



## **Minutes**

### **Special Council Meeting**

**Held on Monday, 26 September 2016  
commencing at 6:28pm  
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 Johns, 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 Corporate Support, Director Shire Services, Director Shire Infrastructure, Director Shire Planning, 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.

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### **Disclosures of Interest**

**File Number: 2015/14239**

There were no disclosures of interest declared.

**Min No: 79**

### **APOLOGY:**

RESOLVED: (Councillor Steinwall/Councillor Scaysbrook)

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

### **Oath / Affirmation of Office**

The Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Forshaw, Johns, Nicholls, Plibersek, Provan, Riad, Simone, Simpson and Steinwall undertook the following Oath of Office, before the General Manager:

#### **Oath**

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Sutherland Shire and the Sutherland Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Councillor Scaysbrook undertook the following Affirmation of Office, before the General Manager:

**Affirmation**

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Sutherland Shire and the Sutherland Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

**Min No: 80                      Suspension of Standing Orders**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

That Standing Orders be suspended to consider CCL018-17, CCL019-17, CCL020-17, CCL021-17, CCL022-17, CCL023-17, CCL024-17 and CCL025-17 as the next items of business.

**Min No: 81**

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

**Min No: 82**

**CCL018-17                      Delegation to the Mayor  
File Number: 2015/38803**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

THAT:

1. All previous delegations to the Mayor be revoked and Council delegate to the Mayor the delegations contained in the Instrument of delegation attached as Appendix A.
2. All previous delegations to the Deputy Mayor be revoked.

**Min No: 83**

**CCL019-17                      Code of Conduct  
File Number: 2015/26290**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

That the Code of Conduct attached as Appendix A to this report, be adopted.

**Min No: 84****CCL020-17****Code of Meeting Practice****File Number: 2015/26223**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

That the Code of Meeting Practice attached as Appendix A to this report, be endorsed and, in accordance with Section 361 of the Local Government Act, be placed on public exhibition for a period of 42 days.

**Min No: 85****CCL021-17****Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors****File Number: 2015/26264**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

THAT:

1. The Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors, attached as Appendix A, be endorsed and in accordance with s253 of the Local Government Act, be placed on public exhibition for a period of 28 days.
2. Council's Internal Auditor perform an audit of councillor expenses every two years.
3. A breakdown of expenses by councillors be provided on the Council website on a quarterly basis, or some other time period considered acceptable.

**Min No: 86****CCL022-17****Legal Assistance to Councillors and Staff Policy****File Number: 2016/235281**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

That the revised Legal Assistance to Councillors and Staff Policy, attached as Appendix A, be adopted.

**Min No: 87****CCL023-17                    Use of Council Resources for Private Purposes Policy  
File Number: 2016/235281**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

That the revised Policy - Use of Council Resources for Private Purposes, attached as Appendix A, be adopted.

**Min No: 88****CCL024-17                    Councillors Access to Information and  
Interaction with Staff Policy  
File Number: 2016/235281**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

That the Councillors Access to Information and Interaction with Staff Policy, attached as Appendix A, be adopted.

**Min No: 89****CCL025-17                    Local Government Association of NSW Annual  
Conference Wollongong, 16-18 October 2016 -  
Appointment of Delegates  
File Number: 2016/246032**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook\*)

THAT:

1. Approval be given for interested Councillors, and staff as authorised by the General Manager, to attend the Local Government NSW Annual Conference at WIN Entertainment Centre in Wollongong from 16-18 October 2016.
2. Consideration be given to the appointment of delegates and alternate delegates, if necessary, to the Local Government NSW Annual Conference.

**Min No: 90                      Business Without Notice**  
**Cronulla-Sutherland Sharks Qualifying - 2016 NRL Grand Final**  
**File Number: 2016/236769**

Councillor Simpson requested that Business Without Notice concerning the Cronulla-Sutherland Sharks qualifying for the 2016 NRL Grand Final be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Simone)

That permission be granted to bring forward Business Without Notice regarding the Cronulla-Sutherland Sharks qualifying for the 2016 NRL Grand Final.

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: 91                      BWN001-17**  
**Cronulla-Sutherland Sharks Qualifying - 2016 NRL Grand Final**  
**File Number: 2016/236769**

RESOLVED: (Councillor Simpson/Councillor Simone)

That the Cronulla-Sutherland Sharks be congratulated for qualifying for the 2016 NRL Grand Final and that Council's best wishes for success in the Grand Final in this regard be conveyed to the team.

**Resumption of Standing Orders**

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

The Mayor, Councillor Pesce, vacated the Chair.

**Min No: 92                      Nominations for the Office of Mayor**  
**File Number: 2016/255170**

The General Manager as Returning Officer called for nominations for the Office of Mayor.

Two nominations were submitted in writing for Councillor Pesce and Councillor Scaysbrook.

**Min No: 93                      Method of Election of Mayor and Deputy Mayor**  
**File Number: 2016/255170**

The General Manager as Returning Officer called for a vote on the method of election of the Mayor and Deputy Mayor.

**MOTION:**

That the election of Mayor and Deputy Mayor be by open voting, being a show of hands.

**In favour** were Councillors Croucher, Johns, Nicholls, Pesce, Plibersek, Provan, Riad, Simone, Simpson and Steinwall.

**Against** were Councillors Boyd, Collier, Forshaw and Scaysbrook.

The General Manager as Returning Officer declared the Motion carried.

**Min No: 94                      Election of Mayor**  
**File Number: 2016/255170**

In accordance with the previous resolution, a show of hands was requested for each candidate for the position of Mayor and upon the vote being taken the General Manager announced the following result:

Councillor Pesce:

Seven votes - Councillors Croucher, Johns, Nicholls, Pesce, Provan, Riad and Simone.

Councillor Scaysbrook:

Seven votes - Councillors Boyd, Collier, Forshaw, Plibersek, Scaysbrook, Simpson and Steinwall.

As there was an equal number of votes for each candidate, the Mayor was chosen by lot.

**Councillor Pesce, being the first name chosen by lot, was declared elected as Mayor for the ensuing term.**

**Min No: 95                      Nominations for the Office of Deputy Mayor**  
**File Number: 2016/255170**

The General Manager as Returning Officer called for nominations for the Office of Deputy Mayor.

Two nominations were submitted in writing for Councillor Provan and Councillor Scaysbrook.

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**Min No: 96                      Election of Deputy Mayor**  
**File Number: 2016/255170**

In accordance with the previous resolution, a show of hands was requested for each candidate for the position of Deputy Mayor and upon the vote being taken the General Manager announced the following result:

Councillor Provan:

Seven votes - Councillors Croucher, Johns, Nicholls, Pesce, Provan, Riad and Simone.

Councillor Scaysbrook:

Seven votes - Councillors Boyd, Collier, Forshaw, Plibersek, Scaysbrook, Simpson and Steinwall.

As there was an equal number of votes for each candidate, the Deputy Mayor was chosen by lot.

**Councillor Scaysbrook, being the first name chosen by lot, was declared elected as Deputy Mayor for the ensuing term.**

The Mayor, Councillor Pesce, took the Chair.

The Meeting closed at 6.54 pm.