



# **Business Paper**

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## **Council Meeting**

**Monday, 19 March 2018**

**6.30pm**

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

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**SUTHERLANDSHIRE**

**ORDER OF BUSINESS**

- 1. ACKNOWLEDGEMENT OF COUNTRY**
- 2. OPENING PRAYER / RELIGIOUS OBSERVANCE**
- 3. APOLOGIES**
- 4. DISCLOSURES OF INTEREST**
- 5. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**
- 6. PRESENTATIONS**
- 7. MAYORAL MINUTES**
  - MM011-18 Mayoral Minute - Vale Robert (Bob) Daniel Walshe OAM 1923 - 2018
- 8. REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 5 MARCH 2018**
  - GOV021-18 Cash Payments and Investments Report - January 2018
  - GOV022-18 Delivery Program 2017 - 2021 Incorporating Operational Plan 2017/18 - Half Year Progress Report (July - December 2017)
- 9. REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 5 MARCH 2018**
  - SER013-18 Value Assessment of Developer Contribution Space at South Village, Kirrawee
  - SER014-18 Proposed Acquisition of 100 Como Road Oyster Bay for Open Space Purposes
  - SER015-18 Proposed Telecommunication Tower at Gynea Bay
- 10. REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 5 MARCH 2018**
  - INF022-18 Proposed Park Access, Public Toilet Upgrade and Landscape Works within Cronulla Park - Business Case
  - INF023-18 Cronulla Town Centre Traffic Study - Report on the 6 Month Trial of No Left Turn into Cronulla Street
- 11. REPORTS OF THE SHIRE PLANNING COMMITTEE HELD ON 5 MARCH 2018**
  - PLN029-18 Results of Exhibition of SSDCP2015- Draft Amendment 2

**12. REPORTS FROM OFFICERS**

COR017-18 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum Held on Friday, 02 March 2018

**13. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**14. MOTION**

MOT015-18 Crime Prevention and Graffiti Management - Walk the Walls  
MOT016-18 Removal of Trees

**15. PRESENTATION OF PETITIONS**

**16. QUESTIONS**

**17. NON AGENDA ITEMS**

**18. CONSIDERATION OF BUSINESS IN CLOSED SESSION**

**19. CONFIDENTIAL REPORTS FROM OFFICERS**

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**MM011-18      MAYORAL MINUTE - VALE ROBERT (BOB) DANIEL WALSH OAM  
1923 - 2018**

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MM011-18

**Attachments:** Nil

19 March 2018

The Councillors of the Sutherland Shire

Dear Councillors

**Vale Robert (Bob) Daniel Walshe OAM 1923 - 2018**

Robert (Bob) Daniel Walshe, the only Shire resident to be awarded Citizen of the Year twice, passed away peacefully on 6 March 2018. In celebrating our centenary in 2006 Bob was also chosen as one of the 100 Faces of the Shire.

Bob was born in the eastern suburbs spending his childhood in Waverley. Bob left school at 14 commencing work in a butter factory before entering service with School of Artillery at 18 following the outbreak of WWII. Bob transferred to the Australian Imperial Force at 19. On discharge at the conclusion of the war Bob moved to West Como in 1948.

It was in the 1970's that Bob's interest in the environment grew. He was instrumental in the establishment of the Total Environment Centre, an institution that continues to this day. At a local level Bob was one of the founding members of the Sutherland Shire Environment Centre formed in 1991, a group that has been at the forefront of many environmental campaigns in the Shire. Bob chaired the First National Park Committee for many years seeking to have the Royal National Park placed on the World Heritage List. Throughout his environmental work, Bob formed friends and partnerships across political parties. Even when differences of perspective did emerge Bob always commanded respect for his knowledge and willingness to listen.

Bob also had a strong sense of social justice and partnered with Council on numerous activities. Bob was involved in the steering group that saw the establishment of the Sustainable House & Garden, a thriving social enterprise now managed by Sylvanvale Foundation at Rawson Parade, Sutherland. Bob was a passionate advocate for healthy ageing. Following a stroke in 2008, Bob was instrumental in bringing psychiatrist Dr Norman Doidge, the bestselling author of the 'Brain That Changes Itself' to the Sutherland Entertainment Centre (SEC) in 2009. This event sold more tickets than any other event ever held at the SEC with lengthy queues formed at the door seeking admission to the sold out event. The following year in 2010 Bob wrote the 4 page brochure 'Are You Ageing Well?' circulated to every household in the Shire. It was in this year that Bob became the only resident of the Sutherland Shire to be bestowed with the title of Citizen of the Year for a second time.

Bob was awarded the OAM in 2008 for his work on environmental and social issues.

And finally, Bob was an avid reader and author. One of Bob's many interests was in Henry Lawson who resided in Como West prior to his death in 1922. Bob organised several Henry Lawson festivals as long ago as the 1960's. Bob nurtured thousands of students' interest in literature throughout his teaching career.

Bob's legacy is everywhere, not only in making an impact himself but also in his own quiet, dignified manner influencing and empowering others to rise to the environmental and social challenges that confront modern society. And, to this day, our natural environment remains the highest valued attribute of living in the Sutherland Shire. Bob's influence in achieving this outcome cannot be underestimated.

#### **MOTION**

1. That Council extend its condolences to the family of the late Bob Walshe.
2. That a period of silence be held in memory of the late Bob Walshe.



Councillor Carmelo Pesce  
Mayor

File Number: 2017/287937

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## REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 5 MARCH 2018

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### GOV021-18 CASH PAYMENTS AND INVESTMENTS REPORT - JANUARY 2018

#### EXECUTIVE SUMMARY

- This report provides details of Council's investment performance for the period ending 31 January 2018, along with presenting cash and investment balances and diversification.
- Council may invest funds that are not, at any particular time, required for any other purpose. Investment of these funds must be in accordance with relevant legislation and regulations and in accordance with Council's Policy for Investment of Cash Balances. Details of these investments must be reported to Council monthly.
- The return on Council's portfolio to 31 January 2018 was 2.65% compared to the benchmark of 1.73%.
- All investments have been made in accordance with legislative requirements and within relevant Council policy.

#### COMMITTEE RECOMMENDATION

That the information concerning Bank Balances and Investments held as at 31 January 2018, be received and noted.

**GOV022-18      DELIVERY PROGRAM 2017 - 2021 INCORPORATING OPERATIONAL PLAN  
2017/18 - HALF YEAR PROGRESS REPORT (JULY - DECEMBER 2017)**

**EXECUTIVE SUMMARY**

- This report provides an update on the progress of actions adopted in the 2017/18 Operational Plan for the period 1 July 2017 to 31 December 2017. The 2017/18 Operational Plan is the first year of the 2017-2021 Delivery Program.
- Progress is assessed through a series of performance measures contained within the document.
- There are a total of 287 actions in the 2017/2018 Operational Plan. For the first six month period, progress of actions is 10% completed, 66% on track, 15% monitor and 9% are not commenced or on hold.
- Section 405(5) of the Local Government Act 1993 requires that the General Manager ensure that regular progress reports are provided to the Council on its progress with respect to the principal activities detailed in its Delivery Program at least every six months.

**COMMITTEE RECOMMENDATION**

That the half yearly report on the progress against actions adopted in the 2017 - 2021 Delivery Program incorporating 2017/18 Operational Plan be received and noted.

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**REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 5 MARCH 2018**

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**SER013-18          VALUE ASSESSMENT OF DEVELOPER CONTRIBUTION SPACE AT SOUTH VILLAGE, KIRRAWEE****EXECUTIVE SUMMARY**

- Council will receive in October 2018, a 1,500m<sup>2</sup> space within the retail precinct that is not fitted out, as part of the developer's contribution for the mixed residential and retail development known as South Village, Kirrawee.
- The space is without dedicated parking, zoned for mixed use and is a stratum, able to be sub-divided, for an estimated cost of \$760,000.
- In June 2017 Council resolved that an options paper discussing the types of uses for the space, with an emphasis on creating a community hub and promoting learning and social engagement be prepared.
- The recent community engagement survey undertaken in November 2017 revealed a lack of desire towards more community halls and a preference for the sale of some halls to meet other community needs.
- Council has several options for the use of this space; commercially leasing it, using it as a community facility, as a combined community and commercial leased facility, holding onto it and deferring a decision until the best use is known or selling it and applying the funds towards either the infrastructure backlog or the current community building services Council provides.
- The analysis of options against community expectation and need, sound property portfolio management, consideration of Council's long term financial planning and the risks of each option, finds that sub-dividing and commercially leasing the space to be the most preferred option.
- Council is able to apply rent (quantified under separate confidential cover, Appendix E) earned towards its existing community building services and its infrastructure backlog.

**COMMITTEE RECOMMENDATION****COMMITTEE RECOMMENDATION:**

That the matter be referred to Council.

**DECISION:**

That in accordance with the delegation granted by the Council to this Committee it is resolved that staff provide further information regarding the forecast rental return and an estimate of the debt of the return.



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**SER014-18          PROPOSED ACQUISITION OF 100 COMO ROAD OYSTER BAY FOR OPEN SPACE PURPOSES****EXECUTIVE SUMMARY**

- The property at 100 Como Road, Oyster Bay adjoins Oyster Bay Oval, is zoned for open space and is privately owned. It is one of a number of properties earmarked for purchase under the Section 94 Development Contribution Plan 2016, to increase open space at Oyster Bay Oval.
- As this land is listed in the Sutherland Shire Local Environmental Plan 2015 Council has a statutory obligation to acquire this property, Section 94 funds are held in trust for this purpose.
- Council has been attempting to acquire the open space zoned property for some time. Council staff recently wrote to the owner indicating its interest in purchasing the property. The owner responded, inviting Council to acquire the property.
- Council arranged an independent valuation and based on this made an offer to purchase the property subject to Council resolution. The owners have accepted Council's offer and would like to proceed with the sale.
- The acquisition of the subject property satisfies an objective of the Sutherland Shire LEP 2015 and the Section 94 Development Contribution Plan 2016, and will assist Council in providing the community with increased open space at Oyster Bay. It is recommended that Council approve the purchase of this property.

**COMMITTEE RECOMMENDATION**

THAT:

1. The acquisition of Lot 1 Deposited Plan 617854 known as 100 Como Road Oyster Bay to increase open space at Oyster Bay Oval, Oyster Bay at terms and conditions to the satisfaction of the General Manager be approved.
2. Council delegates the General Manager to execute any necessary documentation, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, for the acquisition of 100 Como Road, Oyster Bay.

**SER015-18 PROPOSED TELECOMMUNICATION TOWER AT GYMEA BAY****EXECUTIVE SUMMARY**

- To rectify a telecommunication 'blackspot' in Gymea Bay, Vodafone proposes to install a new telecommunication tower on Council land adjacent Gymea Bay Road Reserve at 2-6 Casuarina Road, Gymea Bay (Lot 1 DP 10487).
- The Telecommunications Act 1997 (Cth) permits carriers to install infrastructure on public land. The proposed tower is considered a high impact installation due to its 24 metre height and being a new installation, it will therefore require development consent.
- Vodafone is seeking the land owner's consent to submit a development application for the tower construction. Public consultation will also be carried out as part of the development application process.
- Council is entitled to compensation should the development application be approved.

**COMMITTEE RECOMMENDATION**

THAT:

1. Council's consent, being the owner of the land located adjacent Gymea Bay Reserve at 2-6 Casuarina Road, Gymea Bay (Lot 1 DP 10487) is provided to allow a development application to be lodged by Vodafone Pty Ltd for the construction of a telecommunication tower as per drawing no. 240188 on the proviso that the pole and panels be painted green to blend better with the tree scape.
2. Should the Development Application be approved, the Compensation/Access Deed, or Agreement, or any other relevant documentation formalising the occupation by Vodafone Pty Ltd to locate telecommunications equipment at 2-6 Casuarina Road, Gymea Bay (Lot 1 DP 10487) be approved at terms and conditions to the satisfaction of the General Manager.
3. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No.28, the General Manager executes any necessary documentation to give effect to this resolution.

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**REPORTS OF THE SHIRE INFRASTRUCTURE COMMITTEE HELD ON 5 MARCH 2018**

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**INF022-18          PROPOSED PARK ACCESS, PUBLIC TOILET UPGRADE AND LANDSCAPE  
WORKS WITHIN CRONULLA PARK - BUSINESS CASE****EXECUTIVE SUMMARY**

- This report describes a worthwhile opportunity to improve the public recreation and amenity facilities at one of the busiest open space areas in the Shire.
- This report presents the detailed business case for the access, toilet upgrade and landscape works within Cronulla Park as detailed in Appendix A and concludes there is merit to proceed to funding consideration.
- Three options have been considered in the relation to the proposal and each option has been costed.
- Option Two is the preferred option. It requires a capital investment of \$1.22m but delivers a range of amenity improvements to the community and addresses the key risk management and safety issues.
- There are no significant additional whole of life asset costs associated with the proposal.
- There is an existing works schedule item in the adopted Section 94 plans corresponding to this proposal and the recommendation is to list the works for consideration in the 2018/19 Operational Plan.

**COMMITTEE RECOMMENDATION**

THAT:

1. Council supports Option Two as detailed in this report and proceeds to consider funding in the 2018/19 Operational Plan.
2. The design look at the option of 24 hour access and cleaning schedules for 1 unisex toilet.

**INF023-18                      CRONULLA TOWN CENTRE TRAFFIC STUDY - REPORT ON THE 6 MONTH TRIAL OF NO LEFT TURN INTO CRONULLA STREET**

**EXECUTIVE SUMMARY**

- This report is in response to the Council resolution of COR005-18 dated 18 September 2017.
- On Tuesday 25 July 2017 Council introduced a six month trial of a "No Left Turn" restriction into Cronulla Street at the southern end of the Cronulla retail centre opposite Cronulla Railway Station.
- This report provides information regarding the operation and evaluation of the trial and the reasons for and against retaining the "No Left Turn" restriction.
- It is recommended that the "No Left Turn" restriction be retained on a permanent basis in the interest of town centre safety and amenity and traffic flow efficiency and that these benefits are consistent with the guiding principles of the Cronulla Town Centre Public Domain Masterplan.

**COMMITTEE RECOMMENDATION**

That the necessary measures to permanently formalise the 'No Left Turn' restriction on Cronulla Street Cronulla be implemented.

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**REPORTS OF THE SHIRE PLANNING COMMITTEE HELD ON 5 MARCH 2018**

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**PLN029-18          RESULTS OF EXHIBITION OF SSDCP2015- DRAFT AMENDMENT 2****EXECUTIVE SUMMARY**

- Sutherland Shire Development Control Plan 2015 (SSDCP2015) Draft Amendment 2 was publicly exhibited between 3 January and 31 January 2018. The draft contains a minor amendment to accommodate the recent subdivision at New Illawarra Road, Barden Ridge (Ridgeway Estate).
- The amendment is to reduce the minimum front setback for dwelling houses from 7.5m to 6m in order to preserve the amenity of rear yards and streamline the assessment of development applications.
- A single anonymous submission was received during this period. The submission did not specifically address the proposed amendment, but was a general objection to further development in the Sutherland Shire.
- Having considered the submission, it is recommended that Sutherland Shire Development Control Plan 2015 Amendment 2 be adopted as exhibited.

**COMMITTEE RECOMMENDATION**

That Sutherland Shire Development Control Plan 2015 - Amendment 2 be adopted as exhibited
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**COR017-18      REPORT AND MINUTES OF THE MEETINGS OF THE SUTHERLAND  
TRAFFIC AND TRAFFIC SAFETY COMMITTEE AND CONSULTATIVE  
TRAFFIC FORUM HELD ON FRIDAY, 02 MARCH 2018**

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**COR017-18**

**Attachments:** Nil

**EXECUTIVE SUMMARY**

- Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum were held on Friday, 02 March 2018.
- The Minutes of the meetings are below.

**REPORT RECOMMENDATION**

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday 02 March 2018 be noted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 02 March 2018 be adopted.

**Report and Minutes of the Meeting of the Sutherland Traffic and Traffic Safety Committee of the Sutherland Shire, held in the Administration Centre, Eton Street, Sutherland on Friday, 2 March 2018 commencing at 8.35 am.**

**PRESENT:**

Councillor Croucher (Chairperson), together with Councillor McLean, Mr Tony Blain (representing Mr Lee Evans, MP), Mr Mike Schrafft (representing Mr Mark Speakman, MP), Ms Makaella Reditis (representing Eleni Petinos, MP), Sgt Scott Robinson (representing the NSW Police, Sutherland Local Area Command), Senior Constable Rachel King (representing the NSW Police, Sutherland Local Area Command) , Mr Mark Carruthers (representing Roads and Maritime Services), Acting Traffic and Transport Manager (Peter Warren), and Executive Officer - Governance (Neil Treadwell).

**APOLOGY**

Nil

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**DISCLOSURES OF INTEREST**

Mr Mike Schrafft (representing Mr Mark Speakman, MP) declared a not-significant, non-pecuniary interest in the following matter:

STR067-18 Intersection of Carrabella Road and Yathong Road, Caringbah - Proposed roundabout  
File Number; 2017/289070  
advising that he lives near the proposed roundabout.

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

DECISION: (Councillor Croucher / Tony Blain)

That the Minutes of the Meeting of the Sutherland Traffic and Traffic Safety Committee held on Friday 02 February 2018 be confirmed as a correct record.

**All Report Recommendations were voted unanimously by the Sutherland Traffic and Traffic Safety Committee.**

**STR061-18**                    **Minor Signage Items - March 2018**  
**File Number: 2018/296727**

DECISION:

THAT:

1. The recommendations listed in the Minor Signage Items table be approved as shown on the attached plans.
2. The Authorised Officers be advised of these decisions for enforcement purposes
3. Item 'E2 - Holts Point Place, Sylvania, Install a section of car & trailer parking only' in 'STR061-18 Minor Signage Items – March 2018', be deferred subject to further investigation.

**STR062-18**                    **Australian Heritage Festival 2018 - Temporary Bus Zones**  
**File Number: 2018/294792**

DECISION:

THAT:

1. Temporary Bus Zones be provided for Australian Heritage Festival activities on Saturday 21 April and 28 April 2018 at the following locations:
  - East Parade, Sutherland, west side, outside Sutherland School of Arts building
  - Toronto Parade, Sutherland, east side, south of Clio Street, outside Brinsley's Joinery building
  - Linden Street, Sutherland, west side, south of Adelong Street, outside the Woronora Cemetery.
2. The Authorised Officers be advised of this decision for enforcement purposes.



**STR063-18**                      **Bates Drive, Kareela - Parking Conditions at School**  
**File Number: 2018/296727**

## DECISION:

## THAT:

1. "15 minute Parking 8 – 9:30am and 2:30 - 4pm School days" signposting be approved adjacent to the school gate in the service road outside the Bates Drive School, Kareela, in accordance with the Plan A attached to this report.
2. The Authorised Officers be advised of this decision for enforcement purposes.
3. Subject to confirmation from the School Principal, install 10 minute or 15 minute parking signage with the Sutherland Shire Traffic and Traffic Safety Committees preference being 10 minutes.

**STR064-18**                      **Thorp Road, Woronora - No Parking restrictions**  
**File Number: 2018/296727**

## DECISION:

## THAT:

1. A further 34 metres of 'No Parking' restrictions be provided at Thorp Road, Woronora, in accordance with Plan 'A' attached to the report.
2. The Authorised Officers be advised of this decision for enforcement purposes.

**STR065-18**                      **Crammond Avenue, Bundeena - Parking restrictions outside House No.22**  
**File Number: 2018/296727**

## DECISION:

## THAT:

1. 'No Parking' signs be installed in Crammond Avenue, Bundeena, outside house No.22, in accordance with Plan 'A' attached to the report.
2. The Authorised Officers be advised of this decision for enforcement purposes.

**STR066-18**                    **Willandra Parade, Heathcote - Road reconstruction at Dalley Road**  
**File Number: 2016/257268**

DECISION:

That the concept design of road reconstruction works and the associated linemarking and signposting be approved at Willandra Parade, Heathcote, in the vicinity of Dalley Road, in accordance with Council's Conceptual Design Drawing No.12/17.

\*\*\* Mr Mike Schrafft (representing Mr Mark Speakman, MP) declared a not-significant, non-pecuniary interest in the following matter:

**STR067-18**                    **Intersection of Carrabella Road and Yathong Road, Caringbah - Proposed**  
**roundabout**  
**File Number: 2017/289070**

DECISION:

THAT:

1. The provision of a roundabout at Carabella Road and Yathong Road, Caringbah be endorsed by the Committee.
2. The linemarking and signposting be provided in association with the construction of a roundabout at the intersection of Carabella Road and Yathong Road, Caringbah in accordance with Council's Design Drawing No 16920-CO Sheet C02 shown in Appendix A attached to the report.
3. The design is approved subject to speed control devices being installed at a later date, if deemed required.

**STR068-18**                    **Georges River Rd, Jannali - Bus Zones between Carvers Road and Samuels Avenue**  
**File Number: 2018/296727**

DECISION:

THAT:

1. 'Bus Zone' restrictions be approved at the following locations
  - Georges River Road, west side, north of Samuels Avenue
  - Georges River Road, east side, south of The Circle
  - Georges River Road, west side, south of Carvers Roadin accordance with the attached Plan 'A', Plan 'B' and Plan 'C'.
  
2. The Authorised Officers be informed of this decision for enforcement purposes.

**STR069-18**                    **Holt Road, Sylvania**  
**Refuge Island west of Venetia Street.**  
**File Number: 2018/296727**

DECISION:

THAT:

1. The detailed design plan for the construction of a two metre wide concrete pedestrian refuge island in Holt Road, adjacent to the Sylvania Heights Public School be approved.
  
2. Council write to the RMS for an extension to the school zone as proposed by the NSW Police.
  
3. Cr Croucher thanked the Council staff and the RMS for achieving a satisfactory outcome for the school and residents.

**STR070-18**                    **Central Road, Miranda - Anzac Day Ceremony and March**  
**File Number: RCA18/0231**

## DECISION:

## THAT:

1. The temporary Road Closure of the northern section of Central Road, Miranda to conduct the Anzac Day Dawn Service generally between 5 to 7am on Wednesday 25 April 2018 be approved.
2. The information regarding Miranda RSL march to be held after the Anzac Day Dawn Service on 25 April 2018 be received and noted.

**STR071-18**                    **Pinnacle Street, Miranda - Parking Restrictions and Shared Zone**  
**File Number: 2018/296727**

## DECISION:

## THAT:

1. To approve a traffic management plan for signposting 90<sup>o</sup> angle parking bays in the northern part of Pinnacle Street, in accordance with the attached plan A and B.
2. To seek the RMS approval for the future installation of a 10k Shared Zone in the eastern part of Pinnacle Street, Miranda.
3. The final design be presented to a future meeting of the Sutherland Traffic and Traffic Safety Committee.

## LATE MATTERS RAISED AT MEETING;

- Councillor McLean raised the issue of traffic congestion in View Street, Miranda and if investigations have been commenced. Peter Warren advised that the matter is still under investigation and that a report will be provided to the Committee in the first half of 2018.
- Councillor McLean again raised concerns about the large number of trucks that appear to be speeding along the highway between Engadine and Sutherland. The Police advised that there is an operation that is imminent and that there will be a high Police profile in the area.

- The Police representatives raised a concern regarding the RMS truck inspection bays at Heathcote Road, Captain Cook Drive and Waterfall (still being constructed). The concern is that the bays have been locked off so that Police cannot use the bays for operational vehicles. Mr Mark Carruthers (representing Roads and Maritime Services) asked that a letter from the Police be sent to the RMS requesting the locks either be removed or that they be provided with a key to provide access.
- Councillor Croucher expressed his personal appreciation and, the thanks of the members of the Sutherland Traffic and Traffic Safety Committee, to Acting Traffic and Transport Manager, Peter Warren who would no longer be attending the meetings as a consequence of a restructure of the unit.
- Mike Schrafft (representing Mr Mark Speakman, MP) raised the issue of the Cronulla Master Plan (CMP). Mr Peter Warren advised that a report on the 'No Left Turn' into Cronulla Street would be going to the next round of Council meetings. The recommendations from the previous traffic study of the area are being reviewed and feasibility studies of each recommendation will need to be conducted in light of the CMP.  
Councillor McLean asked if a briefing on the traffic report and the CMP could be provided to the Committee.  
Mr Peter Warren will investigate the protocol for briefing the Committee on the CMP.
- Mr Mike Schrafft enquired about the signage that was to be erected along Gannons Road, Caringbah that was to indicate No Parking all the way to the overhead rail bridge. The decision at the time was that it was to come back to the Sutherland Traffic and Traffic Safety Committee for review.
- Mr Mike Schrafft enquired about the intersection of the Kingsway and Port Hacking Road, Caringbah. Mr Peter Warren advised he will have information provided from the relevant Traffic Engineer.
- In response to a question from Mr Mike Schrafft, the RMS advised that investigations are still continuing in regard to the subject of clearways along Taren Point Road from Captain Cook Drive to the Kingsway and along the Kingsway, Caringbah.
- Mr Tony Blain asked that an Outstanding Matters report be prepared on the issues raised in the Late Matters part of the meeting and presented with updates to the meeting. Mr Peter Warren advised that this could be done and will arrange for it to occur.
- Mr Peter Warren advised that the data obtained in regard to vehicles parking in the Sutherland Leisure Centre car park, and in which post code they are registered, is being included in a report that will be presented once finalised.
- Councillor McLean asked that Council staff be invited to make presentations to the Committee on issues that are relevant, for example the Cronulla Master Plan and Cronulla Mall. Mr Peter Warren advised that an Integration Transport Plan is being prepared. This is a significant plan addressing the long term traffic issues and will be very detailed and address issues such as the future traffic and transport planning options.

- Mr Tony Blain requested a presentation be provided on free and regular bus services based on systems

**Report and Minutes of the Meeting of the Consultative Traffic Forum, held in the Administration Centre, Eton Street, Sutherland on Friday, 2 March 2018.**

**PRESENT:**

Councillor Croucher (Chairperson), together with Councillor McLean, Mr Tony Blain (representing Mr Lee Evans, MP), Mr Mike Schrafft (representing Mr Mark Speakman, MP), Ms Makaella Reditis (representing Eleni Petinos, MP), Sgt Scott Robinson (representing the NSW Police, Sutherland Local Area Command), Senior Constable Rachel King (representing the NSW Police, Sutherland Local Area Command), Mr Mark Carruthers (representing Roads and Maritime Services), Acting Traffic and Transport Manager (Peter Warren), and Executive Officer - Governance (Neil Treadwell).

**APOLOGY**

Nil

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**DISCLOSURES OF INTEREST**

Mr Tony Blain (representing Mr Lee Evans, MP) declared a not-significant, non-pecuniary interest in the following matter:

CTR009-18 Traffic Conditions at the New Illawarra Road and Rutherford Avenue Intersection, Lucas Heights.

File Number; 2017/289070

advising that he has dealings with ANSTO on behalf of Mr Lee Evans, MP.

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

DECISION: (Councillor Croucher / Tony Blain)

That the Minutes of the Meeting of the Consultative Traffic Forum held on Friday 02 February 2018 be confirmed as a correct record.

\*\*\* Mr Tony Blain (representing Mr Lee Evans, MP) declared a not-significant, non-pecuniary interest in the following matter:

**CTF009-18                      Traffic Conditions at the New Illawarra Road and Rutherford Avenue  
Intersection, Lucas Heights  
File Number: 2018/297922**

DECISION:

THAT:

1. The report on traffic conditions at the New Illawarra Road and Rutherford Avenue intersection, Lucas Heights be received and noted.
2. No action be taken by Sutherland Shire Council regarding the request for a traffic light at the New Illawarra Road and Rutherford Avenue intersection, Lucas Heights.
3. RMS be requested to undertake further investigation for the provision of a traffic light at the New Illawarra Road and Rutherford Avenue intersection, Lucas Heights.

\*\*\* Mr Tony Blain (representing Mr Lee Evans, MP) requested that he be recorded as being opposed to Point 2 of the Decision.

**CTF010-18                      Kingsway, Caringbah - Proposed ANZAC Day March 2018  
File Number: 2018/297526**

DECISION:

That the report on the Caringbah RSL Sub-Branch march to conduct the Anzac Day Dawn Service on 25 April 2018 be received and noted.

**CTF011-18                      East Parade, Railway Overbridge, Old Princes Highway and Eton Street,  
Sutherland - Proposed Anzac Day March 2018  
File Number: RDA18/0039**

DECISION:

That the information regarding Club on East march and commemorative service to be held on Anzac Day 25 April 2018 be received and noted.

**CTF012-18                      Old Princes Highway, Engadine - Proposed Anzac Day March**  
**File Number: 2018/297526**

**DECISION:**

That the report on the Engadine RSL Sub-Branch request to conduct a march to commemorate Anzac on Sunday, 22 April 2018 and to conduct the Anzac Day Dawn Service on Wednesday 25 April 2018 be received and noted.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Acting Traffic & Transport Services Manager, Peter Warren, who can be contacted on 9710 0576.

File Number: 2016/253677



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**MOT015-18      CRIME PREVENTION AND GRAFFITI MANAGEMENT - WALK THE WALLS**

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Pursuant to Notice, Councillor Riad submitted the following Motion:

That in light of the overwhelming community support for the recently completed 'Walk the Walls' crime prevention and graffiti management initiative in Caringbah, Council:

1. Receives an officer briefing no later than June 2018 followed by a report within three months:
  - a. Detailing the benefits of the 'Walk the Walls' project, including promoting public art, creating a community event and reducing graffiti;
  - b. Exploring the opportunities to expand 'Walk the Walls' Streets' to other appropriate locations;
  - c. Outlining the financial cost of an expanded public art program that achieves like outcomes;
  - d. Providing the expected financial savings in the reduction of graffiti removal;
  - e. Informing of the current graffiti management practices across the Sutherland Shire, including identifying hot-spots; associated solutions and the success or otherwise of each;
  - f. Detailing the community's views on both public place art as well as graffiti management in public places; and
  - g. Providing options for a new anti-graffiti policy in light of the Councillor briefing and report investigations.
  
2. Expresses its appreciation and thanks to all artists, volunteers and staff involved in the 'Walk the Walls' initiative at Caringbah.

File Number: 2016/261264

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**MOT016-18      REMOVAL OF TREES**

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Pursuant to Notice, Councillor Johns submitted the following Motion:

THAT:

1. Upon payment by the property owner of an invoice for the cost of works, or alternate methods acceptable to both the residents and Council, Council removes the Leighton Green Conifer and the Port Jackson Fig on the road reserve in front of 13 Waring Avenue Caringbah South. The residents should be advised and consulted in regard to the anticipated costs associated with not only the removal of the tree but any associated costs arising to adjoining structures.
2. Council notes the commitment of the owners of 8 and 15 Waring Avenue to plant and maintain as replacement street trees four bird attracting Grevillia bushes.
3. Council's Bush Care officer visits the site of 11 to 13 Waring Avenue to advise interested residents on strategies to rehabilitate the degraded and weed infested road reserve and adjoining properties.
4. Depending upon legal advice received and endorsed by the General Manager and endorsed by Council the following options be made available to the owners that:
  - a. The large tree within the front property setback of 39 Yarra Burra Street Gymea Bay be approved for removal by the owner due to the owner's concern about safety and the impact on infrastructure; and
  - b. Council resolve to adopt an interim tree removal policy where any reasonable application by a home owner which is not associated with the construction of multi-unit dwellings must be approved. It will also be advised to all staff this policy takes immediate effect. This interim policy will remain in effect until the review identified in Part 5 of this notice of motion is completed.
5. Council's policy in regard to tree removal on private and public land be reviewed and referred to Council's Shire Planning Committee for review and amendment as required.

**General Manager's Note:**

Preliminary legal advice suggests Point 4 of the Notice of Motion may be ultra-vires and it is recommended Council not adopt the Motion in its current form until further legal advice has been obtained. Point 4 of the Motion possibly fails for the following reasons:

- i. Prior to approving the removal a tree, the consent authority must receive an application in the prescribed form. At the date this advice was prepared, no such application has been received by Council.
- ii. The power for Council to issue a permit for the removal of a tree sits under Clause 10 of the SEPP (Vegetation in Non-Rural Areas) 2017. The new amendments to the EP&A Act and Regulation are unclear on whether the functions of a council for the purposes of being a consent authority under the SEPP is called up in Section 4.8 of the Act. Section 4.8(2) relevantly states that "*The functions of a council as a consent authority in respect of any such area are not exercisable by the councillors.*" (Note: Reference to 'area' is an area of a council for which a local planning panel has been constituted). Consequently, there is a question as to whether the power to issue a tree permit falls solely a council officer.
- iii. Council's 'policy' for the management of trees is Sutherland Shire Development Control Plan 2015 (SSDCP). Should Council wish to "adopt an interim tree removal policy" it must do so in the prescribed form. Part 3 of the Act sets out the process a council must follow should it wish to amend the SSDCP. In the absence of following the prescribed form, an interim 'policy' has no effect.
- iv. It is beyond Council's power to direct a council officer how to determine a development application or tree removal permit. Or in other words, the elected Council cannot direct a council officer to 'approve' or 'refuse' an application by resolution. The Court of Appeal upheld that principle in *Belmorgan Property Development Pty Ltd v GPT Re Ltd & Anor CA 40855/06 and LEC 41279/05*. Should a tree permit fall under the same provisions as a development application (Section 4.8 of the Act), it would be beyond Council's power to direct staff to issue tree permits.

It is recommended that to protect itself from acting beyond its power Council strikes Point 4 from the Notice of Motion until further legal advice has been obtained.

File Number: 2015/87349