



## **Minutes**

### **Council Meeting**

**Held on Monday, 17 July 2017  
commencing at 6:31pm  
in the Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which meeting the signature hereunder was subscribed.

21/08/17  
CONFIRMED

  
CHAIRPERSON

**PRESENT:** The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean (COR001-18 - INF001A-18 only), Councillor Nicholls, 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, Acting Director Shire Planning (Mark Carlon), Manager Governance and Customer Service (Todd Hopwood), Manager Strategy & Engagement (Merryn Spencer), Public Relations Specialist (Kathryn Lord), Executive Officer - Governance (Karen Barrass) and Acting Supervisor Governance Support (Amanda Davies).

### **Acknowledgement of Country**

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

**Min No: 1            APOLOGY:**

RESOLVED: (Councillor Scaysbrook/Councillor Boyd)

An apology tendered on behalf of Councillor Plibersek was accepted and leave of absence granted.

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### **Disclosures of Interest**

**File Number: 2015/14239**

Councillor McLean declared a not significant non-pecuniary interest in the following matter:

**GOV001-18            Cash Payments & Investments Report -  
May 2017  
File Number: 2016/250910**

advising that he is a Director of Care Superannuation which has a significant and reasonable size shareholding of ME Bank and Council has a relationship with ME Bank.

Councillor McLean advised that the conflict is not significant as there is no possible involvement from him in anyway shape or form.

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Councillor Simone declared a not significant non-pecuniary interest in the following matter:

**INF001-18**                    **Draft Cronulla Town Centre Public Domain  
Master Plan  
File Number: 2016/238707**

advising that her husband has engaged the same traffic consultancy company as Council to do work in another LPA.

Councillor Simone advised that the conflict is not significant as there is no influence or relationship between the two matters.

**Min No: 2**

**Confirmation of Minutes of Council Meeting  
held on Monday 19 June 2017  
(Minutes Numbered 361 to 394 inclusive)**

RESOLVED: (Councillor Simpson/Councillor Provan)

That the Minutes of the Council Meeting held on Monday 19 June 2017, being Minutes Numbered 361 to 394 inclusive, be and are hereby confirmed as a correct record.

**Min No: 3**

**Confirmation of Minutes of Extraordinary Council Meeting  
held on Wednesday 21 June 2017  
(Minutes Numbered 395 to 396 inclusive)**

RESOLVED: (Councillor Simpson/Councillor Provan)

That the Minutes of the Extraordinary Council Meeting held on Wednesday 21 June 2017, being Minutes Numbered 361 to 394 inclusive, be and are hereby confirmed as a correct record.

**Min No: 4**

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

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which meeting the signature hereunder was subscribed.

21/08/17  
CONFIRMED

  
CHAIRPERSON

**Min No: 5****GOV001-18****Cash Payments & Investments Report - May  
2017****File Number: 2016/250910**

\*\*\* Councillor McLean declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

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

**Min No: 6****GOV002-18****Appointment of Code of Conduct Review Panel****File Number: 2017/267879**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

That the Expressions of Interest of the preferred suppliers listed below be accepted as the successful Preferred Suppliers for the Code of Conduct Reviewers for Sutherland Shire Council, for a period of four years running from 1 July, 2017 to 30 June, 2021:

- Centium Group (Phil O'Toole)
- Nemesis Consulting (Peter Moroney)
- O'Connor Marsden (Andrew Marsden)
- PKF Forensic & Risk (Wayne Gilbert)
- Prevention Partners (Monica Kelly)
- SINC Solutions (Kath Roach)
- Strategic Risk Solutions (Rob Ryan)
- Train Reaction (Kathleen Thane)

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which meeting the signature hereunder was subscribed.

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CONFIRMED

CHAIRPERSON

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**Min No: 7**

**INF001-18**                      **Draft Cronulla Town Centre Public Domain  
Master Plan  
File Number: 2016/238707**

\*\*\* Councillor Simone declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

THAT:

1. The draft Cronulla Town Centre Public Domain Master Plan, attached to this report as Appendix A, be placed on public exhibition for a period of 28 days, with the following changes to the Plan:
  - a. The building known as the Woman's Rest Centre not be included on the Plan; and
  - b. The provision of modern accessible public amenities be identified on the Plan.
2. The building containing the Woman's Rest Centre be demolished and replaced with a temporary children's playground to compensate for the necessary removal of the children's playground in Ocean Grove.
3. The temporary children's playground to be removed once a suitable alternative facility has been developed as part of the Master Plan.

**Min No: 8**

**INF002-18**                      **Submission to NSW Parliament Inquiry -  
Energy from Waste Technology  
File Number: 2017/274624**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

That the submission, in response to the Parliamentary Inquiry into 'Energy from Waste' Technology, attached as Appendix B, be endorsed.

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which meeting the signature hereunder was subscribed.

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CHAIRPERSON

**Min No: 9**

**INF003-18                    Sutherland to Cronulla Active Transport Link  
(SCATL)  
File Number: 2016/261715**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

THAT:

1. 'In principle' support for the construction of the Sutherland Cronulla Active Transport Link (SCATL) be communicated to Transport for New South Wales.
2. Council's potential contribution to the project be limited to the recommendation contained in INF001A-18.
3. Further consideration of Council's commitment to the project be subject to the provision of a Business Case for the Sutherland Cronulla Active Transport Link which examines the opportunity of revising the Section 94 Open Space Contributions Plan to fund Council's contribution of the Sutherland Cronulla Active Transport Link outside the rail corridor.

**Min No: 10**

**PLN001-18                    IHAP015-17 - Construction of a Dual  
Occupancy and Inclinor with 2 Lot Strata  
Subdivision - Port Hacking Road, Dolans Bay  
(DA16/1658)  
File Number: DA16/1658**

RESOLVED: (Councillor Scaysbrook/Councillor Provan)

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to the height development standard satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the height development standard be varied to 10.5m, in respect to this application.
2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application DA16/1658 for construction of a dual occupancy and inclinor with two lot strata subdivision at Lot 344 DP 1202512 (No. 632) Port Hacking Road, Dolans Bay, meeting the signature hereunder was subscribed, is determined by the granting of development consent subject to the conditions contained in Appendix "A" of this report with the following amendments:

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CHAIRPERSON

Min No: 10

PLN001-18 Cont'd

- a. The determination be deferred until such time as the consent of the owner of Lot 343 in DP 1202512 is received to the making of the application as it relates to the proposed regrading of the driveway. In the alternative, if the Council considers it more appropriate, a deferred commencement consent be granted with a condition restricting the carrying out of the development until the owners' consent is provided to the works to the driveway.
- b. The provision of a dilapidation report be imposed as a condition of development consent.

**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, Forshaw, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

**The decision was unanimous.**

**Min No: 11**

**PLN002-18                      Opportunity for Public Open Space –  
Woolooware Bay  
File Number: 2016/248624**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

That the report Opportunity for Public Open Space – Woolooware Bay, be received and noted.

**Min No: 12**

**PLN003-18                      Connected Corridors for Biodiversity  
File Number: 2015/46860**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

THAT:

1. The Connected Corridors for Biodiversity habitat corridor map (which utilises Council's Greenways Map for the Sutherland Shire) be endorsed by Council on Monday 20 August 2017 at a meeting of the Sutherland Shire Council. The signature of the Chairperson be endorsed. Sutherland Shire and between adjoining Council areas be endorsed.

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CHAIRPERSON

Min No: 12

PLN003-18 Cont'd

2. Sutherland Shire Council continues to commit to:
  - a. enhancing habitat connectivity within the mapped corridors, by undertaking on-ground bush regeneration and habitat enhancement works, through both its Bushcare and Greenweb programs.
  - b. working with adjoining councils to improve habitat connectivity across Council boundaries.

**Min No: 13**

**PLN004-18 Kareela Flying-fox Camp - Amenity Impact  
Reduction Grants  
File Number: 2015/64733**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*)

THAT:

1. Council accept and endorse the LG NSW Amenity Impact Reduction grant.
2. Council staff liaise with Sylvanvale, ASPECT and Bates Drive Public School and with owners of residential properties identified in this report to implement amenity impact reductions in accordance with the LG NSW funding agreement.

**Min No: 14**

**PLN005-18 SSLEP2015 Amendment 4 - Housekeeping  
File Number: 2016/244249**

RESOLVED: (Councillor Scaysbrook/Councillor Provan)

That having received the Opinion of the Parliamentary Counsel's Office that Sutherland Shire Local Environmental Plan 2015 Amendment 4 can be made, pursuant to Clause 400 of the *Local Government (General) Regulations 2005*, the LEP be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and General Manager.

**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, Forshaw, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

**The decision was unanimous.**

CONFIRMED



CHAIRPERSON



**Min No: 15****COR001-18**

**Report and Minutes of the Meetings of the  
Sutherland Traffic and Traffic Safety  
Committee and Consultative Traffic Forum held  
on Friday, 7 July 2017  
File Number: 2015/2036**

MOTION: (Councillor Collier/Councillor Croucher )

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 7 July 2017 be noted.
2. Item No STR010-18 be resubmitted to the Traffic Committee to consider imposing 'no stopping' and 'no parking' signage on the western side of Manchester Road south of The Boulevard in a similar manner to the recommended 'no stopping' and 'no parking' signage on the eastern side of Manchester Road south of The Boulevard.
3. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on 7 July 2017 be adopted.

AMENDMENT: (Councillor Simpson/Councillor Steinwall)

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 7 July 2017 be noted.
2. Item No STR010-18 be resubmitted to the Traffic Committee to consider imposing 'no stopping' and 'no parking' signage on the western side of Manchester Road south of The Boulevard in a similar manner to the recommended 'no stopping' and 'no parking' signage on the eastern side of Manchester Road south of The Boulevard.
3. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on 7 July 2017 be adopted.
4. That Council staff prepare a report in regards to STR011-18 to the next round of Committees providing a community engagement, information and communication strategy.

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which the Amendment on being put to the Meeting was carried to become the Motion. meeting the signature hereunder was subscribed.

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

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CHAIRPERSON

**Min No: 16**

**MOT001-18                      Renaming Hawkesbury Park to James Goyen Reserve**  
**File Number: 2015/216094**

RESOLVED: (Councillor Croucher/Councillor Provan)

THAT:

1. Council undertakes community consultation in respect of a proposal to rename 'Hawkesbury Park', being a public reserve located at 1R Moruya Avenue Sylvania Waters, to 'James Goyen Reserve'.
2. A report on the outcome of community consultation be submitted to Council prior to a formal submission to the Geographical Names Board.
3. The proponent of the proposed name change and all other interested parties be notified of Council's decision.

**Min No: 17**

**MOT002-18                      Cronulla Town Centre Improvements**  
**File Number: 2017/279216**

MOTION: (Councillor Simone/Councillor Johns)

That Council receives a report identifying opportunities to:

- i. Improve the appearance to all major gateways to Cronulla via the installation of prevalent tourist focused signage and landscaping, incorporating native palm trees and other complementary plantings.
- ii. Incorporate a decorative and interpretive water feature in the shape of a wave at the northern end of Cronulla Plaza.
- iii. Work with Destination NSW, tourism operators and major hotel companies to develop a business case to facilitate bus tours between the city and Cronulla for tourists.
- iv. Review current and future promotional activities for the Cronulla commercial and tourist localities.
- v. Reviews the ecotourism opportunities within Cronulla and Bundeena regions.
- vi. Reviews and updates the past tourism and hotel capacity reviews undertaken by previous terms of Council.
- vii. The details of the implications of identifying Cronulla as a possible 210 August 2017 centre meeting the signature hereunder was subscribed.

The report shall include, but not be limited to, resourcing and financial implications/opportunities and likely timeframes for the delivery of key stages of the projects.

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 CHAIRPERSON

Min No: 17

MOT002-18 Cont'd

AMENDMENT: (Councillor Simpson/Councillor Forshaw)

That Council staff prepare a report from the information gathered from previous Consultant and Council Reports to compile the information requested in the Motion.

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 Collier, Forshaw, McLean, Boyd, Scaysbrook, Simpson and Steinwall.

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

The Mayor used his casting vote against the Amendment.

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

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

**Against** the Amendment were Councillors Collier, Forshaw, McLean, Boyd, Scaysbrook, Simpson and Steinwall.

The Mayor used his casting vote in favour of the Motion.

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

**Min No: 18**

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

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which meeting the signature hereunder was subscribed.

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CONFIRMED

  
CHAIRPERSON

**Min No: 19                    CONSIDERATION OF BUSINESS IN CLOSED SESSION (8.02 pm)**

*The Mayor, Councillor Pesce, asked the General Manager if any representations had been received from the public on any of the items Council will be discussing in Closed Session.*

*The General Manager replied that no representations had been received to talk to the items in Closed Session.*

*The Mayor, Councillor Pesce, 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.*

MOTION: (Councillor Scaysbrook/Councillor Provan)

*That in accordance with Section 10(A)(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:*

**SER001A-18                    Proposed Lease Level 2, 33-35 Belmont Street,  
Sutherland  
File Number: 2015/36777**

Section 10A(2)(c) Information that would, if Disclosed, Confer a Commercial Advantage on a Person with Whom the Council is Conducting (or Proposes to Conduct) Business: This matter was considered in Closed session as it relates to the entering into of a contract where prior knowledge of the proposal could confer an unfair financial advantage on any person. On balance, the public interest in preserving the confidentiality of information about proposed land rezonings outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information may encourage speculative activity on the land in question.

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which meeting the signature hereunder was subscribed.

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CHAIRPERSON

**INF001A-18**                    **Sutherland to Cronulla Active Transport Link  
(SCATL) – Route and Project Cost Estimates  
File Number: 2016/261715**

Section 10A(2)(d)(i) Commercial Information of a Confidential Nature: This matter was considered in Closed session as it relates to commercial information the disclosure of which would be likely to prejudice the commercial position of the person, company or tenderer who supplied it. On balance, the public interest in preserving the confidentiality of information provided by persons, companies or tenderers outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could reveal information that is commercial in confidence and the release of which could damage the commercial position of the person, company or tenderer who supplied it.

**Min No: 20**

**SER001A-18**                    **Proposed Lease Level 2, 33-35 Belmont Street,  
Sutherland  
File Number: 2015/36777**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*\*)

THAT:

1. The Lease of Level 2, 33-35 Belmont Street, Sutherland being Lots 11 - 17 in Strata Plan 40485 to Property NSW for five years with one x five year option at terms and conditions to the satisfaction of the General Manager be approved.
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.

**Min No: 21**

**INF001A-18**                    **Sutherland to Cronulla Active Transport Link  
(SCATL) – Route and Project Cost Estimates  
File Number: 2016/261715**

RESOLVED: (Councillor Scaysbrook/Councillor Provan\*\*)

These Minutes were confirmed at the meeting held on Monday 21 August 2017, at which That the recommendation contained in Appendix A of this report be endorsed.  
meeting the signature hereunder was subscribed.

The Meeting closed at 7.04 pm.

CONFIRMED

  
CHAIRPERSON