



Minutes

Council Meeting

Monday, 18 November 2019

6:35pm

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

SUTHERLANDSHIRE

PRESENT: The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean (6:52pm), Councillor Nicholls, Councillor Plibersek, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

STAFF IN ATTENDANCE: Chief Executive Officer (Manjeet Grewal), Director Corporate Support (Clare Phelan), Director Shire Planning (Peter Barber), Director Shire Services (Michelle Whitehurst), Director Shire Infrastructure (Peter Hazeldine), Manager Governance Risk and Compliance (Anton Usher), Chief Financial Officer (Mitch Woods), Manager Property Services (Lani Richardson), Manager Business Sport & Community Services (Rebecca Woods), Manager Communications & Engagement (Rebecca Dalton), Acting Manager Project Services (Peter Shields), Team Leader Sport & Community Services (James Jackson), Media & Communications Officer (Jane Dyson), 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 Senior Minister Tom Hargreaves of St John's Sutherland.

Minute No: 284

APOLOGY

RESOLVED: (Councillor Simpson/Councillor Riad)

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

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

Councillor Boyd declared a pecuniary interest in the following item:-

COR008A-19 Update on Supreme Court proceedings – Kingsway Developments Cronulla Pty Ltd
File Number: 2017/268207

advising that he is employed by a law firm that was initially involved with Defendant in this matter and will leave the room when the item is called.

Councillor Forshaw advised he may declare a significant non-pecuniary interest in the following items:-

SER005A-19 Proposal from Woolworths to purchase and develop council carpark - Jannali
File Number: 2015/221307

COR008A-19 Update on Supreme Court proceedings – Kingsway Developments Cronulla Pty Ltd
File Number: 2017/268207

advising that these matters are likely to be determined by the Sydney South Planning Panel and he is a member of that Panel. If the matters are called he may leave the room.

Councillor Plibersek declared a pecuniary interest in the following item:-

SER005A-19 Proposal from Woolworths to purchase and develop council carpark - Jannali
File Number: 2015/221307

advising that he owns shares in Woolworths and will leave the room when the item is called.

Councillor Riad declared a pecuniary interest in the following item:-

SER005A-19 Proposal from Woolworths to purchase and develop council carpark - Jannali
File Number: 2015/221307

advising that his wife's aunt works for Woolworths and will leave the room when the item is called.

Councillor Scaysbrook declared a pecuniary interest in the following item:-

MOT032-19 Woronora Dam Water Catchment
File Number: 2015/843364

advising that he has a commercial connection to a firm that supplies equipment to a mine mentioned in the motion and will leave the room when the item is called.

Councillor Simone declared a pecuniary interest in the following item:-

SER005A-19 Proposal from Woolworths to purchase and develop council carpark - Jannali
File Number: 2015/221307

advising that her husband is dealing with Woolworths and will leave the room when the item is called.

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

COR008A-19 Update on Supreme Court proceedings – Kingsway Developments Cronulla
Pty Ltd
File Number: 2017/268207

advising that her husband uses the same lawyers as the Defendant.

Councillor Simpson advised he may declare a significant non-pecuniary interest in the following items:-

SER005A-19 Proposal from Woolworths to purchase and develop council carpark - Jannali
File Number: 2015/221307

COR008A-19 Update on Supreme Court proceedings – Kingsway Developments Cronulla
Pty Ltd
File Number: 2017/268207

advising that these matters may be determined by the Sydney South Planning Panel and he is a member of that Panel. If the matters are called he may leave the room.

PUBLIC FORUM

There were no registered speakers for the Public Forum.

Councillor McLean arrived during discussion of the following item (6:52pm)

Minute No: 285**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

MOTION: (Councillor Simpson/Councillor Steinwall)

That the Minutes of the Ordinary Council held on Monday 21 October 2019, being Minutes Numbered 262-283 inclusive, be and are hereby confirmed as a correct record. It was noted Councillor Plibersek raised a point of order on 18 November 2019 in relation the Mayor's decision not to allow him to debate the item MOT028-19 (Minute No.278) at the Meeting of 21 October 2019.

AMENDMENT: (Councillor Johns/Councillor Riad)

THAT:

The Minutes of the Ordinary Council held on Monday 21 October 2019, being Minutes Numbered 262-283 inclusive, be and are hereby confirmed as a correct record.

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**).

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

In Favour of the Resolution were Councillors Forshaw, Boyd, Collier, Plibersek, Steinwall, McLean, Scaysbrook and Simpson.

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

Minute No: 286**Procedural Motion****To Bring Forward Consideration of COR051-19**

RESOLVED: (Councillor Pesce/Councillor Simpson)

That item COR051-19 be brought forward as the next item of business.

Minute No: 287**COR051-19****Presentation of Audit Report and 2018/19 Financial Statements****File Number: 2018/310953**

Ms Caroline Karakatsanis, Director Financial Audit, Audit Office of NSW provided a presentation on this matter.

RESOLVED: (Councillor Plibersek/Councillor Croucher)

THAT:

1. The report Audit Report – 2018/19 Financial Statement be received and noted.
2. Council note the receipt of the following reports from the NSW Auditor-General:
 - a) Independent Auditor's Report on the 2018/19 General Purpose Financial Report; and
 - b) Independent Auditor's Report on the 2018/19 Special Purpose Financial Report; and
 - c) Independent Auditors Report on Permissible Income for General Rates; and
 - d) Report on the Conduct of the Audit for the year ended 30 June 2019.
3. Council note the lodgement of the 2018/19 Financial Statements with the NSW Office of Local Government on 24 October 2019.

Resumption of Standing Orders

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

At this time in the Meeting, all open items marked in these minutes with an asterisk were moved in bulk, as shown: "RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)"

Minute No: 288**GOV027-19****Quarterly Budget Review - September 2019****File Number: 2019/353740**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. The report Quarterly Budget Review – September 2019 be received and noted.
2. The proposed variations to the 2019/20 Budget detailed in the attachments to the report Quarterly Budget Review – September 2019 be adopted and the Operational Plan 2019/20 be amended accordingly.

Minute No: 289**GOV028-19****Conduct of the 2020 Sutherland Shire Local Government Elections****File Number: 2019/330818**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. The report "Conduct of the 2020 Sutherland Shire Local Government Elections" be received and noted.
2. The NSW Electoral Commission cost estimate of \$1,226,084 (excluding GST) to conduct the 2020 Council elections be accepted on terms and conditions to the satisfaction of the Chief Executive Officer.
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.
4. Representations be made to Southern Sydney Regional Organisation of Councils (SSROC) and Local Government NSW (LGNSW) seeking advice on their current policy position with respect to election funding and co-sourcing.

Minute No: 290**GOV029-19****Council Meeting Cycle and Schedule Of Council Meeting Dates****File Number: 2015/904**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. Council determine Option 2 as its preferred meeting structure and schedule of meeting dates for Council and Council Standing Committees, for the period 01 January 2020 to 10 September 2020 from the options contained in **Appendix A** of this report.
2. The selected meeting structure and schedule of meeting dates from Appendix A in this report be adopted.

Minute No: 291**GOV030-19****Review of Submissions Process to Other Levels of Government****File Number: 2015/4387**

MOTION: (Councillor Steinwall/Councillor McLean)

THAT:

1. The report on review of submissions process to Other Levels of Government be received and noted.

2. Council notes the timeframes established for submissions to State Government consultation papers and the like are often inadequate, minimising opportunity for thorough consideration of the issues by councils.
3. The CEO write to Local Government NSW, Office of Local Government, Department of Premier and Cabinet, and local State Members seeking their support for minimum consultation periods of 6 weeks to be provided by State Government agencies to support genuine consultation with local government on matters of significance.

AMENDMENT: (Councillor Johns/Councillor Simone)

THAT:

1. The report on review of submissions process to Other Levels of Government be received and noted.
2. Timeframes for consultation should be realistic to allow stakeholders enough time to provide a considered response and should avoid holiday periods and the end of the financial year. The time required will depend on the specifics of the proposal (for example, the diversity of interested parties or the complexity of the issue). However, if it is necessary to consider a proposal promptly, some limitations on the timing and length of consultation may be unavoidable.
3. Involving stakeholders from the earliest possible stage in the policy development process will promote transparent and comprehensive participation.

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 Simone, Johns and Nicholls.

Against the Amendment were Councillors Forshaw, Boyd, Collier, Plibersek, Croucher, Steinwall, McLean, Scaysbrook, Riad and Simpson.

FURTHER AMENDMENT: (Councillor Johns/Councillor Riad)

THAT:

1. The report on review of submissions process to Other Levels of Government be received and noted.
2. Council notes the timeframes established for submissions to State Government consultation papers and the like are often inadequate, minimising opportunity for thorough consideration of the issues by councils.
3. The CEO write to Local Government NSW, Office of Local Government, Department of Premier and Cabinet, and local State Members seeking their support for minimum consultation periods of 6 weeks to be provided by State Government agencies to support genuine consultation with local government on matters of significance.
4. Council adopt this policy for its consultation process.

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

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

In Favour of the Further Amendment were Councillors Johns and Riad.

Against the Further Amendment were the Mayor, Councillor Pesce, together with Councillors Forshaw, Simone, Boyd, Collier, Plibersek, Croucher, 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**).

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

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

The decision was unanimous.

Minute No: 292

**GOV031-19 Community Engagement Policy - Post Exhibition
File Number: 2017/285069**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. Council receive and note the report on the exhibition of the draft Community Engagement Policy; and
2. Council adopt the draft Community Engagement Policy as attached.

Minute No: 293

**GOV032-19 Request for Financial Assistance - Chuo Sister City Youth Exchange
Program
File Number: 2018/321548**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. Council receive and note the report on Request for Financial Assistance – Chuo Sister City Youth Exchange Program.

2. Pursuant to Section 356 of the Local Government Act 1993, provide funding of \$9,000 to Sutherland Shire-Chuo City Committee Inc. to support the Youth Exchange Program.

Minute No: 294

GOV033-19 2019 ARIC Review of Committee Performance
File Number: 2019/332752

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

The report outlining results of the 2019 ARIC Performance Self-Assessment be received and noted.

Minute No: 295

GOV034-19 Minutes of Audit, Risk and Improvement Committee Special Purpose
Finance Meeting
File Number: 2019/332752

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

The minutes of the Special Purpose Meeting of the Sutherland Shire Council Audit, Risk and Improvement Committee held on 15 October 2018 be received and noted.

Minute No: 296

SER011-19 2020 First Encounters Events
File Number: 2015/30682

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. Council approves the 2020 First Encounters Event Program and funding allocations for the six (6) events outlined in the report.
2. Council seek funding contributions from the NSW State Government and Federal Government for the 2020 Fire Stories –“Country, Clan, Culture”.

Minute No: 297

SER012-19 **Amend Use of Venetia Street Cottage and Proposed Lease to Sutherland Shire Historical Society**
File Number: 2019/355195

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. Council endorse amending the use of Venetia Street Cottage at 88R Venetia Street, Sylvania to general community use.
2. Council endorse the proposed community lease to the Sutherland Historical Society for a term of five years.

Minute No: 298

SER013-19 **Rescission Of Business, Sport and Community Services Policies**
File Number: 2019/351857

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

The 'Miscellaneous Grant Applications under Section 356 Policy', the 'Annual Community Grants Program Policy', the 'Advances by Council to Community Groups', and the 'Active Playing Fields Service Plan' be rescinded.

Minute No: 299

SER014-19 **Rescission of Limited Liquor Licences on Council Property Policy**
File Number: 2015/214472

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

The 'Limited Liquor Licence on Council Property Policy' be rescinded.

Minute No: 300**INF019-19****Sutherland Memorial School of Arts - Major Refurbishment****File Number: 2018/309695**

MOTION: (Councillor Scaysbrook/Councillor Boyd)

THAT:

1. The Sutherland Memorial School of Arts Conservation Management Plan be received and noted.
2. The Sutherland Memorial School of Arts modified scope and delivery program be endorsed.

AMENDMENT: (Councillor Nicholls/Councillor Croucher)

THAT:

1. The Sutherland Memorial School of Arts Conservation Management Plan be received and noted.
2. Other funding sources be investigated to provide for enhancements including, but not limited to, front of house upgrades, raked retractable seating, courtyard upgrades, AV, kitchen, HVAC, bar, awning, additional fire safety, toilets and street frontage upgrades, including the funds achieved through the positive result from the 2018/19 financial year.
3. The report also include details on the potential future usage with the expanded amenities.
4. The report be provided to Council by the December 2019 Council Meeting, if possible.

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

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

In Favour of the Amendment were Councillors Simone, Johns, Collier, Croucher, Nicholls and Steinwall.

Against the Amendment were The Mayor, Councillor Pesce, together with Councillors Forshaw, Boyd, Plibersek, McLean, Scaysbrook, Riad and Simpson.

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

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

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Forshaw, Boyd, Plibersek, McLean, Scaysbrook, Riad and Simpson.

Against the Resolution were Councillors Simone, Johns, Collier, Croucher, Nicholls and Steinwall.

Minute No: 301

**INF020-19 Adoption of Bundeena Creek Floodplain Risk Management Study & Plan
File Number: 2015/211716**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

Council adopt the 2019 Bundeena Creek Floodplain Risk Management Study & Plan.

Minute No: 302

**PLN037-19 Permissibility of Boarding Houses in the R2 Low Density Zone Residential
Zone, E3 Environmental Management Zone and E4 Environmental Living
Zone
File Number: 2015/87442**

RESOLVED: (Councillor Croucher/Councillor Riad)

THAT:

1. A Planning Proposal be prepared to require a Minimum Lot Size of 800sqm for Boarding Houses in all Zones.
2. The draft Planning Proposal be referred to the Sutherland Shire Local Planning Panel in accordance with Section 9.1 of the Environmental Planning and Assessment Act 1979.
3. The advice of the Panel is to be reported back to Council in accordance with Section 9.1 of the Environmental Planning and Assessment Act 1979.

Councillor Johns left the Meeting at 8:31pm, did not vote on the item and returned to the meeting at 8:37pm.

Minute No: 303

**PLN038-19 Independent Pricing and Regulatory Tribunal (IPART) - Submission on
local government reporting, regulation and enforcement responsibilities
File Number: 2019/354174**

RESOLVED: (Councillor Croucher/Councillor Simpson)

THAT:

1. The draft submission to the Office of Local Government (attached as Appendix A and B) be endorsed as Council's submission.
2. A Councillor Briefing be held on the various rating valuation methodologies considered by IPART, including the advantages and disadvantages of each.

Councillor Forshaw left the Meeting at 8:37pm, did not vote on the item and returned to the meeting at 8:40pm.

Minute No: 304

COR052-19 Woronora Caravan Park, 1 Menai Road Woronora - section 68 application
File Number: 2018/322750

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

Council determines application CC(Ass)18/0012 made under s.68 of the Local Government Act for the installation of a moveable dwelling in Woronora Caravan Park at 1 Menai Road Woronora by way of refusal for the following reasons:

1. The proposal does not comply with the following provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, in that:
 - i. the boundary of the site on which the moveable dwelling is proposed is not setback 5m from a community building;
 - ii. the proposed carport provides vertical support to part of the proposed dwelling;
 - iii. an existing community building in the caravan park is less than 10m from a boundary; and
 - iv. a number of existing access roads do not comply with the minimum required width.
2. The proposal is not in the public interest in relation to the protection of public health, safety and amenity.

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, Simone, Johns, Boyd, Collier, Plibersek, Croucher, Nicholls, Steinwall, McLean, Scaysbrook, Riad and Simpson.

The decision was unanimous.

Councillor Riad foreshadowed a subsequent motion in relation to COR052-19 relating to the Management of Section 68 Approvals.

Minute No: 305

BWN020-19 Management of Section 68 Approvals
File Number: 2018/322750

MOTION: (Councillor Riad/Councillor Simpson)

THAT:

1. Council write to the Minister for Local Government and Planning Minister as a matter of urgency requesting that s.68 approval matters be brought into the Environmental Planning and

Assessment Act so that they can be assessed in a similar manner to development applications.

2. The Woronora Caravan Park application will be used as an example of deficiencies in the current system.
3. The Ministers for Local Government and Planning be asked to assist in the Woronora Caravan Park application.

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

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

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

Against the Resolution was Councillor Plibersek.

Minute No: 306

**COR053-19 Monthly Investments Report - October 2019
File Number: 2019/349136**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

The Monthly Investments Report for the period ending 31 October 2019 be received and noted.

Minute No: 307

**COR054-19 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic
Safety Committee and Consultative Traffic Forum held on Friday, 1
November 2019
File Number: 2015/2036**

RESOLVED: (Councillor Scaysbrook/Councillor Plibersek*)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday 1 November 2019, attached as Appendix A, be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 1 November 2019, attached as Appendix B, be adopted.

Minute No: 308

**MOT029-19 Request for Tree Removal - 100 - 102 Miranda Road, Miranda
File Number: 2018/324574**

MOTION: (Councillor Johns/Councillor Collier)

THAT:

1. The two trees located on Council land adjacent to 100 and 102 Miranda Road, Miranda be removed by Council within 14 days;
2. Council provide a report on the priority funding for the installation of a public footpath on the eastern side of Miranda Road, between President Avenue and Karimbla Road, on the Council's footpath construction program; and
3. Consideration be given to the replacement by Council of the trees referred in (1) above with more appropriate trees.

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

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

In Favour of the Resolution were the Mayor, Councillor Pesce, together with Councillors Simone, Johns, Boyd, Collier, Croucher, Nicholls, Scaysbrook, Riad and Simpson.

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

During debate on MOT029-19 the following Procedural Motion was moved.

PROCEDURAL MOTION: (Councillor Boyd/Councillor Nicholls).

That Councillor Collier be granted an additional two minutes to address item MOT029-10.

Minute No: 309**MOT030-19 Cessation of Transdev On-Demand Bus Service****File Number: 2017/285845**

RESOLVED: (Councillor Boyd/Councillor Simpson)

THAT:

1. Council notes its concern that the On Demand bus service, operated by Transdev as part of the NSW Government's On Demand Pilot Program, will cease services in the Sutherland Shire from 2pm on 17 November 2019.
2. Council recognises the important role a mode shift strategy such as the On Demand bus service plays in achieving Council's Integrated Transport Strategy, particularly through connecting Shire residents to other public transport and essential services.
3. Council writes to the Minister for Transport, local Members of Parliament and Transport for NSW seeking the immediate restoration of the On Demand bus service.

AMENDMENT: (Councillor Johns/Councillor Simone)

THAT:

1. Council notes that the On Demand bus service, operated by Transdev as part of the NSW Government's On Demand Pilot Program, will cease services in the Sutherland Shire from 2pm on 17 November 2019.
2. Council writes to the Minister for Transport, local Members of Parliament and Transport for NSW seeking an explanation for the cessation of the service and what alternatives are being provided.
- 3.

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 Simone, Johns, Croucher, Nicholls and Riad.

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

During debate on MOT030-19 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Pesce/Councillor Simone)

That Councillor Forshaw be granted an additional two minutes to address item MOT030-19.

Personal Statement by Councillor Forshaw

Councillor Forshaw made a personal statement in relation to the above item (MOT030-19) expressing his thanks to Mr Tony Blain for bringing the Transdev On-Demand bus service to the Shire.

Minute No: 310

MOT031-19 Beach Property Minding Service
File Number: 2015/42736

RESOLVED: (Councillor Johns/Councillor Boyd)

THAT:

1. Council officers investigate and report on the options for the provision of a beach property minding service to be offered during the peak summer periods, at a suitable beachfront location in Bate Bay.
2. The report be received at Council's next ordinary meeting to be held on 9 December 2019.

MOT032-19 Woronora Dam Water Catchment
File Number: 2015/84364

Councillor Plibersek sought and was granted permission by the Chair to withdraw MOT032-19 under clause 10.4 of the Code of Meeting Practice.

Minute No: 311

MOT033-19 Proposed Naming of Wanda Surf Check Platform
File Number: 2018/309881

RESOLVED: (Councillor Forshaw/Councillor Simone)

THAT:

Council receive a report on the proposed naming of the surf check platform access track 8 at Wanda Beach in honour of Cronulla Surfing legend Robert (Bobby) Brown.

URGENT BUSINESS WITHOUT NOTICE

Minute No: 312 NSW Bushfires
File Numbers: 2016/235106, 2018/327340, 2019/355160, 2019/331829

Councillor Steinwall requested Business Without Notice concerning the NSW Bushfires be considered as a matter of urgency.

RESOLVED: (Councillor Steinwall/Councillor McLean)

That permission be granted to bring forward Business Without Notice regarding the NSW Bushfires.

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: 313

BWN017-19

NSW Bushfires

File Numbers: 2016/235106, 2018/327340, 2019/355160, 2019/331829

RESOLVED: (Councillor Steinwall/Councillor McLean)

THAT:

1. Sutherland Shire Council stands in sympathy and support with all LGA's in NSW that have experienced unprecedented bush fires. Further, Council extends its condolences to the families of those who have lost their lives in the recent fires.
2. Council write to the NSW Rural Fire Service and to our local brigades to express our immense gratitude to our local fire fighters for their outstanding work in helping to bring the blazes under control in parts of NSW.
3. In light of the recent bushfire alert at Farnell Avenue, Loftus, Council continue to support the landlocked residents to the west of Linden Street in their objection to one aspect of the Linden Street upgrade, that is, the proposal to stop eastbound traffic exiting the Grand Parade.
4. Council write to the RMS to update them on the recent bushfire alert within 3km of this vicinity and its potential impacts on residents in this area.

URGENT BUSINESS WITHOUT NOTICE

Minute No: 314

Inadequate Transport Infrastructure

File Number: 2016/257428

Councillor Plibersek requested that Business Without Notice concerning the Shire's inadequate transport infrastructure, in relation to increased residential density, be considered as a matter of urgency.

Having put the request to the Meeting for the matter to be considered as being of great urgency, the Mayor, Councillor Pesce, ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice, that the matter was not of great urgency and it did not proceed.

Minute No: 315

PROCEDURAL MOTION: (Councillor Plibersek)

A motion of dissent in relation to a point of order overruled by the Mayor, Councillor Pesce, with regard to Councillor Plibersek's Urgent Business Without Notice was put to the meeting and lost.

Personal Statement by Councillor Pesce

On behalf of Council, the Mayor, Councillor Pesce, made a personal statement recognising the successful Walk the Walls and Music Week events recently held at Cronulla, acknowledging and congratulating Council staff, artists and all involved.

Minute No: 316**CONSIDERATION OF BUSINESS IN CLOSED SESSION (10:33pm)**

The Mayor, Councillor Pesce, asked the Chief Executive Officer 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 Chief Executive Officer replied that no representations had been received to talk to the items in Closed Session.

The Mayor, Councillor Pesce, asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider the items in Closed Session.

There were none.

RESOLVED: (Councillor Johns/Councillor Steinwall)

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

SER005A-19 **Proposal from Woolworths to purchase and develop council carpark - Jannali**
File Number: 2015/221307

Section 10A(2)(c)(pur) Information that would, if Disclosed, Confer a Commercial Advantage on a Person with Whom the Council is Conducting (or Proposes to Conduct) Business:

This matter is being considered in Closed session as it relates to a proposal for the sale or purchase of land where prior knowledge of this proposal could confer an unfair financial advantage on any person. On balance, the public interest in preserving the confidentiality of information about the reserve price outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would put the Council at a competitive disadvantage in its negotiations with a prospective purchaser, preventing it from achieving a 'best value for money' outcome for the community.

COR008A-19 **Update on Supreme Court proceedings - Kingsway Developments Cronulla Pty Ltd**
File Number: 2017/268207

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

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

Minute No: 317

Procedural Motion

To Recommit Items SER005A-19 and COR008A for consideration in closed session.

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

Items SER005A-19 and COR008A-19 be recommitted for consideration in closed session.

Minute No: 318**Procedural Motion****To Bring Forward Consideration of COR008A-19**

RESOLVED: (Councillor Johns/Councillor Simpson)

That item COR008A-19 be brought forward as the next item of business.

The Mayor, Councillor Pesce vacated the Chair and left the meeting (10:35pm).

Councillor Scaysbrook assumed the Chair (10:35pm).

Councillor Riad left the meeting and did not return (10:35pm).

Director Shire Planning (Peter Barber) left the meeting and did not return (10:35pm).

Manager Property Services (Lani Richardson) left the meeting (10:35pm).

Minute No: 319

COR008A-19 Update on Supreme Court proceedings - Kingsway Developments Cronulla Pty Ltd
File Number: 2017/268207

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

***Councillor Forshaw declared a potential significant non-pecuniary interest in this matter however, at the time the item was called, determined no conflict existed and remained in the room.

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

***Councillor Simpson declared a potential significant non-pecuniary interest in this matter however, at the time the item was called, determined no conflict existed and remained in the room.

RESOLVED: (Councillor Johns/Councillor Croucher)

THAT:

The report on Supreme Court proceedings – Kingsway Developments Cronulla Pty Limited be received and noted.

The Mayor, Councillor Pesce and Councillor Boyd returned to the meeting (10:39pm).

Manager Property Services (Lani Richardson) returned to the meeting (10:39pm).

Minute No: 320

**SER005A-19 Proposal from Woolworths to purchase and develop council carpark -
Jannali
File Number: 2015/221307**

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

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

***Councillor Simpson declared a potential significant non-pecuniary interest in this matter however, at the time the item was called, determined no conflict existed but left the Meeting at 10:39pm, did not vote on the item and did not return to the Meeting.

RESOLVED: (Councillor Johns/Councillor McLean)

THAT:

1. In principle support be provided by Council for the Chief Executive Officer to discuss with Woolworths Group and TfNSW possible options for the inclusion of Council's land at 42A Railway Crescent, Jannali in an amalgamated development with the adjoining land 543-553 Box Road, Jannali and that includes commuter car parking within the site.
2. Council receives a further report outlining these discussions and possible options for the inclusion of Council's land in an amalgamated development.

Minute No: 321

**Procedural Motion
To Move Back Into Open Session**

RESOLVED: (Councillor Johns/Councillor Nicholls)

That the Meeting move back into open session.

At this stage the Meeting moved back into Open Session (10:40pm).

The Meeting closed at 10:40pm.