



Minutes

Council Meeting

Monday, 10 December 2018

7:13pm

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

STAFF IN ATTENDANCE: The Acting General Manager (Manjeet Grewal), Director Shire Infrastructure, Director Shire Planning, Acting Director Corporate Support (David MacNiven), Acting Director Shire Services (Lani Richardson), Manager Business Sport & Community Services (Rebecca Wood), Executive Public Relations (Amie Lindsay), Team Leader Governance (Debbie Lewis), Governance Advisor (Rachael Zhura), Governance Officer (Bernadette Feltham) and Governance Officer (Jenni Dovey).

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 Stefan Bull of Menai Anglican Church.

APOLOGY

Nil.

DISCLOSURES OF INTEREST

File Number: 2015/14239

The Mayor, Councillor Pesce declared a not significant non-pecuniary interest in the following matter:

INF050-18 Major Infrastructure Projects Review
File Number: 2015/44222

advising that one of the audit accountants mentioned in the report is an auditor in an investment portfolio that he is involved in.

The Mayor, Councillor Pesce, did not advise why the conflict is not significant.

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

PLN052-18 Ridgeway Estate Request for Amendment to SSDCP2015
File Number: 2018/320837

advising that he met with the developers at their request.

Councillor Scaysbrook did not advise why the conflict is not significant.

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

INF050-18 Major Infrastructure Projects Review
File Number: 2015/44222

advising that in relation to the Cronulla project being audited by Grant Thornton, her husband and herself both use Grant Thornton as Accountants.

Councillor Simone did not advise why the conflict is not significant.

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

PLN052-18 Ridgeway Estate Request for Amendment to SSDCP2015
File Number: 2018/320837

advising that he met with the developers at their request.

Councillor Simpson did not advise why the conflict is not significant.

Minute No: 447

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

RESOLVED: (Councillor Simpson/Councillor Nicholls)

That the Minutes of the Ordinary Council held on Monday 19 November 2018, being Minutes Numbered 413 to 445 inclusive, be and are hereby confirmed as a correct record.

Minute No: 448**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Provan/Councillor Plibersek)

That the Minutes of the Extraordinary Council held on Monday 26 November 2018, being Minutes Numbered 446 inclusive, be and are hereby confirmed as a correct record.

Minute No: 449**Suspension of Standing Orders**

RESOLVED: (Councillor Simpson)

That Standing Orders be suspended to consider PLN052-18 as the first item of business.

Minute No: 450**PLN052-18****Ridgeway Estate Request for Amendment to SSDCP2015****File Number: 2018/320837**

Mr Kith Clark, Development Director, Dahra Group Australia, provided a presentation on this matter.

***Councillor Scaysbrook and Councillor Simpson declared a not significant non-pecuniary interest in this matter.

MOTION: (Councillor Johns/Councillor Provan)

THAT:

Sutherland Shire Development Control Plan 2015 be amended to exclude dwelling houses and secondary dwellings in Zone E4 in the Ridgeway Estate from the development control requiring the two-storey part of a dwelling to be confined to the front 60% of the site and instead require any secondary floor to be setback 8m from the rear property boundary.

AMENDMENT: (Councillor Riad/Councillor Collier)

THAT:

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

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 Boyd, Collier, McLean, Riad, Simpson and Steinwall.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Forshaw, Johns, Nicholls, Provan, Plibersek, Scaysbrook and Simone.

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 Croucher, Forshaw, Johns, Nicholls, Provan, Plibersek, Scaysbrook and Simone.

Against the Resolution were Councillors Boyd, Collier, McLean, Riad, Simpson and Steinwall.

Resumption of Standing Orders

At this stage of the Meeting, Standing Orders were resumed (7:47pm).

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

Minute No: 451

GOV046-18 **Revised Privacy Management Plan**
File Number: 2018/317284

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

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

Minute No: 452

GOV047-18 **Cash Payments and Investments Report - October 2018**
File Number: 2018/315796

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

The information concerning Bank Balances and Investments held as at 31 October 2018, be received and noted.

Minute No: 453**GOV048-18****Community Participation at Council Meetings****File Number: 2015/26223**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

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.

Minute No: 454**SER039-18****Rock Fishing Safety Act 2016 - Sutherland Shire Declared High Risk Area****File Number: 2018/313322**

RESOLVED: (Councillor Pesce/Councillor Boyd)

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.

Minute No: 455**SER040-18****Notice of Native Title Managers for Sutherland Shire Council****File Number: 2018/298332**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

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.

Minute No: 456**SER041-18****Economic Strategy****File Number: 2017/278520**

RESOLVED: (Councillor Johns/Councillor Forshaw)

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.
3. The business generation target be reviewed within six months.

Minute No: 457

INF050-18 Major Infrastructure Projects Review
File Number: 2015/44222

***The Mayor, Councillor Pesce and Councillor Simone declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Simpson/Councillor Steinwall)

THAT:

1. The report "Major Infrastructure Projects Review" be received and noted.
2. The Council thanks the staff for their update on the projects.

Minute No: 458

INF051-18 Outcome of the Community Consultation on the Open Space Naming
Proposal for Don Dobie Memorial Lookout
File Number: 2018/315125

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

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

Minute No: 459

INF052-18 Open Space Naming Proposal for "Arthur Gietzelt Memorial Lookout",
Woolooware Bay
File Number: 2018/315125

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. The name "Arthur Gietzelt Memorial Lookout" be adopted for the new Woolooware 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.

Minute No: 460

INF053-18 Proposal to Change Reserve Name from Hawkesbury Park to "James Goyen Reserve" - GNB Decision
File Number: 2015/216094

RESOLVED: (Councillor Scaysbrook/Councillor Pliberseck*)

THAT:

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

PLN052-18 This matter was considered earlier in the Meeting
(see Minute No. 450).

Minute No: 461

PLN053-18 Draft Local Strategic Planning Statement - Sustainability
File Number: 2018/313212

RESOLVED: (Councillor Scaysbrook/Councillor Pliberseck*)

THAT:

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

Minute No: 462

PLN054-18 Quarterly Report Clause 4.6 Variations Register (July to September 2018)
File Number: 2015/25877

RESOLVED: (Councillor Scaysbrook/Councillor Pliberseck*)

THAT:

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

Minute No: 463**PLN055-18****Low Impact Telecommunications Facilities****File Number: 2018/322452**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

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.

Councillor Collier and Councillor Johns left the Meeting during discussion of the following item (7:58pm).

Minute No: 464**PLN056-18****Development Contribution Plans Amendment 2****File Number: 2018/311885**

RESOLVED: (Councillor Steinwall/Councillor Simpson)

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.

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

The decision was unanimous.

Minute No: 465

PLN057-18

**Update of Planning Certificates for Flood-Affected Properties in the
Woollooware Bay Catchment**

File Number: 2018/323101

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

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.

BUSINESS WITHOUT NOTICE

Minute No: 466

Woronora Caravan Park

File Number: 2015/217047

Councillor Simpson requested Business Without Notice concerning Woronora Caravan Park, be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Riad)

That permission be granted to bring forward Business Without Notice regarding Woronora Caravan Park.

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.

Councillor Collier and Councillor Johns returned to the Meeting during discussion of the following item (8:02pm).

Minute No: 467

BWN018-18

Woronora Caravan Park

File Number: 2018/297042

MOTION: (Councillor Simpson/Councillor Riad)

THAT:

1. Consultation and engagement continue with residents at Woronora Caravan Park, with the next discussion prior to Christmas 2018, to inform them of the ongoing plans for the Caravan Park.
2. Council receives a report on consultations that have taken place to date.

AMENDMENT: (Councillor Plibersek/

That the proponent be invited to speak at the beginning of the meeting.

The Amendment lapsed for want of a seconder.

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

PETITION

Minute No: 468

Cronulla Zoning

File Number: 2015/215393

Councillor Provan tabled a petition from residents requesting an amendment to the Sutherland Shire LEP 2015 as it related to properties located at 117-127 Elouera Road, Cronulla.

Minute No: 469**CONSIDERATION OF BUSINESS IN CLOSED SESSION (8:10pm)**

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:

COR006A-18 Senior Staff Matter
File Number: 2018/320222

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.

Minute No: 470

COR006A-18 Senior Staff Matter
File Number: 2018/320222

RESOLVED: (Councillor Johns/Councillor Croucher)

THAT:

1. The process of recruiting the position of General Manager continue.
2. The normal privacy and due diligence actions as part of the recruitment process be continued.
3. The Mayor, Deputy Mayor, Councillor Scaysbrook and Councillor McLean meet with the Recruitment Consultant for a full report on the recruitment process to the Council.

Councillor Collier requested that his name be recorded as voting against the Resolution.

At this stage the Meeting moved back into Open Session (9:47pm).

The Meeting closed at 9:48pm.