



Minutes

Council Meeting

**Held on Tuesday, 18 April 2017
commencing at 6:30pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

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

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Infrastructure, Director Shire Planning, Acting Director Shire Services (Lani Richardson), Manager Communication and Events (Kathryn Lord), Manager Governance and Customer Service (Todd Hopwood), Corporate Governance Manager (Samantha Charlton), Supervisor Governance Support (Rachael Zhura) and Governance Resource Coordinator (Michael Cable).

Acknowledgement of Country

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

Opening of the Meeting with Prayer

The Meeting was opened with prayer by Father John Knight of St Patrick's Catholic Church, Sutherland.

Min No: 290 APOLOGY:

RESOLVED: (Councillor Scaysbrook/Councillor Steinwall)

That apologies tendered on behalf of Councillor McLean and Councillor Riad be accepted and leave of absence granted.

Disclosures of Interest**File Number: 2015/14239**

Councillor Steinwall declared a not significant non-pecuniary interest in the following matters:

SER021-17 Council Leisure Centres Natural Gas Price
Increase Mitigation Strategies
File Number: 2015/90408

advising that one of the members who runs the Learn to Swim in Engadine is a work colleague.

Councillor Steinwall did not advise why the conflict is not significant.

And

PLN030-17 Results of Public Exhibition of Planning Proposal
SSLEP2015 Amendment 7 (SSLEP2015 Amendment
"Other Policy Matters")
File Number: 2016/244252

advising that one of the items in that Amendment 7, John Paul Village, is run by the Religious Order, the Salesian Order, and it's the same Order of the Catholic school that she works in.

Councillor Steinwall did not advise why the conflict is not significant.

Min No: 291**Confirmation of Minutes of Council Meeting
held on Monday 20 March 2017
(Minutes Numbered 263 to 289 inclusive)**

RESOLVED: (Councillor Provan/Councillor Simone)

That the Minutes of the Council Meeting held on 20 March 2017, being Minutes Numbered 263 to 289 inclusive, be and are hereby confirmed as a correct record.

Min No: 292 Suspension of Standing Orders

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

That Standing Orders be suspended to consider COR045-17 as the next item of business.

Min No: 293

COR045-17 **Correction to Minutes of the Council Meeting
held on 20 March, 2017
File Number: 2017/269891**

RESOLVED: (Councillor Provan/Councillor Plibersek)

That the minutes of the Shire Planning Committee meeting held on 6 March, 2017 and the Council meeting held on 20 March, 2017 be amended to correct an error in the recorded resolution of Council in relation to item PLN025-17, with the following resolution to be recorded:

That Development Application No. 16/0662 for the demolition of existing structures and construction of 3 townhouses at Lot 47 DP 9458 (No. 16) Houston Street, Gynea be approved, subject to conditions of development consent and design changes detailed in Appendix "A" of the Report (PLN025-17).

Resumption of Standing Orders

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

Min No: 294

At this time in the Meeting, all open items not called for discussion were moved in bulk, as shown: "RESOLVED: (Councillor Provan/Councillor Simone*)".

Min No: 295

GOV020-17 **Cash Payments & Investments Report -
February 2017
File Number: 2016/250910**

RESOLVED: (Councillor Provan/Councillor Simone*)

That the information concerning Bank Balances and Investments held as at 28 February 2017, be received and noted.

Min No: 296**GOV021-17****Visual Identity****File Number: 2016/249839**

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. Minor updates to Council's logo, as detailed in this report, retaining the prominent image of Captain Cook, be endorsed.
2. Council's Style Guide be updated accordingly.

Min No: 297**SER020-17****Proposed Easement for Drainage Over****Community Land - Various Lots****File Number: 2016/260404, 2016/264477,****2016/261260, 2016/259625**

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. An Easement for Services (Drainage) be granted over Council land described as 1 Fenton Avenue, Caringbah (Lot 2 DP225559) in favour of 12 Yathong Road, Caringbah (Lot 53 DP 25104) at terms and conditions to the satisfaction of the General Manager.
2. An Easement for Services (Drainage) be granted over Council land described as 2 Gosby Avenue, Miranda (Lot 28 DP 26569) in favour of 144 Karimbla Road, Miranda (Lot A DP 35612) at terms and conditions to the satisfaction of the General Manager.
3. An Easement for Services (Drainage) be granted over Council land described as 19R Edward Avenue, Miranda (Lot 25 DP 30529) in favour of 20 Renown Avenue, Miranda (Lot 25 DP 30529) at terms and conditions to the satisfaction of the General Manager.
4. An Easement for Services (Drainage) be granted over Council land described as 23B Grevillea Grove, Heathcote (Lot 161 DP16127) in favour of 52 Bottle Forest Road, Heathcote (Lot 153 DP321396) at terms and conditions to the satisfaction of the General Manager.
5. 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.

SER021-17 **Council Leisure Centres Natural Gas Price
Increase Mitigation Strategies
File Number: 2015/90408**

*** Councillor Steinwall declared a not significant non-pecuniary interest in this matter.

MOTION: (Councillor Johns/Councillor Simone)

THAT:

1. Council note Strategies 1, 2 and 3 which provide partial mitigation to the \$500,000 increase in operating costs of the Leisure Centres in 2017/18 due to the rising price of natural gas.
2. A community information session and survey be endorsed to obtain feedback on proposed Strategy 4.
3. A report is provided to Council regarding Strategy 5 on the proposed amended levels of service at outdoor pools and the provision of specific attractions to differentiate centres.
4. Pending the undertaking of technical investigation and a return on investment analysis, Strategies 6 and 7, Council be advised of opportunities to reduce on-going energy costs and increase income at the Leisure Centres.
5. As part of Strategy 7, Council investigate the options of non-gas energy services.
6. Investigations be made to work with other Councils and organisations to achieve the best possible energy pricing options for its leisure facilities.
7. The investigations in regard to point 6 be reported back to Council within a 6 month period.
8. Staff provide a strategy to work with existing users and the general public at Engadine Leisure Centre.
9. That this report and all associated documentation be provided to the Treasurer and Federal Member for Hughes.
10. That the relevant Minister be thanked for his proactive approach.

Min No: 298 Procedural Motion
To Defer Consideration of SER021-17

MOTION: (Councillor Johns/Councillor Provan)

That consideration of SER021-17 be deferred to allow additional wording to be provided.

The Procedural Motion on being put to the Meeting was carried.

Min No: 299
INF013-17 Sutherland Shire Football Club Proposed Facility
Development - 244R The Boulevard, Miranda
File Number: 2015/78813

RESOLVED: (Councillor Provan/Councillor Simone*)

That Owner's Consent be granted for the proposed redevelopment of the gymnasium, change rooms and clubhouse leased to the Sutherland Shire Football Club, Field 1 at Seymour Shaw Park, Miranda subject to the General Manager being satisfied that the development is financially viable, with no financial impacts on Council, and that all outstanding matters raised in the Pre Development Application Discussion have been adequately addressed.

Min No: 300
INF014-17 Results of Community Consultation for the Renaming
of Green Hills Parklands to Marang Parklands
File Number: 2015/65496

MOTION: (Councillor Simone/Councillor Provan)

THAT:

1. The report Results of Community Consultation for the Renaming of Green Hills Parklands to Marang Parklands be noted.

2. The residents of Greenhills be surveyed as to proposing the preferences for:
 - a) Greenhills Park
 - b) Marang Parklands
 - c) An alternate name of their choice

Min No: 300 Cont'd

INF014-17

AMENDMENT: (Councillor Simpson/Councillor Steinwall)

THAT:

1. Marang Parklands be endorsed as the new name for Green Hills Parklands.
2. A submission be made to the NSW Geographic Names Board for the naming of Marang Parklands.
3. If approved, appropriate signage be installed at the site and any future reference to the area be Marang Parklands.

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, Collier, Croucher, Forshaw, Plibersek, Scaysbrook, Simpson and Steinwall.

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

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

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

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

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

**Min No: 301 Procedural Motion
 To Consider SER021-17**

MOTION: (The Mayor, Councillor Pesce)

That SER021-17 be considered.

The Procedural Motion on being put to the Meeting was carried.

Min No: 302

SER021-17

Council Leisure Centres Natural Gas Price

Increase Mitigation Strategies

File Number: 2015/90408

*** Councillor Steinwall declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Johns/Councillor Plibersek)

THAT:

1. Council note Strategies 1, 2 and 3 which provide partial mitigation to the \$500,000 increase in operating costs of the Leisure Centres in 2017/18 due to the rising price of natural gas.
2. A community information session and survey be endorsed to obtain feedback on proposed Strategy 4.
3. A report is provided to Council regarding Strategy 5 on the proposed amended levels of service at outdoor pools and the provision of specific attractions to differentiate centres.
4. Pending the undertaking of technical investigation and a return on investment analysis, Strategies 6 and 7, Council be advised of opportunities to reduce on-going energy costs and increase income at the Leisure Centres.
5. As part of Strategy 7, Council investigate the options of non-gas energy services.
6. Investigations be made to work with other Councils and organisations to achieve the best possible energy pricing options for its leisure facilities.
7. The investigations in regard to point 6 be reported back to Council within a 6 month period.
8. Staff provide a strategy to work with existing users and the general public at Engadine Leisure Centre.
9. This report and all associated documentation be provided to the Hon Scott Morrison MP, Treasurer and Mr Craig Kelly MP, Federal Member for Hughes.
10. The Hon Josh Frydenberg MP, Minister for the Environment and Energy, be thanked for his proactive approach.
11. Council request the Commonwealth Government to legislate to guarantee gas supply at a reasonable price if agreement cannot be reached with natural gas suppliers.

Min No: 303

PLN027-17

Draft Infrastructure and Education State

Environmental Planning Policies

File Number: 2017/266364

RESOLVED: (Councillor Steinwall/Councillor Plibersek)

That the draft submission to NSW Planning and Environment concerning the implications of reforms to State Environmental Planning Policies attached to this report as Appendix A, be endorsed, subject to the following changes being made in relation to the Education SEPP:

- a. Amend Point 2 to conclude that if childcare centres are to be complying development, they must be required to meet the principal development standards that apply to the zone; and to raise concern that where childcare centres cease business the neighbours will be subject to alternative use of buildings exacerbating amenity impacts.
- b. Correct Point 4 with the final sentence to read "It is Council's view that home based child care on bushfire prone land should not be included as complying development in the Codes SEPP."
- c. More emphasis be given to parking and traffic control in relation to childcare centres and schools in Council's Submission.
- d. Representations be made to the Minister for Planning concerning the implications of reforms to State Environmental Planning Policies.

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, Nicholls, Plibersek, Provan, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Min No: 304

PLN028-17

Standard of Fire Safety at Kareela Shopping Centre

File Number: 2017/270174

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. The report on Fire Safety at Kareela Shopping Centre be received and noted.
2. A report be prepared for the Council meeting of 15 May 2017 as to:
 - (i) non-compliance by the developer of the Kareela Shopping Village with the conditions of consent, including those imposed by Roads and Maritime Services (RMS); and
 - (ii) enforcement action taken by Council as a result of any breach or breaches of the conditions of consent.
3. The Report include non-compliance with:
 - (i) the Schedule of Works for the remediation of the adjacent Bush Reserve prepared by Council's Bushcare Officer;
 - (ii) the requirements for environmental site management;
 - (iii) the Schedule of external landscaping works;
 - (iv) the Schedule of external roadworks (including the installation of a roundabout at the intersection of Freya Street and Siandra Drive Kareela, and as well as the installation of appropriate signage in both streets); and
 - (v) requirements for the notification of, and consultation with, relevant stakeholders, including affected residents and businesses.
4. The Report include Council's expectations as to the timetable for the satisfactory compliance by the developer with outstanding conditions of consent and the satisfactory resolution of current compliance issues.
5. Councillors receive information in regards to the role of private certifiers.

Min No: 305

PLN029-17

**IHAP012-17 - Demolition of Existing Structures
and Construction of 9 Townhouses with
Associated Landscaping and Front Fence -
Burraneer Bay Road, Burraneer (DA16/0277)
File Number: DA16/0277**

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. Development Application No. 16/0277 for the demolition of existing structures and construction of 9 townhouses with associated landscaping and front fence at Lot 20 DP 6779, Lot 21 DP 6779, Lot 22 DP 6779 (Nos. 92, 94 & 96) Burraneer Bay Road, Burraneer be deferred to provide the applicant with the opportunity to address the following issues:
 - a) The DA plans (including architectural, landscaping and stormwater design drawings) are to be amended to ensure consistency and accuracy.
 - b) The depiction of the TPZ (tree protection zone) of the significant trees proposed by Council staff to be retained (both on the subject and adjoining sites) and that of the neighbouring residences are to be accurately depicted on the architectural drawings and confirmation is to be obtained from an appropriately qualified practising arborist that the DA design allows for retention of those trees, taking into account the matters raised in the report of Peter Castor of Tree Wisemen Australia Pty Ltd dated 15 March 2015.
 - c) The applicant is to supply a report by a certified practising engineer that stormwater on the site is adequately managed by the proposed hydraulic design (or any amendment to that design) having regard to accepted engineering standards with specific attention to:
 - i. the size of the pipe on and within adjoining stormwater easements;
 - ii. stormwater flows onto the property from the west;
 - iii. ensuring all areas of the site have appropriate storm and rainwater collection;
 - iv. the capacity of the proposed stormwater detention tanks, pit levels and discharge levels;
 - v. collection of stormwater along the eastern boundary;
 - vi. available fall along the proposed path of stormwater through the site
 - vii. consistency between the detention tank as depicted in cross-section and plan form;
 - viii. whether a "credit" for rainwater capture (by rainwater tanks) is appropriate having regard to the available means of reusing that water, and the adequacy of the system to cater for a 1:100 year event (having regard to Council's standards).
 - d) The bedrooms at Level 1 on the eastern side of the development are to be reversed so that their balconies face west over the proposed driveway (and not to the east), with associated internal re-organisation to also ensure adverse privacy impacts do not arise to the east, by appropriate window placement and details.

Min No: 305 Cont'd

PLN029-17

- e) The roller doors to the rear courtyards on the Eastern elevation of the development (to the rear of proposed parking areas) are to be replaced by solid sliding doors (not glass) of a maximum width of 2 m (with any windows to have a sill height exceeding 1.5 m), to avoid adverse privacy impacts and impacts from car headlights.
2. Those residents who have previously lodged objections be permitted for a period of 14 days from the date of notification of information addressing the issues raised in the Shire Planning Committee Meeting held on 3 April 2017, to make further submissions on the amended plans and/or submit their own independent reports from appropriately qualified professionals.
3. A further report be prepared by Council officers for the May meeting of the Shire Planning Committee outlining how the issues have been addressed, with an appropriate recommendation for the determination of the application.

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, Nicholls, Plibersek, Provan, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Min No: 306

PLN030-17

**Results of Public Exhibition of Planning Proposal
SSLEP2015 Amendment 7 (SSLEP2015 Amendment
"Other Policy Matters")
File Number: 2016/244252**

*** Councillor Steinwall declared a not significant non-pecuniary interest in this matter.

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. Council formally request Parliamentary Counsel to prepare and make a legal instrument to amend SSLEP2015 in accordance with the Planning Proposal "Amendment 7" (now known as SSLEP2015 Amendment "Other Policy Matters").

Min No: 306 Cont'd

PLN030-17

2. On receipt of the Opinion of Parliamentary Counsel's Office that the legal instrument can be made, pursuant to Clause 400 of the *Local Government (General) Regulations 2005*, the Local Environmental Plan be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and General Manager.

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, Nicholls, Plibersek, Provan, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

Min No: 307

COR043-17

**Report and Minutes of the Meetings of the
Sutherland Traffic and Traffic Safety Committee and
Consultative Traffic Forum held on Friday, 7 April
2017
File Number: 2015/2036**

RESOLVED: (Councillor Provan/Councillor Simone*)

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on 7 April 2017 be noted.
2. The recommendation contained in the Minutes of the Consultative Traffic Forum Meeting held on 7 April 2017 be adopted.

Min No: 308

COR044-17

**Further Report: Process Refinements in
Development Assessment - Panels and
Determinations**

File Number: 2016/260430

MOTION: (Councillor Boyd/Councillor Plibersek)

THAT:

1. The matter be dealt with in the next round of Council.
2. Before the May meeting of the full Council a workshop be held with Councillors and key planning staff regarding;
 - a) the proposed changes to Independent Hearing and Assessment Panel;
 - b) the proposed changes to Architectural Review Advisory Panel; and
 - c) methods for appointing the respective panel members.

AMENDMENT: (Councillor Johns/Councillor Simone)

THAT:

1. Council endorse the following revised model for the operation of its Independent Hearing and Assessment Panel and determination of development and related applications:
 - a. Council retains a panel, but renames it 'Sutherland Shire Local Planning Panel' (SSLPP).
 - b. The panel be comprised of two external technical experts and one community representative.
 - c. Expert panel members be appointed as permanent members with an alternate, community members be drawn from a pool, and all members be paid a flat rate per meeting as determined by the General Manager.
 - d. The technical experts be comprised of a Chair with legal/planning expertise, plus another member with town planning/urban design/architecture expertise.
 - e. The Sutherland Shire Local Planning Panel has the functions of hearing from stakeholders, reviewing staff assessment reports, applying its professional and technical expertise, and determining applications that come before it.
 - f. Applications be referred to the Sutherland Shire Local Planning Panel if they are outside staff delegation, are referred by Councillors, or are referred by the Director Shire Planning or General Manager on the basis of perceived conflict of interest, public interest, complexity, scale, non-compliance with planning controls, or the like.
 - g. The process for Councillor call up be by way of a written or email request of one Councillor from the relevant Ward, plus any other two Councillors.
2. Council endorse the following revised model for the operation of its Architectural Review Advisory Panel:

Min No: 308 Cont'd

COR044-17

- a. Council retains a panel and renames it the 'Design Review Forum' (DRF).
 - b. The criteria for referral of proposals to the Design Review Forum be consistent with matters referred to a SEPP65 Design Review Panel, plus applications that, in the opinion of the Director Shire Planning, it would be in the public interest to refer to the Design Review Forum.
 - c. The Design Review Forum be comprised of two external Registered Architects and a senior Council staff member who has qualifications and experience relevant to matters before the Design Review Forum.
 - d. That two Registered Architects be appointed as permanent chair and a permanent member, two alternates be appointed to cover absences, and all be paid a flat rate per meeting as determined by the General Manager.
 - e. Landscape matters be incorporated into the consideration of the Design Review Forum by way of Council landscape architects being involved in pre-meeting Design Review Forum briefings and being present at the meetings to answer questions or offer advice as required.
 - f. The minutes be written in summary/point form following each item, comprised of two sections addressing big picture ideas and refinements that could be made to the scheme proposed, and be finalised within two business days.
3. The Charters for the Sutherland Shire Local Planning Panel and the Design Review Forum, attached to this report as Appendices B and C, be adopted.
 4. Development consents be issued with a lapse time of five years unless there are special circumstances.

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

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

In Favour of the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, Nicholls and Simone.

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

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

Min No: 308 Cont'd

COR044-17 Cont'd

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

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

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

**COR045-17 This matter was considered earlier in the Meeting
(see Minute No. 293)**

**Min No: 309 Business Without Notice
Businesses in Sutherland Shopping Precinct
File Number: 2016/253066**

Councillor Simpson requested that Business Without Notice concerning Businesses in Sutherland Shopping Precinct be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Plibersek)

That permission be granted to bring forward Business Without Notice regarding Businesses in Sutherland Shopping Precinct.

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, Nicholls, Plibersek, Provan, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.

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

Min No: 310**BWN006-17****Businesses in Sutherland Shopping Precinct****File Number: 2016/253066**

RESOLVED: (Councillor Simpson/Councillor Plibersek)

That in light of a number of businesses closing or in the process of closing and other businesses suffering hardship within the Sutherland Business district, Council staff work with the Sutherland Chamber of Commerce to:

1. Identify major problems affecting business in the Sutherland shopping precinct.
2. In consultation with the businesses of Sutherland, formulate a strategy to encourage Shire people to visit and shop in Sutherland.
3. Provide a briefing to Councillors on their findings within two months.

Min No: 311**Business Without Notice****Sutherland Station Bridge Replacement****File Number: 2015/12883**

Councillor Steinwall requested that Business Without Notice concerning the Sutherland Station Bridge Replacement be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Plibersek)

That permission be granted to bring forward Business Without Notice regarding the Sutherland Station Bridge Replacement.

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

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

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

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

Min No: 312

BWN007-17

Sutherland Station Bridge Replacement

File Number: 2015/12883

RESOLVED: (Councillor Steinwall/Councillor Boyd)

THAT:

1. Given the NSW Government's rejection of an acceptable new road bridge over Sutherland Station and with the State government's budget fast approaching, this Council calls for an urgent meeting with the Local State Member.
2. This meeting be attended by the Mayor, Deputy Mayor, Ward Councillors and any other interested Councillors.
3. The meeting seek to find an immediate solution to the replacement of the Sutherland Station Bridge.
4. This meeting also explore long-term solutions for access near the station between East and West Sutherland.
5. A Councillor Workshop be organised for 24 April 2017 to discuss the urgent issue of the replacement bridge as well as other traffic concerns around Sutherland Station.

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

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

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

Min No: 313 Business Without Notice
Proposed Library - Kirrawee Brick Pit
File Number: 2015/219196

Councillor Johns requested that Business Without Notice concerning Proposed Library - Kirrawee Brick Pit be considered as a matter of urgency.

MOTION: (Councillor Johns/The Mayor, Councillor Pesce)

That permission be granted to bring forward Business Without Notice regarding Proposed Library - Kirrawee Brick Pit.

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

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 and Simone.

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

The matter was therefore not deemed to be urgent.

Questions

**Min No: 314 Proposed Library and Community Space at
Kirrawee Brick Pit Development
File Number: 2015/219196**

The following questions were raised regarding the proposed library and community space at the Kirrawee Brick Pit Development.

Councillor Simpson asked the following question to the General Manager:

Your negotiations in connection to the Brick Pit and the proposed library and the report that you were to bring back to Council, is that ready to bring back to Council? Is there a decision to minimise the open space at the Brick Pit? Has there been a determination that this building is to be made or built?

The General Manager replied as follows:

Councillors, you will recall last month you asked for staff to investigate the viability of a library, having an area of approximately 5,000m² on the park site. We're in the process of doing that investigation at the moment. We anticipate that report will be back to you by June. Concurrent with that we are having ongoing discussions with the proponents for the Brick Pit but we will not be in a position to put a decision to you before that time.

Councillor Simpson asked the General Manager:

Can you categorically state there has been no firm commitment one way or the other until that report comes to Council?

The General Manager replied as follows:

Staff will not be making a decision in the absence of a Council resolution. So no, not to date.

Councillor Johns asked the General Manager:

In any part of these negotiations is the selling of the community space contained within the building being contemplated?

The General Manager replied as follows:

I have received a letter from the proponent that identifies that as an option for Council to consider. I haven't completed our investigation on what that would look like and the implications to Council, I intend to do that as part of the process for Council's formal consideration.

Councillor Johns asked the General Manager:

What discussions, if any, in regard to that matter have you had with the Deputy Mayor?

The General Manager replied as follows:

Following Council's most recent decision in March the proponent has come in to Council and has had a meeting with the Mayor, the Deputy Mayor, myself and the Director of Shire Services where the Council's resolution of March was explained and the proponent did identify that as being a possible option and committed to putting that option in writing to Council which it now has done.

Councillor Scaysbrook asked the General Manager:

Could you just explain the end part of that explanation? I don't recall discussing selling the community space.

The General Manager replied as follows:

No, that's certainly correct. The proponent though, has identified, let me go back a few steps. The proponent very early in the process formally approached Council and offered to purchase the community centre space which is the space within the VPA. That wasn't contemplated by Council. At the most recent meeting, the proponent did raise that again as an option, and I stress only as an option.

There was a brief discussion regarding attendance at that meeting where Councillor Scaysbrook advised that he wasn't present.

The General Manager advised as follows:

I do apologise, I stand corrected, you [Cr Scaysbrook] were not there and the Mayor wasn't there, that was a follow up meeting with myself, the Director of Shire Services and the Group Manager Infrastructure, so I apologise about that, it was an explanation meeting to the Council resolution, by which the proponent did identify that further option.

Councillor Scaysbrook advised as follows:

If I may make a personal explanation, Councillor Johns well knows I was speaking tongue in cheek, I have always been a proponent of a central library in Sutherland centre. If you're going to read any conspiracy into this thing, you're barking up the wrong tree.

Councillor Collier advised as follows:

I also find it quite offensive that Councillor Johns is saying that I'm selling out the people of my Ward, he knows darn well I'm not, so please Kent.

Min No: 315

At this time in the Meeting, all closed items not called for discussion were moved in bulk, as shown: “RESOLVED: (Councillor Provan/Councillor Simpson)”.**

Min No: 316 CONSIDERATION OF BUSINESS IN CLOSED SESSION (8.15 pm)

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.

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.

RESOLVED: (The Mayor, Councillor Pesce)

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

**INF011A-17 T685/16 The Ridge Sports Complex - Open
Space and Golf Course Maintenance
File Number: 2016/259312**

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

This matter was 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.

Min No: 317

INF011A-17

**T685/16 The Ridge Sports Complex - Open
Space and Golf Course Maintenance**

File Number: 2016/259312

RESOLVED: (Councillor Provan/Councillor Simpson**)

THAT:

1. The tender from Programmed Turnpoint Pty Ltd (ABN 53 156 503 338) for 'The Ridge Sports Complex - Open Space and Golf Course Maintenance' for the annual lump sum of \$1,027,786.00 (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: The Ridge Sports Complex - Open Space and Golf Course Maintenance

Other Party: Programmed Turnpoint Pty Ltd (ABN 53 156 503 338)

The Meeting closed at 8.22 pm.