

UNCONFIRMED MINUTES

MINUTES

Council Meeting

Monday, 22 August 2022

7.00pm

Dragon Room

Level 1, Georges River Civic Centre

Corner Dora and MacMahon Streets, Hurstville

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GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

The Mayor, Councillor Nick Katris, Councillor Elise Borg, Councillor Sam Elmir, Councillor Kevin Greene, Councillor Christina Jamieson, Councillor Lou Konjarski, Deputy Mayor, Councillor Kathryn Landsberry, Councillor Nancy Liu, Councillor Peter Mahoney, Councillor Natalie Mort, Councillor Nick Smerdely, Councillor Sam Stratikopoulos, Councillor Colleen Symington, Councillor Warren Tegg and Councillor Benjamin Wang.

COUNCIL STAFF

Acting General Manager - David Tuxford, Director Assets and Infrastructure - Andrew Latta, Director Environment and Planning - Meryl Bishop, Acting Director Community and Culture – Kristie Dodd, Acting Director Business and Corporate Services - Sue Weatherley, Acting Manager, Office of the General Manager - Vicki McKinley, Manager Premium Facilities - Luke Coleman (online), Chief Financial Officer - Danielle Parker, Manager City Technical Services - Tom Heath (online), Manager Community and Early Learning Services - Kylie Downing (online), Manager Cultural Engagement and Library Services - Thomas Koruth (online), Acting Chief Information Officer - Brendan Scott (online), Manager Strategic Placemaking - Hayley Barnes (online), Head of Strategic Property - Bernard Morabito (online), Manager City Life - Kevin Brennan (online), Chief Audit Executive - Juliette Hall, Senior Policy Specialist - Vanessa Smith (online), Executive Services Officer - Marina Cavar, Executive Services Officer - Neil Treadwell and Team Leader Technology Services - Garuthman De Silva.

OPENING

The Mayor, Councillor Katris, opened the meeting at 7.04pm.

NATIONAL ANTHEM

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

PRAYER

Pastor Michelle Hobbs from the Revival Church - Penshurst, offered a prayer to the meeting.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor, Councillor Katris acknowledged the traditional custodians of the land, the Bidjigal people of the Eora Nation.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

NOTICE OF WEBCASTING

The Mayor, Councillor Katris 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 Mahoney declared a Significant Non-Pecuniary interest in item **CCL070-22 Report of the Environment and Planning Committee Meeting held on 08 August 2022 (ENV023-22 Report on Submissions - Planning Proposal and Development Control Plan for 53A-59A Gloucester Road, Hurstville)**, for the reason that a family member was a resident of the facility located at the address. As this is a Significant Non-Pecuniary disclosure, Councillor Mahoney will not remain in the meeting for this item.

Councillor Mahoney declared a Non-Significant Non-Pecuniary interest in item **CCL072-22 Report of the Assets and Infrastructure Committee Meeting held on 08 August 2022 (ASS023-22 Report of the Georges River Local Traffic Committee Advisory Committee Meeting 2 August 2022)**, for the reason that he is acquainted with one of non-voting members of the Georges River Local Traffic Advisory Committee, having worked together at the same federal agency. As this is a Non-Significant Non-Pecuniary disclosure, Councillor Mahoney will remain in the meeting for this item.

Councillor Borg declared a Non-Significant Non-Pecuniary interest in item **NM072-22 Review of Parking Permit Costs**, for the reason that her children attend the same school as one of the speakers on this item in the public forum. As this is a Non-Significant Non-Pecuniary disclosure, Councillor Borg will remain in the meeting for this item.

Councillor Greene declared a Non-Significant Non-Pecuniary interest in item **CCL045A-22 Code of Conduct Investigation Report - Councillor Konjarski**, for the reason that he has had dealings with two of the Chamber of Commerce representatives mentioned in the report. As this is a Non-Significant Non-Pecuniary disclosure, Councillor Greene chose to leave the meeting for this item.

Councillor Greene declared a Non-Significant Non-Pecuniary interest in item **NM073-22 Addressing problem gambling within the Georges River Council LGA**, for the reason that he is a director of Club Central and was the former Minister responsible for problem gambling initiatives. As this is a Non-Significant Non-Pecuniary disclosure, Councillor Greene chose to leave the meeting for this item.

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PUBLIC FORUM

	Speaker	Report No	Report Title
1	Stephen Matthews (In Person)	NM069-22	Congratulations to St George City FA - Promotion to NPL 1
2	Aytek Genc (In Person)	NM069-22	Congratulations to St George City FA - Promotion to NPL 1
3	Ye Shen (In Person)	NM074-22	Congratulations to Museum of Chinese in Australia on NSW Government's commitment to funding
4	Guan Wei (Remotely)	NM074-22	Congratulations to Museum of Chinese in Australia on NSW Government's commitment to funding
5	Yan Zhao (Remotely)	NM074-22	Congratulations to Museum of Chinese in Australia on NSW Government's commitment to funding
6	Maria Crowley-Sweet (Written Submission)	NM072-22	Review of parking permit cost
7	Anna Dimitropoulos (In Person)	NM072-22	Review of parking permit cost
8	Sonya Sarkis (Remotely)	NM070-22	Dangerous traffic conditions and inadequate parking around Mater Dei Primary School
9	Deb Mackie (In Person)	CCL072-22 / ASS023-22	Report of the Georges River Local Traffic Committee Advisory Committee Meeting 2 August 2022 (Report by Senior Asset Engineer - Traffic and Transport)
10	Gary Koschel (In Person)	CCL072-22 / ASS023-22	Report of the Georges River Local Traffic Committee Advisory Committee Meeting 2 August 2022 (Report by Senior Asset Engineer - Traffic and Transport)
11	Catherine Ford (In Person)	CCL072-22 / ASS023-22	Report of the Georges River Local Traffic Committee Advisory Committee Meeting 2 August 2022 (Report by Senior Asset Engineer - Traffic and Transport)
12	Geoffrey Cash (In Person)	CCL070-22 / ENV023-22	Planning Proposal and Development Control Plan for 53A-59A Gloucester Road, Hurstville
13	Tom Cook (Remotely)	CCL070-22 / ENV023-22	Planning Proposal and Development Control Plan for 53A-59A Gloucester Road, Hurstville
14	Ray Lau (In Person)	CCL070-22 / ENV023-22	Planning Proposal and Development Control Plan for 53A-59A Gloucester Road, Hurstville

URGENCY MOTION: Councillor Tegg
That Council;

- (a) Note the resignation of Councillor Warren Tegg effective 23 August 2022; and
- (b) Request the Acting General Manager arrange for a Countback Election for his replacement as per Council Resolution CCL104-21(December 2021), pursuant to section 291a(1)(b) of the Local Government Act 1993).

The Mayor, Councillor Katris, ruled that the matter is of great urgency as it requires a decision of the council before the next scheduled ordinary meeting of the council.

RESOLVED: Councillor Tegg and Councillor Symington
That Council;

- (a) Note the resignation of Councillor Warren Tegg effective 23 August 2022; and
- (b) Request the Acting General Manager arrange for a Countback Election for his replacement as per Council Resolution CCL104-21(December 2021), pursuant to section 291a(1)(b) of the Local Government Act 1993).

Record of Voting:

For the Motion: Unanimous

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

CCL069-22 Confirmation of the Minutes of the Extraordinary Council Meeting held on 02 August 2022
(Report by Executive Services Officer)

RESOLVED: Councillor Greene and Councillor Landsberry

That the Minutes of the Extraordinary Council Meeting held on 2 August 2022 be adopted.

Record of Voting:

For the Motion: Unanimous

PROCEDURAL MOTION

ORDER OF BUSINESS

RESOLVED: The Mayor, Councillor Katris and Councillor Borg

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;

- **MM020-22 Public Spaces Legacy Program - Variation to Funding Agreement**

Record of Voting:

For the Motion: Unanimous

Note: Councillors Elmir, Konjarski, Liu, Smerdely and Stratikopoulos left the meeting at 8.00pm.

MAYORAL MINUTES

MM020-22 Public Spaces Legacy Program - Variation to Funding Agreement
(Report by The Mayor, Councillor Katris)**RESOLVED:** The Mayor, Councillor Katris and Councillor Symington

- (a) That That Council acknowledge the local community and local businesses for their ongoing advocacy which enabled Council to reconsider the Public Spaces Legacy Funding Agreement and allow for the protection of the carparking at Palm Court and deliver a transformed Memorial Square which will benefit both the local community and the local businesses.
- (b) That Council thank Councillor Colleen Symington, Councillor Ben Wang, and the Opposition Leader Mr Chris Minns MP and State Member for Kogarah for their continued advocacy and support for this major issue.
- (c) That Council write to the Minister for Planning and Homes, the Hon. Anthony Roberts, to thank him for his support in approving the variation to the Public Spaces Legacy Program Grant funding agreement.
- (d) That Council, having received and considered the confidential report CCL043A-22 on the outcome of the variation request received from the Department of Planning and Environment regarding the Public Spaces Legacy Grant funding agreement:
 - a. Notes and accepts the risks outlined in this report regarding the delivery of the Memorial Square and MacMahon Courtyard projects and authorise the Acting General Manager to sign the revised funding agreement.
 - b. Endorses the use of the Pre-Qualified Contracts through the Local Government Procurement (LGP) panel for the quotation; and that the Acting General Manager approve the preferred supplier.
 - c. Receives and notes that should the cost of the identified projects exceed the grant funding of \$4.75million, a further report will be submitted to Council with recommendations on the next steps.
- (e) That Council acknowledge the fine work of the staff in obtaining the initial funding of \$4.75 million and working with Department of Planning and Environment to obtain their approval of this variation.

Record of Voting:

For the Motion: The Mayor, Councillor Katris and Councillors Borg, Greene, Jamieson, Landsberry, Mahoney, Mort, Symington, Tegg and Wang (Unanimous)

Note: Councillors Elmir and Stratikopoulos returned to the meeting at 8.13pm

Note: Councillors Smerdely and Liu returned to the meeting at 8.14pm

MM017-22 Gold Award at the 2022 Australasian Reporting Awards
(Report by The Mayor, Councillor Katris)**RESOLVED:** The Mayor, Councillor Katris and Councillor Landsberry

That Council congratulate Council officers, in particular Vicki McKinley, Acting Executive Manager OGM, Danielle Parker, Chief Financial Officer and Reanne Potter, City Image and Brand Officer for their efforts in achieving a Gold Award for Council's 2020/21 Annual Report at the 2022 Australasian Reporting Awards.

Record of Voting:

For the Motion: Unanimous

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Note: Councillor Konjarski returned to the meeting at 8.15pm.

MM018-22 Certification Campaign to Lobby for Change
(Report by The Mayor, Councillor Katris)

RESOLVED: The Mayor, Councillor Katris and Councillor Landsberry

- (a) That Council commence a campaign to lobby the NSW Government for amendments to the relevant legislation to increase the accountability on development and building sites under the control of private certifiers through greater industry regulation and enforcement.
- (b) To address this, Council is to undertake the following:
- review the information on our website in relation to construction activity and certification to ensure the information is comprehensive, in plain English and clearly outlines the avenues the community member can follow if they have concerns with a site managed by a private certifier.
 - commence a campaign to lobby for greater penalties and regulation of certifiers.
 - request from the Minister the expansion of the penalty notice offence categories and agencies that can issue fines on private certifiers e.g. Council currently cannot issue fines on certifiers who breach DA conditions requiring the payment of fees or the provision of information prior to issuing a Construction Certificate.
 - request from the Minister for the role of the Office of the Building Commissioner be expanded from just residential apartment buildings to include all types of residential accommodation.

Record of Voting:

For the Motion: Unanimous

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MM019-22 Accounting Treatment of Rural Fire Service ('Red Fleet') Assets
(Report by The Mayor, Councillor Katris)**MOTION:**

1. That Council writes to the local State Member(s) the Hon Mark Course MP, Mr Chris Minns MP, Mr Stephen Kamper MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and

- c. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
- Advising Members of Georges River Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Council promotes these messages via its digital and social media channels and via its networks.
4. Re-affirms its complete support of and commitment to local RFS brigades noting that That Georges River Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
5. That Georges River Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets.

AMENDMENT: Councillor Elmir and Councillor Smerdely

That this matter be deferred to a Councillor briefing/workshop in order for Councillors to make an informed decision on the Accounting Treatment of Rural Fire Service ('Red Fleet') Assets.

Record of Voting:

For the Amendment: Councillors Elmir, Konjarski, Liu, Smerdely and Stratikopoulos

Against the Amendment: The Mayor, Councillor Katris and Councillors Borg, Greene, Jamieson, Landsberry, Mahoney, Mort, Symington, Tegg and Wang

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

RESOLVED: The Mayor, Councillor Katris and Councillor Landsberry

- That Council in support of the Local Government NSW campaign writes to the local State Member(s) the Hon Mark Coure MP, Mr Chris Minns MP, Mr Stephen Kamper MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;

- b. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - c. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members of Georges River Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
 3. Council promotes these messages via its digital and social media channels and via its networks.
 4. Re-affirms its complete support of and commitment to local RFS brigades noting that That Georges River Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
 5. That Georges River Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets.

Record of Voting:

For the Motion: The Mayor, Councillor Katris and Councillors Borg, Greene, Jamieson, Konjarski, Landsberry, Mahoney, Mort, Symington, Tegg and Wang

Against the Motion: Councillors Elmir, Liu, Smerdely and Stratikopoulos

On being PUT to the meeting voting for the Motion was eleven (11) votes FOR and four (4) votes AGAINST. The Motion was CARRIED.

CONDOLENCES

NIL

COMMITTEE REPORTS

CCL070-22 Report of the Environment and Planning Committee Meeting held on 08 August 2022
(Report by Executive Services Officer)

RESOLVED: Councillor Landsberry and Councillor Borg

That the Environment and Planning Committee recommendations for Items ENV022-22 and ENV024-22 to ENV025-22 as detailed below, be adopted by Council.

ENV022-22 Development and Building Department Functions and Services Metrics Report - Q4 2021/22
(Report by Manager, Development and Building)

That Council receive and note the Development and Building Department Functions and Services Metrics Report for the reporting period being April 2022 – June 2022.

ENV024-22 Request to Amend the Voluntary Planning Agreement for 108,112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville.
(Report by Executive Strategic Planner)

- (a) That Council endorse the First Deed of Variation to the Planning Agreement for 108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville between Council, Shanghai Lihua Hurstville Pty Ltd and SLH 108 Pty Ltd that seeks to amend the Planning Agreement executed on 26 March 2018 in respect of the dedication of land for the road widening on the Forest Road frontage of the Land, by changing the timeframe for the dedication from 5 years to 7 years from the gazettal of the Amending LEP, being by 28 February 2026.
- (b) That Council endorse the First Deed of Variation for public notification in accordance with section 7.5 of the Environmental Planning and Assessment Act.
- (c) That Council delegate authority to the Acting General Manager to:
 - a. Authorise any minor changes to the First Deed of Variation prior to and 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 First Deed of Variation to the Voluntary Planning Agreement for the Site on behalf of Council.

ENV025-22 Merriman Reserve Master Plan Options for Public Exhibition
(Report by Coordinator Strategic Planning)

- (a) That Council note the submissions received during the preliminary consultation for the draft Merriman Reserve Plan of Management and Master Plan.
- (b) That Council endorse the draft Merriman Reserve Master Plan options for public exhibition for 28 days.
- (c) That all persons who made a submission during the consultation for the draft Merriman Reserve Plan of Management and Master Plan be advised of the public exhibition of the draft Merriman Reserve Master Plan options.

Record of Voting:

For the Motion: Unanimous

Note: Councillors Elmir, Smerdely and Stratikopoulos left the meeting at 8.58pm

Note: Due to disclosing a Significant Non-Pecuniary Interest in the following item (ENV023-22), Councillor Mahoney left the meeting at 8.58pm.

ENV023-22 Report on Submissions - Planning Proposal and Development Control Plan for 53A-59A Gloucester Road, Hurstville.
(Report by Senior Strategic Planner)

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

RESOLVED: Councillor Landsberry and Councillor Wang

- (a) That Council note the submissions received during the public exhibition of the Planning Proposal PP2017/0005 that seeks to amend the Georges River Local Environmental Plan 2021 (GRLEP 2021) by providing a local provision specifically to increase the height and floor space ratio for a residential care facility at Nos. 53A-59A Gloucester Road, Hurstville.
- (b) That Council adopt the proposed amendment to the Georges River Local Environmental Plan 2021 as exhibited in relation to Nos. 53A-59A Gloucester Road, Hurstville by inserting the following local provision in Part 6 of the LEP:
Clause 6.17 – Development on land at 53A-59A Gloucester Road, Hurstville
 - 1) The objective of this clause is to enable a residential care facility with minimal adverse impacts.
 - 2) This clause applies to land at 53A-59A Gloucester Road, Hurstville, being Lot 10, DP1077198 and Lot Y, DP411930.
 - 3) Despite clause 4.3 (2), the maximum building height for development for the purposes of a residential care facility on land to which this clause applies may range from 12m, 14m and 16.9m as guided by the site-specific development control plan for the land.
 - 4) Despite clause 4.4 (2), the maximum floor space ratio for development for the purposes of a residential care facility on land to which this clause applies is 1.6:1.
- (c) That Council forward the Planning Proposal for gazettal to the Department of Planning and Environment in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- (d) That Council amend the exhibited Amendment No. 1 to the Georges River Development Control Plan being Part 10.2 - 53A-59A Gloucester Road, Hurstville by:
 - a. adding the following note under Control 1:
Note: The Basement Car Parking Plan in Figure 5 indicates that the site can provide 41 car spaces. The provision of adequate car parking on site will need to be addressed in the DA lodgement documentation.
 - b. inserting control 4 in Section 10.2.9 *Vehicular access and car parking* as follows:
Control 4: Transport for NSW is to be consulted at the Development Application stage regarding the relocation of the existing bus stop along Gloucester Road.
- (e) That Council in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979* and clause 14 of the *Environmental Planning and Assessment Regulation 2021* adopt Amendment 1 to the Georges River Development Control Plan 2021 as amended by submissions.

- (f) That Council endorse the Director of Environment and Planning to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation of the draft plans.
- (g) That Council give public notice of the decision to approve the amended Georges River Development Control Plan 2021, on its website within 28 days in accordance with Clause 20 of the *Environmental Planning and Assessment Regulation 2021*.
- (h) That all persons who made a submission to the Planning Proposal and draft DCP amendment be advised of Council's decision.
- (i) That the Department of Planning and Environment be advised of Council's decision to approve Amendment No. 1 to the Georges River Development Control Plan 2021 in accordance with the Environmental Planning and Assessment Act 1979.
- (j) That the adopted DCP become effective when the amendment to the Georges River LEP 2021 is gazetted.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Mahoney returned to the meeting at 9.05pm

CCL071-22 Report of the Finance and Governance Committee Meeting held on 08 August 2022

(Report by Executive Services Officer)

RESOLVED: Councillor Borg and Councillor Greene

That the Finance and Governance Committee recommendations for Items FIN035-22 to FIN040-22, as detailed below, be adopted by Council.

FIN035-22 Risk Management Update

(Report by Head of Corporate Governance and Risk)

That the Council receives and notes the Risk Management Update report.

FIN036-22 Property Matter - Commercial Property Portfolio Report as at 30 June 2022

(Report by Strategic Property Specialist)

That the report 'Property Matter - Commercial Property Portfolio Report as at 30 June 2022' be received and noted by Council.

FIN037-22 Investment Report as at 30 June 2022

(Report by Acting Senior Financial Accountant - Reporting)

That the 'Investment Report as at 30 June 2022 be received and noted by Council.

FIN038-22 Property Matter - Easement to Drain Water - Emma Edwards Reserve, Hurstville

(Report by Administration Officer)

- (a) That Council grants an Easement to drain water over Lot 210 in Deposited Plan 2787, being Emma Edwards Reserve, Hurstville 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.

FIN039-22 Property Matter - Proposed Dedication for Road Widening and Grant of Easement for Vehicular Access - 75 Louis Terrace, Hurstville

(Report by Strategic Property Specialist)

- (a) That Council dedicates the community classified land described as Lot 1 in DP1242651 at 75 Louis Terrace, Hurstville as a public road for the purpose of widening the existing public road known as Louis Terrace.
- (b) That following dedication as a public road, Council grants an easement for vehicular access over part of the newly dedicated area of public road in favour of adjoining land at 1 Edith Street, Hurstville on the terms and conditions generally contained within this report.
- (c) That following the grant of the easement in favour of 1 Edith Street, Hurstville the newly dedicated area of public road be closed as a public road and the land be classified as operational.
- (d) That the General Manager be authorised to execute all documentation to give effect to the proposed road widening and grant of easement.

FIN040-22 Administrative Matter - Execution of Documents Under Delegated Authority (1 July 2022 to 31 July 2022)
(Report by Research and Projects Officer)

That the report 'Administrative Matter - Execution of Documents Under Delegated Authority (1 July 2022 to 31 July 2022)' be received and noted by Council.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Elmir, Smerdely and Stratikopoulos returned to the meeting at 9.10 pm.

CCL072-22 Report of the Assets and Infrastructure Committee Meeting held on 08 August 2022
(Report by Executive Services Officer)

RESOLVED: Councillor Symington and Councillor Jamieson

That the Assets and Infrastructure Committee recommendation for Item ASS023-22 as detailed below, be adopted by Council.

ASS023-22 Report of the Georges River Local Traffic Committee Advisory Committee Meeting 2 August 2022

(Report by Senior Asset Engineer - Traffic and Transport)

Note: Councillor Mahoney disclosed a Non-Significant Non Pecuniary Interest in this Item.

That the recommendations contained within the minutes of the Georges River Local Traffic Advisory Committee Meeting held on 2 August 2022 be adopted by Council, with the exception of **TAC097-22 Morts Road, Mortdale - Proposed 'P15 minute' Zone** and that this item be deferred to a future Georges River Local Traffic Advisory Committee to be considered holistically with a review of the recently implemented 'motor-bike only' parking on the northern side of Morts Road recognising that a broader traffic and parking study of the affected area is being undertaken.

Record of Voting:

For the Motion: Unanimous

ASS022-22 Off Leash Dog Park Investigation - Hurstville and Mortdale Wards

(Report by Senior Placemaking Specialist)

RESOLVED: Councillor Symington and Councillor Liu

- (a) That Council support a trial for off-leash dog parks in the Hurstville Ward at Merv Lynch Reserve, Beverly Hills and Hurstville Park, Hurstville.
- (b) That the existing playground at Hurstville Park, Hurstville be decommissioned to facilitate the trial at this location.
- (c) That Council undertake community consultation prior to the commencement of the trial for off-leash dog parks at the specified locations, including the decommissioning of the playground.
- (d) Following the trial, a further report be presented to Council to determine suitability of each site as a permanent off-leash location that will include community feedback received during the duration of the trial.

Record of Voting:

For the Motion: Unanimous

CCL073-22 Report of the Community and Culture Committee Meeting held on 08 August 2022

(Report by Executive Services Officer)

RESOLVED: Councillor Liu and Councillor Tegg

That the Community and Culture Committee recommendations for Items COM033-22 and COM034-22 as detailed below, be adopted by Council.

COM033-22 Georges River Business Survey

(Report by Manager Community and Early Learning Services)

- (a) That Council note the findings from the recent survey of local businesses (the survey) as summarised within this report and detailed at Attachment 1.

- (b) That Council note the findings from the survey will inform the development of Council's next Economic Development Strategy along with other Council initiatives, such as those which will be delivered as part of 'Small Business Month' in November 2022.

COM034-22 Adoption of Georges River Council's Social Justice Charter 2022-2026

(Report by Social Justice Project Officer)

That Council adopt the Social Justice Charter 2022-2026.

Record of Voting:

For the Motion: Unanimous

FINANCE AND GOVERNANCE

CCL074-22 Applications Pursuant to Councillor Ward Discretionary Fund Policy - August 2022

(Report by Executive Services Officer)

RESOLVED: Councillor Borg and Councillor Greene

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

- (a) Application submitted by Councillor Symington on behalf of Kingsgrove Community Aid – Chinese Opera Group in the amount of \$500.00.
- (b) Application submitted by Councillor Liu on behalf of Ocean Dream Cultural Art Centre of Australia Incorporated in the amount of \$700.00.

Record of Voting:

For the Motion: Unanimous

CCL075-22 Report on Outstanding Council Resolutions (Period up to and including 30 June 2022)

(Report by Executive Services Officer)

RESOLVED: Councillor Borg and Councillor Landsberry

That the report be received and noted.

Record of Voting:

For the Motion: Unanimous

CCL076-22 Public Exhibition of Council's Draft Code of Meeting Practice 2022

(Report by Acting Manager Office of the General Manager)

RECOMMENDATION:

That Council adopt the Draft Code of Meeting Practice 2022, as exhibited subject to the following amendments:

- i. Four (4) days' notice be provided rather than three of the time, date and place at which a meeting is to be held, and the business proposed to be considered at the meeting.
- ii. Incorporate the provision for printed agendas being made available on request to Councillors within two (2) days of publication of the agenda.
- iii. Clarify management of Questions with Notice so that the code outlines that a Question with Notice is not to contain a proposed resolution recommendation, nor a resolution request from Councillors. Councillors can ask further verbal questions on the matter that was submitted as a Question with Notice. There will be no further addresses made by any of the Councillors.
- iv. Four (4) days' notice (minimum four days before the meeting) for preparation of the agenda.
- v. That in the Public Forum a person may apply to speak on more than one (1) item of business on the agenda of the meeting, however they will be limited to a total of 3 minutes to speak on all items they wish to speak to.
- vi. That the Order of Business for each meeting of Council be amended to include requests to attend the meeting via audio-visual link.
- vii. Clause 4.2 to have the word 'visual' removed.
- viii. Members of the public be permitted to speak on an item on the agenda where that item doesn't achieve a quorum (and the meeting proceeds with other items on the agenda).
- ix. Amend item 5.23 part (b) to exclude 'where it is on grounds other than illness, disability, or caring responsibilities.'
- x. A motion to rescind a resolution of Council which was carried at a meeting of Council, must be submitted to the General Manager no later than 5.00pm the day after the resolution was carried. It must be signed by three (3) Councillors and it must indicate the intended foreshadowed motion should the rescission motion be successful. A rescission motion must be notified to all the Councillors within 24 hours of being received by the General Manager.
- xi. Clauses under section 17. Decisions of Council, be amended to reference to the correct clause, where it currently references clause 3.10.
- xii. Any editorial or administration changes necessary to incorporate the above amendments be progressed, including any necessary changes to the relevant Terms of Reference document for each Committee of Council.

AMENDMENT: Councillor Tegg and Councillor Elmir

That Council adopt the Draft Code of Meeting Practice 2022, as exhibited subject to the following amendments as identified in this report:

- i. Four (4) days' notice be provided rather than three of the time, date and place at which a meeting is to be held, and the business proposed to be considered at the meeting.

- ii. Incorporate the provision for printed agendas being made available on request to Councillors within two (2) days of publication of the agenda.
- iii. Clarify management of Questions with Notice so that the code outlines that a Question with Notice is not to contain a proposed resolution recommendation, nor a resolution request from Councillors. Councillors can ask further verbal questions on the matter that was submitted as a Question with Notice. There will be no further addresses made by any of the Councillors.
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- xi. Clauses under section 17. Decisions of Council, be amended to reference to the correct clause, where it currently references clause 3.10.
- xii. Any editorial or administration changes necessary to incorporate the above amendments be progressed, including any necessary changes to the relevant Terms of Reference document for each Committee of Council.
- xiii. That Council amend the order of business at each meeting of Council to bring forward any items addressed in the public forum section of the meeting.

Record of Voting:

For the Amendment: Councillors Elmir, Greene, Konjarski, Liu, Smerdely, Stratikopoulos and Tegg

Against the Amendment: The Mayor, Councillor Katris and Councillors Borg, Jamieson, Landsberry, Mahoney, Mort, Symington and Wang

On being PUT to the meeting voting on this Amendment was seven (7) votes FOR and eight (8) votes AGAINST. The Amendment was LOST.

RESOLVED: Councillor Borg and Councillor Landsberry

That Council adopt the Draft Code of Meeting Practice 2022, as exhibited subject to the following amendments as identified in this report:

- i. Four (4) days' notice be provided rather than three of the time, date and place at which a meeting is to be held, and the business proposed to be considered at the meeting.
- ii. Incorporate the provision for printed agendas being made available on request to Councillors within two (2) days of publication of the agenda.
- iii. Clarify management of Questions with Notice so that the code outlines that a Question with Notice is not to contain a proposed resolution recommendation, nor a resolution request from Councillors. Councillors can ask further verbal questions on the matter that was submitted as a Question with Notice. There will be no further addresses made by any of the Councillors.
- iv. Four (4) days' notice (minimum four days before the meeting) for preparation of the agenda.
- v. That in the Public Forum a person may apply to speak on more than one (1) item of business on the agenda of the meeting, however they will be limited to a total of 3 minutes to speak on all items they wish to speak to.
- vi. That the Order of Business for each meeting of Council be amended to include requests to attend the meeting via audio-visual link.
- vii. Clause 4.2 to have the word 'visual' removed.
- viii. Members of the public be permitted to speak on an item on the agenda where that item doesn't achieve a quorum (and the meeting proceeds with other items on the agenda).
- ix. Amend item 5.23 part (b) to exclude 'where it is on grounds other than illness, disability, or caring responsibilities.'
- x. A motion to rescind a resolution of Council which was carried at a meeting of Council, must be submitted to the General Manager no later than 5.00pm the day after the resolution was carried. It must be signed by three (3) Councillors and it must indicate the intended foreshadowed motion should the rescission motion be successful. A rescission motion must be notified to all the Councillors within 24 hours of being received by the General Manager.
- xi. Clauses under section 17. Decisions of Council, be amended to reference to the correct clause, where it currently references clause 3.10.
- xii. Any editorial or administration changes necessary to incorporate the above amendments be progressed, including any necessary changes to the relevant Terms of Reference document for each Committee of Council.

Record of Voting:

For the Motion: The Mayor, Councillor Katris and Councillors Borg, Elmir, Greene, Jamieson, Konjarski, Landsberry, Liu, Mahoney, Mort, Smerdely, Stratikopoulos, Symington, Tegg and Wang

Record of Voting:

For the Motion: Unanimous

CCL077-22 Amendment to the Council and Committee Meeting Schedule 2022/23
(Report by Executive Services Officer)

RESOLVED: Councillor Borg and Councillor Greene

That Council endorse the amendment to the 1 September 2022 to 30 September 2023 Council and Committee Meeting schedule to conduct the October 2022 Ordinary Council Meeting on Monday 31 October 2022.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

NM067-22 Coercive Control Bill
(Report by Councillor Symington)

RESOLVED: Councillor Symington and Councillor Jamieson

- (a) That Council recognise the NSW Government's draft exposure Crimes Legislation Amendment (Coercive Control) Bill 2022 as a significant legislative reform in continuing to address domestic violence, including insidious forms of domestic abuse such as coercive control.
- (b) That Council continue domestic violence related advocacy which will include amongst other things, re-instating the annual 'No Domestic Violence' walk in November.

Record of Voting:

For the Motion: Unanimous

NM068-22 Congratulations to Directors and Staff on their significant achievements
(Report by Councillor Greene)

RESOLVED: Councillor Greene and Councillor Konjarski

That Council congratulate the Directors and Staff on their significant achievements since the first GRC election in September 2017.

Record of Voting:

For the Motion: Unanimous

NM069-22 Congratulations to St George City FA - Promotion to NPL 1
(Report by Councillor Konjarski)

RESOLVED: Councillor Konjarski and Councillor Greene

- (a) That Council congratulate St George City Football Association on their promotion to Football NSW NPL1.
- (b) That Council acknowledge St George City Football Association's achievement in reaching NPL1 status in a timeframe of six (6) years.

Record of Voting:

For the Motion: Unanimous

NM070-22 Traffic and Pedestrian Safety - Mater Dei Catholic Primary School, Blakehurst
(Report by Councillor Mort)

RESOLVED: Councillor Mort and Councillor Landsberry

- (a) That Council Traffic Engineers conduct a review of the traffic and pedestrian safety surrounding Mater Dei Catholic Primary School in Blakehurst to identify further improvements.
- (b) That Council work with Transport for NSW (TfNSW) to implement improvements if required.
- (c) That Council officers work with Mater Dei Catholic Primary School to provide updated educational programs focused on student safety and behavioural change.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Elmir left the meeting at 10.05pm

NM071-22 Beverly Hills Commuter Car Park
(Report by Councillor Symington)

RESOLVED: Councillor Symington and Councillor Elmir

That Council:

- (a) Writes to the Minister for Transport, the Hon David Elliott MP, expressing our appreciation to him for acknowledging the serious concerns that would eventuate with the loss of parking that currently supports the Beverly Hills Community and shopkeepers.
- (b) Requests further details about the proposed fee structure for non-commuters and the specific off-peak hours that will be made available.
- (c) Notes the General Manager has received correspondence from TfNSW which indicates the Beverly Hills Commuter Car Park will be made available for use by non-commuters during evenings and weekends. The letter quotes the following:

"I am pleased to advise that it is not intended that the car park be restricted only to commuters. Non-commuters will have access to the Beverly Hills Commuter Car Park by paying a fixed rate during peak commuter hours. Transport for NSW is also investigating the operations and fee structure for the car park to be made available for use by non-commuters during evenings and weekends (off-peak commuter parking hours)".

Record of Voting:

For the Motion: Unanimous

NM072-22 Review of Parking Permit Costs
(Report by Councillor Borg)

Note: Councillor Borg disclosed a Non-Significant Non Pecuniary Interest in this Item.

RESOLVED: Councillor Borg and Councillor Mahoney

- (a) That the General Manager prepare a report for Council on implementing a revised Fees and Charges Schedule for Resident and Visitor Parking Permits in the seven (7) Authorised Parking Permit Areas (APPA) of the Georges River Council local government area (LGA).
- (b) That the report outlines the following:
 - i. Cost implications for implementing a tiered pricing model for Resident and Visitor Parking Permits.
 - ii. Options to reduce the Resident Parking and Visitor Parking 1 Permits by increasing the Visitor 2 Parking Permit fees.
 - iii. Cost of the administration of the Parking Permits.
 - iv. Comparative fees from a selection of neighbouring councils or commercial business districts.
 - v. The relevant information required to commence community consultation on any proposed changes to the Fees and Charges Schedule.

Record of Voting:

For the Motion: Unanimous

Note: Due to disclosing a Non-Significant Non-Pecuniary Interest in the following item (ENV023-22), Councillor Greene chose to leave the meeting at 10.13pm.

NM073-22 Addressing problem gambling within the Georges River Council LGA
(Report by Councillor Mahoney)

RESOLVED: Councillor Mahoney and Councillor Smerdely

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

That the General Manager prepare a report detailing initiatives Council can undertake, in collaboration with state government agencies and Wesley Mission, to address problem gambling within the local government area, such as promoting education programs that raise awareness about risks associated with poker machines and online gambling.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Greene returned to the meeting at 10.18pm

Note: Councillors Smerdely and Stratikopoulos left the meeting at 10.18pm

NM074-22 Congratulations to Museum of Chinese in Australia on NSW Government's commitment to funding
(Report by Councillor Liu)

RESOLVED: Councillor Liu and Councillor Elmir

- (a) That Council congratulate the Museum of Chinese in Australia (MOCA) for being awarded a \$2.28 million grant from the NSW Government to refurbish their museum.
- (b) That Council continue to foster a positive working relationship with the MOCA during the development of the 'Our Journeys | Our Stories' exhibition from the Hurstville Museum and Gallery.
- (c) That Council continue to develop and support events, programs, and collections within Council's libraries, that highlight diverse migration histories and contemporary stories from the local community.

Record of Voting:

For the Motion: Unanimous

CONSIDERATION OF BUSINESS IN CLOSED SESSION

RECOMMENDATION: Councillor Greene and Councillor Tegg

At this stage of the meeting being 10.23pm The Mayor, Councillor Katris, 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 items:

CCL043A-22 Hurstville Revitalisation Update - Legacy Grant Funding
(Report by Senior Placemaking Specialist)

THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council Meeting at which the press and public are excluded. In accordance with Section 10A(2) (c) it is considered the matter 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.

CCL044A-22 Hire Agreement - Netstrata Jubilee Stadium
(Report by Manager Premium Facilities)

THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council Meeting at which the press and public are excluded. In

accordance with Section 10A(2) (d(iii)) it is considered the matter contains commercial information of a confidential nature that would, if disclosed reveal a trade secret.

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 commercial information of a confidential nature that would, if disclosed reveal a trade secret.

CCL045A-22 Code of Conduct Investigation Report - Councillor Konjarski

(Report by Chief Audit Executive)

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) (l) it is considered the matter alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.

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 alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.

These matters 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, contains commercial information of a confidential nature that would, if disclosed reveal a trade secret and deals with alleged contraventions of the code of conduct.

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.

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.

Record of Voting:

For the Motion: Unanimous

Note: The meeting moved into closed confidential at 10.28pm

CONSIDERATION OF CONFIDENTIAL RECOMMENDATIONS

CCL043A-22 Hurstville Revitalisation Update - Legacy Grant Funding

(Report by Senior Placemaking Specialist)

RECOMMENDATION:

- (a) That Council receive and note the outcome of the variation request received from the Department of Planning and Environment regarding the Public Spaces Legacy Grant.
- (b) That Council accept the risks outlined in this report regarding the delivery of Memorial Square and MacMahon Courtyard projects and authorise Acting General Manager to sign the revised funding agreement.
- (c) That Council endorse the use of the Pre-Qualified Contracts through the Local Government Procurement (LGP) panel for the quotation; and that the Acting General Manager approve the preferred supplier.
- (d) That Council receive and note that should the cost of the identified projects exceed the grant funding of \$4.75 million, a further report will be submitted to Council with recommendations on next steps.

Record of Voting:

For the Motion:

Against the Motion:

CCL044A-22 Hire Agreement - Netstrata Jubilee Stadium
(Report by Manager Premium Facilities)**RECOMMENDATION:** Councillor Greene and Councillor Tegg

That Council approves the terms of hire agreement in the report and authorises the Acting General Manager to finalise and execute the agreement on behalf of Council.

Record of Voting:

For the Motion: Unanimous

Note: All staff were asked to leave with the exception of Acting General Manager, Chief Audit Executive, Acting Manager Office of the General Manager and the Executive Services Officer (minutes).

Note: Due to disclosing a Non-Significant Non-Pecuniary Interest in the following item (CCL045A-22), Councillor Greene chose to leave the meeting at 10.46pm.

Note: Councillor Konjarski left the meeting at 10.48pm.

PROCEDURAL MOTION**EXTENSION OF TIME****RESOLVED:** Councillor Elmir and Councillor Tegg

That at this time, being 11.00pm, an extension of time be granted until 11.15pm.

Record of Voting:

For the Motion: Unanimous

PROCEDURAL MOTION**EXTENSION OF TIME****RESOLVED:** Councillor Elmir and Councillor Borg

That at this time, being 11.15pm, an extension of time be granted until 11.25pm.

Record of Voting:For the Motion: Unanimous**CCL045A-22 Code of Conduct Investigation Report - Councillor Konjarski**
(Report by Chief Audit Executive)Note: Councillor Greene disclosed a Non-Significant Non-Pecuniary interest in this item but did not participate in the discussion and voting.**RECOMMENDATION:** Councillor Tegg and Councillor Symington

That:

- (a) Council adopts the Conduct Reviewer's recommendation that Councillor Konjarski be formally censured under section 440G of the Local Government Act 1993 for breaches of the Code of Conduct.
- (b) Council makes public by publishing in the Minutes the following substantiated allegations and the clauses of the Code that have been breached, being:

Allegation 2: That on 7 March 2022, in the course of an extraordinary meeting of the Georges River Council, Councillor Konjarski, while exercising his function as a council official, engaged in improper conduct. Such conduct is in breach of clause 3.1 (c) of the Code of Conduct.

Allegation 3: That on 7 March 2022, in the course of an extraordinary meeting of the Georges River Council, Councillor Konjarski, while exercising his function as a council official, engaged in unethical conduct. Such conduct is in breach of clause 3.1 (c) of the Code of Conduct.

Record of Voting:For the Motion: The Mayor, Councillors Katris, Councillors Elmir, Jamieson, Liu, Stratikopoulos, Symington, Tegg and WangAgainst the Motion: Councillors Borg, Landsberry, Mahoney, Mort and Smerdely

On being PUT to the meeting voting on this Recommendation was eight (8) votes FOR and five (5) votes AGAINST. The Recommendation was CARRIED.

PROCEDURAL MOTION

OPEN COUNCIL

RESOLVED: Councillor Landsberry and Councillor Borg
Council return to Open Session, the time being 11.21pm.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

CONSIDERATION OF RECOMMENDATIONS FROM CLOSED SESSION

RESOLVED: Councillor Tegg and Councillor Landsberry
That the recommendations from the Closed Session in relation to **CCL043A-22
Hurstville Revitalisation Update - Legacy Grant Funding and, CCL044A-22 Hire
Agreement - Netstrata Jubilee Stadium and, CCL045A-22 Code of Conduct
Investigation Report - Councillor Konjarski** be received and noted as resolutions of
Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

CONCLUSION

The Meeting was closed at 11.24pm

Chairperson

UNCONFIRMED MINUTES