



Minutes

Council Meeting

**Held on Monday, 20 March 2017
commencing at 6:30pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

PRESENT: The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Services, Director Shire Infrastructure, Director Shire Planning, Manager Communication and Events (Kathryn Lord), Corporate Governance Manager (Samantha Charlton), Supervisor Governance Support (Rachael Zhura) and Governance Support Officer (Amanda Davies).

Acknowledgement of Country

The Mayor, Councillor Pesce, opened the Meeting with an Acknowledgement of Country.

Opening of the Meeting with Prayer

The Meeting was opened with prayer by Associate Pastor Jodene Watling of Gymea Baptist Church.

Min No: 263 APOLOGY:

RESOLVED: (Councillor Scaysbrook/Councillor Boyd)

That an apology tendered on behalf of Councillor Forshaw be accepted and leave of absence granted.

Disclosures of Interest

File Number: 2015/14239

Councillor Riad declared a significant non-pecuniary interest in the following matter:

PLN024-17 IHAP009-17 - Alterations and Additions to Existing Dwelling -
Bampton Avenue, Illawong
File Number: DA16/1564

advising that he has discovered last week that one of the people involved in the DA is a predominant member of his church, which he is also, so due to that should that item be called he will be leaving the room.

Min No: 264**Confirmation of Minutes of Council Meeting
held on Monday 20 February 2017
(Minutes Numbered 230 to 262 inclusive)**

RESOLVED: (Councillor Provan/Councillor Simone)

That the Minutes of the Council Meeting held on Monday 20 February 2017, being Minutes Numbered 230 to 262 inclusive, be and are hereby confirmed as a correct record.

Min No: 265**MM010-17****Mayoral Minute
Expanded A-League Competition
File Number: 2016/248002, 2015/86923**

In recent weeks there has been renewed speculation that the Football Federation of Australia is considering an expansion of the national A-League competition by two teams. Whilst no decision has been made, there is a strong possibility that one of those teams could be based within or near the Sutherland Shire.

In my role as Mayor, I met a group last Friday who advised they are in the process of putting a business case to the Football Federation of Australia for an A-League licence, which if successful intend to be based in the Sutherland Shire. I have also had discussions with the Sutherland Shire Football Association, who advise me they strongly support the expansion of elite football in the area and encourage Council to similarly support a local bid.

I believe that an A-League team based in the Sutherland Shire would have significant benefits to the region. Aside from the obvious benefits to football at all levels, a local team would have considerable economic, tourism and social benefits. It is for these reasons I ask Councillors to support me in making representations to the Football Federation of Australia advising of Council's strong endorsement of an A-League team based in the Sutherland Shire.

RESOLVED: (The Mayor, Councillor Pesce/Councillor Simone)

That the Mayor writes to Mr Steven Lowy AM, Chairman Football Federation of Australia advising of Council's strong support for a new team to be based in the Sutherland Shire as part of an expanded A-League competition.

Min No: 266

At this time in the Meeting, all open items not called for discussion were moved in bulk, as shown: "RESOLVED: (Councillor Provan/Councillor Nicholls*)".

Min No: 267 Suspension of Standing Orders

RESOLVED: (Councillor Collier/Councillor Johns)

That Standing Orders be suspended to consider INF012-17 as the first item of business.

Min No: 268**INF012-17 Alcheringa Reserve Playground
File Number: 2017/263445**

RESOLVED: (Councillor Collier/Councillor Boyd)

THAT:

1. The play equipment at Alcheringa Reserve be repaired and the Playground returned to service forthwith.
2. Any future improvements or upgrades to infrastructure within the Alcheringa Reserve be carried out with prior community engagement.
3. Council develop revised policies and procedures, involving appropriate community engagement, for the management of temporary playground closures by 30 June 2017.
4. The boom gate at the Forest Road entrance to Alcheringa Reserve be opened by Council each day, and remain open during the same hours as Centenary Park Miranda, to allow vehicle access to the parking area adjacent to playground.
5. Any existing graffiti be removed from the play equipment at the Reserve.
6. Appropriate lighting be installed, as soon as practicable, near the play equipment with a view to increased passive surveillance, with consultation being undertaken with adjoining neighbours who may be impacted by this lighting.
7. A playground provision and management policy be developed in conjunction with Council's proposed Open Space and Recreation Strategy to determine the number, location and standard of playground provision within the Shire.
8. Council, as part of its annual Capital Expenditure Program and its Long Term Financial Planning, recognise the priority of funding renewal of existing assets, including playgrounds, as a key element of maintaining service continuity to the Shire Community.
9. Council continue to seek ongoing support from all State MPs and Federal MPs whose electorates include the Shire LGA, for ongoing assistance with funding of future and ongoing improvements to playgrounds across the Shire.

Resumption of Standing Orders

At this stage of the Meeting, Standing Orders were resumed.

Min No: 269

GOV016-17

**Cash Payments & Investments Report -
January 2017
File Number: 2016/250910**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

That the information concerning Bank Balances and Investments held as at 31 January 2017, be received and noted.

Min No: 270

GOV017-17

**Delivery Program 2013/14 - 2016/17
Incorporating Operational Plan 2016/17 Half
Yearly Report (July - December 2016)
File Number: 2015/229813**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

That the half yearly report on the key achievements of Council's Delivery Program and progress against the program of works and activities adopted in the 2016/17 Operational Plan be received and noted.

Min No: 271

GOV018-17

**Audit, Risk & Improvement Committee -
Adoption of Charter and Appointment of
External Independent Members
File Number: 2017/264845**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. The Sutherland Shire Council Audit, Risk & Improvement Committee Charter be adopted.
2. The following external, independent members be appointed to Council's Audit, Risk & Improvement Committee in accordance with the Audit, Risk & Improvement Committee Charter:
 - John Gordon
 - Cliff Haynes
 - Greg Smith

Min No: 272**GOV019-17****Visual Identity****File Number: 2016/249839**

RESOLVED: (Councillor Johns/Councillor Provan)

That consideration of the report regarding Visual Identity be deferred to the next Council meeting.

Min No: 273**SER012-17****Proposed Acquisition of Open Space at 7-8/1R****The Esplanade, Sylvania****File Number: 2015/4570**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. The acquisition of Lot 7 Sec B DP 12157 and Lot 121 Sec B DP 12157 located at 7-8/1R The Esplanade, Sylvania for open space purposes at terms and conditions to the satisfaction of the General Manager, be approved.
2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

Min No: 274**SER018-17****Proposed Easement for Drainage Over Community****Land - Burdening 597R Port Hacking Road, Lilli Pilli****File Number: 2016/251019**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as Lot 1 DP 11378 and Lot 23 DP 4377 and known as Lilli Pilli Oval in favour of Lot 2 in DP 11378 being 595 Port Hacking Road, Caringbah South at terms and conditions to the satisfaction of the General Manager.
2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

Min No: 275

SER019-17

**Additional Community Assets at Kirrawee
Brick Pit, 566-594 Princes Highway, Kirrawee
File Number: 2016/244142**

MOTION: (Councillor Johns/Councillor Provan)

THAT:

1. The removal of the water body from the Kirrawee Brick Pit park in conjunction with additional community assets being located as a replacement not proceed and the reduced water body option be confirmed as Council's preferred option.
2. The General Manager investigate the implications of transferring the Central Library to the Park in the South Village development and advise whether this would represent the best value outcome for the community.

AMENDMENT: (Councillor Scaysbrook/Councillor Plibersek)

THAT:

1. The removal of the water body from the Kirrawee Brick Pit park in conjunction with additional community assets being located as a replacement not proceed and the reduced water body option be confirmed as Council's preferred option.
2. Council retain the Sutherland Library at its present location and investigate utilising the 1,500m² community space offered as part of the Brick pit development as an extension of Sutherland Library, creating a technology information hub, and if found to be viable, proceed to business case development stage for Council consideration.

The Amendment on being put to the Meeting was declared lost.

A Division was requested on the Amendment and the following votes were recorded:

In Favour of the Amendment were Councillors McLean, Plibersek, Scaysbrook, Simpson and Steinwall.

Against the Amendment were the Mayor, Councillor Pesce together with Councillors Boyd, Collier, Croucher, Johns, Nicholls, Provan, Riad and Simone.

The Motion on being put to the Meeting was carried to become the RESOLUTION of the Council **(as shown in the Motion)**.

Min No: 275 Cont'd
SER019-17

A Division was requested on the Resolution and the following votes were recorded:

In Favour of the Resolution were the Mayor, Councillor Pesce together with Councillors Boyd, Collier, Croucher, Johns, Nicholls, Provan, Riad and Simone.

Against the Resolution were Councillors McLean, Plibersek, Scaysbrook, Simpson and Steinwall.

Min No: 276

**INF011-17 Request for Assistance from North Cronulla Surf
Life Saving Club Redevelopment - Project Phoenix
File Number: 2015/221440**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. Subject to the resolution of the following issues to reasonable satisfaction of the Director Shire Infrastructure:
 - Delivery vehicle access across the existing Beachfront shared pathway; and
 - Waste management and delivery vehicle access at the rear of the buildingOwner's Consent to lodge a Development Application for the North Cronulla Surf Life Saving Club redevelopment be granted.
2. Council waive Development Application fees payable directly to Council.
3. Subject to the satisfaction of the General Manager the draft revised Plan of Management for North Cronulla Surf Life Saving Club be placed on public exhibition.

**INF012-17 This matter was considered earlier in the Meeting
(see Minute No. 268).**

Min No: 277**PLN018-17****Flying Fox Camp Management - Food Shortage
& Future Management****File Number: 2015/64733**

RESOLVED: (Councillor Collier/Councillor Scaysbrook)

THAT:

1. The current suspension of Council's flying fox dispersal licence be noted.
2. The uncertainty and risk of failure involved in conducting future dispersal actions at the Kareela and Camellia Gardens flying fox camps be acknowledged.
3. Council progress, as a priority, the Kareela Flying-fox Camp Master Plan, which will provide a long term vision for the Kareela site to make it less attractive long term as a flying-fox roosting habitat.
4. Council provide a long and short term reduction of amenity impacts on directly affected residential and non-government facilities by utilising current unexpended dispersal funds to match the Local Government NSW \$25,000 Grant.
5. In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.
6. Council calls upon the MP for Miranda, Ms Eleni Petinos to make urgent and appropriate representations to the relevant State Ministers (including Health, Education and Environment) for:
 - (i) additional funding to assist Bates Drive School and Council with the management of the growing Kareela Flying Fox Colony, in the short term; and
 - (ii) the restoration of the Council's licence to disperse the colonies, in the longer term.
7. Council calls upon the Federal MP for Hughes, Mr Craig Kelly, to make urgent and appropriate representations to the relevant Federal Ministers for:
 - (i) funding to assist Bates Drive School and Council with the management of the growing Kareela Flying Fox Colony in the short term;
 - (ii) the restoration of Council's licence to disperse the Kareela Flying Fox colony in the longer term;
 - (iii) consideration of the reclassification of Grey Headed Flying Foxes.

Min No: 277 Cont'd
PLN018-17

A Division was requested on the Resolution and the following votes were recorded:

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Johns, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Min No: 278

PLN019-17 Draft South District Plan
File Number: 2016/260409

RESOLVED: (Councillor Riad/Councillor Scaysbrook)

That the submission to the Greater Sydney Commission in regard to the draft South District Plan, as attached to this report as Appendix A, be endorsed subject to the Manager of Strategic Planning strengthening Part 1 Section 8 to better reflect the potential of ANSTO as an innovation precinct.

A Division was requested on the Resolution and the following votes were recorded:

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

Against the Resolution was Councillor Johns.

Councillor Plibersek left the Meeting during discussion of the following item.

Min No: 279

PLN020-17 Draft Planning Legislation Updates 2017
File Number: 2017/263643

RESOLVED: (Councillor Steinwall/Councillor Boyd)

That the submission on the draft Legislative changes attached to this report as Appendix A, be endorsed.

Min No: 279 Cont'd
PLN020-17

A Division was requested on the Resolution and the following votes were recorded:

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Councillor Plibersek returned to the Meeting at this stage.

Min No: 280

**PLN021-17 Draft Amendments to Voluntary Planning
Agreements
File Number: 2017/263156**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. The submission to NSW Planning and Environment attached as Appendix A, be endorsed.
2. Upon the new requirements coming into effect, the Strategic Planning Unit develop a Planning Agreement Policy which meets the requirements of the practice note.

Min No: 281

**PLN022-17 Results of Public Exhibition of Planning Proposal
SSLEP2015 Amendment 7 (SSLEP2015 Amendment
"Other Policy Matters")
File Number: 2016/244252**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

That the report on Results of Public Exhibition of Planning Proposal SSLEP2015 Amendment 7 (SSLEP2015 Amendment "Other Policy Matters") be deferred for discussion to the Council Meeting to be held on 18 April 2017.

Min No: 282**PLN023-17****Process Refinements in Development
Assessment – Panels and Determinations
File Number: 2016/260430**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. The report "Process Refinements in Development Assessment – Panels and Determinations" be deferred for consideration to the next round of Council.
2. The deferred report include a discussion of, and recommendations for the selection of members of the new proposed panels and their terms of engagement.

Min No: 283**PLN024-17****IHAP009-17 - Alterations and Additions to
Existing Dwelling - Bampton Avenue, Illawong
File Number: DA16/1564**

*** Councillor Riad declared a significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

That pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, and in accordance with the delegated authority issued by the General Manager of Sutherland Shire Council, Development Application No. 16/1564 for alterations and additions to a dwelling at Lot 23 DP 261004 (No. 2) Bampton Avenue, Illawong is determined by the granting of development consent subject to the conditions contained in Appendix "A" of the Report.

A Division was requested on the Resolution and the following votes were recorded:

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Johns, McLean, Nicholls, Plibersek, Provan, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Councillor Riad returned to the Meeting at this stage.

Min No: 284

PLN025-17 **IHAP010-17 - Demolition of Existing Structures and
Construction of 3 Townhouses - Houston Street, Gymea
File Number: DA16/0662**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

That Development Application No. 16/0662 for the demolition of existing structures and construction of 3 townhouses at Lot 47 DP 9458 (No. 16) Houston Street, Gymea be approved, subject to conditions of development consent and design changes detailed in Appendix "A" of the Report (PLN025-17).

Min No: 285

PLN026-17 **IHAP011-17 - Alterations and Additions to a
Dwelling - Gannons Road, Caringbah South
File Number: DA16/0831**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

That Development Application No.16/0831 for alterations and additions to a dwelling at Lot 5 DP 259700, (No. 220) Gannons Road, Caringbah South is deferred for further assessment by Council staff, with the General Manager delegated the authority to determine the development application after considering the matters identified in the IHAP report and these resolutions:

1. The applicant is to be invited to make a request under Clause 4.6 of Sutherland LEP to permit variation of Council's floor space ratio control, as necessary, taking into account the floor space of the boatshed.
2. The applicant is to be allowed the opportunity to lodge amended DA plans that incorporate the following modifications:
 - a. Deletion of the 'walk in robe' and the associated portion of the building envelope.
 - b. The reduction of the maximum roof height of the building to be no higher than RL 19.133 AHD.

Min No: 286

COR041-17 **Draft Community Strategic Plan
File Number: 2016/259105**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

That the Draft Community Strategic Plan, as attached to this report as Appendix A, be placed on exhibition for a period of 28 days.

Min No: 287

COR042-17 **Report and Minutes of the Meetings of the Sutherland
Traffic and Traffic Safety Committee and Consultative
Traffic Forum held on Friday, 3 March 2017
File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Nicholls*)

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 3 March 2017 be noted.
2. The recommendation contained in the Minutes of the Consultative Traffic Forum Meeting held on 3 March 2017 be adopted.

Min No: 288

RES002-17 **SER016-17 - Proposed Sale of 5 Evelyn Street
North, Sylvania
File Number: 2015/4623**

Formal Notice of the following Motion was given by Councillors Plibersek, Scaysbrook and Steinwall.

MOTION: (Councillor Plibersek/Councillor McLean)

That the following Report No. SER016-17, Resolution of Council, Minute No. 248 at its Meeting on 20/02/17, be rescinded:

THAT:

1. A public auction process be undertaken for the sale of Lot B DP 379630 located at 5 Evelyn Street North, Sylvania and if the auction reserve price is reached, a contract for sale at terms and conditions to the satisfaction of the General Manager be entered into.
2. Subject to point 1, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

Point of Order

Councillor Johns raised a point of order that Councillor Plibersek was a fully paid employee of this organisation and would realise that Councillor Johns has been doing this voluntarily for only eight years, not longer as was implied by Councillor Plibersek during debate.

The Mayor, Councillor Pesce upheld the Point of Order.

Min No: 228 Cont'd
RES002-17

The Rescission Motion on being put to the Meeting was lost.

A Division was requested on the Rescission Motion and the following votes were recorded:

In Favour of the Rescission Motion were Councillors Boyd, Collier, McLean, Plibersek, Scaysbrook and Steinwall.

Against the Rescission Motion were the Mayor, Councillor Pesce together with Councillors Croucher, Johns, Nicholls, Provan, Riad, Simone and Simpson.

Petition

Min No: 289 **Playground Equipment at Alcheringa Reserve, Miranda**
File Number: 2017/263445

Councillor Collier tabled additional signatures for the petition requesting the repair and/or replacement of the playground equipment located at Alcheringa Reserve, Miranda.

Personal Statement by Councillor Scaysbrook

Councillor Scaysbrook advised that a lot of issues tonight have concerned party point scoring and things like that but anyone who saw ABC 24 news on Saturday morning at 9.00am saw two young people in debate who conducted themselves in exemplary fashion. He thinks that the combined ages of both of the members added up to less than the time he has been married so there is not a lot of experience there but anyone who saw it would have to be proud of the conduct of these two people one of them of course was Councillor Jack Boyd and the other one Alex Dowl.

We have a unique situation here where we have two party presidents on Council here we have a State President and a Federal President, Councillor Boyd is Federal President of young Labour or as we called them in election times Slave Labour. Both these people were able to articulate their points of view stridently and an erudite fashion but without rank.

Personal Statement by Councillor Scaysbrook Cont'd

A thought that crossed his mind is that he would like to send a copy of this to Mr Shorten and Mr Turnbull and say to them this is how the public expects you to conduct your political argument. On that note, he would like the State President of the Liberal party to pass on my congratulations to his member in the debate. He thinks he performed admirably as did Councillor Boyd and he thinks we would have to say it was a bit of a draw but it reflects well on Sutherland Council that we have the talents of these young people. We have three young Councillors here all of whom are doing a sterling job, jury is still out on the E Ward one. Its good entertainment and this is the way to conduct political debate and those of us old warhorses that are about to be put out to pasture who are concerned about the future of politics can feel that it is in good hands.

The Meeting closed at 8.54 pm.