

Council



Minutes of the Council Meeting of Sutherland Shire Council, held in the Administration Centre, Eton Street, Sutherland on Monday, 15 February 2016 commencing at 6.30 pm

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

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), Acting Manager Governance and Customer Service (Rhonda Bennett), 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 Pastor Mark Coleman of Gynea Baptist Church, Kirrawee.

Disclosures of Interest

File Number: 2015/14239

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

CCL033-16 SITA Consultation Update and Draft VPA
 Amendment
 File Number: 2015/211777

advising that they'll be dealing with areas where money will be spent in Menai and the greater Menai.

He lives in Alfords Point and the SITA money will affect him in the long term as an ageing citizen so he certainly declares that the benefits that will flow from the agreement they strike tonight.

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

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

EHR044-16 SSLEP2015 Amendment 4 - 145 Woronora Road,
Engadine
File Number: 2015/220811

advising that he's met with the Applicant to have the rezoning done on a number of times just as the role of a Councillor.

Councillor Walton advised that the conflict is not significant as it's purely just as his role as a Councillor and there's no monetary gain for him involved at all.

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

CCL033-16 SITA Consultation Update and Draft VPA
Amendment
File Number: 2015/211777

advising that he does live in the area that may be affected by the decision tonight to do with the SITA proposal and the VPA. He'd just like to pretty much say that again, he lives in the area but the issue is that he was also elected to represent the area and get the best for it so it's not just for his own pecuniary interest, or any interest as such, but more the community interest.

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

Min No: 390

**CCL031-16 Confirmation of Minutes of Council Meeting
held on Monday 14 December 2015
(Minutes Numbered 330 to 389 inclusive)**

RESOLVED: (Councillor Schreiber/Councillor Awada)

That the Minutes of the Council Meeting held on 14 December 2015, being Minutes Numbered 330 to 389 inclusive, be and are hereby confirmed as a correct record.

Min No: 391 Mayoral Minute No. 17/15-16
Vale Michael Tynan
File Number: 2015/218217

It is with great sadness that I learned of the passing of Michael Tynan OAM after a long illness. I extend my condolences to his wife Annette, his family, friends, business partners and associates on behalf of the Shire community.

A former Shire President, Michael was an outstanding leader who always had the Sutherland Shire at heart and was prepared to fight for it and its people at every level.

Michael's service to the community was exemplified through 18 years of service as a Councillor and President of Sutherland Shire Council. He was elected to Council in September 1974 and served until September 1991. In this time he held the office of Shire President for four terms 1975/76, 1976/77, 1977/78 and 1988/89.

He gained respect from both friends and political foes for his commitment to ensuring that Sutherland Shire Council was strong and efficient. He led a restructure of Council in 1998, was the driving force behind the upgrade of Sutherland Leisure Centre and strongly supported the Rural Fire Service.

Looking back at historical memos and Council business papers it is clear that Michael led with a firm but fair approach. And his aim was to challenge everyone to work towards a better Sutherland Shire.

Michael established Tynan Motors Group in 1966 which has grown to become one of the Shire's largest employers. He remained passionate about supporting and fostering strong local business in the Shire throughout his life.

As well as his strong leadership, Michael's life was characterised by service to his community. This included service as an NRMA Board Director from 2003 until 2015, undertaking the role of deputy president and head of the finance committee in that time.

He was a champion for, and great supporter of, many local charities, community and sporting groups.

At every level, Michael has undoubtedly left a legacy of dedicated service and confident, compassionate and committed leadership that will be remembered long after his passing.

RESOLVED: (The Mayor, Councillor Pesce)

THAT:

1. The Mayoral Minute be received and noted.
2. A period of silence be held in memory of the late Michael Tynan.
3. Council extend its condolences to Mrs Annette Tynan and family.
4. Council give consideration to the naming of a Sutherland Shire facility in honour of this former long serving councillor and Shire President.

Min No: 392

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

Min No: 393

**FAS032-16 Cash Payments & Investments Report -
November 2015
File Number: 2015/219715**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

That the information concerning Bank Balances and Investments held as at 30 November 2015 be received and noted.

Min No: 394

**FAS033-16 Cash Payments & Investments Report -
December 2015
File Number: 2015/219715**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

That the information concerning Bank Balances and Investments held as at 31 December 2015 be received and noted.

Min No: 395

**FAS034-16 Framework for Internal Business Processes
and Financial Controls for Management of
Funds Under the SITA (Suez) Deed
File Number: 2015/84075**

MOTION: (Councillor Walton/Councillor Blight)

THAT:

1. The "Internal Business Processes and Financial Controls for Management of Funds Under the SITA (Suez) Deed" framework be approved.
2. In lieu of a working party, the matter be discussed on a briefing night.

AMENDMENT: (Councillor Simpson/Councillor Schreiber)

THAT:

1. The "Internal Business Processes and Financial Controls for Management of Funds Under the SITA (Suez) Deed" framework be approved.
2. A working party be established to oversee this matter whose tasks include the delivery of significant projects and timeframes for these projects.
3. A briefing be provided for all interested Councillors at which the fundamentals of the working party will be established.

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 Cook, Croucher, Johns, Provan, Riad, Schreiber, Simpson and Towell.

Against the Amendment were the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Scaysbrook, Steinwall, Walton and Williams.

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 Councillors Cook, Croucher, Johns, Provan, Riad, Schreiber, Simpson and Towell.

Against the Resolution were the Mayor, Councillor Pesce, together with Councillors Awada, Blight, Scaysbrook, Steinwall, Walton and Williams.

Min No: 396

**FAS035-16 Amendment to Proposed Naming of Crown
Reserve Trust at 1R Brighton Street, Bundeena
File Number: 2015/37030**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

THAT:

1. The Crown Land located at 1R Brighton Street, Bundeena, described as Lot 7007 DP 93566 and Lot 7088 DP 93560 be assigned "Berenice Forster Park and Horderns Beach Reserve Trust" as an appropriate reserve trust name.
2. The Crown Lands Division of the NSW Trade and Investment be advised of Council nominated reserve trust name for gazettal.

Min No: 397

**CAL016-16 Live Life Get Active - Ongoing Funding of
Camps
File Number: 2015/40393**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

THAT:

1. \$16,000 +GST be provided from the 2015/16 Budget to Live Life Get Active to conduct 2 x 20 week fitness and well-being programs at Kurnell and Menai in the six months to July 2016 in

order to rectify councils overdue account with Live Life get active organisation.

2. Live Life Get Active fitness camps continue to be funded by council in 2016/17.
3. That a review of the funding for Live Life Get Active be undertaken in 12 months time.

Min No: 398

**EHR043-16 Kareela Flying-fox Camp Update and
Expenditure
File Number: 2015/64733**

RESOLVED: (Councillor Croucher/Councillor Johns)

THAT:

1. Council allocate \$45,000 for 2015-16 to ensure that dispersal remains successful through the implementation of measures as outlined in Option 2 in Table 1.
2. Consideration be given in future budgets to the allocation of \$40,000 per year for 2016-17 and 2017-18 years to continue dispersal.
3. The next review of the s.94 Plan consider the use of s.94 funds to create a reserve at the Kareela flying-fox camp site which would fund significant vegetation rehabilitation and the creation of a community asset through the master planning process.
4. Staff be congratulated for the work that they have undertaken and the outstanding result.

Min No: 399

**EHR044-16 SSLEP2015 Amendment 4 - 145 Woronora
Road, Engadine
File Number: 2015/220811**

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

RESOLVED: (Councillor Provan/Councillor Schreiber*)

That Council adopt the draft amendments as detailed in this report and as shown below as part of Amendment 4 to Sutherland Shire Local Environmental Plan 2015:

That in order to facilitate the successful operation and expansion of the existing child care centre at 145 Woronora Road Engadine; that Lot B DP35768 be zoned SP2 Infrastructure (Child Care Centre) as part of Amendment 4 to SSLEP2015.

Min No: 400

EHR045-16

**Adoption of Dredging Policy - Heads of Bays,
Navigation and Tidal Channels
File Number: 2015/215928**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

THAT:

1. The Dredging Policy - Heads of Bays, Navigation and Tidal Channels be adopted.
2. The policy be amended to take into consideration the dredging of Fishermans Bay, Maianbar and Shackels Estate, Woronora to enable emergency evacuation.
3. The Rural Fire Service be consulted in regards to the necessity to maintain water access through a channel in Fishermans Bay to the Royal National Park in the event of a bushfire emergency. The outcome of which is to be reported to the next round of the Environmental Health and Regulation Committee.

Min No: 401

IPR024-16

**Report and Minutes of the Meeting of the Sutherland
Traffic and Traffic Safety Committee held on Friday,
11 December 2015 commencing at 8.40 am
File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

That the decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 11 December 2015 be noted.

Min No: 402

IPR025-16

Report and Minutes of the Meeting of the

**Consultative Traffic Forum held on Friday,
11 December 2015 commencing at 9.39 am
File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

That the Minutes of the Consultative Traffic Forum Meeting held on 11 December 2015 be received and noted.

Min No: 403

**IPR026-16 Kareela Synthetic Sports Fields - Adoption of
Financial Model
File Number: 2015/86856**

RESOLVED: (Councillor Provan/Councillor Schreiber*)

THAT:

1. The fees for the use of Kareela Synthetic Sports Fields that were placed on public notice under Section 610F of the Local Government Act 1993 be adopted.
2. A further report/briefing on utilisation rates and financial models be provided for the Kareela Synthetic Sports Fields.

Min No: 404

**IPR027-16 Road Pavement Rehabilitation Program -
Pavement Treatment Options
File Number: 2015/12196**

RESOLVED: (Councillor Scaysbrook/Councillor Blight)

THAT:

1. Pavement base course stabilization be adopted as a preferred alternative to deep lift asphalt base where appropriate, and be the subject of a report to Council after twelve months.
2. An extended trial, adopting improved construction management, be implemented to determine whether bitumen chip seal pavement surface course should be used as the preferred surface course for low traffic volume, low speed roads in comparison to asphalt concrete, and be the subject of a report to Council after twelve months.

Min No: 405

**CCL032-16 Development Application No. 15/1437,
Called Up to the Independent Hearing
and Assessment Panel by a Councillor
File Number: DA15/1437**

RESOLVED: (Councillor Walton/Councillor Johns)

That Development Application No. 15/1437 for the construction of a 2 storey, 9 room Boarding House with manager's accommodation, 2 car parking spaces and the removal of 5 trees at 91 Cambrai Avenue, Engadine be referred to the Independent Hearing and Assessment Panel for consideration.

Min No: 406

**CCL033-16 SITA Consultation Update and Draft VPA
Amendment
File Number: 2015/211777**

*** Councillor Simpson and Councillor Towell declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. The General Manager, in consultation with Council's Manager Environmental Science, be delegated the authority to endorse and sign the Response to Submissions as a joint applicant to allow lodgement with the Department of Planning and Environment.
2. The VPA be amended as follows:
 - i. Clause 8.1(a)(ii) of the Voluntary Planning Agreement be amended to refer to the map attached as Appendix A which depicts a shaded area, to be amended to include Heathcote, where 20% of the monetary contributions must be spent.
 - ii. Clause 8.1 be amended to state "8.1 The parties agree that the Monetary Contributions from **Schedule 1A**, *and any interest accrued in relation to those monetary contributions:*" or words to that effect.
3. Council work with the nominated area and in consultation with the community to determine

what community facilities are to be developed for the area.

4. These actions be commenced and finalised within the next Council term.

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, Provan, Riad, Scaysbrook, Schreiber, Simpson, Steinwall, Towell, Walton and Williams.

The decision was unanimous.

Min No: 407

**MOT009-16 2020 Shire Carpark Strategy
File Number: 2016/232267**

RESOLVED: (Councillor Riad/Councillor Simpson)

That Councillors receive a briefing in the first half of 2016 on opportunities to achieve the highest and best use of Council's strategically located car parks in town centres such as Kirrawee, Jannali and Gynea having regard to the future community demand of these parcels of land as an outcome of development opportunities made available under Sutherland Shire LEP 2015.

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, Provan, Riad, Simpson, Towell, Walton and Williams.

Against the Resolution were Councillors Scaysbrook, Schreiber and Steinwall.

Min No: 408

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

Min No: 409 CONSIDERATION OF BUSINESS OF CLOSED SESSION (7.50 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.

**IPR005A-16 Roger Summers Reserve / Brighton Street,
Bundeena Stages 2 & 4 Upgrade
File Number: 2015/223369**

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: 410

**IPR005A-16 Roger Summers Reserve / Brighton Street,
Bundeena Stages 2 & 4 Upgrade
File Number: 2015/223369**

RESOLVED: (Councillor Provan/Councillor Schreiber**)

THAT:

1. The contract for the Roger Summers Reserve / Brighton Street Bundeena Stages 2 and 4 Upgrade be awarded to Brefni Excavation and Earthmoving Pty Ltd (ACN 082 718 983 / ABN 73 082 718 893) for the lump sum of \$1,172,675.87 subject to terms and conditions to the satisfaction of the General Manager, be approved.
2. Pursuant to Clause 400 of the Local Government Regulation 2005, the following documents be executed under the Common Seal of the Council of the Sutherland Shire:

Type of document: Formal Instrument of Agreement for Tender No. T533/15 for the Roger Summers Reserve / Brighton Street, Bundeena Stages 2 and 4 Upgrade

Other Party: Brefni Excavation and Earthmoving Pty Ltd (ACN 082 718 983 / ABN 73 082 718 893)

The Meeting closed at 7.51 pm.

CONFIRMED:

MINUTE NO: