



Minutes

Council Meeting

Monday, 22 February 2021

6:30pm

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

SUTHERLANDSHIRE

PRESENT: The Mayor, Councillor Simpson, together with Councillor Forshaw, Councillor Provan, Councillor Simone, Councillor Johns, Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Nicholls, Councillor McLean, Councillor Scaysbrook, Councillor Riad and Councillor Pesce.

STAFF IN ATTENDANCE: Chief Executive Officer - Manjeet Grewal, Director Corporate Support - Clare Phelan, Director Shire Infrastructure - Peter Hazeldine, Director Shire Planning - Andrew Carfield, Director Shire Services - Michelle Whitehurst, Manager Governance Risk & Compliance - Anton Usher, Chief Financial Officer - Mitchel Woods, Manager Traffic & Public Domain Services – Phillip Mansfield, Manager Strategic Planning – Mark Carlon, Manager Project Delivery – Mark Roebuck, Manager Communications & Engagement – Rebecca Dalton, Manager Library Services – Deborah Best, Manager Property Services - Lani Richardson and Manager Asset Services - Peter Shields.

DECLARATION OF WEBCASTING

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

ACKNOWLEDGEMENT OF COUNTRY

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

OPENING PRAYER

The Meeting was opened with prayer by Pastor Marc Rader, of Gynea Baptist Church.

A minute silence was held for Ken Howard, Peter Burgess, former President of Bonnet Bay FC and Michael "Mick" Molloy, former President of Miranda RSL Sub-Branch.

Personal Statement by Mayor Simpson

I would like to thank and recognise all men and women who serve honourably overseas in uniform in conflict zones in defence of democracy of this country.

CALL FOR ATTENDANCE

The Mayor, Councillor Simpson, called on Councillor Provan to confirm her presence via remote attendance.

APOLOGY

Minute No: 1

RESOLUTION: (Councillor McLean/Councillor Forshaw)

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

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

ITEM MM005-21 Jannali Commuter Carpark File Number: 2021/398201			
Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Simone	Pecuniary	Her cousin lives across the road from the houses in Jannali to be acquired.	Will leave Chambers when the item is called.
Chief Executive Officer (CEO) Manjeet Grewal	Not significant non-pecuniary	A former work colleague has a family home in Mary St, Jannali but is not subject to the acquisition.	Will stay in Chambers when the item is called.
ITEM SER004-21 Surf Club Leases File Number: 2015/36852			
Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Pesce	Pecuniary	Owens a café that sub-leases from Elouera Surf Club.	Will leave Chambers when the item is called.
Councillor Forshaw	Not significant non-pecuniary	He is an Honorary Vice Patron of Elouera Surf Life Saving Club. He has no role in any of the surf clubs, it is purely an honorary position.	Will stay in Chambers when the item is called.
ITEM SER002A-21 Jannali Carpark Development Feasibility Report File Number: 2015/221307			
Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Boyd	Not significant non-pecuniary	He may be requested to deal with a determination or a related development application before the South Sydney Planning Panel of which the Councillor is a permanent member.	Will leave Chambers when the item is called.
Councillor Scaysbrook	Significant non-pecuniary	This matter will potentially come before the Sydney South Planning Panel of which the Councillor is a permanent member.	Will leave Chambers when the item is called.

DISCLOSURES OF INTEREST CONT'**File Number: 2015/14239****ITEM SER002A-21****Jannali Carpark Development Feasibility Report****File Number: 2015/221307**

Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Nicholls	Not significant non-pecuniary	His Aunt works for Woolworths in a customer service role at another location. The interest is not significant as he has not spoken to her about this matter and there is no profit or loss that he can foresee.	Will stay in Chambers when the item is called.
Councillor Riad	Pecuniary	He has two members of my wife's immediate family that work at Woolworths.	Will leave Chambers when the item is called.
Councillor Simone	Not significant non-pecuniary	For transparency, she has declared in relation to Mayoral Minute MM005-21, Jannali Commuter Carpark.	Will leave Chambers when the item is called.

ITEM PLN002-21**Consideration of Submissions to the Exhibition of Planning Proposal and Development Control Plan Amendment for 138-144 Cronulla Street, Cronulla****File Number: 2020/390017**

Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Pesce	Pecuniary	He and some of his companies own properties and businesses within Cronulla and some are within close proximity of the mentioned site.	Will leave Chambers when the item is called.

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

ITEM PLN002-21 Consideration of Submissions to the Exhibition of Planning Proposal and Development Control Plan Amendment for 138-144 Cronulla Street, Cronulla File Number: 2020/390017			
Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Boyd	Not significant non-pecuniary	He may be requested to deal with a determination in a related development application before the South Sydney Planning Panel of which the Councillor is a permanent member.	In order to preserve his ability to consider the application on the panel, he will leave Chambers when the item is called.
Councillor Riad	Pecuniary	He is engaged to prepare an expert witness report against the applicant at another location.	Given that the matter is active, he shall leave the chambers.
ITEM COR001-21 Heathcote Road Bridge Widening Project - Council submission on Review of Environmental Factors File Number: 2018/312566			
Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Nicholls	Significant non-pecuniary	He currently looks after this issue through his employment.	Will leave Chambers when the item is called.
Councillor Johns	During the course of the meeting, a not significant non-pecuniary interest was declared	The member for Holsworthy, the electorate in which this matter falls, is his partner.	Will stay in Chambers when the item is called.
ITEM BWN001-21 proposed changes to bus stops on the Kingsway, Miranda File Number: ****			
Councillor	Type of Interest	Nature of Interest	Action taken
Councillor Pesce	Pecuniary	He grew up in the area and his parents still live in Malvern Rd, Miranda.	Will leave Chambers when the item is called.

PROCEDURAL MOTION**Minute No: 2**

RESOLUTION: (Councillor Simpson/Councillor Pesce)

That the Mayoral Minutes be brought forward as the next item of business.

MM001-21 Mayoral Minute - 2021 Australia Day Honours

File Number: 2018/327340

Minute No: 3

RESOLUTION: (Councillor Simpson/Councillor Forshaw)

THAT:

Congratulations be extended to the above recipients who were honoured in the 2021 Australia Day Honours.

MM002-21 Mayoral Minute - Australia Day Recognition

File Number: 2021/398201

Minute No: 4

RESOLUTION: (Councillor Simpson/Councillor Forshaw)

THAT:

Council recognises and thanks all those who contributed to the success and safe enjoyment of Australia Day 2021.

PROCEDURAL MOTION**Minute No: 5**

RESOLUTION: (Councillor Simpson/Councillor Forshaw)

That the meeting be adjourned for 10 minutes to allow the Mayoral Minute recipients and guests of MM002-21, to exit the gallery.

The meeting was adjourned at 7:14pm.

The meeting resumed at 7:19pm.

MM003-21 Mayoral Minute - Vale Anthony Rodriguez

File Number: 2021/398201

Minute No: 6

RESOLUTION: (Councillor Simpson/Councillor Forshaw)

THAT Council:

1. Notes the untimely passing of Anthony Rodriguez on 9 January 2021.
2. Recognises Anthony's contributions to community including the Sydney Children's Hospital Randwick, the Victor Chang Cardiac Research Unit and many community and sports organisations.
3. Extends its condolences to his family, relatives and many friends.

MM004-21 Mayoral Minute - Recognition of Former Councillor, Ray Plibersek
File Number: 2021/398201

Minute No: 7

RESOLUTION: (Councillor Simpson/Councillor Forshaw)

THAT:

Council acknowledges and congratulates Ray Plibersek on his contribution and service to Sutherland Shire Council and the local community.

Due to a previously disclosed interest, Councillor Simone left the Chamber at 7:50pm and did not participate in the debate or voting on MM005-21.

MM005-21 Mayoral Minute - Jannali Commuter Carpark
File Number: 2021/398201

PROCEDURAL MOTION

Minute No: 8

RESOLUTION: (Councillor Johns/Councillor Pesce)

During debate on MM005-21, a procedural motion was moved to suspend the debate to allow registered Public Forum speakers for item MM005-21 to address Council.

PUBLIC FORUM

The following speakers addressed Council on item MM005-21:

William (Liam)

Mulhall MM005-21 - Jannali Commuter Carpark

Nicole Girard MM005-21 - Jannali Commuter Carpark

MM005-21 Mayoral Minute - Jannali Commuter Carpark
File Number: 2021/398201

Minute No: 9

RESOLUTION: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. Council reiterates its policy of opposing compulsory acquisition of private property.
2. Council supports the concerns of the affected residents of Mitchell Road and Mary Street, Jannali and surrounds with the location of the proposed multi-level 200 space commuter carpark and the acquisition process by which Transport for NSW are progressing the project which may involve the compulsory acquisition of nine residential properties.
3. Council work with Transport for NSW to identify suitable alternative sites within Jannali for a commuter carpark and options that will appropriately consider the traffic management, design, social and environmental issues to secure the best outcome for the surrounding community.
4. Council acknowledges and thanks the NSW Minister for Transport and Roads, The Honourable Andrew Constance MP, for hearing the concerns of residents regarding the Jannali commuter carpark as proposed and his willingness to have Transport for NSW and Sutherland Shire Council officers work swiftly in identifying suitable alternative sites to deliver this transport infrastructure project.
5. Council requests NSW State Government abandon the compulsory acquisition process.
6. Council's relevant department(s) provide guidance where requested to assist residents obtain appropriate representation.

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

FOR:

AGAINST:

The Mayor, Councillor Steve Simpson
Councillor Michael Forshaw
Councillor Carol Provan
Councillor Kent Johns
Councillor Jack Boyd
Councillor Barry Collier
Councillor Tom Croucher
Councillor Daniel Nicholls
Councillor Greg McLean
Councillor Peter Scaysbrook

Councillor John Riad

Councillor Carmelo Pesce

Total (12)

Total (0)

PROCEDURAL MOTION

RESOLUTION: (Councillor Simpson/Councillor Riad)

That the meeting be adjourned for 10 minutes to allow members of the public in attendance for MM005-21, to exit the gallery.

The meeting was adjourned at 8:51pm.

The meeting resumed at 9:01pm.

Councillor Simone returned to the Chamber at 9:01pm.

Due to a previously disclosed interest in PLN002-21, Councillor Boyd, Councillor Pesce and Councillor Riad left the Chamber at 9:04pm and were not present for Public Forum.

PUBLIC FORUM

The following speakers addressed Council:

Ross Jackson PLN002-21 - Consideration of Submissions to the Exhibition of Planning
Proposal and Development Control Plan Amendment for 138-144
Cronulla Street, Cronulla

Cameron Jones PLN002-21 - Consideration of Submissions to the Exhibition of Planning
Proposal and Development Control Plan Amendment for 138-144
Cronulla Street, Cronulla

Kerry Coomes PLN002-21 - Consideration of Submissions to the Exhibition of Planning
Proposal and Development Control Plan Amendment for 138-144
Cronulla Street, Cronulla

Leanne Farmer PLN002-21 - Consideration of Submissions to the Exhibition of Planning
Proposal and Development Control Plan Amendment for 138-144
Cronulla Street, Cronulla

Councillor Boyd, Councillor Pesce and Councillor Riad returned to the Chamber at 9:18pm.

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Minute No: 10

RESOLUTION: (Councillor Forshaw/Councillor Pesce)

That the Minutes of the Ordinary Council held on Monday 14 December 2020, being Minutes Numbered 288 to 325 inclusive, be and are hereby confirmed as a correct record.

PROCEDURAL MOTION

Minute No: 11

RESOLUTION: (Councillor Johns/Councillor Simpson)

To bring forward PLN002-21 as the next item of business.

Due to a previously disclosed interest, Councillor Boyd, Councillor Pesce and Councillor Riad left the Chamber at 9:19pm and did not participate in the debate or voting on PLN002-21.

PLN002-21 Consideration of Submissions to the Exhibition of Planning Proposal and Development Control Plan Amendment for 138-144 Cronulla Street, Cronulla
File Number: 2020/390017

Minute No: 12

RESOLUTION: (Councillor Johns/Councillor Simone)

THAT:

1. The report "Consideration of Submissions to the Exhibition of Planning Proposal and Development Control Plan Amendment for 138-144 Cronulla Street, Cronulla" be received and noted.
2. The draft Sutherland Shire Development Control Plan 2015 Amendment 7, be adopted with further amendments as detailed in Appendix A.
3. Council formally request Parliamentary Counsel prepare and make a legal instrument to implement the Planning Proposal as exhibited to amend Sutherland Shire Local Environmental Plan 2015.
4. On receipt of the opinion of the Parliamentary Counsels Office that the legal instrument can be made, pursuant to clause 400 of the Local Government (General) Regulations 2005, the Local Environmental Plan (LEP) Amendment, be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and Chief Executive Officer.

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

FOR:

The Mayor, Councillor Steve Simpson
Councillor Michael Forshaw
Councillor Carol Provan
Councillor Marie Simone
Councillor Kent Johns
Councillor Barry Collier
Councillor Tom Croucher
Councillor Daniel Nicholls
Councillor Greg McLean
Councillor Peter Scaysbrook

Total (10)**AGAINST:****Total (0)**

Councillor Pesce and Councillor Riad returned to the Chamber at 9:21pm.

Councillor Boyd returned to the Chamber at 9:22pm.

At this time in the Meeting Minute Numbers 13 to 28 were resolved in bulk, Moved and Seconded by Councillor Forshaw /Councillor McLean.

GOV001-21 New Compliance and Enforcement Policy
File Number: 2019/360495

Minute No: 13

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT Council:

1. Receive and note the New Compliance and Enforcement Policy Report.
2. Place the draft Compliance and Enforcement Policy attached to this report at Appendix A on public exhibition for a period of 28 days, with a report to be provided back to Council via the Corporate Governance Committee following conclusion of the exhibition period, for adoption of the policy.

GOV002-21 New Policy - Appointment of Councillor Delegates to Committees Policy
File Number: 2020/390661

Minute No: 14

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report 'New Policy – Appointment of Councillor Delegates to Committees Policy' be received and noted.
2. The Appointment of Councillor Delegates to Committees Policy, attached as Appendix A, be adopted.

GOV003-21 Revised Public Interest Disclosures Policy
File Number: 2020/380354

Minute No: 15

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report on 'Revised Public Interest Disclosures Policy' be received and noted.
2. The revised Public Interest Disclosures Policy, attached at Appendix A, be adopted.

GOV004-21 Minutes of the Audit, Risk and Improvement Committee Meeting held on 9 December 2020
File Number: 2020/366978

Minute No: 16

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

The Minutes of the meeting of the Sutherland Shire Council Audit, Risk and Improvement Committee, held on 9 December 2020, be received and noted.

GOV005-21 Tabling of Disclosures of Interest and Other Matters in Written Returns
File Number: 2018/312942

Minute No: 17

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report "Tabling of Disclosures of Interest and Other Matters in Written Returns" be received and noted.
2. Council note the tabling of completed Returns of Disclosures of Interest as required by the Code of Conduct.

GOV006-21 Quarterly Budget Review - December 2020
File Number: 2020/383873

Minute No: 18

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report Quarterly Budget Review – December 2020 be received and noted.
2. The proposed variations to the 2020/21 Budget detailed in the appendix to the report Quarterly Budget Review – December 2020 be endorsed and the Operational Plan and Budget 2020/21 be amended accordingly.

GOV007-21 Monthly Investments Report - December 2020
File Number: 2020/380792

Minute No: 19

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

The Monthly Investments Report – December 2020 be received and noted.

SER002-21 Proposed Drainage Easement - 74B Chapman St Gynea
File Number: 2018/298074

Minute No: 20

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 74B Chapman Street, Gynea (Lot 53 Sec 2 DP 10641) in favour of 76 Chapman Street, Gynea (Lot 18 Sec 2 DP 10641).
2. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700) Manjeet Grewal, Council's Chief Executive Officer, execute any necessary documentation to give effect to this resolution.

SER003-21 Proposed Drainage Easement - 10R The Esplanade, Cronulla
File Number: 2019/354030

Minute No: 21

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 10R The

Esplanade, Cronulla (Lot 1 DP 1060937) in favour of 11 The Esplanade, Cronulla (S/P 7016) to terms and conditions to the satisfaction of Council's Chief Executive Officer.

2. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700) Manjeet Grewal, Council's Chief Executive Officer, execute any necessary documentation to give effect to this resolution.

INF001-21 Memorial Tree Planting in Public Open Space Policy and Temporary Access Across Fire Trails and Reserves Policy
File Number: 2020/393414

Minute No: 22

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The Report on the Memorial Tree Planting in Public Open Space Policy and Temporary Access Across Fire Trails and Reserves Policy be received and noted.
2. The Memorial Tree Planting in Public Open Space Policy and Temporary Access Across Fire Trails and Reserves Policy be adopted.

INF003-21 Major Infrastructure Projects Review
File Number: 2015/44222

Minute No: 23

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

The Major Infrastructure Projects Review status report be received and noted.

PLN001-21 Planning Agreement Governance Policy
File Number: 2015/66075

Minute No: 24

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report titled Planning Agreement Governance Policy be received and noted.
2. Council adopt the Planning Agreement Governance Policy.

PLN003-21 Results of Exhibition of Amendment 6 Sutherland Shire Development Control Plan 2015
File Number: 2019/333392

Minute No: 25

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report "Results of Exhibition of Amendment 6 Sutherland Shire Development Control Plan 2015" be received and noted.
2. Draft Sutherland Shire Development Control Plan 2015 Amendment 6, be adopted as exhibited, with minor drafting changes for internal consistency within the chapters, as detailed in Appendix C.

PLN005-21 Draft Local Character Clause - Standard Instrument Local Environmental Plan (LEP) Submission
File Number: 2016/257428

Minute No: 26

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

1. The report 'Draft Local Character Clause – Standard Instrument Local Environmental Plan' be received and noted.
2. The submission on the Draft Local Character Clause be endorsed and forwarded to the NSW Department of Planning Infrastructure and Environment.

PLN006-21 Quarterly Report - Clause 4.6 Variations Register (Q4 October to December 2020)
File Number: 2015/25877

Minute No: 27

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

The Quarterly Report titled Clause 4.6 Variations Register (Q4 – October to December 2020) be received and noted.

COR003-21 Monthly Investment Report - January 2021
File Number: 2020/380792

Minute No: 28

RESOLUTION: (Councillor Forshaw/Councillor McLean)

THAT:

The Monthly Investments Report – January 2021 be received and noted.

SER001-21 Policy Review - Open Space Land Acquisition Policy
File Number: 2018/320332

Minute No: 29

MOTION: (Councillor Scaysbrook/Councillor Forshaw)

THAT:

1. The Open Space Land Acquisition Policy (2021) report be received and noted.
2. Council adopt the updated Open Space Land Acquisition Policy with the following amendment:
Clause 3.4 - All land acquired for open space be classified as Community Land

RESOLUTION: (Councillor Johns/Councillor Simpson)

(AMENDMENT CARRIED TO BECOME THE RESOLUTION)

THAT:

1. The updated Open Space Land Acquisition Policy (2021) report be received and noted.
2. The updated Open Space Land Acquisition Policy (2021) be referred to Council.
3. The draft Open Space Land Acquisition Policy (2021) be amended to allow no compulsory acquisitions unless directed by the land owner.

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

FOR:

AGAINST:

The Mayor, Councillor Steve Simpson
Councillor Michael Forshaw
Councillor Carol Provan
Councillor Marie Simone
Councillor Kent Johns
Councillor Jack Boyd
Councillor Barry Collier
Councillor Tom Croucher
Councillor Daniel Nicholls

Councillor Greg McLean
Councillor Peter Scaysbrook
Councillor John Riad
Councillor Carmelo Pesce

Total (13)

Total (0)

Due to a previously disclosed interest, Councillor Pesce left the Chamber at 9:38pm and did not participate in the debate or voting on SER004-21.

SER004-21 Surf Club Leases
File Number: 2015/36852

Minute No: 30

RESOLUTION: (Councillor Forshaw/Councillor Provan)

THAT:

1. Council receives and notes the Surf Club Leases report.
2. Endorses the principles of the proposed leases between the Council and the Bate Bay Surf Life Saving Clubs.
3. Respective Surf Life Saving Club representatives and Council Officers continue negotiations aimed at reaching agreement on particulars for each surf club lease.
4. A further report be presented to the next ordinary Council meeting on 22 March 2021, on the outcome of these negotiations.

Councillor Pesce returned to the Chamber at 9:45pm.

INF002-21 Outcome of Community Consultation on the Open Space Naming
Proposal "Nancy Richmond Playground" at Engadine Town Park
File Number: 2018/315125

Minute No: 31

RESOLUTION: (Councillor McLean/Councillor Pesce)

THAT:

1. The name "Nancy Richmond Playground" be adopted for the play space at Engadine Town Park.
2. A submission be made to the Geographical Names Board for registration of the facility name.
3. A sign be erected explaining the significance of the name.

PLN004-21 Draft Illawarra-Shoalhaven Region Plan 2041 - Submission
File Number: 2020/391927

Minute No: 32

RESOLUTION: (Councillor Johns/Councillor Simpson)

THAT:

1. The draft submission (attached as Appendix A) be amended to highlight:
 - a. The need to duplicate Heathcote Road to safely accommodate future growth
 - b. The likelihood that residents in the Wollongong/Shellharbour growth precincts will find it easier to drive to Sutherland Shire and commute – adding to congestion and demand for commuter parking, and
 - c. The need to realise the M6 from Kogarah to Waterfall, while using tunnelling or cut and cover to maximise open space retention.
2. The revised submission be forwarded to the NSW Department of Planning, Industry and Environment.

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

FOR:

AGAINST:

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

Total (13)

Total (0)

Due to a previously disclosed interest, Councillor Nicholls left the Chamber at 9:50pm and did not participate in the debate or voting on COR001-21.

During discussion, Councillor Johns declared a not significant non-pecuniary interest in item COR001-21.

**COR001-21 Heathcote Road Bridge Widening Project - Council submission on Review
of Environmental Factors
File Number: 2018/312566**

Minute No: 33

RESOLUTION: (Councillor Simpson/Councillor McLean)

THAT:

1. The draft submission, Appendix A, be received and noted.
2. The final wording of the submission be delegated to the Chief Executive Officer and endorsed for transmission to Transport for New South Wales as Council's response to the Review of Environmental Factors document on the Heathcote Road Bridge Project.
3. A covering letter also accompany the submission explaining Council's resolved position on the need to duplicate the Heathcote Road Bridge.

Councillor Nicholls returned to the Chamber at 9:51pm.

**COR002-21 Councillor Vacancy and Committee, Sub-Committee Membership and
Delegate Vacancies
File Number: 2015/937**

Minute No: 34

RESOLUTION: (Councillor Simpson/Councillor Forshaw)

THAT:

1. The report 'Councillor Vacancy and Committee, Sub-Committee Membership and Delegate Vacancies' be received and noted.
2. The remaining Standing Committee membership continue for the rest of the Council Term.
3. Vacant positions previously held by Councillor Plibersek on Standing Committees, Sub-Committee and External Bodies as listed in Appendix A of this report, be elected by open voting show of hands and filled for the remainder of the Council Term.
4. All Councillor appointments arising from the process outlined in point three of this Recommendation be listed in Appendix A of the Council Minutes.

**COR004-21 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic
Safety Committee and Consultative Traffic Forum held on 5 February 2021
File Number: 2015/2036**

Minute No: 35

RESOLUTION: (Councillor McLean/Councillor Croucher)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 5 February 2021, attached as Appendix A, be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on 5 February 2021, attached as Appendix B, be adopted.
3. Council acknowledge the work of Senior Constable Rachel King, who has been a long standing member of the Sutherland Shire Traffic Safety and Consultative Committees. Rachel is a long standing Shire resident, her new role with the NSW Police Force will see her move away from her traffic work with Council.
4. The Mayor write to the Sutherland Police Command to thank them for Rachel's assistance over many years.

**MOT001-21 Vale John Edmund "Jack" Stewart
File Number: 2016/235106**

Minute No: 36

RESOLUTION: (Councillor Forshaw/Councillor Provan)

THAT Council:

1. Notes the passing of John Edmund "Jack" Stewart on 28 November 2020, aged 99 years;
2. Recognises Jack's service in the Australian Army in Australia and New Guinea during World War II and his distinguished contribution over many years to the Sutherland Shire community, particularly as President of the Cronulla Sutherland Leagues Club (the "Sharks") for a record 19 years; and
3. Extends its condolences to his son Peter and his family, relatives and many friends.

During debate on MOT001-21 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Simpson/Councillor Provan)

That Councillor Forshaw be granted an additional two minutes to address item MOT001-21.

MOT002-21 Menai Conservation Park Biobanking
File Number: 2016/248278

Minute No: 37

RESOLUTION: (Councillor Riad/Councillor Scaysbrook)

THAT:

1. Council maintains and reaffirm its in principle support that the Menai Conservation Park, formerly known as the Menai Business B site, be preserved as a conservation area and excluded from any development surrounding the Menai Town Centre.
2. Council investigate ways to strengthen the population of the endangered “Deans Paperbark” by means of environmental biobanking at the site to ensure that the population thrives.
3. The site is conserved via biobanking for environmental purposes alone (i.e. no development or expansion of building sites surrounding the Menai Town Centre).
4. Council supports conservation efforts for other threatened species present in the area.
5. Council receives a report in May 2021 on the Menai Conservation Park that includes but is not limited to:
 - a. The history of the site;
 - b. The number and type of species that are deemed threatened;
 - c. The trends in the bushcare numbers on the site from 2015;
 - d. The process for entering into a biobanking agreement for the site (to receive environment benefits);
 - e. The environmental benefits derived from biobanking in strengthening its environmental significance.

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

FOR:

AGAINST:

The Mayor, Councillor Steve Simpson
Councillor Michael Forshaw
Councillor Carol Provan
Councillor Marie Simone
Councillor Kent Johns
Councillor Jack Boyd
Councillor Barry Collier
Councillor Tom Croucher
Councillor Daniel Nicholls
Councillor Greg McLean

Councillor Peter Scaysbrook

Councillor John Riad

Councillor Carmelo Pesce

Total (13)

Total (0)

CONSIDERATION OF BUSINESS IN CLOSED SESSION

The Mayor, Councillor Simpson, 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 Simpson, 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.

Minute No: 38

RESOLUTION: (Councillor Provan/Councillor Forshaw)

That in accordance with Section 10A(1) of the Local Government Act 1993, items SER001A-21, SER002A-21, COR001A-21 and COR002A-21 be considered in Closed Session of Council for the reasons provided:

SER001A-21 South Village - Proposed Multipurpose Space

File Number: 2018/310553

Section 10A(2)(c)(con) 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 the entering into of a contract where prior knowledge of the proposal could confer an unfair financial advantage on any person. On balance, the public interest in preserving the confidentiality of information about proposed contracts 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 contractor.

SER002A-21 Jannali Carpark Development Feasibility Report
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.

COR001A-21 Modification of Development Application by SUEZ Affecting Lucas Heights Resource Recovery Park - Consideration of New Offer
File Number: 2021/396782

Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:

This matter is being 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.

COR002A-21 T935/20 Sutherland Memorial School of Arts Upgrade - Tender Recommendation
File Number: 2020/383534

Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:

This matter is being 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.

Council moved into Closed Session at 10:15pm.

SER001A-21 South Village - Proposed Multipurpose Space
File Number: 2018/310553

Minute No: 39

RESOLUTION: (Councillor Boyd/Councillor Johns)

THAT:

Council receive and note this report regarding costing and funding opportunities for a multipurpose community hub at South Village operated by Council.

Due to a previously disclosed interest, Councillor Boyd, Councillor Scaysbrook, Councillor Simone and Councillor Riad left the Chamber at 10:18pm and did not participate in the debate or voting on SER002A-21.

SER002A-21 Jannali Carpark Development Feasibility Report
File Number: 2015/221307

Minute No: 40

MOTION: (Councillor Simpson/Councillor Provan)

THAT:

This item be deferred to a future Council Meeting to be determined by the Mayor.

RESOLUTION: (Councillor Johns/Councillor Forshaw)

(AMENDMENT carried to become the Resolution)

THAT:

1. This item be deferred to a future Council Meeting to be determined by the Mayor.
2. The Mayor, Councillor Simpson, Councillor Forshaw and Councillor Pesce be appointed to a Sub-Committee and report back to Council.

During debate on SER002A-21 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Forshaw/Councillor Pesce)

That the meeting be extended to 11:00pm.

Councillor Boyd, Councillor Scaysbrook, Councillor Simone and Councillor Riad returned to the Chamber at 10:52pm.

**COR001A-21 Modification of Development Application by SUEZ Affecting Lucas Heights
Resource Recovery Park - Consideration of New Offer
File Number: 2021/396782**

Minute No: 41

RESOLUTION: (Councillor Johns/Councillor Simpson)

THAT:

1. The offer from SUEZ to modify its operations for landfilling and greenwaste treatment (SUEZ offer) be accepted in principle.
2. The Chief Executive Officer be delegated authority to negotiate and settle the final terms of Council's agreement to the SUEZ offer.
3. On execution by Council and SUEZ of an agreement to record the terms of the SUEZ OFFER, that the Chief Executive Officer, be delegated the authority to endorse and sign the Modification Proposal as a joint applicant to allow lodgement with the Department of Planning, Infrastructure and Environment.
4. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700), the Chief Executive Officer execute any necessary documentation to give effect to these resolutions.

**COR002A-21 T935/20 Sutherland Memorial School of Arts Upgrade - Tender
Recommendation
File Number: 2020/383534**

Minute No: 42

RESOLUTION: (Councillor Pesce/Councillor Nicholls)

THAT:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender from Sullivan Constructions Pty Ltd (ABN 46 001 044 391) for the upgrade of the Sutherland Memorial School of Arts for the lump sum price of \$1,609,288.25 (excluding GST).
2. Council delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.

PROCEDURAL MOTION

Minute No: 43

RESOLUTION: (Councillor Forshaw/Councillor Nicholls)

That Council move back into Open Session.

At 10:55pm the Meeting moved back into Open Session, and in accordance with the Code of Meeting Practice, the Mayor read out the RESOLUTIONS as shown above at Minute Numbers 39 to 42.

During discussion on the following item, Councillor Pesce declared a pecuniary interest, left the Chamber at 10:57pm, did not participate in the debate or voting on item BWN001-21 and did not return to the meeting.

BUSINESS WITHOUT NOTICE

Proposed changes to bus stops in on the Kingsway, Miranda

File Number: 2015/65532

Minute No: 44

Councillor Boyd requested Business Without Notice concerning the proposed changes to bus stops in on the Kingsway, Miranda and seeking the retention of bus stop ID 2228102 as a matter of urgency.

RESOLUTION: (Councillor Simpson/ Councillor Johns)

That permission be granted to consider Business Without Notice concerning the proposed changes to bus stops on the Kingsway, Miranda and seeking the retention of bus stop ID 2228102.

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

BWN001-21 Proposed Changes to Bus Stops on the Kingsway, Miranda

File Number: 2015/65532

Minute No: 45

RESOLUTION: (Councillor Boyd/Councillor Johns)

THAT Council:

1. Urgently write to Transport for NSW (TfNSW) opposing the proposed changes to bus stops on the Kingsway, Miranda and seeking the retention of bus stop ID 2228102. The basis of the objection should note that the proposed changes:
 - a. ignore the special needs of existing users, particularly the residents of Logeman Court Retirement Village and Juliana Village who suffer from mobility issues;
 - b. would reduce practical compliance with the accessibility principles under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
 - c. ignore the historic purpose of the existing stop and shelter;
 - d. would result in further negative impacts in the event existing aged care facilities were expanded.
2. Write to Ms Eleni Petinos MP, Member for Miranda and Parliamentary Secretary for Transport and Roads, providing a copy of Council's letter to TfNSW and seek Ms Petinos' assistance in retaining bus stop ID 2228102.

The Meeting closed at 10:59pm.

APPENDIX A

**COUNCILLOR VACANCY AND COMMITTEE, SUB-COMMITTEE MEMBERSHIP AND DELEGATE
VACANCIES
RECORD OF APPOINTMENT**

Committee/External Bodies	Position	Nominated	Mover	Seconder	Appointed	Division Votes
Corporate Governance	Deputy Chair	Councillor McLean	Councillor Forshaw	Councillor Simpson	Councillor McLean	uncontested unanimous nomination
Shire Strategic Planning	Deputy Chair	Councillor Pesce	Councillor Johns	Councillor Nicholls	Councillor Pesce	uncontested unanimous nomination
Audit Risk and Improvement Committee (ARIC)	Member	Councillor McLean	Councillor Forshaw	Councillor Simpson	Councillor McLean	uncontested unanimous nomination
Heritage and Shire History Sub-Committee	Member	Councillor Forshaw	Councillor Scaysbrook	Councillor Simpson	Councillor Forshaw	uncontested unanimous nomination
Southern Sydney Regional Organisation of Councillors	Non-Voting Member	Nil			Nil - position vacant	
Sutherland Shire Crime Prevention Community Safety Precinct	Member	Nil			Nil - position vacant	
Sydney Airport Community Forum	Member	Nil			Nil - position vacant	
Sydney South Planning Panel (SSPP)	Alternate Member	Councillor Johns	Councillor Pesce	Councillor Forshaw	Councillor Johns	uncontested unanimous nomination