



# Minutes

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## Council Meeting

**Monday, 20 November 2017**

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

Staff in attendance were the General Manager, Director Corporate Support, Director Shire Services, Director Shire Infrastructure, Director Shire Planning, Manager Finance, Property Services Manager, Executive Officer Governance (Karen Barrass) and Executive Officer Governance (Karin Jones).

### **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 Associate Pastor Mark Riethmuller.

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### **Disclosures of Interest**

**File Number: 2015/14239**

Councillor Boyd declared a pecuniary interest in the following matter:

SER005A-18 Land Sale Proposal - 9 Kingsway, Cronulla  
File Number: 2017/268207

advising that my employer is the legal representative for the party seeking to purchase the land.

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

GOV012-18 Cash Payments & Investments Report - September 2017  
File Number: 2017/281575

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

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

**Min No: 103****Confirmation of Minutes of Council Meeting  
held on Monday 16 October 2017  
(Minutes Numbered 79 to 102 inclusive)**

RESOLVED: (Councillor Simpson/Councillor Provan)

That the Minutes of the Council Meeting held on 16 October 2017, being Minutes Numbered 79 to 102 inclusive, be and are hereby confirmed as a correct record.

**Min No: 104****MM005-18****Mayoral Minute****Vale Ron Siddons****File Number: 2017/263180**

It is with great sadness that I learned of the passing of Ron Siddons OAM, MBE. I extend my condolences to his wife Lily, his children Tania, Lisa, Jason and grandson, Tyson on behalf of the Council and the Shire community.

Ron commenced as a Beach Inspector in 1973 with Council. He retired in 2001 as Superintendent of Beaches. During his employment, Ron introduced new standards to the lifeguard service; the equipment he designed included a rescue tube, a lighter adjustable release belt, carbon dioxide self-inflating buoys, buoyant safety overalls for rock fishermen and inflatable swimsuits and collars for people with disabilities.

Ron's service to the community was exemplified when Ron founded the Rainbow Club, which provides swimming and other sporting and recreational activities for children with disabilities, after an experience in 1969 when he witnessed a father struggling to teach his child with disabilities to swim. Due to the child's disability, he could not participate in regular learn-to-swim classes. Ron offered to help the father and met the family at the Cronulla Sports Complex pool each week. Other families soon wanted to join in, and so the Rainbow Club was formed.

Today, more than 600 children are involved in 20 clubs across NSW, which are run by parents and other volunteers.

Ron, a Burraneer resident, was awarded an MBE and an OAM for services to lifesaving and the Rainbow Club. He gained respect from both friends and colleagues for his commitment to ensuring that children with disabilities enjoyed the same privileges as everyone else. Looking back at historical memos it is clear that Ron led the beaches with a firm but fair approach. His aim was to challenge everyone to work towards a better and safer Sutherland Shire.

As well as his strong leadership, Ron's life was characterised by his dedicated service to the community. He was a champion for, and great supporter of the disabled community and his beloved Rainbow Club. At every level, Ron has undoubtedly left a legacy of dedicated service and confident, compassionate and committed leadership that will be remembered long after his passing.

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

1. That this Minute be received and noted.
2. That a period of silence be held in memory of the late Ron Siddons.
3. That Council extend its condolences to Mrs Lily Siddons and family.

**Min No: 105**

**MM006-18**

**Mayoral Minute**

**Prime Minister's Prize for Science**

**File Number: 2017/263180**

I am pleased to advise that Mr Brett McKay, Head Teacher Science at Kirrawee High School was awarded the 2017 Prime Minister's Prize for Excellence in Science Teaching in Secondary Schools. The Award recognises a teacher's role in nurturing an interest in science in students and, for their contribution, commitment and dedication to effective and creative science teaching. The Prize comprises an award certificate, a silver medallion and lapel pin, and prize money of \$50,000.

This Mayoral Minute congratulates and acknowledges Mr McKay for his achievements in science education.

Mr McKay is a physics and science teacher at Kirrawee High School, and because of his work over the past twenty years, the school has become a force in science education. Mr McKay has inspired his students to love science and to use it in their daily lives. He has also brought science to life for students not considering science as a career. During his time at Kirrawee High School, he has seen a four-fold increase in students taking physics and many have gone on to careers in science.

Mr McKay shares his knowledge of science teaching with his peers through the Science Teachers Association of NSW and with schools in the Shire. He is seen as an encouraging, resourceful and engaging teacher.

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

That Council congratulates Mr Brett McKay on being awarded the prestigious Prime Minister's Prize for Excellence in Science Teaching in Secondary Schools and thanks him for his role in inspiring and encouraging students to take an interest in science.

**Min No: 106****GOV011-18****2016/17 Annual Financial Statements****File Number: 2016/253939**

Ms Caroline Karakatsanis from the Audit Office provided a presentation on this matter.

RESOLVED: (Councillor Simpson/Councillor Provan)

That the presentation of the 2016/17 General Purpose and Special Purpose Financial Statements and Auditor's Report be received and noted.

**Min No: 107 Suspension of Standing Orders**

RESOLVED: (Councillor Johns /Councillor Scaysbrook)

That Standing Orders be suspended to consider COR010-18 in conjunction with COR011-18 as the next items of business.

**Min No: 108****Procedural Motion****To consider COR010-18 in conjunction with COR011-18**

MOTION: (Councillor Croucher/Councillor Riad)

That COR010-18 be considered in conjunction with COR011-18.

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

**Min No: 109****COR010-18****Minutes of the Audit, Risk & Improvement****Committee Meeting held on 11 October 2017****File Number: 2017/264845**

RESOLVED: (Councillor Croucher/Councillor Riad)

That the Minutes of the meeting of the Sutherland Shire Council Audit, Risk & Improvement Committee held on 11 October 2017 be received and noted.

**Min No: 110**

**COR011-18            Audit, Risk & Improvement Committee Charter-  
Revised  
File Number: 2017/264845**

RESOLVED: (Councillor Croucher/Councillor Riad)

That the revised Audit, Risk & Improvement Committee Charter be adopted by Council.

**Resumption of Standing Orders**

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

**Min No: 111**

**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: 112**

**GOV012-18            Cash Payments & Investments Report -  
September 2017  
File Number: 2017/281575**

\*\*\* Councillor McLean declared a Not Significant non Pecuniary interest in this matter.

RESOLVED: (Councillor Provan/Councillor Simone\*)

That the information concerning Bank Balances and Investments held as at 30 September 2017, be received and noted.

**Min No: 113****GOV013-18**

**Delivery Program 2013/14 - 2016/17  
Incorporating Operational Plan 2016/17 Half  
Yearly Report (January - June 2017)  
File Number: 2015/218037**

RESOLVED: (Councillor Provan/Councillor Simone\*)

That the half yearly report on the key achievements of Council's 2013/14 - 2016/17 Delivery Program and progress against the program of works and activities adopted in the 2016/17 Operational Plan be received and noted.

**Min No: 114****GOV014-18**

**Quarterly Budget Review Statement for Period  
Ending September 2017  
File Number: 2017/288226**

RESOLVED: (Councillor Johns/Councillor Simone)

THAT:

1. The 1st Quarterly Budget Review Statement and recommendations contained within be adopted and income and expenditure adjustments be voted.
2. The General Manager return to the next budget review with a strategy to return the Net Operating Result before capital items to zero for Council review.

**Min No: 115**

**GOV015-18**

**Lodgement of Disclosure of Interest Returns  
for Councillors and Designated Persons  
Pursuant to Section 449 of the Local  
Government Act, 1993 for the Period 1 July  
2016 to 30 June 2017  
File Number: 2015/216540**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The report "Lodgement of Disclosure of Interest Returns by Councillors and Designated Persons pursuant to Section 449 of the Local Government Act 1993 for the period 1 July 2016 to 30 June 2017" be received and noted.
2. Council reverts back to the process of the issuing of forms to Councillors.
3. Council notes that all returns were lodged by all Councillors and designated staff.

**Min No: 116**

**SER007-18**

**Sutherland Shire Literary Competition  
File Number: 2015/14493**

RESOLVED: (Councillor Collier/Councillor Croucher)

THAT:

1. An annual Sutherland Shire Literary Competition be established, commencing 2018.
2. A Sutherland Shire Literary Competition sub-committee comprising Councillors Collier, Croucher and Forshaw and the Manager Library Services be formed to oversee the organisation and implementation of the Competition in consultation, as required, with the local literary community.



Min No: 116

SER007-18 Cont'd

3. The sub-Committee seek sponsorship for the Competition from Shire businesses and organisations, subject to Council policies and procedures.
4. The sub-Committee report back to Council on the outcomes and suggested improvements on the competition of the 2018 Competition.

**Min No: 117**

**SER008-18**

**Lease to Como Jannali Junior Rugby League**

**Football Club Inc**

**File Number: 2016/261923**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The consent of the Minister for Lands and Forestry as well as the Minister for Local Government be obtained for the proposed 21 year lease.
2. Subject to Point 1 above, the proposed 21 year lease over Part Lot 1 DP183958 and Part Lot 1 DP193039 to the Como Jannali Junior Rugby League Football Club Inc. be granted on terms and conditions to the satisfaction of the General Manager.
3. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to this resolution.

**Min No: 118****INF010-18**

**Proposed Voluntary Planning Agreement with  
Bupa - 99R Acacia Road, Sutherland  
File Number: 2015/227736**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The public benefit offered within the proposed Voluntary Planning Agreement be supported.
2. The Voluntary Planning Agreement be publically notified in accordance with legislation.
3. The final terms of the Voluntary Planning Agreement be negotiated to the satisfaction of the General Manager.
4. In accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, the General Manager execute any necessary documentation to give effect to these resolutions.
5. The persons who made a written submission to the Development Application be notified of the exhibition of the VPA.

**Min No: 119****INF011-18**

**Summary of Bushland Grants Program 2016/17  
File Number: 2015/83733**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The report "Summary of Bushland Grants Program 2016/17" be received and noted.
2. The Bushland-Nursery staff and the 628 active volunteers be thanked for their work.

**Min No: 120**

**INF012-18                    Ancillary (Public Domain) Works - Cronulla  
Surf Club Redevelopment  
File Number: 2017/286162**

RESOLVED: (Councillor Provan/Councillor Simone\*)

That 'in principle' approval be granted to develop a business case to seek funding for ancillary (public domain) access and landscape improvements associated with the redevelopment of the Cronulla Surf lifesaving Club.

**Min No: 121**

**INF013-18                    Status Report on SES Facility at Hungry Point  
Reserve, Cronulla  
File Number: 2017/269046**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The status report on the delivery of the eastern area SES sub-unit facilities (Building 7) on the Hungry Point Reserve, Cronulla be received and, the impact of delays due to protracted Heritage Office approvals be noted.
2. Council make representations to the Minister for the Environment and Minister for Heritage to address approval delays with the NSW Heritage Office.
3. A site inspection be organised for all interested Councillors to attend Hungry Point.

**Min No: 122****INF014-18****Cronulla Town Centre Improvements****File Number: 2017/279216**

RESOLVED: (Councillor Simone/Councillor Johns)

That Council notes the initiatives underway to:

1. Improve Cronulla Town Centre's public place presentation via its draft Cronulla Town Centre Public Domain Master Plan and the Street Tree Master Plan.
2. Promote the Cronulla and wider local economy via the preparation of the Sutherland Shire Economic Development Strategy.
3. That Council prepare a report to Council regarding a tree management plan or strategy within the first quarter of 2018 that can be implemented within a timeframe of 18 months for the Cronulla town centre gateways and how it will be funded.
4. That the report details any other effects of the above in regards to tree management across the Shire.

**Min No: 123****INF015-18****Proposed Major Projects Budget Committee****File Number: 2015/225102, 2017/288630**

RESOLVED: (Councillor Provan/Councillor Simone\*)

THAT:

1. The draft Charter for the Shire Infrastructure Committee (November 2017) be adopted.
2. A specific agenda item for the purpose of considering major projects be incorporated on the Shire Infrastructure Committee business papers.

**Min No: 124****PLN018-18****SUEZ Application to Modify Opening Hours at  
the LHRRP****File Number: 2015/211777**

RESOLVED: (Councillor Provan/Councillor Simone\*)

RESOLVED:

That in accordance with the delegation granted by the Council to this Committee it is resolved that:

1. The report titled SUEZ Application to Modify Opening Hours at the LHRRP be received and noted.
2. Council at this stage do not support the extension of trading at 4am until SUEZ proposes remedies that will address noise generation at those times along New Illawarra Road, Heathcote Road and Bangor Bypass.

**Min No: 125****PLN019-18****Short Term Letting in NSW****File Number: 2015/87293**

RESOLVED: (Councillor Provan/Councillor Simone\*)

That Council submit the attached submission to NSW Planning & Environment in support of better control of short-term holiday letting through a combination of exempt and complying development, stronger Strata by-laws, and compulsory registration of properties with industry self management of complaints.

**Min No: 126**

**PLN020-18**

**Nomination of Representatives on the Sydney  
South Planning Panel**

**File Number: 2016/261299**

MOTION: (Councillor Scaysbrook/Councillor Steinwall)

THAT:

1. Councillor Simpson and Councillor Forshaw be appointed to the Sydney South Planning Panel.
2. The tenure for appointed Councillors be until September 2018.
3. Councillor Provan and Councillor Collier be appointed as the Alternate members.

AMENDMENT: (Councillor Johns/Councillor Riad)

THAT:

1. Councillor Simpson and Councillor Forshaw be appointed to the Sydney South Planning Panel.
2. The tenure for appointed Councillors be until September 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 the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, Nicholls, Provan, Riad and Simone.

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

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

**Min No: 127**

**PLN021-18**

**Recruitment of Community Representatives for  
the Mandatory Independent Hearing and  
Assessment Panel**

**File Number: 2016/261299**

RESOLVED: (Councillor Simpson/Councillor Provan)

THAT:

1. The parameters and process outlined in this report be used to recruit and appoint community representatives and alternates for Council's mandated determining Independent Hearing and Assessment Panel.
2. Fees paid to community representatives be consistent with the amount advised by the NSW Department of Planning and Environment.

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

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

**The decision was unanimous.**

**Min No: 128**

**COR009-18**

**Report and Minutes of the Meetings of the  
Sutherland Traffic and Traffic Safety  
Committee and Consultative Traffic Forum held  
on Friday, 03 November 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 Friday 03 November 2017 be noted.
2. The recommendations contained in the Minutes of the Consultative Traffic Forum Meeting held on Friday 03 November 2017 be adopted.

**COR010-18**

**This matter was considered earlier in the Meeting  
(see Minute No. 109).**

**COR011-18**

**This matter was considered earlier in the Meeting  
(see Minute No. 110).**



**Min No: 129****COR012-18                      Intention to Apply for Special Rate Variation  
File Number: 2016/259105**

MOTION: (Councillor Johns/Councillor Simone)

That the report "Intention to Apply for Special Rate Variation" be received and noted.

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, Riad and Simone.

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

AMENDMENT: (Plibersek/            )

That any Councillors that vote for the Motion will nominate where the cuts will come from.

The Amendment lapsed for want of a seconder.

**Min No: 130            Adjournment**

At 8.09 pm when all those abovementioned were present it was:

RESOLVED: (Simpson)

That the Meeting be adjourned for a short break.

**Min No: 131            Resumption of Standing Orders**

At 8.17 pm when all Councillors were present it was:

RESOLVED: (Steinwall)

That Standing Orders be resumed.

MOTION: (Councillor Johns/Councillor Simone)

THAT:

1. That the report "Intention to Apply for Special Rate Variation" be received and noted.
2. That Council expressed the view that it has no intention of increasing rates in the foreseeable future above the rate cap.

AMENDMENT: (Forshaw/Collier)

1. That the report "Intention to Apply for Special Rate Variation" be received and noted.
2. That Council expressed the view that it has no intention of increasing rates in the foreseeable future above the rate cap.
3. That Council expresses the view that the special rate applicable to businesses in Cronulla CBD be removed at the next time the rates are reviewed.

**Min No: 132            Procedural Motion**

MOTION: (Scaysbrook/Pliberseck)

That the Motion of Councillor Johns and Councillor Simone and the Amendment of Councillor Forshaw and Councillor Collier not be heard.

The Procedural Motion on being put 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, Collier, Forshaw, McLean, Pliberseck, Scaysbrook and Steinwall.

**Against** the Procedural Motion were the Mayor, Councillor Pesce together with Councillors Croucher, Johns, Nicholls, Provan, Riad, Simone and Simpson.

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

**In Favour** of the Amendment were were Councillors Collier, Forshaw, McLean, Pliberseck, Scaysbrook and Steinwall.

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

Further Amendment: (Simpson/Scaysbrook)

That Councillors thank and acknowledge staff on their frank and fearless and honest appraisal as to the financial position of this Council in the present and over the next ten years and Councillors acknowledge that the Resourcing Strategy Working Party examined all forms of ratings and other financial strategies to ensure the financial stability of this Council.

**The Further Amendment on being put to the meeting was declared carried to become the Motion.**

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

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

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

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

**Min No: 133**

**COR013-18**

**SUEZ Proposal Extension of Lucas Heights**

**Resource Recovery Park Opening Hours -**

**Additional Information**

**File Number: 2015/211777**

RESOLVED: (Councillor Riad/Councillor Nicholls)

THAT:

1. The report titled "SUEZ Proposal Extension of Lucas Heights Resource Recovery Park Opening Hours - Additional Information" be received and noted.
2. Council endorse the "Modification to Lucas Heights Resource Recovery Park Operational Hours Environmental Assessment" subject to the proposal seeking a 5am opening Monday to Friday, and authorise the General Manager to sign the Modification Proposal as a joint applicant to allow lodgement with the Department of Planning.
3. A further report be presented to Council following the results of the public exhibition of the modification proposal.

**Min No: 134****MOT008-18****Trees Near Housing on Council Land in  
Bushfire Prone Zones****File Number: 2015/46702, 2015/87253**

RESOLVED: (Councillor Riad/Councillor Simpson)

Pursuant to Notice, Councillor Riad submitted the following Motion:

That a report be provided in early 2018 setting out options for the appropriate management of trees on public land in bushfire zones. The review shall include:

1. Mechanisms to ensure trees within ten metres of a dwelling do not elevate the risk of fire to the property.
2. Identification of opportunities to improve the local tree canopy under Council's Green Streets Program in circumstances where trees are removed.
3. Within the policy, Councils tree planting not affect any residents solar panels.

**Petition****Min No: 135****Save Morton Bay Fig Tree in Cronulla****File Number: 2017/286063**

Councillor Forshaw tabled signatures for a petition requesting to save the Heritage Listed Morton Bay Fig Tree at the Corner of Kingsway and Wilbar Avenue, Cronulla.

**Min No: 136**

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

**Min No: 137            CONSIDERATION OF BUSINESS IN CLOSED SESSION (9.21 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.*

*MOTION: (Councillor Riad/Councillor Provan)*

*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:*

**GOV001A-18            Rate Relief Hardship Application  
File Number: 2017/267008**

Section 10A(2)(b) The Personal Hardship of any Resident or Ratepayer: This matter is being considered in Closed session as it relates to the personal hardship of a resident or ratepayer.

**SER005A-18            Land Sale Proposal - 9 Kingsway, Cronulla  
File Number: 2017/268207**

Section 10A(2)(c) Information that would, if Disclosed, Confer a Commercial Advantage on a Person with Whom the Council is Conducting (or Proposes to Conduct) Business: This matter is being considered in Closed session as it relates to a proposal for the sale or purchase of land where prior knowledge of this proposal could confer an unfair financial advantage on any person.

**INF004A-18            Stormwater and Waterways Management of  
Sylvania Waters and Gwawley Bay  
File Number: 2017/27745**

06.Section 10A(2)(d)(i) Commercial information - prejudice commercial position of the person who supplied it.

11.Section 10A(2)(g) Legal Professional Privilege or Litigation Matters

**Min No: 138**

**GOV001A-18**

**Rate Relief Hardship Application**

**File Number: 2017/267008**

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

That the deferral proposal by the debtor identified in this report be agreed to under the provisions outlined in the report.

**Min No: 139**

**SER005A-18**

**Land Sale Proposal - 9 Kingsway, Cronulla**

**File Number: 2017/268207**

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

MOTION: (Councillor Johns/Councillor Scaysbrook)

THAT:

1. In principle support be provided by Council for the General Manager to negotiate best possible commercial terms, equal to or better than market value, for the sale of Council's land at 9 Kingsway, Cronulla being Lot 1 DP700935 to Kingsway Developments Cronulla Pty Limited, with the aim of achieving an amalgamated site outcome.
2. A further report be provided to Council for its consideration, on the outcome of the negotiations and Kingsway Developments Cronulla Pty Limited's development intentions.
3. Council delegates to the General Manager to provide owners consent, at the appropriate time to any development application over Council's land, if required.

AMENDMENT: (Councillor Forshaw/Councillor Provan)

THAT:

1. In principle support be provided by Council for the General Manager to negotiate best possible commercial terms, equal to or better than market value, for the sale of Council's land at 9 Kingsway, Cronulla being Lot 1 DP700935 to Kingsway Developments Cronulla Pty Limited, with the aim of achieving an amalgamated site outcome.
2. A further report be provided to Council for its consideration, on the outcome of the negotiations and Kingsway Developments Cronulla Pty Limited's development intentions.

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 Collier, Forshaw, Plibersek, Provan, Riad and Scaysbrook.

**Against** the Amendment were the Mayor, Councillor Pesce, together with Councillors Croucher, Johns, McLean, Nicholls, 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 the Mayor, Councillor Pesce, together with Councillors Boyd, Croucher, Johns, Nicholls, Plibersek, Scaysbrook and Simpson.

**Against** the Resolution were Councillors Collier, Forshaw, Provan, McLean, Riad and Steinwall.

**Min No: 140**

**INF004A-18**

**Stormwater and Waterways Management of  
Sylvania Waters and Gwawley Bay**

**File Number: 2017/27745**

RESOLVED: (Councillor Johns/Councillor Simpson)

THAT:

1. Subject to the General Manager being satisfied it is Council's best interest to do so, Council:
  - a. Proceeds to call tenders for dredging of channels 7 and 10 in Sylvania Waters.
  - b. Allocates additional funds for dredging of channels 7 and 10 in 2017/18 utilising maximum borrowing of funds held within the committed funds of the capital works reserve.
  - c. Prioritise an allocation of funds in its 2018/19 budget for the dredging of channel 1 in Sylvania Waters
2. Subject to detailed feasibility investigation, Council prioritise an allocation of funds in its 2018/19 budget for the excavation of a sedimentation basin in the tidal reach of lower Gwawley Creek between Port Hacking Road and Belgrave Esplanade.
3. Council prioritise an allocation of funds in its 2018/19 budget for collection of floating litter that accumulates in the Sylvania Waters waterways following storm events and abnormally high tides.
4. A report be provided by 30 June 2018 detailing the feasibility of Council operating its own dredge for dredging works in 2018/19 and thereafter.

The Meeting closed at 10.02 pm.