



# Minutes

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## Council Meeting

**Monday, 20 August 2018**

**6.30pm**

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

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**SUTHERLANDSHIRE**

**PRESENT:**The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher (7:03pm), Councillor Forshaw, Councillor Johns, Councillor McLean, Councillor Nicholls, Councillor Provan, Councillor Plibersek, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

**STAFF IN ATTENDANCE:** The General Manager, Director Corporate Support, Director Shire Planning, Director Shire Infrastructure, Director Shire Services, Executive Public Relations (Amie Lindsell), Team Leader Governance (Debbie Lewis), Governance Advisor (Rachael Zhura) and Governance Officer (Bernadette Feltham).

### **ACKNOWLEDGEMENT OF COUNTRY**

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

### **OPENING PRAYER**

The Meeting was opened with prayer by Pastor Aziza Green of Horizon Church.

**Minute No: 318**

### **APOLOGY**

RESOLVED: (Councillor Riad/Councillor Provan)

That an apology tendered on behalf of Councillor Croucher be accepted and leave of absence granted, as he is running late for the meeting (Councillor Croucher joined the meeting at 7:03pm)..

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### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

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

MOT026-18                      Return of Planning Powers to Council  
File Number: 2016/257428

advising that he works for one of the Members of Parliament cited and he will leave the meeting when that Motion is debated.

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

MOT026-18                      Return of Planning Powers to Council  
File Number: 2016/257428

advising that his partner is one of the Members the Council cited that Council may write a letter to.

**Minute No: 319****CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

RESOLVED: (Councillor Plibersek/Councillor Provan)

That the Minutes of the Ordinary Council held on Monday 16 July 2018, being Minutes Numbered 295 to 317 inclusive, be and are hereby confirmed as a correct record.

**PRESENTATION**

**Speaking 4 the Planet - Master Benjamin Bruckard**

**File Number 2016/253677**

Master Benjamin Bruckard from St John Bosco College presented his winning speech titled "Plastics...Pollution, Problem, Parasites" from the 2018 Speaking 4 the Planet competition.

**Minute No: 320**

**MM018-18**

**Mayoral Minute - Norman Douglas Provan - 12th Rugby League Immortal**

**File Number: 2017/287937**

RESOLVED: (Councillor Pesce/Councillor Forshaw)

That Council extends its congratulations to Mr Norman Provan on being inducted as Rugby League's 12<sup>th</sup> Immortal.

**Minute No: 321****Suspension of Standing Orders**

RESOLVED: (Councillor Simpson)

That Standing Orders be suspended to allow MOT029-18 to be considered for the following reason: Although the Motion proposes the expending of funds from the floor (which breaches clause 26 of the Code of Meeting Practice), the circumstances necessitate immediate action (emergency funding for drought relief).

**Minute No: 322**

**MOT029-18                    Drought Relief Assistance**  
**File Number: 2015/5175**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. Council acknowledge the severe drought that is generating hardship across rural New South Wales;
2. Council provide support to drought relief efforts by;
  - a. Partnering with Rural Aid in their buy-a-bale drought appeal.
  - b. Publically undertake a Shire wide appeal for hay donations, to be distributed to those in most need.
  - c. Council commence the appeal with a donation of 5 semi-trailer loads of hay.
  - d. The funding of \$47,500 be funded from the community services budget.

**Resumption of Standing Orders**

At this stage of the Meeting, Standing Orders were resumed (6:57pm).

**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 Riad\*)"**

**Minute No: 323**

**GOV033-18                    Cash Payments and Investments Report - June 2018**  
**File Number: 2017/281575**

RESOLVED: (Councillor Provan/Councillor Riad\*)

That the information concerning Bank Balances and Investments held as at 30 June 2018, be received and noted.

Councillor Croucher joined the Meeting at (7:03pm).

**Minute No: 324****GOV034-18****Minutes of the Audit, Risk and Improvement Committee Meeting held on 4 July 2018****File Number: 2017/264845**

RESOLVED: (Councillor Plibersek/Councillor Simpson)

THAT:

1. The minutes of the meeting of the Sutherland Shire Council Audit, Risk and Improvement Committee held on 4 July 2018 be received and noted.
2. Council notes the concern expressed by Councillor Plibersek in the committee minutes concerning the outsourcing of its Internal Auditor functions.

**Minute No: 325****GOV035-18****Request for Financial Assistance - Chuo and Lakewood Sister City Committees, Youth Exchange Program****File Number: 2018/294763, 2018/296465**

RESOLVED: (Councillor Simpson/Councillor Provan)

THAT:

1. Pursuant to Section 356 of the Local Government Act, 1993 - funds of \$6,901.57 be provided to the Sutherland Shire-Lakewood Sister City Committee Inc.
2. Pursuant to Section 356 of the Local Government Act, 1993 - funds of \$9,000.00 be provided to the Sutherland Shire-Chuo City Committee Inc.
3. Council thank the Chuo and Lakewood Communities for their ongoing efforts in ensuring the success of the youth exchange programs.

**Minute No: 326****SER026-18****Proposed drainage easement - 171R Gannons Rd Caringbah South****File Number: 2018/305153**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. An easement for drainage services be granted over Council land described as 171R Gannons Rd, Caringbah South (Lot 8 DP 788203) in favour of 75 Saunders Bay Road, Caringbah South (Lot 127 DP 5179) 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 this resolution.

**Minute No: 327**

**SER027-18                      Proposed drainage easement - 1R Dianella St, Caringbah**  
**File Number: 2015/230009**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. An Easement for drainage services be granted over Council land described as 1R Dianella Street, Caringbah (Lot 2 DP205393) in favour of 7 Dianella Street, Caringbah (Lot 100 DP 1221677) 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.

**Minute No: 328**

**SER028-18                      Proposed drainage easement - 1-9 Miyal Place, Engadine**  
**File Number: 2015/215323**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. An Easement for drainage services be granted over Council land described as 1-9 Miyal Place, Engadine (Lot 4 DP 505810) in favour of 1081-1091 Old Princes Highway, Engadine (Lot 888 DP1238435) 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.

**Minute No: 329****INF036-18                      Proposed Naming of Woollooware Bay Lookout  
File Number: 2015/12971**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. The large shelter in Woollooware Bay Stage 6 shared pathway be nominated the "Arthur Gietzelt Memorial Lookout" in honour of Arthur Gietzelt's many achievements as Shire President and Sutherland Shire Councillor, and particularly his efforts in preserving Towra Point for future generations.
2. The proposal to name the shelter within the Woollooware Bay Stage 6 Shared Pathway the "Gietzelt Lookout" be endorsed in-principle and actioned for facility naming in accordance with the Naming of Public Open Space & Facilities Policy.

**Minute No: 330****INF037-18                      Acquisition of land for Road Widening Purposes at 422 Kingsway  
Caringbah  
File Number: 2017/292053**

RESOLVED: (Councillor Provan/Councillor Riad\*)

THAT:

1. Council approve the acquisition of part of Lot 1 in DP 819178, known as No. 422 Kingsway Caringbah, on terms and conditions satisfactory to the General Manger.
2. The General Manager execute any necessary documentation to give effect to this resolution in accordance with Power of Attorney dated 6 July 2016 BK 4710 No. 28.

**Minute No: 331****INF038-18                      Usage of Geelong Road/Geneva Place Reserve, Engadine  
File Number: 2018/949226**

RESOLVED: (Councillor Provan/Councillor Riad\*)

That Council engages with Engadine residents, bike riders and the wider community on the possible use of alternative sites nominated in this report for bike riding activities currently taking place in Geelong Road Reserve/Geneva Place Reserve, Engadine.

**Minute No: 332****INF039-18****Open Space Naming Proposal - Greenhills Beach Estate****File Number: 2017/278523**

RESOLVED: (Councillor Provan/Councillor Simone)

THAT:

1. That based on advice from the NSW Geographical Names Board the proposal to name the land located at 422 Captain Cook Drive, Greenhills Beach, "Don Dobie Reserve" be discontinued.
2. The proposal to name the lookout located at Wanda Beach, "Don Dobie Memorial Lookout" be endorsed in-principle and actioned for facility naming in accordance with Naming of Public Open Space & Facilities Policy.

**Minute No: 333****INF040-18****Proposal to Change Reserve Name from Hawkesbury Park to "James Goyen Reserve"****File Number: 2015/65496**

RESOLVED: (Councillor Provan/Councillor Simpson)

That Council writes to the Geographical Names Board affirming the Council decision to change the name of "Hawkesbury Park" to "James Goyen Reserve" for the following reasons:

1. The name "James Goyen" is more historically significant in the locality than "Hawkesbury" give Mr Goyen's considerable contribution to the establishment of the local housing estate.
2. The name "Hawkesbury" has no historic or cultural significance in the Sutherland Shire and creates confusion with the Hawkesbury region of Sydney.
3. The Board's public notification of the proposed name change shortly after Council undertook the same process created confusion in the local community resulting in less people making a submission in support of the name change than people who are actually in support.
4. Council's public exhibition process showed considerable community support for the name change and should be relied upon by the Board.
5. The Board should respect the democratically elected, local council's decision to change the name of the reserve.



**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, Forshaw, Johns, McLean, Nicholls, Provan, Riad, Simone and Simpson.

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

**Minute No: 334**

**INF041-18**

**Performance of Domestic Waste Services 2017/18**

**File Number: 2015/227642**

RESOLVED: (Councillor Simpson/Councillor Scaysbrook)

THAT:

1. Council receives and notes Council's domestic waste diversion in 2017/18 was 50%.
2. A further report on the final outcome of the negotiations with the NSW EPA and SSROC be provided to Council.
3. A Waste Services Working Party be formed.

**Minute No: 335**

**PLN038-18**

**Results of Exhibition of Draft Amended Strategy for Finalisation of old S94 and S94A Plans**

**File Number: 2018/307839**

RESOLVED: (Councillor Johns/Councillor Simpson)

That this matter be deferred for one round to allow Councillors to obtain further information from Council officers.

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

**The decision was unanimous.**

**Minute No: 336****PLN039-18****Local Planning Panel - Pre-Existing Non-Compliances****File Number: 2017/264379**

MOTION: (Councillor Plibersek/Councillor Johns)

THAT:

1. Council makes a request to the Secretary of the Department of Planning and Environment to allow concurrence to be assumed by Council staff for contravening the landscaped area development standard where pre-existing non-compliances result in a departure of more than 10%, and directs the Sutherland Shire Local Planning Panel to delegate these applications to Council staff to determine.
2. Quarterly reports be made to Councillors about pre existing non-complying development applications approved by Council staff through the Councillor Bulletin.
3. Council notes the Director's advice that significant matters of pre-existing non-complying development applications will be notified to neighbours and submissions from neighbours be considered before the development application is determined.

AMENDMENT: (Councillor Croucher/Councillor Riad)

THAT:

1. Council makes a request to the Secretary of the Department of Planning and Environment to allow concurrence to be assumed by Council staff for contravening the landscaped area development standard where pre-existing non-compliances result in a departure of more than 10%, and directs the Sutherland Shire Local Planning Panel to delegate these applications to Council staff to determine.
2. Quarterly reports be made to Councillors about pre existing non-complying development applications approved by Council staff through the Councillor Bulletin.

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, Nicholls, Provan, Riad and Simone.

**Against** the Amendment were Councillors Boyd, Collier, Forshaw, Johns, McLean, Plibersek, 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**).

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

**The decision was unanimous.**

**Minute No: 337**

**COR030-18                      Status of Bundeena Paper Roads  
File Number: 2015/4664**

RESOLVED: (Councillor Scaysbrook/Councillor Pesce)

THAT:

1. Council give notice and proceed to dedicate the formed road reserve sections of Bournemouth and Liverpool Streets under section 16 and 17 of the Roads Act 1993.
2. Council not dedicate the unformed sections of Grosvenor, Liverpool, Bournemouth and Sussex Streets.
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 these resolutions.

**Minute No: 338**

**COR031-18                      Report and Minutes of the Meetings of the Sutherland Traffic and Traffic  
Safety Committee and Consultative Traffic Forum held on Friday, 3 August  
2018  
File Number: 2016/253677**

RESOLVED: (Councillor Riad/Councillor Simpson)

THAT:

1. The committee recommendations contained in the Minutes of the Sutherland Traffic and Traffic Safety Committee Meeting held on Friday, 3 August 2018 be adopted, with the exception of STR110-18.

2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday, 3 August 2018 be adopted.
3. Council defers STR110-18 (timed parking within the Menai Marketplace car park) for a meeting with E Ward Councillors and centre management.
4. Upon completion of point 3, the matter (STR110-18) be referred back to the Sutherland Traffic and Traffic Safety Committee.

**Minute No: 339**

**MOT025-18                      Centenary of the Armistice 1918**  
**File Number: 2018/316201**

RESOLVED: (Councillor Simpson/Councillor Boyd)

That to commemorate the Centenary of the Armistice on 11 November 1918 and the sacrifice of so many men, women and children during World War I, Council in consultation with the Sutherland Shire RSL Sub Branches and Ward Councillors:

1. Plant a suitable species of pine tree in a park or location to be determined in each Ward and an appropriate plaque be set in place to acknowledge the purpose of the tree.
2. During the month of November 2018 places suitable displays within and on Council buildings.

**Minute No: 340**

**MOT026-18                      Return of Planning Powers to Council**  
**File Number: 2016/257428**

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

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

MOTION: (Councillor Simpson/Councillor Boyd)

THAT Council:

1. Write to the Hon. Gladys Berejiklian MP, Premier of NSW seeking that Sutherland Shire Council have its local planning powers returned in order that elected Councillors are reinstated as the consent authority for all development applications currently determined by the Sutherland Shire Local Planning Panel.

2. Write to Mr Luke Foley MP, Leader of the Opposition NSW asking that if elected Premier of NSW in March 2019, he guarantees he will reinstate Council's planning powers.
3. Write to the four State Members of Parliament representing parts of the Sutherland Shire asking them to support Council in its endeavour to have planning powers to Councillors reinstated.
4. Brings to the attention of each of the above persons that:
  - a. As a consequence of elected Councillors no longer being the consent authority to determine local development applications, the majority of residents in the Sutherland Shire have lost confidence in the planning system and Council's ability to protect the community from inappropriate development.
  - b. The majority of the community has no confidence in the unelected, non-local Sutherland Shire Local Planning Panel's ability to make local planning decisions in the community's interest.
  - c. A number of decisions made by the unelected Sutherland Shire Local Planning Panel, which have allowed development with height and floor space ratio well in excess of Council's planning controls, have led to the community's loss of confidence in a system that seemingly ignores any input from residents, whose amenities and present 'Shire' way of life is forever lost.
  - d. The continuation of the present planning system without elected Councillors having the authority to determine development applications, will forever change and destroy the character of the Sutherland Shire.
  - e. As Sydney is made up of many distinct locations from the sandy beaches to the mountains, each with its own character, special locations and local identity, a 'one size fits all' planning system destroys the unique characteristics and heritage of all of the suburbs in our great city.
  - f. Based on the NSW Minister for Planning's recent announcement to defer the implementation of the 'Missing Middle' SEPP for twelve months in many local government areas, the NSW Government appears to have doubts about the robustness of the current planning system.

**Minute No: 341      Adjournment**

At 8:29pm:

RESOLVED: (Councillor Scaysbrook/Councillor Johns)

That the Meeting be adjourned to allow wording of the Amendment to be clarified.

### Resumption of Standing Orders

At 8:35pm Standing Orders were resumed with the following present:

The Mayor, Councillor Pesce, together with Councillor Boyd, Councillor Collier, Councillor Croucher, Councillor Forshaw, Councillor McLean, Councillor Provan, Councillor Plibersek, Councillor Riad, Councillor Scaysbrook, Councillor Simone, Councillor Simpson and Councillor Steinwall.

**Minute No: 339 Cont'd**

**MOT026-18**

AMENDMENT: (Councillor Pesce/Councillor Croucher)

THAT Council:

1. Write to the Hon. Gladys Berejiklian MP, Premier of NSW seeking that Sutherland Shire Council have its local planning powers returned in order that elected Councillors are reinstated as the consent authority for all development applications currently determined by the Sutherland Shire Local Planning Panel.
2. Write to Mr Luke Foley MP, Leader of the Opposition NSW asking that if elected Premier of NSW in March 2019, he guarantees he will reinstate Council's planning powers.
3. Write to the four State Members of Parliament representing parts of the Sutherland Shire asking them to support Council in its endeavour to have planning powers to Councillors reinstated.
4. Brings to the attention of the above persons that Councillors:
  - a. Have received a number of representations from the majority of community groups and the wider community stating they would have greater confidence in planning decisions made by locally elected Councillors, who have a better understanding of the local community, than by unelected bureaucrats who are not from the Sutherland Shire.
  - b. Believe returning planning powers to Councillors gives Council the best opportunity to preserve the unique character and heritage of the Sutherland Shire.

Councillor Johns returned to the meeting at (8:40pm).

**Minute No: 342      Procedual Motion**  
**To Put the Amendment**

PROCEDURAL MOTION: (Councillor Simpson)

That the Amendment be put to the Meeting.

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

**Minute No: 339 Cont'd**  
**MOT026-18**

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, Provan and Simone.

**Against** the Amendment were Councillors Boyd, Collier, Forshaw, Johns, McLean, Plibersek, Riad, Scaysbrook, Simpson and Steinwall.

FURTHER AMENDMENT: (Councillor Johns/Councillor Riad)

THAT:

1. This item be deferred for one round of Council.
2. Council develop a policy and methodology that introduces methods of greater elected council input than is currently permitted including but not exclusive of
  - a. All applications referred to independent bodies be subject to a preliminary report to Council
  - b. That Councillors be allowed to determine Councils position and that this position is reflected in a formal report to the independent panel
  - c. That a weighting system of between 30%-50% be investigated in any independent determination
  - d. Any matters where an independent panel decision differs from that of the Council opinion, Council be given one further right of reply or reconsideration.
3. Other models that the staff may recommend be also considered.
4. Council re-examine this motion concurrently with other policy options.

5. Subject to a firm Council policy and position being determined that the following be requested to provide support for a trial programme to deliver the best community outcomes:
  - a. Hon. Gladys Berejiklian MP, Premier of NSW
  - b. Mr Luke Foley MP, Leader of the Opposition NSW asking that if elected Premier of
  - c. The four State Members of Parliament representing parts of the Sutherland Shire
  
6. A report be provided by the General Manager or his delegate highlighting non complying developments that have been approved and why and what policy or planning instrument changes are required to ensure compliance, address a difficult planning instrument or to stop non compliances.

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 Councillors Croucher, Johns and Riad.

**Against** the Further Amendment were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Forshaw, McLean, Provan, Plibersek, Scaysbrook, Simone, 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**).

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

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

**Against** the Resolution was The Mayor, Councillor Pesce, together with Councillor Johns and Councillor Riad.

Councillor Nicholls returned to the Meeting (9:30pm).



**Minute No: 343**

**MOT027-18                      Tourism Campaign Cronulla**  
**File Number: 2016/253074**

RESOLVED: (Councillor Simone/Councillor Johns)

THAT:

1. Representations be made to Tourism Australia and Destination NSW when developing their next campaigns to incorporate key attractions in the Sutherland Shire and/or engage our home-grown internationally recognised ambassadors;
2. Within existing budget allocations and in consultation with the Economic Development and Tourism Committee, Council explores opportunities to proactively market Sutherland Shire attractions and experiences to international visitors already in Sydney via hotel concierges, airport information services, cruise ship operators and travel agencies promoting the Sutherland Shire as a key destination for day trips and overnight stays.

**Minute No: 344**

**MOT028-18                      Ice Skating Rink in Cronulla**  
**File Number: 2018/316230**

RESOLVED: (Councillor Simone/Councillor Nicholls)

THAT in consultation with the Cronulla Chamber of Commerce, Council calls for expressions of interest for an experienced operator to provide a pop-up ice skating rink in Cronulla Plaza next winter for the benefit of the local community and at no cost to Council.

**MOT029-18                      This matter was considered earlier in the Meeting**  
**(see Minute No. 321).**

**QUESTION**

**Minute No: 345                      Potential Solar Farm Site at Lucas Heights**  
**File Number: 2015/36958**

Councillor Simpson raised the following matter:

Could the General Manager please advise when the business case for the solar farm at Lucas Heights will be presented to Council for consideration?

The General Manager advised that he would take the question on notice and that a reply would be provided.

**Minute No: 346****CONSIDERATION OF BUSINESS IN CLOSED SESSION (9:35pm)**

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:

**INF009A-18                    Works In Conjunction with Development - Pinnacle Street Miranda -  
Acceptance of Quotation  
File Number: 2017/294429, 2018/306185**

**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.

**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 Riad\*\*)"**

**Minute No: 347****INF009A-18****Works In Conjunction with Development - Pinnacle Street Miranda -  
Acceptance of Quotation****File Number: 2017/294429, 2018/306185**

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

THAT:

1. In accordance with the provisions of Section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the completion of roadworks in conjunction with road frontage works at two large developments in Pinnacle Street Miranda because a satisfactory result would not be achieved by calling tenders.
  
2. Council accept the M.R.Civil quotations and enter into a contract in an amount totalling \$198,454.46 excl. GST for roadworks at Pinnacle Street, Miranda without having invited tenders for the following reasons:
  - a) Value for money
  - b) Quality of infrastructure
  - c) Minimised community disruption

At this stage the Meeting moved back into Open Session.

The Meeting closed at 9:41pm.