

Council



Minutes of the Council Meeting of Sutherland Shire Council, held in the Administration Centre, Eton Street, Sutherland on Monday, 19 October 2015 commencing at 6.43 pm

PRESENT: The Mayor, Councillor Pesce, together with Councillor Awada, Councillor Blight, Councillor Cook, Councillor Croucher, Councillor Johns, Councillor Riad, Councillor Scaysbrook, Councillor Schreiber, Councillor Simpson, Councillor Steinwall, Councillor Towell, Councillor Walton and Councillor Williams.

Staff in attendance were the General Manager, Deputy GM/Director Commercial Operations, Director Corporate Services, Director Shire Infrastructure, Director Planning and Environment, Manager Environmental Planning (Mark Carlon), Manager Communications and Events (Kathryn Lord), Manager Environment Health and Regulation (Brett Richardson), Traffic and Transport Manager (Bruce Powe), Senior Project Manager Civil (Peter Warren), Manager Administration and Risk (Todd Hopwood), Governance Manager (Samantha Charlton) and Supervisor Governance Support (Rachael Zhura).

Opening of the Meeting with Prayer

The Meeting was opened with prayer by Pastor Manfred Yew of Heathcote Engadine Baptist Church.

Acknowledgement of Country

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

Disclosures of Interest File Number: 2015/14239

Councillor Awada declared a pecuniary interest in the following matters:

DAP039-16 Construction of an Industrial Warehouse Building
with Gymnasium, Childcare Centre and Food
Shop - Macmahon Place, Menai
File Number: DA14/1410

And

CAL007-16 Priority of Access Report Within Early
Education - Alternative Enrolment Processing

Options For Some Locations
File Number: 2015/106760

advising that he owns and operates childcare centres.

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

FAS008-16 Family Day Care Fees and Charges Schedule
File Number: 2015/42178

advising that he owns and operates childcare centres.

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

CCL019-16 Proposed Scylla Bay Oval Amenities Building
(including Clubhouse) Location Assessment
File Number: 2015/218772

advising that the report relates to Scylla Bay Oval, a field and facility also used for cricket. He is an executive on SSJCA.

Councillor Croucher advised that the conflict is not significant as the report is not concerning matters that have an impact on cricket.

Special Disclosures of Pecuniary Interests

In relation to the following items, the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams made a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* advising that they, or persons they are associated with or related to, own properties within the Shire.

Each special disclosure of pecuniary interest has been made in the form set out in Schedule 3A of the *Local Government (General) Regulation 2005* and these forms have been included in Council's public Pecuniary Interest Register.

It is noted that Councillors who make a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* are not required to leave the meeting whilst the matter is being considered or discussed or voting on any question in relation to the matters.

DAP035-16 SSLEP2015 Amendment 4
File Number: 2015/220811

And

DAP036-16 SSLEP2015 Amendment 4: Special Uses -
Schools

File Number: 2015/220811

And

DAP040-16 SSLEP2015 Draft Amendments Affecting Low
Density Residential Zones - Amendment 4
File Number: 2015/220811

Min No: 247 APOLOGY:

RESOLVED: (Councillor Williams/Councillor Schreiber)
That an apology tendered on behalf of Councillor Provan be accepted and leave of absence granted.

Min No: 248
CCL014-16 Confirmation of Minutes of Council Meeting
held on Monday 21 September 2015
(Minutes Numbered 187 to 234 inclusive)

RESOLVED: (Councillor Simpson/Councillor Awada)
That the Minutes of the Council Meeting held on 21 September 2015, being Minutes Numbered 197 to 234 inclusive, be and are hereby confirmed as a correct record.

Min No: 249
CCL015-16 Confirmation of Minutes of Special Council
Meeting held on Monday 28 September 2015
(Minutes Numbered 235 to 241 inclusive)

RESOLVED: (Councillor Simpson/Councillor Schreiber)
That the Minutes of the Special Council Meeting held on 28 September 2015, being Minutes Numbered 235 to 241 inclusive, be and are hereby confirmed as a correct record.

Min No: 250
CCL016-16 Confirmation of Minutes of Special Council
Meeting held on Tuesday 6 October
(Minutes Numbered 242 to 246 inclusive)

RESOLVED: (Councillor Johns/Councillor Awada)
That the Minutes of the Special Council Meeting held on 6 October 2015, being Minutes Numbered 242 to 246 inclusive, be and are hereby confirmed as a correct record.

Min No: 251 Suspension of Standing Orders

RESOLVED: (The Mayor, Councillor Pesce)

That Standing Orders be suspended to allow a presentation to Councillor Johns.

Presentation of Emeritus Mayor

Councillor Johns was presented a certificate for his award as Emeritus Mayor by the Mayor, Councillor Pesce.

Resumption of Standing Orders

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

Min No: 252

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

Min No: 253

DAP034-16

**Listing of undetermined Matters Before the
Land and Environment Court for the
Period 1 to 28 September 2015
File Number: 2015/207468**

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the Tables appended to the report by the Acting General Counsel relating to matters undetermined and determined in the Land and Environment Court, for the period 1 to 28 September 2015, be received and noted.
2. That in respect to those matters listed in Table A, Council's legal representatives be authorised to either commence or continue appropriate legal proceedings to ensure "best interest" outcomes are achieved for Council.

Min No: 254

DAP035-16

**SSLEP2015 Amendment 4
File Number: 2015/220811**

***** Special Disclosures of Pecuniary Interests**

In relation to the following item, the Mayor, Councillor Pesce, together with Councillors Awada,

Blight, Cook, Croucher, Johns, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams made a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* advising that they, or persons they are associated with or related to, own properties within the Shire.

RESOLVED: (Councillor Blight/Councillor Johns)

1. That the Environmental Planning Unit focus on those changes to Sutherland Shire Local Environmental Plan 2015 identified as Stage 1 amendments in Table 1 with these matters being reported to Council prior to the Christmas recess and the resultant Planning Proposal being submitted to the Department of Planning and Environment for Gateway Determination to facilitate a public exhibition early in 2016.
2. That the items on the work program of the Environmental Planning Unit which have been identified as being of low priority in Table 2 be removed from the work program to facilitate the completion of higher priority projects.
3. That the Environmental Planning Unit focus on the High priority projects as identified in Table 2 over 2016.
4. That in regard to item 26 in Table 1, being the potential expansion to the Taren Point Bulky Goods Precinct, a meeting is to be arranged with landowners within the next month with the intention of this matter being report to Council before Christmas so that it can be included in the Stage 1 amendment to the LEP.
5. That in regards to item 33 in Table 1, being potential changes to the planning framework as is affects Inaburra School, Bangor, that no further action be taken due to the school being a land locked site where its operation currently results in traffic congestion and amenity impacts on surrounding residents.
6. That the Public Art be classified as a medium priority key project and is to remain on the work program of the EPU.

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 Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 255

DAP036-16

SSLEP2015 Amendment 4: Special Uses - Schools

File Number: 2015/220811

***** Special Disclosures of Pecuniary Interests**

In relation to the following item, the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams made a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* advising that they, or persons they are associated

with or related to, own properties within the Shire.

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That Jannali East Parents and Citizens Association and the NSW Department of Education and Communities be requested to prepare a Planning Proposal, supported by the necessary investigations and studies, including an assessment of bushfire risk, in order to rezone part of Jannali East Public School for residential development.
2. That the SSLEP2015 Height Map be amended to increase the maximum permissible height to 12m for land zoned SP2 Infrastructure (Educational Establishment) and land zoned SP2 Infrastructure (Educational Establishment/ Place of Public Worship), where the height limit as shown on the SSLEP2015 Height Map is less than 12m. The affected lots are identified in Appendix A.
3. That no further action be taken in regards to land owned by Inaburra School in Bangor.
4. That these amendments be prepared as a Planning Proposal and submitted to NSW Planning for Gateway Determination in order to allow the proposal to be publicly exhibited.

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 Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 256

DAP037-16

Rezoning of Land at Heathcote Ridge/West Menai

File Number: 2015/46194

RESOLVED: (Councillor Riad/Councillor Simpson)

1. That the report Rezoning of land at Heathcote Ridge/West Menai be received and noted.
2. That a further report be provided on the implications of the rezoning in regard to the need for amendments to Council's Development Control Plan, Section 94 Plans, and any other Council infrastructure or service related issues.
3. That the Department of Planning be requested to provide a map that clearly shows the location of the sites to those residents who attended the community consultation sessions.
4. That a council briefing be held to address the issues in regards to the planning for the new community.
5. That Council endorse in principle the transfer of planning controls for the recently rezoned land at West Menai from Sutherland Shire Local Environmental Plan 2006 into Sutherland Shire Local Environmental Plan 2015, in a manner that makes the controls for this land

consistent with similar locations in the west of the Shire. This would include rezoning the land from R2 Low Density Residential to E4 Environmental Living and adopting the height, floor space, landscaped area and lot size controls that accompany the E4 zone.

6. That the transfer of planning controls for the land in West Menai into Sutherland Shire Local Environmental Plan 2015 be prepared for submission to the Department of Planning and Environment for Gateway Determination along with the High priority projects as identified in Table 2 of report DAP035-16 during 2016.

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 Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 257

DAP038-16

Review of Outstanding Matters

File Number: 2015/700

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the Outstanding Matters report of the Development Assessment and Planning Committee be received and noted.
2. That the following item be removed from the Development Assessment and Planning Committee Outstanding Matters Report:

29/06/2015

Minute No. 907

DAP114-15

Review of Sutherland Shire LGA Bush Fire
Prone Land Map
File Number: 2015/87253

Min No: 258

DAP039-16

**Construction of an Industrial Warehouse
Building with Gymnasium, Childcare Centre
and Food Shop - Macmahon Place, Menai
File Number: DA14/1410**

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

RESOLVED: (Councillor Simpson/Councillor Schreiber)

That pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. DA14/1410 for Construction of an Industrial Warehouse Building with Gymnasium, Childcare Centre and Food Shop at Lot 1 DP 865082 12-16

Macmahon Place, Menai is recommended for approval by the granting of the deferred commencement development consent as specified in Appendix "A" of the Staff's assessment report (IHAP003-16), with the inclusion of the following amendments as outlined in the IHAP recommendation:

Condition 5

D. After Occupation

i) A request for release of the bond may be made to Sutherland Shire Council after all works relating to the trunk drainage system has been completed. Such a request must be submitted to Council on the Bond Release Request Form signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

Condition 29 B

2. To ensure all acoustic work has been completed, certification shall be provided (within 12 weeks of commencement of the child care centre and it's full occupancy of 100 children), accompanied with evidence in the form of a report from a suitably qualified practicing acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the development consent and the Noise Impact Assessment carried out by Acoustic Logic dated 10 December 2014. The report shall include all post construction validation test results.

If the post construction validation test results demonstrate that the development does not comply with the noise criteria stipulated in this development consent, then the applicant shall ensure that the development is carried out in an alternate way, such that the criteria is complied with. The cost of the Acoustic Engineer in carrying out the post construction validation results referred to in the condition are to be borne by the applicant. A copy of the report is to be provided to Council.

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 Blight, Cook, Croucher, Johns, Riad, Scaysbrook Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Councillor Awada returned to the Meeting at this stage.

Min No: 259

DAP040-16

**SSLEP2015 Draft Amendments Affecting Low
Density Residential Zones - Amendment 4
File Number: 2015/220811**

***** Special Disclosures of Pecuniary Interests**

In relation to the following item, the Mayor, Councillor Pesce, together with Councillors Awada,

Blight, Cook, Croucher, Johns, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams made a special disclosure of pecuniary interest under sections 451 (4) and 451 (5) of the *Local Government Act 1993* advising that they, or persons they are associated with or related to, own properties within the Shire.

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That with respect to the land within Gynea Bay, Yowie Bay and Miranda bounded by Kimberly Place, Burnarba Road, Forest Road South, Nabiac Avenue, Forest Road and Kiora Road, it is recommended that there is a change to SSLEP2015 and that the area is zoned E4 Environmentally Sensitive Land.

2. That the SSLEP2015 Clause 4.3(2C) be amended allow two storey rear dual occupancy development and the reference to the R3 Medium Density Residential zone be deleted:

(2C) Despite subclauses (2) and (2A), the maximum height for a rear dwelling that is part of a dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone E3 Environmental Management and Zone E4 Environmental Living is 5.4 metres if the lot has only one road frontage.

3. That the SSLEP2015 Additional Permitted Uses provision 27 be amended as follows:

27 Use of certain land in Zone E3 Environmental Management

- (1) This clause applies to land shown edged heavy red and identified as "Area B" on the Additional Permitted Uses Map.*
 - (2) The erection of a Dual occupancy development under this clause is permissible with development consent if:*
 - (a) one of the dwellings is a lawfully constructed dwelling on the foreshore area, and*
 - (b) that dwelling has been in existence for at least 3 years before the commencement of this Plan, and*
 - (c) the consent authority is satisfied that the dwelling forms part of the existing character of the waterfront.*
 - (3) The erection of a new dwelling that forms part of a dual occupancy on the foreshore area is prohibited.*
4. That the SSLEP2015 be amended to permit semi-detached dwellings in the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential as a use permitted with development consent.
 5. That the SSLEP2015 be amended to prohibit *semi-detached dwelling* in the B2 Local Centre zone.
 6. That the SSLEP2015 be amended to prohibit *attached dwellings* in the B3 Commercial Core and B4 Mixed Use zones.
 7. That the SSLEP2015 be amended to permit the strata subdivision of existing dual occupancies in the E3 Environmental Management Zone and E4 Environmental Living Zones by including the following enabling provision in the LEP:

Despite clauses 4.1, 4.1A and 4.1B, development consent may be granted for the strata subdivision of a lawfully constructed dual occupancy development, in existence at the

commencement of this plan, in Zone E3 Environmental Management and Zone E4 Environmental Living.

8. That the SSLEP2015 be amended to rezone 48-50 Clio Street, Sutherland to R4 High Density Residential with a maximum permissible height limit of 13m and FSR of 1:1 and the SSLEP2015 Lot Size Map be amended accordingly.
9. That these amendments be prepared as a Planning Proposal and submitted to NSW Planning for Gateway Determination in order to allow the proposal to be publicly exhibited.

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 Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 260

DAP041-16

**Adequacy of the Regulation of Short Term
Rental Accommodation
File Number: 2015/87233**

RESOLVED: (Councillor Johns/Councillor Riad)

That the difficulties in regulating short term rental accommodation are noted and that this report form the basis for a submission to the Committee on Environment and Planning of the NSW Legislative Assembly.

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 Awada, Blight, Cook, Croucher, Johns, Riad, Scaysbrook Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 261

FAS002-16

**Minutes of the Meeting of the Directors
of Sutherland Shire Council held in the
General Manager's Meeting Room,
Sutherland on Tuesday, 6 October 2015
(DMC038-16 to DMC047-16)
File Number: 2015/217155**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Report and Minutes of the Meeting of Directors held on 6 October 2015 be received and noted.

Min No: 262
FAS003-16 **Cash Payments & Investments Report –**
August 2015
File Number: 2015/219715

RESOLVED: (Councillor Johns/Councillor Simpson*)
 That the information concerning Bank Balances and Investments held as at 31 August 2015, be received and noted.

Min No: 263
FAS004-16 **Review of Outstanding Matters**
File Number: 2015/676

RESOLVED: (Councillor Johns/Councillor Simpson*)
 That the Outstanding Matters Report of the Finance and Strategy Committee be received and noted.

Min No: 264
FAS005-16 **Minutes of the Ordinary Meeting of the**
Southern Sydney Regional Organisation
of Councils (SSROC) held at Leichhardt
Council Chambers on Thursday,
3 September 2015
File Number: 2015/4291

RESOLVED: (Councillor Johns/Councillor Simpson*)
 That the Minutes of the Ordinary Meeting of the Southern Sydney Regional Organisation of Councils (SSROC) held at Leichhardt Council Chambers on Thursday, 3 September 2015 be received and noted.

Min No: 265
FAS006-16 **Lodgement of Disclosure of Interest**
Returns for Councillors and Designated
Persons Pursuant to Section 449 of the
Local Government Act, 1993 for the Period
1 July 2014 to 30 June 2015
File Number: 2015/216677

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Report entitled "Lodgement of Disclosure of Interest Returns by Councillors and Designated Persons pursuant to Section 449 of the Local Government Act 1993 for the period 1 July 2014 to 30 June 2015", be received and noted.

Min No: 266

FAS007-16

Standing Committee Charters and Delegations

File Number: 2015/937

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Charters and Delegations for the Finance and Strategy Committee, Environmental Health and Regulation Committee, Infrastructure and Projects Committee, and Community and Lifestyles Committees attached to this report be adopted.

Min No: 267

FAS008-16

Family Day Care Fees and Charges Schedule

File Number: 2015/42178

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

RESOLVED: (Councillor Johns/Councillor Williams)

That the proposed Fees and Charges for Sutherland Shire Council Family Day Care, to commence from the 26 October 2015, be adopted.

Councillor Awada returned to the Meeting at this stage.

Min No: 268

EHR022-16

Briefing by Managers

File Number: 2015/25980

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Briefing by Managers report be received and noted.

Min No: 269

EHR023-16

**Proposal To Create And Renew Free
Parking Areas Within Sutherland Shire**

**File Number: 2015/34504, 2015/34305,
2015/3429, 2015/34400**

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That pursuant to Section 650(6) of the Local Government Act, 1993, an agreement be

entered into, subject to terms acceptable to the General Manager, between Council and the management of the respective organisations listed below, so as to set aside a total of approximately 269 car parking spaces as 'Free Parking Areas', as defined in the Local Government Act, 1993;

- i. McDonalds Restaurant cnr Princes Highway & Heathcote Road, Heathcote Lot 2 DP 549778 and Lot 3 DP 230603 41 spaces.
 - ii. McDonalds Restaurant cnr Princes Highway & Mianga Avenue, Engadine Lot 2 DP 884104 32 spaces.
 - iii. A Favalaro Engadine Family Medical Practice 1-3 Station Street, Engadine Lot 1 DP 660339 10 spaces.
 - iv. Palumbo Custodians Pty Ltd (KFC), 642-656 The Kingsway, Miranda Lot 1 DP 218682 18 spaces.
 - v. A & A Lederer Pty Ltd (Parkside Plaza Shopping Complex) Wandella Road, Miranda Lot 12 DP 602039 168 spaces.
2. That pursuant to S377 of Local Government Act 1993 the General Manager be authorised to execute the Free Parking Agreements on behalf of Council.
 3. That the General Manager monitor the 'Free Parking Areas' Agreements and determine whether additional parking patrol officers are required in the future to meet the service level of the agreements.

Min No: 270

EHR024-16

Review of Outstanding Matters

File Number: 2015/930

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Outstanding Matters Report of the Environmental Health and Regulation Committee be received and noted.

Min No: 271

EHR025-16

Report on Flooding from Storms in April 2015

File Number: 2015/212597

RESOLVED: (Councillor Blight/Councillor Scaysbrook)

1. That the report "Report on Flooding from Storms in April 2015" in relation to the investigation into the extent of flooding resulting from severe storms in late April 2015 be received and noted.
2. That the highest priority project proposals detailed in the report be advanced for consideration in the 2016/17 infrastructure program.
3. That in consultation with the State Emergency Service council staff develop a general community education program aimed at reducing the risk and consequent damages of localised flooding.

4. That a report be provided regarding options to undertake the works as outlined in the report as soon as possible.
5. That a report be provided by the General Manager on increasing emergency funding to \$1,000,000.

Min No: 272

EHR026-16

**Expedited Assessment Process For Dual
Occupancy Subdivision Following
Amendment 2 of SSLEP 2015
File Number: 2015/224208**

MOTION: (Councillor Simpson/Councillor Schreiber)

That the report "Expedited Assessment Process For Dual Occupancy Subdivision Following Amendment 2 of SSLEP 2015" be received and noted.

AMENDMENT: (Councillor Riad/Councillor Cook)

1. That Council endorse the position that neighbour notification of development applications for dual occupancy subdivision not be required.
2. That Council adopt this position as policy while the draft development control plan is under preparation, and give further consideration, by way of a separate report, to continuing this practice beyond that time.

The Amendment on being put to the Meeting was declared lost.

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

Min No: 273

EHR027-16

**Notification Provisions for Development
Applications Over the Christmas Period
File Number: 2015/66213**

MOTION: (Councillor Blight/Councillor Towell)

That consideration of the report be deferred to the next round of Standing Committees.

AMENDMENT: (Councillor Croucher/Councillor Awada)

1. That for all neighbourhood notifications after 15 December and before 1 January, there be 28 days notice.
2. That there be no allowance for Public Holidays.

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 Awada, Cook, Croucher, Johns, Riad, Walton and Williams.

Against the Amendment were Councillors Blight, Scaysbrook, Schreiber, Simpson, Steinwall and Towell.

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

Min No: 274

IPR002-16

**Report and Minutes of the Meeting of the Sutherland Traffic and Traffic Safety Committee of the Sutherland Shire, held in the Administration Centre, Eton Street, Sutherland on Friday, 2 October 2015 commencing at 8:30 am.
File Number: 2015/2036**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 2 October 2015 be noted.

Min No: 275

IPR003-16

**Report and Minutes of the Meeting of the Consultative Traffic Forum of Sutherland Shire Council, held in the Administration Centre, Eton Street, Sutherland on Friday, 2 October 2015 commencing at 9:45 am.
File Number: 2015/2036**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Minutes of the Consultative Traffic Forum Meeting held on 2 October 2015 be received and noted.

Min No: 276

IPR004-16

**Public Toilets and Related Amenities Cleaning - 2nd Progress Report
File Number: 2015/15914**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the report "Public Toilets and Related Amenities Cleaning - 2nd Progress Report" be received and noted.

Min No: 277
IPR005-16 **2015/2016 Ovals and Playing Fields**
Renovation Program
File Number: 2015/83641

RESOLVED: (Councillor Johns/Councillor Simpson*)
 That the report "2015/2016 Ovals and Playing Fields Renovation Program" be received and noted.

Min No: 278
IPR006-16 **General Handling of Floodlighting**
Complaints at Sports Grounds by Council
Officers
File Number: 2015/78813, 2015/78799

RESOLVED: (Councillor Johns/Councillor Simpson*)
 That the report General Handling of Floodlighting Complaints at Sports Grounds by Council Officers be received and noted.

Min No: 279
IPR007-16 **Acceptance of NSW Transport Grant Funding**
for Priority Boating Infrastructure Projects
File Number: 2015/64884

RESOLVED: (Councillor Johns/Councillor Simpson*)
 1. That the NSW Boating Now grants, as outlined in the report, be accepted.
 2. That pursuant to Clause 400 of the Local Government (General) Regulation, 2005, the below listed document is to be executed under the Common Seal of the Council of Sutherland Shire, subject to the terms and conditions being acceptable to the General Manager, in the presence of the Mayor and General Manager, as each document relates to the business of the Council:

Document:	NSW Boating Now Funding Deed between Transport for NSW and Sutherland Shire Council
Purpose:	Specifies terms under which the NSW Government agrees to provide funding assistance for the various projects detailed in the report
Other Party:	NSW Government as represented by NSW Transport
File No:	fA19809

Min No: 280
IPR008-16 **Captain Cook Drive Upgrade Stage 3 -**
Voting of Funds
File Number: 2015/216388

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That Council receive and note the report.
2. That Council Vote funds to the amount of \$1,182,392 for Captain Cook Drive Upgrade Stage 3 road works.

Min No: 281

IPR009-16

Boat Trailer Parking

File Number: 2015/37195

RESOLVED: (Councillor Croucher/Councillor Riad)

1. That the report on "Enforcement Options for Boat Trailer Parking" be received and noted.
2. That Council by order published in the Gazette declare that the entire Sutherland Shire Local Government Area be a declared an area for the purpose of administering Section 15A of the Impounding Act 1993.
3. That the Environment, Health and Regulation Group and Traffic and Transport Unit establish a clear policy defining under what circumstances Council would take action to have boat trailers "moved" or impounded. The policy should manage residents concerns and community expectations whilst balancing the current needs of boat owners who currently park their boats on street in the immediate vicinity of their place of residence.
4. That staff investigate and report to council on the option to increase the use of "Motor Vehicle Only" restrictions in areas where this may also be justified.
5. That the report also investigate whether Council can make a submission in regards to amending the legislation to cover other types of trailers.

Councillor Johns left the Meeting at this stage.

Min No: 282

IPR010-16

**Proposed Sylvania High School
Development update**

File Number: 2015/79067

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That a management solution be supported by Council to resolve the Gynea Gorillas' overuse issue at Corea Street Oval through discussions between Council's Sports Services Unit and the Junior Rugby League, rather than entering into an agreement with the Department of Education and Communities (DEC) for use of Sylvania High School.
2. That Council consider redirecting capital funds (\$479,053) to other projects

Min No: 283

IPR011-16

2015/2016 AusLink "Roads to Recovery"

File Number: 2015/11822

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the report 2015/2016 AusLink "Roads to Recovery" on the extended Roads to Recovery Program be received and noted.
2. That the projects listed in Appendix 'A' of this report be adopted as Council's 2015/2016 "Roads to Recovery" Program.
3. That Federal Government AusLink Roads to Recovery funds of \$2,457,891 be voted for the delivery of projects listed in Appendix 'A' of this report from the 2015/2016 Roads to Recovery Program budget.

Min No: 284

IPR012-16

Review of Outstanding Matters

File Number: 2015/725

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the Outstanding Matters Report for the Infrastructure and Projects Committee be received and noted.
2. That the following item be removed from the Outstanding Matters Report:

WKS003-15

Public Toilets and Related Amenities Cleaning - Progress Report

File Number:CM/17/727304

WKS125-15

Captain Cook Drive Widening, Woollooware: Stage 2 completion

WKS142 - 15

Proposed Carpark restrictions, 11-13 Jacaranda Rd, Caringbah

WKS009-16

Feasibility for Council Provision of Boats and Trailer Parking Facility

Min No: 285

IPR013-16

First Progress Report on 2015/2016 Roads

Construction Program, Road Pavement

Rehabilitation Program, Road Pavement

Preventive Maintenance Program and

Footpath Construction Program

File Number: 2015/11799, 2015/220779,

2015/216147, 2015/214040

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the report 'First Progress Report on 2015/2016 Roads Construction Program, Road Pavement Rehabilitation Program, Road Pavement Preventive Maintenance Program and Footpath Construction Program' be received and noted.

Min No: 286

IPR014-16

**Roads and Maritime Services 2015/2016
Block Grant and Repair Program Funding
File Number: 2015/36604 & 2015/36495**

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the 2015 /2016 Roads and Maritime Services Block Grants and Repair Program funding, comprising \$217,000 for Roads Component, \$147,000 for the Supplementary Roads Component, \$520,000 for the Traffic Facilities Component and \$600,000 for the Repair Program (Captain Cook Drive), be accepted.
2. That the General Manager be delegated the authority, pursuant to Section 377 of the Local Government Act, 1993 to execute the grant agreement on behalf of the Council.

Min No: 287

CAL002-16

**Review of Outstanding Matters
File Number: 2015/711**

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the report detailing the Outstanding Matters of the Community and Lifestyles Committee be received and noted.
2. That the following matter be removed from the Outstanding Matters of the Community and Lifestyles Committee:

10/08/2015

MINUTE NO. TBA

LRS016-16 Priority of Access Within Early Education

File Number: 2015/41062

Min No: 288

CAL003-16

**2017 Australian Boys' Interstate Golf
Tournament
File Number: 2015/212722**

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That Council advise Golf NSW that they support in principle hosting the 2017 Boys Interstate Golf Tournament.

2. That Council seek to renegotiate the partner fee with Golf NSW to the satisfaction the General Manager.
3. That Council seek funding assistance through local members to stage this event.
4. That Council work with Golf NSW to develop appropriate accommodation packages for competitors and their families.

Min No: 289

CAL004-16

**Minutes of the Sutherland Shire Youth
Council Meeting held on 13 August 2015 in
the Administration Centre, Eton Street
Sutherland commencing at 7:25pm
File Number: 2015/1924**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the minutes of the meeting of the Sutherland Shire Youth Council held on 13 August 2015 be received and noted.

Min No: 290

CAL005-16

**Further Report - Code of Conduct for
Community Representatives
File Number: 2015/86878**

RESOLVED: (Councillor Johns/Councillor Simpson*)

1. That the report 'Further Report - Code of Conduct for Community Representatives' be received and noted.
2. That the Code of Conduct for Community Representatives be deleted from council's policy register.
3. That correspondence be sent to all community representatives on council committees advising them of the removal of the Code of Conduct for Community Representatives from Council's policy register and advising them that Council's Code of Conduct now applies to their activities as a Committee Member.

Min No: 291

CAL006-16

**Representation on the South Eastern
Sydney Local Health District's Community
Partnerships Board Committee
File Number: 2015/14151**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That the Mayor, Councillor Pesce, be appointed as Council's delegate to the South Eastern

Sydney Local Health District's Community Partnerships Board Committee.

Min No: 292

CAL007-16

**Priority of Access Report Within Early
Education - Alternative Enrolment
Processing Options For Some Locations
File Number: 2015/106760**

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

RESOLVED: (Councillor Steinwall/Councillor Simpson)

That the Council endorse the current enrolment process including the application of sibling preference across all of the 11 centres.

Councillor Awada returned to the Meeting at this stage.

Min No: 293

CCL017-16

**Development Application No. 15/0680,
7 and 9 Acton Street, Sutherland, Called
Up to the Independent Hearing and
Assessment Panel by a Councillor
File Number: DA15/0680**

RESOLVED: (Councillor Johns/Councillor Simpson*)

That Development Application No. 15/0680 for the construction of 24 units containing 17 x 1 bed and 7 x 2 beds, and basement car parking, 7 and 9 Acton Street, Sutherland be referred to the Independent Hearing and Assessment Panel for consideration.

Min No: 294

CCL018-16

**Financial Reports and Audit Report for
Year Ended 30 June 2015
File Number: 2015/215715**

RESOLVED: (Councillor Simpson/Councillor Riad)

1. That the report headed "Financial Reports and Audit Report for Year Ended 30 June 2015" be received and noted.
2. That the Audit Report from PricewaterhouseCoopers for the year ended 30 June 2015 be received and noted.

Min No: 295
CCL019-16

**Proposed Scylla Bay Oval Amenities Building
 (including Clubhouse) Location Assessment
 File Number: 2015/218772**

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

RESOLVED: (Councillor Croucher/Councillor Riad)

1. That the report "Proposed Scylla Bay Oval Amenities Building (including Clubhouse) Location Assessment" be received and noted.
2. That the recommended site location being the eastern side of the oval for the Scylla Bay Oval Amenities Building (including Clubhouse) be endorsed.
3. That support be sought from the State Member of Miranda for Council's application for grant funding under the ClubGRANTS Category 3 program.

Min No: 296

Notice of Alteration

ALT002-16

**Mayoral Minute No. 13/15-16 Representation on Standing
 Committees, Sub Committees and Delegates
 File Number: 2015/218217**

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

MOTION: (Councillor Blight/Councillor Awada)

It was moved that the following Mayoral Minute No. 13/15-16, Resolution of Council, Minute No. 246, at its Meeting on 06/10/15, be altered:

FROM:

1. That the proposed changes to the sub-committees as listed in the Mayoral Minute be endorsed.
2. That Councillors be appointed to Committees and Sub-Committees and as Delegates as outlined in Attachment 'A' to this report with the following amendments:
 - (a) Councillor Provan to be included as a member of the Hazelhurst Retreat Board and the Commercial Properties Projects Steering Committee.
 - (b) Councillor Cook to be included as a member of the Hazelhurst Retreat Board.
 - (c) Councillor Towell to be included as a member of the Port Hacking Management Panel, the Sports and Active Communities Sub-Committee, the Aboriginal Advisory Sub-Committee, Sutherland Shire Youth Council, the Lucas Heights Waste and Recycling Centre Advisory Committee, the Southern Sydney Regional Organisation of Councils (Non-Voting Alternate Delegate) and the Sutherland Shire Bushfire Advisory Committee.

- (d) Councillor Williams to be included as a member of the Tourism Services Committee and the Cronulla Promotions Limited Board.
 - (e) Councillor Croucher to be included as a member of the RMS Sydney Regional Forum and to be removed from the membership listing for the Sports and Active Communities Sub-Committee.
3. That the Lifestyles Committee be named the Community and Lifestyles Committee.

TO:

- 1. That the proposed changes to the sub-committees as listed in the Mayoral Minute be endorsed.
- 2. That Councillors be appointed to Committees and Sub-Committees and as Delegates as outlined in Attachment 'A' to this report with the following amendments:
 - (a) Councillor Provan to be included as a member of the Hazelhurst Retreat Board and the Commercial Properties Projects Steering Committee.
 - (b) Councillor Cook to be included as a member of the Hazelhurst Retreat Board.
 - (c) Councillor Towell to be included as a member of the Port Hacking Management Panel, the Sports and Active Communities Sub-Committee, the Aboriginal Advisory Sub-Committee, Sutherland Shire Youth Council, the Lucas Heights Waste and Recycling Centre Advisory Committee, the Southern Sydney Regional Organisation of Councils (Non-Voting Alternate Delegate) and the Sutherland Shire Bushfire Advisory Committee.
 - (d) Councillor Williams to be included as a member of the Tourism Services Committee and the Cronulla Promotions Limited Board.
 - (e) Councillor Croucher to be included as a member of the RMS Sydney Regional Forum and to be removed from the membership listing for the Sports and Active Communities Sub-Committee.
 - (f) Councillor Scaysbrook to be included as a member of the Infrastructure and Projects Committee.
- 3. That the Lifestyles Committee be named the Community and Lifestyles Committee.

The Notice of Alteration on being put to the Meeting was carried.

Councillor Johns returned to the Meeting at this stage.

Min No: 297 Business Without Notice

**Naming of New Rural Fire Station at Barden Ridge
File Number: 2015/225006**

Councillor Simpson requested that Business Without Notice concerning Naming of New Rural Fire Station at Barden Ridge be considered as a matter of urgency.

RESOLVED: (Councillor Awada/Councillor Towell)

That permission be granted to bring forward Business Without Notice regarding Naming of New Rural Fire Station at Barden Ridge.

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: 298
BWN003-16**

**Naming of New Rural Fire Station at Barden Ridge
File Number: 2015/225006**

RESOLVED: (Councillor Simpson/Councillor Towell)

That the name of the new rural fire station at Barden Ridge be called Menai Bushfire Brigade, not Menai Bush Fire Brigade.

Min No: 299 Suspension of Standing Orders

RESOLVED: (The Mayor, Councillor Pesce)

That Standing Orders be suspended to welcome the new Director Corporate Services.

Welcome to the New Director Corporate Services

The Mayor, Councillor Pesce, welcomed the new Director Corporate Services, Ms Therese Manns, to Sutherland Shire Council.

Resumption of Standing Orders

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

Min No: 300 CONSIDERATION OF BUSINESS OF CLOSED SESSION (8.36 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 as per the Agenda.

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: (The Mayor, Councillor Pesce)

That in accordance with Section 10(A)(1) of the Local Government Act, 1993 (as amended) the matters listed in the Agenda be considered in Closed Session of Council for the reasons provided.

**IPR001A-16 Captain Cook Drive Upgrade Stage 3 - Award
of Contract Tender Number T0530/15
File Number: 2015/222450**

6. 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: 301

**IPR001A-16 Captain Cook Drive Upgrade Stage 3 - Award
of Contract Tender Number T0530/15
File Number: 2015/222450**

RESOLVED: (Councillor Williams/Councillor Awada)

1. That the report Captain Cook Drive Upgrade Stage 3 - Award of Contract Tender Number T0530/15 be received and noted.
2. That the tender received from Hargraves Urban Pty Ltd (ABN: 96 084 548 434) for Tender Number T0530/15 – Captain Cook Drive Stage 3 Works be accepted and the contract be awarded to Hargraves Urban Pty Ltd (ABN: 96 084 548 434) for the Lump Sum of \$957,191.71 (excl. GST).
3. That pursuant to Clause 400 of the Local Government (General) Regulation 2005, all documentation to effect the acceptance of the tender for Tender Number T0530/15 - Captain Cook Drive subject to the terms and conditions being acceptable to the General Manager, in the presence of the Mayor and the General Manager, as such documentation relates to the business of Council.

The Meeting closed at 8.42 pm.

CONFIRMED:

MINUTE NO: