



# Minutes

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## Council Meeting

**Monday, 20 May 2019**

**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), Acting Director Shire Services (Lani Richardson), Manager Governance Risk and Compliance (Anton Usher), Legal Advisor (Adam Markham), Executive Public Relations (Amie Lindsell), Team Leader Governance (Debbie Lewis), Governance Advisor (Rachael Zhura), Governance Officer (Bernadette Feltham) and Governance Officer (Jenni Dovey).

#### **ACKNOWLEDGEMENT OF COUNTRY**

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

#### **OPENING PRAYER**

The Meeting was opened with prayer by Reverend Neil Fitzpatrick of Jannali Anglican Church

#### **APOLOGY**

Nil.

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#### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

Councillor Nicholls declared a pecuniary interest in the following matter:

PLN014-19	Kareela Shopping Centre Upgrade
	File Number: 2017/270174

advising that his mother leases in that centre.

Councillor Riad declared a pecuniary interest in the following matter:

PLN017-19                Planning Proposal – Low Rise Medium Density Housing Code and SSLEP2015  
File Number: 2019/334705

advising that his aunt has property within the R2 zone therefore if that item is called he shall leave the room.

Councillor Steinwall declared a pecuniary interest in the following matter:

PLN017-19                Planning Proposal – Low Rise Medium Density Housing Code and SSLEP2015  
File Number: 2019/334705

advising that she has property in the R2 zone and will leave the room.

Immediately after moving into Committee of the Whole, Councillor Boyd declared a pecuniary interest in the following matter:

COR005A-19              Update on Sale of 9 Kingsway, Cronulla  
File Number: 2017/268207

advising that he works for the legal representative for the applicant.

Immediately after moving into Committee of the Whole, Councillor Simone declared a significant non-pecuniary interest in the following matter:

COR005A-19              Update on Sale of 9 Kingsway, Cronulla  
File Number: 2017/268207

advising that her husband engages the same lawyers as the purchaser.

**Special Disclosures of Pecuniary Interest**

PLN017-19                      Planning Proposal – Low Rise Medium Density Housing Code and SSLEP2015  
File Number: 2019/334705

In relation to the above item, Councillor Collier made a special disclosure of pecuniary interest in accordance with the provisions in the Model Code of Conduct. The special disclosure of pecuniary interest has been made in the prescribed form and was tabled at the meeting.

**Minute No: 97****CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Provan/Councillor Johns)

That the Minutes of the Ordinary Council held on Monday 15 April 2019, being Minutes Numbered 71 to 96 inclusive, be and are hereby confirmed as a correct record.

**PRESENTATIONS**

The following presentations were provided:

Mr Bruce Watt President Sutherland Shire Historical Society	RES001-19 - Planning Proposal to Heritage List 65 Hotham Road, GyMEA
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Mr David Wenkart Deputy Chief Executive, Macquarie Health Corporation	RES001-19 - Planning Proposal to Heritage List 65 Hotham Road, GyMEA
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Ms Kim Hatherly	RES001-19 - Planning Proposal to Heritage List 65 Hotham Road, GyMEA
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Ms Pauline Curby	RES001-19 - Planning Proposal to Heritage List 65 Hotham Road, GyMEA
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Mr Michael Newton	MOT008-19 - Telecommunication Tower Installation Lilli Pilli
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**Minute No: 98**

**MM008-19                      Mayoral Minute - Albert (Bert) Peachey**  
**60 years of Selfless Commitment to the Sutherland Shire**  
**File Number: 2017/291813**

RESOLVED: (Councillor Pesce/Councillor Provan)

THAT:

Council extends its appreciation to Albert (Bert) Peachey for his 60 years of selfless commitment to the Sutherland Shire.

**Minute No: 99**

**MM009-19                      Mayoral Minute - Vale the Hon Bob Hawke**  
**File Number: 2016/235106**

RESOLVED: (Councillor Pesce/Councillor Forshaw)

THAT:

1. Council extends its condolences to the family of the late Hon Robert James Lee (Bob) Hawke.
2. A period of silence be held in memory of the late Hon Robert James Lee (Bob) Hawke.

At this stage of the Meeting, all stood for one minute of silence.

**Minute No: 100**

**MM010-19                      Mayoral Minute - Election of The Hon Scott Morrison MP, Member for Cook**  
**as Prime Minister of Australia**  
**File Number: 2018/327340**

RESOLVED: (Councillor Pesce/Councillor Johns)

THAT:

Council writes to The Hon Scott Morrison MP, Prime Minister congratulating him on leading the Coalition Party to win the 2019 Federal election and pledging to work with him in a bipartisan manner for the benefit of all residents of the Sutherland Shire.

**Minute No: 101**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

Council write to Craig Kelly MP congratulating him on his re-election to the seat of Hughes.

**Minute No: 102****MM011-19****Mayoral Minute - Revised Council Meeting Date****File Number: 2015/937**

RESOLVED: (Councillor Pesce/Councillor Johns)

THAT:

1. Council's next Ordinary Meeting be held on 24 June 2019 and for the public to be advised of this revision.
2. All other Council meetings for the remainder of 2019 to remain unchanged as previously adopted.

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

**Minute No: 103****GOV013-19****Customer Experience Strategy****File Number: 2017/278520**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

The Customer Experience Strategy (Appendix "A") be endorsed and adopted by Council.

**Minute No: 104****GOV014-19****Revised Code of Conduct and Procedures for the Administration of the Code of Conduct****File Number: 2015/26290**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The Codes of Conduct for Councillors; Council Staff; and Council Committee Members, Delegates of Council and Council Advisers, attached as Appendices A, B and C to this report, be adopted.
2. The Procedures for the Administration of the Codes of Conduct, attached as Appendix D to this report, be adopted.

**Minute No: 105****GOV015-19****Wards Names and Boundaries within the Sutherland Shire****File Number: 2015/90374**

RESOLVED: (Councillor Simpson/Councillor Boyd)

THAT:

1. The report "Ward Names and Boundaries within the Sutherland Shire" be received and noted.
2. Ward names within the Sutherland Shire remain unchanged.

Councillor Johns, Councillor Nicholls and Councillor Riad requested that their names be recorded as voting against the Resolution.

**Minute No: 106****GOV016-19****Fees Payable to Mayors and Councillors****File Number: 2015/14219**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. Council adopts the determination by the Local Government Remuneration Tribunal of a 2.5% increase to existing annual fees payable for the Mayor and Councillors, for the period 1 July 2019 to 30 June 2020.
2. In addition to their annual Councillor fees, the Deputy Mayor receives a fixed fee of 15% of the Mayor's annual fee for the period 1 July 2019 to 30 June 2020.

**Minute No: 107****GOV017-19****Quarterly Budget Review Statement for Period Ending March 2019****File Number: 2018/307801**

RESOLVED: (Councillor Johns/Councillor Riad)

THAT:

1. The 3rd Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.
2. The Director Shire Planning convene a study group to review aspects of development assessments in terms of processing and projected revenue.

**Minute No: 108****GOV018-19****Cash Payments and Investments Report - March 2019****File Number: 2018/315796**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

The information concerning Bank Balances and Investments held as at 31 March 2019, be received and noted.

**Minute No: 109****SER005-19****Proposed Drainage Easement - 30-32 Premier St, Gynea****File Number: 2018/301590**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 30-32 Premier Street, Gynea (Lots 171 & 172 DP 9461) in favour of 34 Premier Street, Gynea (Lot 173 DP 9461).
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.

**Minute No: 110****SER006-19****Proposed Drainage Easement - 12 Sunnyside Ave, Caringbah****File Number: 2018/320104**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 12 Sunnyside Avenue, Caringbah (Lot C DP 380862) in favour of 16 Gordon Street, Caringbah (Lot 64 DP 8599).
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.



**Minute No: 111****INF007-19****Disposal of Coal and Ash from BBQs in Public Parks****File Number: 2019/332456**

RESOLVED: (Councillor Provan/Councillor Forshaw)

THAT:

1. This matter be deferred back to the Shire Infrastructure Committee for further consideration.
2. A breakdown of the \$11,700 capital cost be provided.

**Minute No: 112****Procedural Motion****To Bring Forward Consideration of RES001-19**

RESOLVED: (Councillor Plibersek/Councillor Johns)

That RES001-19 be brought forward as the next item of business.

**Minute No: 113****RES001-19****PLN011-19 - Planning Proposal to Heritage List 65 Hotham Road, Gymea****File Number: 2018/319322**

Formal Notice of the following Motion was given by Councillors Johns, Nicholls, Simpson and Riad.

MOTION: (Councillor Johns/Councillor Pesce)

That the following Resolution of Council on 15 April 2019 (PLN011-19) be rescinded:

THAT:

1. Council endorses the Planning Proposal to add 65 Hotham Road Gymea to Schedule 5 Environmental Heritage, for submission to NSW Planning and Environment for a Gateway Determination.
2. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

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

**In Favour** of the Rescission Motion were the Mayor, Councillor Pesce, together with Councillors Johns, Nicholls, Riad and Simone.

**Against** the Rescission Motion were Councillors Boyd, Collier, Croucher, Forshaw, McLean, Provan, Plibersek, Scaysbrook, Simpson and Steinwall.

The Rescission Motion on being put to the Meeting was declared lost.

During debate on RES001-19, the following Procedural Motions were moved:

PROCEDURAL MOTION: (Councillor Simpson/Councillor Steinwall)

That Councillor Plibersek be granted an additional two minutes to address item RES001-19.

PROCEDURAL MOTION: (Councillor Plibersek/Councillor Boyd)

That Councillor Croucher be granted an additional two minutes to address item RES001-19.

**Minute No: 114**

**INF008-19**

**Public Exhibition of Draft Bundeena Creek Floodplain Risk Management Study & Plan**

**File Number: 2015/211716**

RESOLVED: (Councillor Johns/Councillor Scaysbrook)

THAT:

1. Council endorse the draft Bundeena Creek Floodplain Risk Management Study & Plan report for public exhibition.
2. Council write to all affected property owners advising of the changes to the planning certificates during the public exhibition.
3. A report back to Council be provided before the Section 10.7(2) planning certificates are amended.

**Minute No: 115****INF009-19****Amendment to the Bushfire Advisory Committee Charter****File Number: 2018/323107**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The name of the Bushfire Advisory Committee be changed to Rural Fire Service Consultative Committee.
2. The revised Charter of the Rural Fire Service Consultative Committee attached to this report be adopted.

**Minute No: 116****PLN012-19****Green Grid Strategy****File Number: 2016/260409**

RESOLVED: (Councillor Plibersek/Councillor Steinwall)

THAT:

The Green Grid Strategy Map attached to this report be endorsed by Council.

**Minute No: 117****Procedural Motion****To Bring Forward Consideration of MOT008-19**

RESOLVED: (Councillor Johns/Councillor Collier)

That MOT008-19 be brought forward as the next item of business.

**Minute No: 118****MOT008-19****Telecommunication Tower Installation Lilli Pilli****File Number: 2019/341543**

RESOLVED: (Councillor Johns/Councillor Collier)

THAT:

1. Council notes its resolution pertaining to the notification process for changes in public utility infrastructure (MOT001-19) to receive a report on the notification process for changes in public utility infrastructure and how the community's views can be better considered.

2. Council make a strong submission in support of residents of 81 Lilli Point Road Lilli Pilli and Crouton Avenue Engadine in regard to the current applications for telecommunication towers.
3. Representation also be made to the Local Member for Cook, Prime Minister Scott Morrison MP, and the Local Member for Hughes, Craig Kelly MP.
4. Council write to the utility infrastructure providers requesting they improve their communications to the affected community.

**Minute No: 119**

**PLN013-19                      Review of Greenweb Strategy**  
**File Number: 2018/324773**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

The revised Greenweb Map attached to this report and amendments to the Greenweb provisions in Sutherland Shire Development Control Plan 2015 as described in this report be endorsed for public exhibition.

**Upon moving the Resolution in bulk, a Division was taken to be called on the Resolution and the following votes were recorded:**

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

**The decision was unanimous.**

**Minute No: 120**

**PLN014-19                      Kareela Shopping Centre Update**  
**File Number: 2017/270174**

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

RESOLVED: (Councillor Croucher/Councillor Collier)

THAT:

1. Council officers work with the shopping centre owner toward approval of the Roads Act application without further delay so that road related works can be completed.

2. Once the Roads Act application is approved, a “Notice to Complete” with reasonable and specified timeframes be issued, with appropriate action to follow to ensure compliance.
3. Staff investigate the following concerns expressed by residents of Siandra Drive and endeavour to resolve them before final sign-off on compliance:
  - a. The landscaping performed as a result of consent conditions has been maintained and remains in place.
  - b. The waste bins in the loading dock off Siandra Drive are relocated so that they are out of the sight on residents.
  - c. The access of cars and trucks to the centre from Siandra Drive be reconsidered. The current arrangement is the reverse of the usual driving on the left-hand side of the road; and is creating dangerous situations.
  - d. Relocate the loading dock signage in Siandra Drive. It is incorrectly placed and is an eyesore for residents.
  - e. Paint the remaining exposed brickwork in the Siandra Drive Loading Dock. All other exposed brickwork has been painted and is much more attractive.

Councillor Nicholls returned to the Meeting (8:58pm).

**Minute No: 121**

**PLN015-19**

**Planning Proposal SSLEP2015 Landscape Area - Existing Non-compliances**

**File Number: 2018/323444**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The advice of the Sutherland Shire Local Planning Panel in relation to this Planning Proposal be received and noted.
2. The Planning Proposal SSLEP2015 Landscaped Area – Existing Non-Compliances be submitted to NSW Planning and Industry for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to Section 3.31 of the Environmental Planning and Assessment Act 1979.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.

5. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

**Upon moving the Resolution in bulk, a Division was taken to be called on the Resolution and the following votes were recorded:**

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

**The decision was unanimous.**

**Minute No: 122**

**PLN016-19**

**Planning Proposal - SSLEP2015 Minor Amendments - Heritage Items 2019**

**File Number: 2018/323729**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. Advice of the Sutherland Shire Local Planning Panel in relation to this planning proposal be received and noted.
2. The Planning Proposal SSLEP2015 *Minor Amendment – Heritage Items 2019* be submitted to NSW Planning and Industry for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to section 3.31 of the Environmental Planning and Assessment Act 1979.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
5. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

**Upon moving the Resolution in bulk, a Division was taken to be called on the Resolution and the following votes were recorded:**

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

**The decision was unanimous.**

**Minute No: 123****PLN017-19****Planning Proposal – Low Rise Medium Density Housing Code and  
SSLEP2015****File Number: 2019/334705****\*\*\* Special Disclosure of Pecuniary Interest**

In relation to this matter, Councillor Collier made a special disclosure of pecuniary interest.

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

RESOLVED: (Councillor Plibersek/Councillor Provan)

THAT:

1. The advice of the Sutherland Shire Local Planning Panel in relation to this Planning Proposal be received and noted.
2. The Planning Proposal - *Low Rise Medium Density Housing Code* - be referred to the NSW Planning & Industry for Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to section 3.31 of the *Environmental Planning and Assessment Act 1979*.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
5. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

**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 Boyd, Collier, Croucher, Forshaw, McLean, Provan, Plibersek, Scaysbrook, Simone and Simpson.

**Against** the Resolution were Councillors Johns and Nicholls.

Councillor Riad and Councillor Steinwall returned to the Meeting (9:00pm).

**Minute No: 124****PLN018-19****Community Engagement - Woronora Caravan Park****File Number: 2018/322841**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. The report on the "Community Engagement – Woronora Caravan Park" be received and noted.
2. All Councillors be provided with a copy of the information that was given to residents during the consultation process regarding Woronora Caravan Park.

**Minute No: 125****COR011-19****Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on Friday, 3 May 2019****File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday 3 May 2019 be adopted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 3 May 2019 be adopted.

**Minute No: 126****COR012-19****Draft Delivery Program 2017-2021, Incorporating Operational Plan and Budget 2019-2020****File Number: 2017/278520**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The draft Delivery Program 2017 – 2021 and Operational Plan 2019/20 suite of documents (Appendix A and B) be placed on public exhibition for a minimum period of 28 days; and
2. Following public exhibition, a revised Delivery Program 2017 – 2021 and Operational Plan 2019/20 be presented to Council for adoption prior to 1 July.



**Minute No: 127**

**COR013-19                      Results of Public Exhibition of Revised Code of Meeting Practice and  
Adoption of Public Forum Policy  
File Number: 2015/26223**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The revised Code of Meeting Practice, attached as Appendix A to this report, be adopted with a commencement date of 21 May 2019.
2. The Public Forum Policy, attached as Appendix B to this report, be adopted.

**Minute No: 128**

**COR014-19                      Planning Panel Agenda Items for Determination  
File Number: 2016/254538, 2016/261299**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The report Planning Panel Agenda Items for Determination be received and noted.
2. The practice of Councillors being notified about the agendas of upcoming planning panel meetings via a report to Council be discontinued in favour of Councillors being provided with this information by email.

**Minute No: 129**

**COR016-19                      Greater Menai Traffic Working Party  
File Number: 2015/226006**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. Council establish a local area Traffic Working Party for greater Menai with membership drawn from Councillors, NSW Police Force, local residents and business owners.
2. The current chair of the Sutherland Traffic and Traffic Safety Committee be nominated as chair of the working party.

**MOT008-19**                    **This matter was considered earlier in the Meeting  
(See Minute No. 118).**

**Minute No: 130**

**MOT009-19**                    **Reporting Councillor Attendance  
File Number: 2015/14243**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. Council, in keeping with Council's adopted Community Strategic Plan to inform community, publishes Councillor attendance to Council, Standing Committees and Briefings to which they are members in its annual report and against Councillor biographies on-line.
2. Council commence this as from 1 July 2019 onwards.
3. Any non-attendance, where a leave of absence has been granted, be noted accordingly.

**Minute No: 131**

**MOT010-19**                    **Request for Tree Removal - 4 Coopernook Avenue, GyMEA Bay  
File Number: 2016/254000**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. Council receives a report at its next meeting on the request from Mr Grant Payne to remove a tree located on private property at 4 Coopernook Avenue, GyMEA Bay.
2. The report includes:
  - a. Details of the request and the reasons for seeking removal;
  - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
  - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
  - d. Recommendations for the management of the tree and associated costs (if applicable).

**Minute No: 132**

**MOT011-19                      Request for Tree Removal - Property Adjacent to 27 Bimbadeen Avenue,  
Miranda**

**File Number: 2016/253952**

RESOLVED: (Councillor Collier/Councillor Boyd)

THAT:

1. Council receives a report at its next meeting on the request from Ms Leonie Miller to remove a tree located on Council property adjacent to 27 Bimbadeen Avenue, Miranda:
2. The report includes:
  - a. Details of the request and the reasons for seeking removal;
  - b. Outcomes from the visual assessment and TRAQ assessment undertaken;
  - c. An assessment against the relevant criteria in Part 4 of Chapter 39 in Sutherland Shire Development Control Plan 2015; and
  - d. Recommendations for the management of the tree and associated costs (if applicable).

Councillor Plibersek requested that his name be recorded as voting against the Resolution.

**RES001-19                      This matter was considered earlier in the Meeting  
(See Minute No. 113).**

**Personal Statement by Councillor Simpson**

Councillor Simpson advised that in relation to BWN002-19 - Repair of Bus Stop at Alfords Point Road, Alfords Point, resolved at the Council Meeting on 18 March 2019, correspondence was forwarded in accordance with the Council resolution. The bus shelter was removed and has not yet been replaced. Councillor Simpson requested that Council make every effort to ensure the bus shelter is replaced to provide amenities for public transport users.

**Minute No: 133****CONSIDERATION OF BUSINESS IN CLOSED SESSION (9:36pm)**

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 Plibersek/Councillor Provan)

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:

**SER003A-19            Proposed changes to terms and conditions for sale of Council Land at 45 -  
49 Croydon Street, Cronulla  
File Number: 2015/219769**

**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.

**COR004A-19            T812/19 Cronulla Park – Surf Lifesaving Club New Frontage Works**  
**File Number: 2019/337164**

**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.

**COR005A-19            Update on Sale of 9 Kingsway, Cronulla**  
**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.

At this stage, the Meeting moved into Closed Session (9:36pm).

**Minute No: 134**

**SER003A-19            Proposed changes to terms and conditions for sale of Council Land at 45**  
**- 49 Croydon Street, Cronulla**  
**File Number: 2015/219769**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

The recommendation outlined in the report "Proposed changes to terms and conditions for sale of Council Land at 45 - 49 Croydon Street, Cronulla" be accepted.

**Minute No: 135****COR004A-19****T812/19 Cronulla Park – Surf Lifesaving Club New Frontage Works****File Number: 2019/337164**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

THAT:

1. The tender from Momentum Built Pty Ltd (ABN 32 138 854 618), for the lump sum price of \$1,268,022 (excluding GST), on terms and conditions to the satisfaction of the Chief Executive Officer, be accepted.
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.

Type of Document: Contract for the Cronulla Park – Surf Life Saving Club New Frontage Works

Other Party: Momentum Built Pty Ltd (ABN 32 138 854 618)

**Minute No: 136****Procedural Motion****To Move Into Committee of the Whole to Allow Discussion of COR005A-19**

RESOLVED: (Councillor Pesce/Councillor Simpson)

That Council move into Committee of the Whole to discuss COR005A-19.

At this stage, Councillor Boyd and Councillor Simone declared a conflict of interest and left the Meeting (9:38pm).

**Resumption of Standing Orders**

At this stage of the Meeting, Standing Orders were resumed (10:12pm).

**Minute No: 137****COR005A-19****Update on Sale of 9 Kingsway, Cronulla****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 Simone declared a significant non-pecuniary interest in this matter, left the Meeting, took no part in the discussion and did not vote.

RESOLVED: (Councillor Simpson/Councillor Johns)

THAT:

Council note the legal advice and the report, and delegate to the Mayor and Chief Executive Officer authority to progress actions regarding completion of the sale.

**Minute No: 138****Procedural Motion****To Move Back Into Open Session**

RESOLVED: (Councillor Johns/Councillor Provan)

That the Meeting move back into Open Session.

At this stage the Meeting moved back into Open Session (10:12pm).

The Meeting closed at 10:13pm.