



# Minutes

---

## Council Meeting

**Monday, 16 April 2018**

**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 Nicholls, Councillor Provan, Councillor Plibersek, Councillor Riad, Councillor Scaysbrook, Councillor Simone and Councillor Simpson.

**STAFF IN ATTENDANCE:** The General Manager, Director Corporate Services, Director Shire Planning, Director Shire Infrastructure, Director Shire Services, Manager Asset Management Services (Phillip Mansfield), Team Leader Governance (Debbie Lewis) and Business Support Coordinator (Rachael Zhura).

#### **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 Stephen Gibson of St Luke's Miranda.

**Minute No: 216**

#### **APOLOGY**

RESOLVED: (Councillor Scaysbrook/Councillor Forshaw)

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

\*\*\*

#### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

Councillor Plibersek declared a less than significant, non-pecuniary interest in the following matter:

BWN009-18            Removal of Trees - Waring Avenue, Caringbah South  
File Number: 2015/87349

advising that this involves a former Councillor, ex-Councillor Redmond, who he does know given he was a former employee of Council.

**Minute No: 217****CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Provan/Councillor Simpson)

That the Minutes of the Ordinary Council held on Monday 19 March 2018, being Minutes Numbered 195 to 215 inclusive, be and are hereby confirmed as a correct record.

**Minute No: 218****MM012-18****Mayoral Minute - Bushfire Emergency - Sutherland & Liverpool LGA****File Number: 2017/287937**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT when the current bushfire emergency affecting communities in the western part of the Sutherland Shire ceases, Council:

1. Write to the Commissioners of NSW Rural Fire Service, NSW Fire & Rescue, State Emergency Service and Police to express Council's appreciation for the extraordinary effort and dedication of all the emergency services staff and volunteers in attending to the bushfire emergency in the Sutherland Shire this week.
2. Invite emergency services officers and the volunteers from all RFS brigades who came to our rescue, volunteers who operate the community fire boxes and volunteers who assisted at the evacuation centres, together with their families, to join the local community for a 'community thank-you' event in the Menai area.
3. Write to the Mayor of Liverpool City Council expressing Council's thanks and support for the efforts of that community during the bushfire emergency.

**Minute No: 219****Suspension of Standing Orders**

RESOLVED: (Councillor Simone/Councillor Riad)

That Standing Orders be suspended to consider MOT018-18 as the first item of business.

**Minute No: 220****MOT018-18****Kurnell Penninsular and 2020 Commemorations****File Number: 2017/281389**

MOTION: (Councillor Simone/Councillor Johns)

THAT:

1. Notes the Anniversary of the meeting of cultures at Cooks Landing in April 2020 and receives a report identifying the status of preparations by Council and other Government agencies
2. Investigates and receives reports addressing the following opportunities:
  - a. Options to promote the Kurnell Village Fair and other family friendly events so as to attract additional visitors to Kurnell prior to the Anniversary event.
  - b. In collaboration with other Government agencies, promote the park lands including Kamay National Park, Bonna Point and Marton Park with sufficient car parking, visitor facilities and improvements to significant water views.
  - c. Activation of the water front area to facilitate events and tourism.
  - d. Encourage the return of a ferry service between Kurnell and La Perouse.
3. Investigates opportunities to beautify the entry to Kurnell via new signage and landscaping in time for the 2020 Anniversary event, including but not limited to a beautiful garden and tree located on the round-a-bout at the entrance of the suburb and the planting of trees along the road from Sir Joseph Banks Drive so as to provide a visual screen from the refinery and other industrial development.
4. Gauges the demand for a market to be held at the eastern end of the Sutherland Shire noting the numerous successful market operators actively working in the area.

AMENDMENT: (Councillor Forshaw/Councillor Provan)

THAT Council:

1. Notes the Anniversary of the meeting of cultures at Cooks Landing in April 2020.
2. Organise a briefing on proposals by Federal and NSW Governments and Council to commemorate the anniversary and works that could be undertaken in Kurnell in the lead up to the anniversary and that Members for Cook and Cronulla, or their representatives be invited to attend the briefing.

3. Receives a report following the briefing.

**Minute No: 221      Procedural Motion  
                                 To Put the Amendment**

PROCEDURAL MOTION: (Councillor Simpson/Councillor Riad)  
That the Amendment be put to the Meeting.

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

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

**In Favour** of the Procedural Motion were Councillors Boyd, Provan, Riad and Simpson.

**Against** the Procedural Motion were the Mayor, Councillor Pesce, together with Councillors Collier, Croucher, Forshaw, Johns, Nicholls, Plibersek, Scaysbrook and Simone.

**Minute No: 220 Cont'd  
MOT018-18**

Debate continued on the matter.

**Minute No: 222      Procedural Motion  
                                 To Put the Amendment**

PROCEDURAL MOTION: (Councillor Simpson/Councillor Riad)  
That the Amendment be put to the Meeting.

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

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

**In Favour** of the Procedural Motion were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Forshaw, Johns, Nicholls, Provan, Riad, Simone and Simpson.

**Against** the Procedural Motion were Councillors Croucher, Plibersek and Scaysbrook.

**Minute No: 220 Cont'd****MOT018-18**

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, Forshaw, Provan, Plibersek, Scaysbrook and Simpson.

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

FURTHER AMENDMENT: (Councillor Johns/Councillor Simone)

THAT Council:

1. Notes the Anniversary of the meeting of cultures at Cooks Landing in April 2020 and receives a report identifying the status of preparations by Council and other Government agencies.
2. Investigates and receives reports addressing the promotion of Kurnell including:
  - a. Options to promote the Kurnell Village Fair and other family friendly events so as to attract additional visitors to Kurnell prior to the Anniversary event.
  - b. In collaboration with other Government agencies, promote the park lands including Kamay National Park, Bonna Point and Marton Park with sufficient car parking, visitor facilities and improvements to significant water views.
  - c. Activation of the water front area to facilitate events and tourism.
  - d. Encourage the return of a ferry service between Kurnell and La Perouse.
  - e. Promote and celebrate the aboriginal Heritage of Kurnell
  - f. Gauges the demand for a market to be held at the eastern end of the Sutherland Shire noting the numerous successful market operators actively working in the area.
3. Investigates opportunities to beautify the entry to Kurnell via new signage and landscaping in time for the 2020 Anniversary event, including but not limited to a beautiful garden and tree located on the round-a-bout at the entrance of the suburb and the planting of trees along the road from Sir Joseph Banks Drive so as to provide a visual screen from the refinery and other industrial development.
4. That it be undertaken with Federal Members, State Members and appropriate indigenous bodies.

**Point of Order**

Councillor Scaysbrook raised a Point of Order that Councillor Johns' Further Amendment was out of order as when a Motion has been negated it cannot be re-introduced for 3 months.

The Mayor, Councillor Pesce, overruled the Point of Order.

**Point of Order**

Councillor Forshaw raised a Point of Order regarding a comment made by the Mayor in relation to 'playing politics'.

The Mayor, Councillor Pesce upheld the Point of Order and withdrew his comment.

**Minute No: 223      Procedural Motion  
To Put the Further Amendment**

PROCEDURAL MOTION: (Councillor Simpson/Councillor Riad)

That the Further Amendment be put to the Meeting.

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

**Minute No: 220 Cont'd  
MOT018-18**

The Further Amendment then became the Amendment which on being put to the Meeting was declared lost.

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

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

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

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 the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Forshaw, Johns, Nicholls, Provan, Plibersek, Riad, Scaysbrook, Simone and Simpson.

**The decision was unanimous.**

#### **Resumption of Standing Orders**

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

**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 Plibersek\*)"**

#### **Minute No: 224**

**GOV023-18**

**Cash Payments and Investments Report - February 2018**

**File Number: 2017/281575**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

That the information concerning Bank Balances and Investments held as at 28 February 2018, be received and noted.

#### **Minute No: 225**

**GOV024-18**

**Writing-Off Of Rates And Charges Under Delegated Authority For The Period 1 July 2017 To 31 December 2017**

**File Number: 2017/286466**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

That the report on "Writing-Off of Rates and Charges Under Delegated Authority for the Period 1 July 2017 - 31 December 2017", be received and noted.



**Minute No: 226**

**SER016-18                      Easy To Do Business Program**  
**File Number: 2018/298979**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

That Council delegate the relevant customer service function related to the administration of 'Easy to do Business' program to the Chief Executive Officer, Service NSW in accordance with the Service Partnership Agreement as required under the *Service NSW (One-stop Access to Government Services) Act 2013*.

**Minute No: 227**

**SER017-18                      Proposed Surrender of Lease - The Mill Rooms Barden Ridge**  
**File Number: 2015/13632**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

THAT:

1. Council surrenders its lease over The Mill Rooms, Barden Ridge to the Department of Education.
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 this resolution.

**Minute No: 228**

**SER018-18                      Sutherland Entertainment Centre Redevelopment - Funding and Cashflow**  
**Modelling**  
**File Number: 2017/244143**

MOTION: (Councillor Nicholls/Councillor Riad)

THAT Council:

1. Progresses with the major refurbishment of the Sutherland Entertainment Centre with an allocation of \$21.861 million funded from:
  - a. SUEZ contributions of \$15.861 million and
  - b. Section 94 provision of \$5.6 million
2. Supports Section 94 plans be reviewed and amended to incorporate the Sutherland Entertainment Centre major refurbishment as a funded project.

3. Notes an additional \$335K pa be identified via a combination of improved revenue earned and reduced expenditure to fund the three year start-up phase of the Sutherland Entertainment Centre post major refurbishment works.
4. Prepare a communication strategy to inform hirers and patrons of the Sutherland Entertainment Centre's refurbishment and alternate arrangements during the period it will be closed for works.
5. Receive a report by June 2018 detailing refurbishment works at Sutherland School of Arts addressing scope to enable the venue to act as an alternative during Sutherland Entertainment Centre's refurbishment, an estimate of costs and engagement with stakeholders including the Sutherland Shire Historical Society.
6. Pursue a range of complimentary options including 'purchase of the naming' to a theatre seat, government grants and corporate patrons, in conjunction with identified sources of funding for the refurbishment works at both the Sutherland Entertainment Centre and Sutherland School of Arts.

AMENDMENT: (Councillor Collier/Councillor Forshaw)

That Council:

1. Prepare a business case for the construction of a new Sutherland Shire Civic Centre precinct incorporating a new entertainment facility and administration offices.
2. That the business case consider all financial options, including, but not limited to:
  - a. SUEZ funding;
  - b. s94 funds;
  - c. borrowing;
  - d. Public-Private Partnership Agreements;
  - e. State and Federal government grants.
3. The business case be presented to Council on 16 July 2018.

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 Councillors Boyd, Collier, Forshaw and Simpson.

**Against** the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, Nicholls, Provan, Plibersek, Riad, Scaysbrook and Simone.

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

**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, Provan, Plibersek, Riad, Scaysbrook, Simone and Simpson.

**The decision was unanimous.**

**Minute No: 229**

**INF024-18                      Lantana Road Park, Engadine - Response to Notice of Motion  
File Number: 2015/217421**

RESOLVED: (Councillor Pesce/Councillor Simpson)

THAT:

1. Council supports Option One identified in this report – Routine maintenance of informal recreation areas at Lantana Road Park, Engadine.
2. Bushcare be included in discussions on how to enhance the area as a nature and passive recreation location.
3. The maintenance of Brigalow Place Reserve, Engadine and Geelong Reserve, Engadine be maintained in a consistent manner to Lantana Road Reserve, Engadine as identified in this report.

**Minute No: 230**

**INF025-18                      Draft Cronulla Surf Life Saving Club Plan of Management  
File Number: 2015/39905**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

THAT:

1. The Plan of Management for Cronulla Surf Life Saving Club be adopted with the amendments as outlined in this report.
2. A briefing be provided to Councillors on the leases and Cronulla Sports Complex and associated issues prior to the first week of May 2018.

**Minute No: 231****INF026-18****Proposed Naming of Park in Leonay Street, Sutherland - Feedback from Geographical Names Board****File Number: 2016/246014**

RESOLVED: (Councillor Scaysbrook/Councillor Provan)

THAT:

1. The name "Rita Harris Park" be adopted for the public reserve located at 6-8 Leonay Street, Sutherland.
2. The Geographical Names Board be notified of Council's decision, so that the name "Rita Harris Park" can continue to progress towards becoming a gazetted placename.
3. That a sign be erected explaining the significance of the name and history of the park.

**Minute No: 232****PLN030-18****Effectiveness of 2017 Submissions on NSW Planning Policy Matters****File Number: 2015/66230**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

That the report regarding the Effectiveness of 2017 Submissions on NSW Planning Policy Matters be received and noted.

**Minute No: 233****PLN031-18****Tree Management Update****File Number: 2015/11082**

RESOLVED: (Councillor Collier/Councillor Plibersek)

THAT:

1. The Committee Recommendation in respect of item 1 be deferred for further consideration to the next round of Council on 21 May 2018.
2. That the gap regarding expenditure in relation to cutting and maintaining trees and the associated revenue be considered by the tree working party.

**Minute No: 234****PLN032-18****Minimum Lot Size Submissions Report****File Number: 2018/295507**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

THAT:

1. Council proceed with the draft Planning Proposal as exhibited.
2. Council write to the Secretary of the Department of Planning and Environment to seek approval for any inconsistency with the requirements of Section 117 Directions 3.1 Residential Zones and 4.4 Planning for Bushfire Protection.
3. Council formally request Parliamentary Counsel prepare and make a legal instrument to introduce the following minimum lot size:
  - 600m<sup>2</sup> for the construction of dual occupancy in zone R2 Low Density Residential,
  - 700m<sup>2</sup> for the construction of a dual occupancy in zone E4 Environmental Living,
  - 1200m<sup>2</sup> for the construction of multi dwelling housing in zone R2 Low Density Residential.
4. Council formally request Parliamentary Counsel insert a specific savings provision to ensure all development applications received prior to the gazettal of this amendment are determined as if this proposed controls have not commenced.
5. On receipt of the Opinion of the Parliamentary Counsel's Office that the legal instrument can be made, pursuant to Clause 400 of the Local Government (General) Regulations 2005, the LEP be executed under the Common Seal of the Council of the Sutherland Shire in the presence of the Mayor and General Manager.

**Minute No: 235****COR018-18****Draft Delivery Program 2017 - 2021, Incorporating Operational Plan and Budget 2018-19, and Draft Resourcing Strategy****File Number: 2017/278520**

MOTION: (Councillor Simpson/Councillor Provan)

THAT:

1. Model 1 from the Long Term Financial Plan for inclusion as the four year budget within the Delivery Program, be endorsed.

2. The Ministerial rate peg increase of 2.3% as the increase in rating yield for the 2018/2019 financial year, as described in the Draft Delivery Program and Operational Plan, be endorsed.
3. That the capital works program for 2018/2019 be endorsed for inclusion within the Draft Delivery Program and Operational Plan for exhibition.
4. In accordance with the requirements of the Local Government Act 1993, the following documents be placed on public exhibition for a period of 28 days:
  - Draft Delivery Program 2017 - 2021, incorporating 2018-19 Draft Operational Plan including Budget, as contained in Appendix A.
  - Draft Finance Strategy and Long Term Financial Plan, as contained in Appendix B.
  - Draft Fees and Charges Schedule 2018-19, as contained in Appendix C.
5. The Strategy for Finalisation of Superseded S94 and S94A Contribution Plans be amended as set out in Appendix D, and this be publicly exhibited in accordance with legislative requirements.
6. The 2016 S94 and S94A Contribution Plans be amended to reflect the projects transferred to these plans and revised costings and the amended plans be further reported to Council.
7. That Council notify IPART of its intention to make application for increase in minimum rating levels only and that this change not increase notional yield levels above rate peg.

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 Councillors Riad and Simpson.

**Against** the Motion were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Forshaw, Johns, Nicholls, Provan, Plibersek, Scaysbrook and Simone.

MOTION: (Councillor Simpson/

THAT:

1. Model 1 from the Long Term Financial Plan for inclusion as the four year budget within the Delivery Program, be endorsed.
2. The Ministerial rate peg increase of 2.3% as the increase in rating yield for the 2018/2019 financial year, as described in the Draft Delivery Program and Operational Plan, be endorsed.

3. That the capital works program for 2018/2019 be endorsed for inclusion within the Draft Delivery Program and Operational Plan for exhibition.
4. In accordance with the requirements of the Local Government Act 1993, the following documents be placed on public exhibition for a period of 28 days:
  - Draft Delivery Program 2017 - 2021, incorporating 2018-19 Draft Operational Plan including Budget, as contained in Appendix A.
  - Draft Finance Strategy and Long Term Financial Plan, as contained in Appendix B.
  - Draft Fees and Charges Schedule 2018-19, as contained in Appendix C.
5. The Strategy for Finalisation of Superseded S94 and S94A Contribution Plans be amended as set out in Appendix D, and this be publicly exhibited in accordance with legislative requirements.
6. The 2016 S94 and S94A Contribution Plans be amended to reflect the projects transferred to these plans and revised costings and the amended plans be further reported to Council.
7. That Council notify IPART of its intention to consider an application for increase in minimum rating levels only and that this change not increase notional yield levels above rate peg.

The Motion lapsed for want of a seconder.

MOTION: (Councillor Johns/Councillor Croucher)

THAT:

1. Model 1 from the Long Term Financial Plan for inclusion as the four year budget within the Delivery Program, be endorsed.
2. The Ministerial rate peg increase of 2.3% as the increase in rating yield for the 2018/2019 financial year, as described in the Draft Delivery Program and Operational Plan, be endorsed.
3. That the capital works program for 2018/2019 be endorsed for inclusion within the Draft Delivery Program and Operational Plan for exhibition.
4. In accordance with the requirements of the Local Government Act 1993, the following documents be placed on public exhibition for a period of 28 days:
  - Draft Delivery Program 2017 - 2021, incorporating 2018-19 Draft Operational Plan including Budget, as contained in Appendix A.
  - Draft Finance Strategy and Long Term Financial Plan, as contained in Appendix B
  - Draft Fees and Charges Schedule 2018-19, as contained in Appendix C.

5. The Strategy for Finalisation of Superseded S94 and s94A Contribution Plans be amended as set out in Appendix D, and this be publicly exhibited in accordance with legislative requirements.
6. The 2016 S94 and S94A Contribution Plans be amended to reflect the projects transferred to these plans and revised costings and the amended plans be further reported to Council.

The Mayor, Councillor Pesce, vacated the Chair and left the Chamber (9.56pm).

The Deputy Mayor, Councillor Scaysbrook, assumed the Chair.

Debate continued on COR018-18.

The Mayor, Councillor Pesce, returned to the Meeting and resumed the Chair (9.58pm).

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

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

**Against** the Resolution were Councillors Boyd, Collier, Forshaw, Plibersek, Scaysbrook and Simpson.

**Minute No: 236**

**COR019-18**

**Proposed Sublease of SSHED at 1 Pitt Street, Loftus to University of Wollongong**

**File Number: 2015/37172**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

THAT:

1. The Mayor writes to local members of parliament requesting they make representations to the Minister for Education to support Council by providing owners consent to the sublease to University of Wollongong for 1 Pitt Street Loftus.



**Minute No: 237**

**COR020-18                    Report and Minutes of the Meetings of Sutherland Traffic and Traffic Safety Committee and Counslutative Traffic Forum held on Friday, 6 April 2018**  
**File Number: 2016/253677**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

THAT:

1. The decisions contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 6 April 2018 be noted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday, 6 April 2018 be adopted.

**Minute No: 238**

**COR021-18                    Request by Cronulla Surf Life Saving Club Inc. for Council to be Financial Guarantor for a Club Building Improvements Loan**  
**File Number: 2015/37067**

RESOLVED: (Councillor Provan/Councillor Plibersek\*)

THAT:

1. Council act as guarantor for an amount not exceeding \$1.5million to secure Cronulla Surf life Saving Club Inc. loan of same to fund building improvements at its surf clubhouse at Cronulla Beach.
2. Any bank service fees and other out of pocket costs incurred by Council in relation to this guarantee be borne by the Club.
3. A condition of its lease is Council be provided with annual confirmation that loan repayments are fully paid on due dates and Council informed of any financial default on the loan as soon as it becomes known to the Club.
4. In accordance with the Power of Attorney dated 6July 2016 (BK 4710 No.28), the General Manager execute any necessary documentation to give effect to this resolution.

**Minute No: 239****MOT017-18****Cronulla Town Centre****File Number: 2016/251032**

RESOLVED: (Councillor Simone/Councillor Provan)

THAT:

1. Subject to the resolution of the funding and delivery mechanisms, Council supports the allocation of resources to undertake a detailed design for Stage 2 of the Cronulla Masterplan.
2. Prior to the commitment of any funds, Council receives a report as soon as practicable identifying options to fund detailed designs for Stage 2.
3. Subject to Council resolving to proceed with Stage 2 and should the criteria be met, at the appropriate time the project be referred to the Office of Local Government for a 'capital expense review' as soon as possible.

**MOT018-18****This matter was considered earlier in the Meeting  
(see Minute No. 220).****Minute No: 240****MOT019-18****Recreation Facility Parc Menai****File Number: 2015/10961**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. Petition from local residents calling upon Council to provide a half-court basketball facility within Parc Menai.
2. Report as soon as practicable addressing environmental, social, financial and economic considerations and setting out the feasibility of locating a half-court basketball facility within Parc Menai or other sites in the area.

**BUSINESS WITHOUT NOTICE**

**Minute No: 241**      **Removal of Trees – Waring Avenue, Caringbah South**  
**File Number: 2015/87349**

Councillor Collier requested Business Without Notice concerning Removal of Trees at Waring Avenue, Caringbah South be considered as a matter of urgency.

RESOLVED: (Councillor Collier/Councillor Johns)

That permission be granted to bring forward Business Without Notice regarding Removal of Trees at Waring Avenue, Caringbah South.

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.

**Minute No: 242**

**BWN009-18**      **Removal of Trees - Waring Avenue, Caringbah South**  
**File Number: 2015/87349**

\*\*\*Councillor Plibersek declared a less than significant, non-pecuniary interest in this matter.

RESOLVED: (Councillor Collier/Councillor Johns)

THAT in response to representations by local residents, Council removes the following trees within the road reserve in front of 13 Waring Avenue Caringbah South subject to:

1. The Conifer tree, subject to the cost of the works being met by the adjoining property owner.
2. The Port Jackson Fig tree, subject to the adjoining property owner providing a structural engineering design for the construction of a new retaining wall along the front property boundary and constructing the wall to an engineering standard to Council's satisfaction.

**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 Collier, Croucher, Johns, Nicholls, Provan, Riad and Simpson.

**Against** the Resolution were Councillors Boyd, Forshaw, Plibersek, Scaysbrook and Simone.

**Minute No: 243      Extension of Meeting**

RESOLVED: (Councillor Pesce)

That the Meeting be extended to 11.00pm.

**PETITION****Minute No: 244      Outdoor Basketball Half-Court at Parc Menai  
File Number: 2015/10961**

Councillor Riad table a petition requesting an outdoor basketball half-court at Parc Menai.

**QUESTION WITH NOTICE****Minute No: 245      Cost of Standing Committee Meetings  
File Number: 2018/305860**

Councillor Collier submitted the following question:

Could the General Manager advise Council of the total cost (fixed and variable) to the Council budget of holding Standing Committee meetings:

- a) Per night; and
- b) Per annum

The General Manager replied as follows:

On average direct measurable costs are approximately \$4,600 per night, which equates to \$51,322 per annum. Additional costs for printing and couriering papers and the like are difficult to measure, it is estimated to be approximately \$4,000, resulting in the total approximate cost of \$55,000 per annum.

**Minute No: 246****CONSIDERATION OF BUSINESS IN CLOSED SESSION (10.51pm)**

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.

RESOLVED: (Councillor Pesce)

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:

**INF007A-18                      Sylvania Waters Dredging**  
**File Number: 2015/12676**

**Section 10A(2)(c)(con) Information that would, if Disclosed, Confer a Commercial Advantage on a Person with Whom the Council is Conducting (or Proposes to Conduct) Business:**

This matter is being considered in Closed session as it relates to the entering into of a contract where prior knowledge of the proposal could confer an unfair financial advantage on any person. On balance, the public interest in preserving the confidentiality of information about proposed contracts outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would put the Council at a competitive disadvantage in its negotiations with a prospective contractor.

**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 time in the Meeting, all closed items marked in these minutes with two asterisk were moved in bulk, as shown:“RESOLVED: (Councillor Provan/Councillor Plibersek\*\*)”**

**Minute No: 247**

**INF007A-18            Sylvania Waters Dredging  
File Number: 2015/12676**

RESOLVED: (Councillor Provan/Councillor Plibersek\*\*)

THAT:

1. The recommendation contained in the report 'Sylvania Waters Dredging' be accepted.
2. The Shire Infrastructure Committee receive a report on the outcome of the works.
3. A briefing be provided to Councillors on future dredging obligations and potential financial impacts to Council by the end of May 2018.

At this stage the Meeting moved back into Open Session.

The Meeting closed at 10.54pm.