning and Assessment Act (which concerns security) be modified in a manner that allows Councils to request security bonds for existing trees, required to be protected during construction, on private land as a condition of Development Approval. This is to be accompanied by a detailed explanation of why the request is being made.
- (e) That a further report on the outcome of the public exhibition be submitted to Council.

AMENDMENT: Councillor Tegg and Councillor Landsberry

- (a) That Council endorse the Tree Management Policy contained in Attachment 1, as amended to address the resolutions of Council at its meeting dated 25 February 2019.
- (b) That Council publicly exhibit for a period of 28 days the following proposed amendments to the Schedule of Fees and Charges, under Section 1.11 Tree Management and Section 1.21 Deposit for Damage During Construction, respectively to read:
- Offset Fee for Tree Replacement (per tree) for trees on private land – As valued by Thyer (2011) Tree Valuation Method (fee range between \$1,000 and \$10,000); and
 - Security against compliance with tree preservation requirements/conditions (Street Tree) - As valued by Thyer (2011) Tree Valuation Method (deposit range between \$1,000 and \$10,000)
- (c) In the Definition of Terms, include a diagram similar to that which appears in Figure 3 – Thyer Tree valuation work sheet 2011 of this report. This will further clarify the definition of a Tree and leave very little doubt.
- (d) Council write to the Minister for Planning requesting clause 4.17 – Imposition of Conditions sub clause (6)(a) of the Environment Planning and Assessment Act (which concerns security) be modified in a manner that allows Councils to request security bonds for existing trees, required to be protected during construction, on private land as a condition of Development Approval. This is to be accompanied by a detailed explanation of why the request is being made.
- (e) That a further report on the outcome of the public exhibition be submitted to Council.

Record of Voting:

For the Amendment: The Mayor, Councillor Kevin Greene and Councillors Badalati, Grekas, Hindi, Konjarski, Landsberry, Payor, Tegg and Wu

Against the Amendment: Councillors Agius, Elmir and Katris

On being put to the meeting, voting on the Amendment was nine (9) votes FOR and three (3) votes AGAINST. The Amendment was **CARRIED** and therefore became the Motion.

RESOLVED: Councillor Tegg and Councillor Landsberry

- (a) That Council endorse the Tree Management Policy contained in Attachment 1, as amended to address the resolutions of Council at its meeting dated 25 February 2019.
- (b) That Council publicly exhibit for a period of 28 days the following proposed amendments to the Schedule of Fees and Charges, under Section 1.11 Tree Management and Section 1.21 Deposit for Damage During Construction, respectively to read:
- Offset Fee for Tree Replacement (per tree) for trees on private land – As valued by Thyer (2011) Tree Valuation Method (fee range between \$1,000 and \$10,000); and
 - Security against compliance with tree preservation requirements/conditions (Street Tree) - As valued by Thyer (2011) Tree Valuation Method (deposit range between \$1,000 and \$10,000)
- (c) In the Definition of Terms, include a diagram similar to that which appears in Figure 3 – Thyer Tree valuation work sheet 2011 of this report. This will further clarify the definition of a Tree and leave very little doubt.
- (d) Council write to the Minister for Planning requesting clause 4.17 – Imposition of Conditions sub clause (6)(a) of the Environment Planning and Assessment Act (which concerns security) be modified in a manner that allows Councils to request security bonds for existing trees, required to be protected during construction, on private land as a condition of Development Approval. This is to be accompanied by a detailed explanation of why the request is being made.
- (e) That a further report on the outcome of the public exhibition be submitted to Council.

Record of Voting:

For the Motion: The Mayor, Councillor Kevin Greene and Councillors Agius, Badalati, Elmir, Grekas, Hindi, Konjarski, Landsberry, Payor, Tegg and Wu

Against the Motion: Councillor Katris

CCL020-19 Georges River Local Strategic Planning Statement -State Government signoff and Public Exhibition
(Report by Manager Strategic Planning)

RESOLVED: Councillor Badalati and Councillor Tegg

- (a) That Council note outcomes of the LSPS Stage 1 Community Engagement.
- (b) That Council note the revised draft LSPS 2040 framework comprising the Vision, Local Planning Priorities and criteria for determining future land use.
- (c) That Council note the requirement for the draft LSPS be submitted to State Government by 30th April for 'sign-off' prior to exhibition.
- (d) That Council endorse the draft LSPS 2040 to proceed to public exhibition.

- (e) That Council grant delegation to the Director Environment and Planning to approve any minor and/or insignificant changes to the LSPS coming out of State Government feedback.
- (f) That Council endorse the following staged approach to a new Georges River LEP:
- a. LEP 2020 to focus on Harmonisation and Housing,
 - b. LEP 2022 to focus on Jobs and Activation,
 - c. LEP 2025 to focus on land use changes beyond the next 5 years.
- (g) That Council prepare a comprehensive Development Control Plan for the Georges River Local Government Area.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Elmir left the meeting at 8.23pm and was not present for the consideration of items CCL021-19 and CCL022-19

Note: Councillor Agius left the meeting, the time being 8.24pm and was not present for consideration and voting on Items CCL021-19, CCL022-19 and NM025-19.

FINANCE AND GOVERNANCE

CCL021-19 Applications Pursuant to Councillor Ward Discretionary Fund Policy
(Report by Manager, Office of the General Manager)

Note: Councillor Elmir declared an interest in this item and was not present for consideration and voting

RESOLVED: Councillor Badalati and Councillor Landsberry

That the following applications for funding, pursuant to the Councillors Ward Discretionary Fund Policy, be approved:

- i. Application submitted by Councillor Liu on behalf of the CASS Care Limited in the amount of \$1,500.00
- ii. Application submitted by Councillor Liu on behalf of the Asian Women at Work in the amount of \$1,500.00
- iii. Application submitted by Councillor Grekas on behalf of the St George Zone of Playgroups in the amount of \$500.00
- iv. Application submitted by Councillor Badalati on behalf of the Hurstville United Rugby League Club in the amount of \$1,500.00
- v. Application submitted by Councillor Konjarski on behalf of the Connell's Point Netball Club in the amount of \$500.00
- vi. Application submitted by Councillor Elmir on behalf of the Connell's Point Netball

- Club in the amount of \$1,250.00
- vii. Application submitted by Councillor Elmir on behalf of the Connell's Point Rovers in the amount of \$1,500.00
 - viii. Application submitted by Councillor Elmir on behalf of the Oatley Lions in the amount of \$1,500.00
 - ix. Application submitted by Councillor Elmir on behalf of the Renown JRLFC in the amount of \$1,500.00
 - x. Application submitted by Councillor Wu on behalf of the Kids with Cancer Foundation Australia in the amount of \$1,000.00
 - xi. Application submitted by Councillor Wu on behalf of the Hurstville Community Garden in the amount of \$500.00
 - xii. Application submitted by Councillor Wu on behalf of the St George and Sutherland Medical Research Association in the amount of \$1,500.00
 - xiii. Application submitted by Councillor Wu on behalf of the Chinese Parents Association in the amount of \$500.00
 - xiv. Application submitted by Councillor Hindi on behalf of the Life Education in the amount of \$500.00
 - xv. Application submitted by Councillor Landsberry on behalf of the Carrs Park Community Garden in the amount of \$1,000.00
 - xvi. Application submitted by Councillor Landsberry on behalf of the Oatley RSL Youth Club in the amount of \$1,000.00
 - xvii. Application submitted by Councillor Konjarski on behalf of the St George Basketball Association in the amount of \$1,000.00
 - xviii. Application submitted by Councillor Konjarski on behalf of the St George Warriors in the amount of \$1,500.00
 - xix. Application submitted by Councillor Konjarski on behalf of Hurstville Zagreb Football Club in the amount of \$1,000.00
 - xx. Application submitted by Councillor Elmir on behalf of St George Basketball Association in the amount of \$1,250.00
 - xxi. Application submitted by Councillor Hindi on behalf of Kids with Cancer Foundation Australia in the amount of \$1,500.00

Record of Voting:

For the Motion: Unanimous

CCL022-19 Draft 2019-2020 Operational Plan, Draft 2019/20 to 2020/21 Delivery Program, and Updated Resourcing Strategy.
(Report by Senior Corporate Planner)

RESOLVED: Councillor Badalati and Councillor Hindi

- (a) That Council endorse for the purposes of public exhibition the attached Draft Integrated Planning and Reporting documents, being the Draft 2019/20 Operational Plan including the Draft Budget, Fees and Charges, Delivery Program and Resourcing Strategy taking note of the proposed changes to the Delivery Program.
- (b) That the Draft Integrated Planning and Reporting documents be approved for public exhibition for a period of 28 days allowing the community to comment on the content of these documents.
- (c) That the General Manager be delegated authority to make formatting and minor editorial adjustments to the Draft Integrated Planning and Reporting documents during the public exhibition period.
- (d) That submissions received as part of the public exhibition of the Draft Integrated Planning and Reporting documents, including the 2019/20 Draft Budget and Fees and Charges be reported to the June 2019 Council meeting for consideration as part of the adoption of these documents.
- (e) That Council replace the redundant Voluntary Pensioner Rebate Scale with a flat rate rebate of \$150, at an approximate cost to Council of \$1.2m. The rebate is to be applied against the domestic waste management annual charge for all eligible pensioners during the 2019/20 financial year, commencing 1 July 2019.
- (f) That the Voluntary Pensioner Rebate is reviewed annually during the budget process and long term financial plan review, considering external factors attributable to rise in costs associated with the Domestic Waste Services; these factors may include tipping fees, waste contract costs and international policies on waste management.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Elmir returned to the meeting at 8.24pm.

NOTICES OF MOTION

NM025-19 Confidential Information
(Councillor Tegg)

RESOLVED: Councillor Tegg and Councillor Grekas

That the General Manager prepare a report to Council providing details of the measures currently in place to ensure the security and maintenance of confidential information provided to Councillors at Councillor Workshops, Committee Meetings and Council Meetings and to identify further improvements that can be made to prevent any breaches of the *Local Government Act 1993* and Council's Code of Conduct.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Agius returned to the meeting at 8.27pm.

NM026-19 Independent Building Commissioner
(Councillor Landsberry)

RESOLVED: Councillor Landsberry and Councillor Grekas

That Council write to the Hon. Rob Stokes MP, Minister for Planning and Public Spaces and to the Hon. Shelley Hancock MP, Minister for Local Government;

- a) outlining Georges River Council's support for an independent commissioner to be appointed to oversee building construction in NSW, the certification scheme, safety and the quality of construction;
- b) requesting a response to the issues raised by Council on 13 September 2018, being:
 - i. clarify certifiers' roles and responsibilities, especially in relation to reporting non-compliance to the appropriate authority, compliance with the certifiers' code of conduct and the requirement to act in the public interest at all times;
 - ii. providing the Building Professionals Board with the authority to order building work to cease or unauthorised work to be rectified, when a complaint is proven against a private certifier;
 - iii. improve the independence of certifiers;
 - iv. tighten licensee probity requirements;
 - v. improve complaint handling and disciplinary procedures for certifiers;
 - vi. increase the penalties available to councils for breaches of the Act by certifiers;
 - vii. require certifiers to obtain a compliance clearance from the relevant council prior to the issue of any occupation certificate; and
 - viii. other reforms to streamline, modernise and update the structure and administration of the Act.
- c) encouraging that the list of action identified by the Association of Accredited Certifiers is introduced to ensure:
 - i. All professionals involved in the design, installation and approvals process must be accredited and insured;
 - ii. All key personnel in the process who are not accredited must be licensed and be required to prove their competency at regular intervals;
 - iii. All documents related to the certification of a building should be in a standard form developed by industry and Government;
 - iv. All persons involved in the certification of any engineering design or technical aspect of construction must issue a certificate on a standard form;
 - v. Comprehensive auditing of all accredited or licensed persons;
 - vi. All parties involved in the building product supply chain need to be accountable for the products they prescribe, specify, purchase and use;
 - vii. Amend the BASIX scheme to allow applicants to design buildings based on predetermined standards; and

- viii. Strengthen the administration of building regulation in NSW by bringing building regulations and control functions into one portfolio, reporting to one Minister.

Record of Voting:

For the Motion: Unanimous

NM027-19 Hurstville Commuter Carpark
(Councillor Hindi)

RESOLVED: Councillor Hindi and Councillor Elmir

That following the recent announcement from the Prime Minister The Hon Scott Morrison MP, and The Hon David Coleman Member for Banks for an amount of \$7.5 million towards commuter car park at Hurstville CBD , I move that the General Manager prepare a report to Council, investigating potential locations for a commuter car park in the Hurstville CBD.

Record of Voting:

For the Motion: Unanimous

NM028-19 Amendment to Operational Procedures for all NSW Regional Planning Panels
(Councillor Katris)

RESOLVED: Councillor Katris and Councillor Hindi

That Council request the Minister for Planning, the Hon Rob Stokes MP to amend the operating procedures for all Regional Planning Panels in New South Wales to require the provision of a company search with every relevant development application or planning proposal that is submitted to a Panel for consideration, in order to assist members with managing conflicts of interest.

Record of Voting:

For the Motion: Unanimous

NM029-19 Dog Litter Bags
(Councillor Kastanias)

RESOLVED: Councillor Elmir and Councillor Agius

- (a) That the General Manager prepare a report on the cost and practicality of providing 'dog waste' [or 'Dog tidy'] bag dispensers in all parks with Georges River Council.
- (b) That the report include;
- the location of all existing bag dispensers within the Council area
 - a prioritized list of parks most frequently used by dog walkers
 - comment on the types of bags available to minimize environmental impact
 - Investigation of other options that Council can explore to educate and promote the environmentally friendly removal and disposal of dog waste deposited in our public areas

Record of Voting:

For the Motion: Unanimous

NM030-19 Working Towards Net Zero Emissions in Georges River Local Government Area
(Councillor Tegg)

RESOLVED: Councillor Tegg and Councillor Hindi

- (a) That the General Manager prepare a report which investigates the impact on Council should it adopt the following targets:
- obtaining 100% of its energy from renewable sources by 2025;
 - achieve net zero emissions by 2030; and
 - zero carbon emissions by 2050
- (b) That as part of the report, the General Manager investigate:
- The method of quantifying Council's current emissions
 - The proposed methods for reducing/offsetting emissions
 - An indicative timeframe with key performance indicators for the targets set out above
 - Relevant collaborative work being conducted by the 100 Resilient Cities network and SSROC
 - Any financial implications associated with achieving the targets set out above
 - The likely financial support and expert assistance Council may need to achieve the targets set out above.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Hindi left the meeting at 8.33pm and was not present for the consideration or voting on Item NM031-19.

NM031-19 Preparation of a new Development Control Plan for the Kogarah Bay Precinct Princes Highway
(Councillor Payor)

RESOLVED: Councillor Payor and Councillor Katris

- (a) That arising from the significant increase in development activity as a result of the New City Plan (Amendment No. 2) to the Kogarah Local Environmental Plan gazetted in May 2017 which permitted greater density (2:5 and 2:1) and height (21m), Council immediately proceed to prepare an amendment to Part C of the Kogarah Development Control Plan for the area generally bounded by the Princes Highway, Stubbs Street/Poulton Avenue and Wyuna Street, Beverley Park, and Park Road and John Street, Kogarah Bay as a first priority, and as a second priority, the west side of the Princes Highway from Jubilee Avenue to Park Road which is in part High Density B6 zone and in part High Density B2 zone. The report is to address, but is not limited to the following matters:
- i. Site isolation and amalgamation
 - ii. Vehicular access, parking and circulation
 - iii. Traffic impact

- iv. Landscape character
 - v. Proposed building envelopes that provide a transition/interface to the land zoned R2 at the rear of these high density zones, which allow for a stepping down to a 9m height limit to the rear of developments that back onto R2 residential zones.
 - vi. Impact on Heritage Item I3 “Sunnyside” at 186-188 Princes Highway
- (b) That prior to the report being presented to Council that a briefing be provided to Councillors.
- (c) That the General Manager prepare a report on the outcomes of the traffic assessment that is currently underway for the areas that were up-zoned under the New City Plan (Amendment No 2) to the Kogarah Local Environmental Plan gazetted in May 2017.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Hindi returned to the meeting at 8.39pm.

NM032-19 Procedures for the Lodgement and Processing of Development Applications
(Councillor Katris)

RESOLVED: Councillor Katris and Councillor Hindi

That it order to improve the efficient processing of development applications for developments valued at \$5 million and above and/or are subject to SEPP 65 requirements, Council introduce the following requirements for the lodgement and processing of development applications in the Georges River local government area as follows:

- Modification of the relevant development application forms to require the submission of diagrams and calculations, prepared and certified by a registered land surveyor, that certify the gross floor area, resultant floor space ratio and maximum heights of the development;
- The inclusion of a condition of consent that requires all new mixed residential and commercial developments in the Kogarah CBD, Kogarah North and the Hurstville CBD to underground all power and similar utility lines servicing the development and all relevant street frontages;
- The inclusion of a condition of consent that requires all new developments in the Kogarah CBD, Kogarah North and the Hurstville CBD to contribute towards the cost of works contained within any approved public domain plan, where such works have not already been captured by an existing development contributions plan; and
- Independent certification and a report submission by a registered architect, or other appropriately qualified consultant, that confirms that any solar penetration diagrams provided in a development application (that is subject to SEPP 65 requirements) comply with (or otherwise) the adopted solar access requirements for developments of this type, utilising solar penetration software acceptable to Council.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Hindi left the meeting at 8.44pm and was not present for the consideration and voting on Item NM033-19.

Note: Councillor Badalati left the meeting at 8.44pm and was not present for the consideration and voting on Item NM033-19.

**NM033-19 Maintaining Public Confidence in Georges River Council
(Councillor Grekas)**

Note: Councillor Hindi declared a Significant Non-Pecuniary interest in this item.

Note: Councillor Badalati declared a Significant Non-Pecuniary interest in this item.

RESOLVED: Councillor Grekas and Councillor Tegg

Since the proclamation of Georges River Council on 12 May 2016, most Councillors and staff have been working to ensure that the new Council upholds the highest standards of conduct and probity and that all decisions are made impartially and in the best interests of the community.

The recent publication of stories in the Sydney Morning Herald and on the ABC (4 Corners) has cast a shadow over the performance of Council and its strict approach to good governance. Extensive feedback from the community has revealed a loss of public confidence in the governance and integrity of Council's decision making process.

In order to reassure the Georges River community that Council will not tolerate conduct that is considered inappropriate, and to demonstrate that we take our statutory duty to act honestly and exercise care and diligence seriously, I move the following:

- (a) That Council request the NSW Independent Commission Against Corruption, and the NSW Office of Local Government to immediately commence an investigation into recent claims published in the Sydney Morning Herald on 2, 4, 6, 22 and 23 April 2019 regarding the allegations to determine whether any legislation has been breached.
- (b) That Council commence an investigation into the claims as detailed in (a) above should the NSW Office of Local Government decline to commence any investigation.

Record of Voting:

For the Motion: The Mayor, Councillor Kevin Greene and Councillors Elmir, Grekas, Katris, Konjarski, Landsberry, Payor and Tegg

Against the Motion: Councillor Wu and Agius

Note: Councillor Hindi returned to the meeting, the time being 8.53pm.

Note: Councillor Badalati returned to the meeting, the time being 8.53pm.

NM034-19 Dissolution of Council's Major Events Advisory Committee
(Councillor Landsberry)

Note: Councillor Elmir left the meeting, the time being 9.07pm, and was not present for the consideration and voting on the Amendment for this item.

MOTION: Councillor Landsberry and Councillor Konjarski

- (a) That having regard to the Major Events Advisory Committee's role in the cancellation of a media sponsor during the 2018 Lunar New Year Event, Council dissolve the Advisory Committee, effective immediately.
- (b) That strategic matters related to Georges River Council major events be reported to the Community and Culture Committee.
- (c) That the community representatives on the Major Events Advisory Committee be thanked for their service.
- (d) That arising from the ongoing publication of stories in the Sydney Morning Herald on 7 April 2019 and 23 April 2019, The St George Leader on 17 April 2019 and the ABC (4 Corners) national broadcast on 8 April 2019, Council immediately commence an investigation into the actions of Council's Major Events Advisory Committee during the period November 2017 – February 2018, to determine whether or not the Committee complied with its Terms of Reference when acting and advising on matters related to the Lunar New Year Festivals in 2018.

AMENDMENT: Councillor Badalati and Councillor Hindi

- (a) That having regard to the Major Events Advisory Committee's role in the cancellation of a media sponsor during the 2018 Lunar New Year Event, Council dissolve the Advisory Committee, effective immediately.
- (b) That strategic matters related to Georges River Council major events be reported to the Community and Culture Committee.
- (c) That the community representatives on the Major Events Advisory Committee be thanked for their service.
- (d) That arising from the ongoing publication of stories in the Sydney Morning Herald on 7 April 2019 and 23 April 2019, The St George Leader on 17 April 2019 and the ABC (4 Corners) national broadcast on 8 April 2019, Council immediately commence an investigation into the actions of Council's Major Events Advisory Committee during the period November 2017 – February 2018, to determine whether or not the Committee complied with its Terms of Reference when acting and advising on matters related to the Lunar New Year Festivals in 2018.
- (e) That the investigation include comments that were made to a member of the MEAC Committee on the day of the Lunar New Year Festival 2018 by another member of the Committee.

Record of Voting:

For the Amendment: Councillors Badalati, Hindi, Katris and Wu

Against the Amendment: The Mayor, Councillor Kevin Greene and Councillors Agius, Grekas, Konjarski, Landsberry, Payor and Tegg.

On being put to the meeting, voting on the Amendment was four (4) votes FOR and seven (7) votes AGAINST. The Amendment was **LOST**.

Note: Councillor Elmir returned to the meeting, the time being 9.20pm.

PROCEDURAL MOTION

MOTION: Councillor Tegg and Councillor Hindi

That the Motion be voted on in seriatim.

Record of Voting:

For the Motion: Unanimous

RESOLVED: Councillor Landsberry and Councillor Konjarski

- (a) That having regard to the Major Events Advisory Committee's role in the cancellation of a media sponsor during the 2018 Lunar New Year Event, Council dissolve the Advisory Committee, effective immediately.

Record of Voting:

For the Motion: Unanimous

- (b) That strategic matters related to Georges River Council major events be reported to the Community and Culture Committee.

Record of Voting:

For the Motion: Unanimous

- (c) That the community representatives on the Major Events Advisory Committee be thanked for their service.

Record of Voting:

For the Motion: Unanimous

- (d) That arising from the ongoing publication of stories in the Sydney Morning Herald on 7 April 2019 and 23 April 2019, The St George Leader on 17 April 2019 and the ABC (4 Corners) national broadcast on 8 April 2019, Council immediately commence an investigation into the actions of Council's Major Events Advisory Committee during the period November 2017 – February 2018, to determine whether or not the Committee complied with its Terms of Reference when acting and advising on matters related to the Lunar New Year Festivals in 2018.

Record of Voting:

For the Motion: Unanimous

NM035-19 Preparation of Development Control Plan Provisions for Mechanical Parking Installations in Developments within the Georges River LGA
(Report by Councillor Payor)

RESOLVED: Councillor Payor and Councillor Katris

- (a) That the General Manager prepare a report to Council which considers the necessary requirements for the installation of mechanical parking installations (car lifts) in developments within the Georges River LGA, for future inclusion into Council's Development Control Plan.
- (b) That prior to the report being presented to Council a briefing be provided to Councillors.

Record of Voting:

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

AT THIS TIME, BEING 9.32PM, THE MAYOR MADE A BRIEF STATEMENT TO SAY THAT IT IS APPROPRIATE TO FORMALLY STATE THAT THIS COUNCIL IS VERY PLEASED TO SUPPORT, IN SO MANY LOCAL COMMUNITIES, PARTICULARLY THROUGH OUR LOCAL RSL SUB BRANCHES, THE COMMEMORATION OF ANZAC DAY THIS THURSDAY, RECOGNISING THAT IN RECENT DAYS AND WEEKS, WITH ANZAC SUNDAY CELEBRATIONS AROUND OUR COMMUNITY, WE'VE ALSO SEEN SIGNIFICANT COMMEMORATIONS. THE MAYOR TOOK THE OPPORTUNITY ON BEHALF OF ALL COUNCILLORS TO PAY RESPECTS TO THOSE WHO HAVE REPRESENTED AUSTRALIA IN ONE OF THE MOST DIFFICULT SITUATIONS OF ALL - THEATRE OF WAR. WHILE THERE IS ALWAYS, RIGHTFULLY, SIGNIFICANT FOCUS ON THE ANZACS THEMSELVES AND THE GALLIPOLI CAMPAIGN, THAT IN NO WAY DOWNPLAYS THE ROLE THAT SO MANY TENS OF THOUSANDS OF AUSTRALIANS, MALE AND FEMALE, HAVE PLAYED IN THEATRES OF WAR OVER THE LAST CENTURY. IT IS APPROPRIATE TO PLACE ON RECORD OUR THOUGHTS ARE WITH THEM AND THEIR FAMILIES, PARTICULARLY THOSE WHO HAVE LOST THEIR LIVES IN THE SERVICE OF THIS GREAT NATION.

RESUMPTION OF STANDING ORDERS

STANDING ORDERS WERE RESUMED AT 9.33PM.

CONSIDERATION OF BUSINESS IN CLOSED SESSION

RESOLVED: Councillor Tegg and Councillor Elmir

That the meeting move into closed session.

Record of Voting:

For the Motion: Unanimous

At this stage of the meeting being 9.34pm the Mayor advised that the meeting would move into a Committee of the Whole to allow consideration of a matter 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 and reports

relating to the items considered during the course of the closed session will be withheld.

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

CCL008A-19 Waiver of Legal Professional Privilege over Confidential Legal Advices
(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.

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

The Mayor 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 from the public that the item should not be discussed in closed session.

The Mayor 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.

There were none.

CONSIDERATION OF CONFIDENTIAL RECOMMENDATIONS

CCL008A-19 Waiver of Legal Professional Privilege over Confidential Legal Advices
(Report by Director Legal Services and General Counsel)

RESOLVED: Councillor Tegg and Councillor Landsberry

That Council waive legal privilege over the legal advices (including reports referring to those advices and related emails) provided by HWL Ebsworth Lawyers dated 6, 20 and 21 February 2019 in relation to the complaints made by Mr Norman Sarraf relating to the Netstrata Jubilee Stadium EOI Process matter.

Record of Voting:

For the Motion: Unanimous

OPEN COUNCIL

RESOLVED: Councillor Tegg and Councillor Elmir

That the meeting revert to Open Council, the time being 9.39pm.

Record of Voting:

For the Motion: Unanimous

CONSIDERATION OF RECOMMENDATIONS FROM CLOSED SESSION

RESOLVED: Councillor Tegg and Councillor Konjarski

That the recommendations of the Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

CONCLUSION

The Meeting was closed at 9.40pm

Chairperson