



# Minutes

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## Council Meeting

**Monday, 9 December 2019**

**6:31pm**

**Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

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**SUTHERLANDSHIRE**

**PRESENT:**The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Croucher, Councillor Forshaw, Councillor Johns (6:41pm), Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Steinwall and Councillor Simpson.

**STAFF IN ATTENDANCE:** Chief Executive Officer (Manjeet Grewal), Director Corporate Support (Clare Phelan), Director Shire Planning (Peter Barber), Director Shire Services (Michelle Whitehurst), Acting Director Shire Infrastructure (Peter Shields), Chief Financial Officer (Mitch Woods), Manager Communications & Engagement (Rebecca Dalton), Manager Information Management and Technology (Simona Dimovski), Manager Public Safety & Lifeguards (Brett Richardson), Manager Strategic Planning (Mark Carlon), Team Leader Communications & Engagement (Connie Hyde), Team Leader Traffic & Transport Services (Greg Holding), Business Assurance Specialist (Glenda Lord), Executive Public Relations & Media Specialist (Amie Lindsell), Team Leader Governance (Debbie Lewis) 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 James Warren of Engadine Anglican Church.

**Minute No: 322**

#### **APOLOGY**

**RESOLVED:** (Councillor Simpson/Councillor Provan)

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

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**DISCLOSURES OF INTEREST****File Number: 2015/14239**

Councillor Forshaw declared a significant non-pecuniary interest in the following item:-

SER015-19                      Collection Management Policy Review  
File Number: 2015/215443

advising that members of his family are employed by Sutherland Shire Libraries and he will leave the room when this item is considered.

Councillor Johns arrived during the following item (6:41pm).

**PUBLIC FORUM**

The following speakers addressed Council:

Ms Krissi Grant              PLN040-19 - Exhibition of Draft Amendment to SSLEP 2015 – Local Heritage Listing of 65 Hotham Road, Gymea.

Mr David Wenkart          PLN040-19 - Exhibition of Draft Amendment to SSLEP 2015 – Local Heritage Listing of 65 Hotham Road, Gymea.

**Minute No: 323****CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Simpson/Councillor Riad)

That the Minutes of the Ordinary Council held on Monday 18 November 2019, being Minutes Numbered 284-321 inclusive, be and are hereby confirmed as a correct record.

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

**Minute No: 324****Procedural Motion****To Bring Forward Consideration of PLN040-19**

RESOLVED: (Councillor Simpson/Councillor Riad)

That item PLN040-19 be brought forward as the next item of business.

**Minute No: 325****PLN040-19****Exhibition of Draft Amendment to Sutherland Shire Local Environmental Plan 2015 - Local Heritage listing of 65 Hotham Road Gymea  
File Number: 2018/319322**

MOTION: (Councillor Johns/Councillor Riad)

THAT:

The report be received and noted.

AMENDMENT: (Councillor Plibersek/Councillor McLean)

THAT:

1. Council proceeds with the heritage listing of 65 Hotham Road Gymea, by requesting the Department of planning, Industry and Environment to make the amendment to Sutherland Shire Local Environmental Plan 2015 as exhibited in the Planning Proposal, thereby adding 65 Hotham Road Gymea to Schedule 5 Environmental Heritage and amending the Heritage map.
2. Council determines that a public hearing is not warranted because the public views have been clearly articulated within the submissions received and Council has the benefit of heritage reports prepared for Council and by the land owner.

The Amendment on being put to the meeting was carried to become the Motion.

**A Division was requested on the Amendment and the following votes were recorded:****In Favour** of the Amendment were Councillors Forshaw, Provan, Boyd, Plibersek, Croucher, Steinwall, McLean and Scaysbrook.**Against** the Amendment were the Mayor, Councillor Pesce, together with Councillors Simone, Johns, Nicholls, Riad and Simpson.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 Motion and the following votes were recorded:**

**In Favour** of the Motion were Councillors Forshaw, Provan, Boyd, Plibersek, Croucher, Steinwall, McLean and Scaysbrook.

**Against** the Motion were the Mayor, Councillor Pesce, together with Councillors Simone, Johns, Nicholls, Riad and Simpson.

**Resumption of Standing Orders**

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

**Minute No: 326****GOV035-19                      Revenue Management Policies****File Number: 2017/278520**

RESOLVED: (Councillor Johns/Councillor Plibersek)

THAT:

1. The report on Revenue Management Policies be received and noted.
2. The results of the community engagement associated with the draft Debt Recovery & Hardship Policy and the draft Pensioner Rates Policy be noted.
3. The draft Debt Recovery & Hardship Policy and the draft Pensioner Rates Policy be adopted by Council.
4. That a report on the interest rate to be applied to overdue rates and charges for 2020/21 be prepared for the consideration of Council as part of the draft Operational Plan 2020/21 process.
5. The Operational Plan prepared for financial year 2020/2021 models an overdue rates and charges rate set at a maximum of 3%.

**Minute No: 327**

**GOV036-19                    Rescission of "Councillor Voting at Local Government NSW Conferences Policy"**  
**File Number: 2015/214472**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

The 'Councillor Voting at Local Government NSW Conferences Policy' be rescinded.

**Minute No: 328**

**GOV037-19                    Council Submission to the Office of Local Government: New Risk Management and Internal Audit Framework for Local Councils**  
**File Number: 2019/329758**

RESOLVED: (Councillor Johns/Councillor Croucher)

THAT:

1. The Report "Council Submission to the Office of Local Government: New Risk management and Internal Audit Framework for Local Councils" be received and noted.
2. The draft submission to the Office of Local Government (attached at **Appendix A**) be endorsed subject to the following additions being included in the submission:

*2. Level of remuneration of ARIC Members [p4 of submission]*

...

*Based on the level of proposed fees, Council would incur an additional cost of \$25,349 p.a or \$253,490 over its ten year Long Term Financial Plan in fees paid to independent ARIC members, assuming a five person ARIC with all independent members is required.*

*3. Creation of the position of a senior stand-alone Chief Audit Executive [p4 of submission]*

...

*In relation to the additional cost associated with this role, assuming a part-time C-Suite level Chief Audit Executive (at approximately \$200,000 p.a. on a full time basis) is required at 50% of a full time equivalent, Council would incur an additional cost of approximately \$100,000 p.a. or \$1,000,000 over its ten year Long Term Financial Plan.*

**Minute No: 329**

**SER015-19                      Collection Management Policy Review**  
**File Number: 2015/215443**

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

RESOLVED: (Councillor Simpson/Councillor Riad)

THAT:

The Collection Management Strategy and Local Studies Collection Development Policy be rescinded and the Collections Management Policy be adopted by Council.

Councillor Forshaw returned to the Meeting (7:39pm).

**Minute No: 330**

**SER016-19                      Proposed Release of Easement - 5 Production Road, Taren Point**  
**File Number: 2019/337167**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. The release of east west drainage easement within 5 Production Road, Taren Point (Lot 2 DP 223704) be approved at terms and conditions to the satisfaction of the Chief Executive Officer.
2. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700), Manjeet Grewal, Council's Chief Executive Officer execute any necessary documentation to give effect to this resolution.

**Minute No: 331**

**INF021-19                      Major Infrastructure Projects Review**  
**File Number: 2015/44222**

RESOLVED: (Councillor Nicholls/Councillor Riad)

THAT:

1. The report major infrastructure projects review be received and noted

2. The Shire Infrastructure and Public Domain committee receive a report on the funding of the below items to the Sutherland School of Arts upgrade project, including:
  - a. a new box office
  - b. north courtyard upgrade
  - c. north courtyard water proof cover
  - d. curtains in the auditorium
  - e. improved front of house light fittings
  - f. new front facade awning and front door
  - g. advertising banners on the front of building

**Against** the Resolution was Councillor Simpson.

**Minute No: 332**

**PLN039-19**

**Results of Exhibition of Draft Local Strategic Planning Statement**

**File Number: 2019/348519**

RESOLUTION: (Councillor Riad/Councillor Simpson)

THAT:

1. The draft Local Strategic Planning Statement be amended in response to the feedback from the community and stakeholders as documented in Appendix A, plus the following amendments:
  - a. Include a statement clarifying that the owners of land currently zoned 'future urban' under Sutherland Shire Local Environmental Plan 2000 in west Menai would need to undertake the work required to justify changing the zoning of this land if its development potential is to be expanded;
  - b. The suburb 'Sandy Point' be added to maps in the document as appropriate.
2. Council base its 6 - 10 year housing supply target on delivering 3,800 dwellings.
3. The Stage 1 refresh of Sutherland Shire Local Environmental Plan 2015 be carried out in the first half of 2020 to better align the planning framework with the South District Plan and the Local Strategic Planning Statement. This amendment will included the following elements:
  - a. provisions to give effect to the Green Grid;
  - b. removal of unnecessary requirements relating to risks at ANSTO;
  - c. remove the flood risk maps from the LEP with the most up to date flood risk information being contained in the Development Control Plan;
4. The Stage 2 review of Sutherland Shire Local Environmental Plan 2015 be carried out in the first half of 2021 to align the planning framework with the South District Plan and the Local Strategic Planning Statement. This amendment will be informed by the following:
  - a. preparation and adoption of the Local Housing Strategy;



- b. place based planning of the Sutherland /Kirrawee and Miranda Strategic Centres to explore ways to grow jobs and housing; and
- c. a strategic review of the employment zones to remove barriers to innovation and employment growth.

**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 Forshaw, Provan, Simone, Boyd, Plibersek, Croucher, Nicholls, Steinwall, McLean, Scaysbrook, Riad and Simpson.

**Against** the Resolution was Councillor Johns.

**Minute No: 333**

**PLN041-19                      Quarterly Report Clause 4.6 Variations Register (July to September 2019)**  
**File Number: 2015/25877**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

The quarterly report on Clause 4.6 Variation for 1 July 2019 to 30 September 2019 be received and noted.

**Minute No: 334**

**PLN042-19                      Sutherland Shire Local Planning Panel - Lodgement of Disclosures of**  
**Interest and Other Matters in Written Returns for the Period 01 July 2018**  
**to 30 June 2019**  
**File Number: 2018/320336**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

The report "Sutherland Shire Local Planning Panel Lodgement of Disclosures of Interest and Other Matters in Written Returns for the Period 01 July 2018 to 30 June 2019" be noted and accepted as tabling these returns in accordance with Code of Conduct for Local Planning Panel Members.

**Minute No: 335****PLN043-19****Exhibition Results From Wattlebird Bushland Reserve****File Number: 2019/334055**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. Council formally request Parliamentary Counsel prepare and make a legal instrument to implement the Planning Proposal to amend Sutherland Shire Local Environmental Plan 2015 in relation to the zoning of 153R Gannons Road, Caringbah (Lot 108 DP 5179), known as Wattlebird Reserve.
2. On receipt of the Opinion of the Parliamentary Counsel's Office that the legal instrument can be made, in accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700), Manjeet Grewal, Council's Chief Executive Officer execute any necessary documentation to give effect to this resolution.

**Minute No: 336****COR055-19****Appointment of Event Producer for the 2020 Fire Stories Event****File Number: 2015/30682**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. Council receive and note the report on the appointment of a producer for the 2020 Fire Stories – Country, Clan and Culture event.
  2. In accordance with section 55(3)(i) of the Local Government Act 1993, Council delegate to the Chief Executive Officer the authority to negotiate directly and enter into a contract with Gill Minervini Creative to the value of up to \$247,051 (including GST) for the provision of services to direct and produce the 2020 Fire Stories – Country, Clan and Culture, for the following extenuating circumstances:
    - a. uniqueness of the event being curated;
    - b. lack of suppliers with demonstrated capability delivering large scale events in collaboration with First Nation communities;
    - c. the associated cost burden of proceeding to tender to arrive at the same outcome.
  3. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700) Manjeet Grewal, Council's Chief Executive Officer, execute any necessary documentation to give effect to this resolution.
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**Minute No: 337**

**COR056-19                    Options for Beach Property Minding Service**  
**File Number: 2015/41539**

RESOLVED: (Councillor Johns/Councillor Simone)

THAT:

1. The report on options for Beach Property Minding Service be received and noted.
2. Community and stakeholder engagement be undertaken over the 2019/2020 summer period to gauge user interest in the types and locations from which a beach property minding service could be delivered.
3. A further report that draws on the results of the community engagement, input from the Bate Bay surf clubs and NSW Police, outlines the service options for a beach property minding service, discusses the merits and limitations of each, be presented to Council by mid-2020.
4. Council concurrently seeks expressions of interest from external providers for this summer season.

**Minute No: 338**

**COR057-19                    Monthly Investments Report - November 2019**  
**File Number: 2019/349136**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

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

**Minute No: 339**

**COR058-19**

**Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 29 November 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 29 November 2019, attached as Appendix A, be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 29 November 2019, attached as Appendix B, be adopted.
3. That the Minutes of the Consultative Traffic Forum Meeting held on 29 November 2019 be accepted as a correct record subject to an amendment to reflect that Councillor Croucher was an apology.

**Minute No: 340****MOT034-19****Request for Tree Removal - 92 Kingswood Road, Engadine****File Number: 2019/347768**

MOTION: (Councillor Pesce/Councillor Provan)

THAT:

1. Council receives a report at its next meeting on the request from Adam and Rochelle Brien for the removal of a tree located in the rear yard of 92 Kingswood Road, Engadine.
2. The report includes:
  - a. Details of the request and the reasons for seeking removal;
  - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
  - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
  - d. Recommendations for the management of the tree.

AMENDMENT: (Councillor Johns / Councillor Simone)

THAT:

Council grants approval for the removal of the large Scribbly Gum tree located adjacent to the rear boundary of 92 Kingswood Road, Engadine and replaces it with 4 appropriate trees.

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

**Against** the Amendment were Councillors Forshaw, Boyd, Plibersek, Nicholls, Steinwall, McLean, Scaysbrook and Simpson.

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

**Minute No: 341**

**MOT035-19 Request for Tree Removal - 22 Oyster Bay Road, Oyster Bay**  
**File Number: 2018/324574**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT:

1. Council receives a report at its next meeting, on the request from Carolyn Delaney and Kimean Delaney for the removal of a tree located at 22 Oyster Bay Road, Oyster Bay referred to in Tree Assessment Application No. eTP16/0950.
2. The report includes:
  - a. Details of the request and the reasons for seeking removal;
  - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
  - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
  - d. Recommendations for the management of the tree.
3. Council Officers organise a site inspection for and provide a report to all interested Councillors for this tree removal request.

**Minute No: 342**

**MOT036-19 Request for Tree Removal - Eugenia Street, Loftus**  
**File Number: 2018/324574**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. Council receives a report at its next meeting, on the request from Matthew Miller for the removal of a street tree located at the end of Eugenia Street, Loftus adjacent to Maandowie Bushland Reserve.
2. The report includes:
  - a. Details of the request and the reasons for seeking removal;
  - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
  - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
  - d. Recommendations for the management of the tree and associated costs.
3. Other residents be consulted on the removal of the tree.
4. Council Officers organise a site inspection for and provide a report to all interested Councillors

for this tree removal request.

Councillor Johns foreshadowed a subsequent motion in relation to MOT036-19 Request for Tree Removal – Eugenia Street, Loftus.

**Minute No: 343**

**BWN023-19 Request for Tree Inspections  
File Number: 2018/324574**

RESOLVED: (Councillor Johns/Councillor Forshaw)

THAT:

It become Council policy that a site inspection be organised for all interested Councillors in relation to requests that are tabled at a Meeting of Council for the potential removal of trees.

**Minute No: 344**

**MOT037-19 Request for Tree Removal - 8 Cormorant Street, Grays Point  
File Number: 2016/254000**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. Council receives a report at its next meeting on the request from Jude Dias for the removal of a tree located outside 8 Cormorant Street, Grays Point.
2. The report includes:
  - a. Details of the request and the reasons for seeking removal;
  - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
  - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
  - d. Recommendations for the management of the tree and associated costs.

**URGENT BUSINESS WITHOUT NOTICE**

**Minute No: 345 Acknowledgement of Rural Fire Service and State Emergency Service Stations within the Sutherland Shire.**

Councillor Simpson requested Business Without Notice concerning the acknowledgement of Rural Fire Service and State Emergency Service Stations within the Sutherland Shire be considered as a matter of urgency.

RESOLVED: (Councillor Simpson / Councillor Riad)

That permission be granted to bring forward Business Without Notice regarding the acknowledgment of Rural Fire Service and State Emergency Service Stations within the Sutherland Shire.

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

**Minute No: 346**

**BWN022-19            Acknowledgement of Rural Fire Service and State Emergency Service  
Stations within the Sutherland Shire.**

**File Number: 2018/327340**

RESOLVED: (Councillor Simpson/Councillor Riad)

THAT:

1. Council writes to all Rural Fire Service and State Emergency Service Stations within the Local Government Area of the Sutherland Shire and thank them for their continuing work that they have already carried out this year and all the work that they will do over the Christmas period.
2. Council wishes them and their families a safe and happy Christmas.

**Personal Statement by Councillor Croucher**

Councillor Croucher made a personal statement in relation to Councillor Plibersek's previous comments during the meeting concerning tree removal requests made direct to Councillors, stating that Councillor Plibersek had raised the possibility that some residents may be misleading Councillors over the danger of certain trees in order to gain approval to remove them.

Councillor Croucher specifically referenced a previous report to Council (COR034-19 – Minute No. 210) being a resident's request for the removal of a tree adjacent to 3 Caroline Street, Oyster Bay.

Councillor Croucher advised Council that he had personally inspected the tree in question, that his photographs were recent, the citizens of the community had acted with integrity and he confirmed that there had been no deception.



The Meeting closed at 8:39pm.