



Minutes

Council Meeting

**Held on Monday, 18 September 2017
commencing at 6:30pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

PRESENT: The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson, Councillor Steinwall.

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Services, Director Shire Infrastructure, Director Shire Planning, Manager Governance and Customer Service (Todd Hopwood), Acting Corporate Governance Manager (Carine Elias) and Executive Officer Governance (Karen Barrass).

Acknowledgement of Country

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

Opening of the Meeting with Prayer

The Meeting was opened with prayer by Father Michael Court of St John Bosco, Engadine.

Min No: 54 APOLOGY:

RESOLVED: (Councillor Nicholls/Councillor Riad)

That an apology tendered on behalf of Councillor Johns be accepted and leave of absence granted.

Disclosures of Interest

File Number: 2015/14239

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

PLN013-18 Audit of Aluminium Composite Panel Facade Cladding in the Sutherland Shire

File Number: 2015/33809

advising that he owns two properties listed in Appendix A to the report.

The Mayor, Councillor Pesce advised that he may be affected financially.

Min No: 55**Confirmation of Minutes of Council Meeting held on Monday 21 August 2017
(Minutes Numbered 22 to 53 inclusive)**

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That the Minutes of the Council Meeting held on 21 August 2017, being Minutes Numbered 22 to 53 inclusive, be and are hereby confirmed as a correct record.

Min No: 56**Confirmation of Minutes of the Special Committee of Council held on Monday 21 August 2017**

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That the Minutes of the Special Committee of Council Meeting held on 21 August 2017, be and are hereby confirmed as a correct record.

Min No: 57**MM002-18****Mayoral Minute****Wayne Druery - SLS Volunteer of the Year****File Number: 2016/248002**

At the Surf Life Saving NSW Awards of Excellence event held on 5 August 2017, local resident and long serving member of Cronulla Surf Life Saving Club, Wayne Druery was awarded Surf Life Saving NSW Volunteer of the Year. The Award of Excellence recognises outstanding achievements and contributions in all aspects of Surf Life Saving. This Mayoral Minute acknowledges Wayne's considerable contribution to surf lifesaving.

Through the 2016/2017 season, Wayne averaged around 20 hours per week of volunteering, particularly around the area of Surf Sports. At club level and across the four Bate Bay surf clubs, he served as Senior Vice President, was a member of the Management Committee and the Convener of the Constitution Committee.

Sutherland Shire residents remember Wayne in his role as the Carnival Referee at the Australian Surf Life Saving Ironperson Finals held at North Cronulla Beach in February 2017. This event was widely lauded as the most successful carnival since its inception and attracted thousands of spectators and

tourists to our local beaches as well as bringing national and international exposure to the Sutherland Shire.

In March 2017, Wayne was appointed Carnival Referee at the NSW Surf Life Saving Age Championships held at Blacksmith Beach, Swansea. It was a testament to his skills and leadership qualities that the event, which remains one of the largest surf carnivals of its type in the country ran smoothly. He was also Deputy Carnival Referee at the Open and Interbranch Championships and served as a NSW Selector.

Wayne has also just been appointed Carnival Referee for the 2018 Australian Surf Life Saving Championships to be held in Perth, which is the highest officials position attainable in the Surf Life Saving sport.

Wayne is now a finalist in the Surf Life Saving Australia Volunteer of the Year, which will be decided at the SLSA Awards of Excellence in November 2017 at the NSW Art Gallery.

RESOLVED: (The Mayor Councillor Pesce/Councillor Provan)

That Council congratulates Wayne Druery on being awarded the prestigious Surf Life Saving NSW Volunteer of the Year and thanks him for his tireless service to the local community through surf life saving.

Min No: 58

MM003-18

Mayoral Minute

Michael Bonnici - Young Volunteer of the Year

File Number: 2016/248002

At the NSW Volunteer of the Year South Sydney Regional Ceremony held on Tuesday, 29 August 2017, 19 year old Michael Bonnici received the top award for both the 2017 Young Sydney South region Volunteer of the Year and the overall regional winner's award for his work with Surf Life Saving NSW.

The NSW Volunteer of the Year Award recognises outstanding work of volunteers in a range of sectors across NSW. This Mayoral Minute acknowledges Michael's passion and dedication in volunteering many hours a week to life saving and in many other initiatives.

Michael has been a member of the Wanda Surf Life Saving Club since he was six, and at the age of 17 became one of the youngest patrol captains in the club's history. During the last season, Michael led several significant surf lifesaving rescues, including one in which at his own peril swam out to save an

intoxicated person in treacherous conditions. Michael also takes time to learn new skills and whilst assisting members of the public with their injuries, he ensures that he teaches them about beach safety.

Apart from his work with surf lifesaving, Michael is involved in a number of other volunteering initiatives. He volunteered in Cambodia building schools, took part in a 24 hour cycling charity event, participated in Relay for Life charity events and is an advocate for the Red Cross Blood Donor Centre.

Michael's personal attributes can be described as calm, assertive, quick thinking and compassionate. His leadership qualities and dedication to all tasks is a testament to his character.

RESOLVED: (The Mayor Councillor Pesce/Councillor Forshaw)

That Council congratulates Michael Bonnici on receiving the 2017 Young Sydney South region Volunteer of the Year an overall regional winner's award for his work through surf lifesaving.

Min No: 59

At this time in the Meeting, all open items not called for discussion were moved in bulk, as shown: "RESOLVED: (Councillor Provan/Councillor Simone*)".

Min No: 60

Suspension of Standing Orders

RESOLVED: (The Mayor, Councillor Pesce)

That Standing Orders be suspended to allow item COR005-18 to be considered as the next item of business.

Min No: 61

COR005-18

Cronulla Town Centre Traffic Study - Preliminary Report on the 6 Month Trial of No Left Turn into Cronulla Street

File Number: 2017/274081

Ms Annie Grace from Loaf Sandwich Shop on behalf shop owners in Cronulla Street addressed the meeting on this matter.

MOTION: (Councillor Provan/Councillor Forshaw)

THAT:

1. The Preliminary Report on the six month trial of 'No Left Turn' into Cronulla Street be received and noted.
2. The trial continue under close supervision of Council.
3. Improved advance warning and direction signposting be provided to assist motorists to understand the new way to enter the retail centre from Cronulla Street.
4. A report be provided to Council at the conclusion of the trial outlining the impacts of the changed traffic movement.

AMENDMENT: (Councillor Simone/Councillor Nicholls)

THAT:

1. The Preliminary Report on the six month trial of 'No Left Turn' into Cronulla Street be received and noted.
2. The trial continue under close supervision of Council.
3. Improved advance warning and direction signposting be provided to assist motorists to understand the new way to enter the retail centre from Cronulla Street.
4. The period of no left turn be limited to 3pm to 7pm weekdays and 9am to 3pm weekends and be implemented as soon as possible.
5. A report be provided to Council at the conclusion of the trial outlining the impacts of the changed traffic movement.

The Amendment on being put to the Meeting was lost.

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

In Favour of the Amendment were Councillors Simone and Nicholls.

Against the Amendment were The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor McLean, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simpson, and Councillor Steinwall.

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

In Favour of the Motion were The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor McLean, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simpson, and Councillor Steinwall.

Against the Motion were Councillors Simone and Nicholls.

Resumption of Standing Orders

Standing Orders be Resumed.

Min No: 62

GOV006-18

Appointment of Councillors to Committees

File Number: 2015/937

MOTION: (Councillor Riad/Councillor Provan)

THAT:

1. The existing Councillors appointed as members of each Standing Committee and Sub-Committee and as Council representatives on External Bodies as listed in Appendix "A" be re-appointed.
2. Councillor Simpson be appointed as a member of the Aboriginal Advisory Sub-Committee.
3. Councillor Scaysbrook be appointed as a member of the Floodplain Risk Management Committee.
4. Councillor Simone be appointed as an Alternate Member of the Sydney Airport Community Forum.
5. Councillor Boyd be appointed Co-Chairperson of the Sutherland Shire Youth Council.
6. Councillors Boyd, Collier, McLean and Nicholls be appointed as members of the Hazelhurst Board.
7. Councillor Boyd be appointed the delegate to SSROC and Councillor Plibersek be appointed as an alternate.
8. Due to Councillor Croucher's heavy involvement with the Strategic Budget working group, that Cr Riad swap with Councillor Croucher and that Councillor Croucher be appointed Chairperson.

AMENDMENT: (Councillor Scaysbrook/Councillor Steinwall)

THAT:

1. The existing Councillors appointed as members of each Standing Committee and Sub-Committee and as Council representatives on External Bodies as listed in Appendix "A" be re-appointed.
2. Councillor Simpson be appointed as a member of the Aboriginal Advisory Sub-Committee.
3. Councillor Scaysbrook be appointed as a member of the Floodplain Risk Management Committee.

4. Councillor Simone be appointed as an Alternate Member of the Sydney Airport Community Forum.
5. Councillor Boyd be appointed Co-Chairperson of the Sutherland Shire Youth Council.
6. Councillors Boyd, Collier, McLean and Nicholls be appointed as members of the Hazelhurst Board.
7. Councillor Boyd be appointed the delegate to SSROC and Councillor Plibersek be appointed as an alternate.
8. Due to Councillor Croucher's heavy involvement with the Strategic Budget working group, that Cr Riad swap with Councillor Croucher and that Councillor Croucher be appointed Chairperson.
9. Councillor Steinwall be appointed Chairperson of the Shire Services Committee

The Amendment on being put to the Meeting was lost.

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

In Favour of the Amendment were Councillor Boyd, Councillor Collier, Councillor Forshaw, Councillor McLean, Councillor Plibersek, Councillor Scaysbrook and Councillor Steinwall.

Against the Amendment were The Mayor, Councillor Pesce, together with Councillor Croucher, Councillor Nicholls, Councillor Provan, Councillor Riad, Councillor Scaysbrook and Councillor Simpson.

The Mayor used his casting vote to defeat the Amendment.

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

Min No: 63

GOV007-18

Cash Payments & Investments Report - July 2017

File Number: 2017/281575

RESOLVED: (Councillor Provan/Councillor Simone*)

That the information concerning Bank Balances and Investments held as at 31 July 2017, be received and noted.

Min No: 64

GOV008-18

Writing-Off of Rates and Charges Under Delegated Authority for the Period 1 January 2017 to 30 June 2017

File Number: 2016/247914

RESOLVED: (Councillor Provan/Councillor Simone*)

That the report on "Writing-Off of Rates and Charges Under Delegated Authority for the Period 1 January 2017 - 30 June 2017", be received and noted.

Min No: 65

SER003-18

Proposed Sale of Land - 45B Langer Ave, Caringbah South

File Number: 2017/273971

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. An expression of interest process be undertaken for the sale of Lot 14 DP1218946 located at 45B Langer Avenue, Caringbah South.
2. Contract/s for sale be executed on terms and conditions deemed satisfactory by the General Manager.
3. Subject to point 1, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

Min No: 66

SER004-18

Release of Easement at 5 Woodford Crescent, Heathcote

File Number: 2017/277666

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. Two (2) redundant easements for Service (Drainage) be expunged over private land described as 5 Woodford Crescent Heathcote (Lot 2 DP 212425) at terms and conditions to the satisfaction of the General Manager.
2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to these resolutions.

Min No: 67**SER005-18****Grants and Subsidy Program****File Number: 2016/256931, 2016/238127**

RESOLVED: (Councillor Plibersek/Councillor Simpson)

THAT:

1. The combined 'Annual Community Grants and Subsidies Program' be adopted by Council and the first round of Grant applications commence in March 2018.
2. Support for the current 2017/18 Arts and Cultural Subsidy Program providing \$79,739 of assistance to 23 programs be continued during the transition period to the new Annual Community Grants and Subsidies Program.
3. Support for the current 2017/18 Community Halls Venue Hire Subsidies providing \$94,464 of assistance to 15 community groups be continued during the transition period to the new Annual Community Grants and Subsidies Program.
4. A report be provided to a future meeting reviewing the grants and subsidies in relation to Bushcare activities.

Min No: 68**INF008-18****Ocean Grove Avenue Cronulla Redevelopment****File Number: 2017/262953**

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. The report for Ocean Grove Avenue Redevelopment be received and noted.
2. Council's Civil Operations be appointed as the Principal Contractor with Project Services being appointed as Project Managers and works proceed as indicated in the report.

Min No: 69

PLN011-18 **IHAP002-18 Demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools - Actinotus Avenue, Caringbah South**
File Number: DA17/0135

RESOLVED: (Councillor Provan/Councillor Simone*)

That Development Application No. 17/0135 for demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools at Lot 132 DP 5606 26 Actinotus Avenue, Caringbah South be received and noted.

Min No: 70

PLN012-18 **Pre-Development Application Discussion Service for Single Dwelling Houses**
File Number: 2015/4807

RESOLVED: (Councillor Simpson/Councillor Croucher)

THAT:

1. The pre-development application service provided by Council be expanded to encompass single dwelling houses, and a nominal \$100 fee be charged for this service.
2. The proposed fee for pre-development application service (single dwelling houses) be advertised for 28 days in accordance with section 610F of the Local Government Act 1993.
3. After the completion of the 28 day advertisement period, a report be provided to council on any submissions received and seeking the formal adoption of the fee for inclusion in Council's 2017/2018 Schedule of Fees and Charges.
4. An information page be published on Council's website providing details of what will be provided to customers who utilise this service.

Min No: 71**PLN013-18 Audit of Aluminium Composite Panel Facade Cladding in the Sutherland Shire****File Number: 2015/33809**

** 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 Scaysbrook assumed the Chair of the Meeting at this point (7.48pm)

RESOLVED: (Councillor Steinwall/Councillor Boyd)

THAT:

1. Council continue to work collaboratively with the NSW Government and Local Government NSW to address potential safety risks associated with the use of aluminium composite panels in higher risk classes of building.

2. An update be provided to Councillors via the Councillor Bulletin.

3. The NSW Fire and Rescue be invited to provide information at a Councillor Briefing regarding their current fire appliances.

4. Sutherland Shire Council, through the conditioning of development consents, will take steps to ensure that non-compliant cladding are not used in the construction of:
 - a). Class 2 and 3 residential apartments, three or more storeys in height.
 - b). Class 9a hospitals and 9c aged care accommodation (excluding government buildings).

*** The Mayor Councillor Pesce resumed the Chair of the Meeting at this point (8.02pm)

Min No: 72**PLN014-18 NSW RFS Planning for Bushfire Protection****File Number: 2015/87253**

RESOLVED: (Councillor Provan/Councillor Simone*)

That this report and the submission made to the Rural Fire Service on the proposed amendments to Planning for Bushfire Protection be endorsed and noted.

Min No: 73

COR004-18 **Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 1 September 2017**
File Number: 2015/2036

RESOLVED: (Councillor Simpson/Councillor Riad)

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 1 September 2017 be noted.
2. E Ward Councillors be provided the relevant information referenced in STR024-18.
3. The recommendation contained in the Minutes of the Consultative Traffic Forum Meeting held on 1 September 2017 be adopted.

COR005-18 **Cronulla Town Centre Traffic Study - Preliminary Report on the 6 Month Trial of No Left Turn into Cronulla Street**
File Number: 2017/274081

This matter was dealt with earlier in the meeting.

Min No: 74

MOT006-18 **Determining Body for Development Applications**
File Number: 2015/4841

MOTION: (Councillor Plibersek/Councillor Simpson)

That Council write to the Minister for Planning seeking an exemption from the application of the provisions of the Environmental Planning and Assessment Act 1979 and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 that provide that an IHAP or a local planning panel or council staff are the determining authority for development applications having a value less than \$30 million. Council requests that the elected Council maintain the ability to call up and determine any development application having a value less than \$30 million if in the opinion of an elected Councillor, it is in the community's interest to do so.

AMENDMENT: (Councillor Riad/Councillor Nicholls)

That Council writes to the NSW Minister for Planning in support of the Electoral Legislation Amendment (Planning Panels & Enforcement) Act 2017, which establishes Local Planning Panels and removes councillors from determining development applications for reasons that it:

1. Is underpinned by ICAC's Development Assessment Internal Audit Tool, April 2010;
2. Reduces the perception of corruption in the development assessment process;
3. Puts planning decisions in the hands of independent qualified and experienced experts;
4. Improves consistency in decision making and reduces the opportunity for politically motivated decisions; and
5. Brings the determination of local DAs into line with processes already in place for regionally significant DAs which are determined by Regional Planning Panels and state significant DAs which are determined by the Planning Assessment Commission.

The Amendment on being put to the Meeting was lost.

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

In Favour of the Amendment were The Mayor, Councillor Pesce, together with Councillor Croucher, Councillor Nicholls, Councillor Riad and Councillor Simone.

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

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

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

In Favour of the Amendment were Councillor Boyd, Councillor Collier, Councillor Forshaw, Councillor McLean, Councillor Plibersek, Councillor Provan, Councillor Scaysbrook, Councillor Simpson and Councillor Steinwall.

Against the Amendment were The Mayor, Councillor Pesce, together with Councillor Croucher, Councillor Nicholls, Councillor Riad and Councillor Simone.

Min No: 75**MOT007-18****Working Party on Energy Generation****File Number: 2017/285225**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. A working party be established to explore the feasibility of energy generation within the Sutherland Shire to reduce Council's exposure to energy price increases.
2. Councillors who are interested in sitting on the working party express their interest to participate to the General Manager by 29 September 2017.
3. The first working party meeting shall receive advice on the cost of and resources required to prepare a preliminary feasibility study which explores all reasonable options to reduce energy prices.

Min No: 76

At this time in the Meeting, all closed items not called for discussion were moved in bulk, as shown: "RESOLVED: (Councillor Provan/Councillor Simone)"**.

Min No: 77**CONSIDERATION OF BUSINESS IN CLOSED SESSION (9.28pm)**

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.

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.

MOTION: (Councillor Provan/Councillor Simone)

That in accordance with Section 10(A)(1) of the Local Government Act 1993, the following matter be considered in Closed Session of Council for the reasons provided:

SER002A-18 Proposed Sublease of SSHED Lease at 1 Pitt Street, Loftus

Section 10A(2)(c) Information that would, if Disclosed, Confer a Commercial Advantage on a Person with Whom the Council is Conducting (or Proposes to Conduct) Business: This matter was considered in Closed session as it relates to the entering into of a contract where prior knowledge of the proposal could confer an unfair financial advantage on any person.

Min No: 78**SER002A-18 Proposed Sublease of SSHED Lease at 1 Pitt Street, Loftus**

RESOLVED: (Councillor Provan/Councillor Simone**)

THAT:

1. A Deed of Agreement or similar be entered into with University of Wollongong and Department of Education (if necessary), to document University of Wollongong sublease to Council over Part Lot 1, DP1064223.
2. The payment detailed in the report as reimbursement towards capital expenditure be accepted by Council.
3. The lease held by Council to Minister for Education over Lot 1, DP1064223 remains in place.
4. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to these resolutions.

The Meeting closed at 9.38pm.