



# Minutes

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## Council Meeting

**Monday, 18 June 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 Plibersek, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

**STAFF IN ATTENDANCE:** The General Manager, Director Shire Infrastructure, Director Shire Planning, Director Corporate Support, Acting Director Shire Services (Renae Giles), Manager Business Sport and Community Services (Rebecca Wood), Executive Public Relations (Amie Lindsell), Team Leader Governance (Debbie Lewis), Governance Advisor (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 Senior Pastor Marc Radar of Gymea Baptist Church.

**Minute No: 271**

### **APOLOGY**

RESOLVED: (Councillor Pesce/Councillor Scaysbrook)

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

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### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

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

GOV030-18                      Draft Delivery Program 2017-2021, Incorporating Operational Plan and Budget  
2018-2019, and Draft Resourcing Strategy  
File Number: 2017/278520

advising that he notes there is a significant portion apportioned to Sydney Water Company. Sydney Water Company is a major client of the company that he works for in his own private business and as such if that particular part of the budget is discussed he will declare a significant conflict of interest otherwise he will be voting on the matter just as a normal not significant interest.

**Personal Statement by Councillor McLean**

Councillor McLean advised that for the last 12 months and a little bit more he has been declaring a conflict of interest in respect of shares in ME Bank through Care Superannuation. He confirms he no longer holds a Director position of Care Superannuation.

**Minute No: 272****CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Riad/Councillor Johns)

That the Minutes of the Ordinary Council held on Monday 21 May 2018, being Minutes Numbered 248 to 270 inclusive, be and are hereby confirmed as a correct record.

**Minute No: 273**

**MM015-18                      Mayoral Minute - Usage of Geelong Road/Geneva Place Reserve, Engadine  
File Number: 2018/294926**

RESOLVED: (Councillor Pesce/Councillor Johns)

THAT:

1. A report be provided to Council in the August round on alternative bike riding sites within reasonable distance of Geneva Place Engadine.
2. The report on site assessment consider potential impacts on nearby residents and bushland and examine the practicalities of creating an enjoyable riding area for young people.
3. The report on site assessment sets out an engagement plan with interested stakeholders including the young people currently using Geelong Road/Geneva Place Reserve.
4. The report include any potential liability from Council involvement in these types of activities.

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

**Minute No: 274****GOV028-18****Cash Payments and Investments Report - April 2018****File Number: 2017/281575**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

That the information concerning Bank Balances and Investments held as at 30 April 2018, be received and noted.

**Minute No: 275****GOV029-18****Revised Procurement Policy****File Number: 2017/27926**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

1. That the Procurement Policy (Appendix "A") be adopted by Council.
2. That a briefing be held in relation to options for Council to implement a local preference policy and ethical procurement.

**Minute No: 276****GOV030-18****Draft Delivery Program 2017-2021, Incorporating Operational Plan and Budget 2018-2019, and Draft Resourcing Strategy****File Number: 2017/278520**

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

RESOLVED: (Councillor Plibersek/Councillor Simpson)

THAT:

1. Council make and levy the 2018-2019 Ordinary Rates in accordance with the following table:

Rate Type	Category	Subcategory	Ad Valorem Amounts in Cents in \$	Minimum Amount \$	2018-2019 Rate Yield	% Yield
<b>Residential Rates</b>						
Ordinary	Residential	Not Applicable	0.00191777	602.30	103,065,947	86.53
<b>Business Rates</b>						
Ordinary	Business	General Business	0.00421910	602.30	9,280,620	7.79
Ordinary	Business	Caringbah Commercial Centre	0.00421910	602.30	728,563	0.61
Ordinary	Business	Cronulla Commercial Centre	0.00421910	602.30	1,402,422	1.18
Ordinary	Business	Engadine Commercial Centre	0.00443006	602.30	496,391	0.42
Ordinary	Business	Kurnell Finished Fuel Terminal Facility	0.02109552	602.30	430,529	0.36

Ordinary	Business	Kurnell Industrial	0.00632865	602.30	782,166	0.66
Ordinary	Business	Kurnell Sand Mining	0.02320507	602.30	84,698	0.07
Ordinary	Business	Menai Commercial Centre	0.00506292	602.30	286,686	0.24
Ordinary	Business	Menai Quarrying and Filling	0.00632865	602.30	2,918	-
Ordinary	Business	Miranda Commercial Centre	0.00421910	602.30	694,890	0.58
Ordinary	Business	Miranda Core Major Shopping Complex	0.00928203	602.30	1,079,667	0.91
Ordinary	Business	Sutherland Commercial Centre	0.00421910	602.30	610,195	0.51
Ordinary	Business	Sylvania Southgate Commercial Centre	0.00506292	602.30	169,254	0.14

2. Council make and levy the 2018-2019 Cronulla Beach CBD Special Rate as outlined in this report.
3. Council adopt the 2017-2021 Delivery Program and 2018-2019 Operational Plan (including annual budget) which include changes to annual budget and capital program as outlined in this report.
4. Council adopt the Finance Strategy and Long Term Financial Plan which include changes to annual budget and capital program as outlined in this report.
5. Council adopt the Draft Schedule of Fees and Charges for 2018-2019, including the Domestic Waste Management Charges and the Stormwater Levy with the following changes:
  - The Utilities Surcharge for Hire of Facilities not be applied for facilities that operate through a management committee,
  - Fees and charges for Sandy Point Community Hall remain the same as 2017-2018 for the 2018-2019 financial year.
6. Motion is moved subject to legal advice being received prior to the next Council meeting on 18 June 2018.

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

**The decision was unanimous.**

**Minute No: 277**

**SER020-18                      Proposed release and relocation of easement  
34 Railway Crescent, Jannali  
File Number: 2018/295301**

RESOLVED: (Councillor Simpson/Councillor Simone)

THAT:

1. The release and relocation of a drainage easement within 34 Railway Crescent, Jannali (Lot 1 DP212353) be approved at terms and conditions to the satisfaction of the General Manager.
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 item 1.
3. There be no cost to Council.

**Minute No: 278**

**SER021-18                      Future Use of 6C Wonga Road, Yowie Bay  
Expired Lease to Scouts Australia NSW  
File Number: 2015/36654**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

THAT:

1. Council advertise, by way of Expression of Interest, a five (5) year lease of the premises and any interested not-for-profit community groups may apply.
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.
3. Council's current Community Leasing Policy to be reviewed and consideration be given to removing the 'first right of refusal' clause to sitting tenants when a lease expires.

**Minute No: 279**

**SER022-18                      Proposed drainage easement - 15 Bligh Street, Kirrawee**  
**File Number: 2018/306162**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 15 Bligh Street, Kirrawee (Lot 23 DP 29518) in favour of 12 Duneba Avenue, Kirrawee (Lot 20 DP 29518).
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: 280**

**SER023-18                      Annual Grants and Subsidies Program**  
**File Number: 2017/289044**

RESOLVED: (Councillor Nicholls/Councillor Collier)

THAT:

1. The 2018/19 Community Grants and Subsidies Program model used to invite, assess and recommend the allocation of support be adopted for this and future years Grants and Subsidies Programs.
2. Councillor Simpson (as Chairperson) and Councillors Collier, Riad, Nicholls and Steinwall be appointed to the Community Grants and Subsidies Sub Committee to consider and allocate community grants and subsidies funding.
3. All funding under Council's Community Grants and Subsidies Program be published in the Annual Report.

**Point of Order**

Councillor Johns raised a Point of Order regarding a comment made by Councillor Collier in relation to rules.

The Mayor, Councillor Pesce upheld the Point of Order and requested that Councillor Collier withdraw his comment.

Councillor Collier withdrew his comment.

**Minute No: 281****INF028-18****Naming of Public Open Space & Facilities****File Number: 2017/278523**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

THAT:

1. The draft "Naming of Public Open Space & Facilities Policy" be adopted.
2. A further notation be included for consultation with the Aboriginal Advisory Committee.
3. Section 4.4.1 of the Policy be amended to include "Infrastructure built by Council".

**Minute No: 282****INF029-18****Sutherland Memorial School of Arts - Scope of Works****File Number: 2015/219282**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

THAT:

1. A Heritage Conservation Management Plan is prepared for the Sutherland Memorial School of Arts.
2. Option three, being a major refurbishment of the building covering building code compliance, lighting upgrades, new roof, new air conditioning and external works be supported as the course of action at this time and pursued further by engagement of suitable consultants in heritage architecture and building code compliance.
3. The following allocations funded from Suez be included in the Long Term Financial Plan:
  - (a) \$153,750 be included in 2018/19;
  - (b) \$157,594 be included in 2019/20;
  - (c) \$1,453,802 be included in 2020/21;
4. The Long Term Financial Plan recognises a \$10,000 increase in operational expenditure for recurrent costs for 2020/2021 and each year thereafter.
5. Consultation with users of the facility and appropriate community groups be undertaken.



**Minute No: 283****INF030-18****Energy Generation Working Party Update****File Number: 2017/285225**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

THAT:

1. Council seek Crown Lands position on the use of the former night soil site at Lucas Heights for a solar farm.
2. Council make enquiries with Ausgrid regarding the capacity of the local network to support connection of a solar farm.
3. Council make enquiries with ANSTO regarding interest in entering into a partnership or agreement regarding a solar farm.
4. Council receive a further report detailing the risks of the project and feedback from relevant stakeholders to determine whether to vote funds to undertake a detailed economic feasibility study of a solar farm.
5. A business plan be formulated to be reported back to Council within three months.
6. The Manager Environmental Science be thanked for the time taken to prepare the report.

**Minute No: 284****PLN035-18****Dedication of E2 Environmental Conservation Land to Council****File Number: 2015/87209**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. Council accept dedication of 25 Yanderra Avenue, Bangor at terms and conditions to the satisfaction of the General Manager.
2. A Planning Proposal be prepared to reclassify 25 Yanderra Avenue, Bangor as 'Community' land.
3. The Planning Proposal be submitted to NSW Planning and Environment for Gateway Determination with a request that Council may make the plan under delegation.
4. Subject to an approval being granted at Gateway, the above planning proposal be exhibited in accordance with Council's policies and any conditions specified in the Gateway determination.

5. 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 25 Yanderra Avenue, Bangor (Lot 53 DP 73250624).
6. Council accept dedication of land wholly zoned E2 Environmental Conservation where the land is privately owned (other than GLALC), provides potential for public access to bushland and will not significantly increase Council's exposure to bush fire risk.
7. Council will write to the land owner to thank them for dedicating the land to the community.

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

**The decision was unanimous.**

**Minute No: 285**

**PLN036-18                      Proposed Land Acquisition - 153 Gannons Road, Caringbah South  
File Number: 2018/304252**

RESOLVED: (Councillor Johns/Councillor Simone)

THAT:

1. The owner of 153 Gannons Road be thanked in writing for the generous donation to benefit the Shire Community.
2. The acquisition by donation of approximately 800m<sup>2</sup> of 153 Gannons Road, Caringbah (Part Lot 108 DP 5179) to increase open space at Wattlebird Bushland Reserve at terms and conditions to the satisfaction of the General Manager be approved.
3. Once the land is acquired, a Planning Proposal be prepared to rezone part of 153 Gannons Road, Caringbah from R2 Low Density Residential to RE1 Public Recreation and reclassify the land as 'Community'.
4. The Planning Proposal be submitted to NSW Planning and Environment for Gateway Determination with a request that Council may make the plan under delegation.

5. Subject to an approval being granted at Gateway, the above planning proposal be exhibited in accordance with Council's policies and any conditions specified in the Gateway determination.
6. The acquired land (Part Lot 108 DP 5179), and Wattlebird Bushland Reserve (consisting of Lot 1114 DP 588662, Lot 32 DP 537845, Lot 34 DP 589616, Lot 36 DP 538620, Lot 44 DP 535533 and Lot 46 DP 536689) be consolidated into a single lot.
7. 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 part of 153 Gannons Road, Caringbah (Lot 108 DP 5179).

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

**The decision was unanimous.**

**Minute No: 286**

**COR025-18                    Report and Minutes of the Meeting of the Sutherland Traffic and Traffic Safety Committee held on Friday, 4 May 2018**  
**File Number: 2016/253677**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

That the decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 4 May 2018 be noted.

**Minute No: 287**

**COR026-18                    Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 1 June 2018**  
**File Number: 2016/253677**

RESOLVED: (Councillor Riad/Councillor Scaysbrook)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 1 June 2018 be adopted.

2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday, 1 June 2018 be adopted.
3. Hobart Place, Illawong (STR082-18) be referred to the Sutherland Traffic and Safety Committee for consideration on a no left turn for vehicles over 6 metres.

**Minute No: 288****COR027-18****Clarification on Determination of Tree Applications****File Number: 2015/90422**

RESOLVED: (Councillor Collier/Councillor Riad)

THAT:

1. The matter of councillor's involvement in tree removal applications be referred to the Tree Sub Committee to consider in its broader review of tree management policy.
2. The correspondence from the Department of Planning be made available to all Councillors upon request.

**Minute No: 289****COR028-18****Fees Payable to Mayors and Councillors****File Number: 2015/14219**

RESOLVED: (Councillor Simone/Councillor Scaysbrook\*)

THAT:

1. Council adopts the determination by the Local Government Remuneration Tribunal of a 2.5% increase to existing annual fees payable for the Mayor and Councillors, for the period 1 July 2018 to 30 June 2019.
2. In addition to their annual Councillor fees, the Deputy Mayor receives a fixed fee of 15% of the Mayor's annual fees for the period 1 July 2018 to 30 June 2019.

**Minute No: 290**

**MOT021-18                    Changes to Ward Names**  
**File Number: 2015/90374**

RESOLVED: (Councillor Riad/Councillor Simpson)  
THAT:

1. Council receive a report on the options and implications of renaming the Local Government Wards in the Sutherland Shire.
2. The distribution of Ward boundaries for Local Government election purposes be reviewed and concurrently reported.
3. The report include a plan for community consultation.

**BUSINESS WITHOUT NOTICE**

**Minute No: 291            Low Rise Medium Density Housing Code - Complying Development Provisions**  
**File Number: 2018/308432**

Councillor Plibersek requested Business Without Notice concerning Low Rise Medium Density Housing Code – Complying Development Provisions be considered as a matter of urgency.

RESOLVED: (Councillor Plibersek/Councillor Steinwall)

That permission be granted to bring forward Business Without Notice regarding Low Rise Medium Density Housing Code – Complying Development Provisions.

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: 292**

**BWN012-18                Low Rise Medium Density Housing Code - Complying Development Provisions**  
**File Number: 2018/308432**

MOTION: (Councillor Plibersek/Councillor Steinwall)

THAT:

1. Council notes the new planning laws Low Rise Medium Density Housing Code are due to take effect in about two weeks.

2. Council seeks an urgent response from Minister Roberts to its letter dated 25 May 2018 asking that the new laws be suspended from operation at Sutherland Shire.
3. The Mayor calls the Minister's office urgently to bring Council's concerns to his direct attention.

AMENDMENT (Johns/

THAT:

1. Council notes the new planning laws.
2. Council contacts the Minister to ascertain where Council's correspondence stands and the Minister's opinion as to the suspension of operation of the Sutherland Shire.

#### **Point of Order**

Councillor Forshaw raised a Point of Order that Councillor Johns' Amendment was out of order as an amendment must have something different from the motion.

The Mayor, Councillor Pesce, upheld the Point of Order and ruled Councillor Johns' amendment out of order.

**Minute No: 292 Cont'd**

**BWN012-18**

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

**Against** the Resolution was Councillor Johns.

**QUESTIONS**

**Minute No: 293      Completion Date of Sandy Point Rural Fire Station**  
**File Number: 2017/265655**

Councillor Simpson raised the following matter:

Can Ward Councillors be informed when Sandy Point Rural Fire Station will be completed and hand over date.

The Director Infrastructure confirmed a site meeting was conducted on Friday 15 June 2018 with the principle contractor for Sandy Point RFS.

Councillor Steinwall advised the official opening is tentatively scheduled for 15 September 2018.

**Minute No: 294      Low Rise Medium Density Housing Code - Complying Development Provisions**  
**File Number: 2018/308432**

Councillor Plibersek raised the following matter:

If the Mayor's office does contact the Minister's office, please advise all Councillors of the result of that contact.

The Mayor advised that Councillors would be informed of the outcome.

The Meeting closed at 8:35pm