

AGENDA

Council Meeting

Monday, 26 August 2024

7:00 PM

Dragon Room

Civic Centre

Hurstville



OATH OF OFFICE OR AFFIRMATION OF OFFICE

All Georges River Councillors are reminded of their Oath of Office or Affirmation of Office made at the time of their swearing into the role of Councillor.

All Councillors are to undertake the duties of the office of Councillor in the best interests of the people of the Georges River Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgement.

DISCLOSURES OF INTEREST

All Georges River Councillors are reminded of their obligation to declare any conflict of interest (perceived or otherwise) in a matter being considered by Council or at any meeting of Council.

COUNCIL MEETING

ORDER OF BUSINESS

OPENING

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges 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

PRAYER

APOLOGIES / LEAVE OF ABSENCE

NOTICE OF WEBCASTING

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PUBLIC FORUM

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Nil

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CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Item: CCL052-24 Confirmation of the Minutes of the Council Meeting held on 22 July 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Previous Minutes

RECOMMENDATION:

That the Minutes of the Council Meeting held on 22 July 2024, be adopted.

ATTACHMENTS

Attachment [↓](#)1 Minutes of the Council Meeting held on 22 July 2024



MINUTES

Council Meeting

Monday, 22 July 2024

7:00 PM

Dragon Room

Civic Centre

Hurstville

UNCONFIRMED



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

The Mayor, Councillor Sam Elmir, Deputy Mayor, Councillor Elise Borg, 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, A/Director Assets and Infrastructure – Tom Heath, Director Environment and Planning – Joseph Hill, Director Community and Culture – Kristie Dodd, A/Director Business and Corporate Services – Simon Massey, Chief Auditor - Steven Baker Manager, Office of the General Manager – Vicki McKinley, Executive Services Officer – Marisa Severino, General Counsel - James Fan, Executive Manager City Futures - Simon Massey, Head of Technology – Garuthman De Silva and Chief Information Officer Brendan Scott.

OPENING

The Mayor, Councillor Elmir, opened the meeting at 7:01pm.

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

Reverend Ross Ryan from St Marks Anglican Church South Hurstville offered a prayer to the meeting.

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

There were no requests to attend via Audio Visual Link.

APOLOGIES/LEAVE OF ABSENCE

That an apology be accepted for Councillor Ambihapahar and that a leave of absence be granted.

RESOLVED: Councillor Konjarski, Councillor Mort

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

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

Special Interest Disclosure - Councillor Borg submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason that an associated person of the councillor has an interest in the land. Councillor Borg will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Special Interest Disclosure - Councillor Borg submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason that she has an interest in the land. The item proposes to reduce the minimum lot size for dual occupancies from 650sqm to 600sqm in the R2 zone. My principal place of residence is 613sqm in an R2 zone. Councillor Borg will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Borg declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that the public park across the road from my Principal Place of Residence is proposed to be added to the Foreshore Scenic Protection Area in the Planning Proposal. Councillor Borg will remain in the meeting and take part in consideration and voting on this item.

Special Interest Disclosure - Councillor Mahoney submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that it is his principal place of residence is located within the existing Foreshore Scenic Protection Area. Councillor Mahoney will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Mahoney declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV026-24) Oatley Park Plan of Management and Master Plan - Adoption** for the reason that he has made a personal submission to Council concerning this item. Councillor Mahoney will remain in the meeting and take part in consideration and voting on this item.

Special Interest Disclosure - Councillor Katris submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV025-24 and ENV30-24) Endorsement Biodiversity, Character and FSPA Planning Proposal for Gateway Determination and Endorsement of Additional and Diverse Housing Planning Proposal for Gateway Determination** for the reason that he is a part owner of his Principle Place of Residence which is located in Blakehurst and the changes do not really affect his place of residence because there is generally no increase or decrease in what he is allowed to do with his residence The changes are very marginal where it concerns his property because there is no appreciable financial gain or loss.

Councillor Katris will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Special Interest Disclosure - Councillor Jamieson submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason that it is her principal place of residence is in the LGA and this planning proposal discusses the LGA. Councillor Jamieson will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Jamieson declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Planning Proposal for Gateway Consideration** for the reason that she has an investment property in the LGA. However, this property is already developed and would not be affected by this proposal. There is no Pecuniary Interest. Councillor Jamieson will remain in the meeting and take part in consideration and voting on this item.

Councillor Wang declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that it is his principal place of residence is in the R2 zone in the Foreshore Scenic Protection Area (FSPA) and has investment properties that may be impacted. Councillor Wang will remain in the meeting and take part in consideration and voting on this item.

Councillor Wang declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Planning Proposal for Gateway Consideration** for the reason that his principal place of residence is in the R2 zone. Councillor Wang will remain in the meeting and take part in consideration and voting on this item.

Special Interest Disclosure - Councillor Mahoney submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason the address of the affected principal place of residence of the councillor. Councillor Mahoney will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Special Interest Disclosure - Councillor Mahoney submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason that the nature of the land is subject to a change in zone/ planning control by the proposed LEP. Councillor Mahoney will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Mahoney declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV026-24) Oatley Park Plan of Management and Master Plan - Adoption** for the reason that he has made a personal submission to Council concerning this item. Councillor Mahoney will remain in the meeting and take part in consideration and voting on this item.

Councillor Mahoney declared a Non-Significant Non-Pecuniary Interest in item **CCL045-24, (ASS023-24) Report of the Assets and Infrastructure Committee** for the reason that he is acquainted with one of the no-voting members as he was a former work colleague of his. Councillor Mahoney will remain in the meeting and take part in consideration and voting on this item.

Special Interest Disclosure - Councillor Mahoney submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that nature of the land that is subject to a change in zone/ planning control by the proposed LEP and property is

located within the existing Foreshore Scenic Protection Area. Councillor Mahoney will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Wang declared a Non-Significant Non-Pecuniary Interest in item **NM071-24 Congratulations World Dragon Fan Club Australia** for the reason that he is the honourable chairman of the World Dragon Fan Club. Councillor Wang will remain in the meeting and take part in consideration and voting on this item.

Councillor Ficarra declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that she resides within the former study area and near the border of the FSPA. Councillor Ficarra will remain in the meeting and take part in consideration and voting on this item.

Councillor Ficarra declared a **Pecuniary Interest** in item **CCL048-24 (ENV030-24) – Endorsement of Additional and Diverse Housing Planning Proposal for Gateway Determination** for the reason she has a close relative who owns a property where income is gathered from it within the Georges River LGA, and the value of the property may be affected by the impact of this item. Councillor Ficarra will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Councillor Konjarski declared a Non-Significant Non-Pecuniary Interest in item **NR001-24, NM058-24 Notice of rescission – Actions to be Taken by Council in Connection with Previous and Current Allocation and Usage of Playing Fields to Football St George** for the reason that his son coaches for a club under the guise of Football St George. Councillor Konjarski will remain in the meeting and take part in consideration and voting on this item.

Councillor Mort declared a Non-Significant Non-Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason she lives in FSPA planning proposal for gateway determinations. As I live in the FSPA but there are no changes to controls proposed for my property. Councillor Mort will remain in the meeting and take part in consideration and voting on this item.

Special Interest Disclosure - Councillor Smerdely submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that his principal place of residence owned by his parents falls within the area. Councillor Smerdely will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Smerdely declared a Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that an associated person owns an investment property within the area. Councillor Smerdely will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Special Interest Disclosure – Councillor Smerdely submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason that his principal place of residence owned by his parents falls within the area. Councillor Smerdely will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Smerdely declared a a Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Planning Proposal for Gateway Consideration** for the reason that an associated person owns an investment property in the area. Councillor

Smerdely will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Councillor Stratikopoulos declared a Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason his parents own an investment property within the area. Councillor Stratikopoulos will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Special Interest Disclosure - Councillor Stratikopoulos submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason that the property owned by his parents is his principal place of residence. Councillor Stratikopoulos will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Stratikopoulos declared a Pecuniary Interest in item **CCL048-24, (ENV025-24) Endorsement of Biodiversity, Character and FSPA Planning Proposal for Gateway Determination** for the reason he owns an investment property within the area. Councillor Stratikopoulos will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Councillor Stratikopoulos declared a Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Planning Proposal for Gateway Consideration** for the reason that he owns an investment property in the area. Councillor Stratikopoulos will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Special Interest Disclosure - Councillor Stratikopoulos submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason that it is his principal place of residence owned by his parents and falls within the area. Councillor Stratikopoulos will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Special Interest Disclosure – Mayor, Councillor Elmir submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason this is his primary place of residence is in an R2 zone which is affected by change of use in R2 zone. The Mayor, Councillor Elmir will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

Councillor Liu declared a **Pecuniary Interest** in item **CCL048-24 (ENV025-24) – Endorsement of Additional and Diverse Housing Planning Proposal for Gateway Determination** for the reason she has an investment property. Councillor Liu will not partake in any deliberations on this matter and he will leave the meeting and not participate in the consideration and voting on this item.

Special Interest Disclosure – Councillor Liu submitted a Special Disclosure of Pecuniary Interest in item **CCL048-24, (ENV030-24) Endorsement of Additional and Diverse Housing Planning Proposal for the Georges River LGA** for the reason the changes to SPA R2. The Councillor Liu will partake in any deliberations on this matter and will remain the meeting and participate in the consideration and voting on this item.

PUBLIC FORUM

	Name	Report No.	Report Title
1	Steve Ferrington (In person)	CCL045-24/ ASS020-24	Traffic Advisory Committee – Draft Terms of Reference
2	Adrian Polhill (In person)	NM065-24 NM072-24	Creating Canopies Community Planting Events Battery Charging and Safety Campaign
3	Sean Wood (In person)	NM069-24	Abandoned Shopping Trolleys
4	Rev. K a Fai Alfred Yau (In person)	NM071-24	Congratulations World Dragon Fans Club Australia
5	Wayne Devine (In person)	NM070-24	Carss Bush Park Playground
6	Bev Derincat (In person)	NM065-24	Creating Canopies Community Planting Events
7	Tony Baddour (In person)	NM063-24	Co-working Business Hub Feasibility Study
8	Natalie Zhou (In person)	QWN020-24	Mosque Update
9	Chris Bailey (In person)	NM062-24	Council congratulates and acknowledge Riverwood Hornets Cadets
10	Liane Madden (Written Submission)	NM067-24	Public Decorative Lighting
11	Susan Ghosn (In person)	NM065-24	Financial Implication of Bushcare in Hurstville Ward
12	Nicky Paras (In person)	NM067-24	Public Decorative Lighting
13	Craig Cunningham (In person)	QWN020-24	Mosque Update
14	Suzanne Galluzzo (In person)	NM067-24	Public Decorative Lighting
15	Stephen Carlisle (In person)	QWN021-24	Tooronga Terrace Beverly Hills
16	Alan Hage (Written Submission)	CCL045- 24/ASS020-24	Traffic Advisory Committee – Draft Terms of Reference
17	Roy Wu (In person)	QWN021-24 NM061-23	Pedestrian Safety Measures
18	Anu Iyer (In person)	QWN020-24	Mosque Update
19	Simon Chan (In person)	NM064-24	NSW Multicultural Principles

20	Kim Wagstaff (in person)	CCL048-24/ ENV025- 24/ENV030-24	Report of the Environment and Planning Committee Meeting – Endorsement of Biodiversity, Character and FSPA Planning Property for Gateway Determination
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Note: It was noted that Councillor Mahoney and Councillor Wang left the Chambers at 7:54pm

Note: It was noted that Councillor Mahoney and Councillor Wang returned to the Chambers at 7:57pm

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

CCL044-24 Confirmation of the Minutes of the Council Meeting held on 24 June 2024
(Report by Executive Services Officer)

RESOLVED: Councillor Landsberry, Councillor Konjarski

That the Minutes of the Council Meeting held on 24 June 2024, be adopted.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

MAYORAL MINUTE

MM024-24 Thank you and congratulations to staff for organising such a successful event - Uncontained Arts Festival
(Report by Director Community and Culture)

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

Note: It was noted that Councillor Katris returned to the Chambers at 08:16pm

RESOLVED: The Mayor Councillor Elmir

- (a) That Council congratulates Georges River Council staff for the delivery of the 2024 Uncontained Arts Festival held on 19, 20 & 21 July 2024 at Kogarah.
- (b) That Council also recognises the invaluable contributions of the festival sponsors, VJB Group and Sydney Water, along with the local volunteers, including St John's Ambulance. Additionally, the talented artists, entertainers, and vibrant stall holders all played essential roles in the success of this event.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

MM025-24 Condolences on the recent tragedy at Carlton Railway Station
(Report by The Mayor, Councillor Elmir)

RESOLVED: The Mayor, Councillor Elmir

That tonight we recognise the immense tragedy of the loss of a family from our community and extend our deepest condolences to the family and friends of the deceased.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONDOLENCES

Councillor Konjarski extended his condolences on the passing of Angela Novevski.

Angela was, born on 11 February 1974 in Australia and was of Greek heritage. She spent her formative years in the Shire and attended Caringbah High School. Angela dedicated her professional life to education, working at Kogarah Public School.

In 2001, Angela met Tony, and they married the following year in 2002. Together, they had three children: Melissa, born in 2002, Jack, born in 2004 and Daniel, born in 2009.

Angela had a passion for shopping and loved watching her kids play sports such as soccer and oztag. She enjoyed going to the beach, taking holidays, and relishing moments of recalling memories and drinking wine with her friends. Angela's life was a blend of cultural richness, dedication to education, and deep family bonds. She passed away at the tender age of 50, leaving behind a legacy of love and joy.

Note: The Mayor, Councillor Elmir called for a minute's silence.

COMMITTEE REPORTS

CCL045-24 Report of the Assets and Infrastructure Committee meeting held on 8 July 2024

(Report by Executive Services Officer)

RESOLVED: Councillor Konjarski, Councillor Smerdely

That the Assets and Infrastructure Committee recommendations for items ASS021-24 to ASS022-24 as detailed below, be adopted by Council.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ASS021-24 T24/003 TREE MANAGEMENT AND ASSOCIATED WORKS
(Report by Procurement and Contracts)

- (a) That in accordance with Section 178 (1) (b) of the Local Government (General) Regulation 2021, Council decline to accept any of the Tender submissions for T24/003 Tree Management and Associated Works.
- (b) That in accordance with 178 (3) (b) of the ASsLocal Government (General) Regulation 2021, Council invites fresh tender submissions based on different details within a period of no more than 6 months from this resolution.
- (c) That Council inform all Tenderers of the resolution.

ASS022-24 T24/005 OPERATIONAL MANAGEMENT AGREEMENT - NORM O'NEILL CRICKET TRAINING CENTRE
(Report by Team Leader Procurement and Contracts Governance)

- (a) That in accordance with 178 (1) (b) & 178 (3) (e) of the Local Government (General) Regulation 2021 Council declines to accept any of the tenders for T24/005 Operational Management Agreement – Norm O'Neill Cricket Training Centre and resolve to enter into negotiations with one or more parties with a view to entering into a contract in relation to the subject matter of the tender.
- (b) That in accordance with 178 (4) of the Local Government (General) Regulation 2021, the reason for Council to decline all tenders is that none of the tenders achieved a satisfactory standard. By resolving to enter into negotiations with one or more parties it is anticipated that a satisfactory outcome will be achieved on demonstrated capacity and ability to provide services under an operational management agreement with a competitive commercial income paid to Council.
- (c) That Council authorise the General Manager to undertake negotiations.
- (d) That a further report be provided to Council at its meeting in November 2024 detailing the outcome of the negotiation process and a recommendation to award or future options.
- (e) That Council notify all Tenderers that Council declined to accept any of the Tenders.

ASS023-24 REPORT OF THE GEORGES RIVER COUNCIL TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 2 JULY 2024
(Report by Acting Manager Strategic Placemaking)

RESOLVED: Councillor Konjarski, Councillor Smerdely

That the recommendations contained within the minutes of the Georges River Council Traffic Advisory Committee Meeting held on 2 July 2024 be adopted by Council with the exception of TAC044-24 which is to be deferred to a future Traffic Advisory Committee Meeting for consideration.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ASS020-24 TRAFFIC ADVISORY COMMITTEE - DRAFT TERMS OF REFERENCE
(Report by Acting Manager Strategic Placemaking)

MOTION: Councillor Konjarski and Councillor Smerdely

That this item be deferred to a future Council Meeting after Councillors receive a briefing from staff.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CCL046-24 Report of the Community and Culture Committee meeting held on 8 July 2024
(Report by Executive Services Officer)

RESOLVED: Councillor Liu, Councillor Konjarski

That the Community and Culture Committee recommendations for items COM021-24 to COM030A-24 as detailed below, be adopted by Council.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM021-24 QUARTERLY COMMUNITY PROPERTY REPORT - 1 APRIL TO 30 JUNE 2024
(Report by Coordinator, Programming and Operations)

That Council receive and note the Quarterly Community Property Report for the period 1 April 2024 to 30 June 2024.

COM022-24 GEORGES RIVER COUNCIL PUBLIC ART POLICY FOR ADOPTION
(Report by Coordinator Cultural Services)

That Council adopts the revised draft Georges River Council Public Art Policy after a period of public exhibition.

COM023-24 ADOPTION OF THE DRAFT GEORGES RIVER COUNCIL COMMUNITY LEASE AND LICENCE POLICY
(Report by Coordinator, Programming and Operations)

(a) That Council adopt the draft Georges River Council Community Lease and Licence Policy following the public exhibition period.

- (b) That the General Manager be delegated authority to make minor administrative changes to the Policy, if required.

COM024-24 OUTGOING SPONSORSHIP AND DONATIONS REPORT
(Report by Coordinator Events and Sponsorship)

That Council approves the Outgoing Sponsorship request of \$8,500 to become a sponsor of the St George and Sutherland Medical Research Foundation, Beachside Dash on Sunday 8 September 2024.

COM030A-24 PRELIMINARY INVESTIGATION WORKS FOR 38 HUMPHREYS LANE HURSTVILLE
(Report by Manager, Cultural Engagement and Library Services)

- (a) That Council approve the proposed preliminary investigation works outlined in this report to determine the feasibility of providing a library service at 38 Humphreys Lane Hurstville.
- (b) That a further report be submitted to Council about the findings of the preliminary investigation works.

CCL047-24 Report of the Finance and Governance Committee meeting held on 8 July 2024
(Report by Executive Services Officer)

RESOLVED: Councillor Jamieson, Councillor Mahoney

That the Finance and Governance Committee recommendations for items FIN027-24 to FIN028-24 as detailed below, be adopted by Council.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FIN027-24 INVESTMENT REPORT AS AT 31 MAY 2024
(Report by Senior Financial Accountant - Reporting)

That the Investment Report as at 31 May 2024 be received and noted by Council.

FIN028-24 T24/002 CARSS PARK CAFÉ LEASE
(Report by Senior Procurement and Contracts Business Partner)

- (a) That in accordance with 178(1)(b) & 178(3)(e) of the Local Government (General) Regulation 2021 Council declines to accept any of the tenders for T24/002 Carss Park Café Lease and resolve to enter into negotiations with one or more parties with a view to entering into a contract in relation to the subject matter of the tender.
- (b) That in accordance with 178(4) of the Local Government (General) Regulation 2021, the reason for Council to decline all tenders is that none of the tenders achieved a satisfactory standard. By resolving to enter into negotiations with one or more parties it is anticipated

that a satisfactory outcome will be achieved on demonstrated capacity and ability to provide services under a commercial lease arrangement with a competitive lease income paid to Council.

- (c) That Council authorise the General Manager to undertake negotiations and any other documentation required to give effect to the resolution.
- (d) That a further report be provided to Council at its November 2024 meeting detailing the outcome of the negotiation process and a recommendation to award.
- (e) That Council notify all Tenderers that Council declined to accept any of the Tenders.

CCL048-24 Report of the Environment and Planning Committee meeting held on 8 July 2024

(Report by Executive Services Officer)

RESOLVED: Councillor Borg, Councillor Katris

That the Environment and Planning Committee recommendations for items ENV025-24 to ENV030-24 as detailed below, be adopted by Council.

Note: It was noted that Councillor Symington declared Pecuniary Interest in item ENV025-24/CCL048-24 and left the Chambers at 08:36pm

Note: It was noted that Councillor Stratikopoulos declared Pecuniary Interest in item ENV025-24/CCL048-24 and left the Chambers at 08:36pm

Note: It was noted that Councillor Liu declared Pecuniary Interest in items ENV030-24, ENV025-24/CCL048-24 and left the Chambers at 08:36pm

Note: It was noted that Councillor Ficarra declared Pecuniary Interest in item ENV025-24/CCL048-24 and left the Chambers at 08:36pm

Note: It was noted that Councillor Smerdely declared Pecuniary Interest in item ENV025-24/CCL048-24 and left the Chambers at 08:36pm

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Mahoney, Councillor Mort, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV025-24 ENDORSEMENT OF BIODIVERSITY, CHARACTER AND FSPA PLANNING PROPOSAL FOR GATEWAY DETERMINATION

(Report by Principal Strategic Planner)

- (a) That Council forward Planning Proposal No. 2024/0002 (Biodiversity, Character and FSPA) enclosed in Attachment 1 to the Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- (b) That the Director Environment and Planning be authorised to make minor editorial amendments to the Planning Proposal as required throughout the reporting process.
- (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, Housing and Infrastructure in accordance with the *Georges River Council Engagement Strategy*.

ENV026-24 OATLEY PARK PLAN OF MANAGEMENT AND MASTER PLAN - ADOPTION
(Report by Strategic Planner)

- (a) That Council adopt the Oatley Park Plan of Management and Master Plan provided in Attachments 1 and 2 in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*.
- (b) That Council authorise the General Manager to make minor editorial modifications in the finalisation of the Oatley Park Plan of Management and Master Plan.
- (c) That all individuals who provided a submission during the public exhibition of the Oatley Park Plan of Management and Master Plan be notified of Council's decision.
- (d) That the adopted Oatley Park Plan of Management and Master Plan be forwarded to the NSW Department of Planning, Housing and Infrastructure – NSW Crown Lands for information.
- (e) That the Oatley Park Plan of Management and Master Plan be placed on Council's website following adoption by Council.

ENV027-24 GEORGES RIVER COUNCIL SMOKE FREE POLICY FOR OUTDOOR AREAS (2024) - OUTCOME OF PUBLIC EXHIBITION
(Report by Manager Environment Health & Regulatory Services)

That Council adopt the Georges River Council Smoke Free Policy for Outdoor Areas (2024) as attached to this report.

ENV028-24 GEORGES RIVER COUNCIL ENFORCEMENT POLICY (2024) - OUTCOME OF PUBLIC EXHIBITION
(Report by Manager Environment Health & Regulatory Services)

That Council adopt the Georges River Council Enforcement Policy 2024 as attached to this report.

ENV029-24 GEORGES RIVER AFFORDABLE HOUSING POLICY - OUTCOME OF PUBLIC EXHIBITION
(Report by Manager Strategic Planning)

That Council adopt the Georges River Affordable Housing Policy 2024 as attached to this report.

ENV030-24 ENDORSEMENT OF ADDITIONAL AND DIVERSE HOUSING PLANNING PROPOSAL FOR GATEWAY DETERMINATION
(Report by Principal Strategic Planner)

- (a) That Council endorse Planning Proposal No. 2024/0004 (Additional and Diverse Housing Planning Proposal), to amend the *Georges River Local Environmental Plan (GRLEP) 2021*, be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with Council seeking a deferral to the DPHI's *Low and Mid-Rise Housing* proposal.
- (b) That Council endorse the content of the Planning Proposal as listed in the **Table of Amendments** within the body of this Report.
- (c) That the Director Environment and Planning be authorised to make minor editorial

amendments to the Planning Proposal as required throughout the reporting process.

- (d) That Council note this Planning Proposal incorporates the amendments proposed by the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) to implement the *Georges River Biodiversity Study* and *Foreshore Scenic Character Study*.
- (e) That Council endorse to publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination issued by the DPHI in accordance with Council's *Community Engagement Strategy*.
- (f) That Council identify additional R3 Medium Density Residential and R4 High Density Residential Zones in its review of the Georges River Local Strategic Planning Statement in accordance with the recommendation of the Georges River Local Planning Panel.

Note: It was noted that Councillor Symington returned to the Chambers at 08:49pm

Note: It was noted that Councillor Ficarra returned to the Chambers at 08:49pm

Note: It was noted that Councillor Stratikopoulos returned to the Chambers at 08:49pm

Note: It was noted that Councillor Smerdely returned to the Chambers at 08:49pm

Note: It was noted that Councillor Liu returned to the Chambers at 08:49pm

FINANCE AND GOVERNANCE

CCL049-24 Proposed Council and Committee Meeting Schedule 2024/25

(Report by Manager Office of the General Manager)

RESOLVED: Councillor Jamieson, Councillor Mahoney

That Council endorse the proposed meeting schedule for 2024/25 as attached to this report.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

CCL050-24 Councillor Ward Discretionary Fund - 2023/24 Program Results

(Report by Executive Services Officer)

All returned

RESOLVED: Councillor Jamieson, Deputy Councillor Borg

That the report on the Councillor Ward Discretionary Fund - 2023/24 Program Results be received and noted by Council.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED..

CCL051-24 Tabling of Disclosure of Interest Return
(Report by Governance and Risk Specialist)

RESOLVED: Councillor Jamieson, Deputy Mayor, Councillor Borg

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

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NOTICES OF RESCISSION

NR001-24 Notice of Rescission - NM058-24 Actions to be Taken by Council in Connection with Previous and Current Allocations and Usage of Playing Fields to Football St George
(Report by Councillor Katris)

RESOLVED: Councillor Katris and Councillor Smerdely

That the decision in respect of Item No. NM058-24 Actions to be Taken by Council in Connection with Previous and Current Allocations and Usage of Playing Fields to Football St George from the Ordinary Meeting of Council held on 24 June 2024 be rescinded.

The resolution proposed to be rescinded reads as follows:

- (a) That Council acknowledges that Football St George (FSG) plays a vital role in the Georges River community as the governing body for football within the St George area and delivers valuable services including, but not limited to, competition management, development programs, coach and referee education, community engagement, facilities management, and advocacy and support for member clubs.
- (b) That Council recognises the increased demand for access to Council's playing fields of each sporting code and the subsequent need to foster shared use of assets amongst sports associations and clubs, aligning with recommendations in the Community Infrastructure Needs Assessment Area Acquisition Strategy (CINAAAS),
- (c) That Council staff continue to work closely with Football St George and all sports associations and clubs to streamline systems and processes for transparent information sharing, ultimately supporting local grassroots sports through the implementation of Council strategies and the Sports Advisory Committee.

Record of Voting

For the Motion: Councillor Ficarra, Councillor Katris, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

Against the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Wang

On being PUT to the meeting, voting on this Rescission Motion was five (5) votes FOR and nine (9) votes AGAINST. The Rescission Motion was LOST.

NOTICES OF MOTION

NM060-24 Enhancing Staff Safety through Legislative Reform in Local Government (Report by Councillor Ficarra)

RESOLVED: Councillor Ficarra and Councillor Smerdely

- (a) That the General Manager writes to the General Secretary of the United Services Union, Development and Environmental Professionals' Association, and Local Government Engineers' Association, to seek support from its member councils to urge the NSW State Government to introduce legislative protections to support the safety of frontline council employees across NSW by:
- (i) Introducing provisions under the Crimes Act 1900 for Council frontline workers including, customer service staff, council law enforcement & compliance officers, and other customer facing roles, under the Crimes Act 1900, replicating the provisions legislated under Divisions 8C of the Act in July 2023 for assaults on Retail Workers.
 - (ii) Introducing provisions under the Surveillance Devices Act 2007 for Council frontline workers for the use of body-worn video, similar to the provisions afforded to members of the NSW Police Force for the use of body-worn video.
- (b) That the General Manager writes to the Hon. Sophie Cotsis MP, Minister for Industrial Relations and Minister for Work Health and Safety, the Hon. Michael Daley MP, Attorney General, and the Hon. Ron Hoenig MP, Minister for Local Government, seeking support to introduce legislative protections to support the safety of frontline council employees across NSW in accordance with points above.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM061-24 Open Space Objectives for Hurstville (Report by Councillor Liu)

RESOLVED: Councillor Liu, Councillor Smerdely

- (a) That Council writes to the NSW Government's Transport Asset Holding Entity (TAHE) enquiring as to the availability to unlock any rail land within the Hurstville Ward to convert to open space.
- (b) That should TAHE confirm availability of suitable land to accommodate the expansion of open space within the Hurstville Ward, Council will investigate funding opportunities, for the purpose of transforming the land into open space for the community.
- (c) That Council keep the community informed of any progress and updates from TAHE.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor

Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM056-24 Review of Attacking Dog Penalties and Owner Identification Processes
(Report by Councillor Katris)

MOTION: Councillor Katris, Councillor Ficarra

In view of ongoing reports of serious dog attacks across NSW and the difficulties faced by regulatory authorities to identify offenders:

That the General Manager write to The Hon. Ron Hoenig MP Minister for Local Government requesting the NSW Government to:

- (i) Review the *Companion Animals Act 1998* - Section 16 Offences – to increase penalties in situations where a dog is allowed to attack people and other animals.
- (ii) Introduce a mandatory ‘permit to acquire’ scheme linked to a valid MyService NSW Account, for the acquisition and disposal of any companion animal, to minimise the number of unidentified animals abandoned in council pounds.

AMENDMENT: Councillor Landsberry, Deputy Mayor, Councillor Borg

That the General Manager write to The Hon. Ron Hoenig MP Minister for Local Government requesting the NSW Government to review the *Companion Animals Act 1998* - Section 16 Offences – to increase penalties in situations where a dog is allowed to attack people and other animals.

Record of Voting

For the Amendment: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos

Against the Amendment: Councillor Ficarra, Councillor Katris, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Amendment was ten (10) votes FOR and four (4) votes AGAINST. The Amendment was CARRIED and became the Motion.

MOTION: Councillor Landsberry, Deputy Mayor Borg

That the General Manager write to The Hon. Ron Hoenig MP Minister for Local Government requesting the NSW Government to review the *Companion Animals Act 1998* - Section 16 Offences – to increase penalties in situations where a dog is allowed to attack people and other animals.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM062-24 Council Congratulate and Acknowledge Riverwood Hornets Cadet Corp
(Report by Councillor Liu)

RESOLVED: Councillor Liu, Councillor Smerdely

That Council congratulate and acknowledge the Riverwood Hornets Marching Band for representing Australia at the 80th Anniversary of the D-Day Landings in June 2024. The Hornets were the only Australian band present at the historic event, representing the 3,300 Australians who played a crucial role in the invasion.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM063-24 Co-Working Business Hub Feasibility Study
(Report by Deputy Mayor, Councillor Borg)

Note: It was noted that Councillor Smerdely left the Chambers at 09:23pm

Note: It was noted that Councillor Stratikopoulos left the Chambers at 09:23pm

RESOLVED: Deputy Mayor, Councillor Borg, Councillor Jamieson

That Council delivers a feasibility study outlining options that could support the delivery of a co-working business hub within the centres of Georges River LGA. The study could include:

- (a) An analysis of different operational models that considers the cost benefit, governance, program delivery and ownership options.
- (b) An analysis of potential sites that could best facilitate a co-working business hub, including the previous Kogarah Council Civic Centre.
- (c) An exploration on how a co-working hub can support local businesses, talent attraction, the development of industry networks and the facilitation of a local innovation ecosystem.
- (d) An exploration of program delivery options including business mentorship, networking opportunities, skills-development workshops.
- (e) Consultation with local business networks and groups to understand the demand and opportunities to deliver a co-working space within the region. Networks to engage include the St Georges Business Chamber, the Economic Leadership Group and Spark Leaders Innovation Ecosystem.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Symington, Councillor Wang

Against the Motion: Councillor Ficarra

On being PUT to the meeting, voting on this Motion was eleven (11) votes FOR and one (1) vote AGAINST. The Motion was CARRIED.

NM064-24 NSW Multicultural Principles
(Report by Councillor Wang)

Note: It was noted that Councillor Stratikopoulos returned to the Chambers at 09:34pm

Note: It was noted that Councillor Smerdely returned to the Chambers at 09:34pm

RESOLVED: Councillor Wang, Councillor Katris

That Council develop a campaign amplifying Council's achievements within the social justice charter plan that align with the NSW Multicultural Principles. The campaign could include the following:-

Compile achievements: Document Council's achievements in promoting cultural diversity through successful events and policies.

Promote small businesses: Highlight Council's special efforts in promoting small businesses within the culturally and linguistically diverse community.

Community language support: Specify Council's governance in providing robust community language support within the Social Justice Charter Plan 2024-2026, the Customer Experience Strategy 2022-2027, and initiatives in the 2024/2025 budget.

Publish interpretation and translation services: Make public Council's interpretation and translation services, especially for frontline services.

Acknowledge Ministerial response: Recognise the letter from the Hon. Stephen Kamper MP, Minister of Multiculturalism, in response to the motion raised by Georges River Council at LGNSW 2023. The letter highlights that Georges River Council has developed the Social Justice Charter informed by the Multicultural NSW Act 2000 and the NSW Multicultural Principles, embedding this Charter into its service delivery.

That at the next review of the Social Justice Charter in 2026, the charter acknowledges the Multicultural NSW Act 2000.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM065-24 Creating Canopies Community Planting Events
(Report by Councillor Wang)

RESOLVED: Councillor Wang, Councillor Mahoney

That:

- (a) Council acknowledges Greater Sydney Landcare's partnership with Georges River Council in hosting two Creating Canopies community planting events this year.
- (b) Council recognises the support of all partners involved: Oatley Flora and Fauna Conservation Society, Georges River Trees, Georges River Association, Shah Satnam Ji Green S Welfare Force Wing, Sutherland Shire Environment Centre.
- (c) Council commends the long-time hard work of the Council's Bushcare team in these events and provide an update on its coverage throughout the entire Georges River Council

LGA, including Hurstville.

- (d) Council provides an update on the progress towards the strategic target of achieving 40% canopy cover by 2038, contributing to a more sustainable future for Georges River.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM066-24 Review of Lighting and Increased Lux Levels at Turf Sports Fields (Report by Councillor Konjarski)

RESOLVED: Councillor Konjarski, Deputy Mayor, Councillor Borg

- (a) That a review of sports lighting be undertaken to determine the Lux levels at all sports fields across the LGA that have lighting provisions.
- (b) That a report be provided to the Sports Advisory Committee, and subsequently Council, identifying the feasibility and cost implications associated with upgrading or installing lighting at a number of fields to enable night (wet weather catch up) matches to be played.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM067-24 Public Spaces Decorative Lighting (Report by Deputy Mayor, Councillor Borg)

RESOLVED: Deputy Mayor, Councillor Borg, Councillor Liu

That the General Manager prepares a report for Council that outlines lighting options to enhance streetscapes and village centres within the Georges River LGA. The report will include:

- (i) An exploration of ambient lighting solutions that consider WHS requirements, environmental impacts, maintenance and cost effectiveness.
- (ii) An analysis of potential village precincts that could benefit from ambient lighting.
- (iii) That Council officers submit a budget bid for consideration in the 2025/26 draft budget to implement the findings of the report and enhance lighting at select locations within the LGA.
- (iv) An exploration of how ambient lighting can support feelings and perceptions of community safety and community connection along high streets and the facilitation of increased night-time economy activities within village centres.
- (v) That Council promotes funding opportunities with Council and the State Government for local businesses to enhance their shopfronts and enhance their precinct with ambient

lighting.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM068-24 State Owned Walkway - Hurstville Station (Report by Councillor Mort)

RESOLVED: Councillor Mort, Deputy Mayor, Councillor Borg

That Council write to Transport for NSW requesting replacement of the metal mesh feature wall barriers along the state-owned walkway leading into Hurstville Station towards Hurstville Central and general cleansing of this area.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM069-24 Abandoned Shopping Trolleys (Report by Councillor Wang)

Note: Councillor Symington left the chambers at 9:57pm

RESOLVED: Councillor Wang, Councillor Katris

- (a) That Council's General Manager write to The Hon. Ron Hoenig MP Minister for Local Government requesting that the NSW Government amends the *Public Spaces (Unattended Property) Act 2021* to mandate that owners must adopt measures to prevent shopping trolleys from being taken from shopping centre premises. The letter should:
- (i) specify the number of complaints relating to shopping trolleys received by the council since the inception of the Act,
 - (ii) outline the significant safety risk posed to the community caused by dumped shopping trolleys, and
 - (iii) outline the negative impact on the council caused by the time-consuming process required to manage abandoned trolleys.
- (b) That Council seek the support of Local Government NSW to advocate for the proposed legislative amendment.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM070-24 Carss Bush Park Playground

(Report by Councillor Landsberry)

Note: Councillor Symington returned to the chambers at 10:05pm

RESOLVED: Councillor Landsberry, Councillor Mort

(a) That Council notes:

(i) Stage 1 of the Carss Bush Park Playspace Upgrade is currently underway, with an expected completion date in the 2024/25 Financial Year.

(ii) Stage 1 of the upgrade will include the installation of new inclusive play equipment.

(b) That Council undertakes a review of inclusive play equipment included within the Carss Bush Park Playground Upgrade Project Stage 1, and incorporate, if required, further inclusive play equipment into the Stage 2 design.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM071-24 Congratulations World Dragon Fan Club Australia

(Report by Councillor Wang)

Note: It was noted that Councillor Ficarra left the Chambers at 10:07pm

Note: It was noted that Councillor Konjarski left the Chambers at 10:10pm

Note: It was noted that Councillor Ficarra returned to the Chambers at 10:13pm

Note: It was noted that Councillor Konjarski returned to the Chambers at 10:13pm

RESOLVED: Councillor Wang, Deputy Mayor, Councillor Borg

(a) That Council congratulates the World Dragon Fan Club Australia on their successful Bruce Lee 51st Memorial Ceremony held in Kogarah and Hurstville on 12-14 July 2024.

(b) That Council acknowledges the attendance of Honourable Linda Burney, Minister for Indigenous Australians and Member for Barton, Member for Cabramatta, Mr Tri Vo, Rev. Alfred Yau, Bruce Lee's nephew, Superintendent Paul Dunstan, St George Police Area Commander, and Councillors Ambihaipahar, Liu, and Wang, and Simon Chan Multicultural NSW Advisory Board member.

(c) That Council continues to assess on merit Council's Grants and Donations Policy applications, including for community-led events such as the Bruce Lee Festival events.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor

Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

NM072-24 Battery Charging and Safety Campaign
(Report by Councillor Mahoney)

RESOLVED: Councillor Mahoney, Deputy Mayor, Councillor Borg

That Council conducts a publicity campaign via its website, print and social media channels in order to heighten awareness about the severe safety risks involved with the use of batteries and battery chargers, and with the information provided to include safe methods of disposal of these items.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mahoney, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

QUESTIONS WITH NOTICE

QWN019-24 The Big Wash - Street Cleansing Program
(Report by Councillor Liu)

Note: It was noted that Councillor Mahoney left the Chambers at 10:17pm

Answer published in the business paper.

Note: Councillor Wang asked a Question with No Notice to the Director Asset and Infrastructure "The Big Wash" "does it include the ramp at Hurstville". The Director took the question on notice. The response will be reported to the August 2024 Council Meeting.

QWN020-24 Mosque Update
(Report by Councillor Wang)

Answer published in the business paper.

QWN021-24 Traffic and Parking Matters
(Report by Councillor Wang)

Answer published in the business paper.

QWN022-24 Female Facilities and Water Safety
(Report by Councillor Landsberry)

Answer published in the business paper.

QUESTIONS WITH NO NOTICE

QNN003-24 Parking Fines - Forest Road Hurstville (Report by Councillor Wang)

Answer published in the business paper.

PROCEDURAL MOTION

MOVE TO CLOSED SESSION

RESOLVED: Councillor Smerdely

That at this stage of the meeting, being 10:19pm, the meeting move into a Committee of the Whole to allow consideration of a matter in Closed Session in accordance with Section 10A of The Local Government Act 1993. Accordingly, members of the press and public are excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session will be withheld.

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

CCL033A-24 Early Learning Services Feasibility Study (Report by Manager Community and Early Learning 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) (f) it is considered the matter affects the security of council, councillors, council staff or council property.

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 affects the security of council, councillors, council staff or council property.

CCL034A-24 Peakhurst Park Community Centre, 7A Hedley Street, Riverwood (Report by Manager City Life)

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.

CCL035A-24 Code of Conduct Investigation Report - Councillor Nancy Liu (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) (i) 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.

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

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CLOSED CONFIDENTIAL SESSION

CONSIDERATION OF CONFIDENTIAL RECOMMENDATIONS

CCL033A-24 Early Learning Services Feasibility Study

(Report by Manager Community and Early Learning Services)

RESOLVED: Councillor Katris, Councillor Landsberry

That Council:

- (a) Endorse the feasibility study 'Inclusive Early Learning Services' (Attachment 1) conducted by Council officers on inclusive services for children with additional needs and vulnerabilities.
- (b) Endorse the short, medium, and long-term recommendations as outlined in the body of the report based on findings of both projects.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CCL034A-24 Peakhurst Park Community Centre, 7A Hedley Street, Riverwood

(Report by Manager City Life)

RESOLVED: Councillor Konjarski, Councillor Smerdely

- (a) That Council note the project change for the future Peakhurst Park Community Centre located at 7A Hedley Street Riverwood, to negate financial, time and future site use risks:

- (i) to halt the facility refurbishment project; and
 - (ii) to engage a modular building company to execute a design, Development Application approval and construction project to develop a new community facility on the footprint of the existing community facility at 7A Hedley Street Riverwood.
- (b) That Council approve the budget allocation and funding sources as outlined in the financial implications section of this report.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CCL035A-24 Code of Conduct Investigation Report - Councillor Nancy Liu
(Report by Chief Audit Executive)

Note: It was noted that Councillor Liu left the Chambers at 10:29pm

RESOLVED: Councillor Konjarski, Councillor Ficarra

- (a) Council adopts the Conduct Reviewer's recommendation that Councillor Liu be formally censured under section 440G of the Local Government Act 1993 for breaches of the Code of Conduct.
- (b) That on or about 18 March 2024, Councillor Nancy Liu, engaged in misconduct by writing a letter in her capacity as a councillor to Revenue NSW endeavouring to have overturned a parking infringement issued by Council. Such conduct is in breach of clauses 3.1., 6.12, 8.13 and 8.18 of the Georges River Council Code of Conduct.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

PROCEDURAL MOTION
OPEN SESSION

Note: It was noted that Councillor Liu returned to the Chambers at 10:30pm

RESOLVED: Councillor Smerdely

That the meeting revert to Open Session, time being 10:31pm.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

OPEN SESSION

CONFIRMATION OF RECOMMENDATIONS FROM CLOSED SESSION

RESOLVED: Councillor Smerdely, Councillor Ficarra

That the Committee of the Whole recommendations from the Closed Session in relation to **CCL033A-24 Early Learning Services Feasibility Study, CCL034A-24 Peakhurst Park Community Centre, 7A Hedley Street, Riverwood and CCL035A-24 Code of Conduct Investigation Report - Councillor Nancy Liu** be received and noted as resolutions of Council without any alterations or amendments thereto.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 10:33pm

Chairperson

MAYORAL MINUTE

COMMITTEE REPORTS

Item: CCL053-24 Report of the Assets and Infrastructure Committee meeting held on 12 August 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Committee Reports

CCL053-24

RECOMMENDATION:

That the Assets and Infrastructure Committee recommendations for items ASS020-24 to ASS026-24 as detailed below, be adopted by Council.

EXECUTIVE SUMMARY

The following Committee recommendations for items ASS020-24 to ASS026-24 are submitted to Council for determination.

The recommendations were made by the Assets and Infrastructure Committee at its meeting on 12 August 2024.

COMMITTEE RECOMMENDATIONS

ASS020-24 TRAFFIC ADVISORY COMMITTEE - DRAFT TERMS OF REFERENCE
(Report by Acting Manager Strategic Placemaking)

RECOMMENDATION: Councillor Smerdely, Councillor Mort

- (a) That Council approve the Draft Terms of Reference for the Georges River Council Traffic Advisory Committee.
- (b) That Council appoint the Chairperson, and their alternate annually, in line with all other elections to Committees of Council.
- (c) That the Georges River Council Traffic Advisory Committee is no longer webcast.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ASS025-24 REPORT OF THE GEORGES RIVER COUNCIL TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 6 AUGUST 2024
(Report by Acting Manager Strategic Placemaking)

RECOMMENDATION: Councillor Smerdely, Councillor Ficarra

That the recommendations contained within the Minutes of the Georges River Council Traffic Advisory Committee Meeting held on 6 August 2024 are submitted to the Assets and Infrastructure Committee for consideration and to Council for adoption.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor

Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ASS026-24 REPORT OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD ON 1 AUGUST 2024

(Report by Acting Manager Strategic Placemaking)

RECOMMENDATION: Councillor Smerdely, Councillor Symington

That the recommendations contained within the Minutes of the Floodplain Risk Management Committee Meeting held on 1 August 2024 are submitted to the Assets and Infrastructure Committee for consideration and to Council for adoption.

Record of Voting


For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FILE REFERENCE

D24/224813

ATTACHMENTS

Attachment [↓](#)1  Minutes of the Assets and Infrastructure Committee meeting held on 12 August 2024

MINUTES

Assets and Infrastructure Committee

Monday, 12 August 2024

7:00 PM

Waratah Room

Georges River Civic Centre

Hurstville

UNCONFIRMED



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Councillor Lou Konjarski (Chairperson), Councillor Veronica Ficarra, Councillor Natalie Mort, Councillor Nick Smerdely, Councillor Sam Stratikopoulos and Councillor Colleen Symington.

COUNCIL STAFF

Acting Director Assets and Infrastructure – Tom Heath, Acting Manager Strategic Placemaking – James Magee, Executive Manager City Futures - Simon Massey, General Counsel - James Fan, Acting EA to the Director Assets and Infrastructure – Mitchel Spinola (minutes), Executive Services Officer – Nickie Paraskevopoulos and Chris Stojanovski, Technology Business Support Officer

OPENING

The Chairperson, Councillor Konjarski, opened the meeting at 7.01 pm.

Note: Councillor Konjarski and Councillor Symington thanked the staff and Assets and Infrastructure Directorate for their support throughout the 7 years at Council.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Konjarski 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.

APOLOGIES/LEAVE OF ABSENCE

MOTION: Councillor Mort, Councillor Smerdely

That an apology be accepted for Councillor Liu.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

There were no requests to attend via Audio Visual Link.

NOTICE OF WEBCASTING

The Chairperson, Councillor Konjarski 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

There were no disclosures of interest made.

PUBLIC FORUM

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ASS024-24 Confirmation of the Minutes of the Assets and Infrastructure Committee Meeting held on 8 July 2024

(Report by Executive Services Officer)

RECOMMENDATION: Councillor Smerdely, Councillor Stratikopoulos

That the Minutes of the Assets and Infrastructure Committee Meeting held on 8 July 2024, be confirmed.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COMMITTEE REPORTS

ASS020-24 Traffic Advisory Committee - Draft Terms of Reference

(Report by Acting Manager Strategic Placemaking)

RECOMMENDATION: Councillor Smerdely, Councillor Mort

- (a) That Council approve the Draft Terms of Reference for the Georges River Council Traffic Advisory Committee.
- (b) That Council appoint the Chairperson, and their alternate annually, in line with all other elections to Committees of Council.
- (c) That the Georges River Council Traffic Advisory Committee is no longer webcast.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ASS025-24 Report of the Georges River Council Traffic Advisory Committee Meeting held on 6 August 2024

(Report by Acting Manager Strategic Placemaking)

RECOMMENDATION: Councillor Smerdely, Councillor Ficarra

That the recommendations contained within the Minutes of the Georges River Council Traffic Advisory Committee Meeting held on 6 August 2024 are submitted to the Assets and Infrastructure Committee for consideration and to Council for adoption.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ASS026-24 Report of the Floodplain Risk Management Committee Meeting held on 1 August 2024

(Report by Acting Manager Strategic Placemaking)

RECOMMENDATION: Councillor Smerdely, Councillor Symington

That the recommendations contained within the Minutes of the Floodplain Risk Management Committee Meeting held on 1 August 2024 are submitted to the Assets and Infrastructure Committee for consideration and to Council for adoption.

Record of Voting

For the Motion: Chairperson Konjarski, Councillor Ficarra, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 7.06 pm.

Chairperson

UNCONFIRMED

Item: CCL054-24 Report of the Community and Culture Committee meeting held on 12 August 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Committee Reports

CCL054-24

RECOMMENDATION:

That the Community and Culture Committee recommendations for items COM026-24 to COM031-24 as detailed below, be adopted by Council.

EXECUTIVE SUMMARY

The following Committee recommendations for items COM026-24 to COM031-24 are submitted to Council for determination.

The recommendations were made by the Community and Culture Committee at its meeting on 12 August 2024.

COMMITTEE RECOMMENDATIONS

COM026-24 GEORGES RIVER COUNCIL LIBRARY USE AND MEMBERSHIP POLICY
(Report by Coordinator Library Customer Experience)

RECOMMENDATION: Councillor Konjarski, Councillor Landsberry

- (a) That Council approve the revised draft Georges River Council Library Use and Membership Policy (the Policy) to be placed on public exhibition for a period of no less than 28 days.
- (b) That a further report be submitted to Council on the feedback received during the exhibition period, together with any recommended changes to the revised draft Policy prior to adoption.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM027-24 GREEK ORTHODOX PATRIARCHAL VISIT TO KOGARAH – EVENT GRANT
(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Smerdely, Councillor Ambihaipahar

That Council approves the event grant of \$17,000, to support the 'Greek Orthodox Patriarchal visit to Kogarah' on Wednesday 9 October 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM028-24 ADOPTION OF THE DRAFT LOCAL APPROVALS POLICY - USE OF PUBLIC LAND

(Report by Manager City Life)

RECOMMENDATION: Councillor Landsberry, Councillor Mort

- (a) That Council adopts the draft Local Approvals Policy - Use of Public Land (the Policy) following the public exhibition period.
- (b) That a further General Manager be delegated authority to update Appendix G of the Policy, *Designated Areas for Activities on Public Land*, pending the assessment of proposed locations by Council's Traffic Management team.
- (c) That the Council repeal the Street Performance Policy, as its contents are now incorporated into the draft Local Approvals Policy - Use of Public Land.
- (d) That the General Manager be delegated authority to make minor administrative changes to the Policy, if required.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM029-24 LUGARNO PROGRESS ASSOCIATION - EVENT GRANT

(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Konjarski, Councillor Mort

That Council approves the event grant request of \$10,960 (\$9,750 financial and \$1,210 in-kind value) to support the Music in the Park Event hosted by the Lugarno Progress Association on Sunday 10 November 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM030-24 LUGARNO LIONS COMMUNITY FESTIVAL - EVENT GRANT

(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Konjarski, Councillor Mort

That Council approves the event grant request of \$19,260.00 (\$16,215.00 financial and \$3,045.00 in-kind value) to support the 'Lugarno Lions Community Festival' on Sunday 15 September 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor

Landsberry, Councillor Mort, Councillor Smerdely, Councillor
Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM031-24 KINGSWAY CARE FUNDRAISING DINNER - OUTGOING SPONSORSHIP
(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Mort, Councillor Landsberry

That Council approves the Outgoing Sponsorship request of \$5,000 to become a sponsor of the Kingsway Care Fundraising Dinner, Thursday 24 October 2024.

Record of Voting


For the Motion: Councillor Liu, Councillor Ambihapahar, Councillor Konjarski, Councillor
Landsberry, Councillor Mort, Councillor Smerdely, Councillor
Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FILE REFERENCE

D24/224815

ATTACHMENTS

Attachment [↓](#)1  Minutes of the Community and Culture Committee meeting held on 12 August 2024

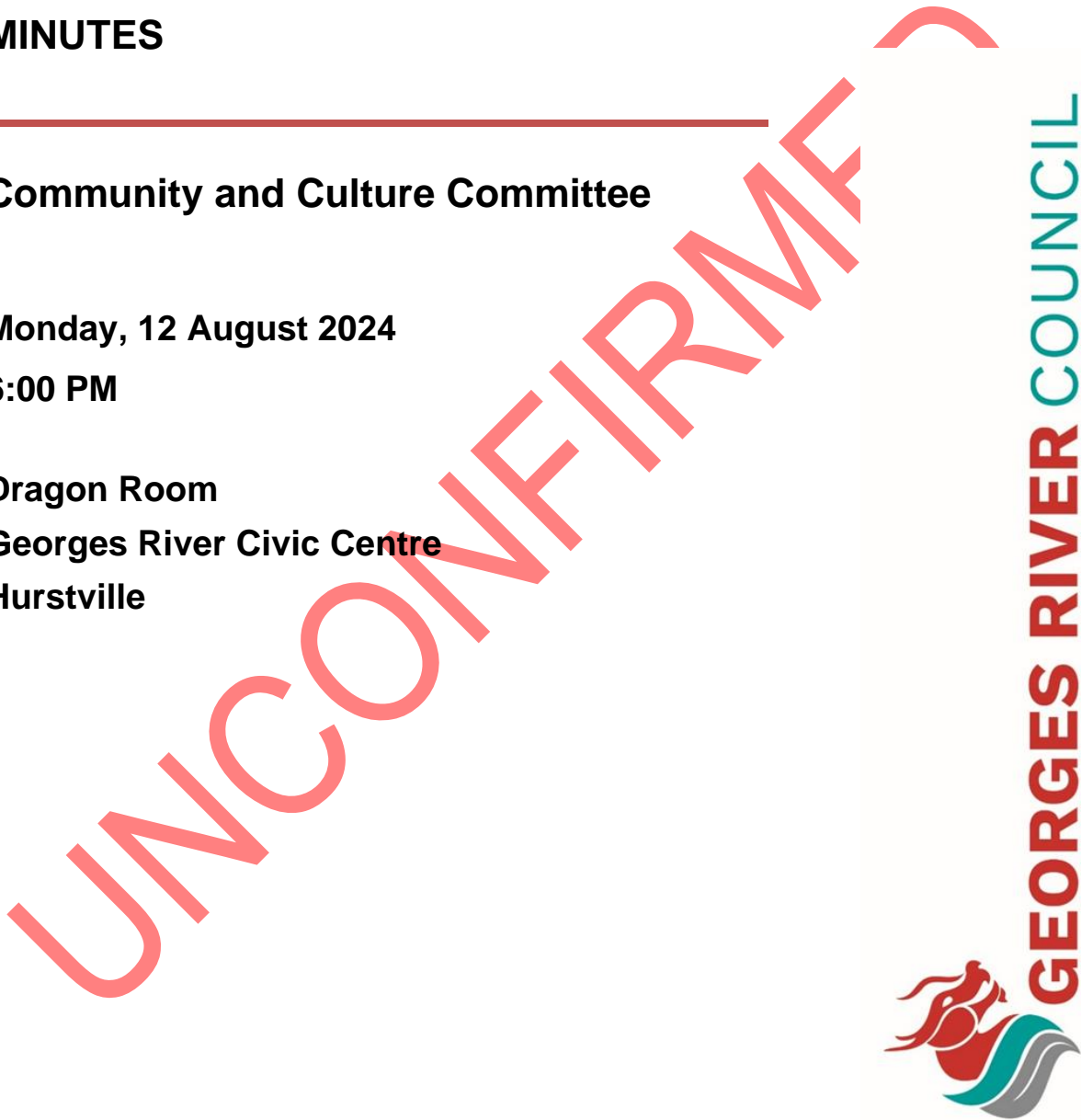
MINUTES

Community and Culture Committee

Monday, 12 August 2024

6:00 PM

Dragon Room
Georges River Civic Centre
Hurstville



PRESENT

COUNCIL MEMBERS

Councillor Nancy Liu (Chairperson), Councillor Ashvini Ambihaipahar, Councillor Lou Konjarski, Councillor Kathryn Landsberry, Councillor Natalie Mort, Councillor Nick Smerdely, Councillor Sam Stratikopoulos, and Councillor Benjamin Wang.

COUNCIL STAFF

Acting Director Community and Culture – Margaret Le, Acting General Manager – Kristie Dodd, Manager Cultural Engagement and Library Services – Justin Yeomans, Acting Manager City Life – Andrew Williams, Executive Manager City Futures - Simon Massey, General Counsel – James Fan, Manager Office of the General Manager - Vicki McKinley, Executive Services Officer – Jennifer Anderson, Research and Policy Officer – Madeline Bull, Team Leader Technology Business Support - Mark Tadros and Acting Executive Assistant to the Director Community and Culture – Billie Johnson (Minutes).

OPENING

The Chairperson, Councillor Liu, opened the meeting at 6.01pm.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Liu acknowledged the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. She paid her 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.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

There were no requests to attend via Audio Visual Link.

NOTICE OF WEBCASTING

The Chairperson, Councillor Liu 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

Councillor Stratikopoulos disclosed a Significant, Non-Pecuniary Interest in item **COM027-24 Greek Orthodox Patriarchal Visit to Kogarah – Event Grant** for the reason that he serves on the Committee of the Greek Orthodox Parish of Kogarah. Councillor Stratikopoulos will leave the meeting and not participate in consideration and voting on this item.

PUBLIC FORUM

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COM025-24 Confirmation of the Minutes of the Community and Culture Committee Meeting held on 8 July 2024

(Report by Executive Services Officer)

RECOMMENDATION: Councillor Landsberry, Councillor Ambihaipahar

That the Minutes of the Community and Culture Committee Meeting held on 8 July 2024, be confirmed.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COMMITTEE REPORTS

COM026-24 Georges River Council Library Use and Membership Policy

(Report by Coordinator Library Customer Experience)

RECOMMENDATION: Councillor Konjarski, Councillor Landsberry

- (a) That Council approve the revised draft Georges River Council Library Use and Membership Policy (the Policy) to be placed on public exhibition for a period of no less than 28 days.
- (b) That a further report be submitted to Council on the feedback received during the exhibition period, together with any recommended changes to the revised draft Policy prior to adoption.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

Note: Councillor Stratikopoulos left the meeting at 06:07pm

COM027-24 Greek Orthodox Patriarchal Visit to Kogarah – Event Grant

(Report by Coordinator Events and Sponsorship)

Note: Councillor Stratikopoulos disclosed a Significant, Pecuniary interest in item COM027-24. Councillor Stratikopoulos left the meeting at 6.07pm and did not take part in consideration and voting on this item.

RECOMMENDATION: Councillor Smerdely, Councillor Ambihaipahar

That Council approves the event grant of \$17,000, to support the 'Greek Orthodox Patriarchal visit to Kogarah' on Wednesday 9 October 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor

Landsberry, Councillor Mort, Councillor Smerdely, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

Note: Councillor Stratikopoulos returned to the meeting at 06:11pm

COM028-24 Adoption of the Draft Local Approvals Policy - Use of Public Land
(Report by Manager City Life)

RECOMMENDATION: Councillor Landsberry, Councillor Mort

- (a) That Council adopts the draft Local Approvals Policy - Use of Public Land (the Policy) following the public exhibition period.
- (b) That a further General Manager be delegated authority to update Appendix G of the Policy, *Designated Areas for Activities on Public Land*, pending the assessment of proposed locations by Council's Traffic Management team.
- (c) That the Council repeal the Street Performance Policy, as its contents are now incorporated into the draft Local Approvals Policy - Use of Public Land.
- (d) That the General Manager be delegated authority to make minor administrative changes to the Policy, if required.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM029-24 Lugarno Progress Association - Event Grant
(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Konjarski, Councillor Mort

That Council approves the event grant request of \$10,960 (\$9,750 financial and \$1,210 in-kind value) to support the Music in the Park Event hosted by the Lugarno Progress Association on Sunday 10 November 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM030-24 Lugarno Lions Community Festival - Event Grant
(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Konjarski, Councillor Mort

That Council approves the event grant request of \$19,260.00 (\$16,215.00 financial and \$3,045.00 in-kind value) to support the 'Lugarno Lions Community Festival' on Sunday 15 September 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COM031-24 Kingsway Care Fundraising Dinner - Outgoing Sponsorship
(Report by Coordinator Events and Sponsorship)

RECOMMENDATION: Councillor Mort, Councillor Landsberry

That Council approves the Outgoing Sponsorship request of \$5,000 to become a sponsor of the Kingsway Care Fundraising Dinner, Thursday 24 October 2024.

Record of Voting

For the Motion: Councillor Liu, Councillor Ambihaipahar, Councillor Konjarski, Councillor Landsberry, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 6.25pm

Chairperson

UNCONFIRMED

Item: CCL055-24 Report of the Environment and Planning Committee meeting held on 12 August 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Committee Reports

CCL055-24

RECOMMENDATION:

That the Environment and Planning Committee recommendations for items ENV032-24 to ENV037-24 as detailed below, be adopted by Council.

EXECUTIVE SUMMARY

The following Committee recommendations for items ENV032-24 to ENV037-24 are submitted to Council for determination.

The recommendations were made by the Environment and Planning Committee at its meeting on 12 August 2024.

COMMITTEE RECOMMENDATIONS

ENV032-24 INVESTIGATION OF MISSED WASTE COLLECTION SERVICES AND APPROPRIATE ACTIONS TO RESOLVE
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Wang, Councillor Jamieson

That Council receive and note this report on missed waste bin collection services in the local government area.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV033-24 REVIEW OF E - WASTE EVENTS AND FUTURE COMMUNITY RECYCLING EVENTS
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Landsberry, Councillor Jamieson

- (a) That Council acknowledge the increasing demand for community recycling events and the pressure that it is placing on the Carlton Depot.
- (b) That Council rescind the decision to alternate community recycling events between Carlton and Mortdale Depots.
- (c) That Council delegate to the General Manager to determine the most suitable location to host community recycling events based on their expected demand.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV034-24 ZERO LITTER TO GEORGES RIVER - PROGRESS UPDATE REPORT 2024
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Jamieson, Deputy Mayor, Councillor Borg

- (a) That Council note the progress made towards Councils target of zero litter to Georges River originating from terrestrial locations above the high-water mark within the Georges River Local Government Area by 2030.
- (b) That Council note a litter target update report will continue to be provided every two years in line with Council's resolution dated 22 June 2020.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV035-24 DRAFT PRINCIPAL CERTIFIER COMPLAINTS POLICY 2024 - OUTCOME OF PUBLIC EXHIBITION
(Report by Business Improvement Officer)

RECOMMENDATION: Councillor Jamieson, Councillor Katris

That this item be deferred to the ordinary Council meeting scheduled for 26 August 2024 to seek clarification on item 2.3.4 of the Draft Policy.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV036-24 DEVELOPMENT AND BUILDING Q4 METRICS REPORT
(Report by Manager Development and Building)

RECOMMENDATION: Councillor Katris, Councillor Jamieson

That Council receive and note the Quarterly Development and Building Section Functions and Services Metrics Report for the period April to June 2024.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV037-24 PLANNING PROPOSAL FOR GATEWAY DETERMINATION - 84D ROBERTS AVENUE MORTDALE (Report by Strategic Planner/Information Management)

RECOMMENDATION: Councillor Katris, Councillor Jamieson

- (a) Support the proposed amendment to Schedule 1 of the *Georges River Local Environmental Plan 2021*;
- (b) Endorse the forwarding of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Georges River Local Environmental Plan 2021* by introducing medical centre as an additional permitted use on the land at 84D Roberts Avenue, Mortdale (Lot 21, DP 542051).

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FILE REFERENCE

D24/224820

ATTACHMENTS

Attachment [↓](#)1 Minutes of the Environment and Planning Committee meeting held on 12 August 2024



MINUTES

Environment and Planning Committee

Monday, 12 August 2024

7:00 PM

Dragon Room
Georges River Civic Centre,
Hurstville

UNCONFIRMED



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Councillor Peter Mahoney (Chairperson), Deputy Mayor, Councillor Borg Councillor Ashvini Ambihaipahar, Councillor Christina Jamieson, Councillor Nick Katris, Councillor Kathryn Landsberry, and Councillor Benjamin Wang.

COUNCIL STAFF

Acting General Manager – Kristie Dodd, Director Environment and Planning – Joseph Hill, General Counsel – James Fan, Manager Environment Health and Regulatory Services – Andrew Spooner, Acting Manager Development and Building – Nicole Askew, Coordinator Environment Sustainability and Waste – Elyse Ballesty, Acting Coordinator Strategic Planning – Harkirat Singh, Business Improvement Officer – Rebecca Hosking, Senior Environment Officer – Sean Simpson, Executive Manager City Futures – Simon Massey, Manager Office of the General Manager – Vicki McKinley, Executive Assistant to the Director, Environment and Planning - Leanne Allen (Minutes), Executive Services Officer – Jennifer Anderson, Team Leader Technology Business Support – Mark Tadros

OPENING

The Chairperson, Councillor Mahoney, opened the meeting at 7pm.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Mahoney 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.

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

There were no requests to attend via Audio Visual Link.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

NOTICE OF WEBCASTING

The Chairperson, Councillor Mahoney 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

There were no disclosures of interest made.

PUBLIC FORUM

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ENV031-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 8 July 2024 (Report by Executive Services Officer)

RECOMMENDATION: Councillor Landsberry, Councillor Jamieson

That the Minutes of the Environment and Planning Committee Meeting held on 8 July 2024, be confirmed.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihapahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COMMITTEE REPORTS

ENV032-24 Investigation of Missed Waste Collection Services and Appropriate Actions to Resolve (Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Wang, Councillor Jamieson

That Council receive and note this report on missed waste bin collection services in the local government area.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihapahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV033-24 Review of E - Waste Events and Future Community Recycling Events (Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Landsberry, Councillor Jamieson

- (a) That Council acknowledge the increasing demand for community recycling events and the pressure that it is placing on the Carlton Depot.
- (b) That Council rescind the decision to alternate community recycling events between Carlton and Mortdale Depots.
- (c) That Council delegate to the General Manager to determine the most suitable location to host community recycling events based on their expected demand.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor

Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV034-24 Zero Litter to Georges River - Progress Update Report 2024
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Jamieson, Deputy Mayor, Councillor Borg

- (a) That Council note the progress made towards Councils target of zero litter to Georges River originating from terrestrial locations above the high-water mark within the Georges River Local Government Area by 2030.
- (b) That Council note a litter target update report will continue to be provided every two years in line with Council's resolution dated 22 June 2020.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV035-24 Draft Principal Certifier Complaints Policy 2024 - Outcome of Public Exhibition
(Report by Business Improvement Officer)

RECOMMENDATION: Councillor Jamieson, Councillor Katris

That this item be deferred to the ordinary Council meeting scheduled for 26 August 2024 to seek clarification on item 2.3.4 of the Draft Policy.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV036-24 Development and Building Q4 Metrics Report
(Report by Manager Development and Building)

RECOMMENDATION: Councillor Katris, Councillor Jamieson

That Council receive and note the Quarterly Development and Building Section Functions and Services Metrics Report for the period April to June 2024.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV037-24 Planning Proposal for Gateway Determination - 84D Roberts Avenue Mortdale
(Report by Strategic Planner/Information Management)

RECOMMENDATION: Councillor Katris, Councillor Jamieson

- (a) Support the proposed amendment to Schedule 1 of the *Georges River Local Environmental Plan 2021*;
- (b) Endorse the forwarding of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Georges River Local Environmental Plan 2021* by introducing medical centre as an additional permitted use on the land at 84D Roberts Avenue, Mortdale (Lot 21, DP 542051).

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihapahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 8.01pm

Chairperson

Item: CCL056-24 Report of the Finance and Governance Committee meeting held on 12 August 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Committee Reports

CCL056-24

RECOMMENDATION:

That the Finance and Governance Committee recommendations for items FIN030-24 to FIN031-24 as detailed below, be adopted by Council.

EXECUTIVE SUMMARY

The following Committee recommendations for items FIN030-24 to FIN031-24 are submitted to Council for determination.

The recommendations were made by the Finance and Governance Committee at its meeting on 12 August 2024.

COMMITTEE RECOMMENDATIONS

FIN030-24 INVESTMENT REPORT AS AT 30 JUNE 2024
(Report by Senior Financial Accountant - Reporting)

RECOMMENDATION: Deputy Mayor, Councillor Borg, Councillor Katris

That the Investment Report as at 30 June 2024 be received and noted by Council.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Ficarra, Councillor Katris, Councillor Mahoney, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FIN031-24 2023-24 CAPITAL WORKS PROGRAM CARRYOVERS
(Report by Senior Business Performance Accountant)

RECOMMENDATION: Councillor Symington, Councillor Katris

(a) That Council receives and notes the contents of this report in relation to the proposed carryover of budgets from the 2023/24 Capital Works Program to be added to the 2024/25 Capital Works Program budget.

(b) That Council adopt the revised 2024/25 Capital Works Program budget, including the carryovers from 2023/24, as outlined in Attachment 1.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Ficarra, Councillor Katris, Councillor Mahoney, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FILE REFERENCE

D24/224823

ATTACHMENTS

Attachment [↓](#)1 Minutes of the Finance and Governance Committee meeting held on 12 August 2024



MINUTES

Finance and Governance Committee

Monday, 12 August 2024

6:00 PM

Waratah Room

Georges River Civic Centre

Hurstville

UNCONFIRMED



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Councillor Christina Jamieson (Chairperson), Councillor Elise Borg, Councillor Veronica Ficarra, Councillor Nick Katris, Councillor Peter Mahoney and Councillor Colleen Symington.

COUNCIL STAFF

Acting Director Business and Corporate Services – Sharni Watts, Chief Finance Officer – Scott Henwood, Chief Information Officer – Brendan Scott, Chief Audit Executive – Steven Baker, Executive Manager City Futures – Simon Massey, Executive Services Officer – Nickie Paraskevopoulos (Minutes), Acting Executive Assistant to Director Business and Corporate Services – Ally Chand and Technology Business Support Officer – Chris Stojanovski.

OPENING

The Chairperson, Councillor Jamieson, opened the meeting at 6:03pm.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Jamieson 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.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

There were no requests to attend via Audio Visual Link.

NOTICE OF WEBCASTING

The Chairperson, Councillor Jamieson 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

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DISCLOSURES OF INTEREST

There were no disclosures of interest made.

PUBLIC FORUM

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**FIN029-24 Confirmation of the Minutes of the Finance and Governance Committee Meeting held on 8 July 2024**

(Report by Executive Services Officer)

RECOMMENDATION: Councillor Mahoney, Councillor Ficarra

That the Minutes of the Finance and Governance Committee Meeting held on 8 July 2024, be confirmed.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Ficarra, Councillor Katris, Councillor Mahoney, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COMMITTEE REPORTS**FIN030-24 Investment Report as at 30 June 2024**

(Report by Senior Financial Accountant - Reporting)

RECOMMENDATION: Deputy Mayor, Councillor Borg, Councillor Katris

That the Investment Report as at 30 June 2024 be received and noted by Council.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Ficarra, Councillor Katris, Councillor Mahoney, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

FIN031-24 2023-24 Capital Works Program Carryovers

(Report by Senior Business Performance Accountant)

RECOMMENDATION: Councillor Symington, Councillor Katris

(a) That Council receives and notes the contents of this report in relation to the proposed carryover of budgets from the 2023/24 Capital Works Program to be added to the 2024/25 Capital Works Program budget.

(b) That Council adopt the revised 2024/25 Capital Works Program budget, including the carryovers from 2023/24, as outlined in Attachment 1.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Jamieson, Councillor Ficarra, Councillor Katris, Councillor Mahoney, Councillor Symington

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 6:13pm

ENVIRONMENT AND PLANNING

Item: CCL057-24 DEFERRED REPORT ENV035-24 Draft Principal Certifier Complaints Policy 2024 - Outcome of Public Exhibition

Author: Business Improvement Officer

Directorate: Environment and Planning

Matter Type: Environment and Planning

RECOMMENDATION:

That Council adopt the Draft Principal Certifier and Council Responsibilities Policy 2024 as attached to this report.

EXECUTIVE SUMMARY

1. Council at its meeting held 22 April 2024 resolved (ENV016-24) to endorse the Draft Principal Certifiers Complaints Policy 2024 for public exhibition for a minimum of 60 days in accordance with Section 160 of the *Local Government Act 1993*.
2. The purpose of the draft Policy is to inform the community on the role of the Principal Certifier, Georges River Council, Building Commission NSW, property owners and builders in relation to complaints received regarding development sites. The Draft Policy contains clear advice on Georges River Council's process of handling complaints about development sites, especially when a Private Certifier has been appointed Principal Certifier.
3. The draft Policy was on public exhibition from 23 April to 23 June 2024. A total of 10 submissions were received. The majority of submissions supported the draft Policy and aired frustration with local Complying Development. One submission opposed the Draft Policy and Certification Campaign.
4. Amendments have been made to the Draft Policy and are of a minor nature. A final copy as well as a marked-up copy of the draft Policy have been attached as Attachments 1 and 2 to this report.
5. This report includes clarification surrounding the role of the Building Commission NSW (section 2.3 of the draft Policy) as a result of a deferral from the Environment and Planning Committee meeting on 12 August 2024.

BACKGROUND

6. In August 2022, Council resolved (MM018-22) to commence a lobbying campaign aimed at the NSW Government for increased accountability of Private Certifiers.
7. To begin the lobbying campaign, Council facilitated Community Consultation from November 2022 until January 2023. A prevalent finding from the consultation period was community frustration and confusion surrounding the limitations of Local Councils when a Private Certifier has been appointed the Principal Certifier of a development.
8. In March 2023, senior staff of Southern Sydney Regional Organisation of Councils (SSROC), General Manager and Director of Environment and Planning met with David Chandler (NSW Building Commissioner) and his staff. The purpose of this meeting was to outline the concerns and issues faced by Councils and the community in relation to

developments and building sites managed by Private Certifiers. In this meeting, GRC offered to draft a policy document that outlines the role of Council in dealing with sites managed by Private Certifiers. It was proposed that the document would be a template to be used by other Local Councils in NSW.

9. In April 2023 Council resolved (ENV010-23) to support the above and develop a policy and set of procedures that outline the role of the Principal Certifier, Council and Building Commission NSW in addressing issues relating to development approvals and building sites managed by Private Certifiers.
10. The policy was drafted, and the main headings of the draft Policy were presented during a Councillor Workshop in March 2024. The draft Policy was on public exhibition from 23 April to 23 June 2024. A total of 10 submissions were received.
11. All changes made to the draft Policy relate to wording. The messaging, sentiment and proposed Council processes surrounding responding to complaints when a Private Certifier has been appointed as the Principal Certifier, remain unchanged.
12. At the Environment and Planning Committee meeting on 12 August 2024, clarification surrounding the role of the Building Commission NSW (section 2.3.4 of the draft Policy) was requested. The draft Policy was subsequently deferred to the Ordinary Council Meeting on 26 August 2024.

Amended draft Principal Certifier Complaints Policy 2024

13. At the Environment and Planning Committee meeting on 12 August 2024, clarification surrounding the role of the Building Commission NSW (section 2.3.4 of the draft Policy) was requested. The draft Policy was subsequently deferred to the Ordinary Council Meeting on 26 August 2024.
14. All amendments to the draft Policy relate to wording and phrasing. The changes primarily avoid risk of community misinterpretation by ensuring the draft Policy directly reflects relevant legislation and regulation. The amendments reinforce the legality of the draft policy, remove risk of potential bias, and strengthen the content to be shared with SSROC and LGNSW, should the policy be adopted by Council. The main changes are listed below:
15. The Title: The Title has been changed to draft *Principal Certifier and Council Responsibilities Policy 2024*. The original title, *Principal Certifiers Complaints Policy 2024*, infers that the policy relates to complaints about certifiers, rather than about Council's process of handling complaints regarding development sites when the Principal Certifier is a Private Certifier. One of the main purposes of the draft Policy is to inform the community on the role of the Principal Certifier, Georges River Council and Building Commission NSW in relation to complaints received regarding development sites. This purpose is adequately reflected in the updated title.
16. Implication that Principal Certifiers "manage" or are "responsible" for the development site: A submission from the Association of Accredited Certifiers strongly opposed the inference that Principal Certifiers managed or were responsible for the development site. The submission urged that Principal Certifiers "don't supervise or manage work" and are "not responsible for how the work is undertaken or the site". All reference to "management" and "responsibility" has been replaced with wording from [Practice Standard for registered certifiers - Volume Two - Class 1a Buildings \(nsw.gov.au\)](#) and [Concerns with development | NSW Fair Trading](#) website. The wording reaffirms legislative responsibilities of Principal Certifiers as opposed to implying "management" and "responsibility" over a development.
 - (a) Example: This is evidenced in section 2.1.5 of the draft Policy which has been changed from "*When a Private Certifier is appointed as the PC, they take*

responsibility for the development site and are required to fulfil all roles of the PC” to “The Principal Certifier role is to independently assess and verify that the development has been built in accordance with the terms of the development consent and when the completed building will be suitable for occupation and use in accordance with its classification under the Building and Development Certifiers Act and regulation.”

17. Reference to Council’s “limited access” and “limited authority” when a Private Certifier has been appointed Principal Certifier: The term “limited access” [in reference to certification documentation via the NSW Planning Portal] and “limited authority” [over the development site] when a Private Certifier has been appointed Principal Certifier infers a minimisation of Council’s legislative power. As such, the term “limited” has been removed from the draft Policy and replaced with reference to the Principal Certifier’s legal responsibilities in relation to uploading documents on the NSW Planning Portal and ensuring compliance over the development site.

Submissions received:

18. The draft Policy was on exhibition from 23 April to 23 June 2024. A total of 10 submissions were received.
19. 8 submissions supported the draft Policy and its role as the foundation of Council’s “Lobby for Change” Certification Campaign. Calls for “stricter regulations” (direct quote from submission 1) for Private Certifiers relating to neighbour notification, protection of trees, breaches of housekeeping (i.e. hours of work) and compliance with conditions of consent were the main themes associated with these submissions.
20. One submission was unrelated to the draft Policy.
21. The Association of Accredited Certifiers lodged a submission raising multiple concerns with the draft Policy and opposed to the continuance of Council’s Certification Campaign. The Submission Table attached as Attachment 3 to this report details the multiple concerns presented in the submission. The Submission Table includes Council’s response and itemises subsequent changes to the draft Policy.
22. All submissions have been thoroughly considered and responded to. While the main changes have been outlined in point 13, 14 and 15 of this report, along with a marked-up copy of the draft Policy is Attachment 2.

Clarification surrounding the role of the Building Commission NSW

23. At the Environment and Planning Committee meeting on 12 August 2024, clarification surrounding the role of the Building Commission NSW (section 2.3 of the draft Policy) was requested.
24. Clarification has been added to section 2.3.4.1 of the draft Policy to clarify that the Building Commission NSW does not have the power to order building work to stop on development sites pursuant to the *Environmental Planning and Assessment Act 1979*, including failure to comply with development consent.
25. Section 2.3.4.1 of the draft Policy was originally sourced from the Fair Trading NSW [Complaints about certifiers](#) webpage. Regulation over the Certification Industry was transferred from Fair Trading NSW to the Building Commission NSW on 1 December 2023. The webpage confirms that the Building Commission NSW “*regulates the conduct of certifiers in New South Wales, and can investigate some complaints about registered certifiers and local council certification work...*” “*We [the Building Commission NSW] cannot order building work to stop*”.
26. The Building Commission NSW can issue Stop Work Orders, Prohibition Orders and Building Work Rectification Orders under the *Building Practitioners Act 2020* and the

Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020, which deal with serious defects on class 2, 3 and 9c buildings and are outside the remit of Local Council, and therefore the scope of this policy.

FINANCIAL IMPLICATIONS

27. No budget impact for this report.

RISK IMPLICATIONS

28. Two strategic risks in the Council's Strategic Risks 2023/2024 Statement are identified with the draft *Principal Certifier and Council Responsibilities Policy 2024*:

- (a) Strategic Risk 7: Reputation - The risk of Council's identity, brand and standing being negatively impacted, reducing Council's ability to engage in sound decision-making and being able to take strategic action whilst maintaining essential services and support for the community.
- (b) Strategic Risk 9: Social Cohesion - Failure to identify and/or respond to the changing socio-economic needs of our community. Social cohesion erosion and growing socio-economic gap (loss of social capital and a fracture of social networks negatively impacting social stability, individual well-being, and economic productivity, as a result of persistent public anger, distrust, divisiveness, lack of empathy, marginalisation of minorities, political polarisation etc.)

COMMUNITY ENGAGEMENT

29. Community engagement was conducted for a period of 60 days via an advertisement in the local paper, post on LinkedIn and requesting feedback on Council's Your Say page.
30. Targeted emails were also sent to participants of the Community Consultation conducted in 2022, Local Government NSW, Association of Accredited Certifiers, Planning Institute of Australia, and the Building Commission NSW to seek comment on the amended Policy.

FILE REFERENCE

D24/224406

ATTACHMENTS

Attachment [↓](#)1 Draft Principal Certifier and Council Responsibilities Policy 2024



Attachment [↓](#)2 Private Certifier Complaints Policy Draft - MARK UP 20240815



Attachment [↓](#)3 Draft Principal Certifier Complaints Policy 2024 - Submissions Table





Draft Principal Certifier and Council

RESPONSIBILITIES POLICY

September 2024

Policy administration

Dates	Policy approved <i>xx/xx/xxxx</i> This policy is effective upon its approval. Policy is due for review <i>xx/xxxx</i>
Approved by	Council Meeting <i>xx/xx/xxxx</i> Council Resolution <i>xxx</i>
Policy Type	Council Policy
Exhibition Period	<i>Include date of exhibition to the public or consultative committee, if relevant</i>
Policy Owner	Director Environment and Planning
Related Documents	Georges River Council Enforcement Policy adopted by Council on 27 September 2021 Practice Standard for Registered Certifiers – Volume Two – Class 1a Buildings October 2022
References & Legislation	<ul style="list-style-type: none"> • Building and Development Certifiers Act 2018 • Building and Development Certifiers Regulation 2020 • Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • National Construction Code of Australia • State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
Document Identifier	Policy #: <i>Allocated by Senior Policy Specialist once policy is approved (includes the version number)</i> Doc #: <i>Please enter CM9/Document identification number</i>
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

Purpose

- To outline the roles of the Principal Certifier, Georges River Council and Building Commission NSW in relation to complaints received regarding development sites.
- To outline the responsibilities of property owners and builders in relation to complaints received regarding development sites.
- To provide clear advice to the community on Georges River Council’s process of handling complaints relating to the management of development sites.
- To define when Georges River Council will respond to a complaint lodged in respect of a development site when a Private Certifier has been appointed the Principal Certifier.

Scope

This policy applies to the handling of all complaints received by Georges River Council relating to development activity on a site where a Principal Certifier has been appointed. This Policy supports the [Council’s Enforcement Policy](#).

Definition of Terms

Term	Meaning
Building Commission NSW	Building Commission NSW was established on 1 December 2023. It replaced Fair Trading NSW as regulator of the building and construction industry.
Complying Development Certificate	<p>Known as a CDC.</p> <p>A CDC combines approval for use of the land and the building works. It is basically, a fast-track single-stage approval process, which requires only a CDC to be obtained from a Council or Private Certifier.</p> <p>If all of the criteria, requirements and standards relating to the proposed building or use are satisfied via an application containing relevant plans, specifications and supporting information, a Council or Private Certifier will issue a Complying Development Certificate.</p> <p>Full details of the types of development that can be approved as a Complying Development can found in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>
Construction Certificate	<p>Known as a CC.</p> <p>After a Development Application has been approved by Council, the owner of the site may be required to obtain a Construction Certificate before work can commence work. A Construction Certificate confirms that:</p>

Term	Meaning
	<ul style="list-style-type: none"> Construction plans and specifications meet development standards, for example, those set by the National Construction Code (NCC). Construction plans and specifications are within the thresholds of the Council's development consent. <p>A Construction Certificate can be obtained from Council or an accredited certifier.</p>
Contributory Item	<p>A Contributory item can be a building, structure or landscape that contributes to the heritage significance of a heritage conservation area. Contributory Items are listed in Georges River Development Control Plan.</p>
Council	<p>Georges River Council</p>
Council Certifier	<p>A Council Certifier must be accredited by the Building Commission NSW. When accredited, a certifier is given a unique number which is used on all documents to identify the certifier.</p> <p>A Council Certifier is a building professional who can act as a Principal Certifier (PC) and is responsible for inspecting and approving the building work within the Council's Local Government Area, to ensure a development is in accordance with approved plans and state legislative requirements.</p>
Development Applications	<p>Known as a DA.</p> <p>A DA is a formal application submitted to Local Council for permission to carry out a new development. It is required when the proposed development does not completely comply with State Environmental Planning Policy standards.</p>
Foreshore Scenic Protection Area	<p>The Foreshore Scenic Protection Area is a continuous area along the foreshore that is visible from the Georges River with significant character, environmental and scenic values. It is identified on the Foreshore Scenic Protection Area Map and by a local provision clause in Part 6 of the Georges River Local Environmental Plan (LEP) 2021.</p>
Occupation Certificate	<p>Known as an OC.</p> <p>An Occupation Certificate certifies that a development is suitable and safe to be occupied in line with the requirements established by The Building Code of Australia (BCA).</p> <p>Prior to a new development being occupied, the Principal Certifier must consider the health, safety, and amenity of future occupants of the building. The Principal Certifier can be Council or a Private Certifier.</p>

Term	Meaning
	<p>The Occupation Certificate must be completed and submitted to Council before completion of the work and prior to occupation of the development.</p> <p>For staged works, a Partial Occupation Certificate may be issued. A Partial Occupation Certificate allows residence in the completed part of the development.</p>
Principal Certifier	<p>Principal certifiers (PCs) are accredited professionals who issue certificates for development under the Environmental Planning and Assessment Act 1979.</p> <p>The PC can either be a Council Certifier or a Private Certifier, specifically appointed by the owner of the property. The certificates issued by a PC include:</p> <ul style="list-style-type: none"> • Complying Development Certificate (CDC) • Construction Certificate (CC) • Occupation Certificate (OC) <p>In the assessment and the approval of these certificates the PC ensures that the proposed development complies with the planning provisions, the required technical standards and regulations.</p> <p>Once construction commences the PC has the responsibility of ensuring that building work is carried out in accordance with the conditions of the relevant certificate.</p>
Private Certifier	<p>A Private Certifier is a building professional who can act as a Principal Certifier and is responsible for inspecting and approving the building work to ensure it is in accordance with approved plans and state legislative requirements.</p> <p>A Private Certifier must be accredited by the Building Commission NSW. When accredited, a certifier is given a unique number which is used on all documents to identify the certifier. A certifier must be re-accredited each year.</p>
Trees	<p>In accordance with Council's Tree Management Policy, a tree is defined as having a:</p> <ul style="list-style-type: none"> • Height of 3 metres or more, or • Diameter of 100mm or more when measured at ground level; or • Branch spread of 3 metres or more.

1. Policy Statement

- 1.1. The extent of Council's role in addressing residents' concerns regarding a development depends on whether Council has been appointed the Principal Certifier for the development.
- 1.2. A Principal Certifier must be appointed by the owner prior to the start of any building work. The Principal Certifier can either be a Council Certifier or a Private Certifier. Over 90% of development activity within the Georges River Local Government Area is managed by Private Certifiers.
- 1.3. The Principal Certifier is responsible for issuing Complying Development Certificates, Construction Certificates, Occupation Certificates; as well as ensuring compliance with development consents, Building Code of Australia and criteria of the State Environmental Planning Policy.
- 1.4. It is the Principal Certifier's responsibility to ensure building and construction compliance and conduct routine inspections of the development site. It is also the Principal Certifier's responsibility to upload building plans and reports to NSW State Government's Planning Portal, as stipulated under section 13(2) of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (refer to section 2.2.2 of this policy). Council retains enforcement tools as prescribed under the *Environmental Planning and Assessment Act 1979* (EPA Act) (described within section 5 of this policy) irrespective of the Principal Certifier being a Private Certifier or a Council Certifier.
- 1.5. This policy clarifies Council's role in regulating development and responding to complaints when a Private Certifier has been appointed Principal Certifier.

2. Roles of the Principal Certifier, Council and the Building Commission NSW in relation to development sites

2.1. Principal Certifier's Role

- 2.1.1. A Principal Certifier must be appointed by the owner prior to the commencement of work.
- 2.1.2. The Principal Certifier can either be a Council Certifier or a Private Certifier.

2.1.3. Council must be advised in writing of who has been appointed as the Principal Certifier where a CC or CDC is issued.

2.1.4. The role of Principal Certifier includes duties such as:

2.1.4.1. Issue Construction Certificates and ensure building works comply with the National Construction Code (NCC).

2.1.4.2. Issue Occupation Certificates or Partial Occupation Certificates which indicate that the building, or part thereof, has been finalised and is suitable for occupancy.

2.1.4.3. Issue Compliance Certificates specifying that conditions of consent have been satisfied or that work complies with the plans and specifications of the development under the NCC.

2.1.4.4. Issue Complying Development Certificates, certifying that nominated development proposals comply with standards and criteria in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

2.1.4.5. Notify the neighbouring areas of the intent to start work and be the contact for community concerns regarding the works. For a CDC, neighbours living within a 20-metre radius are required to be notified of intent to commence work.

2.1.4.6. Manage and assess the required inspections associated with the building works or subdivision works.

2.1.5. The Principal Certifier's role is to independently assess and verify that the development has been built in accordance with the terms of the development consent, as well as to verify that the completed building is suitable for occupation and use in accordance with its classification under the *Building and Development Certifiers Act* and regulation. The Principal Certifier has statutory responsibilities and authority to govern various work, such as:

- earthwork,
- stormwater drainage work,
- landscaping work,
- erosion and sediment control work,
- excavation work,
- structural work,
- hydraulic work, and
- external finishes of a building.

2.1.6. The [Practice Standard for Registered Certifiers \(Volume Two\)](#) stipulates the expectations of a Principal Certifier in relation to responding to complaints regarding development sites:

- 2.1.6.1. A Principal Certifier must take suitable action to deal with complaints made by a member of the public in relation to work occurring on a development site.
- 2.1.6.2. The Principal Certifier should acknowledge receipt of a complaint to the complainant as soon as possible and must investigate the complaint. This generally involves visiting the site, contacting the builder, and/or checking the approved plans and the conditions of the development consent.
- 2.1.6.3. The Principal Certifier should respond in writing to written complaints, generally within 14 days and can respond verbally to verbal complaints, generally within 48 hours. If a matter is likely to take longer to investigate, the Principal Certifier should inform the complainant and advise them of the steps being taken.
- 2.1.6.4. If the investigation reveals the need for rectification, the Principal Certifier must first contact the principal contractor who is in a position to physically resolve the problems.
- 2.1.6.5. A verbal request may be appropriate to address the concerns, however, if the matter is potentially dangerous or is causing significant issues or environmental impact; it may be appropriate to issue Written Direction Notices (WDN).
- 2.1.7. The Principal Certifier has the power to issue a WDN to a builder and/or owner under section 6.31 of the EPA Act. The WDN provides specific instruction on how and when the non-compliance issue needs to be rectified.
- 2.1.8. If the WDN has not been adhered to in the specified timeframes, the Principal Certifier must notify Council. In these circumstances, Council will work with Principal Certifier to further investigate and rectify non-compliant work.
- 2.1.9. A Principal Certifier who fails to take timely and appropriate action to address non-compliance issues may fall short of the Practice Standards stipulated by the Building Commission NSW to govern the industry.
- 2.1.10. The Principal Certifier must make and keep a written record of each complaint they have received in relation to the development site including:
- 2.1.3.1 Any action taken by the Principal Certifier, or
 - 2.1.3.2 Any response made in relation to the complaint.

- 2.1.11. The record must be kept for 10 years from the date which the complaint was received by the Principal Certifier.

2.2 Council's Role when Principal Certifier is a Private Certifier:

- 2.2.1 The legislation states that a Principal Certifier is responsible for conducting inspections and ensuring building and construction complies with the approvals.
- 2.2.2 The *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* states that a Principal Certifier is responsible for uploading all certification documentation to NSW State Government's Planning Portal within 48 hours of issuing a Construction and an Occupation Certificate. The NSW Planning Portal is the responsibility of the NSW State Government. Council does not have access to certification documentation before it is uploaded. Once available on the NSW Planning Portal, dissemination of the documentation is subject to Council's [Access to Information Policy](#).
- 2.2.3 It is the Principal Certifier's responsibility to ensure building and construction compliance, conduct routine inspections and upload certification documentation to the NSW Planning Portal. Council will work with the Principal Certifier to further investigate and rectify non-compliant work.
- 2.2.4 If the Principal Certifier notifies Council of a WDN which has not been complied with, Council will take enforcement action to have the non-compliant work rectified.
- 2.2.5 Council can issue a formal order or take appropriate enforcement action under the legislation.
- 2.2.6 Council's Certification and Compliance functions are subject to the Separation of Powers. When Council is the Principal Certifier, the Compliance Unit perform the functions noted in 2.2.4, 2.2.5 and 2.2.6 for Council Certifiers.

2.3 Building Commission NSW's Role in regulating Certifiers:

- 2.3.1 The Building Commission NSW regulates the conduct of all registered certifiers (Private Certifiers as well as Council Certifiers) in New South Wales and is responsible for issuing and maintaining certification accreditations. The Building Commission NSW can investigate

complaints against licensed builders and tradespeople, registered certifiers, and councils in their capacity as certifying authorities.

2.3.2A Certifier is required to comply with the Code of Conduct under the *Building and Development Certifiers Regulation 2020*. The Code of Conduct requires certifiers to act in the public interest and abide by standards expected by the community.

2.3.3 The Building Commission NSW can:

- 2.3.3.1 Investigate the conduct of a Private Certifier or Council Certifier and take disciplinary action where required.
- 2.3.3.2 Provide dispute resolution between a homeowner and the builder if the matter is in relation to defective or incomplete residential building work.
- 2.3.3.3 Assist in resolving disputes where damage has occurred due to building works at a neighbouring property if these works were carried out by a licensed builder or tradesperson.
- 2.3.3.4 Immediately suspend a certifier if they have been issued a Show Cause notice by the courts or are undergoing disciplinary action, and there is a danger of significant harm if the certifier is not suspended.

2.3.4 The Building Commission NSW does not have power to do the following:

- 2.3.4.1 Order building work to stop for development pursuant to the EPA Act, including failure to comply with a development consent.
- 2.3.4.2 Act on complaints against property owners unless the owner is an owner-builder.
- 2.3.4.3 Declare a development certificate (CDC, CC and OC) invalid, even if it was issued improperly.
- 2.3.4.4 Investigate general complaints against councils, including how a council exercises its enforcement powers.

2.3.5 More information on lodging a complaint about a Principal Certifier can be found on Building Commission NSW website.

3 Responsibilities of property owners and builders

- 3.1 The property owner and the builder also have responsibilities in relation to their development sites.
- 3.2 The property owner is responsible for meeting the conditions of the development consent or Complying Development Certificate.
- 3.3 The builder is responsible for supervising the construction on the site and the work of subcontractors.
- 3.4 The builder must make sure that building work is done in accordance with the approved plans, the Building Code of Australia and Australian Standards.
- 3.5 The builder is responsible for requesting the Principal Certifier facilitate critical stage inspections.

4 Council's process of handling complaints relating development sites where a Private Certifier is appointed the Principal Certifier:

- 4.1 Council's role in building and construction work varies depending on whether Council has been appointed as the Principal Certifier. If Council is appointed as the Principal Certifier, Council must carry out all the roles and responsibilities of the Principal Certifier.
- 4.2 If a Private Certifier has been appointed as Principal Certifier, then Council, as outlined in Section 5 of this policy, will direct the complainant to the Principal Certifier to address the issue. The community is encouraged to contact the Principal Certifier whose details can be found on a sign at the front of the development site. Where these details are not displayed; Council's Customer Service can be contacted for assistance.
- 4.3 Complaints received by Council in written form will also be referred to the Principal Certifier, as outlined in Section 5 of this policy, to consider and investigate. Council will notify the complainant of this action and provide the Principal Certifier's contact details.
- 4.4 It is the Principal Certifier's responsibility to ensure building and construction compliance, conduct routine inspections and upload certification documentation to the NSW Planning Portal. Council can only access certification documentation once it has been uploaded to the NSW Planning Portal by the Principal Certifier. Therefore, in some instances the Principal Certifier may be in a better position than Council to effectively resolve complaints.
- 4.5 Principal Certifier has the power to issue a WDN to the builder/ owner, identifying the issue or non-compliance with the approved development plans and specifying requirements for rectification. The WDN outlines the timeframe for the issue to be resolved.

- 4.6 A WDN may be issued where consent conditions are breached or where building activities are failing to follow the approved plans.
- 4.7 If the requirements of the WDN are not complied with, the PC must send a copy of the direction to Council. Council can then take further enforcement action if required.
- 4.8 Council may also issue Penalty Notices (PN) for breaches of the EPA Act on the owner and/or builder or can elect to commence court proceedings.
- 4.9 All enforcement action will be considered in accordance with Council's [Enforcement Policy](#).

5 When will Council act on complaints about a development site where a Private Certifier has been appointed the Principal Certifier?

- 5.1 Council will act on complaints received in relation to development sites where a Private Certifier is appointed the Principal Certifier when:
 - 5.1.1 The work threatens life, safety or damage to property or the environment at the time of the complaint and immediate action is required. For example, works would impact the safety or structural integrity of a property or have an irreversible and significant impact on the biodiversity, waterways or natural formations (i.e., rock face) of the area.
 - 5.1.2 The complaint relates to work that may not form part of a development consent and therefore is not the responsibility of the Private Certifier.
 - 5.1.3 The Private Certifier's response to the complaint is considered inadequate or Council does not agree with the Private Certifier's position, for example, failure to issue a WDN despite being aware of non-compliant work.
 - 5.1.4 Where the Private Certifier has notified Council that their WDN has not been complied with.
 - 5.1.5 The complaint relates to breaches of housekeeping or environmental conditions of consent that are generally enforced by Council including hours of work, footpath and roadway obstructions, odours and fumes, noise, dust, sediment control and discharges.
 - 5.1.6 The complaint relates to the damage of heritage items listed in Georges River LEP 2021 or buildings and structures listed as Contributory Items in Heritage Conservation Areas from the Georges River Development Control Plan.
 - 5.1.7 The complaint relates to the protection of trees.
 - 5.1.8 The complaint relates to the protection of the Foreshore Scenic Protection Area. For example, the removal of natural rock face, extensive clearing of

land, excessive excavation and works that result in a permanent change of natural waterflow or channel.

5.1.9 The complaint relates to the negligence or mismanagement of a Principal Certifier's statutory responsibilities, as listed in section 2.1.4, that impacts safety or results in damage to property or the environment.

5.1.10 The complainant has contacted the Principal Certifier on at least 3 occasions and has not received a response and the matter relates to 5.1.1 to 5.1.9 above. Documentary evidence is to be provided on the complainants attempts to contact the Principal Certifier.

5.2 The factors that Council will take into consideration to determine if a Principal Certifier's handling of a complaint is adequate include:

5.2.1 Timeliness of the investigation, having regard to the seriousness of the complaint.

5.2.2 Whether the Principal Certifier demonstrates a genuine commitment to address the issues.

5.2.3 Appropriateness of the action taken, including whether a physical inspection has been undertaken and whether any professional reports have been relied on.

5.2.4 Whether the Principal Certifier keeps the customer and Council informed.

5.3 Council has a range of enforcement powers under the EPA Act where compliance with a Development Approval or Complying Development Certificate is not occurring.

5.4 One compliance power is Development Control Orders (under Section 9.34 and Schedule 5 of the EP&A Act), which authorise Council to issue instructions in specific circumstances to persons, requiring them to undertake, or to refrain from, certain actions.

5.5 Council can issue a Stop Work Order under Schedule 5 of the EPA Act to stop building work where the provisions of the EPA Act have been breached and the continuation of the build is not considered appropriate, or the works affect the structural integrity of adjoining properties. A Stop Work Order can be issued on the whole site or on aspects of the development.

5.6 Council may also issue Penalty Notices for breaches of the EPA Act or can elect to commence court proceedings.

5.7 All enforcement action taken will be considered in accordance with Council's [Enforcement Policy](#).

Responsibilities

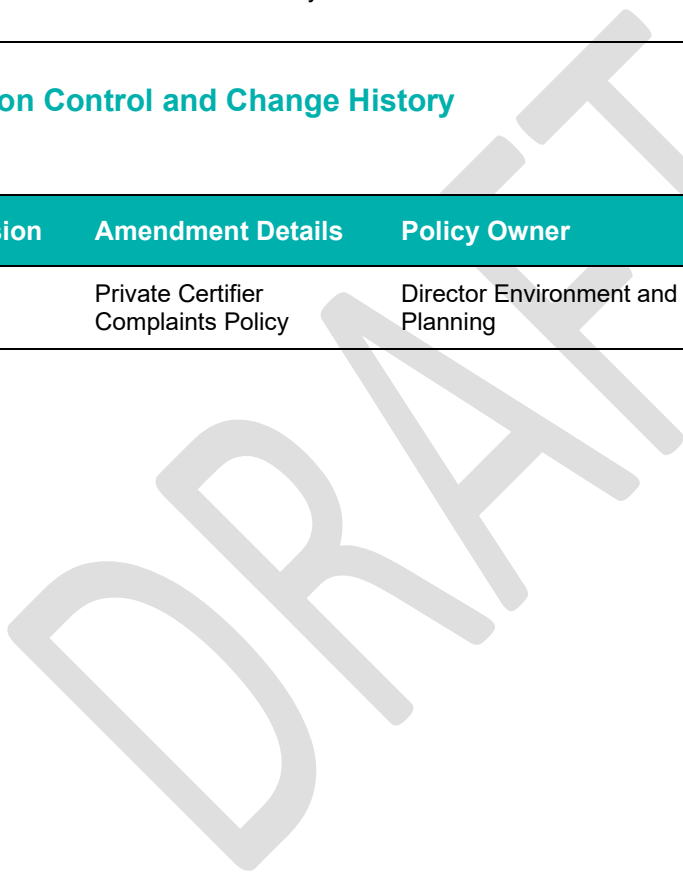
Position	Responsibility
Staff (Authorised Officer)	<p>To effectively participate in policy training</p> <p>To follow the policy as outlined</p> <p>To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay</p> <p>To effectively participate in document review.</p> <p>To make decisions relating to the investigation of complaints relating to development sites with the support of the Coordinator</p>
Coordinator	<p>To effectively train, guide and monitor staff in policy implementation</p> <p>To effectively respond to reported concern or barriers to policy implementation</p> <p>Be an active advocate for policy implementation</p> <p>Effectively coordinate and participate in policy review</p> <p>Ensure policy requirements remain consistent with Council Policy and Organisational objectives.</p> <p>To review decisions relating to investigation of complaints relating to development sites with the support of the Coordinator</p>
Manager	<p>To effectively respond to reported concern or barriers to policy implementation</p> <p>Be an active advocate for policy implementation</p> <p>Effectively coordinate and participate in policy review</p> <p>Ensure policy requirements remain consistent with Council Policy and Organisational objectives.</p>
Councillors	<p>To refer customers that have complaints relating to development sites to this Policy.</p>



Position	Responsibility
	<p>Councillors are not to make decisions around the way complaints relating to development sites are investigated and/or prosecuted.</p> <p>Councillors are prohibited from involvement in the day to day operational and management decisions around enforcement and prosecution.</p> <p>Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly</p>

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	Private Certifier Complaints Policy	Director Environment and Planning	Xx/xx/xxxx





Principal Certifiers and Council

COMPLAINTS RESPONSIBILITIES POLICY

Draft – December 2023

Policy administration

Dates	Policy approved <i>xx/xx/xxxx</i> This policy is effective upon its approval. Policy is due for review <i>xx/xxxx</i>
Approved by	Council Meeting <i>xx/xx/xxxx</i> Council Resolution <i>xxx</i>
Policy Type	Council Policy
Exhibition Period	<i>Include date of exhibition to the public or consultative committee, if relevant</i>
Policy Owner	Director Environment and Planning
Related Documents	Georges River Council Enforcement Policy adopted by Council on 27 September 2021 Practice Standard for Registered Certifiers – Volume Two – Class 1a Buildings October 2022
References & Legislation	Building and Development Certifiers Act 2018 Building and Development Certifiers Regulation 2020 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021
Document Identifier	Policy #: <i>Allocated by Senior Policy Specialist once policy is approved (includes the version number)</i> Doc #: <i>Please enter CM9/Document identification number</i>
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

Purpose

- To outline the roles of the Principal Certifier, Georges River Council and Building Commission NSW in relation to complaints received regarding development sites.
- To outline the responsibilities of property owners and builders in relation to complaints received regarding development sites.
- To provide clear advice to the community on Georges River Council's process of handling complaints relating to the management of development sites.
- To define when Georges River Council will respond to a complaint lodged in respect of a development site when a Private Certifier has been appointed the Principal Certifier.

Scope

This policy applies to the handling of all complaints received by Georges River Council relating to development activity on a site where a Principal Certifier has been appointed. This Policy supports the [Council's Enforcement Policy](#).

~~Georges River Council is leading a campaign to expand Council's intervention and enforcement powers relating to Private Certifiers operating in the LGA. As part of this campaign Council is seeking to increase the accountability of Private Certifiers on development sites. If successful, Council will update this Policy to reflect the changes.~~

Definition of Terms

Term	Meaning
Building Commission NSW	Building Commission NSW was established on 1 December 2023. It replaced Fair Trading NSW as regulator of the building and construction industry.
Complying Development Certificate	<p>Known as a CDC.</p> <p>A CDC combines approval for use of the land and the building works. It is basically, a fast-track single-stage approval process, which requires only a CDC to be obtained from a Council or Private Certifier.</p> <p>If all of the criteria, requirements and standards relating to the proposed building or use are satisfied via an application containing relevant plans, specifications and supporting information, a Council or Private Certifier will issue a Complying Development Certificate.</p> <p>Full details of the types of development that can be approved as a Complying Development can found in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>

Term	Meaning
Construction Certificate	<p>Known as a CC.</p> <p>After a Development Application has been approved by Council, the owner of the site may be required to obtain a Construction Certificate before work can commence work. A Construction Certificate confirms that:</p> <ul style="list-style-type: none"> • Construction plans and specifications meet development standards, for example, those set by the National Construction Code (NCC). • Construction plans and specifications are within the thresholds of the Council's development consent. <p>A Construction Certificate can be obtained from Council or an accredited certifier.</p>
Contributory Item	<p>A Contributory item can be a building, structure or landscape that contributes to the heritage significance of a heritage conservation area. Contributory Items are listed in Georges River Development Control Plan.</p>
Council	<p>Georges River Council</p>
Council Certifier	<p>A Council Certifier must be accredited by the Building Commission NSW. When accredited, a certifier is given a unique number which is used on all documents to identify the certifier.</p> <p>A Council Certifier is a building professional who can act as a Principal Certifier (PC) and is responsible for inspecting and approving the building work within the Council's Local Government Area, to ensure a development is in accordance with approved plans and state legislative requirements.</p>
Development Applications	<p>Known as a DA.</p> <p>A DA is a formal application submitted to Local Council for permission to carry out a new development. It is required when the proposed development does not completely comply with State Environmental Planning Policy standards.</p>
Foreshore Scenic Protection Area	<p>The Foreshore Scenic Protection Area is a continuous area along the foreshore that is visible from the Georges River with significant character, environmental and scenic values. It is identified on the Foreshore Scenic Protection Area Map and by a local provision clause in Part 6 of the Georges River Local Environmental Plan (LEP) 2021.</p>
Occupation Certificate	<p>Known as an OC.</p> <p>An Occupation Certificate certifies that a development is suitable and safe to be occupied in line with the requirements established by The Building Code of Australia (BCA).</p>

Term	Meaning
	<p>Prior to a new development being occupied, the Principal Certifier must consider the health, safety, and amenity of future occupants of the building. The Principal Certifier can be Council or a Private Certifier.</p> <p>The Occupation Certificate must be completed and submitted to Council before completion of the work and prior to occupation of the development.</p> <p>For staged works, a Partial Occupation Certificate may be issued. A Partial Occupation Certificate allows residence in the completed part of the development.</p>
Principal Certifier	<p>Principal certifiers (PCs) are accredited professionals who issue certificates for development under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The PC can either be a Council Certifier or a Private Certifier, specifically appointed by the owner of the property. The certificates issued by a PC include:</p> <ul style="list-style-type: none"> • Complying Development Certificate (CDC) • Construction Certificate (CC) • Occupation Certificate (OC) <p>In the assessment and the approval of these certificates the PC ensures that the proposed development complies with the planning provisions, the required technical standards and regulations.</p> <p>Once construction commences the PC has the responsibility of ensuring that building work is carried out in accordance with the conditions of the relevant certificate.</p>
Private Certifier	<p>A Private Certifier is a building professional who can act as a Principal Certifier and is responsible for inspecting and approving the building work to ensure it is in accordance with approved plans and state legislative requirements.</p> <p>A Private Certifier must be accredited by the Building Commission NSW. When accredited, a certifier is given a unique number which is used on all documents to identify the certifier. A certifier must be re-accredited each year.</p>
Trees	<p>In accordance with Council's Tree Management Policy, a tree is defined as having a:</p> <ul style="list-style-type: none"> • Height of 3 metres or more, or • Diameter of 100mm or more when measured at ground level; or • Branch spread of 3 metres or more.

1. Policy Statement

- 1.1. The extent of Council's role in regulating building work and addressing neighbours' residents concerns regarding a development depends on whether Council has been appointed the PC for a development.
- 1.2. A PC must be appointed by the owner prior to the start of any building work. The PC can either be a Council Certifier or a Private Certifier. Over 90% of development activity within the Georges River Local Government Area is managed by Private Certifiers.
- 1.3. The PC is responsible for issuing Complying Development Certificates, Construction Certificates, Occupation Certificates; as well as ensuring compliance with the development consents, Building Code of Australia and criteria of the State Environmental Planning Policy.
- ~~1.4. When a Private Certifier is appointed as PC, it is the PC's responsibility to ensure building and construction compliance and conduct routine inspections of the Council has limited authority over the development site. It is also the PC's responsibility to upload building plans and reports to NSW State Government's Planning Portal, as stipulated under section 13(2) of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. Refer to section 2.2.3 of this policy for more information, and limited access to various professional reports that may be produced during the construction phase (for example, engineering certification or survey information). These reports are only lodged on the NSW Government's Planning Portal by the Private Certifier once an Occupation Certificate has been issued - they are not lodged with Council.~~
- ~~1.4.~~
- ~~1.5. Council's inability to intervene on development sites where a Private Certifier is acting as PC is an area of frustration for the community. There is a common misconception that Council monitor Private Certification work, even when Council is not involved in the development.~~
- ~~1.6-1.5. This policy clarifies the differing roles between Council, Private Certifiers and the Building Commission NSW and explains Council's ability to assist with complaints against the PC. It also covers the responsibilities of property owners and builders in relation to development sites. Council's role in regulating development and responding to complaints when a Private Certifier has been appointed Principal Certifier.~~

2. Roles of the PC, Council and the Building Commission NSW in relation to development sites

2.1. Principal Certifier's Role

~~2.1.1. A PC must be appointed by the owner prior to the commencement of work. The Principal Certifier can either be a Council Certifier or a Private Certifier.~~

~~2.1.1.~~

~~2.1.2. Council must be advised in writing of who has been appointed as the PC where a CC or CDC is issued.~~

~~2.1.2-2.1.3. The role of PC includes duties such as:~~

~~2.1.2.1-2.1.3.1. Issue Construction Certificates and ensure building works comply with the National Construction Code (NCC).~~

~~2.1.2.2-2.1.3.2. Issue Occupation Certificates or Partial Occupation Certificates which indicate that the building, or part thereof, has been finalised and is suitable for occupancy.~~

~~2.1.2.3-2.1.3.3. Issue Compliance Certificates specifying that conditions of consent have been satisfied or that work complies with the plans and specifications of the development under the NCC.~~

~~2.1.2.4-2.1.3.4. Issue Complying Development Certificates, certifying that nominated development proposals comply with standards and criteria in the *State Environmental Planning Policy (Exempt and Complying development Codes) 2008*.~~

~~2.1.2.5-2.1.3.5. Notify the neighbouring areas of the intent to start work and be the contact for community concerns regarding the works. For a CDC, neighbours living within a 20-metre radius are required to be notified of intent to commence work.~~

~~2.1.2.6-2.1.3.6. Manage and assess the required inspections associated with the building works or subdivision works.~~

~~2.1.3-2.1.3.7.1 A PC must be appointed by the owner prior to the commencement of work.~~

~~2.1.3 Council must be advised in writing of who has been appointed as the PC where a CC or CDC is issued.~~

~~2.1.3.7 "At its core, the The Principal Certifier role is to has the role of independently assessing and verifying that the development has been built in accordance with the terms of the development consent and when the completed building will be suitable for occupation and use in accordance with its classification under the Building and Development Certifiers~~

~~Act and regulation". When a Private Certifier is appointed as the PC they take responsibility for the development site and are required to fulfill all roles of the PC.~~ The PC has statutory responsibilities and authority to govern various work, such as:

2.1.3.7

- earthwork,
- stormwater drainage work,
- landscaping work,
- erosion and sediment control work,
- excavation work,
- structural work,
- hydraulic work, and
- external finishes of a building.

2.1.3 Legal obligations of Principal Certifiers are contained in multiple pieces of legislation as regulated by the Building Commission NSW. All Certifiers must be familiar with the relevant legislative requirements. The legislation provides the minimum set of legal requirements and does not set out everything that is required to carry out certification work, nor does it set out how certification work should be undertaken or capture how practice evolves over time.

2.1.4 The Practice Standard for Registered Certifiers (Volume Two) stipulates the expectations of a PC in relation to responding to complaints regarding development sites:

2.1.4.1 A PC must take suitable action to deal with complaints made by a member of the public in relation to work occurring on a development site.

2.1.4.2 The PC should acknowledge receipt of a complaint to the complainant as soon as possible and must investigate the complaint. This generally involves visiting the site, contacting the builder, and/or checking the approved plans and the conditions of the development consent.

2.1.4.3 The PC should respond in writing to written complaints, generally within 14 days and can respond verbally to verbal complaints, generally within 48 hours. If a matter is likely to take longer to investigate, the PC should inform the complainant and advise them of the steps being taken.

2.1.4.4 If the investigation reveals the need for rectification, the PC must first contact the principal contractor who is in a position to physically resolve the problems.

2.1.4.5 A verbal request may be appropriate to address the concerns, however, if the matter is potentially dangerous or is causing significant issues or environmental impact; it may be appropriate to issue Written Direction Notices (WDN).

2.1.5 The PC has the power to issue a WDN to a builder and/or owner under section 6.31 of the EP&A Act. The WDN provides specific instruction on how and when the non-compliance issue needs to be rectified.

2.1.6 If the WDN has not been adhered to in the specified timeframes, the PC must notify Council. In these circumstances, Council will work with PC to further investigate and rectify non-compliant work.

2.1.7 A PC who fails to take timely and appropriate action to address non-compliance issues may fall short of the Practice Standards stipulated by the Building Commission NSW to govern the industry.

2.1.8 The PC must make and keep a written record of each complaint they have received in relation to the development site including:

2.1.8.1 Any action taken by the PC, or

2.1.8.2 Any response made in relation to the complaint.

2.1.9 The record must be kept for 10 years from the date which the complaint was received by the principal certifier.

2.2 Council's Role when PC is a Private Certifier:

2.2.1 The legislation states that a PC is responsible for conducting inspections and ensuring building and construction complies with the approvals.

~~2.2.2 If the PC is a Private Certifier, Council has no authority over the actions of the PC. Council becomes the "keeper of the records" and is not directly involved in the management of the development site. The PC is an independent regulator.~~

2.2.3 The Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 states that a PC is responsible for uploading all certification documentation to NSW State Government's Planning Portal within 48 hours of issuing a Construction and an Occupation Certificate. The Council does not own the NSW Planning Portal is the responsibility of the NSW State Government and Council does not have access to certification documentation before it is uploaded. Once available on the NSW Planning Portal, dissemination of the documentation is subject to Council's Access to Information Policy. By not being the PC, Council does not have ready access to construction information (e.g. timeframes, schedules etc) or professional reports like engineering

~~certificates or survey information. These reports are not required to be submitted to Council until the final Occupation Certificate has been issued. The reports are lodged on the NSW Government's Planning Portal website and not with Council.~~

- 2.2.4 ~~It is the PC's responsibility to ensure building and construction compliance, conduct routine inspections and upload certification documentation to the NSW Planning Portal. Council recognises this as a limitation on its ability to address general enquiries on a development site. Nevertheless,~~ Council will work with the PC to further investigate and rectify non-compliant work.
- 2.2.5 If the PC notifies Council of a WDN which has not been complied with, Council will ~~work with the PC to further investigate and rectify take enforcement action to have the~~ non-compliant work rectified.
- 2.2.6 ~~Only~~ Council can issue a formal order or take appropriate enforcement action under the legislation.
- 2.2.7 ~~When Council is the PC, Council's Compliance Unit will regulate Certification processes. Council's Certification and Compliance functions are subject to the Separation of Powers. When Council is the PC, the Compliance Unit perform the functions noted in 2.2.4, 2.2.5 and 2.2.6 for Council Certifiers.~~

2.3 Building Commission NSW's Role in dealing with PCs:

2.3.1 The Building Commission NSW regulates the conduct of all registered certifiers (Private Certifiers as well as Council Certifiers) in New South Wales and is responsible for issuing and maintaining certification accreditations. The Building Commission NSW can investigate complaints against licensed builders and tradespeople, registered certifiers, and councils in their capacity as certifying authorities.

2.3.2A Certifier is required to comply with the Code of Conduct under the Building and Development Certifiers Regulation 2020. The Code of Conduct requires certifiers to act in the public interest and abide by standards expected by the community.

2.3.3 The Building Commission NSW can:

- 2.3.3.1 Investigate the conduct of a Private Certifier or Council Certifier and take disciplinary action where required.

- 2.3.3.2 Provide dispute resolution between a homeowner and the builder if the matter is in relation to defective or incomplete residential building work.
- 2.3.3.3 Assist in resolving disputes where damage has occurred due to building works at a neighbouring property if these works were carried out by a licensed builder or tradesperson.
- 2.3.3.4 Immediately suspend a certifier if they have been issued a Show Cause notice by the courts or are undergoing disciplinary action, and there is a danger of significant harm if the certifier is not suspended.

2.3.4 The Building Commission NSW ~~currently~~ does not have power to do the following:

- 2.3.2.1 Order building work to stop for development pursuant to the EPA Act, including failure to comply with a development consent.
- 2.3.2.2 Act on complaints against property owners unless the owner is an owner-builder.
- 2.3.2.3 Declare a development certificate (CDC, CC and OC) invalid, even if it was issued improperly.
- 2.3.2.4 Investigate general complaints against councils, including how a council exercises its enforcement powers.

2.3.5 More information on lodging a complaint about a private certifier can be found on Building Commission NSW website.

3 Responsibilities of property owners and builders

- 3.1 The property owner and the builder also have responsibilities in relation to their development sites.
- 3.2 The property owner is responsible for meeting the conditions of the Development Consent or Complying Development Certificate.
- 3.3 The builder is responsible for supervising the construction on the site and the work of subcontractors.
- 3.4 The builder must make sure that building work is done in accordance with the approved plans, the Building Code of Australia and Australian Standards.
- 3.5 The builder is responsible for requesting the Certifier facilitate critical stage inspections.

4 Council's process of handling complaints relating to the management of development sites when a Private Certifier is appointed the PC.

- 4.1 Council's role in building and construction work varies depending on whether Council has been appointed as the PC. If Council is appointed as the PC, Council must carry out all the roles and responsibilities of the PC.
- 4.2 If a Private Certifier has been appointed as PC, then Council as outlined in Section 5 of this Policy, ~~in some instances (subject to the consideration of matters under 5.1 of the policy), in the first instance,~~ will direct the complainant to the PC to address the issue. The community is encouraged to contact the PC whose details can be found on a sign at the front of the development site. Where these details are not displayed; Council's Customer Service can be contacted for assistance.
- 4.3 Complaints received by Council in written form will also be referred to the PC as outlined in Section 5 of this Policy, ~~in some instances (subject to the consideration of matters under 5.1 of the policy), the first instance~~ to consider and investigate. Council will notify the complainant of this action and provide the PC's contact details.
- ~~4.4 It is the PC's responsibility to ensure building and construction compliance, conduct routine inspections or upload certification documentation to the NSW Planning Portal. Council can only access certification documentation once it has been uploaded to the NSW Planning Portal by the PC. Council refers complaints to the PC in the first instance because the Private Certifier is responsible for the development site. Council has limited access to construction information and building reports, as ongoing development is managed by the Private Certifier. Therefore, in some instances (subject to the consideration of matters under 5.1 of the policy), the Private Certifier will be familiar with the events occurring on the development site and should be able to effectively resolve complaints, without the need for enforcement.~~
- 4.4
- 4.5 PCs have the power to issue a WDN to the builder/ owner, identifying the issue or non-compliance with the approved development plans and specifying requirements for rectification. The WDN outlines the timeframe for the issue to be resolved.
- 4.6 A WDN may be issued where consent conditions are breached or where building activities are failing to follow the approved plans.
- 4.7 If the requirements of the WDN are not complied with, the PC must send a copy of the direction to Council. Council can then take further enforcement action if required.
- 4.8 Council may also issue Penalty Notices (PN) for breaches of the EP&A Act on the owner and/or builder or can elect to commence court proceedings. ~~Council cannot issue a PN on a PC.~~

- 4.9 All enforcement action will be considered in accordance with Council's [Enforcement Policy](#).

5 When will Council act on complaints about a development site where a Private Certifier has been appointed the Principal Certifier?

- 5.1 Council will ~~only~~ act on complaints received in relation to development sites where a Private Certifier is appointed the PC when:
- 5.1.1 The work threatens life, safety or damage to property or the environment at the time of the complaint and immediate action is required. For example, works would impact the safety or structural integrity of a property or have an irreversible and significant impact on the biodiversity, waterways or natural formations (i.e., rock face) of the area.
 - 5.1.2 The complaint relates to work that may not form part of a development consent and therefore is not the responsibility of the Private Certifier.
 - 5.1.3 The Private Certifier's response to the complaint is considered inadequate or Council does not agree with the Private Certifier's position, for example, failure to issue a WDN despite being aware of non-compliant work.
 - 5.1.4 Where the Private Certifier has notified Council that their WDN has not been complied with.
 - 5.1.5 The complaint relates to breaches of housekeeping or environmental conditions of consent that are generally enforced by Council's ~~Rangers~~ including hours of work, footpath and roadway obstructions, odours and fumes, noise, dust, sediment control and discharges.
 - 5.1.6 The complaint relates to the damage of heritage items listed in Georges River LEP 2021 or buildings and structures listed as Contributory Items in Heritage Conservation Areas listed in the Georges River Development Control Plan, in Heritage Conservation Areas.
 - 5.1.7 The complaint relates to the protection of trees.
 - 5.1.8 The complaint relates to the protection of the Foreshore Scenic Protection Area. For example, the removal of natural rock face, extensive clearing of land, excessive excavation and works that result in a permanent change of natural waterflow or channel.
 - 5.1.9 The complaint relates to the negligence or mismanagement of a PC's statutory responsibilities, as listed in section 2.1.4, that results in safety or damage to property or the environment.
 - 5.1.10 The complainant has contacted the PC on at least 3 occasions and has not received a response and the matter relates to 5.1.1 to 5.1.9 above. Note -

documentary evidence is to be provided on the complainants attempts to contact the PC.

5.2 The factors that Council will take into consideration to determine if a Private Certifier's handling of a complaint is adequate include:

5.2.1 Timeliness of the investigation, having regard to the seriousness of the complaint.

5.2.2 Whether the Private Certifier demonstrates a genuine commitment to address the issues.

5.2.3 Appropriateness of the action taken, including whether a physical inspection has been undertaken and whether any professional reports have been relied on.

5.2.4 Whether the Private Certifier keeps the customer and Council informed.

5.3 Council has a range of enforcement powers under the EP&A Act where compliance with a Development Approval or Complying Development Certificate is not occurring.

5.4 ~~The main~~One compliance power is Development Control Orders (under Section 9.34 and Schedule 5 of the EP&A Act), which authorise Council to issue instructions in specific circumstances to persons, requiring them to undertake, or to refrain from, certain actions. ~~Development Control Orders can only be issued on the owner – not the PC.~~

5.5 Council can ~~also~~ issue a Stop Work Order under Schedule 5 of the EP&A Act to stop building work where the provisions of the EP&A Act have been breached, and the continuation of the build is not considered appropriate, or the works affect the structural integrity of adjoining properties. Stop Work Orders can only be issued on the owner and/or the builder – not the PC. A Stop work Order can be issued on the whole site or on aspects of the development.

5.6 ~~In cases not involving an emergency, Council must first give the intended recipient of the order, a Notice setting out the proposed terms of the order and the proposed period for compliance. The Notice must also indicate that the person may make representations as to why the order should not be given.~~ Council may also issue Penalty Notices for breaches of the EP&A Act or can elect to commence court proceedings.

5.7 All enforcement action taken will be considered in accordance with Council's [Enforcement Policy](#).



Responsibilities

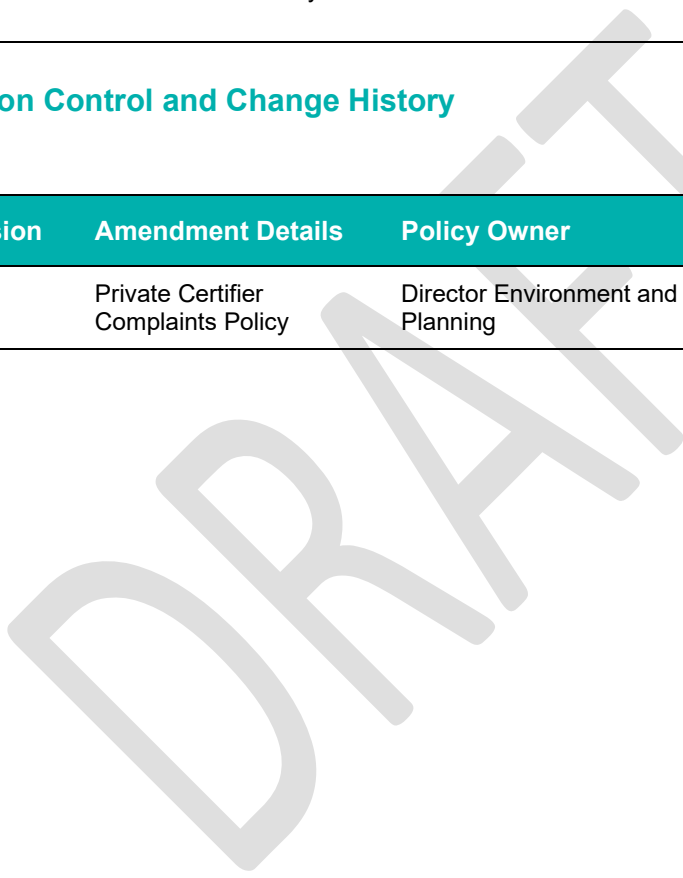
Position	Responsibility
Staff (Authorised Officer)	<p>To effectively participate in policy training</p> <p>To follow the policy as outlined</p> <p>To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay</p> <p>To effectively participate in document review.</p> <p>To make decisions relating to the investigation of complaints relating to development sites with the support of the Coordinator</p>
Coordinator	<p>To effectively train, guide and monitor staff in policy implementation</p> <p>To effectively respond to reported concern or barriers to policy implementation</p> <p>Be an active advocate for policy implementation</p> <p>Effectively coordinate and participate in policy review</p> <p>Ensure policy requirements remain consistent with Council Policy and Organisational objectives.</p> <p>To review decisions relating to investigation of complaints relating to development sites with the support of the Coordinator</p>
Manager	<p>To effectively respond to reported concern or barriers to policy implementation</p> <p>Be an active advocate for policy implementation</p> <p>Effectively coordinate and participate in policy review</p> <p>Ensure policy requirements remain consistent with Council Policy and Organisational objectives.</p>
Councillors	<p>To refer customers that have complaints relating to development sites to this Policy.</p>



Position	Responsibility
	<p>Councillors are not to make decisions around the way complaints relating to development sites are investigated and/or prosecuted.</p> <p>Councillors are prohibited from involvement in the day to day operational and management decisions around enforcement and prosecution.</p> <p>Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly</p>

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	Private Certifier Complaints Policy	Director Environment and Planning	Xx/xx/xxxx



Draft Principal Certifier Complaints Policy 2024 – Submissions Table

CM9	Date	Summary of Submission	Response to Submission
D2024/200427	02/05/2024	<ul style="list-style-type: none"> “Private certifiers should be held accountable and be subjected to stricter regulations.” 	<ul style="list-style-type: none"> Notified sender that Council commenced “Lobbying For Change” Certification Campaign, to push for greater co-regulation and enforcement powers for Local Councils within the Private Certification industry. Link included in response. No changes applicable to draft policy.
D2024/200430	16/05/2024	<ul style="list-style-type: none"> Draft policy does not address the issue of neighbours not being notified or consulted about a development on a neighbouring property. Concern raised regarding increase of high-end duplex developments in Oatley. Aforementioned developments are not aimed at first home buyers or low-income families and consequently hold no value in alleviating the current housing crisis. 	<ul style="list-style-type: none"> Confirmed that Neighbour Notification is a statutory responsibility of Principal Certifier (Section 130AB of Environmental Planning and Assessment Regulation 2000 and Section 2.1.1.5 of Draft Policy). Confirmed neighbours have no right to object proposed development and Principal Certifiers are not obligated to share plans or consider neighbour suggestions for Complying Development. Confirmed purpose of Certification Campaign is to lobby for greater regulation and accountability within the Certification Industry, specifically in relation to public accessibility of site and elevation plans for CDCs. No changes applicable to draft policy.
D2024/200432	16/05/2024	<ul style="list-style-type: none"> Inquiry regarding specific Complying Development and damage to neighbouring property. 	<ul style="list-style-type: none"> Confirmed Private Certifier details relating to specific CDC and advised of avenues for civil resolution. No changes applicable to draft policy.
D2024/200436	19/06/2024	<ul style="list-style-type: none"> Complaint regarding specific Development Assessment through Council in 2021. 	<ul style="list-style-type: none"> Referred submission to Development and Building for response. No changes applicable to draft policy.
D2024/200439	14/06/2024	<ul style="list-style-type: none"> Inquiry relating to definition of “tree” in section 5.1.7 of draft policy. Submission noted definition of “tree” in definition table but wanted to know if trees on property boundaries (boundary between privately owned property) would be protected in section 5.1.7. 	<ul style="list-style-type: none"> Confirmed trees on property boundaries are protected under 5.1.7 of draft policy: all trees impacted by Complying Development. Encouraged sender to submit inquiry to Council’s Compliance team with details of the specific tree in question. No changes applicable to draft policy.
D2024/200441	17/06/2024	<ul style="list-style-type: none"> Question as to whether Council will intervene when a CDC is approved by a Private Certifier but there is an ongoing investigation into illegal tree works (tree poisoning and removal) relating to the property. 	<ul style="list-style-type: none"> Confirmed Council will act on complaints made in relation to a CDC approved by a Private Certifier, on a property where there is an ongoing investigation into alleged tree damage - Section 5.1.7 of draft policy: Protection of Trees. No changes applicable to draft policy.
D2024/200446	17/06/2024	<ul style="list-style-type: none"> Comments relating to Mortdale RSL: unrelated to draft policy. 	<ul style="list-style-type: none"> No changes applicable to draft policy.

D2024/200447	18/06/2024	<ul style="list-style-type: none"> Complaint regarding lack of neighbour notification, noise, water run-off and privacy in relation to a specific Complying Development. 	<ul style="list-style-type: none"> Confirmed that Neighbour Notification is a statutory responsibility of Principal Certifier, noting that Council is trying to work with the Building Commission NSW to facilitate greater regulation of this area. Confirmed stormwater/drainage management is a statutory responsibility of the Principal Certifier. Encouraged sender to submit request to Council's Compliance Team to investigate persistent drainage issues. No changes applicable to draft policy.
D2024/200448 and D2024/200450	23/06/2024	<p>Submission received from the <u>Association of Accredited Certifiers</u>.</p> <p>This submission raised multiple issues with the Draft Policy. Each issue has been listed and summarised below:</p> <ol style="list-style-type: none"> <u>Community Confusion:</u> <ul style="list-style-type: none"> Draft Policy will add to community confusion and must be substantially redrafted. Submission rejected proposal that Draft Policy be adopted as a template by other Local Councils in NSW (as noted in Georges River Council Environment and Planning Committee Report dated 8 April 2024, paragraph 10) unless significantly redrafted. Submission noted Certification Campaign is unnecessary and will only lead to greater community confusion while impeding any attempt to build additional homes to meet the housing needs of all Australians. <u>Title:</u> <ul style="list-style-type: none"> Draft Policy title infers policy relates to complaints about certifiers, rather than about handling complaints regarding development sites where the Principal Certifier is not Council. <u>Misleading:</u> <ul style="list-style-type: none"> Proposed process of handling complaints relating to the management of development sites is misleading and reveals that Georges River Council's Certification Campaign is based upon shaky foundations, assertions and misunderstandings of the regulatory regime. <u>Terminology:</u> <ul style="list-style-type: none"> Draft policy refers to the role as "accredited certifier" instead of the correct terminology of "registered certifier". Terminology that came into effect on 1 July 2020 upon the commencement of the Building & Development Certifier Act 2018. <u>Misconception of Management:</u> <ul style="list-style-type: none"> Section 2.1.4 of Draft Policy uses wording: "take responsibility for the development site". This is a common community misperception. HML Ebsworth advice states: "...they (Private Certifiers) are responsible for conducting inspections and ensuring building and construction complies with the approvals" (as noted in Georges River Council Environment and Planning Committee Report dated 8 April 2024, paragraph 12) 	<ol style="list-style-type: none"> <u>Community Confusion:</u> <ul style="list-style-type: none"> In August 2022, Georges River Council (GRC) resolved to commence a lobbying campaign on the NSW Government for increased accountability to Private Certifiers. The resolution was adopted because of longstanding community concerns relating to Private Certifiers approving Complying Development Certificates and issuing Occupation Certificates for non-compliant work, as well as their oversight of the physical development site and dismissal of community concerns. To commence the campaign, GRC facilitated Community Consultation from November 2022 until January 2023. A prevalent finding from the consultation period was community frustration and confusion surrounding the limitations of Local Councils when a Private Certifier has been appointed the Principal Certifier of a development. In March 2023, senior staff of Southern Regional Organisation of Councils (SSROC), General Manager and Director of Environment and Planning met with David Chandler (NSW Building Commissioner) and his staff. In this meeting, GRC offered to draft a policy document that outlines the role of Council in dealing with sites on which a Private Certifier has been appointed Principal Certifier. The Draft Policy was drafted as a result of the above meeting. The Draft Policy as well as the continuance of the Certification Campaign is supported by both Council and the Community. The Draft Policy has been subjected to a 60day exhibition period and extensive review. No changes applicable to draft policy. <u>Title:</u> <ul style="list-style-type: none"> Title of Draft Policy to be updated to: Principal Certifiers and Council Responsibilities Policy 2024. <u>Misleading:</u> <ul style="list-style-type: none"> The Draft Policy is an accumulation of material sourced directly from the Environmental Planning and Assessment Act 1979, Building and Development Certifiers Regulation 2020, Fair Trading NSW website as well as the Practice Standard for registered certifiers - Class 1a Buildings. The Draft Policy has been subjected to a 60day exhibition period and extensive review. The clear scenarios when Council will act on complaints about a development site where a Private Certifier has been appointed the Principal Certifier, presented in section 5 of the Draft Policy, exceed Local Government legislative obligations are above and beyond the standard scenarios endorsed by Local Councils across NSW. No changes applicable to draft policy.

	<ul style="list-style-type: none"> Submission quotes Fair Trading Website (quote included below), stating that it is crucial to understand that the private certifier acting as the Principal Certifier is not a Clerk of Works and is not responsible for how the work is undertaken or the site. Their role is limited to the role of an independent authority defined by legislation. Quote from Fair Trading Website: <i>"The principal certifier is an independent authority that inspects the development at certain stages to ensure it meets legislative requirements and conditions of consent. They don't supervise or manage the work."</i> https://www.fairtrading.nsw.gov.au/housing-and-property/building-andrenovating/during-the-building-process/concerns-with-development <p>6. <u>Limited Role of Certifier:</u></p> <ul style="list-style-type: none"> Submission illustrates the limited role of Principal Certifier by quoting Practice Standard for registered certifiers - Volume Two - Class 1a Buildings (nsw.gov.au): <i>"At its core, the principal certifier has the role of independently assessing and verifying that the development has been built in accordance with the terms of the development consent and the completed building will be suitable for occupation and use in accordance with its classification under the BCA."</i> <p>7. <u>Council's Proposed Complaints Process:</u></p> <ul style="list-style-type: none"> Submission expresses concern that all complaints will be referred to the Private Certifier regardless of whether or not the Certifier is the appropriate responsible person. Submission refers to paragraph 17 of Georges River Council Environment and Planning Committee Report dated 8 April 2024 as illustration of a failure to understand the limited role as set out correctly in paragraph 20 of the same report. Submission notes that a Principal Certifier can only deal with complaints within their powers and authorities. For example, complaints about matters such as hours of work (paragraph 18 of report) are not for the Certifier as they have no authority regarding compliance with work hours. These complaints should be directed to the principal contractor, builder or site owner (or Council). <p>8. <u>Council's Proposed Complaints Process (Recommendation 2):</u></p> <ul style="list-style-type: none"> Submission recommends Draft Policy be redrafted to: <ul style="list-style-type: none"> 1) Help properly educate the community about which complaints should be directed to the Principal Certifier and which other complaints should be directed to the responsible parties such as the site owner, principal contractor or builder; and 2) Minimise unnecessary expenses for Principal Certifiers created by responding to inappropriately directed complaints." <p>9. <u>Role of the Builder:</u></p> <ul style="list-style-type: none"> Submission notes it is essential to differentiate the certifier's accountability from that of the builder and other building practitioners. Quotes Practice Standard for registered certifiers - Volume Two - Class 1a Buildings (nsw.gov.au): <i>"The builder is responsible and accountable for the quality of the building work and ensuring conformity of the building work</i> 	<p>4. <u>Terminology:</u></p> <ul style="list-style-type: none"> The Draft Policy refers to "Principal Certifiers". The term "Accredited Certifier" is not found within the Draft Policy. The Definitions of Terms table (page 3) draws the distinction between the terms "Principal Certifiers" and "Private Certifiers". The term "Registered Certifiers" does not achieve this purpose. Draft Policy uses the same rhetoric, terminology and readability scale as the current Fair Trading website Concerns with development NSW Fair Trading as quoted in submission. No changes applicable to draft policy. <p>5. <u>Misconception of Management:</u></p> <ul style="list-style-type: none"> The wording of <i>"take responsibility of the development site"</i> in section 2.1.4 has been changed to: <i>"The Principal Certifiers role is to independently assess and verify that the development has been built in accordance with the terms of the development consent and when the completed building will be suitable for occupation and use in accordance with its classification under the Building and Development Certifiers Act and regulation."</i> The above wording was sourced from the Practice Standard for registered certifiers - Volume Two - Class 1a Buildings (nsw.gov.au) as quoted in the submission (point 6). <p>6. <u>Limited Role of Certifier:</u></p> <ul style="list-style-type: none"> As noted in point 5, the wording from the Practice Standard for registered certifiers - Volume Two - Class 1a Buildings (nsw.gov.au) was added to section 2.1.4 of Draft Policy. <p>7. <u>Council's Proposed Complaints Process:</u></p> <ul style="list-style-type: none"> The Draft Policy specifies instances in which Council will respond to a complaint when a Private Certifier has been appointed as the Principal Certifier in Section 5. Section 5.1.5 notes that Council will respond in the first instance if the complaint relates to breaches of housekeeping or environmental conditions of consent that are generally enforced by Council including hours of work, footpath and roadway obstructions, odours and fumes, noise, dust, sediment control and discharges. No changes applicable to draft policy. <p>8. <u>Council's Proposed Complaints Process – Recommendation 2:</u></p> <ul style="list-style-type: none"> Draft Policy clarifies the role of the Principal Certifier (Section 2.1), Council (Section 2.2, 4 and 5), Building Commission NSW (Section 2.3), property owners and builders (Section 3) in relation to complaints received regarding development sites. Page 8 of the Draft Policy also delves into the complaints handling standards stipulated in the Practice Standard for registered certifiers - Volume Two - Class 1a Buildings (nsw.gov.au) as well as background regarding Work Directions Notices as a means to rectify non-compliance. No changes applicable to draft policy. <p>9. <u>Role of the Builder:</u></p> <ul style="list-style-type: none"> Section 3 of the Draft Policy directly quotes the section of the Practice Standard for registered certifiers - Volume Two - Class 1a Buildings (nsw.gov.au) referenced in the submission <i>"to reinforce that the role of the certifier is different from builders and other building practitioners"</i>. No changes applicable to draft policy.
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		<p><i>with the terms of the development consent and the BCA and associated standards. The certifier does not undertake a project management role and is on site only for a relatively short period of time to inspect critical stages of work."</i></p> <p>10. <u>Recommendation Three:</u></p> <ul style="list-style-type: none"> • Call for co-regulation and enforcement powers for Councils over private certifiers be withdrawn, as such powers would be un-necessary and costly additional red tape. <p>11. <u>Recommendation Four:</u></p> <ul style="list-style-type: none"> • The Department of Planning, Housing and Infrastructure focus its resources and prioritise ensuring that current functions of the NSW Planning Portal are effective, efficient and easily accessible for applicants and all other stakeholders before adding new requirements, functions or reports to the Portal." 	<p>10. <u>Recommendation Three:</u></p> <ul style="list-style-type: none"> • This section of the submission relates to the Certification Campaign and does not result in any changes to the Draft Policy. <p>11. <u>Recommendation Four:</u></p> <ul style="list-style-type: none"> • This section of the submission relates to the Certification Campaign's proposed changes to the NSW Planning Portal and does not result in any changes to the Draft Policy.
D2024/200451 and D2024/200453	23/06/2024	<p>Submission received from <u>Kogarah Bay Progress Association</u>.</p> <ul style="list-style-type: none"> • Concern regarding lack of Council's visibility over approvals made by Private Certifiers. • Concern regarding limited recourse for detrimental Private Certification work through Council. • Concern regarding conflict of interest between Private Certifiers and Builders/Developers. • Preference that certification work be returned to the appropriate government body to mitigate conflict of interest within Private Certification industry. • Suggestion that certifiers should be subject to the increased accountability sought by Council. 	<ul style="list-style-type: none"> • Confirmed purpose of Certification Campaign is to lobby for greater regulation and accountability within the Certification Industry. • No changes applicable to draft policy.

FINANCE AND GOVERNANCE

Item: CCL058-24 Report on Outstanding Council Resolutions (Period up to and including 30 June 2024).

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Finance and Governance

CCL058-24

RECOMMENDATION:

That the report on Outstanding Council Resolutions (period up to and including 30 June 2024) be received and noted.

EXECUTIVE SUMMARY

1. This report provides progress on outstanding resolutions up to and including 30 June 2024.

BACKGROUND

2. Attachment 1 contains Council resolutions that remain outstanding and are being actioned as at 30 June 2024.
3. Completed items have been marked accordingly and will be removed from future reports.

FINANCIAL IMPLICATIONS

4. There are no budget implications for this report.

RISK IMPLICATIONS

5. There are two identified strategic risks from Council's 2023/24 Risk Statement, that are relevant to this report regarding Council's ability to engage and complete actions in regard to sound and transparent decision making, and effective governance across the organisation.
6. Strategic Risk 7: Reputation and Strategic Risk 8: Statutory and Regulatory requirement/ineffective governance. Monitoring and review of actions required from council resolutions ensures the actions are completed and the community can be confident that Council is effectively achieving good governance across the organisation.

COMMUNITY ENGAGEMENT

7. No community engagement is required for this report.

FILE REFERENCE

D24/207400

ATTACHMENTS

Attachment 1  Outstanding Resolutions report actions - up to and including 30 June 2024 - *published in separate document*

Item: CCL059-24 **Review of Mayor and Councillors' Expenses and Facilities Policy 2024 - Minor Amendments**

Author: Manager Office of the General Manager

Directorate: Office of the General Manager

Matter Type: Finance and Governance

CCL059-24

RECOMMENDATION:

- (a) That Council note the minor amendments to the Mayor and Councillors' Expenses and Facilities Policy 2022.
- (b) That Council adopt the draft Mayor and Councillors' Expenses and Facilities Policy (2024) with the minor amendments highlighted in the Attachment.

EXECUTIVE SUMMARY

1. Council, at its meeting held on 28 November 2022 adopted the Mayor and Councillors' Expenses and Facilities Policy (2022).
2. It is timely to amend the Mayor and Councillors Expenses and Facilities Policy prior to the September 2024 Local Government elections to ensure the policy is applicable to the newly elected Councillors.
3. It is noted that Council will need to review this policy within 12 months of the newly elected Council, in accordance with Section 252 of the NSW *Local Government Act 1993*.
4. The draft Policy attached to this report provides minor amendments to the current Policy in order to improve the governance around the use of Council funds by streamlining the reimbursement process for councillors and staff. No recommended change has been made to any financial benefit to Councillors. The draft Policy is consistent with the NSW *Local Government Act 1993* and the *Local Government (General) Regulations 2021*.

BACKGROUND

5. The Mayor and Councillors will incur some reasonable expenses and require reasonable use of some facilities, in order to be effective in the conduct of their civic roles.
6. Council is required under Section 252 of the *Local Government Act 1993*, to adopt a policy for the payment of any expenses and provision of any facilities for the Mayor and Councillors.
7. A Council must not pay any expenses for, or provide any facilities to the Mayor, the Deputy Mayor or a Councillor, unless in accordance with a Policy under Section 252 of the NSW *Local Government Act 1993*.
8. The attached draft Policy is proposed to provide for the reasonable expenses and facilities required by our elected Mayor and Councillors, in order to effectively exercise their functions on behalf of the community.
9. In addition to minor administrative and typographic amendments, Clause 6.33 of the draft Policy has been updated to improve and streamline governance around reimbursements:

Reimbursement of ICT devices under the Policy will only be made for devices purchased outright and used by councillors to undertake their civic duties. In order for Councillors to purchase any devices in the final year of the Council term, Councillors must provide evidence that the item has been lost, damaged or stolen. Devices purchased through a mobile phone plan will not be reimbursed through this Policy.

10. It is not proposed to publicly exhibit the draft Policy in accordance with Section 253(3) of the *Local Government Act 1993* as the amendments are considered to be not substantial.

FINANCIAL IMPLICATIONS

11. There are no budgetary implications with the approval of this report.

RISK IMPLICATIONS

12. Strategic Risk 1 – Financial Sustainability identified: Council's failure to implement appropriate financial strategies and controls to ensure financial sustainability.
13. Strategic Risk 8: Statutory and Regulatory requirement/Ineffective Governance: Failure of Council's Governance and Compliance Frameworks to ensure compliance with relevant legislative, statutory, regulatory and policies and procedures and which is not being monitored across the organisation.

COMMUNITY ENGAGEMENT

14. Community engagement is not required for this report as the amendments are considered to be not substantial. Community engagement will be conducted when a further review of the Mayor and Councillors' Expenses Policy is conducted within 12 months of the NSW Local Government Election in September 2024.

FILE REFERENCE

D24/209388

ATTACHMENTS

- Attachment 1  Draft Mayor and Councillors' Expenses and Facilities Policy 2024 - *published in separate document*

Item: CCL060-24 Code of Meeting Practice 2024 - Minor Amendments

Author: Manager Office of the General Manager

Directorate: Office of the General Manager

Matter Type: Finance and Governance

CCL060-24

RECOMMENDATION:

- (a) That Council note the recommended minor amendments made to the Code of Meeting Practice 2022.
- (b) That Council adopt the draft Code of Meeting Practice 2024 with the below minor amendments:
 - (i) Remove reference to Advisory Committees on pages 2, 6 and 23 of the Code of Meeting Practice 2022; and
 - (ii) Remove Schedule 4 of the Code of Meeting Practice 2022 as it references Advisory Committees.
- (c) That the Terms of Reference for the Floodplain Risk Management Committee and Sports Advisory Committee be updated to remove reference to the Code of Meeting Practice as their membership contains members other than Councillors.

EXECUTIVE SUMMARY

1. The new Model Code of Meeting Practice (Model Code) for Local Councils in NSW was prescribed under the *Local Government (General) Regulation 2021 (the Regulation)* on 29 October 2021. Council adopted the Draft Code of Meeting Practice incorporating the mandatory provisions of the Model Code at its Ordinary Council Meeting on 22 August 2022.
2. Page 3 of Council's adopted Code of Meeting Practice (the Code) states "*this Code applies to all meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council).*"
3. The purpose of this report is to remove reference to Advisory Committees in the current document on pages 2, 6 and 23 and Schedule 4 of the Code as Advisory Committees are not Committees of Council due to their membership containing members other than Councillors.
4. Council's current Advisory Committees are the Local Traffic Advisory Committee, Floodplain Risk Management Committee and Sports Advisory Committee.

BACKGROUND

5. At the Ordinary Council Meeting held on 22 August 2022 Council adopted its Code of Meeting Practice incorporating the mandatory provisions of the Model Code after a period of 28 days public exhibition.
6. Section 362(2) of the *Local Government Act (1993)* (the Act) states "*If the Council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division, or if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its Code of Meeting Practice*". The recommended amendments to our current Code are considered not substantial.
7. In accordance with clause 360 (3) of the Act "*A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates*

the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.”

8. Council's Code of Meeting Practice will be reviewed and amended not later than 12 months after the NSW Local Government Election on 14 September 2024.

FINANCIAL IMPLICATIONS

9. No budget impact for this report.

RISK IMPLICATIONS

10. Strategic Risk/s - Strategic Risk 8: Statutory and Regulatory requirement/ineffective governance: Failure of Council's Governance and compliance Frameworks to ensure compliance with relevant legislative, statutory, regulatory and policies and procedures which is not being monitored across the organisation. Council's current Code of Meeting Practice should not reference Advisory Committees as they contain members other than Councillors.


COMMUNITY ENGAGEMENT

11. Community engagement is not required for this report as Council considers the recommended amendments to this Policy to be not substantial.

FILE REFERENCE

D24/205734

ATTACHMENTS

Attachment 1  Draft Code of Meeting Practice - August 2024 - *published in separate document*

Item: CCL061-24 Revised Georges River Council Councillor and Staff Interaction Policy

Author: Manager Office of the General Manager

Directorate: Office of the General Manager

Matter Type: Finance and Governance

RECOMMENDATION:

That Council endorse the Draft Georges River Councillor and Staff Interaction Policy 2024 as attached to this report.

EXECUTIVE SUMMARY

1. The Georges River Council Councillor and Staff Interaction Policy provides a structure for the interaction between Councillors and authorised staff and supports the professional working relationship between the elected officials and Council officers.
2. The revised Policy as attached in Attachment 1 is tabled to Council for consideration and endorsement.

BACKGROUND

3. The Councillor and Staff Interaction Policy was adopted as an interim Policy at the 4 September 2017 Ordinary Council Meeting “CCL09-17 That the attached Georges River Council Councillor and Staff Interaction Policy be adopted as an interim policy”.
4. Since then, the Policy has been revised each year to incorporate organisational changes and correct position titles.
5. It is timely to review the Councillor and Staff Interaction Policy prior to the September 2024 Local Government elections to improve the governance around the Policy and incorporate additional authorised positions. In accordance with Section 4A of the Public Interest Disclosures Act 1994, additional positions have been included as nominated staff authorised to interact with Councillors in relation to Public Interest Disclosures (PIDS).
6. An addition, Clause 8.4. has been added to the Policy to incorporate Safe Work Audit recommendation ‘that the Councillor Interaction Policy is revised to encourage a minimum of two members of staff to be present at Councillor/staff meetings below Executive Level’.

FINANCIAL IMPLICATIONS

7. No budget impact for this report.

RISK IMPLICATIONS

8. Operational Risk 50/2023 identified - Ineffective implementation of WHS (Work Health and Safety) Strategy and Systems, including affecting the health, safety and wellbeing of all employees as management of Councillor and Staff interaction is paramount to staff feeling supported and Councillors being informed to assist perform their role as Councillors.


COMMUNITY ENGAGEMENT

9. Community engagement was not required for this report.

FILE REFERENCE

D24/210911

ATTACHMENTS

Attachment 1  DRAFT Councillor and Staff Interaction Policy - August 2024 - Pol-030.08 - *published in separate document*

CCL061-24

Item: CCL062-24 Unaudited General Purpose Financial Statements for the Year Ended 30 June 2024

Author: Chief Financial Officer

Directorate: Business and Corporate Services

Matter Type: Finance and Governance

CCL062-24

RECOMMENDATION:

- (a) That Council note the ongoing improvement in Council's financial results while recognising that continued efforts are needed 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 2024 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 2024.
- (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 2024 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 2024, 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 2024 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 2024.

EXECUTIVE SUMMARY

1. For Council's General Purpose Financial Statements for the year ended 30 June 2024 to be deemed acceptable for the Auditor's sign off and submission to the Office of Local Government, the Act requires a statement by resolution of Council that the Financial Statements are to be signed by the signatories of the Council.
2. The report to Council that includes the Audited General Purpose Financial Statements and Auditor's Report for the year ended 30 June 2024 will be presented to Council and the public upon receipt of the Auditor's report. This is anticipated to be at the October 2024 meeting.

BACKGROUND

Legislative obligations for the preparation of the General Purpose Financial Statements

3. The Act and the regulations outline the process for the preparation of a council's General Purpose Financial Statements. Requirements include:
 - Council must prepare financial statements for each year and must refer them for audit as soon as practicable after the end of that year (Section 413).
 - That by resolution of Council, a statement is provided on Council's opinion on the financial statements and signed by the Mayor; at least one other member of Council; General Manager and Responsible Accounting Officer. (Section 413 (2)(c) and Clause 215 of the regulations).
 - Council's financial reports for a year must be prepared and audited within four months after the end of that year (Section 416).
 - Within four months after the end of that year, Council submits the Auditors Reports and Audited General Purpose Financial Statements to the Office of Local Government (Section 417).
 - As soon as practicable after Council receives a copy of the Auditor's Report, the reports must be placed on public exhibition and notice given of a meeting at which Council proposes to present its Audited General Purpose Financial Statements together with the Auditor's Report (Section 418).
4. To facilitate the public notice, meeting, and submission process, it is appropriate that Council delegate to the General Manager authority, upon receipt of the Auditor's Report, to:
 - Arrange for the public notice of this meeting, in the required format, to be placed on Council's website and in the local newspapers advising of the meeting at which the Auditor's Report and the Audited General Purpose Financial Statements for the year ended 30 June 2024 will be presented.
 - Arrange for copies of the Council's Auditor's Report and the Audited General Purpose Financial Statements for the year ended 30 June 2024 to be made available for public inspection on Council's website and at the Council's Customer Service Centre.
 - List the Auditor's Report and the Audited General Purpose Financial Statements for the year ended 30 June 2024 on the Council Meeting agenda for presentation to the public, which allows for public notice of at least 7 days and submissions.

5. Council's Audited General Purpose Financial Statements for the year ended 30 June 2024 will be presented to Council's Audit, Risk, and Improvement Committee (ARIC) prior to the presentation to the public, this is anticipated to be 24 October 2024.
6. Attached to this report are the unsigned General Purpose Financial Statements of Council for the year ended 30 June 2024.

2023/24 Adopted Budget Strategy

7. The 2023/24 Budget is the second year Council is forecast to achieve a surplus and difficult prioritisation of valued services, projects and programs was essential in achieving financial sustainability and compliance with Council legislative obligations.
8. To achieve the adopted surplus of \$3.4 million, the budget was prepared on the following budget strategy:
 - Objective of achieving an operating surplus with future years projection as per the adopted LTFP
 - Application of the approved Special Rate Variation of 5.8%
 - Prepared in accordance with the IPART approval to identify \$12 million in permanent cost containment and efficiencies over the period of 2022/23 to 2024/25 (i.e. these cuts to expenditure cannot be reintroduced in future years)
 - Cost reduction strategy applied to both employee costs and materials and services, with an aim of \$6 million
 - Service levels have been capped to align with constrained resources and achieve the operating surplus adopted in the LTFP
 - Award increase is 4.5% (\$2.5 million), plus Superannuation increase 0.5% (\$270,000 annually)
 - The employee costs reduction strategy has been amended to be based on a natural vacancy rate of 6% and a 16-week recruitment trend, rather than enforced holds
 - Two-week Christmas shutdown that includes the provision of three grant days
 - Historically high CPI increase of 7.8% has been applied across a broad range of materials, services and expenses (note: current trends are indicating large increases in labour, materials, fuel costs etc.)
 - Income projections are based on business as usual
 - Subsidies are proposed to be applied to Council's premium facilities, commercial, community facilities
 - Investment interest income has been projected to increase based on an assumed improvement in rate of return
 - Domestic waste charges have increased in line with the CPI increase of 7.8%
 - The mandatory (legislated) pensioner rebate has been maintained at \$1 million
 - Depreciation is budgeted to increase by \$1.9 million due to asset condition deterioration and the rising cost of replacement
 - Eligible Fees and Charges have been set at a 7.8% increase to ensure cost recovery of the material cost increases
 - Council's rates default level has been assumed to stay within benchmark parameters of less than 5%.

- A Councillor Discretionary Ward fund has been included as part of the budget strategy • Minimal disposal of underperforming/end of life assets (plant)
 - Insurance premiums have been set to increase based on natural disaster, cost of replacement, etc.
 - Community and sporting group rental subsidies remain unchanged (\$1.5 million in forgone income)
 - Venue hire program remains unchanged (\$420,000 in forgone income)
 - Childcare fees have been set to comply with the approved Council position of cost neutral operating budget
 - Strategic land acquisitions have been included as per the gazetted LEP
 - Budget bids have been selected and prioritised based on legislative, strategic and safety drivers with over \$9 million in additional operational projects, bids or other costs deferred/removed/reduced in 2023/24
 - The 2024/25 capital budget will have a carryover of projects from 2023/24, due to cost and time variations and heavy rainfall in the later parts of the financial year.
9. The March 2024 Budget Review showed an expected increase in the budgeted operating surplus to \$3.7 million, which was a \$300,000 improvement to the adopted budget.

FINANCIAL IMPLICATIONS

Overview

10. 2023/24 had several significant events that had positive and negative impacts on the results. These events throughout the year were:
- Cash rate changes led to a higher than anticipated return on Council's investment portfolio which led to higher levels of operating income for the year.
 - A high Award increase of 4.5% leading to higher employee costs, in particular on the leave balances of current employees.
 - Increased construction costs, including higher material costs, has led to a higher depreciation expense compared to the prior year.
 - Rain events leading into the later months of the financial year caused delays in the capital works program.
 - The draft asset valuations resulted in an increase to Council's infrastructure asset portfolio of \$110 million, with the stormwater and roads asset categories contributing significantly to this. The draft valuation results for the roads asset category are still in progress and under review by Council's engineers. Any anomalies found in the valuations could impact the operating result in the final phase of the audit.

Income Statement

11. The 2023/24 operating result excluding capital grants and contributions is a surplus of \$2 million. This is \$1.4 million less than the adopted budgeted result of \$3.4 million surplus. There are several items that have contributed to the variance which are listed below:
- (a) User charges and fees \$4.8 million positive, mainly due to the reclassification of the childcare subsidy of \$4.0 million from operating grants.
 - (b) Other Revenues \$1.6 million positive, largely due to regulatory fines, energy saving certificates, parking fines, and insurance claim recoveries.

- (c) Interest income on Council's investment portfolio (\$5.7 million positive)
 - (d) The write off asset values of \$3.2 million due to renewals in the Roads and Open Space Asset categories, have negatively impacted the result.
 - (e) Employee costs were above the adopted budget by \$2.2 million, due to high employee leave liabilities and increased use of casuals to cover vacant roles.
 - (f) Materials and services also finished above budget by \$4.3 million, largely due to higher than expected legal costs, contractor costs, community property maintenance, and utility costs.
12. Capital grant and developer contributions income was \$1.5m above budget mainly due to higher than expected developer contributions income.

Statement of Financial Position

13. Councils' equity increased in 2023/24 by \$133 million. The increase is materially attributed to increases to Infrastructure, property, plant, and equipment (IPPE). Councils' liabilities remain steady and low compared with assets. Council remains debt free, a positive financial position.
14. Council's total assets continue to increase, up \$131 million in 2023/24. This is largely due to the cost of materials increasing the value of Councils asset portfolio.
15. Total cash and cash equivalents, and investments increased by \$15 million, which was a positive result, though materially attributed to delays in expenditure on capital works.
16. Receivables have increased by \$1.2 million, largely due to income accruals for interest income on investments.

Statement of Performance Measures

17. The operating performance ratio continues to be favourable against the benchmark. A 2.73% result in 2023/24, well above the benchmark of a breakeven. While still in a positive position, this is a reduction from the 2022/23 years result. Further financial decisions and strict financial management will still be required in future years to continue to achieve a positive surplus operating ratio. The operating performance ratio is a key indicator of financially sustainable operations.
18. All other ratios, including unrestricted current ratio and rates & annual charges outstanding, improved, or stayed above the benchmark indicators in 2023/24.

Strategic Asset Management

19. Council continues to develop its asset management maturity with a dedicated team focusing on the accuracy of asset data and using this information to build sustainable programs of work.
20. Council officers will continue to undertake comprehensive reviews of critical assets which will allow for more accurate and dynamic planning to meet benchmarks.
21. Asset Management is a critical function of Council and the overall sector. The Local Government Sector manages over \$160 billion community assets in New South Wales (NSW). With Georges River Council managing \$1.7 billion.
22. Asset categories are large and can be complex, broadly covering roads, community land, buildings, open space, recreational facilities, footpaths, bridges, stormwater, plant, office equipment, IT software, etc. These assets are critical in providing services to the community and are required to be maintained to a functional standard.

RISK IMPLICATIONS

23. Continued diligence in applying strict budget management strategies and prioritisation will be critical in the continuous improvement and strengthening of Council's financial position. These strategies include:
- Application of strategic asset management principles
 - Cost containment target reviews and service delivery reviews
 - Abstain from the reintroduction of unviable subsidies, concessions, and business cases.
 - Explore potential avenues to raise new streams of income and increase current income levels through a wider application of the user pays model.
 - Evaluate the feasibility of major capital projects from a cost/benefit perspective and ensure the business case examines the affordability and pay-back period in respect of each project on ratepayers.
 - Focus on bridging the gap between increases in income and expenditure.
 - Mitigate the impact of external factors on Council's financial sustainability.
 - Continue to provide financial hardship support to those adversely impacted.
 - Explore potential savings in operating expenditure by reviewing operating processes and staff establishment levels.
 - Continue to benchmark activities and align operations where necessary, to yield optimum results.
 - Continue to implement changes in focus, to view activities as "commercial" or "non-commercial".
 - Continue to evaluate affordability of capital projects from a "long term operating impact" point of view.
 - Continue to identify and implement initiatives that improve service efficiency and productivity.
24. As highlighted in the commentary of the report, the 2023/24 result was a surplus, which was predominantly attributed to higher returns on Council's Investment Portfolio and some positive results against budget in the Other Revenue account grouping.
25. Further, the results highlight the requirement to prioritise capital expenditure to items that will contribute to improving Council's infrastructure performance ratios. Strategic Asset Management will be a fundamental topic in the 2024/25 Budget and the LTFP.
26. Continued diligence in applying strict budget management strategies and prioritisation will be critical in achieving a positive performance against key indicators such as the operating performance ratio and infrastructure ratios.
27. As highlighted by the Audit, Risk and Improvement Committee (ARIC) on 21 May 2021, Council must continue to apply measures that address the key financial sustainability risks, particularly in regard to increasing revenue and reducing expenditure, to secure Council's immediate and long-term future. The comments noted at this meeting and the relevant recommendation have been communicated to Council.


COMMUNITY ENGAGEMENT

28. Community engagement will be conducted as per Section 418 and 420 of the Act.

FILE REFERENCE

D24/212936

ATTACHMENTS

Attachment 1  Draft Annual Financial Statements 2023/24 - *published in separate document*

CCL062-24

Item: CCL063-24 Audit, Risk and Improvement Committee and Internal Audit Annual Report to Council 2023-2024

Author: Chief Audit Executive

Directorate: Office of the General Manager

Matter Type: Finance and Governance

RECOMMENDATION:

That the Audit, Risk and Improvement Committee and Internal Audit Annual Report for the period 2023-2024 be received and noted.

EXECUTIVE SUMMARY

1. The purpose of this report satisfies the Responsibilities of Members – Assurance Reporting of the Audit, Risk and Improvement Committee Terms of Reference, which requires that:
The committee provide an annual assessment to the governing body and the general manager on the committee's work and opinion on how the council is performing.
2. The attached report was considered by the Audit, Risk and Improvement Committee (ARIC) at their meeting on 15 August 2024.
3. The report documents the operation, responsibilities and activities of the Audit, Risk & Improvement Committee and Internal Audit functions for Georges River Council for the period 1 July 2023 to 30 June 2024.
4. As the Audit, Risk and Improvement Committee's (ARIC) achievements are closely linked to the Internal Audit activities, it is appropriate that both are recounted in the same report.
5. The report includes the following matters:
 - (a) Key achievements
 - (b) Assessment of the key responsibility areas of ARIC
 - (c) Committee Dashboards, including meetings held during the year, participation of members and staff, actions register, and internal audit reports considered during the period
 - (d) Internal Audit Plan status
 - (e) Other audit activities undertaken
 - (f) Upcoming requirements affecting the ARIC and Internal Audit function.

BACKGROUND

6. The ARIC commenced in October 2016, replacing the former Audit and Risk Management Committee (Hurstville Council).
7. The ARIC comprises three (3) independent members and one (1) Councillor member (non-voting):
 - (a) Mr Cliff Haynes (appointed to ARIC 22 March 2022, Chair 1 July 2022)
 - (b) Mr Barry Husking (appointed to ARIC 1 July 2022)
 - (c) Mr Michael Seery (appointed to ARIC 22 March 2021 to 19 February 2024)
 - (d) Mr Hamish McNulty (appointed to ARIC 19 February 2024)

- (e) Councillor Lou Konjarski (appointed to ARIC 25 September 2023)
8. The ARIC operates under the auspice of the *Audit, Risk and Improvement Committee Terms of Reference*, originally adopted by Council on 28 August 2023. This reflects the *Local Government (Planning and Governance) Amendment Act 2016* which mandates the requirement for an Audit, Risk and Improvement Committee and specifies its responsibilities.
 9. The Office of Local Government released guidelines in November 2023 to assist council's implement requirements by the 1 July 2024 starting date.
 10. The ARIC and Internal Audit Annual Report 2023-2024 is submitted to Council for information, review and as an improvement opportunity.
 11. The ARIC Chair, Mr Cliff Haynes, will be available to talk to Council on the report at the Council meeting.

FINANCIAL IMPLICATIONS

12. Within budget allocation.

RISK IMPLICATIONS

13. There were no additional risks associated with this report.

COMMUNITY ENGAGEMENT

14. Community engagement was not required for this report.

FILE REFERENCE

D24/220462

ATTACHMENTS

Attachment 1  Audit Risk and Improvement Committee and Internal Audit Annual Report to Council 2023-2024 - *published in separate document*

NOTICES OF MOTION

Item: NM073-24 Upgrade to Streetscapes of Narwee Shops

Councillor: Councillor Smerdely

MOTION:

That Council collaborate with Canterbury Bankstown Council to upgrade the streetscapes of Narwee shops.

NM073-24

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022- 2032 Pillar 1: Our Community, Goal 1.3 *Our community is safe and healthy*, Pillar 3: Our Economy, Goal 3.2 *Our town centres are green, clean, vibrant and activated and have good amenities* and Pillar 4: Our Built Environment, Goal 4.5 *Council-led development and assets provide quality, long term benefits to everyone*.

The Georges River Council Commercial Centres Strategy classifies Narwee Town Centre as a Village. Villages are concentrated areas that provide essential access to day-to-day goods and services for the local community.

The Narwee Town Centre is comprised of a small commercial area along Broad Arrow Road, Narwee. The northern side of Broad Arrow Road is within the Canterbury Bankstown Council local government area (LGA), whilst the southern side is within the Georges River Council LGA. It is well served by public transport (Narwee Railway Station) and benefits from good exposure resulting from passing commuter and vehicle traffic.

Further detailed investigations are required to determine the potential improvements and upgrades that are feasible for the Narwee Town Centre. This will include, but not be limited to, consideration of pedestrian infrastructure, street furniture, landscaping, lighting, and paving. The overall focus will be to renew or upgrade infrastructure, improve public safety, and enhance the aesthetic feel and greenery in the area.

The investigations will inform the development of a Public Domain Plan that outlines a program of work for the enhancement of the Narwee Town Centre. The Narwee Public Domain Plan will identify future capital budget and funding requirements for the key priorities identified.

Extensive community consultation will be undertaken as part of this process with all key stakeholders. In particular, Council officers will ensure close collaboration with Canterbury Bankstown Council to ensure aligned vision, objectives and outcomes for a holistic upgrade.

Council officers will undertake initial consultation with Canterbury Bankstown Council to progress this upgrade in the 2024/25 financial year. However, due to existing commitments and ongoing operational workload, it is proposed that finalisation of the Public Domain Plan will not occur until the 2025/26 financial year.

FINANCIAL IMPLICATIONS

Should Council resolve to support this Motion, the investigations and subsequent development of a Public Domain Plan for the Narwee Town Centre will be undertaken internally by Council officers, in collaboration with Canterbury Bankstown Council.

The Narwee Public Domain Plan will identify costs associated with priority works and will inform future capital works budget bids and opportunities for suitable grant funding from both State and Federal Government.

FILE REFERENCE

D24/203103

ATTACHMENTS

Nil

NM073-24

Item: NM074-24 Congratulations to Oatley Rugby Union for hosting the NSW Junior Rugby Union Under 10's Development Carnival**Councillor:** Councillor Mahoney**MOTION:**

That Council congratulate Oatley Rugby Union on the successful NSW Junior Rugby Union's under 10's Development Carnival, their valuable contribution to the Georges River community and to the sport of Rugby Union in general.

NM074-24

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022- 2032:

- Pillar 1 – Our Community, Goal 1.1 *Our community is socially and culturally connected, and we strive for social equity and Goal 1.3 The community is safe and healthy.*
- Pillar 4, Our built environment, Goal 4.1 *Everyone has access to quality parks and open space and active and passive recreation facilities.*

During the weekend of 20-21 July 2024, Oatley Rugby Club, hosted the NSW Junior Rugby Union's Under 10's Development Carnival at Riverwood Park.

Oatley Rugby Club, a not-for-profit community based organisation coordinated 27 teams from across NSW to showcase their talents on all four of Riverwood Park's fields. The event attracted over 2,000 people including players, officials and spectators and received positive feedback from all participating Clubs and the NSW Junior Rugby Union.

Oatley Rugby Club has a proud history, being founded in 1958 and is the strongest "village" (or non-Shute Shield) club in southern Sydney. Graduates of the Club include Wallabies Bruce Battishall, Gary Gainsford, Barry Stumbles, Rob Horne and Brandan Paenga-Amosa as well as Fijian international Ben Volavola.

Many Super Rugby and NRL stars played for Oatley as did other athletes who have shot to fame in other sports. Through the COVID-19 period in 2020 Oatley Rugby defied the odds and grew its membership by 25%. It currently has seniors, boys and the fastest growing girls' program in southern Sydney.

The event provided stimulus for the local economy, with most of the catering and other services sourced from within the area, with Club Rivers being a generous contributor.

FINANCIAL IMPLICATIONS

No financial/budget impact for this recommendation.

FILE REFERENCE

D24/206322

ATTACHMENTS

Nil

Item: NM075-24 Enhancing Parking Management in Hillcrest Avenue, Hurstville**Councillor:** Deputy Mayor, Councillor Borg**MOTION:**

- (a) That Council investigates the current parking conditions along Hillcrest Avenue, Hurstville, between Woniora Road and Alma Street. This investigation will assess proposed improvements to lessen the impact of illegal parking on residents, including, but not limited to:
- (i) Implementing morning Clearways on both sides of Hillcrest Avenue.
 - (ii) Expanding the Residential Parking Permit Area, which currently covers all neighbouring streets, to include Hillcrest Avenue.
 - (iii) Installing line markings on both sides of Hillcrest Avenue to clearly delineate parking zones and prevent vehicles from obstructing residential driveway access.
- (b) That any recommendations arising from the investigation will be reported to a future Georges River Council Traffic Advisory Committee for consideration.

NM075-24

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022-2032 Pillar 1: Our Community, Goal 1.3 *Our community is safe and healthy*.

Improving parking conditions to lessen the impact of illegal parking on residents in the nominated area requires a full investigation and review of Hillcrest Avenue, Hurstville, between Woniora Road and Alma Street, to assess the existing parking and traffic conditions and determine any improvements or upgrades required.

The traffic investigation will involve site visits and collaboration with Councils Parking and Rangers Team to discuss and understand existing observed issues, as well as a review of current traffic conditions, street signage and line marking. The key focus of the investigation will be to, where possible, reduce the incidence of illegal parking and to improve accessibility for residents attempting to ingress and egress their driveways.

Community consultation will be undertaken for any recommendations that result from the investigation, prior to a report being submitted to a future Traffic Advisory Committee for consideration.

Council's Traffic and Transport Team will work to expedite the investigation where possible, however due to existing commitments and an ongoing operational workload, it is proposed this investigation will be undertaken in the second half of the 2024/25 financial year.

FINANCIAL IMPLICATIONS

The traffic investigation to assess the existing parking conditions and any proposed improvements along Hillcrest Avenue, Hurstville, between Woniora Road and Alma Street will be undertaken internally by Council officers. This is within Council's approved operational budget.

The financial implications of any recommendations resulting from the investigation will be detailed in a future report to the Traffic Advisory Committee.

FILE REFERENCE

D24/215462

ATTACHMENTS

Nil

Item: NM076-24 Traffic Matters - Peakhurst**Councillor:** Councillor Ambihaipahar**MOTION:**

- (a) That Council investigates the following issues raised by residents in Hearne Street, Barry Street, Anderson Road, Blackshaw Avenue, Oates Road, Zela St, and Kendall St in Peakhurst:
- (i) Car speeding and burnouts
 - (ii) Truck activities occurring very early in the morning and late at night
 - (iii) Noise disturbances from a gym playing loud music
 - (iv) Lack of street lighting
 - (v) Lack of footpaths
- (b) That any recommendations arising from this investigation are reported to Council, through the Traffic Advisory Committee as required, for future action. These actions may include:
- (i) Installing speed calming measures such as speed humps and increased signage to deter speeding and burnouts.
 - (ii) Implementing and monitoring restrictions on truck activities during early morning and late-night hours to reduce noise and disturbance.
 - (iii) Engaging with the gym management and other relevant businesses to ensure compliance with noise regulations and consider soundproofing measures.
 - (iv) Work closely with enforcement such as the Local Police to help ensure local businesses are complying.
 - (v) Increasing the number of streetlights in the affected areas to improve safety and visibility.
 - (vi) Planning and constructing footpaths where needed to ensure pedestrian safety and accessibility.

NM076-24

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022-2032 Pillar 1: Our Community, Goal 1.3 *Our community is safe and healthy*, Pillar 4: Our Built Environment, Goal 4.3 *There are a range of transport options and increased walkability and cycling to connect people, goods and businesses*, and Goal 4.5 *Council-led development and assets provide quality, long term benefits to everyone*.

Improving traffic movement and safety in the nominated area requires a full investigation and review of the streets mentioned in part (a) of this Motion to assess existing traffic conditions and determine any improvements or upgrades required.

The traffic investigation will involve vehicle and pedestrian counts, the preparation of a Traffic Management Plan to assess, review and restrict heavy vehicle movements where required, as well as the review of existing traffic facilities, street signage and line marking. The key focus of the investigation will be to, where possible, restrict the movement of heavy vehicles where required, provide safety enhancements for pedestrians and vehicles, and reduce the risk of accident and injury.

Community consultation will be undertaken for any recommendations that result from the investigation, prior to a report being submitted to a future Traffic Advisory Committee for consideration.

Council has no active investigations in relation to truck noise and one noise nuisance investigation associated with a gym within the area of concern. This investigation has resulted in the owner of the facility implementing controls to limit noise.

Council investigates streetlighting levels across the local government area to ensure public safety, enhance security, and promote efficient energy use, in consultation and collaboration with Ausgrid. This process involves conducting assessments to evaluate lighting adequacy, identify areas needing improvement, and ensuring compliance with relevant Australian Standards. Council officers will investigate the locations mentioned in this Motion to determine if any changes or upgrades are required.

Council allocates funding for new footpaths to improve access and safety for the community. Locations are selected based on the provision of linkages to public transport, high use pedestrian routes around schools and shopping centres, to improve accessibility, and increase road safety. Council officers will investigate the locations mentioned in this Motion for consideration in future programs.

FINANCIAL IMPLICATIONS

The costs to undertake the traffic investigations, including traffic counts and preparation of a Traffic Management Plan, along Hearne Street, Barry Street, Anderson Road, Blackshaw Avenue, Oates Road, Zela St, and Kendall St, Peakhurst is approximately \$15,000. This amount is not currently included in Council's adopted 2024/25 Operational Budget; however, a budget bid will be submitted for consideration in the 2025/26 draft budget to undertake this investigation. The financial implications of any recommendations resulting from the investigation will be detailed in a future report to the Traffic Advisory Committee.

The cost of Council's regulatory services staff to investigate these matters would be covered by current budget allowances, noting that any work may detract from other duties. Should an external acoustic consultant be required to conduct noise monitoring this will incur a cost of approximately \$4,500 to \$5,000.

The costs to undertake the investigation of existing streetlighting conditions at the aforementioned locations is approximately \$10,000. This amount is not currently included in Council's adopted 2024/25 Operational Budget; however, a budget bid will be submitted for consideration in the 2025/26 draft budget to undertake this investigation.

The investigation to assess the locations for consideration in future new footpath programs will be undertaken internally by Council officers. There are no budget impacts associated with this investigation. The financial implications of any recommendations resulting from the investigation will be included in capital budget bids for the draft 2025/2026 budget.

FILE REFERENCE

D24/217058

ATTACHMENTS

Nil

Item: NM077-24 Peakhurst Park Adventure Play Space**Councillor:** Councillor Ambihaipahar**MOTION:**

That Council write to the Minister for Planning and Public Spaces, Minister Paul Scully, thanking him for the funding of \$110,000 for Peakhurst Park Adventure Play Space.

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022-2032 Pillar 4: Our Built Environment, Goal 4.4 *Everyone has access to quality parks and open space and active and passive recreation facilities*, and Goal 4.5 *Council-led development and assets provide quality, long term benefits to everyone*.

Council has been successful in obtaining grant funding of \$110,000 from the NSW Government as part of the Metropolitan Greenspace Program to contribute towards the Peakhurst Park Adventure Play Space Detailed Design Project in the 2025/26 financial year.

The NSW Metropolitan Greenspace Program helps create liveable places, great neighbourhoods and build sustainable communities, delivering a network of high-quality green space that connects town centres, public transport hubs, and major residential areas. The program commits grant funding to local councils for projects that improve and increase access to regionally significant open space.

Council officers are currently in the process of finalising the Peakhurst Park Spatial Framework to guide the future management of this regionally significant open space within the Southern District of the Sydney Green Grid. The framework has identified an opportunity for a new off-road biking facility and youth zone within the eastern area of the park. Council's Open Space, Recreation and Community Facilities Strategy has also identified the need for more youth-orientated facilities, including the provision for riding and rolling.

The grant funding will be utilised to engage a suitably qualified consultant to undertake concept and detailed designs for the proposed Peakhurst Park Adventure Play Space. The design will consider best practices and recommendations from the State Governments' Draft Everyone Can Play and Adventurous Spaces Guidelines.

FINANCIAL IMPLICATIONS

Council has received grant funding of \$110,000 from the NSW Government to contribute towards the Peakhurst Park Adventure Play Space Project. Council will value match the grant amount in the 2025/26 financial year; this project will be included in the draft 2025/26 capital works program.

FILE REFERENCE

D24/217080

ATTACHMENTS

Nil

Item: NM078-24 Narwee Shopping Centre Economic Activation**Councillor:** Councillor Ambihaipahar**MOTION:**

That Council develops a plan that includes opportunities to collaborate with Narwee Public School, local businesses and Canterbury-Bankstown Council to explore joint initiatives for economic activation.

The plan could include but not limited to:

- (i) Strategies to attract and support local businesses, including façade improvements and economic incentives.
- (ii) Community engagement activities and events to increase foot traffic and foster a sense of community.
- (iii) Trialling markets and other pop-up events to bring more visitors to the area and provide a platform for local producers, small businesses and artisans.

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022-2032:

- Pillar 1: Our Community, Goal 1.1 *Our community is socially and culturally connected, and we strive for social equity*, Strategy 1.1.1, which aims to initiate, facilitate, and support inclusive and accessible events that meet community aspirations and foster connections among people, communities, and diverse groups.
- Pillar 3: Our Economy, Goal 3.1 *Local jobs and local businesses are supported to grow*.

Georges River Council is due to renew its Economic Development Strategy. This will be developed in 2025 under the direction of the newly elected Council and supported by our Economic Leadership Group, which includes key business and industry leaders from across the local government area. New initiatives to enhance street appeal and drive local activation will be included in the next iteration of GRC's Economic Development Strategy.

Georges River Council and Business Chamber South have developed a strong partnership to support and promote small businesses within our local community. Activation of public spaces and beautification are key pillars of the Business Chamber South's 4 Pillars Strategy. Georges River Council is a gold sponsor of the Business Chamber South.

As such, Council will promote funding opportunities that support precinct improvement including Community Improvement District Programs and Uptown Grants through the Business Unite newsletter and local business engagement.

Further, Council will promote information packages that support facade improvement and activation delivered in partnership with the Service NSW Business Bureau, Realise Business and Business Chamber South.

Council will be delivering a Night Time Markets feasibility study that explores the potential of markets across the Georges River Council local government area. The feasibility study will include recommendations of operating models for business engagement, public programming, financial impact and audience engagement. Narwee will be considered as a site for exploration.

Council has finalised the calendar of events and activations for this financial year (2024/25), of which a pop-up event at Rasdall Park located at 3 Bryant Street Narwee is already included in the current schedule for Council-led events. This event near Narwee Shopping Centre area will enable Council officers to collect data on the pop-up event effectiveness to inform future

community initiatives. Council officers will also consider other suitable park locations for future events, in line with Council's Generic Plan of Management – Parks, where markets and pop-up events are currently permissible.

Georges River Council values community partnerships and aims to empower local organisations to create vibrant events. The Georges River Council's Events and Festivals Charter, Event Guide and Event Toolkit provide resources to assist community groups in planning and executing successful events within the local government area. To further support these initiatives, Event Grants of up to \$20,000 are available through the Grants and Donation Policy, enabling eligible community groups to bring their event ideas to life.

The draft Georges River Council Local Approvals Policy - Use of Public Land will be considered for approval at the Council meeting on 26 August 2024. Following community feedback for this draft Policy, Council officers are assessing the suitability of the Narwee area for inclusion in the Policy to allow for activities such as street performance and temporary stalls in Narwee Shopping Centre. Should this location be assessed as suitable, it will enable more activities that increase foot traffic in the area however, community groups are encouraged to apply to host community-led events.

FINANCIAL IMPLICATIONS

No financial/budget impact for this recommendation.

FILE REFERENCE

D24/217086

ATTACHMENTS

Nil

Item: NM079-24 St George Police Area Command - Speed Enforcement in Peakhurst**Councillor:** Councillor Mahoney**MOTION:**

- (a) That the General Manager writes to the Commander, St George Police Area Command, to request that increased speed enforcement patrols be implemented along:
 - (i) Forest Rd, Penshurst and Peakhurst;
 - (ii) Belmore Rd and Isaac St, Peakhurst; and
 - (iii) Henry Lawson Drive, Peakhurst. and
- (b) That the data relating to speeding offences in these locations be provided to the Georges River Council Traffic Advisory Committee in General Business.

NM079-24

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022-2032 Pillar 1: Our Community, Goal 1.3 *Our community is safe and healthy*.

The key priorities for all traffic projects are to provide safety enhancements for pedestrians, reduce the risk of accident and injury, optimise traffic flow and ease congestion, and to improve accessibility by engaging with all stakeholders including residents, businesses, community groups and NSW Government agencies.

Georges River Council works closely with St George Police Area Command on a number of items pertaining to community safety.

St George Police Area Command are responsible for enforcing road rules relating to speed throughout the local government area.

On 11 December 2023, Council resolved to support the Community Safety Education Program (CSEP) in conjunction with St George Police Area Command targeting five key areas being Domestic and Family Violence, Fraud and online safety, Theft from retail stores, Malicious damage to property and Community Engagement. Council will now include other areas, such as speeding and pedestrian safety, into future CSEP's.

FINANCIAL IMPLICATIONS

No budget implications for this Notice of Motion.

FILE REFERENCE

D24/217568

ATTACHMENTS

Nil

Item: NM080-24 Congratulations Bridget Clark and Bienne Terita**Councillor:** Councillor Konjarski**MOTION:**

That Council congratulate local athletes Bridget Clark and Bienne Terita for representing Australia in the Rugby Sevens at the 2024 Olympic Games in Paris.

NM080-24

DIRECTOR'S COMMENT:

This Motion is consistent with Georges River Council's Community Strategic Plan 2022-2032:

- Pillar 1: Our Community, Goal 1.3 *The community is safe and healthy.*

Council congratulates two local athletes, Bridget Clark and Bienne Terita who represented Australia in the women's Rugby Sevens at the 2024 Paris Olympic Games.

The Australian women's Rugby Sevens team had a strong showing at the Olympics, narrowly missing out on a medal to finish in fourth place. Australia sent a team of 460 athletes to compete, participating in 33 different sports, making it one of the largest contingents Australia has sent to an Olympic Games outside of a home Olympics.

Bridget Clark and Bienne Terita's achievements have inspired the Georges River Community and Australia. Their dedication, perseverance and passion are to be admired.

Council staff will explore appropriate options to acknowledge and celebrate these local athletes in future communications material.

Council acknowledges our local female athletes who serve as role models for younger generations and assist with challenging gender stereotypes in participation in sport.

FINANCIAL IMPLICATIONS

No financial/budget impact for this recommendation.

FILE REFERENCE

D24/219424

ATTACHMENTS

Nil

Item: NM081-24 Reconstruction of new Facility at Carss Park - Options for Funding**Councillor:** Councillor Landsberry**MOTION:**

That, at the first Ordinary Meeting of the new term of Council, the General Manager provide a report to Councillors with options for delivering \$10 million in funding over the next three (3) financial years towards the reconstruction of the new aquatic facility at Carss Park, in support of the NSW Government's commitment to rebuild the pool at its existing site.

These options should include but are not limited to:

- (i) the re-prioritisation of existing capital works funding; and
- (ii) allocation of additional capital works funding towards this project.

DIRECTOR'S COMMENT:

This motion is consistent with the Georges River Council Community Strategic Plan 2022-2032:

- Pillar 4: Our built environment, Goal 4.4 *Everyone has access to quality parks and open space and active and passive recreation facilities*. Strategies under this goal aims to provide contemporary passive and active recreation spaces, skate parks, aquatic facilities and off-road biking opportunities that are easily accessible by public transport and active travel and are well maintained by Council.
- Pillar 6: Our Governance, Goal 6.2 *Our decisions are based on evidence which consider financial impacts, the environment and impacts on future generations*. Maintaining a sustainably strong financial position balanced with demand for essential services and new projects and having regard for Section 8(b)(d)(ii) of the Local Government Act (the current generation funds the cost of its services).

In April 2024, Council adopted the Georges River Community Infrastructure Needs Assessment and Acquisition Area Strategy (CINAAAS Strategy). The CINAAAS Strategy builds on the previous Open Space Recreation and Community Facilities Strategy 2019-2036 and is predominantly focused on spatially identifying where opportunities exist to address gaps in provision.

The CINAAAS Strategy acknowledges that the two existing aquatic facilities at Hurstville Aquatic and Leisure Centre and Sans Souci Leisure Centre will be complimented with a future endorsed new facility at Carss Park. Once the Carss Park facility is operational, Georges River will have the highest level of provision on a per capita basis to its neighbouring local government areas and meets all proposed demand with scope to meet an additional 83,000 people through to 2036.

A comprehensive report was provided to Council on 2 August 2022, *Financial Governance: Funding and Formulating Capital Program (CCL064-22)*, which stated:

- A council must demonstrate that its decision to carry out the capital expenditure is based on sound strategic and financial planning, supported by valid data and research and that it reflects the views, priorities and objectives of the broader community.
- Councils are required to prepare a preliminary business case for each council project to which these Guidelines apply.

In summary, any capital contribution Council makes to the new Aquatic Facility at Carss Park would require adherence to the Capital Expenditure Guidelines if the contribution/expenditure/acquisition exceeds 10% (\$9 million) of Council's annual rate revenue.

On 18 December 2023, Georges River Council resolved to partner with the NSW State Government (Office of Sport) to develop a Memorandum of Understanding (MoU) that will further progress the detailed business case, detailed design, and development consent as an essential step forward in progressing the delivery of the third aquatic facility within the local government area.

The NSW State Government will lead and manage the detailed business case, design, and development consent, with Council's support as landowner and future operator.

Council representatives have attended several workshops to assist the NSW Government develop the business case. The final business case and costings have not been received and no date of finalisation has been communicated.

If this motion is supported, the General Manager will prepare a report outlining strategies to adjust the adopted Capital works budget for 2024/25 and subsequent years in line with the *Local Government Act 1993* (The Act) and Capital Expenditure Guidelines to source the value of up to \$10 million in funding.

FINANCIAL IMPLICATIONS

Should Council resolve to support this Motion, the options for delivering \$10 million in funding over the next three (3) financial years towards the reconstruction of the new aquatic facility at Carss Park, will be provided in a future report once detailed costings from the NSW Government are received.

FILE REFERENCE

D24/228165

ATTACHMENTS

Nil

QUESTIONS WITH NOTICE

Item: QWN023-24 Status of Transport Safety Review for Hurstville Education Precinct

Author: Councillor Wang

Directorate: Office of the General Manager

Matter Type: Questions with Notice

COUNCILLOR QUESTION

1. What's the status of the new Transport Safety Review for Hurstville Education Precinct?
2. Would the Transport Safety Review cover the concerns below?

COUNCILLOR BACKGROUND

The upgrade of the signalised intersection on Forest Road and Durham Street has been finished for months and I assume there should be nothing else pending for the Review? I have also raised safety concerns about the short length of the pedestrian green lights at the intersection on Forest Road and Durham Street.

OFFICER RESPONSE

1. The report for the Hurstville School Precinct Traffic Study, prepared by an external consultant engaged to undertake the study, was submitted to Council at the end of June 2024. Council officers have forwarded the report to Transport for New South Wales (TfNSW) for their review and comment. The report will also be sent to Bayside Council for review as the study relates to an area at the boundary between Georges River Council and Bayside Council.

Council will be conducting consultation with all key stakeholders regarding the recommendations of the study, and the appropriate steps moving forward to progress the implementation of traffic safety measures in this area. Key stakeholders include TfNSW, Bayside Council, the Office of the Hon Chris Minns MP, and the local schools.

Following review of the document from TfNSW and Bayside Council, and any subsequent updates to the report by the consultant as required, Council officers will organise a key stakeholder meeting.

2. Council officers followed up with TfNSW following concerns raised around the pedestrian crossing timing at the intersection of Forest Road, Durham Street and Wright Street, Hurstville. TfNSW provided the following response in May 2024:

“The pedestrian signals at traffic signals comprise both a green pedestrian signal and a red pedestrian signal.

The green pedestrian signal is displayed for a short period of time to enable pedestrians to leave the kerb to start crossing the road.

The flashing red pedestrian signal is displayed after the green pedestrian signal for a length of time that enables a slow-moving pedestrian to cross the full width of the roadway. The walking speed used to determine this time is less than a normal walking speed, and therefore takes into account the elderly, the mobility handicapped and children.

The operation of the traffic signals at the intersection of Forest Road and Wright Street, Hurstville (TCS4940) have been reviewed and we can confirm that the pedestrian timing at this intersection is in accordance with TfNSW Guidelines.”

In summary, the signals are currently operating according to guidelines and as such, TfNSW does not recommend any changes. Council officers have forwarded this issue to St George Police Area Command to undertake additional patrols at this intersection to ensure motorists are following the road rules.

Answer published in the business paper.

ATTACHMENTS

Nil

Item: QWN024-24 Enforcement Procedures - Hillcrest Avenue Hurstville
Author: Deputy Mayor, Councillor Borg
Directorate: Office of the General Manager
Matter Type: Questions with Notice

COUNCILLOR QUESTION

Can Council officers provide details of the current enforcement procedures that are in place along Hillcrest Avenue, Hurstville between Alma Street and Woniora Road, to ensure that motorists are complying with the existing parking signage in this area?

OFFICER RESPONSE

Council Parking Officers are aware of the ongoing parking issues along Hillcrest Avenue and regularly patrol the area due to reports from the community about illegally parked vehicles. Patrols predominantly occur during the morning (6:30am to 9:30am) and afternoon (3:30pm to 6:30pm) signposted restricted parking periods.

In the past 12 months, at least 149 patrols of the area have been conducted with a total of 57 fines issued. These patrols are generally conducted through a combination of on foot and vehicle patrols, with fines issued to vehicles observed illegally parked. Notably, the majority of the patrols did not reveal any vehicles illegally parked.

Due to a majority of the signs being designated No Parking rather than No Stopping, vehicles are permitted to stop briefly to pick-up or drop-off and, despite causing traffic congestion, cannot be issued fines.

Answer published in the business paper.

ATTACHMENTS

Nil

Item: QWN025-24 **Status of Beverly Hills Master Plan and Planning Proposal for 407-511 King Georges Road Beverly Hills**

Author: Councillor Wang

Directorate: Office of the General Manager

Matter Type: Questions with Notice

COUNCILLOR QUESTION

What is the status of Beverly Hills Master Plan and Planning Proposal for 407-511 King Georges Road?

OFFICER RESPONSE

Status of Beverly Hills Local Centre Master Plan

1. Council resolved, at its meeting 24 April 2023 ENV007-23, to prepare a new way forward Beverly Hills Local Centre Master Plan. Consultants, GYDE, were reappointed in late July 2023 to commence the work on the amended Master Plan.
2. To inform the amended master plan, the project requires important research and evidence based studies including updated population yields and an updated hazard analysis associated with the Moomba to Sydney High Pressure Gas Pipeline on future development.
3. Further, in October 2023 Council adopted the Overland Flow Floodplain Risk Management Study and Plan for Hurstville, Mortdale and Peakhurst Wards. This Study has significant implications for the study area and, given the flood risks within Beverly Hills Local Centre, advice on flood assessment and risk management was sought from the Department of Environment and Heritage (EHG) and State Emergency Services (SES). In their response, the EHG outlined a suggested approach for flooding assessment and risk management for the Master Planning sites which included the preparation of a Flood Impact Risk Assessment (FIRA). The SES also recommended Council consider the impact of flooding on the proposed densities and pedestrian areas.
4. Council considered a status report on the master plan at its meeting held 27 May 2024 (ENV020-24); and was advised of the flooding issue and its impacts on the master plan. To prepare the FIRA, Council engaged external consultants. This report was received by Council in July and is currently under review by staff.
5. A further Council report will be tabled to Council, likely in early 2025, to address all of the above issues and their implications.
6. For information, the community can continue to access the master plan yoursay page <https://yoursay.georgesriver.nsw.gov.au/beverly-hills-town-centre>

Status of Planning Proposal for 407-511 King Georges Road, Beverly Hills

7. In May 2023, a rezoning review request was lodged with the then Department of Planning and Environment (DPE), by Mecone on behalf of the Beverly Hills Owners Association Incorporated, for consideration by the Sydney South Planning Panel (the Panel). The applicant requested a rezoning review because Council has failed to indicate its support for the proposal 115 days after the request to prepare a planning proposal was submitted.

8. The rezoning review sought the following amendments to the Georges River LEP 2021 (GRLEP 2021), to enable a mixed-use development on the western side of King Georges Road.
 - a. Increase the Floor Space Ratio from 2:1 to part 4:1 and part 5.5:1.
 - b. Increase the height from 15m to part 44m and part 50m.
9. In August 2023, the Panel considered the rezoning review request. The Panel determined that an increase in residential density has strategic merit. However, the Panel resolved to defer its final decision pending confirmation from the applicant that they agree to revise the Planning Proposal to be consistent with Council's draft Beverly Hills Town Centre Master Plan, 2020 (draft Master Plan). The Panel decision can be viewed in this [letter from the NSW Planning Panel to Council](#).
10. Subsequently, the applicant submitted a revised Planning Proposal in November 2023 seeking to:
 - a. Increase the Floor Space Ratio from 2:1 to part 2:1, 3:1, 3.5:1 and 5:1.
 - b. Increase the height from 15m to part 28m, 33m and 39m.
11. In December 2023, the Panel considered the revised Planning Proposal along with Council's advice. The Panel determined the Planning Proposal should be submitted for a Gateway Determination because the proposal to increase residential density has demonstrated strategic merit and, subject to revisions as outlined in the Panel's decision, demonstrates site specific merit.
12. The Panel recommended that prior to submitting the Planning Proposal for a Gateway Determination, the Planning Proposal will need to be revised to be generally consistent with Council's draft Master Plan. The Panel decision can be viewed in this [letter from the NSW Planning Panel to Council](#).
13. The applicant lodged an updated PP on 10 May 2024. The PP is being considered by all stakeholders including Council staff, TfNSW, SES and EHG. The implications of the FIRA lodged at the end of July on the PP will be considered by Council. This advice will be sent to the Department of Planning, Housing and Infrastructure for consideration in a future Panel consideration.

Answer published in the business paper.

ATTACHMENTS

Nil

Item: QWN026-24 **Unauthorised Selling of Goods on Council's Footpath**

Author: Councillor Liu

Directorate: Office of the General Manager

Matter Type: Questions with Notice

COUNCILLOR QUESTION

Could you please provide details on Council's policies regarding sale of goods on footpaths in the LGA?

COUNCILLOR BACKGROUND

I have received reports from residents, and I have occasionally seen these activities on Forest Road Hurstville, involving "Unauthorised Selling Goods on Council's footpath". From my own experience and observations, they are elderly and most of time they are selling vegetables that may have been grown in their own backyard. I understand they might just want to earn a bit of pocket money and share the joy with others of their fresh produce, however, they still occupy part of Council's footpath and there may also be associated food safety issues.

OFFICER RESPONSE

The use of footpaths for trade is regulated under section 68 of the *Local Government Act 1993*. A temporary stall permit is required to operate from a footpath and where food is proposed to be sold a Temporary Food Premises Permit is also required. The Temporary Food Premises Permit is used for any food stalls or mobile food vending vehicles for a short period of time. Any food stalls or mobile food vending vehicles that trade in the same location for an extended period of time are not considered a temporary food premises and may be subject to other approvals which may include a Development Application determined in accordance with the Environmental Planning and Assessment Act 1979.

The set up and operation of a temporary food stall must comply with:

- Food Act 2003 (NSW)
- Food Regulations 2015 (NSW)
- Food Standard Code – specifically standard 3.2.2, 3.2.2A and 3.2.3
- Guidelines for Food Businesses at Temporary Events; or
- Guidelines for Mobile Food Vending Vehicles

Council's Rangers can regulate unauthorised temporary stalls under the enforcement provisions of the *Local Government Act 1993* in circumstances where the appropriate permits have not been obtained. The process to obtain a temporary stall permit is covered by the Land Approvals Policy (Use of Public Land) which was placed on public exhibition from 20 June 2024 – 18 July 2024 and later presented to the August Community and Culture Committee meeting (COM028-24) for endorsement at the August Council meeting.

As the food being sold from unauthorised temporary food stalls is primarily grown in the home, it is difficult to determine its provenance and suitability for consumption which is a further consideration when regulating such activities.

Answer published in the business paper.

ATTACHMENTS

Nil

Item: QWN027-24 Roles and Responsibilities for Bus Stops within the LGA

Author: Councillor Wang

Directorate: Office of the General Manager

Matter Type: Questions with Notice

COUNCILLOR QUESTION

Can Council officers please advise what information is available for the community to determine who to contact for issues or requests relating to bus stops across the LGA?

COUNCILLOR BACKGROUND

Various agencies are involved including Transport for New South Wales (TfNSW), local bus companies and Council, and the community would like to understand the roles and responsibilities for bus stops. This is including, but not limited to, the locations of bus stops, and the various facilities available such as shelters and seating.

OFFICER RESPONSE

Council officers work closely with Transport for New South Wales (TfNSW) and local bus companies, such as U-Go Mobility, to assess requests relating to locations of bus stops including the potential to install new or relocate existing. Each of these requests are assessed on a case-by-case basis to determine if any changes are required. If there are any recommendations for changes, community consultation is undertaken and a report is submitted to the Traffic Advisory Committee for consideration, prior to endorsement by Council.

The existing bus stops across the Georges River Council local government area (LGA) are in varying states of condition and contain different facilities depending on age, use, and location. Various facilities available include concrete pads, tactile indicators, seating and shelters.

In 2023, Council engaged an external consultant to undertake an audit on bus stops including 745 locations across the LGA. This audit was completed in January 2024, and outlines the current asset condition, the available facilities at each location, and compliance with the Disability Discrimination Act (DDA).

Council has allocated funding and resources to begin upgrading bus stops in the 2024/25 financial year to meet current standards. Council has developed a program to continue bus stop upgrades until full compliance is reached, with the initial focus on ensuring compliance with the DDA at all bus stops across the LGA, which includes concrete pads and tactile indicators.

Delivery of these upgrades will be undertaken based on priority, with identified high priority bus stops being completed first. Installation of other facilities, such as seating and shelters, will be considered in the later stages of the program following DDA compliance at all other bus stops.

In the first instance, the community should contact Council for requests relating to bus stops including locations, the available facilities, and proposed works for future capital programs. Council officers will then investigate and liaise with TfNSW and local bus companies, as required.

The community can contact the Customer Service Team to lodge such requests on 9330 6400, or alternatively email mail@georgesriver.nsw.gov.au. Councils Traffic and Transport Team will coordinate with the Communications and Engagement Team to ensure that a public notice is posted on the Georges River Council webpage that clearly outlines this information for the community's reference.

Answer published in the business paper.

ATTACHMENTS

Nil

QWN027-24

QUESTIONS WITH NO NOTICE

Item: QNN004-24 Questions asked at the Finance and Governance Committee Meeting held on 12 August 2024

Author: Councillor Symington

Directorate: Office of the General Manager

Matter Type: Questions with no Notice

COUNCILLOR QUESTION

The following Questions with No Notice were asked in relation to FIN031-24 – 2023/24 Capital works Program Carryovers:

- Q1. The Bocce Court project has been delayed due to wet weather, when do we see this commencing?
- Q2. In reference to the footpath on Gloucester Road- In relation to the community engagement, I am assuming there are a lot of people that don't want a footpath? Is that why it has been delayed?
- Q3. In reference to the Properties at 13 and 15 Keith Street- Assuming this is at Peakhurst? If we do agree to the valuation and we do purchase it, what benefit is that going to provide to Council. Is it extending a park, what would that do, why would we acquire it?

OFFICER RESPONSE

Q1 Response:

The project has reached Practical Completion, however, the establishment of turf has been delayed due to the persistent wet weather.

Q2 Response:

The consultation process for this new footpath, and the subsequent design was extended due to minor correspondence received from community members against the construction of a new footpath on Gloucester Road. A desire for the footpath was however identified, particularly noting community accessibility requirements, resulting in the allocation of this work in the 2024/25 Financial Year.

Q3 Response:

The properties at 13 and 15 Keith Street Peakhurst were zoned for public recreation under Council's LEP 2021. The lots are adjacent to Peakhurst Park and once acquired will add to the open space holdings of the park as well as improving access to Peakhurst Park from Keith Street.

Answer published in the business paper.

ATTACHMENTS

Nil