



Minutes

Council Meeting

Monday, 19 March 2018

6.30pm

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

SUTHERLANDSHIRE

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

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Services, Acting Director Shire Infrastructure (Phillip Mansfield), Team Leader – Governance (Debbie Lewis), Executive Officer Governance (Neil Treadwell) and Business Support Coordinator (Rachael Zhura).

ACKNOWLEDGEMENT OF COUNTRY

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

OPENING PRAYER

The Meeting was opened with prayer by Father Michael Court of St John Bosco Church, Engadine.

Minute No: 195 APOLOGY

RESOLVED: (Councillor Simpson/Councillor Provan)

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

***** DISCLOSURES OF INTEREST** **File Number: 2015/14239**

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

GOV021-18 Cash Payments & Investments Report – January 2018
File Number: 2017/281575

advising that he is a Director of Care Superannuation Business and Care Super is a significant holder of shares in ME Bank.

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

MOT016-18 MOT016-18 Removal of Trees
File Number: 2015/87349

advising that she knew the presenter when they served as a Councillors.

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

MOT016-18 MOT016-18 Removal of Trees
File Number: 2015/87349

advising that she knew the presenter when they served as a Councillors.

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

MOT016-18 MOT016-18 Removal of Trees
File Number: 2015/87349

advising that he knew the presenter from when they served together as Councillors.

Minute No: 196 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

RESOLVED: (Councillor Provan/Councillor Simpson)

That the Minutes of the Ordinary Council held on Monday 19 February 2018, being Minutes Numbered 168 to 194 inclusive, be and are hereby confirmed as a correct record.

Minute No: 197

MM011-18 Mayoral Minute - Vale Robert (Bob) Daniel Walshe OAM 1923 - 2018
File Number: 2017/287937

RESOLVED: (Councillor Pesce/Councillor Provan)

THAT:

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

Minute No: 198

Suspension of Standing Orders

RESOLVED: (Councillor Simpson/Councillor Provan)

That Standing Orders be suspended to consider MOT016-18 as the first item of business.

Minute No: 199**MOT016-18****Removal of Trees****File Number: 2015/87349**

***Councillors Provan, Simone and Simpson declared a not significant non-pecuniary interest in this matter.

MOTION: (Councillor Plibersek/

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.

The Motion lapsed for want of a seconder.

MOTION: (Councillor Simpson/Councillor Simone)

THAT:

1. Points 1, 2 and 3, as shown in the Lapsed Motion, be deferred for a site inspection of the Waring Avenue, Caringbah trees to be held with the relevant Council staff, neighbours and interested Councillors to hear both sides of the story, at the earliest possible opportunity.
2. Point 4 as shown in the Lapsed Motion be removed.
3. Council's policy in regard to tree removal on private and public land be reviewed and referred to a Sub Committee and reported back to Council and that the Sub-committee report back to the full Council on or before 9 July 2018.

AMENDMENT: (Councillor Plibersek/Councillor Forshaw)

THAT:

1. Points 1, 2, 3 and 4 (a), as shown in the Lapsed Motion, be deferred for a site inspection of the Waring Avenue, Caringbah trees to be held with the relevant Council staff, neighbours and interested Councillors to hear both sides of the story, at the earliest possible opportunity.
2. Point 4 (b) and point 5 as shown in the Lapsed Motion, be considered by Council at tonight's meeting.

Point of Order

Councillor Plibersek raised a Point of Order regarding Councillor Simpson's comments regarding his Amendment.

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

**Minute No: 200 Act of Disorder by Councillor Plibersek / First Warning
Request for Councillor Plibersek to Resume His Seat**

The Mayor, Councillor Pesce, requested Councillor Plibersek to resume his seat.

Councillor Plibersek resumed his seat under protest.

Minute No: 199 Cont'd**MOT016-18****Point of Order**

Councillor Collier raised a Point of Order regarding Councillor Simpsons comments concerning point 5 in the Amendment.

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

Point of Order

Councillor Plibersek raised a Point of Order regarding Councillor Simpsons Motion in light of the legal advice received in regard to Point 4 of the Lapsed Motion.

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

The AMENDMENT shown above of Councillor Plibersek and Councillor Forshaw was WITHDRAWN by Councillor Plibersek and Councillor Forshaw at this time.

AMENDMENT: (Councillor Collier/Councillor Forshaw)

THAT:

1. Points 1, 2 and 3, as shown in the Lapsed Motion, be deferred for a site inspection of the Waring Avenue, Caringbah trees to be held with the relevant Council staff, neighbours and interested Councillors to hear both sides of the story, at the earliest possible opportunity.
2. Point 4 as shown in the Lapsed Motion be removed.
3. Council's current policy and procedures regarding applications by ratepayers for the removal of trees on private and public land, otherwise than for the purpose of constructing multi-dwellings, be reviewed by a Council Subcommittee formed for that purpose comprising one Councillor from each Council Ward.
4. The Sub-committee report back to the full Council on or before 9 July 2018.

Minute No: 201 Procedural Motion

PROCEDURAL MOTION: (Councillor Scaysbrook/Councillor Pesce)

That the Motion of Councillor Simpson and Councillor Simone be put.

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

Minute No: 199 Cont'd**MOT016-18****A Division was requested on the Amendment and the following votes were recorded:**

In Favour of the Amendment were Councillors Collier, Forshaw, McLean and Steinwall.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Boyd, Nicholls, Provan, Plibersek, Riad, Scaysbrook, Simone and Simpson.

The Amendment of Councillor Collier and Councillor Forshaw on being put to the Meeting was declared lost.

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

The decision was unanimous.

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

Resumption of Standing Orders

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

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 Riad*)"

Minute No: 202

GOV021-18 Cash Payments and Investments Report - January 2018
File Number: 2017/281575

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

RESOLVED: (Councillor Provan/Councillor Riad*)

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

Minute No: 203

GOV022-18 Delivery Program 2017 - 2021 Incorporating Operational Plan 2017/18 -
Half Year Progress Report (July - December 2017)
File Number: 2017/278520

RESOLVED: (Councillor Provan/Councillor Riad*)

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.

Minute No: 204

SER013-18 Value Assessment of Developer Contribution Space at South Village,
Kirrawee
File Number: 2015/216182

DELEGATED DECISION at the Shire Services Committee on 5 March 2018:

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.

RESOLVED (Councillor Riad/Councillor Nicholls)

THAT:

1. The transfer of the 1,500 square metres lot to Council as conditioned by DA15/1134, at 566-594 Princes Highway Kirrawee, at terms and conditions to the satisfaction of the General Manager, be approved.
2. Upon transfer to Council, the subject land be classified as "operational" land in accordance with Section 25 of the Local Government Act, 1993.

3. The transferred lot be sub-divided into smaller shop lots and leased to tenants whose businesses provide sound commercial returns and encourage community connections.
4. 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.

Councillor Steinwall requested that her name be recorded as voting against the Resolution.

Minute No: 205

SER014-18 Proposed Acquisition of 100 Como Road Oyster Bay for Open Space Purposes
File Number: 2017/4560

RESOLVED: (Councillor Plibersek/Councillor Nicholls)

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.

Minute No: 206

SER015-18 Proposed Telecommunication Tower at Gymea Bay
File Number: 2018/

RESOLVED: (Councillor Provan/Councillor Riad*)

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.

Minute No: 207**INF022-18**

**Proposed Park Access, Public Toilet Upgrade and Landscape Works
within Cronulla Park - Business Case
File Number: 2017/286295/1**

RESOLVED: (Councillor Provan/Councillor Riad*)

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.

Minute No: 208**INF023-18**

**Cronulla Town Centre Traffic Study - Report on the 6 Month Trial of No
Left Turn into Cronulla Street
File Number: 2017/274081**

MOTION: (Councillor Simone/Councillor Nicholls)

That the item be deferred to the next Council meeting.

AMENDMENT: (Councillor Forshaw/Councillor Plibersek)

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

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

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

Minute No: 209**PLN029-18****Results of Exhibition of SSDCP2015- Draft Amendment 2****File Number: 2017/281376**

RESOLVED: (Councillor Plibersek/Councillor Scaysbrook)

That Sutherland Shire Development Control Plan 2015 - Amendment 2 be adopted 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 Boyd, Collier, Forshaw, McLean, Nicholls, Provan, Plibersek, Riad, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.**Minute No: 210****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**

RESOLVED: (Councillor Provan/Councillor Riad*)

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.

Minute No: 211**MOT015-18****Crime Prevention and Graffiti Management - Walk the Walls****File Number: 2016/261264**

RESOLVED: (Councillor Riad/Councillor Boyd)

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.
 - h. Possible funding assistance and grants from the State Government be considered.
2. Expresses its appreciation and thanks to all artists, volunteers and staff involved in the 'Walk the Walls' initiative at Caringbah.

**MOT016-18 This item was considered earlier in the Meeting
(see Minute No. 199)**

**Minute No: 212 Business Without Notice
Support for Bega Valley Council and the Residents of Tathra Affect by
Recent Bushfires
File Number: 2015/4836**

Councillor Simpson requested Business Without Notice concerning support for Bega Valley Council and the residents of Tathra affected by recent bushfires be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

That permission be granted to bring forward Business Without Notice regarding support for Bega Valley Council and the residents of Tathra affected by recent bushfires.

The Mayor, Councillor Pesce, ruled in accordance with Clause 19(3)(b) of Councils Code of Meeting Practice that the matter was of great urgency.

Minute No: 213**BWN007-18****Support for Bega Valley Council and the Residents of Tathra Affected by Recent Bushfires****File Number: 2015/4836**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. The Mayor write to the Bega Valley Council and express our sympathy.
2. Thank the volunteers that prevented further loss over the past 72 hours.
3. A Working party be formed to see what Sutherland Shire Council and local community groups can do to help those affected by the fires in Tathra.

Minute No: 214**Business Without Notice****Closure of Menai Police Station****File Number: 2015/4836**

Councillor Simpson requested Business Without Notice concerning the closure of Menai Police Station be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Riad)

That permission be granted to bring forward Business Without Notice regarding the closure of Menai Police Station.

The Mayor, Councillor Pesce, ruled in accordance with Clause 19(3)(b) of Councils Code of Meeting Practice that the matter was of great urgency.

Minute No: 215**BWN008-18****Closure of Menai Police Station****File Number: 2015/4836**

RESOLVED: (Councillor Simpson/Councillor Riad)

THAT:

1. Council, along with the local community, has concerns over the closure of Menai Police Station.
2. The Mayor seeks immediate discussions, and makes representations to the Local Members, Police Minister, Police Area Commander, and Ward Councillors in regards to the closure of Menai Police Station and what alternate Police arrangement will be put in place as to the safety and wellbeing of the greater Menai area.

PRESENTATION:

The General Manager provided a presentation to the Council of the Half Yearly Report in a video format.

The Meeting closed at 9.00pm.