



Minutes

Council Meeting

Monday, 19 February 2018

6.30pm

**Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

SUTHERLANDSHIRE

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

ACKNOWLEDGEMENT OF COUNTRY

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

OPENING PRAYER

The Meeting was opened with prayer by Kristy Mills of Horizon Church.

Minute No: 168

APOLOGY

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

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

DISCLOSURES OF INTEREST

File Number: 2015/14239

Councillor Johns declared not significant non-pecuniary interests in the following matters:

PLN001A-18 Appointment of Members to Council's Design Review Forum
File Number: 2018/295236

And

PLN002A-18 Recruitment of Community Representatives for the Independent
Hearing and Assessment Panel
File Number: 2018/295236

And

PLN003A-18 Appointment of Expert Members for the mandatory Independent
Hearing and Assessment Panel
File Number: 2018/295236

advising that former Councillor Tracey Cook is one of the nominees and she is a member of my branch of the Liberal Party of which I am the President so it is a non-pecuniary, not significant interest.

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

RES001A-18 MOT014-18 SSC Condemns Decision by NSW Coalition
 Government to Demolish and Rebuild ANZ and Allianz Stadiums
 File Number: 2015/79145

advising that this was condemning his partner.

Councillor McLean declared not significant non-pecuniary interests in the following matters:

GOV019-18 Cash Payments & Investments Report - September 2017
 File Number: 2017/281575

And

GOV020-18 Cash Payments & Investments Report - September 2017
 File Number: 2017/281575

advising that he is a Director of Care Superannuation Business, a significant holder of shares in IFM.

Councillor Simone declared a pecuniary interest in the following matter:

RES001A-18 MOT014-18 SSC Condemns Decision by NSW Coalition
 Government to Demolish and Rebuild ANZ and Allianz Stadiums
 File Number: 2015/79145

advising that her husband is involved in stadiums with English Stadimax Stadiarena.

Minute No: 169

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

RESOLVED: (Councillor Provan/Councillor Riad)

That the Minutes of the Ordinary Council held on Monday 18 December 2017, being Minutes Numbered 141 to 167 inclusive, be and are hereby confirmed as a correct record.

Minute No: 170

MM009-18 **Mayoral Minute - MM009-18 2018 Australia Day Honours**
File Number: 2017/287937

RESOLVED: (Councillor Pesce/Councillor Provan)

Those congratulations be extended to the Sutherland Shire recipients who were honoured in the 2018 Australia Day Honours.

Minute No: 171

MM010-18 **Mayoral Minute - MM010-18 Royal National Park Bushfires**
File Number: 2017/287937

RESOLVED: (Councillor Pesce/Councillor Collier)

That Council write to the Commissioner NSW Rural Fire Service to express Council's appreciation for the extraordinary effort and dedication of all the emergency services staff and volunteers in attending to the Royal National Park bushfire last month.

At this time in the Meeting, all open items marked in these minutes with an asterisk were moved in bulk, as shown: "RESOLVED: (Councillor Provan/Councillor Croucher*)"

Minute No: 172

GOV017-18 **Quarterly Budget Review Statement for Period Ending December 2017**
File Number: 2017/288226

RESOLVED: (Councillor Provan/Councillor Croucher*)

That the 2nd Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.

Minute No: 173

GOV018-18 **Minutes of the Audit, Risk & Improvement Committee Meeting held on 13**
December 2017
File Number: 2017/264845

RESOLVED: (Councillor Provan/Councillor Croucher*)

That the minutes of the meeting of the Sutherland Shire Council Audit, Risk & Improvement Committee held on 13 December 2017 be received and noted.

Minute No: 174

GOV019-18 Cash Payments and Investments Report - November 2017
File Number: 2017/281575

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

RESOLVED: (Councillor Provan/Councillor Croucher*)

That the information concerning Bank Balances and Investments held as at 30 November 2017, be received and noted.

Minute No: 175

GOV020-18 Cash Payments and Investments Report - December 2017
File Number: 2017/281575

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

RESOLVED: (Councillor Provan/Councillor Croucher*)

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

Minute No: 176

SER012-18 Proposed Lease - Shop 17A/17-19 Cronulla Street, Cronulla
File Number: 2015/36863

RESOLVED: (Councillor Provan/Councillor Croucher*)

THAT:

1. The Lease of Shop 17A, 17-19 Cronulla Street, Cronulla to Sportsgirl Pty Ltd for a term of three years with a three year option 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 these resolutions.

Minute No: 177**INF020-18****Cronulla Town Centre Public Domain Master Plan****File Number: 2016/238707**

MOTION: (Councillor Provan/Councillor Forshaw)

THAT Council:

1. Adopts the Cronulla Town Centre Public Domain Master Plan, with suggested modifications in Appendix A; and
2. Undertakes a Councillor Briefing as soon as possible to identify opportunities to facilitate the staged implementation of the Master Plan.
3. The General Manager provide within 3 Months a costed proposal and project plan to commence initial upgrades in Calendar year 2019 to a maximum value of \$6,000,000.00.

AMENDMENT: (Councillor Plibersek/Councillor Johns)

THAT Council:

1. Adopts the Cronulla Town Centre Public Domain Master Plan, with suggested modifications in Appendix A; and
2. Undertakes a Councillor Briefing as soon as possible to identify opportunities to facilitate the staged implementation of the Master Plan.
3. The General Manager provide within 3 Months a costed proposal and project plan to commence initial upgrades in Calendar year 2019 to a maximum value of \$6,000,000.00.
4. In every stage of the project and in every report on this matter, there be a specific section on how it is to be paid for in Council's budget.

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

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

Minute No: 178

INF021-18 **Sutherland Leisure Centre - Impact of the New Four Hour Parking Restriction**
File Number: 2017/263071

RESOLVED: (Councillor Provan/Councillor Croucher*)

That the report on the impacts of the implementation of time limited parking in areas surrounding the Sutherland Leisure Centre be received and noted.

Minute No: 179

PLN026-18 **Sutherland Shire Housing Affordability Report**
File Number: 2017/283845

MOTION: (Councillor Steinwall/Councillor McLean)

THAT:

1. Council prepare a submission to draft amendment State Environmental Planning Policy No.70 Affordable Housing requesting the wider application of the policy.
2. Sutherland Shire Council considers SEPP 70 to be of sufficient merit and should be open to all local Council areas should they wish to accept.

AMENDMENT: (Councillor Johns/Councillor Riad)

THAT:

1. The report be noted.
2. The issue be revisited in the next term of Council after an evaluation of the impact of current land use planning policies.

A Division was requested on the Amendment 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, Plibersek, Scaysbrook and Steinwall.

The Amendment on being put to the Meeting was carried to become the Motion.

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

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

Against the Motion were Councillors Collier, Forshaw, McLean, Plibersek, Scaysbrook and Steinwall.

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

Minute No: 180

PLN027-18 Results of Exhibition of Draft SSDCP Amendment 1
File Number: 2017/284971

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That Council adopt Sutherland Shire Development Control Plan 2015 – Amendment 1 as exhibited.

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 Collier, Croucher, Forshaw, McLean, Nicholls, Provan, Plibersek, Riad, Scaysbrook, Simone and Steinwall.

Against the Resolution was Councillor Johns.

Minute No: 181

PLN028-18 Proposed LEP Housekeeping Amendment 2018
File Number: 2017/272970

RESOLVED: (Councillor Johns/Councillor Provan)

That the matter stand deferred subject to:

- a. That the impact of the changes is referred to a Councillor briefing for further explanation of specific changes.
- b. Notification letters to be distributed to the owner and neighbours of each property which is affected by a property specific mapping or heritage change.

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 Collier, Croucher, Forshaw, Johns, McLean, Nicholls, Provan, Plibersek, Riad, Scaysbrook, Simone and Steinwall.

The decision was unanimous.

Minute No: 182

COR016-18 Report and Minutes of the Meeting of the Sutherland Traffic and Traffic Safety Committee held on Friday, 02 February 2018
File Number: 2015/2036

RESOLVED: (Councillor Provan/Councillor Croucher*)

That the decisions contained in the Minutes of the Sutherland Traffic And Traffic Safety Committee Meeting held 02 February, 2018 be noted.

Minute No: 183

RES001-18 MOT014-18 - SSC Condemns decision by NSW Coalition Government to Demolish and Rebuild ANZ and Allianz Stadiums
File Number: 2015/79145

***Councillor Simone declared a pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

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

Formal Notice of the following Motion was given by the Mayor, Councillor Pesce and Councillors Nicholls and Riad.

MOTION: (Councillor Nicholls/Councillor Riad)

That the following Resolution of Council (MOT014-18), Minute No. 163 at its Meeting on 18 December 2017, be rescinded:

That Council write to the NSW Premier, the Hon. Gladys Berejiklian and the NSW Minister for Sport, the Hon Stuart Ayres advising;

Sutherland Shire Council is of the opinion that the decision of the NSW Government to demolish and rebuild ANZ and Allianz Stadiums at a cost of approximately \$2 billion dollars should not take place at this time and that much needed and vital infrastructure within the state is in desperate need of upgrading and or replacement.

This Council asks that the State Government to postpone any decision on the Stadiums and to ensure that the much-needed infrastructure funding for Hospitals, schools and the ageing road and rail corridors is provided throughout the State.

In particular, Sutherland Shire Council calls on the State Government to allocate funds for the upgrading of Heathcote Road known as the Shires, if not the States, most dangerous road and to fund the construction of a new bridge at Sutherland Rail Station.

Point of Order

Councillor Plibersek raised a Point of Order regarding whether Councillor Nicholls has a conflict of interest because he works for a State Member of Parliament.

The Mayor, Councillor Pesce, overruled the Point of Order.

Minute No: 184 Act of Disorder by Councillor Forshaw / First Warning Request for Councillor Forshaw to Withdraw Comments

The Mayor, Councillor Pesce, requested Councillor Forshaw to withdraw his comments.

Councillor Forshaw withdrew his comments.

Minute No: 183 Cont'd RES001-18

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

In Favour of the Rescission Motion were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, Nicholls, Provan and Riad.

Against the Rescission Motion were Councillors Collier, Forshaw, McLean, Plibersek, Scaysbrook and Steinwall.

The Mayor, Councillor Pesce, used his casting vote in favour of the Resolution.

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

Councillor Simone returned to the Meeting at this stage (8:35pm).

As the above Rescission Motion was carried, the following Motion on this matter was then considered.

Minute No: 185

**MOT014-18 SSC Condemns decision by NSW Coalition Government to
Demolish and Rebuild ANZ and Allianz Stadiums
File Number: 2015/79145**

MOTION: (Councillor Nicholls/Councillor Johns)

That the Mayor write to the NSW Premier and NSW Treasurer to:

1. Support the calls of the Sutherland Shire Council, Member for Heathcote and Member for Holsworthy to upgrade Heathcote Road.
2. Support the calls of the Sutherland Shire Council, Member for Heathcote to upgrade the Sutherland Station Bridge.
3. Stress the importance of these projects to the local area.
4. Request that funding for these projects be considered in the 2018/19 budget.

AMENDMENT: (Councillor Johns/Councillor Provan)

That the Mayor write to the NSW Premier and NSW Treasurer to:

1. Support the calls of the Member for Heathcote and Member for Holsworthy to upgrade Heathcote Road.
2. Support the calls of the Member for Heathcote to upgrade the Sutherland Station Bridge.
3. Stress the importance of these projects to the local area.
4. Request that funding for these projects be considered in the 2018/19 budget.

Minute No: 186 Procedural Motion

PROCEDURAL MOTION: (Councillor Riad)

That the Motion be put.

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

In Favour of the Procedural Motion were the Mayor, Councillor Pesce, together with Councillors Johns, Provan, Riad and Simone.

Against the Procedural Motion were Councillors Collier, Croucher, Forshaw, McLean, Nicholls, Plibersek, Scaysbrook and Steinwall.

The Procedural Motion on being put to the Meeting was declared lost.

Minute No: 185 Cont'd**MOT014-18**

Debate continued on the matter.

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

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

Against the Amendment were Councillors Collier, Croucher, Forshaw, McLean, Nicholls, Plibersek, Scaysbrook and Steinwall.

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

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

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

Against the Motion was Councillor Plibersek.

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

Councillors Collier, Forshaw and Provan left the Meeting at this stage.

QUESTION WITH NOTICE

Minute No: 187 Heathcote Hall Development Application
File Number: DA17/0467

Councillor McLean submitted the following question:

Could the Director of Planning update the Council on the Current position, and recent activity surrounding the "D Ward" Heathcote Hall development application.

The Director Shire Planning replied as follows:

There was a significant amount of additional information submitted in mid-December last year. That information was put on public exhibition, that's the second exhibition for this particular application. A period of just over seven weeks was allowed due to the time of year that the exhibition was held. That period has now closed. There are two agencies that are critical in the assessment of this application that are external to Council, those are the Rural Fire Service and the State Heritage Office. We need to consult with them and obtain their general terms of approval before we can proceed with the assessment of the DA so those authorities have been sent the revised information as well. So the current situation is that the second neighbour notification period is closed, we are waiting on feedback from those two State Government agencies. In the meantime, Council's assessment team is working through the information also and starting to compile the assessment report. Once we have all those inputs from the external agencies we'll be able to get that report completed and it will then be forwarded on to the Sydney South Planning Panel and they will distribute the report and information, organise the meeting and make the determination on that application. Residents will have a further opportunity to be present at that meeting and to address the Panel if they wish. The final decision would be made on the day of that meeting.

Councillors Collier, Forshaw and Provan returned to the Meeting at this stage.

QUESTION WITHOUT NOTICE

Minute No: 188 Gross Local Product
File Number: 2017/294448, 2017/294449, 2018/294955, 2018/294956

Councillor Johns raised the following matter:

Can I be provided with the previous 4 years financial performance of the Shire inclusive of Gross Local Product vs the state, other council areas and nationally.

The Mayor advised that a reply would be provided.

Minute No: 189**CONSIDERATION OF BUSINESS IN CLOSED SESSION (8:55pm)**

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 as per the Agenda.

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.

RESOLVED: (Councillor Provan/Councillor Forshaw)

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

GOV002A-18 Outcome of the SSROC Tender - Program for Energy & Environmental Risk Solutions (PEERS)
File Number: 2017/284068

Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:

This matter is being 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.

SER006A-18 **Outcome of Commercial Negotiations for Council Land at 45 - 49 Croydon Street, Cronulla**
File Number: 2015/219769

Section 10A(2)(c)(pur) 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 is being considered in Closed session as it relates to a proposal for the sale or purchase of land where prior knowledge of this proposal could confer an unfair financial advantage on any person. On balance, the public interest in preserving the confidentiality of information about the reserve price outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would put the Council at a competitive disadvantage in its negotiations with a prospective purchaser, preventing it from achieving a 'best value for money' outcome for the community.

PLN001A-18 **Appointment of members to Council's Design Review Forum**
File Number: 2018/295236

Section 10A(2)(a) Personnel Matters Concerning Particular Individuals:

This matter is being considered in Closed session as it relates to personnel matters concerning particular individuals.

PLN002A-18 **Recruitment of Community Representatives for the Independent Hearing and Assessment Panel**
File Number: 2018/295236

Section 10A(2)(a) Personnel Matters Concerning Particular Individuals:

This matter is being considered in Closed session as it relates to personnel matters concerning particular individuals.

PLN003A-18 **Appointment of Expert Members for the mandatory Independent Hearing and Assessment Panel**
File Number: 2018/295236

Section 10A(2)(a) Personnel Matters Concerning Particular Individuals:

This matter is being considered in Closed session as it relates to personnel matters concerning particular individuals.

At this time in the Meeting, all closed items marked in these minutes with two asterisk were moved in bulk, as shown:“RESOLVED: (Councillor Provan/Councillor Croucher**)”

Minute No: 190

**GOV002A-18 Outcome of the SSROC Tender - Program for Energy & Environmental Risk Solutions (PEERS)
File Number: 2017/284068**

RESOLVED: (Councillor Provan/Councillor Croucher**)

THAT:

1. The report “Outcome of the SSROC Tender – Program for Energy & Environmental Risk Solutions (PEERS)” be received and noted.
2. The 2018/19 operational budget and the long term financial plan be developed in light of the new contract prices for energy.

Minute No: 191

**SER006A-18 Outcome of Commercial Negotiations for Council Land at 45 - 49 Croydon Street, Cronulla
File Number: 2015/219769**

RESOLVED: (Councillor Provan/Councillor Simone)

That the recommendation outlined in the report “Outcome of Commercial Negotiations for Sale of Land at 45 – 49 Croydon Street Cronulla” be accepted.

Minute No: 192

**PLN001A-18 Appointment of members to Council's Design Review Forum
File Number: 2018/295236**

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

RESOLVED: (Councillor Provan/Councillor Croucher**)

That in accordance with the delegation granted by the Council to this Committee it is resolved that:

1. The Chair and external Architects identified in this report as the most suitable candidates be appointed to Council's Design Review Forum.
2. Outgoing members be thanked for their contribution.

Minute No: 193**PLN002A-18 Recruitment of Community Representatives for the Independent Hearing and Assessment Panel****File Number: 2018/295236**

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

DELEGATED DECISION at the Shire Planning Committee on 5 February 2018:

That in accordance with the delegation granted by the Council to this Committee it is resolved that:

1. The five candidates for the community representative position on the mandatory Independent Hearing and Assessment Panel listed in this report as most suitable for the role be appointed for a period of 3 years.
2. Remuneration arrangements be in accordance with this report.

RESOLVED: (Councillor Johns/Councillor Simone)

That the delegated decision of the Shire Planning Committee on 5 February 2018 be noted.

Minute No: 194**PLN003A-18 Appointment of Expert Members for the mandatory Independent Hearing and Assessment Panel****File Number: 2018/295236**

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

RESOLVED: (Councillor Provan/Councillor Croucher**)

That in accordance with the delegation granted by the Council to this Committee it is resolved that:

The five experts from the NSW Government approved pool listed in this report be appointed to Sutherland Shire Council's Independent Hearing and Assessment Panel for a period of three years.

At this stage the Meeting moved back into Open Session.

The Meeting closed at 9:04pm.