



# Minutes

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## Extraordinary Council Meeting

**Monday, 4 February 2019**

**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 (6:33pm), 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 Environmental Science (Ian Drinnan), Executive Public Relations (Amie Lindsell), Team Leader Governance (Debbie Lewis), Governance Advisor (Rachael Zhura), Governance Officer (Jenni Dovey) and Governance Officer (Bernadette Feltham).

### **ACKNOWLEDGEMENT OF COUNTRY**

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

### **APOLOGY**

Nil.

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### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

Councillor Johns declared a pecuniary interest in the following matter:

BWN001-19            Safety on Heathcote Road  
File Number: 2019/331592

advising that his partner is a person to whom Council will be making representations.

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

BWN001-19            Safety on Heathcote Road  
File Number: 2019/331592

advising that he works for one of the State members mentioned.

**Minute No: 1                    Suspension of Standing Orders**

RESOLVED: (The Mayor, Councillor Pesce/Councillor Simpson)

That Standing Orders be suspended to bring forward MM001-19, MM002-19 and MM003-19 as the first items of business.

Councillor Boyd joined the Meeting during discussion of the following item (6:33pm).

**Minute No: 2**

**MM001-19                    Mayoral Minute - 2019 Australia Day Honours  
File Number: 2019/328472**

RESOLVED: (Councillor Pesce/Councillor Provan)

THAT:

Congratulations be extended to the Sutherland Shire recipients who were honoured in the 2019 Australia Day Honours.

**Minute No: 3**

**MM002-19                    Mayoral Minute - 2019 Australia Day Volunteer, Sponsor and other  
Agencies Recognition  
File Number: 2019/330900**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT:

1. The contributions and efforts of all volunteer groups, first responders and other agencies and event sponsors and event partners in enabling a highly successfully Australia Day 2019 be formally acknowledged.
2. Council writes to each organisation expressing its thanks.

**Minute No: 4****MM003-19****Mayoral Minute - 2019 Australia Day Staff Recognition****File Number: 2019/330903**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT:

Appreciation be extended to all the staff across Council who worked collaboratively to ensure the success of Australia Day events held on 26 January 2019.

**Resumption of Standing Orders**

At this stage of the Meeting, Standing Orders were resumed (7:06pm).

**Minute No: 5****MM004-19****Mayoral Minute - Sydney Marine Park - Deeban Spit****File Number: 2016/244871, 2019/328472**

The following people addressed the Meeting on this matter:

George Cotis, Gary Schoer, Julie Keating, Tassia Kolesnikow and Anne Carrick.

NOTE: An amended version of the Mayoral Minute was tabled at the meeting as shown below:

Council recently endorsed a submission to the Hawkesbury Shelf Marine Park Proposal. Within this submission was a proposal to increase protection for Deeban Spit through prohibition boating and anchoring in this area.

The shallow waters of Deeban Spit contain important feeding areas for migratory birds, which are exposed at low tide, and important sea grass beds that provide nursery areas for many of the fish that inhabit Port Hacking. In recognition of the ecological sensitivity of the Deeban Spit, several restrictions on usage already apply in the area. These include restrictions on use of fishing nets, similar to the rest of Port Hacking, and restrictions on the taking of shellfish. It is appropriate that these restrictions continue and provide protection for this sensitive environment.

There is currently no restriction on recreational fishing in the area. The draft Marine Park Proposal does not propose a restriction, and nor did Council's previous submission.

Increased restrictions in the Deeban Spit area have potential to significantly impact on the community's use and enjoyment of the area. While anchoring and propeller scour have potential to impact on ecological values, the Spit is also an important recreation resource for the community. The protection of this area needs to be balanced against the long held recreational use by young people, families and visitors, and its importance to the local tourist economy and other local businesses.

Overall it is considered that recreational boating use of Deeban Spit by tourists and visitors should be restricted to the perimeter of the Deeban Spit, and restrictions apply to motorised boating and anchoring within the landward portions, as per the attached red zones on the modified map. There should be no changes to existing recreational usage, while existing restrictions such as collection of bi-valves, pipis, etc. and net fishing should be retained to protect and preserve the area.



MOTION: (Councillor Pesce/Councillor Provan)

THAT:

Council write to the Department of Primary Industries – NSW Fisheries to inform them of Council's modified position in relation to restrictions on boating and anchoring on Deeban Spit.

**Minute No: 6          Procedural Motion  
                                 To Put the Motion**

MOTION: (Councillor Riad)

That the Motion be put to the Meeting.

The Procedural Motion on being put to the Meeting was carried.

**Minute No: 7            Procedural Motion**  
**To Recommit MM004-19**

MOTION: (Councillor Pesce/Councillor Johns)

That MM004-19 be recommitted to allow consideration of an Amendment.

The Procedural Motion on being put to the Meeting was carried.

**Minute No: 5 Cont'd**  
**MM004-19**

RESOLVED: (Councillor Pesce/Councillor Provan)

THAT:

1. This item be deferred subject to a site visit being held for interested Councillors; and public consultation be undertaken.
2. A submission be formulated following the site visit and public consultation, and reported to Council within a two month timeframe.

AMENDMENT: (Plibersek/

THAT:

The original submission stands.

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 marked Resolved**).

**Minute No: 8            Adjournment**

At 8:58pm:

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 9:08pm 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 Provan, Councillor Plibersek, 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 Forshaw/Councillor Croucher\*)”**

**Minute No: 9****COR001-19****Consideration of Submission to IPART for Special Rate Variation****File Number: 2018/323943**

RESOLVED: (Councillor Forshaw/Councillor Croucher\*)

THAT:

1. Council submits a Special Rate Variation application to IPART to increase the minimum rates for both residential and business properties to \$900, varying income by an additional 6.06% above the rate pegging limit.
2. Council adopts the Long Term Financial Plan (LTFP) as attached.

**At this time in the Meeting, all closed items marked in these minutes with two asterisk were moved in bulk, as shown: “RESOLVED: (Councillor Forshaw/Councillor Croucher\*\*)”**

**Minute No: 10****CONSIDERATION OF BUSINESS IN CLOSED SESSION (9:09pm)**

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:

**COR001A-19            T794/18 Project Management Services for the Sutherland Entertainment  
Centre Upgrade  
File Number: 2018/317171**

**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.

**Minute No: 11**

**COR001A-19            T794/18 Project Management Services for the Sutherland Entertainment  
Centre Upgrade  
File Number: 2018/317171**

RESOLVED: (Councillor Forshaw/Councillor Croucher\*\*)

THAT:

1. The recommendation contained in the report be accepted.
2. If adopted, the recommendation contained in the report be made public.

At this stage the Meeting moved back into Open Session.



**BUSINESS WITHOUT NOTICE**

**Minute No: 12**      **Road Safety on Heathcote Road**  
**File Number: 2019/331592**

Councillor Simpson requested Business Without Notice concerning road safety on Heathcote Road, be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Steinwall)

That permission be granted to bring forward Business Without Notice regarding road safety on Heathcote Road.

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: 13**

**BWN001-19**      **Safety on Heathcote Road**  
**File Number: 2019/331592**

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

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

RESOLVED: (Councillor Simpson/Councillor Riad)

THAT:

1. Council write to both the State and Federal Government and major political parties and all State and Federal members calling on them to urgently commit to improving road safety on Heathcote Road.
2. Further correspondence be forwarded after the State elections.
3. Council request RMS to brief Councillors on the current condition of Heathcote Road.

Councillor Johns and Councillor Nicholls returned to the Meeting at this stage.

The Meeting closed at 9:28pm.