



Minutes

Council Meeting

Monday, 15 July 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, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone and Councillor Steinwall.

STAFF IN ATTENDANCE: Chief Executive Officer (Manjeet Grewal), Director Corporate Support (Clare Phelan), Director Shire Infrastructure (Peter Hazeldine), Director Shire Planning (Peter Barber), Director Shire Services (Michelle Whitehurst), Manager Governance Risk and Compliance (Anton Usher), Executive Public Relations (Amie Lindsell), Team Leader Governance (Debbie Lewis), Governance Advisor (Bernadette Feltham), Governance Officer (Jenni Dovey) and Governance Officer (Jill Bleszynski).

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 Father Constantine Varipetis of the Greek Orthodox Church.

Minute No: 175

APOLOGY

RESOLVED: (Councillor Johns/Councillor Riad)

That apologies tendered on behalf of Councillor Pesce and Councillor Plibersek be accepted and leave of absence granted.

DISCLOSURES OF INTEREST

File Number: 2015/14239

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

BWN011-19 Telstra Base Cell Station in Moonbi Place at Kareela
File Number: 2019/341543

advising that he resides in Kareela.

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

COR028-19 Proposed New War Memorial, Peace Park, Sutherland
File Number: 2015/11260

advising that he is the patron of Club on East which was formally Sutherland United Services Club.

Councillor Forshaw advised that the conflict is not significant as they are not an RSL associated sub branch but are a Club that has interest and involvement with veterans.

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

PLN021-19 Results of Exhibition Draft Voluntary Planning Agreement (VPA) Kirrawee
South Village
File Number: 2017/269002

advising that his son subcontracts for Deicorp.

Councillor Johns advised that the conflict is not significant as they are not party to the Voluntary Planning Agreement. His son is an apprentice with the company who is constructing that building, however he does not work on that building site.

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

COR026-19 Licence Renewal to Woollooware Golf Course – 1R Harnleigh Avenue
Woollooware
File Number: 2015/228925

advising that he was the Campaign Director for the ALP campaign for Cook and their candidate is an employee of Woollooware Golf Club.

PUBLIC FORUM

The following speakers addressed Council:

Mr Barry Grant	COR028-19 - Proposed New War Memorial, Peace Park, Sutherland
Mr John McMahon	COR026-19 - Licence Renewal to Woollooware Golf Course – 1R Harnleigh Avenue, Woollooware
Ms Amanda Barry	COR032-19 - Request to Review Council's Decision – Removal of Tree at 39 Yarra Burra Street, GyMEA Bay
Mr John Ellerman	COR031-19 - Request to Review Council's Decision – Removal of Tree in the Road Reserve Between 3 and 9 Arika Close Bangor

Minute No: 176**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Forshaw/Councillor Johns)

That the Minutes of the Ordinary Council held on Monday 24 June 2019, being Minutes Numbered 139 to 167 inclusive, be and are hereby confirmed as a correct record.

Minute No: 177

RESOLVED: (Councillor Riad/Councillor Steinwall)

That the Minutes of the Extraordinary Council held on Monday 01 July 2019, being Minutes Numbered 168 to 174 inclusive, be and are hereby confirmed as a correct record.

Minute No: 178

**MM014-19 Mayoral Minute - Recognition of Community and Staff Support for the
Animal Shelter and Waste Collection Services
File Number: 2019/327929**

RESOLVED: (Councillor Simpson/Councillor Johns)

THAT:

1. Appreciation and recognition be extended to Council's animal shelter staff and volunteers and staff at the Sylvania, Kirrawee and Engadine veterinary clinics for their care and safety of companion animals housed at Council's Taren Point Animal Shelter.

2. Appreciation and recognition be extended to Council's Waste Services and Operations Services for their rapid planning and coordination to ensure continuity of Council's household recycle waste collection services.

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 Forshaw*)"

Minute No: 179

Procedural Motion

To Bring Forward Consideration of COR026-19, COR028-19, COR032-19, COR031-19 and COR027-19

RESOLVED: (Councillor Riad/Councillor Provan)

That items COR026-19, COR028-19, COR032-19, COR031-19, COR027-19 be brought forward as the next items of business.

Minute No: 180

**COR026-19 Licence Renewal to Woollooware Golf Course - 1R Harnleigh Ave
Woollooware
File Number: 2015/228925**

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

RESOLVED: (Councillor Forshaw/Councillor Provan)

THAT:

1. Land known as Woollooware Golf Course be licenced to Woollooware Golf Course Management Pty Ltd at terms and conditions to the satisfaction of the Chief Executive Officer for a period of 5 years in accordance with s47A Local Government Act (1993).
2. Submissions raised by the community be noted.
3. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No.700) Manjeet Grewal, Council's Chief Executive Officer, execute any necessary documentation to give effect to this resolution.

During debate on COR026-19 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Provan/Councillor Boyd)

That Councillor Forshaw be granted an additional two minutes to address item COR026-19.

Minute No: 181

COR028-19 Proposed New War Memorial, Peace Park, Sutherland
File Number: 2015/11260

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

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. Council receive and note the report on the Centenary of Armistice Sutherland War Memorial Project.
2. Council amend the Operational Plan 2019/20 to include the Centenary of Armistice Sutherland War Memorial project in the Capital Program, funded by a \$16,500 specific purpose grant and general purpose revenue up to a maximum of \$14,150.
3. The Mayor write to the RSL Sub-Branches involved in this project, together with the Office of Craig Kelly MP, and thank them for bringing this project forward.
4. Council write to the Australian War Memorial requesting the names of all Sutherland Shire residents who were enlisted in the First World War.

Minute No: 182

COR032-19 Request to Review Council's Decision - Removal of Tree at 39 Yarra Burra
Street, Gymea Bay
File Number: 2019/342281

RESOLVED: (Councillor Collier/Councillor Johns)

THAT:

1. The approval be provided for the tree in the front yard of 39 Yarra Burra Street, Gymea Bay to be removed.
2. The property owner be advised of Council's decision for the tree to be removed and that advice as to the procedure for the removal be provided.

During debate on COR032-19 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Steinwall/Councillor Forshaw)

That Councillor Collier be granted an additional two minutes to address item COR032-19.

Minute No: 183

COR031-19 Request to Review Council's Decision - Removal of Tree in the Road Reserve Between 3 and 9 Arika Close, Bangor
File Number: 2019/342281

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. The street tree be removed and a contribution for replacement trees, through the Green Streets Program, be made at the owner's expense.
2. The residents be advised to submit an application under the Roads Act to replace the driveway.

Minute No: 184

COR027-19 Installation of Solar Panels On Council-Owned Buildings
File Number: 2015/46635

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

Monitoring equipment be installed at Engadine Leisure Centre with an allocation of \$35,000 from the existing Energy Efficiency Program budget 2019/20.

Resumption of Standing Orders

At this stage of the Meeting, Standing Orders were resumed (7:58pm).

Minute No: 185

GOV021-19 Local Government NSW Annual Conference 2019 - Appointment of Delegates
File Number: 2015/25361

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. Approval be given for interested Councillors, and staff, as authorised by the Chief Executive Officer, to attend the Local Government NSW Annual Conference at the William Inglis Hotel, Warwick Farm from 14-16 October 2019.

2. Council appoints the Mayor, Councillor Pesce, and Councillors Boyd, Croucher, Johns, McLean, Nicholls, Provan, Scaysbrook, Simone and Simpson as voting delegates. In the event one of those Councillors cannot attend, any other Councillors attending be nominated as the substitute delegates, to the 2019 Local Government NSW Annual Conference.

Minute No: 186 Suspension of Standing Orders

RESOLVED: (Councillor Johns/Councillor Simpson)

That Standing Orders be suspended to allow Councillor Forshaw to make a personal statement.

Personal Statement by Councillor Forshaw

Councillor Forshaw made a personal statement in relation to the process and appointment of voting delegates for the 2019 Local Government NSW Annual Conference.

Resumption of Standing Orders

At this stage of the Meeting, Standing Orders were resumed (8:07pm).

Minute No: 187

SER009-19 Proposed Acquisition of 41 Riverview Road Oyster Bay for Open Space Purposes
File Number: 2015/4775

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

1. The acquisition of part Lot 91 Deposited Plan 14716 known as part of 41 Riverview Road Oyster Bay to increase open space at Carina Bay Reserve, Oyster Bay at terms and conditions to the satisfaction of the Chief Executive Officer be approved.
2. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700) Manjeet Grewal, Council's Chief Executive Officer, execute any necessary documentation to give effect to this resolution.

Minute No: 188

INF011-19 Sutherland Shire Floodplain Risk Management Committee Charter
File Number: 2016/238525

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

Council adopts the revised Sutherland Shire Floodplain Risk Management Committee Charter.

Minute No: 189

PLN021-19 Results of Exhibition Draft Voluntary Planning Agreement (VPA) Kirrawee
South Village
File Number: 2017/269002

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

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

1. The Draft Voluntary Planning Agreement Kirrawee South Village be entered into as exhibited.
2. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700), Council's Chief Executive Officer execute any necessary documentation to give effect to this resolution.
3. At an appropriate time, a Report be provided to Council on how best to improve the amenity of the Oak Road Precinct using the funds provided by the VPA:
 - (i) following consultation with the owners of businesses in the shopping strip; and
 - (ii) taking into account any changes to the relevant traffic flow conditions recommended by the Consultative Traffic Forum consequent upon (i) above.

Minute No: 190

PLN022-19 Draft Local Strategic Planning Statement for Exhibition
File Number: 2019/334132

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

1. The draft Local Strategic Planning Statement (Attachment A) be endorsed for public exhibition and community engagement, subject to final formatting.

2. A program of community engagement be undertaken to inform the development of the Local Strategic Planning Statement.
3. A Councillor study group be established to progress the Local Strategic Planning Statement.

Minute No: 191

PLN023-19 Planning Proposal Wattlebird Bushland Reserve
File Number: 2019/334055

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

1. The advice of the Sutherland Shire Local Planning Panel in relation to this Planning Proposal be accepted that land be zoned E2 Environmental Conservation.
2. Planning Proposal SSLEP2015 Wattlebird Bushland Reserve, Caringbah South be submitted to NSW Planning, Industry and Environment for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to Section 3.31 of the *Environmental Planning and Assessment Act 1979*.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
4. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

Upon moving the Resolution in bulk, a Division was taken to be called on the Resolution and the following votes were recorded:

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

The decision was unanimous.

Minute No: 192**COR029-19****Cash Payments and Investments Report - June 2019****File Number: 2018/315796**

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

The information concerning Bank Balances and Investments held as at 30 June 2019 be received and noted.

Minute No: 193**COR030-19****Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 5 July 2019****File Number: 2015/2036**

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday 5 July 2019, attached as Appendix A, be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 5 July 2019, attached as Appendix B, be adopted.

Minute No: 194**MOT016-19****Request for Tree Removal - 3 Caroline Street, Oyster Bay****File Number: 2019/342281**

RESOLVED: (Councillor Croucher/Councillor Nicholls)

THAT:

1. Council receives a report at its next meeting on the request from Mr and Mrs Chivers to remove a tree located on Council property adjacent to 3 Caroline Street, Oyster Bay.
2. The report includes:
 - a. Details of the request and the reasons for seeking removal;
 - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
 - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
 - d. Recommendations for the management of the tree and associated costs (if applicable).

Minute No: 195**MOT017-19****Woronora Caravan Park****File Number: 2018/322841**

MOTION: (Councillor Riad/Councillor Johns)

THAT Council:

1. Exercises its authority to determine the s68 (of the Local Government Act, 1993) application submitted in relation to Woronora Caravan Park at 1 Menai Road, Woronora, to install a moveable dwelling.
2. Receives a report that details the assessment of the application against the relevant legislation and provides a recommendation by October 2019.

AMENDMENT RESOLVED: (Councillor Scaysbrook/Councillor Forshaw)

THAT:

1. Councillors receive a briefing detailing both the scope and application of the Section 68 provisions in the Local Government Act, and progress to date of the assessment of the Woronora Caravan Park matter.
2. Council defer exercising any delegation regarding determination of the Section 68 application until receipt of the Minister's advice which is currently being sought.

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 Councillors Boyd, Collier, Forshaw, McLean, Provan, Scaysbrook, Simpson and Steinwall.

Against the Amendment were Councillors Croucher, Johns, Nicholls, Riad and Simone.

AMENDMENT: (Councillor Johns/Councillor Riad)

THAT:

1. Council receives a briefing and report on 1 Menai Road, Woronora (Caravan Park), that details the assessment of the Section 68 application against the relevant legislation and provides a recommendation by October 2019.
2. Staff be requested not to finalise their determination to allow Councillors time to review the report provided.

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 Croucher, Johns, Nicholls, Riad and Simone.

Against the Amendment were Councillors Boyd, Collier, Forshaw, McLean, Provan, Scaysbrook, Simpson and Steinwall.

Councillor Riad left the Meeting at 9:01pm and did not vote in the following Division.

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

Against the Motion were Nil.

Councillor Riad returned to the Meeting (9:02pm).

BUSINESS WITHOUT NOTICE

Minute No: 196 Telstra Base Cell Stations and Pedestrian Safety in Sutherland
File Numbers: 2019/341543 & 2019/347227

Councillor Johns and Councillor Steinwall requested Business Without Notice concerning Telstra Base Cell Stations and Pedestrian Safety in Sutherland be considered as matters of urgency.

RESOLVED: (Councillor Johns/Councillor Collier)

That permission be granted to bring forward Business Without Notice regarding Telstra Base Cell Stations and Pedestrian Safety in Sutherland.

The Deputy Mayor, Councillor Simpson, ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice that these matters were of great urgency.

Minute No: 197**BWN009-19****Telstra Base Cell Station in Lilli Pilli Point Road****File Number: 2019/341543**

RESOLVED: (Councillor Johns/Councillor Collier)

THAT:

1. Council note the genuine community concern in regard to Telstra Base Cell stations (referred to as Telstra Small Mobile Phone Radio communications facility) in Lilli Pilli Point Road and note that a presentation was undertaken by residents to inform Councillors of their issues on 15 July 2019.
2. Council continue to oppose the Small Mobile Phone Radio communications facilities and delegates authority to the Chief Executive Officer to appeal the decision to install the Small Mobile Phone Radio communications facility in Lilli Pilli Point Road.
3. Council facilitate a community meeting as soon as practical and invite all stakeholders, residents, other installers / suppliers and agencies to address issues in relation to Telstra Small Mobile Phone Radio communications facility Lilli Pilli Point Road.
4. Council take all reasonable steps to cease the Telstra Small Mobile Phone Radiocommunications facility installation which residents have advised has already commenced or attempted to commence installation immediately.
5. The summary of the meeting be reported to Council for its further consideration.
6. All residents who have made a submission to Council regarding the Lilli Pilli Point Road facility be advised of Council's resolution and community meeting.
7. Any other similar meetings be held in concurrence.

Minute No: 198**BWN010-19****Telstra Base Cell Station in Engadine****File Number: 2019/341543**

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

1. Council note the genuine community concern in regard to Telstra Base Cell stations (referred to as Telstra Small Mobile Phone Radio communications facility) in Engadine and note that a presentation was undertaken by residents to inform Councillors of their issues on 15 July 2019.

2. Council continue to oppose the Small Mobile Phone Radio communications facilities and delegates authority to the Chief Executive Officer to appeal the decision to install the Small Mobile Phone Radio communications facility in Engadine.
3. Council facilitate a community meeting as soon as practical and invite all stakeholders, residents, other installers / suppliers and agencies to address issues in relation to Telstra Small Mobile Phone Radio communications facility Engadine.
4. The summary of the meeting be reported to Council for its further consideration.
5. All residents who have made a submission to Council regarding the Engadine facility be advised of Council's resolution and community meeting.

Minute No: 199**BWN011-19****Telstra Base Cell Station in Moonbi Place at Kareela****File Number: 2019/341543**

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

RESOLVED: (Councillor Nicholls/Councillor Croucher)

THAT:

1. Council note the genuine community concern in regard to Telstra Base Cell stations (referred to as Telstra Small Mobile Phone Radio communications facility) in Moonbi Place, Kareela and note that a presentation was undertaken by residents to inform Councillors of their issues on 15 July 2019.
2. Council continue to oppose the Small Mobile Phone Radio communications facilities and delegates authority to the Chief Executive Officer to appeal the decision to install the Small Mobile Phone Radio communications facility in Moonbi Place, Kareela.
3. Council facilitate a community meeting as soon as practical and invite all stakeholders, residents, other installers / suppliers and agencies to address issues in relation to Telstra Small Mobile Phone Radio communications facility 'Moonbi Place, Kareela'.
4. The summary of the meeting be reported to Council for its further consideration.
5. All residents who have made a submission to Council regarding the Moonbi Place, Kareela facility be advised of Council's resolution and community meeting.

6. Any other similar meetings be held in concurrence.
7. Council take all reasonable steps to cease the Telstra Small Mobile Phone Radiocommunications facility installation which residents have advised has already commenced or attempted to commence installation immediately.

Councillor Collier returned to the Meeting (9:18pm).

Minute No: 200

BWN012-19

Pedestrian Safety - Corner Rawson Road and President Avenue at Sutherland

File Number: 2019/347227

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

1. Council receive a report on the provision of pedestrian safety measures for the corner of Rawson Road and President Avenue at Sutherland (near Coles roundabout).
2. Council continue to pursue State Government funding for any pedestrian safety measures for Sutherland.

PETITION

Minute No: 201

Condition of Tree – 125 Manchester Road, Gymea

File Number: 2019/342281

Councillor Collier tabled a petition from residents requesting the removal of a tree located outside the property known as 125 Manchester Road, Gymea.

The Meeting closed at 9:23pm.