



Minutes

Council Meeting

Monday, 21 October 2019

6:30pm

**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 Plibersek, Councillor Provan, Councillor Riad (6:36pm), Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

STAFF IN ATTENDANCE: Chief Executive Officer (Manjeet Grewal), Director Corporate Support (Clare Phelan), Director Shire Planning (Peter Barber), Director Shire Services (Michelle Whitehurst), Manager Governance Risk and Compliance (Anton Usher), Manager Asset Management Services (Phil Mansfield), Acting Team Leader Governance (Connie Hyde), Acting Team Leader Communications & Engagement (Amie Lindsell), Governance Advisor (Bernadette Feltham) and Governance Officer (Jill Bleszynski).

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

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

BWN015-19 Heathcote Road
File Number: 2019/331592

advising that his partner is the State Member for Holsworthy.

Councillor Nicholls declared a not significant non-pecuniary interest in the following item:-

BWN015-19 Heathcote Road
File Number: 2019/331592

advising that he currently works for the Member for Holsworthy.

The Mayor, Councillor Pesce declared a pecuniary interest in the following matter:-

PLN035-19 Fire & Rescue NSW – Fire Safety Inspection Report
Union Place, 34 Railway Crescent, Jannali
File Number: 2015/22285

advising that the builder involved in the report is the same one that built one of his investment properties and he is in discussion with the builder over defects and will leave the room.

Councillor Riad declared a pecuniary interest in the following item:-

PLN035-19 Fire & Rescue NSW – Fire Safety Inspection Report
Union Place, 34 Railway Crescent, Jannali
File Number: 2015/22285

advising that he is currently engaged as an expert witness involving two legal matters with the builder and when that item comes up he will leave the room.

PUBLIC FORUM

There were no registered speakers for the Public Forum.

Minute No: 262**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Johns/Councillor Plibersek)

That the Minutes of the Ordinary Council held on Monday 16 September 2019, being Minutes Numbered 233-261 inclusive, be and are hereby confirmed as a correct record with the following amendment:

MINUTE NO: 244**BWN014-19 Post Exhibition Report on DCP Amendment 5 - Boarding Houses****File Number: 2019/334113**

That Council receive a further report on the feasibility of boarding houses in R2 and low density zones.

Changing the word feasibility to permissibility.

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

Minute No: 263

**GOV024-19 Delivery Program 2017-2021 Six Month Progress Report for 2018/19
Operational Plan
File Number: 2017/278520**

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

The half yearly report on the progress against actions adopted in the 2017 - 2021 Delivery Program incorporating 2018/19 Operational Plan be received and noted.

Minute No: 264**GOV025-19****Lodgement of Disclosures of Interest and other Matters in Written Returns for the Period 01 July 2018 to 30 June 2019****File Number: 2018/312942**

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

1. The report "Lodgement of Disclosures of Interest and Other Matters in Written Returns for the Period 01 July 2018 to 30 June 2019" be received and noted.
2. Council note the tabling of Returns of Disclosures of Interest as required by the Code of Conduct.

Minute No: 265**GOV026-19****Minutes of the Audit, Risk and Improvement Committee Meeting held on 11 September 2019****File Number: 2019/332752**

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

The minutes of the meeting of the Sutherland Shire Council Audit, Risk and Improvement Committee held on 11 September 2019 be received and noted.

Councillor Riad arrived during discussion of the following item (6:36pm)

Minute No: 266**INF016-19****Draft Integrated Transport Strategy****File Number: 2015/14400 2015/81993**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. Council endorse public exhibition of the draft Sutherland Integrated Transport Strategy for a period of 28 days subject to the following amendment to Strategic Approach 3.1 to address the open space impacts of transport infrastructure, focusing on the F6:

From: "Advocate for the delivery of Stages 2, 3 and 4 of the F6 project by the State Government including multi-modal transport options."

To: *“Subject to the optimum retention of open space within the corridor, advocate in principle for the delivery of Stages 2, 3 and 4 of the F6 project by the State Government including multi-modal transport options.”*

2. Following exhibition the feedback be reviewed and a final strategy be submitted to Council for endorsement.
3. In regard to resident, commercial and commuter parking
 - (a) As part of a Parking Action Plan arising from the Draft Strategy, that Council receives a report on the impacts and benefits of supplying additional public parking around transport hubs and town centres.
 - (b) This report includes, but is not limited to:
 - i. funding and budgetary options for the use of the newly constructed spaces.
 - ii. the maximum and/or desirable number of spaces that can or should be delivered.
 - iii. a business plan that identifies revenue streams and return on investment for such projects and programs.
 - (c) This report be provided by the April 2020 Council meeting.
4. State Members be requested to provide input and assistance.
5. Councillors are welcome to provide additional feedback to officers prior to Council on 21 October 2019.
6. Councillors be advised of the communication strategy for exhibition prior to Council on 21 October 2019.
7. Prior to the draft being returned to Council a further report be provided to quantify the practical maximum retention of open space.
8. The report consider the use of the corridor land for parking and community use prior to commencement of construction of the F6.

Minute No: 267**INF017-19****Glass and Soft Plastic Recycled Asphalt Pavement - 12 Month Performance****File Number: 2018/310630**

RESOLVED: (Councillor Plibersek/Councillor Boyd)

THAT:

1. Council receive and note the 12 month performance report on the recycled asphalt road pavement laid at Old Princes Highway, Engadine on 3 August 2018.
2. Within eight weeks after receiving the results of the EPA trial review Council receive a report as to the cost and feasibility of mandating the use of recycled asphalt as the default or preferred road surface for Council roads.
3. Council congratulate staff on their ingenuity and work to ensure the success of the project.

Minute No: 268**INF018-19****Major Infrastructure Projects Review****File Number: 2015/44222**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. The report Major Infrastructure Projects Review be received and noted.
2. Councillors receive a report on the status of the Sutherland School of Arts upgrade project at the next scheduled Shire Infrastructure Committee meeting.

Minute No: 269**PLN033-19****Results of Exhibition of Planning Proposal SSLEP2015 Exempt and Complying Development 2018****File Number: 2018/323612**

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

1. The Planning Proposal (Appendix C) proceed to plan making, having incorporated the amendments summarised in Appendix D.
 2. Council formally request Parliamentary Counsel prepare and make a legal instrument to implement the amended Planning Proposal as part of the Sutherland Shire Local Environmental Plan 2015.
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3. On receipt of the opinion of the Parliamentary Counsel's Office that the legal instrument can be made, pursuant to clause 400 of the *Local Government (General) Regulations 2005*, the LEP Amendment be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and Chief Executive Officer.

Minute No: 270

**PLN034-19 Results of Exhibition of Planning Proposal SSLEP2015 Landscape
Existing Non-Compliance
File Number: 2018/323444**

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

1. Council formally request Parliamentary Counsel prepare a legal instrument to implement the Planning Proposal through amendment of Sutherland Shire Local Environmental Plan 2015.
2. On receipt of the Opinion of the Parliamentary Counsel's Office that the legal instrument can be made, pursuant to clause 400 of the *Local Government (General) Regulations 2005*, the LEP amendment be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and Chief Executive Officer.

The Mayor, Councillor Pesce vacated the Chair and left the meeting (6:50pm).

The Deputy Chairperson, Councillor Simpson, assumed the Chair (6:50pm).

Councillor Riad left the meeting (6:50pm).

Minute No: 271**PLN035-19****Fire & Rescue NSW - Fire Safety Inspection Report****Union Place, 34 Railway Crescent, Jannali****File Number: 2015/22285**

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

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

RESOLVED: (Councillor Johns/Councillor Plibersek)

THAT:

1. Report Reference No. BFS 19/2650 (8478) dated 28 August, 2019 on behalf of the Commissioner of Fire & Rescue NSW be recorded as having been tabled at Council's meeting, as required by Division 9.3 and Schedule 5, Part 8, Section 17(2) of the Environmental Planning and Assessment Act 1979; and
2. Council refrain from issuing a fire safety order at this time and Council's Fire Safety Officers continue to monitor the progress of the works to ensure they are completed in a timely fashion and before a Final Occupation Certificate is issued.
3. A further report be received within 6 months on the progress of the rectification works.

Councillor Riad returned to the Meeting (6:54pm).

The Mayor, Councillor Pesce, returned to the meeting and resumed the Chair (6:54pm).

Minute No: 272**PLN036-19****Submission on Package of Short-Term Rental Accommodation Reforms****File Number: 2015/228719**

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

Council endorse the attached submission (Appendix A) to the NSW Department of Planning, Industry & Environment to address the remaining risks and issues identified in relation to the short-term-rental accommodation reforms.

Minute No: 273

COR048-19 2018/19 Annual Financial Statements
File Number: 2016/257415

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

1. The report 2018/19 Annual Financial Statements be received and noted;
2. With regard to the General and Special Purpose Financial Reports of the Council for the year ended 30 June 2019, it is the opinion of Council that:
 - a. The Annual Financial Reports have been drawn up in accordance with:
 - i. the Local Government Act 1993 (as amended) and the regulations made thereunder; and
 - ii. the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
 - iii. the Local Government Code of Accounting Practice and Financial Reporting.
 - b. The reports present fairly the Council's operating result and financial position for the year.
 - c. The reports accord with the Council's accounting and other records.
 - d. The Council is unaware of anything that would make the financial reports false or misleading in any way.
3. The Statement by Councillors and Management for both the General Purpose and Special Purpose Financial Statements be signed by the Mayor, Deputy Mayor, Chief Executive Officer and the Chief Financial Officer.
4. Council fix the date for the meeting where the 2018/19 Financial Statements and auditors report are presented to the public as Monday 18 November 2019.

Minute No: 274

COR049-19 Monthly Investments Report - September 2019
File Number: 2019/349136

RESOLVED: (Councillor Simpson/Councillor Provan*)

THAT:

The Monthly Investments Report for the period ending 30 September 2019 be received and noted.

Minute No: 275

COR050-19 **Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 4 October 2019**
File Number: 2015/2036

RESOLVED: (Councillor Croucher/Councillor McLean)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday 4 October 2019, attached as Appendix A, be adopted; subject to the Deferral of item STR046-19 - the carpark at Holts Pt Rd.

2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 4 October 2019, attached as Appendix B, be adopted.

Minute No: 276

MOT026-19 **Management of Contaminated Land at Lucas Heights - Request for Information**
File Number: 2015/46210

RESOLVED: (Councillor Simpson/Councillor Riad)

THAT:

Council write to the appropriate Federal Minister seeking a briefing on, but not limited to;

- a. how the government is intending to control/manage contamination at Lot 13 on Deposit Plan 1254201 at Lucas Heights, arising from the disposal of liquid waste at the site in the 1960s.

- b. seeking an assurance that a remediation plan and actions other than acquisition of lands, is taking place to ensure that any contamination in the form of leachate will not continue onto surrounding lands.

Minute No: 277**MOT027-19****Seymour Shaw Park****File Number: 2019/355263**

RESOLVED: (Councillor Boyd/Councillor Collier)

THAT:

1. Council receives a report on expanded informal recreational opportunities for Seymour Shaw Park such as provision of a skate park and action sports facilities consistent with the adopted Open Space and Recreation Strategy to meet the needs of residents in the centre of the Shire.
2. The report be provided by April 2020 and be used to inform the review of the Developer Contributions Plan and Long Term Financial Plan (LTFP) formulation.

Minute No: 278**MOT028-19****Low Rise Medium Density Housing Code****File Number: 2016/257428**

RESOLVED: (Councillor Plibersek/Councillor Steinwall)

THAT:

1. Council notes:
 - a. it has previously written to the Premier and Minister for Planning asking for a permanent exemption from the proposed Medium Density Housing Code to prevent medium density housing being permitted as complying development in R2 and R3 zones.
 - b. the increased density from application of the Model Code will result in unplanned population growth in the Shire increasing high traffic congestion and placing greater burden on public transport, local, state and federal government infrastructure and the environment.
2. The Mayor urgently write to the Premier, Opposition leader, Minister for Planning, the Prime Minister and all three local state members of parliament requesting a permanent exemption from the proposed Medium Density Housing Code to prevent medium density housing being permitted as complying development in R2 and R3 zones for the Sutherland Shire's local government area.

Minute No: 279 **Heathcote Road**
File Number: 2019/331592

Councillor Simpson requested Business Without Notice concerning 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 Heathcote Road.

The Mayor, Councillor Pesce, ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice that this matter was of great urgency.

Minute No: 280
BWN015-19 **Heathcote Road**
File Number: 2019/331592

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

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

RESOLVED: (Councillor Simpson/Councillor Steinwall)

THAT:

1. A meeting with the Mayor, the Chair of the Traffic Committee, relevant Council staff, NSW Roads Minister and management staff of RMS be arranged at the earliest available time.
2. Together with the relevant state members, Council seeks an assurance that a Heathcote Road upgrade including the duplication of the bridge over the Woronora River be placed on the highest priority, so as to ensure that Shire residents and those who use Heathcote Road, may be able to travel this road in relative safety.
3. Council use all reasonable means to ensure that Heathcote Road is given the high priority that every reasonable person knows it deserves.
4. Council seeks the State to make Heathcote Road as safe as possible, along the entire road and not just sections of the road.

During debate on BWN015-19 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Simpson/Councillor Collier)

That Councillor Steinwall be granted an additional two minutes to address item BWN015-19.

Minute No: 281 QUESTION WITHOUT NOTICE
Tree Planting Policy
File Number: 2017/290090

Councillor Johns submitted the following questions:

How many trees were planted last year versus the number of trees planned to be planted by Council and under our replacement tree policy?

How many trees have been approved to be removed?

The Mayor advised that a reply would be provided.

Minute No: 282 QUESTION WITHOUT NOTICE
Independent Pricing and Regulatory Tribunal (IPART) reviews on behalf of
the Office of Local Government
File Number: 2019/354174

Councillor Scaysbrook submitted the following question:

How long did we have to make a submission to the Office of Local Government on the re-released IPART reviews relating to various local government items?

The Director Corporate Support advised the question on specific timeframes would be taken on notice. However, that Council has completed earlier submissions on the IPART rating consultation paper, when it was first made available for consultation.

Councillor Scaysbrook was satisfied with the response to this question.

Minute No: 283 QUESTION WITHOUT NOTICE
MOT025-19 Review of Submission Timeframes to the State Government
File Number: 2015/4387

Councillor Scaysbrook submitted the following questions:

Have we had a response to our request to the Office of Local Government concerning submission timeframes?

Since Council made the resolution, has our time to make submissions been extended?

The Director Corporate Support advised a report dealing with the resolution of Council on this matter from September 2019 will be submitted to the November 2019 meeting of the Corporate Governance Committee.

Personal Statement by Councillor Simpson

Councillor Simpson made a personal statement in relation to members of the Rural Fire Service.

The service rotation of the Rural Fire Service brigades of Menai, Sandy Point and Illawong to fire spots throughout the State continues. When the service comes to a conclusion the names of the volunteers will be provided to the Mayor for due recognition.

The Meeting closed at 7:38pm