

MINUTES

Council Meeting

Monday, 25 October 2021

7.00pm

Skype Online Meeting



PRESENT

COUNCIL MEMBERS

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

COUNCIL STAFF

General Manager - Gail Connolly, Director Assets and Infrastructure - Andrew Latta, Director Environment and Planning - Meryl Bishop, Acting Director Community and Culture - Kristie Dodd, Director Business and Corporate Services - David Tuxford, Director City Strategy and Innovation - Sue Weatherley, Manager Office of the General Manager - Roxanne Thornton (Minutes), Manager Strategic Planning - Catherine McMahon, Senior Development Contributions Planner - John Hair, Manager Library Services - Thomas Koruth, Manager City Life - Kevin Brennan, Head of Strategic Property - Bernard Morabito, Chief Financial Officer - Danielle Parker, Senior Business Performance Accountant - Craig Henry, Manager Environment, Health and Regulatory Services - Andrew Spooner, Executive Services Officer - Marina Cavar, Research and Projects Officer - Ann-Marie Svorinic and Acting Coordinator Technology - Garuthman De Silva.

OFFICE OF LOCAL GOVERNMENT

Grant Gleeson - Director Legal

OPENING

The Mayor, Councillor Kevin Greene, opened the meeting at 7.06pm.

NATIONAL ANTHEM

The National Anthem was played to the meeting.

PRAYER

The Mayor, Councillor Kevin Greene offered a prayer to the meeting.

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES/LEAVE OF ABSENCE

RESOLVED: Councillor Hindi and Councillor Elmir

That an apology be accepted for Councillors Kastanias and Wu and a leave of absence granted.

Record of Voting:

For the Motion: Unanimous

NOTICE OF WEBCASTING

The Mayor, Councillor Kevin Greene 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 4 of Council's Code of Meeting Practice. This recording will be made available on Council's Website.

CODE OF MEETING PRACTICE

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

DISCLOSURES OF INTEREST

Councillor Payor declared a Significant Non-Pecuniary interest in item **CCL077-21** Report of the Environment and Planning Committee Meeting held on 11 October 2021 **ENV046-21** (PP2019/0003 - Planning Proposal for 143-149 Boundary Road and 689-691 Forest Road, Peakhurst) for the reason that her running mate in the 2017 Local Government Election is a trustee of a property impacted by the Planning Proposal. As this is a Significant Non-Pecuniary disclosure, Councillor Payor will not participate in the discussion and voting on this item.

Councillor Payor declared a Significant Non-Pecuniary interest in item **CCL077-21** Report of the Environment and Planning Committee Meeting held on 11 October 2021 **ENV047-21** (Voluntary Planning Agreement Offer for 143-149 Boundary Road and 689-691 Forest Road, Peakhurst) for the reason that her running mate in the 2017 Local Government Election is a trustee of a property impacted by the Planning Proposal. As this is a Significant Non-Pecuniary disclosure, Councillor Payor will not participate in the discussion and voting on this item.

Councillor Katris declared a Pecuniary Interest in Item **CCL059A-21** (Property Matter – Confidential Item Rocky Point Road Ramsgate). For the reason that he is the part owner of a Commercial Property on Rocky Point Road Ramsgate and although it is located on the Bayside Council side of Rocky Point Road. Councillor Katris will not participate in discussion and voting on this item.

Councillor Landsberry disclosed a Non-Significant, Non-Pecuniary interest in item **CCL080-21** Report of the Community and Culture Committee Meeting held on 11 October 2021 **COM033-21** Community Property Report – (1 July 2021 to 30 September 2021) for the reason that her son is a coach and committee member at Carss Park Football Club, and he also works out of the office of Football St George at Jubilee Stadium, when COVID restrictions do not apply. Councillor Landsberry will remain in the meeting.

Councillor Grekas disclosed a Non-Significant, Non-Pecuniary interest in item **CCL080-21** Report of the Community and Culture Committee Meeting held on 11 October 2021 **COM033-21** Community Property Report – (1 July 2021 to 30 September 2021) for the reason that her son plays for Renown United JRLFC which receives a rental subsidy from Council (St George Junior Rugby League is the head lease). Councillor Grekas is not a member of the club, and neither her husband nor herself hold a position on the Executive. Councillor Grekas will remain in the meeting.

Councillor Tegg disclosed a Non-Significant, Non-Pecuniary interest in item **CCL080-21** Report of the Community and Culture Committee Meeting held on 11 October 2021 **COM033-21** (Community Property Report - 1 July 2021 to 30 September 2021) for the reason that his daughter plays football with Penshurst Panthers and the facilities used by the football club are mentioned in the report. Councillor Tegg will remain in the meeting.

Councillor Badalati made a verbal Non-Significant Non-Pecuniary interest in item **CCL078-21** Report of the Finance and Governance Committee Meeting held on 11 October 2021 **FIN047-21** (Administrative Matter – Execution of Documents Under Delegated Authority (1 September 2021 to 30 September 2021)) as he is on the Committee of the Kingsgrove Community Aid Centre mentioned in this report. Although this is a Non-Significant Non-Pecuniary disclosure, Councillor Badalati will not participate in the discussion and voting on this item.

Councillor Badalati made a verbal Significant Non-Pecuniary interest in item **CCL081-21** General Purpose Financial Statements for the Year Ended 30 June 2021 for the reason that he is mentioned in the statements. As this is a Significant Non-Pecuniary disclosure, Councillor Badalati will not participate in the discussion and voting on this item.

Councillor Hindi made a verbal Significant Non-Pecuniary interest in item **CCL081-21** General Purpose Financial Statements for the Year Ended 30 June 2021 for the reason that he is mentioned in the statements. As this is a Significant Non-Pecuniary disclosure, Councillor Hindi will not participate in the discussion and voting on this item.

PUBLIC FORUM

	Speaker	Report No	Report Title
1.	Glenys Barnham	CCL077-21 / ENV048-21	Report of the Environment and Planning Committee Meeting held on 11 October 2021(Adoption of Georges River Council Local Infrastructure Contributions Plan 2021 - Section 7.11 and Section 7.12)
2.	Brian Ralston	CCL077-21 / ENV048-21	Report of the Environment and Planning Committee Meeting held on 11 October 2021(Adoption of Georges River Council Local Infrastructure Contributions Plan 2021 - Section 7.11 and Section 7.12)
3.	Adrian Polhill	CCL079-21 / ASS035-21	Report of the Assets and Infrastructure Committee Meeting held on 11 October 2021 (Interim Solutions to Cater for Off-Road Biking Activities during the Summer Period 2021/2022)
4.	Natalie Mort	CCL077-21 / ENV048-21	Report of the Environment and Planning Committee Meeting held on 11 October 2021(Adoption of Georges River Council Local Infrastructure Contributions Plan 2021 - Section 7.11 and Section 7.12)
5.	Elise Borg	QWN043-21	NM046-21 Managing Risks to Community Safety – Kogarah War Memorial Pool
6.	Brian Shaw	CCL077-21 / ENV046-21	Report of the Environment and Planning Committee Meeting held on 11 October 2021 (PP2019/0003 - Planning Proposal for 143-149 Boundary Road and 689-691 Forest Road, Peakhurst)

Note: Councillor Leesha Payor left the meeting at 7.30pm, at the commencement of the address from Mr Brian Shaw and she returned to the meeting at 7.38pm.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**CCL075-21 Confirmation of the Minutes of the Extraordinary Council Meeting held on 27 September 2021**

(Report by Executive Services Officer)

RESOLVED: Councillor Elmir and Councillor Tegg

That the Minutes of the Extraordinary Council Meeting held on 27 September 2021 be adopted.

Record of Voting:

For the Motion: Unanimous

CCL076-21 Confirmation of the Minutes of the Ordinary Council Meeting held on 27 September 2021

(Report by Executive Services Officer)

RESOLVED: Councillor Symington and Councillor Katris

That the Minutes of the Ordinary Council Meeting held on 27 September 2021 be adopted.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTE**MM014-21 The 'Norm Provan Grandstand' at Netstrata Jubilee Stadium**

(Report by Mayor, Councillor Greene)

RESOLVED: The Mayor, Councillor Greene and Councillor Katris

- (a) That Council notes the recent passing of Norm Provan and the significant contribution he made to our community and send condolences to his family.
- (b) That to commemorate his memory, Council commence the process to officially rename the Western Grandstand at Netstrata Jubilee Stadium, 'The Norm Provan Grandstand'.

Record of Voting:

For the Motion: Unanimous

CONDOLENCES

- The Mayor, Councillor Kevin Greene expressed his condolences on the passing of Mr Graham Windley a long time Mortdale resident, he passed away a month ago and the Mayor attended his funeral online. Graham was well known as a cricketer. He opened the batting with Bob Simpson and Western Suburbs then he came to play for St George, where he was a contributor in some first grade cricket in the early seventies, but then in the second and third grade. After his retirement, Graham got heavily involved in golf, he could be regularly seen practicing his golf at the 'Royal' Hurstville course. Graham was also involved with

Penshurst West junior club through his son David. To his wife Lesley and the family we pay our respects.

- The Mayor, Councillor Kevin Greene expressed his condolences on the passing of Mrs. Mary Fallon an Oatley resident who passed away early this morning aged 92 years old. Her and her husband Brian (deceased) raised 7 children in the local area who have all made significant contributions to the local community. She had 22 grandchildren and 20 great grandchildren. To the family we pass on our condolences.

Note: The meeting observed a moment's silence.

PROCEDURAL MOTION

ORDER OF BUSINESS

RESOLVED: Councillor Tegg and Councillor Katris

That, in accordance with Clause 7.5 of Council's Code of Meeting Practice, Council alter the Order of Business of this meeting to allow for the following items to be considered prior to all other items on the agenda;

- **CCL077-21 / ENV046-21** - Report of the Environment and Planning Committee Meeting held on 11 October 2021 (PP2019/0003 - Planning Proposal for 143-149 Boundary Road and 689-691 Forest Road, Peakhurst).
- **CCL077-21 / ENV048-21** - Report of the Environment and Planning Committee Meeting held on 11 October 2021 (Adoption of Georges River Council Local Infrastructure Contributions Plan 2021 - Section 7.11 and Section 7.12).
- **CCL079-21 / ASS035-21** Interim Solutions to Cater for Off-Road Biking Activities during the Summer Period 2021/2022.
- **QWN043-21** - NM046-21 Managing Risks to Community Safety – Kogarah War Memorial Pool.

Record of Voting:

For the Motion: Unanimous

Note: Due to disclosing a Significant Non-Pecuniary interest in the following items (ENV046-21 and ENV047-21), Councillor Payor left the meeting at 7.51pm.

COMMITTEE REPORTS

CCL077-21 **Report of the Environment and Planning Committee Meeting held on 11 October 2021**
(Report by Executive Services Officer)

ENV046-21 **PP2019/0003 - Planning Proposal for 143-149 Boundary Road and 689-691 Forest Road, Peakhurst**

Note: Councillor Payor disclosed a Significant Non-Pecuniary interest in this item and did

not participate in the discussion and voting on this item.

RESOLVED: Councillor Hindi and Councillor Katris

- (a) That Council endorse the Planning Proposal (PP2019/0003) to amend *Hurstville Local Environmental Plan 2012* (or if gazetted the *Georges River Local Environmental Plan*), in relation to 143-149 Boundary Road and 689-691 Forest Road, to:
- i. Amend the Land Zoning (LZN) Map to rezone the Site from R2 – Low Density Residential to B1 – Neighbourhood Centre
 - ii. Amend the Height of Buildings (HOB) Map to increase the height from 9m to part 12m and part 15m
 - iii. Amend the Floor Space Ratio (FSR) Map to increase the maximum FSR from 0.6:1 to part 1.5:1 and part 1.7:1
 - iv. Amend the Minimum Lot Size (LSZ) Map to no minimum lot size.
- (b) That Council endorse the Planning Proposal to be forwarded to the Minister for Planning and Public Places for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- (c) That the Planning Proposal be placed on public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning, Industry and Environment.
- (d) That Council resolve to prepare an amendment to the Hurstville Development Control Plan No. 1 ("HDCP No.1"), or the Georges River DCP if effective, at the proponent's cost, to run concurrently with an amendment to the Hurstville LEP 2012 (or if gazetted the Georges River Local Environmental Plan), to reflect site specific provisions for any future development of the site. The amendment to the relevant DCP is to facilitate access from Boundary Road through 143 Boundary Road to 691 Forest Road.
- (e) That the amendment to the relevant development control plan be placed on public exhibition in accordance with the *Environmental Planning and Assessment Act* and its Regulation.

Record of Voting:

For the Motion: Unanimous

CCL077-21 Report of the Environment and Planning Committee Meeting held on 11 October 2021
(Report by Executive Services Officer)

ENV047-21 Voluntary Planning Agreement Offer for 143-149 Boundary Road and 689 Forest Road, Peakhurst
(Report by Executive Strategic Planner)

Note: Councillor Payor disclosed a Significant Non-Pecuniary interest in this item and did not participate in the discussion and voting on this item.

RESOLVED: Councillor Hindi and Councillor Katris

- (a) That Council accept and endorse the letter of offer dated 29 June 2021 from Mr John Ronald Rider (Landowner) to enter into a Voluntary Planning Agreement (VPA offer)

(Attachment 1) in association with the Planning Proposal PP2019/0003 for 143-149 Boundary Road and 689-691 Forest Road, Peakhurst which seeks to amend the zoning and planning controls for the land under *Hurstville Local Environmental Plan 2012* (or if gazetted the *Georges River Local Environmental Plan*). The key terms of the VPA offer are as follows:

- a. the VPA offer relates to sites at 143-149 Boundary Road and 689 Forest Road, Peakhurst;
 - b. the Landowner will pay a monetary contribution of \$900,000 to Council towards:
 - i. improved pedestrian and cycle connections from the site to nearby open space and Riverwood commercial centre
 - ii. improvements to the library facilities at Penshurst Library;
 - c. the contribution amount will be recalculated and indexed from the date of the VPA offer to the date of payment and the contribution will be paid in three instalments;
 - d. the public benefits are over and above the usual section 7.11, 7.12 and 7.24 contributions applicable to the development;
 - e. an unconditional bank guarantee will be provided as security for the monetary contributions and the VPA will be registered on the title of the land;
 - f. the Landowner agrees to pay Council's reasonable costs of preparing, negotiating, executing, registering, and stamping the VPA; and
 - g. the Landowner agrees to include such other clauses from Council's VPA template in Council's *Planning Agreement Policy* as relevant to this offer.
- (b) That Council delegate authority to the General Manager to prepare and finalise the specific terms of the Voluntary Planning Agreement to reflect the terms of the VPA offer and to subsequently exhibit the VPA, in conjunction with the Planning Proposal, in accordance with the Environmental Planning and Assessment Act 1979.
- (c) That Council delegate authority to General Manager to:
- a. Authorise any minor changes to the 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; and
 - b. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Payor returned to the meeting at 7.55pm.

CCL077-21 Report of the Environment and Planning Committee Meeting held on 11 October 2021
(Report by Executive Services Officer)

ENV048-21 Adoption of Georges River Council Local Infrastructure Contributions

**Plan 2021 - Section 7.11 and Section 7.12
(Report by Senior Development Contributions Planner)**

RESOLVED: Councillor Hindi and Councillor Katris

- (a) That Council adopt the *Georges River Council Local Infrastructure Contributions Plan 2021 – Section 7.11 and Section 7.12*, as attached to this report.
- (b) That Council forward the *Georges River Council Local Infrastructure Contributions Plan* to the NSW Department of Planning, Industry and Environment via the NSW Planning Portal.
- (c) That Council delegate authority to the General Manager to make minor modifications to any numerical, typographical, interpretation, formatting errors, if required, as well as changes to the works schedules should Council be successful in obtaining grant funding for projects in the works schedule, prior to notification of the adoption of the draft *Georges River Council Local Infrastructure Contributions Plan 2021 – Section 7.11 and Section 7.12*.
- (d) That Council notes that adoption of the *Georges River Council Local Infrastructure Contributions Plan 2021 – Section 7.11 and Section 7.12* repeals the existing contribution plans listed in the report.
- (e) That Council publish notice of its decision to adopt a new contributions plan and repeal the Contributions Plans listed in the report in accordance with the provisions of the Environmental Planning and Assessment Act and its Regulation 2000.
- (f) That the General Manager investigate, analyse and model the purchase of Glenlee through development contributions, other external and internal funding sources and submit a separate report to Council.
- (g) That the General Manager investigate, analyse and model the construction of a third aquatic facility through development contributions, other external and internal funding sources and submit a separate report to Council.
- (h) That Council thank the staff of the Environment and Planning Directorate for the work undertaken to complete the Development Contributions Plan and LEP 2021 which was gazetted on 8 October 2021.

Record of Voting:

For the Motion: Unanimous

CCL079-21 Report of the Assets and Infrastructure Committee Meeting held on 11 October 2021
(Report by Executive Services Officer)

ASS035-21 Interim Solutions to Cater for Off-Road Biking Activities during the Summer Period 2021/2022
(Report by Manager Strategic Placemaking)

RESOLVED: Councillor Agius and Councillor Grekas

- (a) That Council note the following interim and short-term active recreation opportunities will be introduced to ease pressure on Council's parks and bushland areas during the 2021/22 summer period:

- i. The installation of a pop-up skate park suitable for bike riding, such as BMX, at Olds Park Penshurst;
 - ii. The delivery of dirt jumps/tracks at Lower Gannons Park.
- (b) That Council note contemporary maps of off-road trails where biking is permitted within the local government area have been developed and will be published and distributed to complement the above interim and short-term active recreation opportunities.
- (c) That signage be fast tracked at Kyle Williams Reserve, Carss Bush Park and other bushland locations within the local government area where off-road biking is not permitted advising that area of bushland is for pedestrian walking trails only.
- (d) That Council Ranger patrols be increased where possible at known off-road biking bushland locations to deter further damage.
- (e) Remediation of damaged bushland be maintained to encourage bush regeneration.

Record of Voting:

For the Motion: Unanimous

QUESTION WITH NOTICE**QWN043-21 Status of NM046-21 Managing Risks to Community Safety - Kogarah War Memorial Pool**

(Report by Councillor Landsberry)

RESOLVED: Councillor Landsberry and Councillor Badalati

That the information be received and noted.

Record of Voting:

For the Motion: Unanimous

COMMITTEE REPORTS**CCL077-21 Report of the Environment and Planning Committee Meeting held on 11 October 2021**

(Report by Executive Services Officer)

RESOLVED: Councillor Hindi and Councillor Katris

That the Environment and Planning Committee recommendations for items ENV044-21, ENV045-21 and ENV056A-21 (noting that items ENV046-21, ENV047-21 and ENV048-21 were dealt with earlier in the meeting as detailed in the Minutes), as detailed below, be adopted by Council.

ENV044-21 Adoption of Georges River Transport Strategy 2021

(Report by Senior Strategic Planner)

- (a) That Council adopt the Georges River Transport Strategy 2021, as amended.
- (b) That Council delegate authority to the General Manager to make minor modifications to any numerical, typographical, interpretation, formatting errors, if required, prior to notification of the adoption of the Georges River Transport Strategy 2021.
- (c) That the adopted Georges River Transport Strategy 2021 be published on Council's

website.

ENV045-21 PP2017/0005 - Planning Proposal for 53A – 59A Gloucester Road, Hurstville

(Report by Manager Strategic Planning)

- (a) That Council endorse the Planning Proposal (PP2017/0005) to amend *Hurstville Local Environmental Plan 2012* (or if gazetted the *Georges River Local Environmental Plan*), in relation to 53A – 59A Gloucester Road, so as to permit a residential care facility with a maximum FSR of 1.6:1 and a maximum building height ranging from 12m, 14m and 16.9m at Nos. 53A-59A Gloucester Road, Hurstville.
- (b) That Council request as a condition of the Gateway Determination that:
 - a. the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only; and
 - b. a limit on the intensification of the new residential care facility is restricted to 110 beds, being bedroom space of 3,850sqm of a total development floorspace of 8,203sqm.
- (c) That Council endorse the Planning Proposal to be forwarded to the Minister for Planning and Public Places for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
- (d) That the Planning Proposal be placed on public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning, Industry and Environment.
- (e) That Council resolve to prepare an amendment to the Hurstville Development Control Plan No. 1 (“HDCP No.1”), or the Georges River DCP if effective, at the proponent’s cost, to run concurrently with an amendment to the Hurstville LEP 2012 (or if gazetted the Georges River Local Environmental Plan), to reflect site specific provisions for any future development of the site.
- (f) That the amendment to the relevant development control plan be placed on public exhibition in accordance with the Environmental Planning and Assessment Act and its Regulation.

ENV056A-21 Status Update - Georges River Waste Services and Contracts

(Report by Manager Environment Health & Regulatory Services)

- (a) That Council note the change of name of the tech-waste event to the E-Waste Drop Off event and endorse the change to a quarterly event with the service expansion to include the Carlton and Mortdale Depots on an alternating basis.
- (b) That the update regarding the Food Organic Garden Organic (FOGO) Feasibility Study be noted with a further report to be provided to Council following the completion of the SSROC Feasibility Study in 2022.
- (c) That Council delegate authority to the General Manager to extend the existing waste collection and/or processing contracts as required, for a period of up to 24 months to maintain essential services and, having regard to the significant delays currently being experienced in specialised plant delivery due to the COVID-19 pandemic, provide sufficient time for the successful tenderer to procure major plant and equipment.
- (d) That Council note that tenders will be invited for the following services:

- (i) Waste collection, including recycling, general waste, organics (garden and/or food), public litter bins and related services including electric vehicle and food/organics options.
 - (ii) Processing/disposal of general waste, organics [garden (GO) and/or food (FOGO)], commingled recycling and materials collected within public litter bins.
 - (iii) Services for kerbside clean up including collection and processing/disposal of mattresses, bundled garden organics, electrical waste and whitegoods.
- (e) That Council endorse joint tendering for waste collection services with Bayside Council subject to suitable cost and resourcing efficiencies being achieved and/or demonstrated during the tender preparation process.

Record of Voting:

For the Motion: Unanimous

CCL078-21 Report of the Finance and Governance Committee Meeting held on 11 October 2021

(Report by Executive Services Officer)

RESOLVED: Councillor Badalati and Councillor Hindi

That the Finance and Governance Committee recommendations for Items FIN048-21 to FIN050-21 as detailed below, be adopted by Council.

FIN048-21 Investment Report as at 31 August 2021

(Report by Acting Senior Financial Accountant - Reporting)

That Council receives and notes the contents of the Investment Report as at 31 August 2021.

FIN049-21 Amendments to 2021/22 Fees and Charges

(Report by Business Performance Accountant)

- (a) That Council receives and notes the contents of this report in relation to amendments to Council's 2021/22 adopted Fees and Charges.
- (b) That Council give public notice and place on public exhibition for a period of not less than 28 days the proposed amendments to Council's adopted 2021/22 Fees and Charges in accordance with section 610F, 705 and 706 of the Local Government Act 1993.
- (c) That Council receives a further report after the conclusion of the 28-day public notice period to consider any submissions received and to adopt the amendments and new Fees and Charges as per section 706(1) and (2) of the Act.

FIN050-21 Property Matter - Drainage Reserve Lot 1 DP1177674 - Easement to Drain Water from Adjoining Property - 2D The Crescent, Kingsgrove

(Report by Strategic Property Specialist)

- (a) That Council grants an Easement to Drain Water over Lot 1 in DP1177674, being a Drainage Reserve behind 2D The Crescent, Kingsgrove as generally detailed in this

report.

- (b) That the General Manager be authorised to execute the Section 88B Instrument or Transfer Granting Easement and all associated documentation to create the easement.
- (c) That all costs associated with the granting of the easement be met by the applicant.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Badalati left the meeting at 8.21pm.

**FIN047-21 Administrative Matter - Execution of Documents Under Delegated Authority
(1 September 2021 to 30 September 2021)**

(Report by Manager Office of the General Manager)

Note: Councillor Badalati made a verbal disclosure of a Non-Significant Non-Pecuniary interest in this matter and did not participate in the discussion and voting on this item.

RESOLVED: Councillor Hindi and Councillor Elmir

That Council note, for the period 1 September 2021 to 30 September 2021, there were three (3) documents executed by the General Manager under delegation.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Badalati returned to the meeting at 8.23pm.

CCL079-21 Report of the Assets and Infrastructure Committee Meeting held on 11 October 2021

(Report by Executive Services Officer)

RESOLVED: Councillor Agius and Councillor Elmir

That the Assets and Infrastructure Committee recommendations for Items ASS032-21 to ASS034-21 (noting that Item ASS035-21 was dealt with earlier in the meeting as detailed in the Minutes), as detailed below, be adopted by Council.

ASS032-21 Georges River Local Traffic Advisory Committee 5 October 2021
(Report by Coordinator Traffic and Transport)

That the Recommendations contained within the minutes of the Georges River Local Traffic Advisory Committee Meeting held on 5 October 2021 be adopted by Council.

ASS033-21 Confirmation of Minutes of the Floodplain Risk Management Committee held on 20 September 2021
(Report by Design Engineer)

The Recommendations contained within the Minutes of the Floodplain Risk Management

Committee Meeting held on 20 September 2021 be adopted by Council.

ASS034-21 T21/015 Management Agreement - Penshurst Park Synthetic Sports Facility

(Report by Manager Infrastructure)

- (a) That under Section 178 (1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders for T21/015 Management Agreement Penshurst Park Synthetic Sports Facility.
- (b) That under Section 178 (3) (f) of the Local Government (General) Regulation 2005, Council carry out the requirements of the proposed contract itself for the period until 30 June 2023.
- (c) That the General Manager be authorised to invite fresh tenders in early 2023 for the combined management of the facility and naming rights.
- (d) That Council inform all Tenderers of the resolution.
- (e) That Council note that the six (6) submissions received for the Request For Proposal P21/001 (Penshurst Sports Hub Naming Rights) were rejected on the basis of non-conformance against the published criteria.

Record of Voting:

For the Motion: Unanimous

CCL080-21 Report of the Community and Culture Committee Meeting held on 11 October 2021

(Report by Executive Services Officer)

RESOLVED: Councillor Grekas and Councillor Tegg

That the Community and Culture Committee recommendations for Items COM032-21 to COM034-21, as detailed below, be adopted by Council.

COM032-21 Update on Georges River Local Government Area Place Names and Proposals

(Report by Manager Library Services)

- (a) That Council receive and note the update on place names that have been assigned to reserves, roads, and buildings in accordance with the Georges River Place Naming Policy;
- (b) That Council commences the public exhibition of the name "Pottery Lane" for 28 days for community feedback, including notification to nearby residents and the prescribed authorities;
- (c) That Council approves the name "Arthur Hardiman Reserve" for the public reserve located at Lots 100 and 106 DP 1252069 River Road, Oatley and the public exhibition of the name for 28 days for community feedback; and
- (d) That Council approves the name "Ngunungi Playground" for the area designated for a playground within the public reserve located at Lots 100 and 106 DP 1252069, River Road Oatley and the public exhibition of the name for 28 days for community

feedback.

COM033-21 Community Property Report - 1 July 2021 to 30 September 2021
(Report by Coordinator, Programming and Operations)

Note: Councillor Grekas disclosed a Non-Significant Non-Pecuniary interest in this matter. Councillor Grekas remained in the meeting during the discussion and voting on this item.

Note: Councillor Landsberry disclosed a Non-Significant Non-Pecuniary interest in this matter. Councillor Landsberry remained in the meeting during the discussion and voting on this item.

Note: Councillor Tegg disclosed a Non-Significant Non-Pecuniary interest in this matter. Councillor Tegg remained in the meeting during the discussion and voting on this item.

That Council receives and notes the Community Property Report for the period 1 July 2021 to 30 September 2021.

COM034-21 Connecting the Community with COVID-19 Safe Events 2021/22
(Report by Coordinator Events and Sponsorship)

- (a) That Council approves the 2021/22 COVID-19 Safe Community Event Program as detailed in this report.
- (b) That the General Manager be authorised to undertake any necessary amendments to the ongoing event program arising from changing circumstances and updates to NSW Public Health Orders.

Record of Voting:

For the Motion: Unanimous

FINANCE AND GOVERNANCE

Note: Due to lodging a verbal disclosure of interest in the following item (CCL081-21), Councillor Hindi and Councillor Badalati left the meeting at 8.27pm.

CCL081-21 General Purpose Financial Statements for the Year Ended 30 June 2021
(Report by Chief Financial Officer)

Note: Councillor Badalati made a verbal Significant Non-Pecuniary interest in this matter and did not participate in the discussion and voting on this item.

Note: Councillor Hindi made a verbal Significant Non-Pecuniary interest in this matter and did not participate in the discussion and voting on this item.

RESOLVED: Councillor Katris and Councillor Symington

- (a) That in accordance with clause 215 of the Local Government (General) Regulation 2005 and Section 413(2)(c) of the Local Government Act (NSW) 1993 (Act), it is the opinion of

Council that:

- a. The Draft General Purpose Financial Statements for the year ended 30 June 2021 have been drawn up in accordance with:
 - i. the Local Government Act 1993 and the Regulations;
 - ii. the Local Government Code of Accounting Practice and Asset Accounting Manual; and
 - iii. the Australian Accounting Standards.
 - b. The reports present fairly the Council's financial position and operating result for the year.
 - c. The Statements are in accordance with the Council's accounting and other records.
 - d. The Council is unaware of anything that would make the financial reports false or misleading in any way.
- (b) That in accordance with clause 215 of the Local Government (General) Regulation 2005 and Section 413(2)(c) of the Act, Council authorises the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign Council's General Purpose Financial Statements for the year ended 30 June 2021.
 - (c) That in accordance with Section 418(1)(a) of the Act, Council will present Council's Audited General Purpose Financial Statements together with the Auditor's Report for the year ended 30 June 2021 at a Council meeting to be held on 22 November 2021 (pending receipt of the Auditors Report) and public notice be given in accordance with Section 418(1)(b), 418(2) & (3) of the Act.
 - (d) That Council's Audited General Purpose Financial Statements for the year ended 30 June 2021, together with the Auditor's Reports are placed on public exhibition as per Section 418(4) of the Act and the necessary notice in the required form be published on Council's website and in the local newspapers and any submissions shall be dealt with as per Section 420 of the Act.
 - (e) That Council delegate to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the Auditor's Report, a copy of the Audited General Purpose Financial Statements and Auditor's Report for the year ended 30 June 2021 to the Office of Local Government, subject to there being no material audit changes or audit issues, in accordance with AASB 110.
 - (f) That the General Manager be delegated authority to make formatting and minor editorial adjustments to the General Purpose Financial Statements for the year ended 30 June 2021.
 - (g) That the General Manager advocate to, the NSW Government (specifically the Audit Office of NSW) to ensure the sustainability, transparency and intergenerational equity of community infrastructure (transport assets, stormwater, buildings, open space) across NSW by establishing consistent guidelines that include but are not limited to:
 - a. Standardised and accurate useful lives for community infrastructure, for use by all NSW Councils, and
 - b. Consistent classifications and naming conventions for all classes of infrastructure for use by all NSW Councils.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Hindi returned to the meeting at 8.29pm.

Note: Councillor Badalati returned to the meeting at 8.31pm.

CCL082-21 End of Year Progress Report July 2020 - June 2021
(Report by Integrated Planning and Reporting Officer)

RESOLVED: Councillor Badalati and Councillor Elmir

- (a) That Council receive and note the End of Year Progress Report July 2020 – June 2021 (Attachment 1) of performance made against Georges River Council's Delivery Program 2018/2019 to 2021/2022 and Operational Plan 2020/21.
- (b) That Council endorse the Delivery Program and Operational Plan items recommended for cancellation and carry over, as detailed in Table 1: Proposed Cancellations and Table 2: Proposed Carry Overs.
- (c) That a copy of the End of Year Progress Report July 2020 – June 2021 be published on Council's website.

Record of Voting:

For the Motion: Unanimous

CCL083-21 Performance Improvement Order - Compliance Reporting
(Report by Director, Legal Services and General Counsel)

RESOLVED: Councillor Tegg and Councillor Grekas

- (a) That Council note that the fourth compliance report required under the Minister's Performance Improvement Order of 29 June 2021 was provided to the Minister on 29 September 2021 (Fourth Compliance Report). This report covers the period from 29 June to 29 September 2021.
- (b) That Council note that the fifth compliance report required under the Minister's Performance Improvement Order of 29 June 2021 was provided to the Minister on 30 September 2021 (Fifth Compliance Report). This report covers the period from 31 August to 30 September 2021.
- (c) That the Fourth and Fifth Compliance Reports be tabled and made publicly available on the Council's website.

Record of Voting:

For the Motion: The Mayor, Councillor Greene and Councillors Agius, Elmir, Grekas, Katris, Konjarski, Liu, Payor, Symington and Tegg.

Against the Motion: Councillors Badalati (abstain), Hindi (abstain) and Landsberry (abstain).

On being put to the meeting, voting on this Motion was ten (10) votes FOR and three (3) votes AGAINST. The Motion was CARRIED.

Note: Councillor Landsberry advised that she received an apology on behalf of Councillor Kastanias at 8.48pm. The Mayor, Councillor Greene advised that Councillor Kastanias' apology will be recorded with Councillor Wu's apology.

CCL084-21 Local Government NSW (LGNSW) Special Conference - Call for Motions
(Report by Manager, Office of the General Manager)

RESOLVED: Councillor Badalati and Councillor Hindi

- (a) That Councillors be invited to propose motions for submission to Local Government NSW (LGNSW) for inclusion on the business paper for the 'Special Conference', and that the proposed motions be lodged with the General Manager by Friday 12 November 2021.
- (b) That the General Manager lodge all proposed motions with Local Government NSW (LGNSW) by the due date, being 30 January 2022.

Record of Voting:

For the Motion: Unanimous

CCL085-21 Tabling of Disclosure of Interest Returns
(Report by Manager Governance and Risk)

Note: Disclosure of Interest Returns were tabled. A copy of the Return detailed in the report is ON FILE.

RESOLVED: Councillor Badalati and Councillor Elmir

That Council receives and notes the report regarding the tabling of Disclosure of Interest Returns for Councillors and designated persons.

Record of Voting:

For the Motion: Unanimous

CCL086-21 COVID-19: Instrument of Delegation to the Mayor (Emergency Administrative Provisions) - October 2021 Report
(Report by Manager, Office of the General Manager)

RESOLVED: Councillor Badalati and Councillor Katris

That Council note the register of actions taken pursuant to the Instrument of Delegation to the Mayor (Emergency Administrative Provisions).

Record of Voting:

For the Motion: Unanimous

COMMUNITY AND CULTURE

CCL087-21 Status Report - Update on Developer Contributions - (Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

(Report by Director City Strategy and Innovation)

RESOLVED: Councillor Grekas and Councillor Katris

That the report be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

NM074-21 Orderly and Efficient Conduct of Council Meetings (Business to be Considered)

(Report by Councillor Katris)

RESOLVED: Councillor Katris and Councillor Agius

- (a) That in the circumstances where the General Manager receives two Notices of Motion with the same intent or desired outcome, the General Manager is to discuss the duplication with both Councillors in an attempt to streamline the Council business paper and reduce the number of motions.
- (b) That if the Councillors are not able to reach an agreement or compromise, the General Manager may accept the first motion and remove the duplicate motion after notifying the relevant Councillor.
- (c) That Council's Code of Meeting Practice be amended to include this provision at the next available opportunity and in the interim period, the process outlined in (b) above be adopted as the interim procedure.

Record of Voting:

For the Motion: The Mayor, Councillor Greene and Councillors Agius, Elmir, Grekas, Katris, Konjarski, Liu, Symington and Tegg

Against the Motion: Councillors Badalati, Hindi, Landsberry and Payor

On being put to the meeting, voting on this Motion was nine (9) votes FOR and four (4) votes AGAINST. The Motion was CARRIED.

NM075-21 Preparation of a Georges River Council Reconciliation Action Plan (Report by Councillor Tegg)

RESOLVED: Councillor Tegg and Councillor Grekas

That, in collaboration with Reconciliation Australia and Georges River Council's Aboriginal Reference Group, Council develops a Reconciliation Action Plan that incorporates the principles of reform that are central to the Uluru Statement from the Heart.

Record of Voting:

For the Motion: Unanimous

NM076-21 Access to \$5 billion (Westconnex) Funding for COVID-19 Areas of Concern

(Report by Councillor Tegg)

RESOLVED: Councillor Tegg and Councillor Grekas

- (a) That Council note that the NSW Government, via NSW Treasury, has announced the \$5 billion WestInvest program to build new and improved facilities and local infrastructure to help communities hit hard by COVID-19 and that the current list of 15 local government areas to receive funding does not include all of the local government areas which were subject to harder lock down rules as “areas of concern”.
- (b) That Council write to the Premier and Treasurer of NSW to request that the terms of the recently announced WestInvest program be extended to include all local government areas that were affected by the tougher “areas of concern” lock down rules, and this should include Georges River and Bayside Council areas.
- (c) That Council write to all our local members of Parliament and Local Government NSW to seek their support for Council’s request.

Record of Voting:

For the Motion: Unanimous

NM077-21 Celebrating 2022 - Year of the Tiger

(Report by Councillor Liu)

RESOLVED: Councillor Liu and Councillor Elmir

- (a) That, in celebration of the Year of the Tiger, Council acknowledges the donation from the Australian Chinese Heritage Paper on Arts Incorporated, of a tiger paper-cut artwork to be displayed as part of Council’s upcoming Little Lunar 2022 event.
- (b) That Council establish an appropriate temporary location within Council’s facilities to display the paper-cut artwork.

Record of Voting:

For the Motion: Unanimous

NM078-21 Summer Street Closures - Activating Hurstville and Kogarah City Centres for the 2021/22 Summer Period

(Report by Councillor Konjarski)

RESOLVED: Councillor Konjarski and Councillor Symington

That the General Manager be authorised to implement a program of place activation events to welcome the community back to our villages and town centres during the summer period, to encourage COVID-safe outdoor dining, visitation, activation and economic recovery, utilising funding available from the 2020/21 events budget and/or the new program funds recently announced for the *Festival of Place* activation program including:

- i. appropriate road closures in Forest Road, Hurstville and Belgrave Street, Kogarah on Friday or Saturday nights or any other suitable town centre location/night;
- ii. Christmas twilight markets or food events, or small bars;
- iii. movie nights in plazas or closed streets;
- iv. mobile muso's program;
- v. art installations.

Record of Voting:

For the Motion: Unanimous

NM079-21 Review of the Traditional Australia Day Program in Georges River
(Report by Councillor Landsberry)

RESOLVED: Councillor Landsberry and Councillor Tegg

- (a) That the Director of Community and Culture initiate a review of the traditional Australia Day program of festivities traditionally held at Carss Park to enhance the experience for all attendees, and to ensure the format is inclusive and respectful to Aboriginal and First Nations People.
- (b) The review should include further community consultation and continued engagement with Council's Aboriginal Reference Group and Reconciliation NSW to better enhance Australia Day celebrations.
- (c) Once the community and stakeholder engagement has been completed and assessed, a report should then be provided to Council for its consideration.

Record of Voting:

For the Motion: Unanimous

NM080-21 Ensuring Community Access to High Quality, Legitimate Information on Planning Proposals
(Report by Councillor Payor)

RESOLVED: Councillor Payor and Councillor Hindi

That Council investigates amendments to Council's website to maximise transparency and provide wider awareness of proponent-led Planning Proposals by:

- (a) Introducing a process which can provide public notification of Planning Proposals reported to the Georges River Local Planning Panel and the Council;
- (b) Installing site signage after receipt of a Gateway Determination for a Planning Proposal, with details of the proposal and a QR code to link back to Council's website containing further information;
- (c) Creating a separate register and placing all Planning Proposals on a tracker that provides a summary table of all current and historical proposals considered by Council with access to any Planning Panel and Council reports related to each proposal; and
- (d) Clearly illustrating the Planning Proposal process to guide community participation after a Gateway Determination has been received.

Record of Voting:

For the Motion: Unanimous

QUESTIONS WITH NOTICE**QWN041-21 Evatt Park Plans of Management**
(Report by Councillor Kastanias)

RESOLVED: Councillor Hindi and Councillor Elmir

That the information be received and noted.

Record of Voting:

For the Motion: Unanimous

QWN042-21 Sydney Water Waterway Health Improvement Project - Kogarah Bay Creek, Kogarah Bay
(Report by Councillor Payor)

RECOMMENDATION: Councillor Payor and Councillor Landsberry

To achieve an enhanced traffic design for the entry on Bruce and Renn Streets to Parkside Drive Reserve, Council will arrange an onsite meeting with its traffic engineers to address the safety concerns highlighted in the McLaren report with Mr McLaren and Mr Thompson, the affected homeowner.

Record of Voting:

For the Motion: Councillors Badalati, Hindi, Katris, Landsberry and Payor

Against the Motion: The Mayor Councillor Greene and Councillors Agius, Elmir, Grekas, Konjarski, Liu, Symington and Tegg

On being put to the meeting, the voting on this Motion was five (5) votes FOR and eight (8) votes AGAINST. The Motion was LOST.

QWN043-21 Status of NM046-21 Managing Risks to Community Safety - Kogarah War Memorial Pool

(Report by Councillor Landsberry)

Note: This item was dealt with earlier in the meeting as detailed in the Minutes.

QWN044-21 Status of NM071-21 Draft Mortdale Town Centre Master Plan and Draft Beverly Hills Master Plan
(Report by Councillor Landsberry)

RESOLVED: Councillor Landsberry and Councillor Hindi

That the information be received and noted.

Record of Voting:

For the Motion: Unanimous

Note: Due to disclosing a Pecuniary interest in the following item (CCL059A-21), Councillor Katris left the meeting at 9.59pm.

PROCEDURAL MOTION

MOVE TO CLOSED SESSION

RESOLVED: Councillor Hindi and Councillor Agius

At this stage of the meeting being 9.58pm 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:

CCL059A-21 Property Matter - Rocky Point Road, Ramsgate
(Report by Head of Strategic Property)

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.

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 to the item in closed session.

Given the current circumstances relating to COVID-19 and with this meeting being held as an online meeting, Council was not able to seek any additional representations from the public.

Record of Voting:

For the Motion: Unanimous

Note: Council moved to Closed Session at 10.00pm.

CLOSED CONFIDENTIAL SESSION

CONSIDERATION OF CONFIDENTIAL RECOMMENDATIONS

CCL059A-21 Property Matter - Rocky Point Road, Ramsgate (Report by Head of Strategic Property)

RESOLVED: Councillor Hindi and Councillor Tegg

- (a) That the General Manager be authorised to negotiate the disposal of Lot 301 in DP1142822 (197R) Rocky Point Road, Ramsgate on terms as generally detailed within this report.
- (b) That the General Manager be authorised to negotiate all terms of sale including a sale price that is consistent with the amount stated in the body of this report, sign the Contract for Sale, Transfer document, extinguishment of any easements and covenants on the land and any other documentation to effect the disposal of Lot 301 in DP1142822.
- (c) That Council resolves to reclassify Lot 301 in DP1142822 from Community to Operational land in accordance with Section 30 and 34 of the *Local Government Act 1993*.
- (d) That income from the proceeds of any disposal of Lot 301 in DP1142822 be placed in Council's Commercial Property Reserve for investment in future income generating commercial property assets.

Record of Voting:

For the Motion: The Mayor, Councillor Greene and Councillors Agius, Elmir, Grekas, Hindi, Konjarski, Liu, Symington and Tegg

Against the Motion: Councillors Badalati, Landsberry and Payor

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

PROCEDURAL MOTION

OPEN SESSION

RESOLVED: Councillor Hindi and Councillor Tegg

That the meeting revert to Open Session time being 10.10pm.

Record of Voting:

For the Motion: Unanimous

Note: The meeting returned to Open Session at 10.10pm.

OPEN SESSION

CONSIDERATION OF RECOMMENDATIONS FROM CLOSED SESSION

RESOLVED: Councillor Tegg and Councillor Agius

That the recommendation from the Closed Session in relation to item **CCL059A-21 Property Matter - Rocky Point Road, Ramsgate** be received and noted as a resolution of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Katris returned to the meeting at 10.10pm.

CONCLUSION

The Meeting was closed at 10.11pm.



Chairperson

Mayor, Kevin Greene

Minutes confirmed at the Ordinary Meeting of Council on 22 November 2021 (CCL088-21)