



Minutes

Council Meeting

Monday, 18 February 2019

6:30pm

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

SUTHERLANDSHIRE

PRESENT: The Deputy Mayor, Councillor Simpson, together with Councillor Boyd (6:33pm), Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Provan, Councillor Plibersek, Councillor Riad, Councillor Scaysbrook, Councillor Simone 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), 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 Deputy Mayor, Councillor Simpson, opened the Meeting with an Acknowledgement of Country.

OPENING PRAYER

The Meeting was opened with prayer by Reverend Richard Wenden of St Andrews Church Cronulla.

Minute No: 14

APOLOGY

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That an apology tendered on behalf of the Mayor, Councillor Pesce and Councillor Nicholls be accepted and leave of absence granted.

DISCLOSURES OF INTEREST

File Number: 2015/14239

Councillor Collier declared a pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
File Number: 2016/257428

advising that he has a relative who has properties in the Sutherland Shire that are not their primary place of residence.

Councillor Croucher declared a not significant non-pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
File Number: 2016/257428

advising that he has previously disclosed in writing the two properties he owns in the Sutherland Shire.

Councillor Croucher advised that the conflict is not significant as he does not believe that on the issues being discussed, ownership of two properties requires him to declare a significant interest.

Councillor Forshaw declared a pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
File Number: 2016/257428

advising that one of his children owns a property in the Sutherland Shire that is now leased.

Councillor Johns declared a pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
File Number: 2016/257428

advising that his partner and her parents own property in the Sutherland Shire that is not their principle place of residence.

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

MOT002-19 Kareela Shopping Centre
 File Number: 2015/171098

advising that he shops at Kareela Shopping Centre.

Councillor Scaysbrook declared a pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
 File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
 File Number: 2016/257428

advising that he has a relative who owns a property which is not their principle place of residence.

Councillor Simone declared a pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
 File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
 File Number: 2016/257428

advising that her husband and herself own investment properties in Cronulla.

Councillor Steinwall declared a pecuniary interest in the following matters:

PLN002-19 Draft Sutherland Shire Development Control Plan 2015 Amendment 4
 File Number: 2017/264379

and

PLN003-19 Low Rise Medium Density Code Implementation
 File Number: 2016/257428

advising that she owns property in the R2 zone.

Special Disclosures of Pecuniary Interests

PLN003-19 Low Rise Medium Density Code Implementation
File Number: 2016/257428

In relation to the above item, Councillors Boyd, McLean, Plibersek, Provan and Simpson made a special disclosure of pecuniary interest, as they or persons associated to them, own properties in the Sutherland Shire which are their principle place of residence.

Minute No: 15**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That the Minutes of the Ordinary Council held on Monday 10 December 2018, being Minutes Numbered 447 to 470 inclusive, be and are hereby confirmed as a correct record.

Minute No: 16

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That the Minutes of the Extraordinary Council held on Monday 4 February 2019, being Minutes Numbered 1 to 13 inclusive, be and are hereby confirmed as a correct record.

Minute No: 17

MM005-19 Mayoral Minute - Recognition of Achievement Mark Vincent
File Number: 2019/328472

RESOLVED: (Councillor Simpson/Councillor Simone)

THAT:

Council recognises Mark Vincent for his achievements in the performing arts and his support of the Sutherland Shire community.

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 McLean*)"

Minute No: 18

GOV001-19 Conduct of the 2020 Sutherland Shire Local Government Elections
File Number: 2019/330818

RESOLVED: (Councillor Provan/Councillor McLean*)

The Sutherland Shire Council ("the Council") resolves that:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Minute No: 19

GOV002-19 Quarterly Budget Review Statement for Period Ending December 2018
File Number: 2018/307801

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

The 2nd Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.

Minute No: 20

GOV003-19 Cash Payments and Investments Report - November 2018
File Number: 2018/315796

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

The information concerning Bank Balances and Investments held as at 30 November 2018, be received and noted.

Minute No: 21**GOV004-19****Cash Payments and Investments Report - December 2018****File Number: 2018/315796**

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

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

Minute No: 22**SER001-19****Proposed Release of Easements - 203 Holt Road, Taren Point****File Number: 2018/306202**

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

1. The release of east west drainage easements within 203 Holt Road, Taren Point (Lot 1 DP 236198 and Lot 21 DP 546016) be approved at terms and conditions to the satisfaction of the General Manager.
2. 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: 23**INF001-19****Parc Menai Basketball Shooting Key - Results of Community Engagement****File Number: 2015/10961**

MOTION: (Councillor Riad/Councillor Johns)

THAT Council:

1. Endorses the provision of a basketball half court at Parc Menai or a suitable location in that area and lists the project for consideration in the 2019/20 Capital Program with SUEZ funding from the 20% Urban Boundary Area reserved allocation.
2. Carries out a bio-banking assessment of Parc Menai and surrounding areas to facilitate the most appropriate location of the half court and a Councillor Briefing and report be provided to Council.
3. Makes application for suitable grant funding from both State and Federal governments.

AMENDMENT: (Councillor Scaysbrook/Councillor Steinwall)

THAT Council:

1. Receives a report on a budget estimate on a half court facility at Parc Menai and an additional report on the appropriate positioning of it.
2. Carries out a bio-banking assessment of Parc Menai and surrounding areas to facilitate the most appropriate location of the half court.
3. Makes application for suitable grant funding from both State and Federal governments.

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 Collier, Forshaw, McLean, Plibersek, Scaysbrook and Steinwall.

Against the Amendment were Councillors Boyd, Croucher, Johns, Provan, Riad, Simone and Simpson.

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 Councillors Boyd, Collier, Croucher, Forshaw, Johns, McLean, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

Against the Resolution was Councillor Plibersek.

Minute No: 24**INF002-19****Proposed Park Works Cronulla Park - Revised Scope and Budget****File Number: 2017/286295**

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

1. Council increase the scope of the project to include:
 - the Cronulla Community Lookout
 - Cronulla RSL Esplanade frontage works;
2. Additional Developer Contribution funds of \$614,421 be included in the 2019/20 budget allocation to cover cost increases to approved scope associated with the public amenities and the increased scope for the project associated with the Lookout and Cronulla RSL The Esplanade frontage works.

Minute No: 25**PLN001-19****Draft Local Strategic Planning Statement - Infrastructure and Collaboration****File Number: 2018/322453**

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

The Strategic Planning Unit incorporate the 'Infrastructure and Collaboration' strategic actions detailed in this report into Sutherland Shire's draft Local Strategic Planning Statement.

Minute No: 26**PLN002-19****Draft Sutherland Shire Development Control Plan 2015 Amendment 4****File Number: 2017/264379**

***Councillor Collier, Councillor Forshaw, Councillor Johns, Councillor Scaysbrook, Councillor Simone and Councillor Steinwall declared a pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

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

Councillor Riad left the Meeting, took no part in the discussion and did not vote.

Lack of Quorum

At 7:15pm when Councillors Collier, Forshaw, Johns, Riad, Scaysbrook, Simone and Steinwall left the Meeting, the Meeting no longer had a quorum.

NOTE: In accordance with Clause 4.25 of Council's Code of Conduct, as the Meeting had no quorum, determination of this matter was delegated as shown in the Resolution below.

Resumption of Standing Orders

At 7:16pm Standing Orders were resumed with the following present:

The Deputy Mayor, Councillor Simpson, together with Councillors Boyd, Croucher, Forshaw, McLean, Plibersek, Provan, Riad, Scaysbrook, Simone and Steinwall.

Minute No: 26 Cont'd

PLN002-19

RESOLVED: (Councillor Simpson/Councillor Provan)

THAT:

PLN002-19 "Draft Sutherland Shire Development Control Plan 2015 Amendment 4" be delegated to the Acting General Manager for determination.

Minute No: 27

PLN003-19

Low Rise Medium Density Code Implementation

File Number: 2016/257428

*****Special Disclosures of Pecuniary Interest**

In relation to this matter, Councillors Boyd, McLean, Plibersek, Provan and Simpson made a special disclosure of pecuniary interest.

***Councillor Collier, Councillor Forshaw, Councillor Johns, Councillor Scaysbrook, Councillor Simone and Councillor Steinwall declared a pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

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

Councillor Riad left the Meeting, took no part in the discussion and did not vote.

Lack of Quorum

At 7:16pm when Councillors Collier, Forshaw, Johns, Riad, Scaysbrook, Simone and Steinwall left the Meeting, the Meeting no longer had a quorum.

NOTE: In accordance with Clause 4.25 of Council's Code of Conduct, as the Meeting had no quorum, determination of this matter was delegated as shown in the Resolution below.

Resumption of Standing Orders

At 7:17pm Standing Orders were resumed with the following present:

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

Minute No: 27 Cont'd

PLN003-19

RESOLVED: (Councillor Simone/Councillor Provan)

THAT:

PLN003-19 "Low Rise Medium Density Code Implementation" be delegated to the Acting General Manager for determination.

Minute No: 28

COR002-19

Planning Panel Agenda Items for Determination

File Number: 2016/254538-2016/261299

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

Information contained in this report regarding MA18/0308 and the South Sydney Planning Panel not be considered.

Minute No: 29

RESOLVED: (Councillor Johns/Councillor Riad)

THAT:

A Councillor Briefing be provided outlining interactions between external planning panels and Council, and cost implications.

Minute No: 30

COR003-19 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 7 December 2018
File Number: 2015/2036

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 7 December 2018 be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday, 7 December 2018 be adopted.
3. The additional information regarding the re-classification of the 2019 Gear Up Girl Cycle Event (STR152-18) be noted as detailed in the minutes of the Sutherland Traffic & Traffic Safety Committee held on 1 February 2019.

Minute No: 31

COR004-19 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 1 February 2019
File Number: 2016/252677

RESOLVED: (Councillor Provan/Councillor McLean*)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 1 February 2019 be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday, 1 February 2019 be adopted.

Minute No: 32

MOT001-19 Notification Process For Changes in Public Utility Infrastructure
File Number: 2019/330915

RESOLVED: (Councillor Johns/Councillor Riad)

THAT:

Council receive a report within three rounds of Council on the notification process for changes in Public Utility infrastructure and how the community's views can be better considered.

Minute No: 33

MOT002-19 Kareela Shopping Centre
File Number: 2015/171098

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

RESOLVED: (Councillor Collier/Councillor Plibersek)

THAT in relation to Kareela Shopping Centre, Council asks for a Report from Officers for the next full Meeting of Council:

1. Addressing the status of any work required by conditions of consent relating to the road frontages and adjacent intersections that has not been completed;
2. Outlining the options available to Council to secure compliance with any conditions of consent which remain outstanding; and
3. Providing a summary of any complaints received regarding the operation of the Shopping Centre over the last 6 months, including the nature and number of complaints, the issues raised and the action taken.

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

In Favour of the Resolution were the Deputy Mayor, Councillor Simpson, together with Councillors Boyd, Collier, Croucher, Forshaw, Johns, McLean, Provan, Plibersek, Riad, Scaysbrook, Simone and Steinwall.

The decision was unanimous.

Minute No: 34**MOT003-19****Disposal of Coal and Ash from BBQs in Public Parks****File Number: 2019/332456**

RESOLVED: (Councillor Forshaw/Councillor Provan)

THAT Council:

1. Notes the emerging issues associated with the disposal of burnt coals and ash from BBQs in local parks and reserves.
2. Receives a report on:
 - appropriate measures to address this problem;
 - enforcement options;
 - signage; and
 - education campaigns.

PETITION**Minute No: 35****Activities in Taloombi Street, Leumeah Street and Gunnamatta Park****File Number: 2019/333059, 2019/327993 & 2015/81991**

Councillor Forshaw tabled a petition from residents requesting security, safety and certainty to the residents of Leumeah & Taloombi Streets and to treat all users of Gunnamatta Park equally.

Personal Statement by Councillor Scaysbrook

Councillor Scaysbrook noted the recent passing of Mr Les Bursill. Mr Bursill chaired the Aboriginal Advisory Sub-Committee for many years and was a significant contributor to the Sutherland Shire.

Councillors Collier, Croucher, Forshaw and Provan also acknowledged Mr Bursill's contributions and reiterated the sentiment.

Minute No: 36**Suspension of Standing Orders****Minute of Silence**

RESOLVED: (Councillor Simpson)

That Standing Orders be suspended to observe a minute of silence in honour of Mr Les Bursill, who recently passed away.

At this stage of the Meeting, all stood for a minute of silence (8.07pm).

Resumption of Standing Orders

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

The Meeting closed at 8.08pm.