



# Minutes

---

## Council Meeting

**Monday, 16 July 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 Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad (6:47pm), Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

**STAFF IN ATTENDANCE:** The General Manager, Director Corporate Support, Director Shire Planning, Director Shire Infrastructure, Director Shire Services, Executive Public Relations (Amie Lindsell), Media & Communications Officer (Jane Dyson), 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 Troy Dixon of Kingsway Community Church.

### **APOLOGY**

Nil.

\*\*\*

### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

Councillor Forshaw declared a significant non-pecuniary interest in the following matter:

MOT024-18            Renew Our Libraries Initiative  
File Number: 2018/312896

advising that he has family members who are employed at Sutherland Shire Council libraries and he will leave the meeting when that Motion is debated.

Councillor Johns declared a pecuniary interest in the following matter:

INF035-18            Recycled Plastiphalt Road Pavement – Demonstration  
File Number: 2018/310630

advising that one of the participants in the trial is Downer and his company has undertaken works with Downer in the water infrastructure space, not in the road space.

Councillor Riad declared a pecuniary interest in the following matter:

INF035-18                      Recycled Plastiphalt Road Pavement – Demonstration  
File Number: 2018/310630

advising that his brother-in-law works for Downer EDI in the mining division in Queensland so he'll be leaving the room if that item gets called.

Councillor Simpson declared a pecuniary interest in the following matter:

MM017-18                      Mayoral Minute – Engadine Leisure Centre  
File Number: 2015/90408

advising that he has a distant family member who works part-time at the Centre and he'll leave the room while debate is going on.

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

SER024-18                      Seasonal Use - Sutherland Utility Pool and Engadine Leisure Centre - Pool  
File Number: 2015/90408

advising that she works at Bosco College and our school attends infrequently in winter the Pool. I'm also work colleagues with the Moroneys, who run the squad team.

Councillor Steinwall advised that the conflict is not significant as she has nothing to gain financially and the connections are not of family members.

**Minute No: 295**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Simpson/Councillor Provan)

That the Minutes of the Ordinary Council held on Monday 18 June 2018, being Minutes Numbered 271 to 294 inclusive, be and are hereby confirmed as a correct record.

Councillor Riad joined the Meeting during discussion of the following item (6:47pm).

**Minute No: 296**

**MM016-18                      Mayoral Minute - Vale Kevin Mackay Skinner**  
**File Number: 2017/287937**

RESOLVED: (Councillor Pesce/Councillor Provan)

THAT:

1. Council extends its condolences to the family of the late Kevin Skinner.
2. A period of silence be held in memory of the late Kevin Skinner.

At this stage of the Meeting, all stood for a period of silence.

Councillor Simpson left the Meeting at this stage.

**Minute No: 297**

**Suspension of Standing Orders**

RESOLVED: (Councillor Pesce)

That Standing Orders be suspended to consider SER024-18 as the next item of business.

**Minute No: 298**

**SER024-18                      Seasonal Use - Sutherland Utility Pool and Engadine Leisure Centre - Pool**  
**File Number: 2015/90408**

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

RESOLVED: (Councillor Provan/Councillor Steinwall)

That the report "Seasonal Use - Sutherland Utility Pool and Engadine Leisure Centre – Pool" be received and noted.

**Resumption of Standing Orders**

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

**Minute No: 299****MM017-18****Mayoral Minute - Engadine Leisure Centre****File Number: 2015/90408**

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

RESOLVED: (Councillor Pesce/Councillor McLean)

THAT:

1. Engadine Leisure Centre swimming pool remain open year round; and
2. A working party consisting of interested Councillors and five community members be established with a view to further enhancing the health and wellbeing of our community and improving sustainable service delivery through increasing patronage of Engadine Leisure Centre swim facilities.
3. The inflatable waterslide program be made available during the summer holiday period and on weekends during the summer period at Engadine Leisure Centre.
4. Signage on the Princes Highway regarding the location of the Engadine Leisure Centre be restored.

**PETITION****Minute No: 300****Engadine Pool to Remain Open Year Round****File Number: 2015/90408**

The Mayor, Councillor Pesce, tabled a petition requesting that Engadine Pool remain open all year round.

Councillor Simpson returned to the Meeting at this stage.

**Minute No: 301****Adjournment**

At 7:18pm:

RESOLVED: (Councillor Johns/Councillor Pesce)

That the Meeting be adjourned to allow members of the public gallery to leave the Chamber.

---

### **Resumption of Standing Orders**

At 7:26pm Standing Orders were resumed with the following present:

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

**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 Simone\*)”**

**Minute No: 302**

**GOV031-18                    Local Government NSW Annual Conference 2018 - Appointment of  
Delegates  
File Number: 2015/25361**

RESOLVED: (Councillor Simpson/Councillor Johns)

THAT:

1. Approval be given for interested Councillors, and staff, as authorised by the General Manager, to attend the Local Government NSW Annual Conference at the Entertainment Centre, Albury from 21-23 October 2018.
2. Council appoints the Mayor, Councillor Pesce, and Councillors Boyd, Croucher, Johns, McLean, Nicholls, Plibersek, Scaysbrook, Simpson and Steinwall, as voting delegates, and in the event one of those Councillors cannot attend, any other Councillors attending as the alternative delegates, to the Local Government NSW Annual Conference.
3. Councillors submit draft motions to the Conference to the General Manager before 30 July 2018.
4. Interested Councillors advise the Mayor and Deputy Mayor if they wish to attend the conference before the next meeting of Council.

**Minute No: 303****GOV032-18****Cash Payments and Investments Report - May 2018****File Number: 2017/281575**

RESOLVED: (Councillor Provan/Councillor Simone\*)

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

**SER024-18****This matter was considered earlier in the Meeting****(see Minute No. 298).****Minute No: 304****SER025-18****Proposed Drainage Easement - 44R Seventh Ave, Jannali****File Number: 2018/300248**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 44R Seventh Ave, Jannali (Lot 896 DP 17254) in favour of 52 Seventh Ave, Jannali (Lot 490 DP 17524) at terms and conditions to the General Manager satisfaction.
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 this resolution.
3. The rate of compensation be as per the easement calculator (with the development value capped at \$5m), with a 50% provisional reduction due to the use of the building.

**Minute No: 305****INF031-18****Graffiti Management Policy Review****File Number: 2015/44771**

RESOLVED: (Councillor Provan/Councillor Simone\*)

That the revised Graffiti Management Policy (attached as Appendix A) be adopted.

**Minute No: 306**

**INF032-18                    Major Infrastructure Projects Review**  
**File Number: 2015/44222**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The report "Major Infrastructure Project Review" be received and noted.
2. A completion report for the Sandy Point RFS Station be provided to the Shire Infrastructure Committee.

**Minute No: 307**

**INF033-18                    Portable Speed Warning Signs Pilot Program**  
**File Number: 2015/82190**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The success of the Portable Speed Warning Sign trial be noted.
2. Two additional portable speed warning signs be purchased.
3. Each speed warning sign be installed at three locations each year as determined by the Sutherland Traffic and Traffic Safety Committee.
4. Traffic speeds be monitored following the removal of signs to determine the length of time for which speed reductions are sustained.

**Minute No: 308**

**INF034-18                    Moreton Road, Wilbung Road and Osprey Drive, Illawong - Road Safety**  
**Follow Up Report**  
**File Number: 2018/262950**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The report on the impact of traffic calming measures in the vicinity of Moreton Road Illawong be received and noted.
2. No further traffic calming measures be implemented in the vicinity of Moreton Road, Illawong, at this time.



**Minute No: 309**

**INF035-18                      Recycled Plastiphalt Road Pavement - Demonstration**  
**File Number: 2018/310630**

\*\*\*Councillor Johns and Councillor Riad declared a pecuniary interest in this matter and did not vote.  
This matter was moved in bulk therefore there was no discussion on the item.

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. Council approve and support the use of a recycled asphalt as a demonstration site by Downer in partnership with NSW EPA and Sutherland Shire Council.
2. A further report be provided to Council in 12 months time as to the performance of the road pavement.

**Minute No: 310**

**PLN037-18                      Further Drafting Amendments To SSLEP2015**  
**File Number: 2017/272970**

DELEGATED DECISION at the Shire Planning Committee on 2 July 2018:

That in accordance with the delegation granted by Council to this Committee it is resolved that a Councillor Briefing be held regarding this matter prior to the Council Meeting on 16 July 2018.

RESOLVED: (Councillor Riad/Councillor Scaysbrook)

THAT:

1. The planning proposal adopted through PLN028-18 be amended to include the changes identified in this report, and the combined planning proposal be submitted to NSW Planning and Environment for a Gateway determination with a request that Council may make the plan under delegation.
2. 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.
3. Council receive a further report on required amendments to Sutherland Shire Development Control Plan 2015 to support this amendment.
4. As this Planning Proposal covers only very minor issues and will not have any significant impact on the environment, it is considered that it does not warrant referral to the Local Planning Panel.

**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, Simone, Simpson and Steinwall.

**The decision was unanimous.**

**Minute No: 311**

**COR029-18                    Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 6 July 2018**  
**File Number: 2016/253677**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 6 July 2018 be adopted.
2. The Minutes of the Consultative Traffic Forum Meeting held on Friday, 6 July 2018 be noted.

**Minute No: 312**

**MOT022-18                    Community Engagement Policy**  
**File Number: 2015/214472**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. The Community Engagement Policy be reviewed and enforced.
2. Guidelines be developed to support the Community Engagement Policy and ensure proactive and appropriate consultation with the affected community and key stakeholders where a decision is made or is proposed to be made that has the effect of changing the current level of service provided by Council, public safety and change in community service expectations.
3. Ward councillors in affected wards be consulted in the planning of, and invited to take part in consultation.

4. On each occasion, a full stakeholder analysis is undertaken to ensure consultation is planned in a way that supports effective community engagement.
5. A consultation review process be implemented to assess the success of each consultation activity and ensure continuous improvement in this area.

**Minute No: 313**

**MOT023-18                      Potential Solar Farm Site at Lucas Heights**  
**File Number: 2015/36958**

RESOLVED: (Councillor Simpson/Councillor Plibersek)

That Council make representations seeking assistance from the Minister for Primary Industries, the Hon Niall Blair, to gain approval to use the former night soil site at Lucas Heights for the purposes of a solar farm.

**Minute No: 314**

**MOT024-18                      Renew Our Libraries Initiative**  
**File Number: 2018/312896**

\*\*\*Councillor Forshaw declared a significant non-pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

MOTION: (Councillor Steinwall/Councillor McLean)

THAT:

1. Council supports the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, "Renew Our Libraries", which aims to increase State Government funding contributions to public libraries and create a new and sustainable funding model.
2. Representations are made to the local State Members seeking their support for this initiative.

AMENDMENT: (Councillor Johns/Councillor Provan)

THAT:

1. Council seeks further information from the Responsible Minister and/or Treasurer as to the funding being provided to Sutherland Shire Council in regard to funding of Library services in the Sutherland Shire.

2. The reply be referred to Council along with an appropriate report comparing funding to Sutherland Shire for Library services for the last 10 years.
3. Council revisit the reports dealing with the provision of a Library service, building and community centre in Kirrawee Brick Pit site.
4. As part of the report on the provision of community centres to be provided to Council as requested included the possible provision of library services for the Kirrawee community.

### **Point of Order**

Councillor Johns raised a Point of Order requesting Councillor Steinwall to table the report that shows the 5% cut to funding in the State budget.

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

Councillor Steinwall tabled the report.

### **Minute No: 314 Cont'd**

#### **MOT024-18**

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, Riad and Simone.

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

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

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 Croucher, Johns, Nicholls, Provan, Riad and Simone.

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

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

#### **Personal Explanation by Councillor Simpson**

Councillor Simpson advised that he's taken the opportunity to inform the staff and Councillors of a very important happening that happened not long ago. The Bonnet Bay Soccer Club won the NSW Community Sports Club of the Year. This Council should celebrate any wins from any of our local clubs and he would ask that at some stage this Council recognise them.

#### **Personal Explanation by Councillor Johns**

Councillor Johns advised that Councillor Steinwall said that he didn't care about Sutherland Shire libraries. Councillor Johns stated that he does care about Sutherland Shire libraries, he cares about them a lot more than the 369, sorry the 361 if you exclude the Sutherland Shire libraries, in fact he cares so much about them that he wants another library. So the statement that he does not care about Sutherland Shire libraries is a fallacy, he cares about them more than any other library in all of Australia, not just NSW.

Councillor Forshaw returned to the Meeting at this stage.

#### **BUSINESS WITHOUT NOTICE**

**Minute No: 315**      **Paper Roads in Bundeena**  
**File Number: 2015/4664**

Councillor Scaysbrook requested Business Without Notice concerning Paper Roads in Bundeena be considered as a matter of urgency.

RESOLVED: (Councillor Scaysbrook/Councillor Forshaw)

That permission be granted to bring forward Business Without Notice regarding Paper Roads in Bundeena.

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

**In Favour** of the Resolution were Councillors Boyd, Collier, Croucher, Forshaw, McLean, Nicholls, Plibersek, Riad, Scaysbrook, Simpson and Steinwall.

**Against** the Resolution were the Mayor, Councillor Pesce, together with Councillors Johns, Provan and Simone.

The Mayor, Councillor Pesce, ruled in accordance with Clause 20(3)(b) of Council's Code of Meeting Practice that the matter was of great urgency.

**Minute No: 316**

**BWN013-18                      Paper Roads in Bundeena**  
**File Number: 2015/4664**

RESOLVED: (Councillor Scaysbrook/Councillor Forshaw)

That a Councillor briefing be provided prior to a report being presented to the August meeting of Council detailing the action taken to date in response to Council resolutions contained in Minute No. 497 (WKS037-14 16/12/2013), and Minute No. 546 (BDS087-15 9/2/2015) regarding the dedication and transfer of unmade sections of paper roads at Sussex Street, Brighton Street, Liverpool Street and Grosvenor Street Bundeena.

**QUESTION**

**Minute No: 317                      Markets in Parc Menai**  
**File Number: 2017/288870**

Councillor Riad raised the following matter:

I refer to a Council Officer's delegation last Friday regarding the award of a tender following an Expression of Interest for markets in Parc Menai. Given Parc Menai is community land, is it formal and common practice for a decision to be made by means of a tenderer being accepted without a Council resolution?

The Director Shire Services advised that she would take the question on notice and that a reply would be provided. This question was subsequently answered.

The Meeting closed at 8:45pm.