



Minutes

Council Meeting

**Held on Monday, 19 June 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 Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

Staff in attendance were the General Manager, Director Shire Infrastructure, Director Shire Planning, Acting Director Corporate Support (Anton Usher), Acting Director Shire Services (Lani Richardson), Manager Communication and Events (Kathryn Lord), Manager Governance and Customer Service (Todd Hopwood), Corporate Governance Manager (Samantha Charlton) and Supervisor Governance Support (Rachael Zhura).

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 Associate Pastor Jodene Watling of Gynea Baptist Church.

Min No: 361 APOLOGY:

RESOLVED: (Councillor Scaysbrook/Councillor Steinwall)

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

Disclosures of Interest

File Number: 2015/14239

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

SER002A-17 Value Assessment of Relocating the Central
Library to Kirrawee
File Number: 2015/216182

advising that he has what he would describe as a not significant non-pecuniary interest, he doesn't know whether he needs to explain it anymore than that.

Councillor Forshaw did not advise why the conflict is not significant.

Disclosures Cont'd

Councillor Johns declared a significant non-pecuniary interest in the following matters:

RES003-17 PLN038-17 - Proposed Modification to Approved Cronulla
Sharks Retail Development - Addition of 222 Apartments,
125 Room Hotel and 308 Parking Spaces
File Number: 2017/268425

And

MM015-17 Mayoral Minute
Heathcote Hall Development Proposal
File Number: 2016/248002, 2017/272894

advising that he sits on the Sydney South Planning Panel and he understands this matter will be considered by the Panel and that he therefore cannot participate in debate.

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

MOT031-17 Bupa Development, Sutherland
File Number: DA16/1620

advising that he has health insurance with Bupa.

Councillor Johns did not advise why the conflict is not significant.

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

RES003-17 PLN038-17 - Proposed Modification to Approved Cronulla
Sharks Retail Development - Addition of 222 Apartments,
125 Room Hotel and 308 Parking Spaces
File Number: 2017/268425

advising that his business partner is the Chairman of the Sharks so if that comes up he will definitely walk out of the room.

Disclosures Cont'd

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

MOT031-17 Bupa Development, Sutherland
File Number: DA16/1620

advising that he has health insurance with Bupa.

Councillor Riad advised that the conflict is not significant as he pays market rates and he's got nothing to gain.

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

MM015-17 Mayoral Minute
Heathcote Hall Development Proposal
File Number: 2016/248002, 2017/272894

And

RES003-17 PLN038-17 - Proposed Modification to Approved Cronulla
Sharks Retail Development - Addition of 222 Apartments,
125 Room Hotel and 308 Parking Spaces
File Number: 2017/268425

advising that he sits on the Southern Sydney Planning Panel and that's involved in the Mayoral Minute. Sharks will undoubtedly go before the Southern Sydney Planning and he'll declare a not significant non-pecuniary in both.

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

INF016-17 Proposed Naming of Park in Leonay Street,
Sutherland - Community Consultation Results
File Number: 2016/246014

advising that Mr Harris is an acquaintance of hers and she'd like to correct something from the Committee meeting, that Mr Harris does not belong to any political party. If it's called, she will leave the room.

Disclosures Cont'd

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

RES003-17 PLN038-17 - Proposed Modification to Approved Cronulla
Sharks Retail Development - Addition of 222 Apartments,
125 Room Hotel and 308 Parking Spaces
File Number: 2017/268425

advising that it has come to her attention that her son works for the planning consultancy that does the consultancy work for the Sharks development.

Councillor Steinwall advised that the conflict is not significant as it's a large company and he's a junior planner.

Min No: 362

**Confirmation of Minutes of Council Meeting
held on Monday 15 May 2017
(Minutes Numbered 318 to 360 inclusive)**

RESOLVED: (Councillor Riad/Councillor Provan)

That the Minutes of the Council Meeting held on 15 May 2017, being Minutes Numbered 318 to 360 inclusive, be and are hereby confirmed as a correct record.

Min No: 363

**MM013-17 Mayoral Minute
2017 Queen's Birthday Honours
File Number: 2016/248002, 2015/14470**

The Queen's Birthday Honours recognises a diverse range of contributions and service across all fields including professional endeavours, community work and sports.

On behalf of Sutherland Shire Council, I would like to extend congratulations to the following members of our community who were honoured in the 2017 Queen's Birthday Honours:

- Mr Ferdie Dominelli - awarded the Medal of the Order of Australia for service to the community through a range of roles.
- Mr Glenn Thompson - awarded the Medal of the Order of Australia for service to family law and to the community.

Min No: 363 Cont'd

MM013-17

- Ms Liliana Mularczyk - awarded the Medal of the Order of Australia for service to secondary education in New South Wales.
- Ms Kelly Browne - awarded the Australian Fire Service Medal for service to the Rural Fire Service.

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

That congratulations be extended to the Sutherland Shire recipients who were honoured in the 2017 Queen's Birthday Honours.

Min No: 364

MM014-17

Mayoral Minute

Refugee Welcome Zone

File Number: 2016/248002, 2016/256403

In 2004 Council signed on as a "Refugee Welcome Zone" in response to a request from The Refugee Council of Australia inviting all councils to participate. The Refugee Council is a peak organisation that calls for the adoption of just and humane policies toward refugees by governments.

Councils participate in the program by signing a declaration which is symbolic in nature. It demonstrates and signifies that councils welcome refugees. It is recognition that the councils support cultural and linguistic diversity and has compassion for refugees.

In response to a request by the Sutherland Shire Multicultural Network, I seek Council's endorsement to reaffirm its 2004 commitment that Sutherland Shire continues to being a "Refugee Welcome Zone". Council will also show its support for refugees and asylum seekers by having a banner on display at The Kingsway, Gymea during Refugee Week, 18 - 25 June 2017.

As part of Refugee Week, Sutherland Library will host a book launch – Under the Same Sky by James Knight, which tells the story of two Iranian refugees and how their love keeps their hopes alive.

Earlier this year Council was invited to participate in the National Journey of the Welcome Scroll. The Welcome Scroll will function as a "baton" or "torch" and will travel around Australia to all Refugee Welcome Zones. Council's logo and the Mayor's signature are on this Scroll to demonstrate commitment to welcome refugees into our community.

Min No: 364 Cont'd
MM014-17

Supporting Refugee Week and reaffirming Council's commitment to being a Refugee Welcome Zone reflects that Sutherland Shire is a caring and supportive community and is evolving into a culturally rich and vibrant community.

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

That Council reaffirms its commitment to being a Refugee Welcome Zone and continues to support Refugee Week.

Min No: 365

MM015-17

Mayoral Minute

Heathcote Hall Development Proposal

File Number: 2016/248002, 2017/272894

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

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

Councillors will be aware of the application lodged for the development of the historic Heathcote hall site in East Heathcote. The proposed construction of 57 new dwellings and the restoration and reuse of the Hall will be a significant change for this quiet neighbourhood surrounded by the National Park.

As Councillors might expect, the local community has made known its significant concerns about the proposed development. They have organised their own meetings, made over 200 submissions so far, communicated via social media, and over 100 residents attended an information session run by Council. Their voice is loud and clear, and the issues they raise must be given careful consideration.

Many in the community have raised issues including the following:

- future use of the heritage building and potential traffic generation;
- incompatibility of medium density housing;
- bushfire risk and difficulties with evacuation;
- traffic and parking;
- impact on trees;
- impact on the heritage building and its surrounds;
- pedestrian safety;
- inconsistency with the character of the area;
- impacts on amenity during construction.

Min No: 365 Cont'd

MM015-17

The application will be determined by the Sydney South Planning Panel. The purpose of this Mayoral Minute is to highlight the genuine concerns of the community to the Panel, and implore its members to give these concerns very serious consideration when the application comes before it.

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

That Council makes a submission to the Sydney South Planning Panel bringing to its attention the genuine concerns of the local community and, requesting the Panel listen to those concerns and give them very close consideration in making its decision.

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

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

The decision was unanimous.

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

Min No: 366

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

Min No: 367 Suspension of Standing Orders

RESOLVED: (Councillor Johns/Councillor Provan)

That Standing Orders be suspended to consider PLN042-17 as the first item of business.

Min No: 368

**PLN042-17 Further Report - Demolition of Existing Structures
and Construction of Nine Townhouses with
Associated Landscaping and Front Fence –
Burraneer Bay Road, Burraneer (DA16/0277)
File Number: 2016/237002**

MOTION: (Councillor Johns/Councillor Provan)

That Development Application No. 16/0277 for the demolition of existing structures and construction of 9 townhouses with associated landscaping and front fence at Lot 20, DP 6779, Lot 21 DP 6779, Lot 22 DP 6779 (Nos. 92, 94 & 96) Burraneer Bay Road, Burraneer be approved, subject to conditions contained in Appendix "A" of the report.

AMENDMENT: (Councillor Plibersek/Councillor Forshaw)

That pursuant to the Environmental Planning & Assessment Act 1979, Council refuse DA 16/0277 for the following reasons:

- (a) The development does not meet the objectives of Clause 4.3 of Part 4 of the Sutherland Shire LEP 2015 in that the height of the buildings is not compatible with adjoining development.
- (b) The scale and density of the development are not in keeping with the maintenance of the single dwelling character and streetscape of the locality as required by the R2 Zone's objectives under SSLEP 15.
- (c) The elevation of the proposed townhouses and decks above the existing ground level will have unacceptable impacts on the adjoining properties by way of privacy and overlooking.
- (d) The application is unacceptable under S 79C (1) (a) (iii) and S 79C (1) (b) of the Act in that:
 - (i) it does not meet the controls under clause 4.2.2 of Chapter 4 of the Sutherland Shire Draft DCP with respect to the retention of canopy trees in good health in rear setbacks;
 - (ii) it does not comply with the Assessment Provisions under Chapter 38, Clause 4.8.2 of the Sutherland Shire Draft DCP with respect to trees that make a significant contribution to the locality; and
 - (iii) the proposed removal of the trees impacts negatively on the natural environment of the area.
- (e) The proposed stormwater system is not adequate to manage the stormwater that will be generated by the development.

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, Plibersek and Steinwall.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone and Simpson.

Min No: 368 Cont'd

PLN042-17

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 the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone and Simpson.

Against the Resolution were Councillors Collier, Forshaw, Plibersek and Steinwall.

Resumption of Standing Orders

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

Min No: 369

GOV026-17

Determination of the Local Government Remuneration

Tribunal - Categorisation of Councils

File Number: 2015/14219

RESOLVED: (Councillor Provan/Councillor Johns*)

That Council note the categorisation of Sutherland Shire Council as a Metropolitan Large Council.

Min No: 370

GOV027-17

Fees Payable to Mayor and Councillors

File Number: 2015/14219

RESOLVED: (Councillor Provan/Councillor Johns*)

THAT:

1. The annual fees for the Mayor for the period 1 July 2017 to 30 June 2018 be fixed at \$84,330.00 of which 15% (\$12,650.00) will be paid to the Deputy Mayor.
2. The annual fees payable to Councillors for the period 1 July 2017 to 30 June 2018 be fixed at \$28,950.00.

Min No: 371**GOV028-17****Cash Payments & Investments Report - April 2017****File Number: 2016/250910**

RESOLVED: (Councillor Provan/Councillor Johns*)

That the information concerning Bank Balances and Investments held as at 30 April 2017, be received and noted.

Min No: 372**SER027-17****Proposed Release and Relocation of Easement****Over 34-38 Glencoe Street & 132-136 Waratah****Street, Sutherland****File Number: 2016/262529**

RESOLVED: (Councillor Provan/Councillor Johns*)

THAT:

1. The release and relocation of a drainage easement within Lots 6, 7, 8, 9 and 10 DP 16444 and Lot 11 DP 15358 at terms and conditions to the satisfaction of the General Manager be approved.
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 item 1.

Min No: 373**SER028-17****Proposed Lease - Bundeena Bowling Club****File Number: 2015/36981**

RESOLVED: (Councillor Provan/Councillor Johns*)

THAT:

1. The community land, known as being Lot 1 DP553362 in Liverpool Street, Bundeena be leased to Bundeena Bowling and Sports Club Co-op for a period of 5 years 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 executes any necessary documentation to give effect to this resolution.

Min No: 374

**SER029-17 Sutherland Shire Council Disability Inclusion
Action Plan 2017 - 2021
File Number: 2017/40091**

RESOLVED: (Councillor Provan/Councillor Johns*)

That the Sutherland Shire Council Disability Inclusion Action Plan (2017-2021) be adopted.

Min No: 375

**SER030-17 Sutherland Shire Community Crime Prevention
Plan 2018-2021
File Number: 2016/262451**

RESOLVED: (Councillor Provan/Councillor Johns*)

THAT:

1. The Sutherland Shire Community Crime Prevention Plan 2018-2021 be endorsed.
2. The Sutherland Shire Community Crime Prevention Plan 2018-2021 be submitted to the NSW Department of Justice and Attorney General for endorsement as a Safer Communities Compact.
3. Council explores more opportunities for approved murals in public spaces and continues to work with community groups to explore the implementation of positive programs to address graffiti based crime.
4. The domestic violence action plan be amended to include the provision of information about care, temporary accommodation, service providers and other relevant services.

Min No: 376

**INF016-17 Proposed Naming of Park in Leonay Street,
Sutherland - Community Consultation Results
File Number: 2016/246014**

*** Councillor Steinwall declared a significant non-pecuniary interest in this matter and did not vote.
This matter was moved in bulk therefore there was no discussion on the item.

RESOLVED: (Councillor Provan/Councillor Johns*)

THAT:

1. A submission be made to the Geographical Names Board of NSW for the public reserve located at 6-8 Leonay Street, Sutherland to be named "Harris Park."

Min No: 376 Cont'd

INF016-17

2. The Aboriginal Advisory Committee be consulted on all proposed names of parks.

Min No: 377

INF017-17

**Cronulla Traffic Improvements - Intersections
of Kingsway and Elouera Road and Kingsway
and Wilbar Avenue**

File Number: 2015/82013

RESOLVED: (Councillor Provan/Councillor Johns*)

That subject to community consultation, Council support the Roads and Maritime Services proposals to fully fund the following:

- a. Upgrade the traffic signals at the intersection of Kingsway, Elouera Road and Gerrale Street, Cronulla;
- b. To provide offset car parking spaces in the public car park adjoining North Cronulla Surf Club to compensate for the loss of car parking at the intersection; and
- c. Provide traffic signals at the intersection of Kingsway and Wilbar Avenue, Cronulla.

Min No: 378

PLN040-17

Review of Tree Management on Private Property

File Number: 2015/90422

MOTION: (Councillor Simpson/Councillor Johns)

THAT:

1. Council identify land under 10/50 Act on Council's website.
2. Properties located outside of the above identified area that want to have trees removed or pruned that constitutes more than 10% of the covering area be required to have either a present council application or a Tree Risk Assessment Qualification (TRAQ) report from an arborist; Council staff are to accept a Tree Risk Assessment Qualification (TRAQ) report and act within 10 working days.
3. Each application be limited to up to four trees for removal and six trees for pruning.

Min No: 378 Cont'd

PLN040-17

4. Council tree replacement policy be two for one on private property, four for one on public land.
5. The cost of Council application without a Tree Risk Assessment Qualification (TRAQ) report be \$150.00, \$75.00 for pensioners and the cost of application with a Tree Risk Assessment Qualification (TRAQ) report be \$35.00.
6. A trial period of 6 months be held on the above procedures.

AMENDMENT: (Councillor Steinwall/Councillor Plibersek)

THAT:

1. The communities concern about the safety risk associated with trees on residential property be acknowledged and given top priority in Council's assessment of tree removal applications.
2. In addition to the tree controls within Council's SSLEP 2015 and the assessment principles in DDCP 2015, Council adopt a risk management approach to tree assessment where safety concerns have been raised, by applying the internationally recognised Tree Risk Assessment Qualification (TRAQ) methodology developed by the International Society of Arboriculture.
3. If a tree is assessed under TRAQ as presenting an unacceptable safety risk that can only be mitigated by removal, approval to remove the tree be granted regardless of all other factors.
4. All Council Tree Management Officers become qualified to undertake TRAQ assessments and undergo the compulsory renewal training and re-examination every 5 years.
5. Council allows property owners to support tree removal applications on private property with an AQF Level 5 Arborist report, and that the following procedure be implemented (as per Option 2 discussed in the report):
 - (i). External arborist reports be accepted with an application for removal;
 - (ii). Where safety risk is given as a reason for requesting removal, the arborist must have the TRAQ qualification and the report must include a TRAQ assessment containing the TRAQ matrix methodology and mitigation outcomes for each target and condition of concern;
 - (iii). Reports will not be relied upon if they are incomplete or contain fundamental errors such as incorrect species or location;
 - (iv). Reports must address location of and impact on structures or proposed development, ecological and aesthetic value, and any specific safety concerns, in addition to tree health;
 - (v). The content of the assessment must lead to and justify the recommendation;

Min No: 378 Cont'd

PLN040-17

- (vi). If conditions (i) to (v) are satisfied, Council will grant approval for the removal of the tree.
 - (vii). The fee for applications accompanied by a TRAQ assessment report is to be reduced to \$36.00.
 - (viii). Applications are to be processed within 5 days.
6. The tree application review process be refined to assist applicants in providing information that supports their request.
7. A quarterly report be provided to Councillors in 2017 providing statistics on tree removal and replacement.

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 Forshaw, Plibersek, Scaysbrook and Steinwall.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Johns, McLean, Nicholls, 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 the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Forshaw, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

Against the Resolution was Councillor Plibersek.

Min No: 379

PLN041-17

Grey Headed Flying Fox Management

File Number: 2015/64733

MOTION: (Councillor Collier/Councillor Forshaw)

That Council pursue the following measures to manage Grey Headed Flying Foxes in lieu of relying on dispersal as the primary action:

- (a) Council provide reduction of amenity impacts on directly affected residential and nongovernment facilities by utilising \$27,000 of the current unexpended dispersal funds to match the Local Government NSW \$27,000 Grant for Kareela (\$54,000 total).
- (b) In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.
- (c) Council progress and seek approval for the Kareela Flying-fox Camp Master Plan as a priority, with the aim of permanently reducing the habitat available for roosting within proximity of houses and adjacent schools, and the consequential impacts.
- (d) Council monitor the camps at both Kareela and Camellia Gardens and if either camp is voluntarily abandoned, Council takes action to discourage the reformation of a camp at that site.
- (e) The criteria be put to the next Planning Meeting as to how the money is allocated to the affected Kareela residents and Kareela nongovernment facilities.

AMENDMENT: (Councillor Simpson/Councillor Croucher)

THAT:

1. Staff prepare a report on the criteria of the use of the grant money including how the money would be allocated and the criteria for residents and nongovernment facilities receiving the grant money.
2. In consultation and discussion with the Principal and P&C, Council provides such assistance as it is able to reduce the long term and short term amenity impacts of Kareela Flying Fox colony on Bates Drive School.
3. Council progress and seek approval for the Kareela Flying-fox Camp Master Plan as a priority, with the aim of permanently reducing the habitat available for roosting within proximity of houses and adjacent schools, and the consequential impacts.
4. Council monitor the camps at both Kareela and Camellia Gardens and if either camp is voluntarily abandoned, Council takes action to discourage the reformation of a camp at that site.

Min No: 379 Cont'd

PLN041-17

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 the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, Nicholls, Plibersek, Provan, Riad, Simone and Simpson.

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

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 the Mayor, Councillor Pesce, together with Councillors Croucher, Forshaw, Johns, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone and Simpson.

Against the Resolution were Councillors Collier and Steinwall.

PLN042-17 **This matter was considered earlier in the Meeting
(see Minute No. 368).**

Min No: 380

COR051-17 **Report and Minutes of the Meeting of the Sutherland
Traffic and Traffic Safety Committee held on Friday,
2 June 2017
File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Johns*)

That the decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 2 June 2017 be noted.

Min No: 381**COR052-17****Barden Ridge/Menai Collaborative Committee****File Number: 2017/276317**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. The four nominations be accepted, and the nominees as listed in the report be appointed as community representatives on the Barden Ridge/Menai Collaborative Committee.
2. The draft charter for the committee, as attached in the appendix of this report be endorsed.
3. A Chairperson be selected by the Committee.
4. The first Committee meeting take place within six weeks of today's date.

Min No: 382**MOT031-17****Bupa Development, Sutherland****File Number: DA16/1620**

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

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

1. Councillors receive a briefing on the progress of the proposed Bupa development in Sutherland.
2. This briefing be presented by the next round of Council.
3. That Council makes a submission to the Southern Sydney Planning Panel, highlighting the concerns of residents in the area and that the Panel give their concerns careful consideration before any decision is made.

Min No: 383**MOT032-17****Contaminated Land Site****File Number: 2015/46649**

RESOLVED: (Councillor Steinwall/Councillor McLean)

That Council receive a report, to the next Committee meeting, concerning site contamination at 1-3 Oxford Street, Sutherland detailing:

1. The history of contamination at the site and measures taken by Council to ensure the site is decontaminated;
2. Measures to progress the decontamination of the site with relevant statutory authorities;
3. An update on the outcome and recommendations of the recently announced review of the Environment Protection Agency's governing legislation.

Min No: 384**MOT033-17****Investigation into the Introduction of Radar Speed****Warning Signs within the Sutherland Shire****File Number: 2017/263071, 2017/262673**

RESOLVED: (Councillor Riad/Councillor Scaysbrook)

THAT:

1. Council receives a report that explores introducing radar speed warning signs within the Sutherland Shire to reduce instances of speeding on local roads (such as Fowler Road Illawong).
2. The report should identify:
 - a. Options for establishing a trial project;
 - b. Budgetary implications;
 - c. The success of such devices used within other LGAs (such as Inner West and Brisbane);
 - d. Any recommendations of Council's Consultative Traffic Forum.
3. Council supports in-principle of a trial of radar speed warning signs within the Sutherland Shire.

The Mayor, Councillor Pesce, vacated the Chair and left the Chamber (9.22 pm).

The Deputy Mayor, Councillor Scaysbrook, assumed the Chair.

Min No: 385

RES003-17

**PLN038-17 - Proposed Modification to Approved
Cronulla Sharks Retail Development - Addition of 222
Apartments, 125 Room Hotel and 308 Parking Spaces
File Number: 2017/268425**

- *** The Mayor, Councillor Pesce, declared a pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.
- *** Councillor Johns declared a significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.
- *** Councillor Simpson declared a not significant non-pecuniary interest in this matter, left the Chamber, took no part in the discussion and did not vote.
- *** Councillor Steinwall declared a not significant non-pecuniary interest in this matter.

Formal Notice of the following Motion was given by Councillors Scaysbrook, Steinwall and Forshaw.

MOTION: (Councillor Forshaw/Councillor Plibersek)

That the following Report No. PLN038-17, Resolution of Council, Minute No. 348 at its Meeting on 15/05/17, be rescinded:

The report Proposed Modification to Approved Cronulla Sharks Retail Development - Addition of 222 Apartments, 125 Room Hotel and 308 Parking Spaces be received and noted.

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

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

In Favour of the Rescission Motion were Councillors Collier, Forshaw, McLean, Plibersek, Scaysbrook and Steinwall.

Against the Rescission Motion were Councillors Croucher, Nicholls, Provan, Riad and Simone.

As the above Rescission Motion was carried, the following Motion on this matter was then considered.

Min No: 386**PLN038-17**

**Proposed Modification to Approved Cronulla Sharks
Retail Development - Addition of 222 Apartments, 125
Room Hotel and 308 Parking Spaces
File Number: 2017/268425**

RESOLVED: (Councillor Forshaw/Councillor Plibersek)

THAT:

1. The submission on the proposed modification of the Sharks Retail Development attached as Appendix A, be acknowledged.
2. A further submission be made to the NSW Department of Planning and Environment clarifying that Council's position is that it does not support the proposed residential development above the approved retail centre for the following reasons:
 - a. the unacceptable impact of additional traffic generated on already busy roads;
 - b. the impact of overflow parking into nearby public streets and sporting facility car parks (as has occurred since occupation of Stage 1);
 - c. the adverse visual impact of several high rise towers above the approved retail centre.

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

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

The decision was unanimous.

The Mayor, Councillor Pesce, returned to the Meeting and resumed the Chair (9.53 pm).
Councillor Johns and Councillor Simpson returned to the Meeting at this stage.

Min No: 387**Business Without Notice****Fire Safety****File Number: 2017/277578, 2015/4868**

Councillor Riad requested that Business Without Notice concerning Fire Safety be considered as a matter of urgency.

RESOLVED: (Councillor Riad/Councillor Simpson)

That permission be granted to bring forward Business Without Notice regarding Fire Safety.

The Mayor, Councillor Pesce, ruled in accordance with Clause 19(3)(b) of Council's Code of Meeting Practice that the matter was of great urgency.

Min No: 388

BWN009-17

Fire Safety

File Number: 2017/277578, 2015/4868

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. In response to the London Grenfell Residential Tower catastrophe, Council urgently undertakes an audit of the application of Aluminium Composite Panel façade cladding in buildings constructed within the last ten years with the following classification under the Building Code of Australia:
 - 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).
2. The results of the audit be reported to Council as soon as practicable.
3. Council also contact the relevant departments and ask what appliances would be available for relevant emergencies in the Shire and the likely timeframes required for these appliances to reach the Shire.

Min No: 389

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

Min No: 390

CONSIDERATION OF BUSINESS IN CLOSED SESSION (10.06 pm)

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.

RESOLVED: (Councillor Steinwall/Councillor Riad)

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

Min No: 390 Cont'd

GOV002A-17 Writing Off Irrecoverable Debts
File Number: 2015/10574

Section 10A(2)(g) Advice Concerning Litigation, or Advice that would Otherwise be Privileged from Production in Legal Proceedings on the Grounds of Legal Professional Privilege.

This matter was considered in Closed session as it relates to the receipt and consideration of legal advice concerning litigation; or which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information relating to legal privileged information outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information may result in council waiving its right to claim legal professional privilege in any relevant legal action which may lead to loss or damage by council.

SER002A-17 Value Assessment of Relocating the Central
Library to Kirrawee
File Number: 2015/216182

Section 10A(2)(d)(ii) Commercial Information of a Confidential Nature:

This matter was considered in Closed session as it relates to commercial information the disclosure of which would be likely to confer a commercial advantage on a competitor of the council. On balance, the public interest in preserving the confidentiality of information relating to council's commercial activities outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could allow competitors to council's commercial activities to gain a commercial advantage.

INF015A-17 T689/16 Construction of the Burnum Burnum Boat
Ramp with Onramp Pontoon and Wetland Upgrade
File Number: 2016/261300

Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:

This matter was 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.

Min No: 390 Cont'd

COR007A-17 SUEZ Waste Disposal Contract 2017/18
File Number: 2015/34630

Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:

This matter was 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.

Min No: 391

GOV002A-17 Writing Off Irrecoverable Debts
File Number: 2015/10574

RESOLVED: (Councillor Provan/Councillor Johns**)

THAT:

1. The debt of \$559,871.54 (inclusive of GST) in the name of Kingston Civil Pty Ltd be abandoned and the GST exclusive amount of \$508,974.13 be charged against the provision for doubtful debts where adequate provision has been made.
2. The debt of \$23,751.91 in the name of Gilles A Burg be abandoned and charged against the provision of doubtful debts where adequate provision has been made.

Min No: 392

SER002A-17 Value Assessment of Relocating the Central
Library to Kirrawee
File Number: 2015/216182

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

MOTION: (Councillor Johns/Councillor Nicholls)

THAT:

1. The report be noted.
2. After balancing considerations Council notes there is no clear persuasive case in favour of the relocation of the Central library to Kirrawee.

Min No: 392 Cont'd

SER002A-17

3. The offer to surrender or sell any part of the 1500 square metre community space not be accepted.
4. Council retains the 1500 square metres for suitable purposes to support the local community and surrounding suburbs.
5. Council support the entire removal of the water body and wetland to optimise the provision of useable open space at South Village, Kirrawee.
6. In Council's current operational plan an allocation for the 1,500 square metre space fit out be allocated for \$2.1M and that this allocation be provided for in the Budget 2017/2018.
7. An options paper be prepared by the General Manager to be delivered prior to February 2018 for the use and utilisation of the community space provided to provide the most modern and accessible community space that includes as a minimum but not limited to:
 - a. Becomes a community hub accessible and attractive to the full spectrum of our community;
 - b. Develops new spaces that promote play as a central part of childhood learning;
 - c. Engages teens in events that encourage deeper, long-lasting connections with our community;
 - d. Allows for places where students can access study tools;
 - e. Creates new programs that provides and facilitates our community of all ages and demographics to teach one another about digital media and resources.
8. The options paper also include a standalone confidential business plan for Council's consideration.
9. This resolution immediately be made a public resolution.

AMENDMENT: (Councillor Simpson/Councillor McLean)

THAT:

1. The report be noted.
2. After balancing considerations Council notes there is no clear persuasive case in favour of the relocation of the Central library to Kirrawee.
3. The offer to surrender or sell any part of the 1500 square metre community space not be accepted.

Min No: 392 Cont'd

SER002A-17

4. Council retains the 1500 square metres for suitable purposes to support the local community and surrounding suburbs.
5. Council support the entire removal of the water body and wetland to optimise the provision of useable open space at South Village, Kirrawee.
6. That in councils current operational plan an allocation for the 1,500 square metre space fit out be allocated for \$2.1M, from Section 94 funds, and that this allocation be provided for in the Budget 2018/2019.
7. An options paper be prepared by the General Manager to be delivered prior to February 2018 for the use and utilisation of the community space provided to provide the most modern and accessible community space that includes as a minimum but not limited to:
 - a. Becomes a community hub accessible and attractive to the full spectrum of our community;
 - b. Develops new spaces that promote play as a central part of childhood learning;
 - c. Engages teens in events that encourage deeper, long-lasting connections with our community;
 - d. Allows for places where students can access study tools;
 - e. Creates new programs that provides and facilitates our community of all ages and demographics to teach one another about digital media and resources.
8. The options paper also include a standalone confidential business plan for Council's consideration.
9. This resolution immediately be made a public resolution.

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

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Johns, Nicholls, Provan, Riad and Simone.

Min No: 392 Cont'd
SER002A-17

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 the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Forshaw, Johns, Nicholls, Plibersek, Provan, Riad and Simone.

Against the Resolution were Councillors McLean, Scaysbrook, Simpson and Steinwall.

Min No: 393

INF015A-17

**T689/16 Construction of the Burnum Burnum Boat
Ramp with Onramp Pontoon and Wetland Upgrade
File Number: 2016/261300**

RESOLVED: (Councillor Provan/Councillor Johns**)

THAT:

1. The tender from Land & Marine Ocean Engineering Pty Ltd (ABN 39 099 768 564) for the 'Construction of Burnum Burnum Boat Ramp with Onramp Pontoon and Wetland Upgrade' for the lump sum of \$740,214.00 (excluding GST), at terms and conditions to the satisfaction of the General Manager, be accepted.
2. Funding is provided in accordance with the budget details provided within this report.
3. Pursuant to clause 400 of the Local Government Regulation 2005, the following documents be executed under Common Seal of the Council of the Sutherland Shire:

Type of Document: Contract for Construction of Burnum Burnum Boat Ramp with Onramp Pontoon and Wetlands Upgrade

Other Party: Land & Marine Ocean Engineering Pty Ltd (ABN 39 099 768 564)

Min No: 394

COR007A-17

SUEZ Waste Disposal Contract 2017/18

File Number: 2015/34630

RESOLVED: (Councillor Provan/Councillor Johns**)

THAT:

1. Council approve SUEZ as a Service Provider, for waste disposal for a further term of one year, from 1 July 2017.
2. Council not call for Tenders in accordance with NSW Local Government Act Section 55 (3)(i), on the basis that Council is guaranteed lowest contract price and the lack of alternative waste disposal facilities in the southern suburbs region of Sydney.

The Meeting closed at 10.41 pm.