



# Minutes

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## Extraordinary Council Meeting

Monday, 1 July 2019

6:30pm

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

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SUTHERLANDSHIRE

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

**STAFF IN ATTENDANCE:** Chief Executive Officer (Manjeet Grewal), Director Corporate Support (Clare Phelan), Director Shire Infrastructure (Peter Hazeldine), Director Shire Planning (Peter Barber), Director Shire Services (Michelle Whitehurst), Manager Governance Risk and Compliance (Anton Usher), Manager Arts and Culture (Belinda Hanrahan), Team Leader Governance (Debbie Lewis), Governance Advisor (Bernadette Feltham), Governance Officer (Jill Bleszynski) and Governance Officer (Jenni Dovey).

#### **ACKNOWLEDGEMENT OF COUNTRY**

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

#### **Minute No: 168**

##### **APOLOGY**

RESOLVED: (Councillor Scaysbrook/Councillor Provan)

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

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##### **DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

Nil.

##### **BUSINESS WITHOUT NOTICE**

**Minute No: 169**      **Retirement of Yoshihide Yada, Former Mayor of Chuo City**

**File Number: 2018/321548**

Councillor Simpson requested Business Without Notice concerning the retirement of Yoshihide Yada, Former Mayor of Chuo City, be considered as a matter of urgency.

RESOLVED: (Councillor Simpson/Councillor Provan)

That permission be granted to bring forward Business Without Notice regarding the retirement of Yoshihide Yada, Former Mayor of Chuo City.

The Mayor, Councillor Pesce, ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice that the matter was of great urgency.

**Minute No: 170****BWN008-19****Retirement of Yoshihide Yada, Former Mayor of Chuo City****File Number: 2018/321548**

RESOLVED: (Councillor Simpson/Councillor Provan)

THAT:

Council, on behalf of all Councillors, send a congratulatory letter to the retiring Mayor, Yoshihide Yada from Chuo Sister City, recognising his friendship and support.

**Procedural Motion****To Move into Closed Session to Allow Discussion of COR025-19**

MOTION: (Councillor Scaysbrook/Councillor Provan)

That the Meeting move into Closed Session to allow discussion of confidential information relating to COR025-19.

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

**Minute No: 171****CONSIDERATION OF BUSINESS IN CLOSED SESSION (6:35pm)**

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 Scaysbrook/Councillor Provan)

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

**COR025-19                    Sutherland Entertainment Centre Refurbishment Progress Report**  
**File Number: 2019/309689**

**Section 10A(2)(d)(ii) 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 confer a commercial advantage on a competitor of the council. On balance, the public interest in preserving the confidentiality of information relating to council's commercial activities outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could allow competitors to council's commercial activities to gain a commercial advantage.

At this time the Meeting moved into Closed Session (6:35pm).

The Director Shire Infrastructure presented confidential information relating to item COR025-19.

Mr Richard Stuart (Richard Stuart Theatre & Production Consultant), Mr Barry Flack (NBRS Architecture), Mr Andrew Lamond (CHROFI) and Mr Brayden Kenny (Root Partnerships) were in attendance for this presentation.

**Minute No: 172**

**Procedural Motion**  
**To Move Back Into Open Session**

RESOLVED: (Councillor Steinwall/Councillor Simone)

That the Meeting move back into Open Session.

At this stage the Meeting moved back into Open Session (7:27pm).

**Minute No: 173****COR025-19****Sutherland Entertainment Centre Refurbishment Progress Report****File Number: 2019/309689**

Mr Richard Stuart (Richard Stuart Theatre & Production Consultant), Mr Barry Flack (NBRS Architecture), Mr Andrew Lamond (CHROFI) and Mr Brayden Kenny (Root Partnerships) were in attendance for this item.

RESOLVED: (Councillor Johns/Councillor Nicholls)

THAT:

1. Council endorses the continuation of the Sutherland Entertainment Centre major refurbishment project, with the preparation of full design and preparation of Development Application.
2. Council adopts, as a minimum, the originally endorsed scope for the project (Option 1) with a total cost of \$29,619,022 for construction, project overheads and contingency allowance over the 3 years of project life to 2021/22.
3. Council undertakes to fund the project through use of \$6,551,864 Developer Contributions, \$16,351,513 available Suez VPA funds and that any additional funds required upon further design will be subject to a further report that identifies all options available to Council.
4. Council identifies that the design for final Council approval will include the optional elements to the scope of the project, including a full fly-tower (\$1,524,024), shall include Peace Park reconfiguration works (\$1,403,000) and enclosure of a terraced area (\$189,100) and associated contingency allowance (\$467,418), totalling \$3,682,303 (Option 2).
5. That a second lift and the orchestra pit be added to the scope for the design.
6. Peace Park optimal reconfiguration be added to the scope for the design.
7. That any final construction tender make allowance for separable portions and options as identified in this report.
8. Council receive a report on funding models for the whole project, including benefits and disbenefits, prior to progressing to finalising OLG submission and tender.

**Minute No: 174      Adjournment**

At 7:38pm

RESOLVED: (Councillor Nicholls/Councillor Riad)

That the Meeting be adjourned to allow Councillors time to consider the wording of the Motion.

**Resumption of Standing Orders**

At this stage of the Meeting Standing Orders were resumed (7:55pm) with the following present:

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

AMENDMENT: (Councillor Steinwall/Councillor Scaysbrook)

THAT:

The final consideration of the Sutherland Entertainment Centre upgrade be deferred until next week.

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 McLean and Steinwall.

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

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

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

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

**Against** the Resolution was Councillor Collier.

The Meeting closed at 8:22pm