

# MINUTES

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## Council Meeting

**Monday, 25 September 2023**

**7.00pm**

**Dragon Room**

**Level 1, Georges River Civic Centre**

**Corner Dora and MacMahon Streets, Hurstville**



## **PRESENT**

### **COUNCIL MEMBERS**

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Elise Borg, Councillor Ashvini Ambihaipahar, Councillor Veronica Ficarra, Councillor Christina Jamieson, Councillor Nick Katris, Councillor Lou Konjarski, Councillor Kathryn Landsberry, Councillor Nancy Liu, Councillor Peter Mahoney, Councillor Natalie Mort, Councillor Nick Smerdely, Councillor Sam Stratikopoulos, Councillor Colleen Symington and Councillor Benjamin Wang.

### **COUNCIL STAFF**

General Manager – David Tuxford, Director Assets and Infrastructure – Andrew Latta, Director Environment and Planning – Meryl Bishop, Director Community and Culture – Kristie Dodd, Director Business and Corporate Services – Danielle Parker, Manager, Office of the General Manager – Vicki McKinley, Executive Services Officer – Marisa Severino, Executive Services Officer – Neil Treadwell, Acting Coordinator Technology – Garuthman De Silva and Acting Team Leader Technology Services Officer - Mark Tadros.

## **OPENING**

The Mayor, Councillor Elmir, opened the meeting at 7.02pm.

## **ACKNOWLEDGEMENT OF COUNTRY**

The Mayor, Councillor Elmir acknowledged the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

## **NATIONAL ANTHEM**

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

## **PRAYER**

The Opening Prayer which tonight will be led by a Buddhist representative from the St George Womens Interfaith Network.

Note: Councillor Katris joined the meeting 7.05pm.

## **APOLOGIES/LEAVE OF ABSENCE**

There were no apologies or requests for leave of absence.

## **NOTICE OF WEBCASTING**

The Mayor, Councillor Elmir 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 5 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

**The Mayor, Councillor Elmir** disclosed a Non-Significant, Non-Pecuniary interest in item **CCL085-23 Applications Pursuant to Councillor Ward Discretionary Fund Policy**, for the reason that his son plays with the Kogarah Cougars JRLFC. Councillor Elmir will remain in the meeting and take part in consideration and voting on this item.

**Councillor Ficarra** disclosed a Non-Significant, Non-Pecuniary interest in item **CCL087-23 Memorandum of Understanding - Turf Wicket Utilisation**, for the reason that Kevin Greene, a Patron of the St George District Cricket Club, and I were candidates in the same group at the 2021 Local Government election. Councillor Ficarra will remain in the meeting and take part in consideration and voting on this item.

**Councillor Stratikopoulos** disclosed a Significant, Non-Pecuniary interest in item **CCL085-23 Applications Pursuant to Councillor Ward Discretionary Fund Policy**, for the reason that he serves on the committee of the Greek Orthodox Church of Kogarah. Councillor Stratikopoulos will not be present during the consideration of this item.

**Councillor Katris** disclosed a Pecuniary interest in item **CCL085-23 Applications Pursuant to Councillor Ward Discretionary Fund Policy**, for the reason that a grant has been proposed by a Councillor on behalf of the Greek Orthodox Parish and Community and my office provides Architectural Consultancy work every now and again. Councillor Katris will not be present during the consideration of this item.

**Councillor Jamieson** disclosed a Non-Significant, Non-Pecuniary interest in item **NM052-23 Issue with Private Certifiers**, for the reason that Deborah Mackie was on my number ticket in the last council election and is speaking on the motion tonight. Councillor Jamieson will remain in the meeting and take part in consideration and voting on this item.

**PUBLIC FORUM**

	Speaker	Report No	Report Title
1	Tania Katsanis	CCL080-23 / ENV033-23	Companion Animal Identification and De - sexing Program
2	Matthew Allison	NM055-23	Cessation of Use of Second Generation Anticoagulant rodenticides
3	Susan Ghosn	NM054-23	Establishment of Bushcare Group in Georges River
4	Jennifer Parry	ASS025-23	Beverly Hills Commuter Carpark
5	David Boettiger	NM052-23	Issue with Private Certifiers
6	Maree Derwent	CCL084-23	Proposed Motions to Local Government Conference - 2 & 3
7	Deborah Mackie	NM052-23	Issue with Private Certifiers
8	Matthew Montgomery	ENV030-23	Exhibition of Draft Plan of Management and Master Plan for Donnelly Park
9	Annabela Lima	ENV030-23	Exhibition of Draft Plan of Management and Master Plan for Donnelly Park
10	Sonia Rita Baxant	NM055-23	Cessation of Use of Second Generation Anticoagulant rodenticides
11	Adrian Polhill	QWN030-23	FOGO
12	Ethan Montgomery	ENV030-23	Exhibition of Draft Plan of Management and Master Plan for Donnelly Park
13	Alison Furey	NM052-23	Issue with Private Certifiers

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****CCL079-23 Confirmation of the Minutes of the Ordinary Meeting held on 28 August 2023**

(Report by Executive Services Officer)

**RESOLVED:** Councillor Stratikopoulos Councillor Borg

That the Minutes of the Ordinary Council Meeting held on 28 August 2023 be adopted.

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

## CONDOLENCES

**Councillor Wang** expressed condolences for John Kelly.

It's hard not to know and like John Kelly if you pass by Hurstville train station from time to time. The busker, guitarist, singer regularly performed at the bottom of the escalators outside the Westpac Bank on Forest Road, Hurstville. Mr Kelly was a resident of Penshurst and passed away at age 80 in St George Hospital on 7 August 2023.

**Councillor Mort** expressed condolences for Mary Archer.

I wish to make a condolence motion for one of our great community servants - Mary Archer - who passed away after a long illness on September 17 at the age of 85.

Mary was a Life Member of the North Ramsgate Amateur Swimming Club and the Carinya RSL Day Club - established to assist return service men and women with day excursions and functions. She was introduced to the Day Club 38 years ago when she took 8 return service people to the RSL to introduce them around - and never left!

She also served on the committee of the Australian Air League, Riverwood "Hornet" Squadron where she transported and prepared cadets for their parades on weekends. The organisation met in one of the old army huts within the Riverwood Housing Commission area. Consequently most of these cadets came from single parent families so the Squadron became a second home to them and helped to give them some much needed stability and direction.

In addition, she was on the committee of the Waratah Slimmers Club where she was a long-time member and Treasurer of their Padstow branch.

Mary's association with the North Ramsgate Amateur Swimming Club dates back to 1970 right up to her recent passing. She served on the Committee and for many years occupied the role of Chief Judge.

As a current member of the Swim Club, I can personally vouch for Mary's wonderful service and her personality and character will most definitely be missed each Sunday morning when we swim together.

The Carinya RSL Day Club and the Waratahs Slimmers Club were highly valued by many people who relied on them - and Mary's diligent service - to make their lives more enjoyable.

Mary was rightly awarded an Order of Australia for exceptional community service - and today on behalf of so many people from our local community - I salute you Mary.

You were certainly one of a kind.

Note: Councillor Stratikopoulos left the meeting at 7.57pm.

## COMMITTEE REPORTS

### **CCL080-23 Report of the Environment and Planning Committee Meeting held on 11 September 2023**

(Report by Executive Services Officer)

**RESOLVED:** Councillor Mahoney and Councillor Borg

That the Environment and Planning Committee recommendations for Item ENV030-23 to ENV034-23 as detailed below, be adopted by Council.

### **ENV030-23 Public Exhibition of Draft Plan of Management and Master Plan for Donnelly Park**

(Report by Strategic Planner/Information Management)

- (a) That Council notify the draft Plan of Management and Master Plan to the NSW Department of Planning and Environment, as the representative landowner of part of the land under section 39 of the *Local Government Act 1993*, to obtain owner's consent prior to public exhibition.
- (b) That Council seek written consent from the NSW Department of Planning and Environment to adopt the draft Plan of Management, in accordance with section 3.23(6) of the *Crown Land Management Act 2016*.
- (c) That Council delegates authority to the General Manager to make any further amendments to the draft Donnelly Park Plan of Management and Master Plan to address any points raised by the NSW Department of Planning and Environment and make minor modifications to any numerical, typographical, interpretation and formatting errors if required.
- (d) That Council endorse the draft Donnelly Park Plan of Management and Master Plan for public exhibition for a period of no less than 28 days and allow submissions to be received up until 42 days in accordance with section 38 of the *Local Government Act 1993*.
- (e) That Council endorse the proposed changes to the land categorisation and hold a public hearing under section 40A of the *Local Government Act 1993*.

### **ENV031-23 Abandoned Shopping Trolley Update**

(Report by Manager Environment Health & Regulatory Services)

That Council receive and note the information contained within this report.

### **ENV032-23 Swimming Pool Compliance Policy and Program - Post Exhibition**

(Report by Manager Environment Health & Regulatory Services)

That Council adopt the Swimming Pool Compliance Policy 2023 and Swimming Pool Inspection Program 2023, contained in Attachment 1 and 2 to this report.

### **ENV033-23 Companion Animal Identification and De - sexing Program**

(Report by Manager Environment Health & Regulatory Services)

- (a) That Council receive and note the information contained in this report.
- (b) That Council endorse consideration of funding the Companion Animal De- sexing Program in the 2024/2025 budget.

### **ENV034-23 Proposed Planning Proposal for 28 Carlton Crescent, Kogarah Bay**

(Report by Strategic Planner)

- a) That Council acknowledge the Heritage Significance Assessment Report for 28 Carlton Crescent, Kogarah Bay, prepared by Edwards Heritage Consultants dated July 2023.
- b) That Council forward the Planning Proposal No. 2023/0003 enclosed in **Attachment 1** to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- c) That Council endorse to publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination issued by the Department of Planning and Environment and the Georges River Council Engagement Strategy.

**Record of voting:**

For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

Note: Councillor Landsberry left the meeting at 8.00pm

**CCL081-23 Report of the Finance and Governance Committee Meeting held on 11 September 2023**

(Report by Executive Services Officer)

**RESOLVED:** Councillor Jamieson and Councillor Borg

That the Finance and Governance Committee recommendations for Items FIN035-23 to FIN036-23, as detailed below, be adopted by Council.

**FIN035-23 Investment Report as at 31 July 2023**

(Report by Senior Financial Accountant - Reporting)

That the Investment Report as at 31 July 2023 be received and noted by Council.

**FIN036-23 Audit, Risk and Improvement Committee - Minutes of Meeting held on 18 May (Confirmed) and 10 August (Unconfirmed) 2023**

(Report by Chief Audit Executive)

That:

- (a) The confirmed Minutes of the Audit Risk and Improvement Committee meeting held on 10 May 2023 be received and noted by Council.
- (b) The unconfirmed Minutes of the Audit Risk and Improvement Committee meeting held on 10 August 2023 be received and noted by Council.

**Record of voting:**

For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar,

Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Wang

It was noted that the motion was carried unanimously.

Note: Councillor Stratikopoulos returned to the meeting at 8.01pm

**CCL082-23 Report of the Assets and Infrastructure Committee Meeting held on 11 September 2023**

(Report by Executive Services Officer)

**RESOLVED:** Councillor Konjarski and Councillor Stratikopoulos

That the Assets and Infrastructure Committee recommendations for Items ASS023-23 to ASS024-23 and ASS027-23 as detailed below, be adopted by Council.

**ASS023-23 Report of the Georges River Local Traffic Committee Advisory Committee Meeting held on 5 September 2023**

(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 September 2023 be adopted by Council.

**ASS024-23 Riverwood Traffic Facilities Upgrade**

(Report by Manager Strategic Placemaking)

- (a) Council approves grant funding of \$2,836,600 to deliver Traffic Facility Upgrades in the Riverwood Town Centre.
- (b) Council receive and note that the project is multi-year and a budget of \$470,000 be added to the 23/24 Capital Works Budget and \$2,366,000 be added to the 24/25 Capital Works Budget.
- (c) That the General Manager be authorised to sign the funding agreement on behalf of Council.
- (d) The General Manager continue to seek funding opportunities to support a street scape update of the Riverwood Town Centre.

**ASS027-23 T23/003 Civil Construction and Ancillary Services**

(Report by Senior Procurement and Contracts Business Partner)

- (a) In accordance with Section 178 of the Local Government (General) Regulation 2021 (NSW), Council accepts the Tenders from the Tenderers listed below for T23/003 Construction and Ancillary Services for the contract term of three (3) years with the option to extend for a further one (1) year, plus one (1) year, plus one (1) year, at Councils sole discretion:
  - o Ally Property Services Pty Ltd (ABN 54 094 217 151).
  - o Civeco Pty Ltd (ABN 85 604 338 712)



- o KK Consultants Pty Ltd (ABN 45 096 363 254)
  - o Mack Civil Pty Ltd (ABN 94 163 885 943)
  - o NSW Building and Civil Pty Ltd (ABN 82 630 836 234)
  - o Sam the Paving Man Pty Ltd (ABN 95 050 612 194)
  - o State Civil Pty Ltd (ABN 88 159 352 271)
  - o Stateline Asphalt Pty Ltd (ABN 76 138 667 759)
- (b) That the General Manager be authorised to sign the Contracts with the preferred Contractors on behalf of Council.
- (c) That Council inform the unsuccessful Tenderers of the resolution.

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**ASS025-23 Beverly Hills Commuter Car Park**

(Report by Manager Strategic Placemaking)

**RESOLVED:** Councillor Symington and Councillor Ficarra

- (a) Council receive and note the progress of the Transport for NSW Beverly Hills Commuter Car Park Project.
- (b) Council receive and note the response from the Minister of Transport, the Hon. Jo Haylen.
- (c) Council receive and note the advocacy work undertaken by Council staff to increase the accessibility of the project.
- (d) That the General Manager refer this matter to the Australian Human Rights Commission (AHRC) by writing to the Acting Disability Discrimination Commissioner at the Australian Human Rights Commission, Emeritus Professor Rosalind Croucher AM, and by lodging an Australian Human Rights Commission Complaint Form via the AHRC website.

**Record of Voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**ASS026-23 T23/007 Renown Park Field 2 Reconstruction**

(Report by Manager City Technical Services)

**RESOLVED:** Councillor Konjarski and Councillor Symington

- (a) That in accordance with Section 178(1)(a) of the *Local Government (General) Regulation 2021 (NSW)*, Council accepts the Tender from Landscape Solutions Australia Pty Ltd for T23/007 Renown Park Field 2 Reconstruction for the contract sum of \$728,372.24 (excluding GST).
- (b) That the General Manager be authorised to execute the Contract with the successful Contractor on behalf of Council.
- (c) That Council inform the unsuccessful Tenderers of the resolution.

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

Note: Councillor Landsberry returned to the meeting at 8.09pm

**CCL083-23 Report of the Community and Culture Committee Meeting held on 11 September 2023**

(Report by Executive Services Officer)

**RESOLVED:** Councillor Liu and Councillor Konjarski

That the Community and Culture Committee recommendations for Item COM027-23 to COM029-23 as detailed below, be adopted by Council.

**COM027-23 Place Naming - Hurstville Oval Community Pavilion - Results of Community Consultation**

(Report by Coordinator Library Operations)

- (a) That Council notes the outcomes of the community engagement undertaken and assign the name "Blackshaw Gould Community Pavilion" for the new pavilion at Hurstville Oval.
- (b) That the facility, once open, include some history about the persons after whom the facility was named.

**COM028-23 Outgoing Sponsorship and Donations Report**

(Report by Coordinator Events and Sponsorship)

That Council approves the event sponsorship request of \$10,000 (\$9,480 financial and \$520.00 in-kind value) to support the 'Christmas in Kogarah' event on Saturday 9 December 2023.

**COM029-23 Results of Networking and Mentoring Programs for Emerging Creatives**

(Report by Manager, Cultural Engagement and Library Services)

That Council acknowledge the successful outcomes of the Creative Pathways project and the feasibility of providing networking and mentoring opportunities through ongoing programs to

support the development of creative people in the Georges River area.

**Record of voting:****For the Motion:**

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**FINANCE AND GOVERNANCE****CCL084-23      Local Government NSW Annual Conference - Call for Motions**  
(Report by Manager Office of the General Manager)

**RESOLVED:** Councillor Jamieson and Councillor Mahoney

- (a) That Council review and confirm motions that were received from Councillors for submission to Local Government NSW (LGNSW), at the Council meeting of 28 August 2023.
- (b) That the General Manager lodge all proposed motions with LGNSW by the due date, being 15 October 2023.

**MOTION 1 – approved at August 2023 Council Meeting- submitted to LGNSW**

Submitted by Councillor Wang:

That LGNSW and all Councils observe the Multicultural Principles in conducting their affairs based on *Multicultural NSW Act 2000* and work with Multicultural NSW to establish the best practice in their administration.

**PROPOSED MOTION 2**

Submitted by Councillor Mahoney:

That LGNSW requests the NSW Government to conduct a review of the penalties applicable to illegal tree and shrub works, including pruning, removal, poisoning, vandalism and insufficient protection measures on building sites, and introduce higher penalties for the unauthorised destruction of vegetation in environmentally sensitive areas such as riparian zones, areas of high biodiversity value and foreshore protection areas.

**PROPOSED MOTION 3**

Submitted by Councillor Mahoney:

That LGNSW requests that the NSW Government takes steps to prevent future pollution of the state's waterways through sewerage overflows, including but not limited to the upgrade of the Georges River-Malabar main carrier and the treatment plants within that system

**PROPOSED MOTION 4**

Submitted by Councillor Mahoney:

That LGNSW requests that the NSW Government amends the Public Spaces (Unattended Property) Act so that retailers are obliged to collect all abandoned trolleys within three hours of notice being given.

**PROPOSED MOTION 5**

Submitted by Councillor Jamieson:

That LGNSW petitions the NSW government to review and introduce a Developer Contributions Scheme which is commensurate with the infrastructure needs of the LGA.

**PROPOSED MOTION 6**

Submitted by Councillor Jamieson:

That LGNSW urges the NSW Government to take steps to improve Private Certification processes, including, but not limited to:

- (a) empowering councils to enable them to act against infringements or other malpractice committed by Private Certifiers, e.g., to issue penalty notices for non-compliance with approvals;
- (b) undertaking discussions with the Department of Customer Service (NSW Fair Trading) regarding developing and piloting a system to deal with complaints by neighbours or other third parties (rather than having to contact the certifier);
- (c) creating an authority to arbitrate on objections to Complying Developments and provides free advice to members of the public to assist them in submission writing.
- (d) mandating the provision of notifying Complying Development Certificate applications to neighbours by letter, and also to the general public through the NSW Planning Portal and council website;
- (e) allowing members of the public 14 days' notice to lodge objections;
- (f) examining whether the allocation of Private Certifiers from an approved list would assist in stamping out malpractice;
- (g) funding councils so that they are adequately equipped to police the actions of private certifiers by way of a development compliance levy as part of the application lodgement process;
- (h) increasing penalties for non-compliance; and
- (i) ensuring that the Departments of Customer Service and Planning and Environment are resourced and empowered to respond promptly and effectively when dealing with breaches by certifiers.

**Record of voting:****For the Motion:**

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

Note: It was noted that Councillor Stratikopoulos left the Chambers at 08:12pm

Note: It was noted that Councillor Katris left the Chambers at 08:12pm

**CCL085-23      Applications Pursuant to Councillor Ward Discretionary Fund Policy -  
September 2023**  
(Report by Executive Services Officer)

**RESOLVED:** Councillor Jamieson and Councillor Borg

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

- (a) CWF 06/23-24 - Application submitted by Councillor Smerdely on behalf of The Greek Orthodox Parish & Community of Kogarah in the amount of \$2,000.
- (b) CWF 07/23-24 - Application submitted by Councillor Mort on behalf of Connells Point Physical Culture Club in the amount of \$1,500.
- (c) CWF 08/23-24 - Application submitted by Councillor Symington on behalf of Kingsway Community Care Incorporated in the amount of \$1,000.
- (d) CWF 09/23-24 - Application submitted by Councillor Konjarski on behalf of Georges River Rugby Club in the amount of \$2,000.
- (e) CWF 10/23-24 - Application submitted by Councillor Symington on behalf of Kingsgrove Community Aid Centre Incorporated in the amount of \$1,000.
- (f) CWF 11/23-24 - Application submitted by Councillor Landsberry on behalf of Kingsway Community Care Incorporated in the amount of \$600.
- (g) CWF 12/23-24 - Application submitted by Councillor Borg on behalf of St Cuthberts Anglican Church in the amount of \$1,000.
- (h) CWF 13/23-24 - Application submitted by Councillor Elmir Kogarah Cougars Rugby League Football Club in the amount of \$2,000.
- (i) CWF 14/23-24 - Application submitted by Councillor Konjarski IRT Retirement Village Peakhurst in the amount of \$2,000.

**Record of voting:**

For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

Note: It was noted that Councillor Stratikopoulos returned to the Chambers at 08:14pm

Note: It was noted that Councillor Katris returned to the Chambers at 08:14pm

**CCL086-23      Unaudited General Purpose Financial Statements for the Year Ended 30  
June 2023**  
(Report by Chief Financial Officer)

**RESOLVED:** Councillor Jamieson and Councillor Liu

- (a) That Council note the improvement in Council's financial results though acknowledge continued efforts are required to achieve a positive operating performance ratio in future years.

- (b) That in accordance with clause 215 of the *Local Government (General) Regulation 2021* and Section 413(2)(c) of the *Local Government Act (NSW) 1993* (Act), it is the opinion of Council that:
- i. The Draft General Purpose Financial Statements for the year ended 30 June 2023 have been drawn up in accordance with:
    - a. the Local Government Act 1993 and the Regulations;
    - b. the Local Government Code of Accounting Practice and Asset Accounting Manual; and
    - c. the Australian Accounting Standards.
  - ii. The reports present fairly the Council's financial position and operating result for the year.
  - iii. The Statements are in accordance with the Council's accounting and other records.
  - iv. The Council is unaware of anything that would make the financial reports false or misleading in any way.
- (c) That in accordance with clause 215 of the *Local Government (General) Regulation 2021* 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 2023.
- (d) 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 2023 at a scheduled Council meeting immediately after receipt of the Auditors Report and public notice in accordance with Section 418(1)(b), 418(2) and (3) of the Act.
- (e) That Council's Audited General Purpose Financial Statements for the year ended 30 June 2023, 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.
- (f) 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 2023 to the Office of Local Government, subject to there being no material audit changes or audit issues, in accordance with AASB 110.
- (g) 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 2023.

**Record of voting:****For the Motion:**

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

## **ASSETS AND INFRASTRUCTURE**

### **CCL087-23 Memorandum of Understanding - Turf Wicket Utilisation** (Report by Manager Premium Facilities)

**RESOLVED:** Councillor Konjarski and Councillor Liu

- (a) That Council receive and note the Memorandum of Understanding (MOU) in regard to the use of the turf cricket wickets within the Georges River Council Local Government Area, between Council and St George District Cricket Club.
- (b) That Council authorise the General Manager to sign the MOU on behalf of Council.

#### **Record of voting:**

##### For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

## **NOTICES OF MOTION**

### **NM052-23 Issue with Private Certifiers** (Report by Councillor Jamieson)

**RESOLVED:** Councillor Jamieson and Councillor Mahoney

That the General Manager write to the NSW State Government in regard to Private Certifiers and in relation to -

- (a) Ensuring that there is greater response to certifiers who do not act properly by the Department of Fair Trading.
- (b) Determine if allocating certifiers from a list as opposed to developers aligning with certifiers.
- (c) Councils be authorised, via an amendment to legislation, to charge a development fee to assist in funding the compliance services.
- (d) Providing access to drawings to neighbours on the Planning Portal.

#### **Record of voting:**

##### For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**NM053-23      Sporting Legacy for Women and Girls**

(Report by Councillor Liu)

**RESOLVED:** Councillor Liu and Councillor Mort

- (a) That, following the Federal Government's announcement on 19 August 2023 of one of Australia's biggest comprehensive investments in women's sports with funding and reforms to help more women play sport, Council officers apply for the Federal Government's new \$200 million *Play Our Way* grants program, which is expected to open in early 2024.
- (b) That Council officers promote this grant funding opportunity through Council's communication channels and networks, including the Sports Advisory Committee, so that there is increased awareness of how community organisations can support women and girls to play in sport.
- (c) That the programs and/or facilities supporting women and girls to play sport are clearly identified and allocated accordingly, should Council be successful in obtaining grant funding as part of the *Play Our Way* program.

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**NM054-23      Establishment of Bushcare Group in Hurstville Ward**

(Report by Councillor Wang)

**RESOLVED:** Councillor Wang and Councillor Landsberry

That the General Manager compiles a report concerning the feasibility of establishing a Bushcare group in Hurstville Ward, so that volunteers can learn about, and help to protect, the native flora and fauna in Council's parks and reserves.

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**NM055-23      Cessation of the Use of Second Generation Anticoagulant Rodenticides**

(Report by Councillor Mahoney)

**RESOLVED:** Councillor Mahoney and Councillor Jamieson



That, due to the adverse side-effects caused to native fauna, the General Manager prepares a report to a future meeting of Council into the possible cessation of the use of Second-Generation Anticoagulant Rodenticides (SGARs) in or on any Council-owned and Council-managed properties and lands by Council staff and contractors

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**NM056-23      Congratulations to St George Football Club and St George City Youth**  
(Report by Councillor Konjarski)

**RESOLVED:** Councillor Konjarski and Councillor Smerdely

- (a) That Council congratulates St George Football Club for having been promoted to the Mens National Premier League, the top tier football league in New South Wales.
- (b) That Council congratulates St George City Youth who were also promoted to the top tier football league for youth football in New South Wales.

**Record of voting:**For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**QUESTIONS WITH NOTICE****QWN029-23      Certification Campaign**  
(Report by Councillor Jamieson)  
Answer published in the Business Paper**QWN030-23      FOGO Scheme**  
(Report by Councillor Mahoney)  
Answer published in the Business Paper**CONSIDERATION OF BUSINESS IN CLOSED SESSION**

**RESOLVED:** Councillor Smerdely and Councillor Liu

At this stage of the meeting being 8.31pm 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 items:

**CCL045A-23 Waste Collection Tender Outcome and Comingled Recycling Processing Options**

(Report by Manager Environment Health & Regulatory Services)

*THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council Meeting at which the press and public are excluded. In accordance with Section 10A(2) (d(ii)) it is considered the matter commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*

*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 commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*

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

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

The General Manager replied that no representations had been received 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:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

Note: The Meeting moved into closed session at 8.33pm.

**CONSIDERATION OF CONFIDENTIAL RECOMMENDATIONS****CCL045A-23 Waste Collection Tender Outcome and Comingled Recycling Processing Options**

(Report by Manager Environment Health & Regulatory Services)

**RESOLVED:** Councillor Konjarski and Councillor Landsberry

- (a) That in accordance with Section 178(1)(b) and Section 178(3)(e) of the *Local Government (General) Regulation 2021*,
- a. Council declines to accept any of the Tenders received for F22/108 Collection and Associated Waste Management Services and;
  - b. Resolves to enter into negotiations with both Tenderers with a view to entering into a contract in relation to the subject matter of the tender.
  - c. In accordance with Section 178(4)(a) of the *Local Government (General) Regulation 2021*, the reason for Council hereby resolving to decline all tenders and not invite fresh tenders is based on Council's current waste contract expiring on 28 September 2024 and the insufficient timeframe available to undertake a new tender process (up to twenty four (24) weeks) and still achieve the required twelve (12) month transition period for the procurement and establishment of a new fleet of collection vehicles.
  - d. In accordance with Section 178(4)(b) of the *Local Government (General) Regulation 2021*, the reason for Council hereby resolving to enter into negotiations with both Tenderers is that a desired outcome is likely to be achieved based on their demonstrated experience, capacity and capability to undertake the services and by negotiating certain departures and/or elements of the submissions.
  - e. That a briefing and report be provided to Council, expected in October 2023, detailing the outcome of the negotiations and recommended waste collection contractor, with the General Manager delegated to execute the contract.
- (b) a. That Council resolves, in accordance with s55(3)(i) of the *Local Government Act 1993* (NSW), that a satisfactory result will not be achieved by inviting tenders for comingled recycling processing services (proposed service) because of the circumstances and unavailability of competitive and reliable tenderers for comingled recycling processing services resulting from:
- (i) the need for Council to seek a contract for the proposed services due to the inability by Council's current provider of comingled recyclables processing services to further extend the current contract and provide the proposed services for the period specified in the report and the limited market availability of existing comingled recyclables processors; in order to either:
    - align with the Southern Sydney Regional Organisation of Council's led Comingled Recycling for Sustainable Solutions Project for recyclables processing services on a long-term basis; or
    - allow for the provision of recyclables processing services as part of Council's proposed waste collection contract, which was the subject of a request for tender process; or

- allow for the provision of recyclables processing services under a direct negotiation contract held by Council with the only market provider for the period necessary as determined during negotiations; and
  - (ii) the unavailability of contractors willing to provide competitive tenders for the proposed services due to the nature of the proposed contract, and the limited availability of recyclables processing infrastructure.
- b. That Council delegates authority to the General Manager to undertake direct negotiations with the only existing recyclables processor, with a view to entering into a short-term contract (for the period necessary as dictated by the only market provider) for commingled recycling processing services; and/or to execute any contract as may be agreed as a result of Council and/or SSROC negotiations to ensure a contract is in place for the processing of recyclables from February 2024 – September 2024.

**Record of voting:****For the Motion:**

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**OPEN COUNCIL**

**RESOLVED:** Councillor Smerdely

Council returned to Open Session at 8.34 pm

**Record of voting:****For the Motion:**

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

**Note:** The meeting re-opened at 8.34pm.

**CONSIDERATION OF RECOMMENDATIONS FROM CLOSED SESSION**

**RESOLVED:** Councillor Konjarski and Councillor Landsberry

That the Committee of the Whole recommendations from the Closed Session in relation to Item **CCL045A-23 Waste Collection Tender Outcome and Comingled Recycling Processing Options** of this meeting be received and noted as a resolution of Council without any alteration or amendment thereto.

## **Record of voting:**

### For the Motion:

The Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

It was noted that the motion was carried unanimously.

## **CONCLUSION**

The Meeting was closed at 8.36pm



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Chairperson

Mayor, Councillor Sam Elmir

Minutes confirmed at the Ordinary on 23 October 2023 (CCL088-23).