



# Minutes

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## Council Meeting

**Monday, 21 May 2018**

**6.30pm**

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

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**SUTHERLANDSHIRE**

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

**STAFF IN ATTENDANCE:** The General Manager, Director Shire Infrastructure, Director Shire Planning, Director Shire Services, Director Corporate Support, Team Leader Governance (Debbie Lewis), Business Support Coordinator (Rachael Zhura) and Governance Officer (Bernadette Feltham).

### **ACKNOWLEDGEMENT OF COUNTRY**

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

### **OPENING PRAYER**

The Meeting was opened with prayer by Reverend Matthew Murray of Engadine Congregational Church.

**Minute No: 248**

### **APOLOGY**

RESOLVED: (Councillor Pesce/Councillor Provan)

That an apology tendered on behalf of Councillor Simone be 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:

GOV027-18            Cash Payments and Investments Report – March 2018  
File Number: 2017/281575

advising that he is a Director of Care Super. Care Super is a shareholder in ME Bank. Council has an investment relationship with ME Bank.

The conflict is not significant as he does not receive any direct or indirect benefit from the investment relationship between ME Bank and Council.

**Minute No: 249****CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Scaysbrook/Councillor Simpson)

That the Minutes of the Ordinary Council held on Monday 16 April 2018, being Minutes Numbered 216 to 247 inclusive, be and are hereby confirmed as a correct record.

**Minute No: 250**

**MM013-18                      Mayoral Minute - NSW/ACT Young Achiever Award - Michael Bonnici**  
**File Number: 2017/287937**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT:

Council congratulates Michael Bonnici on winning the *Awards Australia* NSW/ACT Young Achiever Award for his many hours of community service to a range of volunteer organisations and charities.

**Minute No: 251**

**MM014-18                      Mayoral Minute - Superintendent Julian Griffiths Commander, Sutherland**  
**Shire Police Area Command**  
**File Number: 2017/287937**

RESOLVED: (Councillor Pesce/Councillor Scaysbrook)

THAT:

Council writes to Commissioner Michael Fuller, NSW Police Force expressing Council's sincere gratitude to Superintendent Julian Griffiths for his professionalism, dedication and commitment to the Sutherland Shire community over the last six years and congratulate him for his many achievements, leading a team of professional Police officers working alongside Council to make the Sutherland Shire amongst the safest and most desirable communities in Sydney.

**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 Steinwall\*)"**

**Minute No: 252****GOV025-18****Quarterly Budget Review Statement for Period Ending March 2018****File Number: 2017/288226**

RESOLVED: (Councillor Provan/Councillor Steinwall\*)

That the 3rd Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.

**Minute No: 253****GOV026-18****Minutes of the Audit, Risk & Improvement Committee Meeting held on 7****March 2018****File Number: 2017/264845**

MOTION: (Councillor Scaysbrook/Councillor Plibersek)

THAT

1. In light of the Audit, Risk and Improvement Committee's examination of Council's Long Term Financial Plan and its comment *that "The Committee expresses concern about Council's financial sustainability and recommends a further report is presented at the Council meeting in April to address the measures being taken in relation to financial sustainability issues"*:
  - a. Council establishes a working party comprising interested Councillors to meet monthly and identify options for possible actions that could be taken to address Council's financial sustainability.
  - b. The outcomes of the working party be presented to the Audit, Risk and Improvement Committee and Council on a quarterly basis.
2. Council expresses its thanks to Internal Auditor Juliette Hall for her 28 years of dedicated service to the Council.

AMENDMENT: (Councillor Croucher/Councillor Johns)

THAT:

1. The minutes of the meeting of the Sutherland Shire Council Audit, Risk & Improvement Committee held on 7 March 2018 be received and noted.
2. Council expresses its thanks to Internal Auditor Juliette Hall for her 28 years of dedicated service to the Council.

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 the Mayor, Councillor Pesce, together with Councillors Croucher and Johns.

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

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

**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, Plibersek, Riad, Scaysbrook, Simpson and Steinwall.

**The decision was unanimous.**

**Minute No: 254**

**GOV027-18**

**Cash Payments and Investments Report - March 2018**

**File Number: 2017/281575**

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

RESOLVED: (Councillor Provan/Councillor Steinwall\*)

1. That the information concerning Bank Balances and Investments held as at 31 March 2018, be received and noted.
2. That Council receive advice concerning whether the RFS and SES trusts be legally discontinued and funds be distributed appropriately.

**Minute No: 255****SER019-18****Proposed Lease - 36 Eton Street, Sutherland to Concrete Pty Limited  
File Number: 2015/37215**

RESOLVED: (Councillor Provan/Councillor Steinwall\*)

THAT:

1. The Lease of Part level 2, 36 Eton Street, Sutherland to Concrete Pty Limited for a term of three years with two one year options, on a commercial basis that achieves prevailing market value 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: 256****INF027-18****Major Infrastructure Projects review  
File Number: 2018/307295**

RESOLVED: (Councillor Simpson/Councillor Steinwall)

THAT

1. The report "Major Infrastructure Projects Review" be accepted and staff be thanked for their input.
2. The report be made available on the Council website to allow the community to view the progress of major projects.

**Minute No: 257****PLN033-18****Camellia Gardens Camp Management Plan Endorsement and Exhibition  
Feedback  
File Number: 2015/64733**

RESOLVED: (Councillor Provan/Councillor Steinwall\*)

THAT Council:

1. Endorse the final version of the Camellia Gardens Flying-fox Camp Management Plan.
2. Allocate funds in the amount of \$17,500 for the 2018-19 financial year for the implementation of the Camellia Gardens Flying-fox Camp Management Plan.

**Minute No: 258****PLN034-18****Results Public Exhibition SUEZ Extended Operating Hours****File Number: 2015/211777**

RESOLVED: (Councillor Provan/Councillor Steinwall\*)

THAT:

1. The report "Results Public Exhibition SUEZ Extended Operating Hours" be received and noted.
2. Subject to conditions of consent acceptable to Council's Principal Environmental Scientist, the General Manager notify SUEZ of Council's acceptance of the consent conditions in accordance with clause 18.2 (b) of the 2000 Deed of Agreement.

**Minute No: 259****COR022-18****Tree Management Update - Further Report****File Number: 2015/11082**

RESOLVED: (Councillor Riad/Councillor Steinwall)

That the report Tree Management Update be received and noted.

**Minute No: 260****COR023-18****Appointment of South District Commissioner****File Number: 2017/289092**

RESOLVED: (Councillor Provan/Councillor Steinwall\*)

That the re-appointment of The Hon Morris Iemma as the District Commissioner for the South District be endorsed.

**Minute No: 261****COR024-18****SSROC Governance and Structure****File Number: 2018/297909**

RESOLVED: (Councillor Johns/Councillor Boyd)

That this item be deferred pending a Council briefing prior to being presented back to Council.

**Minute No: 262****MOT020-18****Kirrawee Community Facilities****File Number: 2018/307295**

MOTION: (Councillor Johns/Councillor Provan)

THAT:

1. In recognition of the increased population in Kirrawee upon completion of South Village, Council commits to providing high quality, fit for purpose community facilities in and around the Kirrawee town centre.
2. To ensure all community needs are met in a sustainable manner, Council receives a report as soon as practicable detailing:
  - a. A needs analysis of community facilities and services in and around Kirrawee over the next twenty years;
  - b. Existing community facilities and services and their capacity for expansion;
  - c. Opportunities to partner with service providers, co-locate services and increase the capacity of community facilities;
  - d. Opportunities to maximise community use of the park within South Village with community facilities, active and passive recreation spaces; and
  - e. Funding opportunities including, but not limited to income derived from Council owned commercial property in South Village.

AMENDMENT: (Councillor Simpson/Councillor Scaysbrook)

THAT

1. In recognition of the increased population in the Shire, Council commits to providing high quality community facilities in and around the Shire.
2. As matter of urgency, Council staff prepare Shire wide infrastructure capacity audit documents for discussion with Councillors and senior staff.
3. To ensure that the community needs are met, Council carries out a Shire wide infrastructure capacity audit and report back to Council the outcome.

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 Forshaw, McLean, Plibersek, Scaysbrook, Simpson and Steinwall.



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

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

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

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

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

#### **BUSINESS WITHOUT NOTICE**

**Minute No: 263      Complying Development Provisions – Dual Occupancy, Manor Houses and Terraces**  
**File Number: 2018/308432**

Councillor Simpson requested Business Without Notice concerning Complying Development Provisions for Dual Occupancy, Manor Houses and Terraces be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Plibersek)

That permission be granted to bring forward Business Without Notice regarding Complying Development Provisions for Dual Occupancy, Manor Houses and Terraces.

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: 264****BWN010-18****Complying Development Provisions – Dual Occupancy, Manor Houses and Terraces****File Number: 2018/308432**

RESOLVED: (Councillor Simpson/Councillor Plibersek)

That Council request the NSW Minister for Planning, the Honourable Anthony Roberts MP, suspend the commencement of the complying development provisions which will encourage more dual occupancy in Sutherland Shire, as well as manor houses and terraces, until:

1. Council has undertaken an audit of infrastructure to establish whether local and State infrastructure can accommodate current and future housing growth, making sure infrastructure is aligned with growth, and
2. Council has carried out a review of its planning framework to address legitimate community concerns about the volume and density of residential flat buildings being approved under the current LEP.
3. Council is to commence the review as matter of urgency, The General Manager and the Director of Planning conduct a briefing as soon as possible to Councillors and involved staff on process and time frames.

**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, Plibersek, Riad, Scaysbrook, Simpson and Steinwall.

**The decision was unanimous.****Minute No: 265****Usage of Geelong Road/Geneva Place Reserve, Engadine****File Number: 2018/294926**

Councillor McLean requested Business Without Notice concerning the Usage of Geelong Road/Geneva Place Reserve, Engadine be considered as a matter of urgency.

RESOLVED: (Councillor McLean/Councillor Steinwall)

That permission be granted to bring forward Business Without Notice regarding the Usage of Geelong Road/Geneva Place Reserve, Engadine.

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: 266**

**BWN011-18**

**Usage of Geelong Road/Geneva Place Reserve, Engadine**

**File Number: 2018/294926**

MOTION: (Councillor McLean/Councillor Steinwall)

THAT:

1. The park at the corner of Geelong Road/Geneva Place reserve, Engadine, be restored to its use as park.
2. Council consult with residents and the broad community to assess the impacts of informal BMX tracks.
3. Council assess its liabilities and responsibilities in regard to informal BMX tracks.

AMENDMENT: (Councillor Pesce/Councillor Riad)

THAT:

1. The park at the corner of Geelong Road/Geneva Place Reserve, Engadine, remain in its current condition to allow youth to continue to ride bikes.
2. Council continue consultation with parents to ensure the park remains a safe place for youth and the wider community to recreate
3. Council erects appropriate signage to address safety issues and rules for use of the park.

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

**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, Plibersek, Riad, Scaysbrook and Simpson.

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

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

**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, Croucher, Forshaw, Johns, Nicholls, Provan, Plibersek, Riad, Scaysbrook and Simpson.

**Against** the Resolution were Councillors Collier, McLean and Steinwall.

**PETITION**

**Minute No: 267**      **Jumps At Geneva Reserve, Lantana Park and Brigellow Reserve Engadine.**

**File Number: 2018/294926**

The Mayor, Councillor Pesce tabled a petition requesting to Save the Jumps at Geneva Reserve, Lantana Park and Brigellow Reserve, Engadine.

**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 Steinwall\*\*)"**

**Minute No: 268**

**CONSIDERATION OF BUSINESS IN CLOSED SESSION (9:41pm)**

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 Pesce)

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:

**INF008A-18**              **T 756/18 Upgrade of the Utility Pool at Sutherland Leisure Centre**  
**File Number: 2018/301135**

**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.

**COR004A-18            Purchase of land for road dedication - 22-24 Banksia Road, Caringbah**  
**File Number: 2015/4573**

**Section 10A(2)(d)(ii) 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 confer a commercial advantage on a competitor of the council. On balance, the public interest in preserving the confidentiality of information relating to council's commercial activities outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could allow competitors to council's commercial activities to gain a commercial advantage.

**Minute No: 269**

**INF008A-18            T 756/18 Upgrade of the Utility Pool at Sutherland Leisure Centre**  
**File Number: 2018/301135**

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

THAT:

1. The tender from Metz Project Services Pty Ltd (ABN 22 140 631 616), for the lump sum of \$692,980.00 (excl GST), at terms and conditions to the satisfaction of the General Manager, be accepted.
2. Pursuant to clause 400 of the Local Government Regulation 2005, the following documents be executed under Common Seal of the Council of the Sutherland Shire:  
  
Type of Document:    Contract for the Upgrade of the Utility Pool at Sutherland Leisure Centre  
Other Party:           Metz Project Services Pty Ltd (ABN 22 140 631 616)
3. \$815,000 voted from the Leisure Centre Capital Reserve to allow for the works proper, project management, contingencies and latent condition investigations if needed, with the amount drawn from the Leisure Centre Capital Reserve.
4. Council pursue relevant grant funding opportunities for this project.

**Minute No: 270**

**COR004A-18            Purchase of land for road dedication - 22-24 Banksia Road, Caringbah**  
**File Number: 2015/4573**

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

THAT:

1. Council purchases from Geron Property No 1 Pty Ltd, the land referred to on Plan of Acquisition as Lot 2 being part of Lot 100 in DP1233619 at 22-24 Banksia Road Caringbah for road purposes at purchase price of \$500,000 + GST funded from the Property Fund.
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 purchase of part of 22-24 Banksia Road, Caringbah.

At this stage the Meeting moved back into Open Session.

The Meeting closed at 9:46pm.