



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 10 FEBRUARY 2015

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 10 FEBRUARY 2015 AT 5PM**

PRESENT: Mayor – Councillor B Petschler,
Deputy Mayor – Councillor W Steel
Councillors M Honey, G McClure, N Reilly, K Rice, D Seage,
A Sloan and M Way

IN ATTENDANCE: General Manager, Director of Environmental Services, Director
of Corporate and Commercial Services, Director of Engineering
and Works and Acting Director of Community Services

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners:

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting 16 December 2014

15/001

Resolved that the Minutes of the Ordinary Meeting held on 16 December 2014 be received and accepted.

(Councillors Seage and Way)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Mr Stuart Dixon (Cowman Stoddart) – DA 10.2014.245.1- Lot 300 DP 116371, Fountaindale Road Saddleback Mountain.

Ms Glenys Day - DA 10.2014.245.1- Lot 300 DP 116371, Fountaindale Road Saddleback Mountain.

Mr Roger Collins and Mrs Tissiman – DA 10.2014.278.1 – Lot 2 DP 609891, 40 Crooked River Road Gerroa

Ms Inger Richardson and Mr Fergus Scott - DA 10.2014.278.1 – Lot 2 DP 609891, 40 Crooked River Road Gerroa

Mr Peter Taranto and Mr Phil Lewis – DA 10.2014.189.1 – Lot 100 DP 1063277, Wyalla Road Jamberoo

Mr Roger Lyle – DA 10.2014.189.1 – Lot 100 DP 1063277, Wyalla Road Jamberoo

Mr Ian Pullar – Proposal to place ANZAC Centenary Commemorative Logo on the Lighthouse

Ms Sarah Marlan – Redevelopment – Aged Care Centre of Excellence, Kiama Hospital Site

Ms Alma McPherson, Ms Margaret Sharpe and Mr David Brocherie – Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street Gerringong and Lot 48 DP 25008 Blackwood Street, Gerringong

6 MAYORAL MINUTE

6.1 Australia Day Award Ceremony and Australia Day Events

15/002

Resolved that Council:

- 1) extend congratulations to the 2015 Australia Day Awardees;
- 2) thank Richard Walsh for the Australia Day Address;
- 3) thank Harry O'Brien, Kiama Men's Probus Choir and Loren Collyer for the excellent entertainment;
- 4) congratulate and thank Ms Melissa Colless on her significant role in organising the event; and
- 5) thank Councillors Reilly, Way and Steel along with the General Manager, Ms Pip Spence, Ms Kirrilee McManus and Ms Louise Croker for their assistance in the organising of the successful Australia Day events.

(Councillors Petschler and Steel)

6.2 The 167th Kiama Show

15/003

Resolved that Council congratulates:

- 1) Show President David Young and the Kiama Show Society on the successful 167th Annual Kiama Show; and
- 2) Georgie May Picton as the winner of the Miss Kiama Showgirl competition for 2015.

(Councillors Petschler and Sloan)

6.3 Surf Rescue*15/004*

Resolved that Council send John McGregor, Noah Uphill, Kade Mace and David Blomley letters of commendation and refer the incidents and rescues to the Royal Life Saving Society for their information.

(Councillors Way and McClure)

6.4 South Coast Regional Sea Level Rise Policy and Planning Response Framework.*15/005*

Resolved that Council write to the Member for Kiama, Mr Gareth Ward, Minister for the Environment, the Hon Rob Stokes and the Premier of NSW, the Hon Mike Baird MP requesting that the NSW Government:

- 1) adopt a State-wide guideline for sea level rise that is consistent with the South Coast Regional Sea Level Rise Policy and Planning Response Framework;
- 2) monitor future Intergovernmental Panel on Climate Change reports to inform updates to planning advice issued to local councils; and
- 3) take over responsibility for preparing all Coastal Hazard Studies in NSW to ensure consistency of methods applied to examine coastal hazards.

(Councillors Petschler and Rice)

6.5 Passing of former Mayor and Alderman Mr Arthur Campbell*15/006*

Resolved that Council note his passing with regret and recognise his tremendous service to Council and the community.

(Councillors Petschler and Steel)

The Mayor asked those present to be upstanding for one minute's silence in memory of the late former Mayor and Alderman, Mr Arthur Campbell.

7 MINUTES OF COMMITTEES

Nil

8 PUBLIC ACCESS REPORTS*15/007*

Resolved that at this time, 5.10pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Way)

REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1)***15/008*

Committee recommendation that Council not approve Development Application number 10.2014.245.1 on the basis that the DCP regarding rural properties is being breached.

(Councillors Reilly and Way)

For: Councillors Reilly, Rice, Seage, Sloan, Steel and Way

Against: Councillors Honey, McClure and Petschler

9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)*15/009*

It was **Moved** by Councillors Steel and Rice that:

- 1) Council approve the machinery shed as outlined in Development Application 10.2014.278.1 (excluding the tennis court, picnic facility and proposed dam augmentation works) pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the draft conditions at the end of this report and as amended as follows:

“General’ condition (1) to read as follows,

“This development consent is for a machinery shed only and such, development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.278.1 dated 10/02/2015 and on the application form, except as amended by the following conditions.”

Also delete conditions numbered (1)-(4) under the heading Site Operations.

- 2) the determination of the dam augmentation works, picnic facility and tennis court be brought back to the April Council meeting for further consideration subject to discussion between the parties.

15/010

An Amendment was moved by Councillors Seage and Way to include the picnic facility in the approval.

The **Amendment** was put and **Carried**.

For: Councillors Honey, McClure, Petschler, Reilly, Seage, Steel and Way

Against: Councillors Rice and Sloan

15/011

A further Amendment was moved by Councillors Sloan and Reilly that the reference to the April meeting be removed.

The **Amendment** was put and **Carried**.

For: Councillors Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Nil

The **Amended Motion** became the **Motion** and was put and **Carried**.

For: Councillors Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Nil

9.5 Development Application for a 5 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1)

15/012

Committee recommendation that Council approve Development Application number 10.2014.189.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to 'draft' conditions provided in Item 9.2 - Report of the Director Environmental Services to Council -16 December 2014 as attached to this report.

(Councillors Steel and Way)

For: Councillors Honey, McClure, Petschler, Reilly, Seage, Steel and Way

Against: Councillors Rice and Sloan

9.6 Development Application for a 51 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1)

15/013

Committee recommendation that Council approve Development Application number 10.2014.193.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to 'draft' conditions provided in Item 9.3 - Report of the Director Environmental Services to Council -16 December 2014 as attached to this report.

(Councillors Steel and Way)

For: Councillors Honey, McClure, Petschler, Reilly, Seage, Steel and Way

Against: Councillors Rice and Sloan

9.7 Development Application for an 11 Lot Torrens Title subdivision for Lot 1 DP 781781 Wyalla Road Jamberoo (10.2014.191.1)*15/014*

Committee recommendation that Council approve Development Application number 10.2014.191.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to 'draft' conditions provided in Item 9.4 - Report of the Director Environmental Services to Council -16 December 2014 as attached to this report.

(Councillors Way and Honey)

For: Councillors Honey, McClure, Petschler, Reilly, Seage, Steel and Way

Against: Councillors Rice and Sloan

REPORT OF THE GENERAL MANAGER**10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse***15/015*

Committee recommendation that Council continue to support the proposal and refer the proposal to Crown Lands and the relevant Minister for determination.

(Councillors Reilly and Steel)

NOTICE OF MOTION**17.1 Redevelopment - Aged Care Centre of Excellence**

It was Moved that the proposed residential development no longer form part of the plans for the establishment of an Aged Care Centre of Excellence to be located on the old Hospital site, Kiama.

(Councillors Reilly and Seage)

15/016

A Amendment was moved that this matter be deferred until further preparation of the development plans and confirmation of purchase.

(Councillors Steel and McClure)

The **Amended Motion** was put and **Carried**.

For: Councillors Honey, McClure, Petschler, Rice and Steel

Against: Councillors Reilly, Seage, Sloan and Way

17.3 Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street, Gerringong and Lot 48 DP 25008 60 Blackwood Street, Gerringong**15/017**

It was **Moved** that Council take no further action relating to the potential development and sale of land identified as Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street, Gerringong as well as Lot 48 DP 2500860 Blackwood Street Gerringong (reserve behind the Gerringong Fire Station).

(Councillors Seage and Steel)

15/018

An **Amendment** was moved that Council take no further action regarding Lot 48 DP 2500860 Blackwood Street, and re-assess Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street Gerringong given the concerns of the matters raised in the petitions and the letters received by Council.

(Councillors Honey and Steel)

For: Councillors Honey, McClure, Petschler, Steel and Way

Against: Councillors Reilly, Rice, Sloan and Seage

The **Amendment** became the **Motion** and was put and **Carried**.

15/019

Resolved that Council refer the land at the Cnr Willawa Avenue and Fern Street Gerringong to the Reserves and Street Naming Committee with a recommendation to name the reserve in honour of the late Arthur Campbell.

(Councillors Seage and Steel)

COMMITTEE OF THE WHOLE

Resolved that at this time, 6:52pm Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Director Environmental Services
- Report of the General Manager
- Report of the Director Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors McClure and Sloan)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.2 “Scores on Doors” Food Safety Program

15/020

Committee recommendation that:

- 1) Council support a uniform and consistent assessment and scoring system for food premises, however seek clarification in regard to the identified issues prior to further considering the implementation of the “Scores on Doors” program; and
- 2) the Minister for Primary Industries and the Food Authority be informed in terms of the draft response (attached).

(Councillors McClure and Sloan)

9.4 Revision of Chapter 9 – Kiama Development Control Plan 2012

15/021

Committee recommendation that this matter be:

- 1) deferred to allow the Revision of Chapter 9 – Kiama Development Control Plan to be referred to the Development Industry Committee prior to going on exhibition, for its review and advice.
- 2) brought to the next Council meeting subject to any comments that the Committee may make.

(Councillors Seage and Steel)

For: Councillors Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.2 Kiama Hospital Redevelopment

15/022

Committee recommendation that Council engages Premier Consulting at a cost of \$94,350 to assist in the preparation of the submission of the development application for the subject development.

(Councillors Seage and Way)

For: Councillors Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Nil

10.3 Centenary of ANZAC*15/023*

Committee recommendation that Council provides financial and in-kind support for the Kiama/Jamberoo RSL and the Gerringong RSL in the organisation of special ANZAC Day and other events to commemorate the Centenary of ANZAC.

(Councillors McClure and Sloan)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**11.1 Stocktake of Stores and Materials***15/024*

Committee recommendation that Council authorise a net write off of \$390.99

(Councillors McClure and Sloan)

11.2 Leisure Centre*15/025*

Committee recommendation that Council congratulates Jenene Gilbert and Hannah McInerney on receiving the Royal Life Saving Society's Certificate of Commendation.

(Councillors McClure and Sloan)

11.3 Interstate Conference - WA Local Government Finance Professionals*15/026*

Committee recommendation that Council grants approval for Council's Financial Accountant to attend the 2015 WA Local Government Finance Professionals Conference in Perth from 5-6 March 2015.

(Councillors McClure and Sloan)

11.4 2016 Local Government Election*15/027*

Committee recommendation that Council resolves:

- 1) pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral

Commissioner to administer all elections of the Council.

- 2) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- 3) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

(Councillors McClure and Sloan)

15/028

Resolved that Council seek a report on the recommendations of the Parliamentary Committee on Elections and the requirements of the Election Funding Authority in relation to candidates having independent agents.

(Councillors Seage and McClure)

11.5 Staff Matters - Local Government (State) Award 2014

15/029

Committee recommendation that Council approves the transfer of leave in accordance with the provisions of the Local Government (State) Award for the employee, the subject of the report, and for all employees who transfer from Council to Blue Haven in future.

(Councillors Way and Sloan)

11.6 Kiama Tourism - Memorandum of Understanding

At this time Councillor McClure declared an insignificant, non-pecuniary interest in this matter as he is a member of Kiama Tourism.

15/030

Committee recommendation that Council:

- 1) delegate authority to the Mayor to sign the Memorandum of Understanding identified in the report between Council and Kiama District Tourist Commerce and Industrial Association (Kiama Tourism) pending confirmation that Kiama Tourism will also sign the document by Friday 13 February 2015; and
- 2) inform the Kiama Tourism Board that unless we are in possession of a signed Memorandum of Understanding by the close of business on Friday 13 February 2015 Council will withdraw all support.

(Councillors Seage and Way)

15/031

Committee recommendation that the funding arrangements for Kiama Tourism as resolved on 16 September 2014 be effective from 1 December 2014.

(Councillors Way and Reilly)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Investment Policy

15/032

Committee recommendation that the Investment Policy be received and adopted subject to the final dot point of the objectives being amended to read as follows:

- Notwithstanding the preceding objectives, investment consideration is encouraged in local or regional community enterprises that foster the local and regional economy and in particular enterprises that are community based cooperatives and those without interest in Coal Seam Gas wherever practical.

(Councillors Rice and Sloan)

12.2 Statement of Investments

15/033

Committee recommendation that the information relating to the Statement of Investments for December 2014 be received and adopted.

(Councillors McClure and Sloan)

12.3 Financial Report for the quarter ending 31 December 2014

15/034

Committee recommendation that the revised budget for the quarter ending 31 December 2014 be received and adopted.

(Councillors McClure and Sloan)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Proposed Classification of Land

15/035

Committee recommendation that Council classifies Lot 1 DP 50193 and Lot 1

DP506764, 100 Terralong Street Kiama as operational land under section 31 of the Local Government Act 1993 and that a notice be placed in the local print media advising of this.

(Councillors McClure and Sloan)

13.2 New Lease - use of Pt Lot 1 DP604644, 48 Manning St Kiama, Uniting Church property for public car parking

15/036

Committee recommendation that :

- 1) Council enter into a new two year lease with the Uniting Church in Australia (NSW/ACT Synod) for the use of Pt Lot 1 DP604644, 48 Manning Street Kiama for public car parking commencing 1 January 2015 with starting rental of \$16,800 (exclusive of GST) increasing annually by CPI with yearly options to renew the lease; and
- 2) the General Manager be given delegated authority to sign any documentation associated with the proposed new lease.

(Councillors McClure and Sloan)

13.3 New Lease - Suite B Gerringong Town Hall

15/037

Committee recommendation that Council enter into a lease agreement for Suite B of the Gerringong Town Hall with PPS Solutions as follows:

- 1) lease term of one year commencing 1 March 2015 with a further 2 year option;
- 2) rental of \$3,600 (excluding GST) per annum, and that
- 3) the General Manager be given delegated authority to sign any documentation associated with this lease.

(Councillors McClure and Sloan)

13.4 Acquisition of Easement - Lot 269 DP782043

15/038

Committee recommendation that Council:

- 1) acquire an easement under the Land Acquisition (Just Terms Compensation) Act 1991 over Lot 269 DP782043 in favour of Council and that all costs associated with the easement acquisition, survey, statutory costs and plan registration be met by the developer acting on development consent D2014.110, and
- 2) give the Mayor and General Manager delegated authority to the signing of all documents associated with the easement creation including the seal of

Council.

(Councillors McClure and Sloan)

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs

15/039

Committee recommendation that this matter be deferred in order for it to be referred to the Traffic Committee for further consideration and advice.

(Councillors McClure and Seage)

13.6 Flood Risk Management Plan Grant Acceptance

15/040

Committee recommendation that Council give the General Manager delegated authority to enter into a funding agreement to accept the NSW Office of Environment & Heritage grant funding of \$90,000 for a flood risk management study and plan for the Surf Beach Catchment area.

(Councillors McClure and Sloan)

13.7 Upgrading of Fern St Omega and construction of the Union Creek Bridge, Belinda St Gerringong

15/041

Committee recommendation that Council endorse the action taken to enter into a formal agreement with the RMS for the upgrading of Fern St Omega and the construction of the Union Creek bridge, Belinda St Gerringong and authorise the General Manager to execute the agreement on behalf of Council.

(Councillors McClure and Sloan)

14 REPORT OF THE ACTING DIRECTOR COMMUNITY SERVICES

14.1 Red Cross Fun Run Sponsorship Request

15/042

Committee recommendation that Council provide sponsorship of \$2,000 for the Kiama Red Cross Fun Run.

(Councillors McClure and Sloan)

14.2 Beyond the Walls Public Libraries Conference**15/043**

Committee recommendation that Council endorse the Library Manager, Michelle Hudson to attend the Beyond the Walls conference to be held in Adelaide, South Australia on 25-27 March 2015.

(Councillors McClure and Sloan)

15 REPORTS FOR INFORMATION**15/044**

Resolved that the following Reports for Information listed for the Council's consideration be received and noted:

- 15.2 Minnamurra Progress Association - Minutes
- 15.3 Minutes - Commercial Centres and Community Safety Committee Meeting - 9 December 2014
- 15.4 South Precinct Committee Meetings
- 15.5 Parking Statistics - December 2014
- 15.6 Introduction of BPAY Payment Option for Council Invoices
- 15.7 2015 Twilight Jazz & Blues in the Park and Kiama Jazz & Blues Festival
- 15.8 Littering from vehicles
- 15.9 LED Street Lighting
- 15.10 Learner Driver Practice
- 15.11 Local Traffic Calming Devices - Meehan Drive Kiama Downs
- 15.12 Small Vehicle Parking Spaces - Terralong Street Kiama
- 15.13 Cycling on Minnamurra Bends - Riverside Drive Minnamurra
- 15.14 Local Government NSW
- 15.15 Kiama Memorial Arch - Hindmarsh Park
- 15.16 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce
- 15.17 Record of Thanks for Council support
- 15.18 Ask Illawarra Shoalhaven
- 15.19 Job Board for Kiama LGA - Kiama and District Chamber of Commerce - Comment
- 15.20 Southern Phone - Managing Director Newsletter
- 15.21 Community Care Support Program
- 15.22 The new Commonwealth Home Support Program
- 15.23 Home Care Support Program
- 15.26 Ocean Lifeguard Peak Season Report 2014/2015
- 15.27 Council to Assist with Trial of Virtual Counter Kiosk.

(Councillors McClure and Sloan)

15.1 LGNSW Request to Support a Container Deposit System (CDS)**15/045**

Committee recommendation that Council write to the Premier and Treasurer, with a copy to Member for Kiama, Gareth Ward, encouraging them to implement the CDS program into all NSW Council regions.

(Councillors Sloan and Seage)

15.24 Council Meetings**15/046**

Committee recommendation that Council move the April 2015 meeting to the 4th Tuesday being 28 April 2015.

(Councillors Steel and Sloan)

15.25 Matters relating to potential Planning Proposals and the need for an LEP Review Committee**15/047**

Committee recommendation that Council form a LEP committee.

(Councillors Seage and McClure)

For: Councillors Honey, McClure, Petschler, Reilly, Seage, Steel and Way

Against: Councillors Rice and Sloan

15/048

Committee recommendation that Council amend the B7 planning zones to include gymnasiums and fitness centres, as well as light industrial training.

(Councillors Seage and Steel)

For: Councillors Honey, McClure, Petschler, Reilly, Seage, Sloan, Steel and Way

Against: Councillor Rice

RESUMPTION OF ORDINARY BUSINESS**15/049**

Resolved that at this time, 8.20pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT*15/050*

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 15/001 to 15/047 above.

(Councillors McClure and Sloan)

16 ADDENDUM TO REPORTS

Nil

17 NOTICE OF MOTION**17.2 Master Plan for the Akuna Street Precinct***15/051*

Resolved that Council:

- 1) prepare a Master Plan for the Akuna Street Precinct that:
 - a. develops and recommends the most appropriate options for the use of council owned property fronting Akuna Street;
 - b. provides additional public car parking spaces;
 - c. improves pedestrian access between Akuna and Terralong Streets;
 - d. takes into consideration current and likely future use of privately owned land on Akuna Street, noting the B2 Zoning;
 - e. ensures community involvement in the development of options; and
 - f. is completed by end January 2016
- 2) and that the process be managed by the existing Shoalhaven/Akuna Street Development Committee in close collaboration with other appropriate council committees.

(Councillors Sloan and Way)

For: Councillors McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Councillor Honey

18 QUESTIONS WITHOUT NOTICE**18.1 Rail Corp Land – Kiama Heights**

Councillor Reilly asked whether there has been any movement with regard to the status of the Rail Corp land over the rail tunnel in Kiama Heights. The Mayor referred this matter to the Director Environmental Services for information and report.

18.2 Folk by the Sea 2015

Councillor Reilly advised that the organisers of Folk by the Sea are finding it difficult to secure a date and venue for the September 2015 event and would like some guidance on this. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

18.3 Kiama Aboriginal Reference Group

Councillor Reilly requested a review of the Terms of Reference for the Kiama Aboriginal Reference Group with consultation with that group and present those revised Terms of Reference at the next Council meeting. The Mayor referred this matter to the Director Community Services for information and report.

18.4 Australian Flag

Councillor Honey requested consideration be given to the cleaning or replacement of the Australian flag in Chambers. The Mayor referred this matter to the General Manager for information and report.

18.5 Kiama CBD Parking

Councillor Rice requested a report on parking overstay throughout the timeframe of Kiama's weekend markets. The Mayor referred this matter to the Director Environmental Services for information and report.

18.6 Bombo Headland Quarry - Viewing Platform

Councillor Steel requested a report on the cost, feasibility and safety issues associated with the establishment of a viewing area above the northern face of the disused Bombo Headland Quarry. The report is to include reference to the consent requirement having regard to the heritage status and ownership of the site. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.7 Bombo Headland Quarry - Stairs

Councillor Steel requested a report on the cost, feasibility and safety issues associated with the construction of a set of stairs from the northern face of the disused Bombo Headland Quarry to the floor of the quarry. Thereby establishing a continuous link between Bombo Beach, the quarry and the Boneyard/Cathedral Rocks area. The report is to include reference to the consent requirement having regard to the heritage status and ownership of the site. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.8 Kiama Continental Rock Pool

Councillor Seage requested a report on the estimated costs and timeframe for a

complete upgrade and cleaning of the Kiama continental Pool situated at Black Beach Kiama with a view to include this project in the next budget. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.9 Kiama CBD Parking

Councillor Seage requested a team be formed to investigate the maximisation of CBD parking such as angle parking on the western side of Collins Street and Eddy Street as opposed to parallel parking, to name a few. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.10 Graffiti

Councillor Seage requested a letter be written to the owner of the mower shop in Bong Bong Street to ask him to remove the graffiti from the side of the building and that Council also smooth the protruding utility plates in the centre of Thompson Street near the Blue Haven Stage 5 entrance. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.11 Audio Equipment in Council Chambers

Councillor McClure requested an investigation into an improved speaker microphone system to replace the existing system, as well as an improved speaker system for the public gallery area. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

18.12 Kiama Outer Harbour

Councillor McClure requested an investigation into the installation of spring moorings for the Kiama outer harbour to enable visitor moorings for vessels that cannot gain access to the existing jetty. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.13 Electricity Generation

Councillor McClure requested a report detailing the cost and opportunity of purchasing "BlueGen" technology that utilises natural gas for electricity generation. The Mayor referred this matter to the Director Engineering and Works for information and report.

19 CONFIDENTIAL SUMMARY

15/052

Resolved that at this time, 8.32pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Rice and Steel)

Public Representations:

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

19.1 Exclusion Of Press And Public:

15/053

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public to deal with the following matters on the grounds as detailed below.

20.1 BELINDA STREET BRIDGE OVER UNION CREEK GERRINGONG

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

20.2 DEVELOPMENT APPLICATION FOR A 5 LOT TORRENS TITLE SUBDIVISION FOR LOT 100 DP 1063277 WYALLA ROAD JAMBEROO

Reason for Confidentiality: This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act.

(Councillors Reilly and Way)

20 CONFIDENTIAL REPORTS

20.1 Belinda Street Bridge over Union Creek Gerringong

15/054

Resolved that Council:

- 1) award the tender from Kenpass Pty Ltd for the sum of \$300,000 excluding GST to complete the replacement of the bridge over Union Creek, Gerringong; and
- 2) consider the allocation of \$55,000 in its 2015/16 budget to fund the cost difference between the tender price and RMS funding.

(Councillors McClure and Seage)

20.2 Development Application for a 5 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo

A Motion was put by Councillor Reilly and seconded by Councillor Way that Council note the legal advice and it not be released.

The Motion was put and Lost.

(Councillors Reilly and Way)

For: Councillors Honey, Reilly and Way

Against: Councillors McClure, Petschler, Rice, Seage, Sloan and Steel

15/055

A Subsequent Motion was put by Councillor Steel and seconded by Councillor Seage that Council note the legal advice and that it be released.

The Motion was put and Carried.

For: Councillors McClure, Petschler, Rice, Seage, Sloan and Steel

Against: Councillors Honey, Reilly and Way

Close of Confidential Committee of the Whole:**15/056**

Resolved that at this time, 8.42pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Seage)

Adoption of Report

The General Manager formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

15/057

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/052 to 15/054 be confirmed and adopted.

(Councillors McClure and Seage)

21 CLOSURE

There being no further business the meeting closed at 8.42pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 March 2015

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Mayor

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General Manager