



# Minutes

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## Extraordinary Council Meeting

Thursday, 16 April 2020

6:30pm

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

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SUTHERLANDSHIRE

**PRESENT:** The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Plibersek, Councillor Provan, 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 Infrastructure (Peter Hazeldine), Director Shire Planning (Peter Barber), Director Shire Services (Michelle Whitehurst), Manager Property Services (Lani Richardson), Manager Governance Risk and Compliance (Anton Usher), Team Leader Governance (Debbie Lewis) and Governance Advisor (Bernadette Feltham),

#### **DECLARATON OF WEBCASTING**

The Mayor, Councillor Pesce informed the Meeting that proceedings would be webcast in accordance with Council's Code of Meeting Practice.

#### **ACKNOWLEDGEMENT OF COUNTRY**

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

#### **OPENING PRAYER**

The Meeting was opened with prayer by the Mayor, Councillor Pesce.

#### **CALL FOR ATTENDANCE**

The Mayor, Councillor Pesce called on Councillor Collier and Councillor Provan to confirm their presence via remote attendance.

#### **APOLOGY**

Nil

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**DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

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

COR011-20            COVID-19 Phase 1 Relief Package  
File Number: 2019/353740

advising that his son is intending to open a coffee shop in the future and recommendation point 2b may apply to him.

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

COR011-20            COVID-19 Phase 1 Relief Package  
File Number: 2019/353740

advising that his mother owns and operates a day spa and hair salon in Sutherland Shire.

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

COR011-20            COVID-19 Phase 1 Relief Package  
File Number: 2019/353740

advising that he has a business in the hospitality industry that may benefit from recommendations before the Council in this report, and that he will leave the meeting room whilst this item is being considered.

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**MM006-20                      Mayoral Minute - COVID-19 Response and Acknowledgements**  
**File Number: 2020/366937**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT:

1. Council acknowledge the significant impact the COVID-19 pandemic has had on the Sutherland Shire business community and its residents;
2. Council acknowledge and thank the Sutherland Shire community for adhering to and supporting the directives of Health authorities, helping to stop the spread of COVID-19, and keeping everyone safe;
3. Council acknowledge and extend its thanks to the frontline medical, emergency services, teachers and Council staff who are supporting our community through the COVID-19 pandemic;
4. Council acknowledge and thank the NSW Premier for the provision of financial support for local government run Childcare Centres assisting essential workers to continue to attend work;
5. Council acknowledge and thank the working party of Councillor Simpson, Councillor Johns, and Councillor Scaysbrook;
6. Council support a Phase 1 COVID-19 Relief Package for small businesses and residents of the Sutherland Shire impacted by the pandemic;
7. Council acknowledge and endorse the adoption of the *National Cabinet Mandatory Code of Conduct - SME Commercial Leasing Principles during COVID-19 (the Mandatory Code)* as the minimum standard to be applied to Sutherland Shire Council's commercial property portfolio;
8. Council acknowledge the NSW Government's recent announcement of a further relief for renters support package;
9. Council endorse the working party of Councillor Simpson, Councillor Johns and Councillor Forshaw be delegated to apply the *Code of Conduct SME Commercial Leasing Principles* and Council's adopted Debt Recovery and Hardship Policy, to Sutherland Shire Council's SME tenants impacted by Covid-19.

**Minute No: 65****COR011-20            COVID-19 Phase 1 Relief Package**  
**File Number: 2019/353740**

\*\*\*Councillor Johns, Councillor Nicholls and the Mayor, Councillor Pesce having declared a pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

The Mayor, Councillor Pesce vacated the Chair and left the meeting (7:00pm)

Deputy Mayor, Councillor Simpson assumed the Chair (7:00pm).

RESOLVED: (Councillor Scaysbrook/Councillor Boyd)

THAT:

1. The report COVID-19 Phase 1 Relief Package be received and noted.
2. Council endorse a Phase 1 COVID-19 Relief Package valued at \$900,347 consisting of:
  - a. Waiving of Outdoor Dining Licence fees from 23 March 2020 to 30 June 2021;
  - b. Waiving of Health Inspections and other business-related compliance related fees from 23 March 2020 to 30 June 2021;
  - c. Waiving of A-frame fees from 23 March 2020 to 30 June 2021.
  - d. 0.00% Interest charged on overdue Business and Residential rates and charges from 1 April 2020 to 30 June 2020; and
  - e. A moratorium be placed on all debt recovery legal action until 31 December 2020.
3. Public notice of fee waivers and financial assistance be provided in accordance with the *Local Government Act 1993*.
4. The Operational Plan 2019/20 including Budget be amended in accordance with point (2).
5. Further relief measures, including extension of Phase 1 measures, for the duration of the COVID-19 pandemic period, as defined by the period during which the National Cabinet's JobKeeper programme is operational, be considered as part of the Draft 2020/21 Operational Plan and Budget, to be adopted in June 2020.

A **DIVISION** was taken on the RESOLUTION and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR:</b>	<b>AGAINST:</b>
Councillor Michael Forshaw	
Councillor Carol Provan	
Councillor Marie Simone	
Councillor Jack Boyd	
Councillor Barry Collier	
Councillor Ray Plibersek	
Councillor Tom Croucher	
Councillor Diedree Steinwall	
Councillor Greg McLean	
Councillor Peter Scaysbrook	
Councillor John Riad	
Councillor Steve Simpson	
<b>Total (12)</b>	<b>Total (0)</b>

The Resolution was declared Unanimous.

Councillor Johns, Councillor Nicholls and the Mayor, Councillor Pesce returned to the Meeting (7:03pm).

Deputy Mayor, Councillor Simpson vacated the Chair (7:03pm).

The Mayor, Councillor Pesce resumed the Chair (7:03pm).

**Minute No: 66****COR012-20 COVID-19 Relief Package for Council's Impacted Small and Medium Commercial and Retail Tenants****File Number: 2015/37195**

RESOLVED: (Councillor Johns/Councillor Riad)

THAT:

1. Council acknowledge and endorse the adoption of the National Cabinet Mandatory Code of Conduct - Small and Medium Enterprises (SME) Commercial Leasing Principles during COVID-19 (the Mandatory Code) as the minimum standard to be applied to Sutherland Shire Council's impacted SME tenants in its commercial and retail property portfolio in conjunction with Council's adopted Debt Recovery and Hardship Policy (Hardship Policy).
  2. Sutherland Shire Council's commercial and retail property portfolio relief package aimed at its SME tenants remain in place for the duration of the Covid-19 pandemic period, as defined by the period during which the National Cabinet's JobKeeper programme is operational.
  3. That application of the code be overseen by the delegated working party, comprising Councillor Simpson, Councillor Foreshaw and Councillor Johns to determine the levels of rent relief applicable to all applications received from Council's SME tenants.
  4. The Mandatory Code will act as a minimum standard, and the delegated working party of Councillors will apply the following as a guide, while reserving the right to vary this:
    - a. All of Council's SME tenants applying for monthly, reviewable rent relief must have successfully registered for the JobKeeper program,
    - b. All of Council's SME tenants applying for monthly, reviewable rent relief must furnish supporting evidence in the form of Business Activity Statements and/or submissions to the ATO,
    - c. An SME tenant that meets (a) and (b) and has sustained 100% loss in revenue due to closure for reasons associated with Covid-19 – Receives a 100% Rent Waiver each month while ever the business is closed, and subject to further application being received and further consideration by the delegated working party, or
    - d. An SME tenant that meets (a) and (b) and been directly or indirectly impacted by an order and has reduced revenue - Receives a minimum Rent Waiver of equal proportion to the % of reduced revenue each month while ever the business sustains reduced trade, and subject to further application being received and further consideration by the delegated working party.
  5. Rent relief provided to Council's SME tenants be reported to Council on a quarterly basis as part of the Quarterly Budget Review
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AMENDMENT: Councillor Plibersek /

THAT:

1. Council acknowledge and endorse the adoption of the National Cabinet Mandatory Code of Conduct - Small and Medium Enterprises (SME) Commercial Leasing Principles during COVID-19 (*the Mandatory Code*) as the minimum standard to be applied to Sutherland Shire Council's impacted SME tenants in its commercial and retail property portfolio in conjunction with Council's adopted Debt Recovery and Hardship Policy (*Hardship Policy*).
2. Sutherland Shire Council's commercial and retail property portfolio relief package aimed at its SME tenants remain in place for the duration of the Covid-19 pandemic period, as defined by the period during which the National Cabinet's JobKeeper programme is operational.
3. The application of rent relief to Council's SME tenants, applying the Mandatory Code and Council's Hardship Policy be reported to Council on a quarterly basis as part of the quarterly budget review report.

The amendment lapsed for want of a seconder.

A **DIVISION** was taken on the RESOLUTION and the names of the Councillors voting FOR and AGAINST were as follows:

**FOR:**

The Mayor, Councillor Carmelo Pesce  
Councillor Michael Forshaw  
Councillor Carol Provan  
Councillor Marie Simone  
Councillor Kent Johns  
Councillor Jack Boyd  
Councillor Barry Collier  
Councillor Ray Plibersek  
Councillor Tom Croucher  
Councillor Daniel Nicholls  
Councillor Diedree Steinwall  
Councillor Greg McLean  
Councillor Peter Scaysbrook  
Councillor John Riad  
Councillor Steve Simpson

**Total (15)**

**AGAINST:**

**Total (0)**

The Resolution was declared Unanimous.

The Meeting closed at 7:22pm.