



Minutes

Council Meeting

Monday, 18 December 2017

6.30pm

**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 (joined the meeting at 6.36pm), Councillor Nicholls, Councillor Plibersek, Councillor Provan, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Services, Director Shire Infrastructure, Director Shire Planning, Property Services Manager (Lani Richardson), Executive Officer Governance (Karen Barrass) and Executive Officer Governance (Neil Treadwell).

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 Pastor Marc Rader, Gymea Baptist Church.

APOLOGY

Nil

DISCLOSURES OF INTEREST

File Number: 2015/14239

Councillor Boyd declared a pecuniary interest in the following matter:

COR003A-18 Outcome of Commercial Negotiations for Sale of Land - 9 Kingsway, Cronulla

File Number: 2017/268207

advising his employers are the legal representatives for the applicant. I have no direct relationship with the matter.

Councillor Johns declared a non-significant non-pecuniary interest in the following matter:

MOT014-18 SSC Condemns Decision by NSW Coalition Government to Demolish and Rebuild ANZ and Allianz Stadiums

File Number: 2015/79145

advising that he is a member of the Liberal Party and acting State President of the Liberal Party.

The Mayor, Councillor Pesce declared a pecuniary interest in the following matter:

SER011-18 Early Opening Cafes – Outcome of Extended Hours Trial Period

File Number: 2015/213894

advising that he owns cafes in the area and he owns a café mentioned in the report.

Councillor Riad declared a pecuniary interest in the following matter:

MOT013-18 Real Estate Signboards and their Impact on the Community

File Number: 2015/288468

advising that he works at a remedial engineering company that puts advertising on the hoardings as the discussion of the debate included all signage at construction sites.

Councillor Scaysbrook declared a pecuniary interest in the following matter:

SER011-18 Early Opening Cafes – Outcome of Extended Hours Trial Period

File Number: 2015/213894

advising that his wife is a supplier to a business mentioned in the report.

Councillor Simone declared a pecuniary interest in the following matter:

MOT014-18 SSC Condemns Decision by NSW Coalition Government to Demolish and Rebuild ANZ and Allianz Stadiums

File Number: 2015/79145

advising that her husband is partners with the English Stadimax Stadiarena and is involved in the stadium industry.

Councillor McLean declared a non-significant, non-pecuniary interest in the following matter:

GOV016-18 Cash Payments & Investments Report - September 2017

File Number: 2017/281575

advising that he is a Director of Care Super. Care Super is a shareholder in ME Bank. Council has an investment relationship with ME Bank.

The conflict is not significant as I do not receive any direct or indirect benefit from the investment relationship between ME Bank and Council.

Minute No: 141**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Provan/Councillor Scaysbrook)

That the Minutes of the Ordinary Council held on Monday 20 November 2017, being Minutes Numbered 103 - 140 inclusive, be and are hereby confirmed as a correct record.

Minute No: 142

MM007-18 Mayoral Minute - Small Business Friendly Council Initiative
File Number: 2015/65785

RESOLVED: (The Mayor, Councillor Pesce/Councillor Simpson)

That the General Manager examines the 'Easy to do Business' program and if satisfied it is consistent with Council's Community Strategic Plan and Resourcing Strategy and is otherwise favourable to Council, prepares a report setting out the negotiated terms for Council to consider entering into a contract with Services NSW.

Minute No: 143

MM008-18 Mayoral Minute - Membership of Hungry Point Trust
File Number: 2015/86325

RESOLVED: (The Mayor, Councillor Pesce/Councillor Provan)

That Council writes to the Hon Paul Toole MP, Minister for Lands and Forestry advising Council nominates the General Manager Sutherland Shire Council to serve on the Hungry Point Reserve Trust as an ex-officio member for a five year period.

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

Minute No: 144**GOV016-18****Cash Payments & Investments Report - October 2017****File Number: 2017/281575**

*** Councillor McLean declared a Not significant non pecuniary interest in this matter.

RESOLVED: (Councillor Provan/Councillor Simpson*)

That the information concerning Bank Balances and Investments held as at 31 October 2017, be received and noted.

Minute No: 145**SER009-18****Sutherland Precinct Redevelopment (value realisation) and Sutherland Entertainment Centre (service need and value assessment)****File Number: 2017/244143**

RESOLVED: (Councillor Provan/Councillor Simpson*)

THAT:

1. The report be received and noted.
2. A facilitated workshop be organised to explore the options for the SEC and surrounding Council owned land and to report back no later than March 2018.

Minute No: 146**SER010-18****Proposed Drainage Easement - 138B Gynea Bay Road, Gynea Bay****File Number: 2017/289130**

RESOLVED: (Councillor Provan/Councillor Simpson*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 138B Gynea
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Bay Road, Gymea Bay (Lot 47 Sec 1 DP 10641) in favour of 144 Gymea Bay Road, Gymea Bay (Lot 19 Sec 1 DP 10641) at terms and conditions to the General Manager satisfaction.

2. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to these resolutions.

PROCEDURAL MOTION: (Simpson/Croucher)

That Councillor Provan be nominated to Chair the Meeting from this point.

Minute No: 147

SER011-18 Early Opening Cafes - Outcome of Extended Hours trial period
File Number: 2015/213894

*** The Mayor, Councillor Pesce and Councillor Scaysbrook declared a pecuniary interest in this matter, left the chamber, took no part in the decision and did not vote.

****Councillor Provan assumed the Chair of the Meeting at this point (6.44pm)

RESOLVED: (Councillor Simpson/Councillor Plibersek)

THAT:

1. The early opening café trial be extended for a further six months to March 2018, enabling cafes within the Cronulla centre; Gymea Bay Road between President Avenue and Kingsway; and Kirrawee - Oak Road between President Avenue and Flora Street to open at 5:30am with set up of outdoor furniture from 6:30am.
2. A report be provided at the conclusion of the trial, on the extension of the proposed trial to include other major centres within the Sutherland Shire.
3. All café operators be advised of the extended six month trial.

***The Mayor, Councillor Pesce and Councillor Scaysbrook returned to the meeting.

****The Mayor resumed the Chair of the Meeting at this point (6.52pm).

Minute No: 148

INF016-18 Proposed Renaming of Hawkesbury Park
File Number: 2015/65496

RESOLVED: (Councillor Provan/Councillor Simone)

That Hawkesbury Park, Sylvania Waters be renamed to James Goyen Reserve.

Councillor Simpson left the Meeting during discussion of the following item.

Minute No: 149

INF017-18

Open Space Naming Proposal - Greenhills Beach Estate

File Number: 2017/278523

MOTION: (Collier / Plibersek)

THAT:

1. The proposal to rename the public reserve in Greenhills Beach Estate be referred to Council's Aboriginal Advisory Sub Committee seeking the Committee's advice on suitable Aboriginal names for the park.
2. The Committee's advice be reported back to Council to determine whether the proposal be re-exhibited.
3. Council staff prepare a policy on being succinct in the naming of public parks and reserves.

AMENDMENT: (Provan/Simone)

THAT:

1. The Greenhills Beach Estate park located at 422 Captain Cook Drive be named Don Dobie Reserve.
2. Council staff prepare a policy on being succinct in the naming of public parks and reserves.

The Amendment on being put to the Meeting was declared Carried to become the Motion.

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 Croucher, Johns, Nicholls, Provan, Riad and Simone.

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

The Mayor, Councillor Pesce used his casting vote in Favour of the Amendment.

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

In Favour of the Motion were The Mayor, Councillor Pesce together with Councillors Croucher, Johns, Nicholls, Provan, Riad, Scaysbrook, Simone and Steinwall.

Against the Motion were Councillors Boyd, Collier, Forshaw, McLean and Plibersek.

The Motion on being put to the Meeting was carried to become the Council Resolution as shown in the Amendment.

Councillor Simpson returned to the Meeting.

Minute No: 150

INF018-18

Proposed Sutherland Shire Community Recycling Centre

File Number: 2015/212675

RESOLVED: (Councillor Johns/Councillor Scaysbrook)

THAT:

1. Council advises NSW EPA that it no longer wishes to proceed with the construction of the Community Recycling Centre as detailed due to the current funding arrangements, restrictions and limitations.
2. Council advises NSW EPA that it wishes to enter into discussions with NSW EPA to seek an improved funding model for Community Recycling Centres and possibly in partnership with other SSROC Councils.
3. That a further report on this process be provided to this Council within seven months as to the progress of these discussions prior to any decision being made.

Minute No: 151**INF019-18****Minutes of the Energy Generation Working Group meeting****File Number: 2017/289096**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. The Energy Generation Working Group meeting Minutes of 8 November 2017 be received and noted.
2. The staff involved in the Energy Working Group be thanked for their dedication.

Councillor Johns requested that his name be recorded as voting against this item.

Minute No: 152**PLN022-18****Camellia Gardens Flying-fox Draft Camp Management Plan for Exhibition****File Number: 2015/64733**

RESOLVED: (Councillor Provan/Councillor Simpson*)

THAT:

1. Council endorse the Draft Camellia Gardens Flying-fox Camp Management Plan and Communications Action Plan for exhibition subject to inclusion of the following:
 - a. The classification of Grey Headed Flying-Foxes as “vulnerable species” under relevant legislation;
 - b. The reasons for such classification; and
 - c. The implications of the “vulnerable species” classification for the dispersal activities of Council.
2. A further report be provided to Council outlining the results of the public exhibition and any subsequent amendments to the Camp Management Plan.

Minute No: 153

PLN023-18 Adoption Fee for Pre-Development Application Discussion on Single Dwelling Houses
File Number: 2015/4807

RESOLVED: (Councillor Provan/Councillor Simpson*)

THAT:

1. The \$100 fee for pre-development application service (single dwelling houses) be adopted.
2. The fee be included in Council's 2017/2018 Schedule of Fees and Charges.

Minute No: 154

PLN024-18 Exhibition of Greater Sydney Region Plan, South District Plan & Future Transport 2056
File Number: 2017/289122

RESOLVED: (Councillor Simpson/Councillor Forshaw)

THAT:

1. The submissions to the Greater Sydney Commission and Transport for NSW on the Draft Greater Sydney Region Plan, Draft South District Plan and the Future Transport 2056 as attached to this report as Appendix B and C be endorsed as written by Sutherland Shire Council staff.
2. Further briefings be given to Councillors on the Greater Sydney Region Plan.

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, Johns, McLean, Nicholls, Plibersek, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Minute No: 155**PLN025-18****Sutherland Shire Development Control Plan 2015 - Draft Amendment 2****File Number: 2017/264379**

RESOLVED: (Councillor Provan/Councillor Simpson*)

THAT:

1. Sutherland Shire Development Control Plan 2015 Chapter 1 (Introduction), Chapter 2 (Dwelling Houses in Zone E4) and Chapter 3 (Secondary Dwellings in Zone E4) be amended to enable a 6m front setback for the Ridgeway Estate, as detailed in this report (Appendix A).
2. The draft amendment to SSDCP2015 – Amendment 2, be exhibited for public comment in accordance with legislative requirements.

Minute No: 156**COR014-18****Report and Minutes of the Meeting of the Sutherland Traffic and Traffic Safety Committee held on Friday, 01 December 2017****File Number: 0000**

RESOLVED: (Councillor Provan/Councillor Simpson*)

That the decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 1 December 2017 be noted.

Minute No: 157**COR015-18****2017/2018 HERITAGE BUILDING GRANTS****File Number: 2017/285371**

RESOLVED: (Councillor Provan/Councillor Simpson*)

That Council endorse the recommendations of the Heritage Sub-Committee and award the following funding under the 2017/2018 Heritage Building grants program:

- a. 25 Bundeena Drive, Bundeena - \$5,000
- b. 79 Woollooware Road, Woollooware - \$920
- c. 52 Taloombi Street, Cronulla - \$3,000
- d. 41 Wolger Street, Como - \$700
- e. 10-12 Kangaroo Point Road, Kangaroo Point - \$4,575
- f. 455 President Avenue, Kirrawee - \$1,100
- g. 125 Jannali Avenue, Sutherland - \$1,750
- h. 10 McKell Avenue, Waterfall - \$5,000

Minute No: 158

MOT009-18

Mills Room Hand Back Negotiations

File Number: 2015/13632

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. Council commence negotiations with the NSW Department of Education to facilitate the handing back of the Council building commonly known as the Mills Room located at Lucas Heights Community School without a negative impact to existing users.
2. A report be presented to a future council meeting on the outcome of those negotiations
3. The report identifies the impact of any transfer of the building to the Department on existing users and sets out a communication strategy to ensure those users are consulted about any proposed changes.

Minute No: 159**MOT010-18 2017 Submission summary for the Reviews of NSW planning policy****File Number: 2015/66082**

RESOLVED: (Councillor Steinwall/Councillor McLean)

That Council receive a report for the March Planning Committee providing a summary of all the submissions Council made in 2017 in relation to reviews of NSW planning policy, and providing details of whether Council's concerns were addressed by the final form of the policy.

Councillor Johns requested that his name be recorded as voting against this item.

Minute No: 160**MOT011-18 Identify Opportunities to enhance Lantana Street Park, Engadine****File Number: 2015/217421**

RESOLVED: (Councillor Steinwall/Councillor Nicholls)

That Council receives a report identifying opportunities to expand and enhance recreational activities at Lantana Street Park, Engadine to include the adjoining Crown Land and setting out any implications on Council's Operational Plan and Delivery Program.

Minute No: 161**MOT012-18 Heritage Fig on Wilbar Avenue, Cronulla****File Number: 2017/286063**

RESOLVED: (Councillor Forshaw/Councillor Provan)

That in the event of any upgrade to the intersection of Kingsway and Wilbar Avenue, the design shall retain and incorporate the existing heritage fig within the road reserve of Wilbar Avenue.

Minute No: 162**MOT013-18****Real Estate Signboards and their impact on the community****File Number: 2015/288468**

*** Councillor Riad declared a pecuniary interest in this matter, left the chamber, took no part in the decision and did not vote.

RESOLVED: (Councillor Steinwall/Councillor Boyd)

That Council be provided with a briefing on the subject of real estate advertising placed on the hoardings around construction sites and on the installation of large or illuminated real estate 'for sale' signs, that addresses their legality, their impact on the community, and options and associated costs to regulate these type of signs.

Councillor Riad returned to the meeting.

Minute No: 163**MOT014-18****SSC Condemns decision by NSW Coalition Government to Demolish and Rebuild ANZ and Allianz Stadiums****File Number: 2015/79145**

*** Councillor Johns declared a Not significant non pecuniary interest in this matter.

*** Councillor Simone declared a pecuniary interest in this matter, left the Chamber, took no part in the decision and did not vote.

MOTION: (Forshaw/Boyd)

That Council immediately write to the NSW Premier, the Hon Gladys Berejiklian MP and the NSW Minister for Sport, the Hon Stuart Ayres MP advising:

Sutherland Shire Council condemns the recent decision by the NSW Coalition Government to demolish and rebuild ANZ and Allianz Stadiums at a cost of at least \$2 billion.

Council notes that there has been substantial criticism and opposition from hundreds of thousands of citizens across Sydney and the Sutherland Shire, as well as rural and regional areas, to this decision.

Council further notes that many other areas in Sydney, including Sutherland Shire, as well as rural and regional NSW, have ageing public infrastructure particularly schools, hospitals, roads and rail networks which are desperately in need of replacement.

We call on the NSW Government to reverse this outrageous decision and allocate the funds to replacing and/or upgrading other more urgent and vital infrastructure. In particular we call on the NSW Government to immediately allocate funds to upgrade Heathcote Road, one of the most dangerous roads in NSW and to also construct a new bridge with better access over Sutherland Railway Station.

AMENDMENT: (Simpson/Provan)

That Council write to the NSW Premier, the Hon. Gladys Berejiklian and the NSW Minister for Sport, the Hon Stuart Ayres advising;

Sutherland Shire Council is of the opinion that the decision of the NSW Government to demolish and rebuild ANZ and Allianz Stadiums at a cost of approximately \$2 billion dollars should not take place at this time and that much needed and vital infrastructure within the state is in desperate need of upgrading and or replacement.

This Council asks that the State Government to postpone any decision on the Stadiums and to ensure that the much-needed infrastructure funding for Hospitals, schools and the ageing road and rail corridors is provided throughout the State.

In particularly, Sutherland Shire Council calls on the State Government to allocate funds for the upgrading of Heathcote Road known as the Shires, if not the States, most dangerous road and to fund the construction of a new bridge at Sutherland Rail Station.

The Amendment on being put to the Meeting was Carried to become the Motion.

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

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

Against the Amendment were The Mayor, Councillor Pesce together with Councillors Johns, Nicholls and Riad.

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

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

Against the Motion were The Mayor, Councillor Pesce together with Councillors Johns, Nicholls and Riad.

The Motion on being put to the Meeting was carried to become the Council Resolution as shown in the Amendment.

Councillor Simone returned to the meeting.

Minute No: 164

**BWN006-18 Implementation of Policy to Reduce the Risk of Balcony Failure From
Overloading
File Number: 2015/4836**

Councillor Simpson requested Business Without Notice concerning Council receiving a report detailing how Council could implement policies to reduce the risk of balcony failure from overloading be considered as a matter of urgency.

The Mayor, Councillor Pesce, ruled in accordance with Clause 19(3)(b) of Councils Code of Meeting Practice that the matter was of great urgency.

RESOLVED: (Councillor Simpson/Councillor Steinwall)

That Council receive a report detailing how Council could implement policies to reduce the risk of balcony failure from overloading.

**At this time in the Meeting, all closed items for discussion were moved in bulk, as shown:
“RESOLVED: (Councillor Provan/ Councillor Simone**)”**

CONSIDERATION OF BUSINESS IN CLOSED SESSION (9.39PM)

The Mayor, Councillor Pesce, asked the General Manager if any representations had been received from the public on any of the items Council will be discussing in Closed Session as per the Agenda.

The General Manager replied that no representations had been received to talk to the items in Closed Session.

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

There were none.

RECOMMENDATION

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:

INF005A-18 **T739/17 Design and Construct a Water Fun play Park at Sutherland Leisure Centre**
File Number: 2017/285809

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.

INF006A-18 **Accelerated Replacement of Ausgrid Residential Road Street Lights**
File Number: 285499

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.

COR003A-18 **Outcome of Commercial Negotiations for Sale of Land - 9 Kingsway Cronulla**
File Number: 2017/268207

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.

Minute No: 165**INF005A-18****T739/17 Design and Construct a Water Fun play Park at Sutherland Leisure Centre****File Number: 2017/285809**

RESOLVED: (Councillor Johns/Councillor Nicholls)

THAT:

1. The tender from Beau Corp Projects Pty Ltd (ABN 53 158 880 721) for the Design and Construction of a Water Play Park at Sutherland Leisure Centre for the lump sum of \$1,499,119 (excl GST), at terms and conditions to the satisfaction of the General Manager, be accepted.
2. Pursuant to clause 400 of the Local Government Regulation 2005, the following documents be executed under Common Seal of the Council of the Sutherland Shire:

Type of Document: Contract for the Design and Construction of a Water Fun Play Park at Sutherland Leisure Centre

Other Party: Beau Corp Projects Pty Ltd (ABN 53 158 880 721)

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 Boyd, Croucher, Johns, McLean, Nicholls, Provan, Riad, Simone and Steinwall.

Against the Motion were Councillors Collier, Forshaw, Plibersek, Scaysbrook and Simpson.

Minute No: 166**INF006A-18****Accelerated Replacement of Ausgrid Residential Road Street Lights****File Number: 285499**

RESOLVED: (Councillor Provan/Councillor Simpson**)

THAT:

1. Council approve the replacement of Ausgrid residential street lights with energy efficient LED's as outlined in the business case for accelerated deployment.
2. Council implement funding option two, that is, a mix of reserve and borrowed funds in order to participate in the pilot deployment of the project.
3. Council creates a strategic reserve with the recurrent savings being transferred into this reserve so that the lights can be continually renewed with energy efficient lighting technology at the end of useful life.
4. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to these resolutions.

Minute No: 167

**COR003A-18 Outcome of Commercial Negotiations for Sale of Land - 9 Kingsway
Cronulla
File Number: 2017/268207**

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

MOTION: (Councillor Simone/Councillor Provan)

THAT:

1. The sale 9 Kingsway, Cronulla being Lot 1 DP700935 to Kingsway Developments Cronulla Pty Limited by private treaty proceeds.
2. Council delegates to the General Manager to provide owners consent, at the appropriate time to any development application over Council's land, if required.
3. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.
4. All funds from this sale be dedicated and quarantined to the upgrade of the land identified in the Cronulla Masterplan.

AMENDMENT: (Simpson/ Scaysbrook)

THAT:

1. The recommendation outlined in the report "Outcome of Commercial Negotiation for Sale of Land – 9 Kingsway Cronulla" be accepted.
2. If adopted, the recommendation contained in the report be made public.

The Amendment on being put to the Meeting was Lost.

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

In Favour of the Amendment were Councillors Collier, McLean, Plibersek, Scaysbrook, Simpson and Steinwall.

Against the Amendment were The Mayor, Councillor Pesce together with Councillors Croucher, Forshaw, Johns, Nicholls, Provan, Riad and Simone.

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

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

In Favour of the Motion were The Mayor, Councillor Pesce together with Councillors Croucher, Forshaw, Johns, Nicholls, Provan, Riad and Simone.

Against the Motion were Councillors Collier, McLean, Plibersek, Scaysbrook, Simpson and Steinwall.

At this stage the Meeting moved back into Open Session.

The Meeting closed at 10.22pm.