



Business Paper

Council Meeting

Monday, 10 December 2018

7:00pm

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

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**
- 8. REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 3 DECEMBER 2018**
 - GOV046-18 Revised Privacy Management Plan
 - GOV047-18 Cash Payments and Investments Report - October 2018
 - GOV048-18 Community Participation at Council Meetings
- 9. REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 3 DECEMBER 2018**
 - SER039-18 Rock Fishing Safety Act 2016 - Sutherland Shire Declared High Risk Area
 - SER040-18 Notice of Native Title Managers for Sutherland Shire Council
 - SER041-18 Economic Strategy
- 10. REPORTS OF THE SHIRE INFRASTRUCTURE AND PUBLIC DOMAIN COMMITTEE HELD ON 3 DECEMBER 2018**
 - INF050-18 Major Infrastructure Projects Review
 - INF051-18 Outcome of the Community Consultation on the Open Space Naming Proposal for Don Dobie Memorial Lookout
 - INF052-18 Open Space Naming Proposal for "Arthur Gietzelt Memorial Lookout", Woollooware Bay
 - INF053-18 Proposal to Change Reserve Name from Hawkesbury Park to "James Goyen Reserve" - GNB Decision

11. REPORTS OF THE SHIRE STRATEGIC PLANNING COMMITTEE HELD ON 3 DECEMBER 2018

- PLN052-18 Ridgeway Estate Request for Amendment to SSDCP2015
- PLN053-18 Draft Local Strategic Planning Statement - Sustainability
- PLN054-18 Quarterly Report Clause 4.6 Variations Register (July to September 2018)
- PLN055-18 Low Impact Telecommunications Facilities
- PLN056-18 Development Contribution Plans Amendment 2
- PLN057-18 Update of Planning Certificates for Flood-Affected Properties in the Woollooware Bay Catchment

12. REPORTS FROM OFFICERS**13. PRESENTATION OF PETITIONS****14. QUESTIONS****15. NON AGENDA ITEMS****16. CONSIDERATION OF BUSINESS IN CLOSED SESSION****17. CONFIDENTIAL REPORTS FROM OFFICERS**

- COR006A-18 Senior Staff Matter

REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 3 DECEMBER 2018

GOV046-18 REVISED PRIVACY MANAGEMENT PLAN**EXECUTIVE SUMMARY**

- Council's current Privacy Management Plan was first adopted in 2000 and the last major review and update of the document occurred in 2013.
- Following a review in 2018, the Plan has been revised to remove unnecessary information and re-written in plain English.
- A new Privacy Management Plan webpage has been created which contains a web appropriate version of the plan, containing key information and links to associated information.
- The new proposed Privacy Management Plan is referred to Council for endorsement and adoption.

COMMITTEE RECOMMENDATION

THAT:

The Privacy Management Plan (Appendix "A") be adopted by Council.

GOV047-18 CASH PAYMENTS AND INVESTMENTS REPORT - OCTOBER 2018**EXECUTIVE SUMMARY**

- This report provides details of Council's investment performance for the period ending 31 October 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 October 2018 was 2.77% compared to the benchmark of 2.05%.
- 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 October 2018, be received and noted.

GOV048-18 COMMUNITY PARTICIPATION AT COUNCIL MEETINGS**EXECUTIVE SUMMARY**

- At the Council Meeting held on 17 September 2018, Council resolved (MOT033-18) that a report be provided regarding the logistics necessary for inclusion of public forums at Council Meetings and webcasting options for these meetings.
- Council's current Code of Meeting Practice contains existing provisions for members of the public to address Council and Committee meetings.
- A new Model Code of Meeting Practice, which sets the minimum standards for meeting conduct was released by the Office of Local Government on 16 November 2018. The new Code includes provisions for both public forums and webcasting. Council will now be required to adopt the new Code within six months of it being prescribed in the Regulations and the webcasting requirements in the new Code within twelve months.
- It is recommended that the existing provisions for community participation be advertised to the public and a further review of the Code be undertaken when the new Model Code of Meeting Practice is prescribed.

COMMITTEE RECOMMENDATION

THAT:

1. The existing provisions in Council's Code of Meeting Practice regarding members of the public addressing Council meetings, be advertised through Council's community engagement channels.
2. A report be provided on configuration options for the Council Chambers.

REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 3 DECEMBER 2018

SER039-18 ROCK FISHING SAFETY ACT 2016 - SUTHERLAND SHIRE DECLARED HIGH RISK AREA**EXECUTIVE SUMMARY**

- In December 2016, the NSW Government introduced the Rock Fishing Safety Act 2016 making it compulsory for people to wear lifejackets while rock fishing in declared 'High Risk' areas.
- On 13 April 2018, the Minister for Emergency Services announced that coastal councils such as the Sutherland Shire could elect to opt-in to the Rock Fishing Safety Act.
- A 'High Risk' rock fishing location is a naturally occurring rock platform or other rock formation exposed to ocean swell within a declared area. The Sutherland Shire has the 3rd highest coastal fatalities in NSW with 11 lives lost over the past 10 years.
- A grant from the Water Safety Fund of up to \$30,000 is available for each council that chooses to opt-in. The Water Safety Fund grant can be used by local councils for signage, training and other rock fishing safety, education and awareness measures.
- Should Council opt-in to the Act, Sutherland Shire will be declared a high risk rock fishing area and rock fishing laws may be enforced by NSW Police Marine Area Command and its enforcement partners including National Parks, Fisheries and local councils.
- If Council chooses to not 'opt in' NSW Government Agencies such as NSW Police and other agencies cannot enforce the rock fishing safety initiatives.

COMMITTEE RESOLUTION

That in accordance with the delegation granted by the Council to this Committee it is resolved:

THAT:

1. Council 'Opt in' to the Rock Fishing Safety Act 2016, declaring the Sutherland Shire Local Government area of operations as a 'High Risk Area' and The Minister for Primary Industries be advised of Council's decision.
2. Council officers work with various NSW Government agencies to implement an education, communication and support a compliance program within the Sutherland Shire Local Government area of operations.
3. An advisory period of six months from the date of gazettal be supported.
4. A follow up report be provided on the cost to Council and the resources available at Council's disposal.

SER040-18 NOTICE OF NATIVE TITLE MANAGERS FOR SUTHERLAND SHIRE COUNCIL**EXECUTIVE SUMMARY**

- The *Crown Land Management Act 2016* commenced on 1 July 2018.
- Council is now required to give notice to the NSW Minister for Lands and Forestry the names and contact details of its Native Title Managers.
- Giving notice to the Governor or Minister is a non-delegable function and requires a Council resolution having regard to section 377(1) of the *Local Government Act 1993*.
- Two Council Property Officers have attended training and have qualified as Native Title Managers.

COMMITTEE RECOMMENDATION

THAT:

1. Notice be given to the Minister for Lands and Forestry of the name and contact details of any person the council has engaged or employed as a native title manager.
2. Council provide such notices as required by the *Crown Land Management Act 2016* in relation to its engaged or employed native title managers.
3. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700), the Acting General Manager execute any necessary documentation to give effect to this resolution.

SER041-18 ECONOMIC STRATEGY**EXECUTIVE SUMMARY**

- On 15 October, 2018 Council endorsed the public exhibition of the Draft Economic Strategy (SER035-18).
- The Strategy was placed on public exhibition for a period of 28 days - 16 October through 13 November 2018.
- Seventeen submissions were received.
- 83% of respondents agreed with the proposed objectives and provided valuable comments that will inform the detailed action plans that will now be developed for each objective.
- Other relevant feedback will be used to assist with the development of the Integrated Transport Strategy and Housing Strategy.
- It is recommended Council endorse the Economic Strategy (Appendix A) and that Council's Economic Development and Tourism Committee work with key stakeholders to develop the detailed action plans for the objectives.

COMMITTEE RECOMMENDATION

THAT:

1. Council endorse the Sutherland Shire Economic Strategy.
2. The Economic Development and Tourism Committee work with key stakeholders to develop the Strategy action plans for each objective.

**REPORTS OF THE SHIRE INFRASTRUCTURE AND PUBLIC DOMAIN COMMITTEE
HELD ON 3 DECEMBER 2018**

INF050-18 MAJOR INFRASTRUCTURE PROJECTS REVIEW

EXECUTIVE SUMMARY

- This is the bi-monthly report to the Infrastructure Committee to provide an update on Council's major projects.
- The report covers the status of projects costed in excess of \$750,000.

COMMITTEE RECOMMENDATION

THAT:

The report "Major Infrastructure Projects Review" be received and noted.

**INF051-18 OUTCOME OF THE COMMUNITY CONSULTATION ON THE OPEN SPACE
NAMING PROPOSAL FOR DON DOBIE MEMORIAL LOOKOUT****EXECUTIVE SUMMARY**

- Council previously resolved to provide in-principle support, in INF039-18, for a proposal to name the lookout at Wanda Beach, located at 2R-24R Mitchell Road, Cronulla, “Don Dobie Memorial Lookout” and undertake community consultation on the proposed facility name.
- Following the resolution, Council staff undertook community consultation on the proposal between 27 September 2018 and 24 October 2018.
- During the consultation, 17 submissions were received from the community. Fifteen opposed the lookout being named the “Don Dobie Memorial Lookout” and two were in support.
- It is proposed to discontinue this naming proposal.

COMMITTEE RECOMMENDATION

THAT:

The proposal to name the facility at Wanda Beach, located at 2R-24R Mitchell Road, Cronulla the “Don Dobie Memorial Lookout” be discontinued.

**INF052-18 OPEN SPACE NAMING PROPOSAL FOR "ARTHUR GIETZELT MEMORIAL
LOOKOUT", WOOLLOOWARE BAY****EXECUTIVE SUMMARY**

- Council previously resolved to provide in-principle support, in INF036-18, for a proposal to name the new Woollooware Bay Stage 6 shared pathway shelter, located at 1A Atkinson Road, Taren Point, the "Arthur Gietzelt Memorial Lookout" and undertake community consultation on the proposed facility name.
- Following the resolution, Council staff undertook community consultation on the proposal between 27 September 2018 and 24 October 2018.
- During the consultation, 15 submissions were received from the community. Eight were against the naming proposal and seven were in favour.
- It is proposed that the name "Arthur Gietzelt Memorial Lookout" be adopted for the new Woollooware Bay Stage 6 shared pathway shelter.

COMMITTEE RECOMMENDATION

THAT:

1. The name "Arthur Gietzelt Memorial Lookout" be adopted for the new Woollooware Bay Stage 6 shared pathway shelter.
2. The Geographical Names Board be notified of Council's decision, to ensure that the name becomes a gazetted placename.
3. A sign be erected explaining the significance of the name and history of the area.

**INF053-18 PROPOSAL TO CHANGE RESERVE NAME FROM HAWKESBURY PARK TO
"JAMES GOYEN RESERVE" - GNB DECISION**

EXECUTIVE SUMMARY

- Council has previously resolved to consider changing the name of Hawkesbury Park located at 1R Moruya Avenue, Sylvania Waters to "James Goyen Reserve" in honour of late local resident James Goyen.
- A formal submission on the name was made to the Geographical Names Board (GNB), which considered the proposal at their March 2018 Board Meeting and approved the name for advertising.
- Following advice from the GNB that the community during the advertising period was not supportive of the name change, the proposal was sent back to Council.
- On 20 August 2018 (INF040-18) Council resolved to write to the GNB affirming the Council decision to change the name of "Hawkesbury Park" to "James Goyen Reserve".
- The Geographical Names Board (GNB), at its meeting held on Tuesday 18 September 2018, resolved to reject the proposal.

COMMITTEE RECOMMENDATION

THAT:

The proposal to change the name of Hawkesbury Park to "James Goyen Reserve" be discontinued.

**REPORTS OF THE SHIRE STRATEGIC PLANNING COMMITTEE HELD ON 3
DECEMBER 2018**

PLN052-18 RIDGEWAY ESTATE REQUEST FOR AMENDMENT TO SSDCP2015**EXECUTIVE SUMMARY**

- This report reviews a submission from Dahua Group (the land developer) requesting changes to SSDCP2015 for dwellings in the new Ridgeway Estate in Barden Ridge.
- The submission requests reducing the minimum rear setback from 6m to 4m, allowing 1.5m encroachment within the 6m front setback, and removal of the restriction on two-storey development in the rear 40% of the site (the 60/40 development control).
- The report concludes that the existing front and rear setback controls are reasonable and reduced setbacks would compromise the amenity of future residents and result in poor streetscape outcomes.
- The 60/40 control, which was designed to limit the impact of infill development on existing neighbours, is less relevant in a new estate. An alternative way to mitigate the bulk and scale impact at the rear, is to replace the 60/40 control with a requirement for an 8m rear setback to the upper floor.

COMMITTEE RECOMMENDATION

THAT:

Council does not proceed with amending the DCP in relation to The Ridgeway Estate.

PLN053-18 DRAFT LOCAL STRATEGIC PLANNING STATEMENT - SUSTAINABILITY**EXECUTIVE SUMMARY**

- Council is required to prepare a draft Local Strategic Planning Statement (LSPS) that aligns with the directions of the South District Plan. This LSPS will set the future direction for planning in the Sutherland Shire;
- The South District Plan has four high level themes: liveability, productivity, sustainability, infrastructure and collaboration; and these must be reflected in the LSPS. This is the second of four reports to council covering these themes (productivity previously covered in PLN051-18);
- This report identifies strategic directions related to sustainability that address the following sustainability priorities set out in the South District Plan:
 - Protecting and improving the health and enjoyment of the District's waterways;
 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes, and better managing rural areas;
 - Increasing urban tree canopy cover and delivering Green Grid connections;
 - Delivering high quality open space;
 - Reducing carbon emissions and managing energy, water and waste efficiently; and
 - Adapting to the impacts of urban and natural hazards and climate change.
- This report seeks Council's endorsement of these priorities, which will then be detailed for inclusion in the LSPS.

COMMITTEE RECOMMENDATION

THAT:

The sustainability strategic directions detailed in this report be incorporated into Sutherland Shire's draft Local Strategic Planning Statement.

**PLN054-18 QUARTERLY REPORT CLAUSE 4.6 VARIATIONS REGISTER (JULY TO
SEPTEMBER 2018)****EXECUTIVE SUMMARY**

- The Secretary of Department of Planning & Environment delegates to councils assumed concurrence to use Clause 4.6 (previously known as SEPP 1) to vary development standards in respect of most types of development.
- Councils are required to monitor the use of the Secretary's assumed concurrence and report to the Department of Planning & Environment on that usage on a quarterly basis.
- Councils are also required to report all variations approved under delegation to a meeting of Council on a quarterly basis.
- This report provides a list of variations approved under delegation for the quarter 1 July 2018 to 30 September 2018 (Appendix A).

COMMITTEE RECOMMENDATION

THAT:

The quarterly report on Clause 4.6 Variations be received and noted.

PLN055-18 LOW IMPACT TELECOMMUNICATIONS FACILITIES**EXECUTIVE SUMMARY**

- Telecommunication companies need to install facilities to be able to deliver quality services to their customers. These facilities can sometimes be visually intrusive and cause significant concern for the community.
- Under the Federal Telecommunications Act, Council has no role in the approval of low impact facilities.
- It is recommended that Council write to carriers advising that it would be preferable if facilities are located away from individual dwellings and the visual impacts of development be minimised. Council would prefer that such facilities are located on industrial, commercial or community land – particularly where agreement to burden the public domain is sought.

COMMITTEE RECOMMENDATION

THAT:

1. Council write to the carriers seeking their co-operation in minimising the impacts of low impact facilities on individual properties, as detailed in this report.
2. The submission also be sent to the relevant State and Federal members seeking their support.
3. In appropriate circumstances, Council suggest alternate locations.

PLN056-18 DEVELOPMENT CONTRIBUTION PLANS AMENDMENT 2**EXECUTIVE SUMMARY**

- This report was deferred from the Council meeting of 19 November 2018 (PLN048-18), and is now relisted for consideration. The draft plans have not been amended to reflect Council's decision to include an additional project at Barden Ridge, but this amendment is repeated in the recommendation and will be made prior to exhibition.
- Amendments are required to the two development contribution plans to update references in the plans to reflect changes to the Environmental Planning and Assessment Act 1979; to expand the range of development exempted from contributions; to amend the contribution rate for boarding houses; and to update the schedules of works to reflect the current proposed infrastructure priorities as indicated in Council's adopted Long Term Financial Plan (LTFP).
- The two draft amended contribution plans, Section 7.11 Development Contribution Plan 2016 (previously S94) and Section 7.12 Development Contribution Plan 2016 (previously S94A), must be publicly exhibited for community input for four weeks as required by legislation. Any submissions received will be reported to Council.
- This report seeks Council's consideration and endorsement of the draft amended plans before they are placed on public exhibition.

COMMITTEE RECOMMENDATION

THAT:

1. In accordance with Council Resolution (PLN048-18), prior to exhibition of the draft plan, the works schedule of the Draft Section 7.12 Development Contribution Plan 2016 (Amendment 2) be amended to include appropriate funding for a new amenities building at the park (Old Illawarra Reserve) at 150 Old Illawarra Road, Barden Ridge.
2. The Draft Section 7.11 Development Contribution Plan 2016 (Amendment 2) and Draft Section 7.12 Development Contribution Plan 2016 (Amendment 2), be adopted for public exhibition for eight weeks in 2019.

**PLN057-18 UPDATE OF PLANNING CERTIFICATES FOR FLOOD-AFFECTED
PROPERTIES IN THE WOOLLOOWARE BAY CATCHMENT**

EXECUTIVE SUMMARY

- A recent update to the flood model established as part of the 2014 Woollooware Bay Catchment Flood Study has revealed 251 lots within the catchment that are newly identified as being flood affected in the probable maximum flood (PMF), as well as 108 lots that are now no longer flood affected in the PMF.
- In accordance with Section 10.7 (formerly Section 149) of the *Environmental Planning & Assessment Act 1979* and in order to maintain Council's exemption from liability under Section 733(1) of the *Local Government Act 1993*, flood notations should be added to the planning certificates for the newly identified flood-affected lots and flood notations removed from the planning certificates for lots no longer flood affected.
- It is proposed to notify the owners of the affected properties of the changes to the planning certificates.

COMMITTEE RECOMMENDATION

THAT:

1. Flood notations be added to the Section 10.7 planning certificates for properties within an estimated 251 lots in the Woollooware Bay catchment.
2. Flood notations be removed from the Section 10.7 planning certificates for properties within an estimated 108 lots in the Woollooware Bay catchment.
3. Council write to all affected property owners advising of the changes to the planning certificates.

CONFIDENTIAL REPORTS FROM OFFICERS

In accordance with Section 10A(1) of Local Government Act 1993, the following matters will be considered in the Closed Session:

COR006A-18 SENIOR STAFF MATTER

Section 10A(2)(a) Personnel Matters Concerning Particular Individuals:

This matter is being considered in Closed session as it relates to personnel matters concerning particular individuals.