



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 21 MARCH 2017

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 21 MARCH 2017 AT 5PM**

PRESENT: Mayor – Councillor M Honey
Deputy Mayor – Councillor K Rice
Councillors M Brown, N Reilly, A Sloan, W Steel, D Watson,
M Way and M Westhoff

IN ATTENDANCE: General Manager, Director Environmental Services, Director
Finance, Corporate and Commercial Services, Director
Engineering and Works and Director 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 Blue Haven Advisory Committee - 7 December 2016 - Minutes

17/058

Resolved that the Minutes of the Blue Haven Advisory Committee Meeting held on 7 December 2016 be received and accepted.

(Councillors Way and Watson)

3.2 Ordinary Council Meeting on 14 February 2017

17/059

Resolved that the Minutes of the Ordinary Council Meeting held on 14 February 2017 be received and accepted.

(Councillors Westhoff and Brown)

3.3 Extraordinary Council Meeting on 1 March 2017

17/060

Resolved that the Minutes of the Extraordinary Council Meeting held on 1 March 2017 be received and accepted.

(Councillors Rice and Brown)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Alan Smith - Planning Proposal for part of Lot 100 DP 710456 and Lot 101 DP 710456, 26 Drualla Road, Jamberoo (Item 9.3)

Nick Condell - Planning Proposal for part of Lot 100 DP 710456 and Lot 101 DP 710456, 26 Drualla Road, Jamberoo (Item 9.3)

David Brocherie - Modification - Mixed use development comprising of 5 Shops, 8 Professional Suites and 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.4) (Item 9.6)

Mark Hitchcock - Lots 191 and 192 DP 883437, 141A and 141B Belinda Street Gerringong - mixed use development including 2 retail shops, 3 serviced apartments, 7 residential apartments and 2 levels of basement parking & associated strata subdivision (10.2016.120.1) (Item 9.9)

Rob Sciachitano – Tourism (Item 10.2)

Warren Holder - Question for Future Meeting: Status of the revegetation of Jones' Beach (Item 14.13)

Julie Hume and Michael Barnett - Question for Future Meeting: Status of the revegetation of Jones' Beach (Item 14.13)

6 MAYORAL MINUTE

6.1 Kiama Aged Care Centre of Excellence

17/061

Resolved that Council formally thank the staff, volunteers, Kiama Women's Auxiliary and Rotary for the excellent work and support given for the former Kiama Hospital open day.

(Councillors Honey and Sloan)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee Minutes - meeting 7 March 2017

17/062

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 7 March 2017 be received and accepted.

(Councillors Way and Reilly)

COMMITTEE OF THE WHOLE

17/063

Resolved that at this time, 5.04pm, 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 Finance, Corporate and Commercial Services

Report of the Director Engineering and Works

Report of the Director Community Services

Addendum to Reports

(Councillors Reilly and Westhoff)

8 PUBLIC ACCESS REPORTS

17/064

Resolved that at this time, 5.04pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Reilly and Westhoff)

9.3 Planning Proposal for part of Lot 100 DP 710456 and Lot 101 DP 710456, 26 Drualla Road, Jamberoo

17/065

Committee recommendation that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

(Councillors Reilly and Steel)

For: Councillors Brown, Honey, Reilly, Steel, Watson, Way and Westhoff

Against: Councillors Rice and Sloan

9.6 Modification - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.4)

Councillor Sloan left the meeting at 5:15pm.

17/066

Committee recommendation that Council refuse modified development application 10.2014.241.4 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons.

- 1) It is considered that the proposed modification does not satisfy Section 30(2) of the EP&A Regulation, 2000, as the modification does not demonstrate that adequate regard has been given to:
 - (a) the SEPP 65 design quality principles, and
 - (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.
- 2) It is considered that the proposed development is inconsistent with the provisions of SEPP 65 - Design Quality of Residential Apartment Development in relation to direct sunlight access to apartment living rooms and private open space. The Design criteria supporting Objective 4A-1 of the Apartment Design Guide identifies that “living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter” and also a “maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter”. It is considered that 69% of apartments in the development receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces; and, more notably, 26% of apartments in the building receive no direct sunlight between 9am and 3pm on 22 June as a result of the proposed modification.
- 3) The modified proposal breaches performance controls C12, C21 & C31 of Chapter 5 of Kiama DCP 2012. In particular the modified proposal does not achieve the minimum 75% of apartments having dual aspect, as prescribed by control C12. Only 51% of residential units in the modified development have dual aspect. Control C21 is consistent with The Design criteria supporting Objective 4A-1 of the Apartment Design Guide, above. Controls C31 requires units to have a minimum private open space area, in which units 12-15 and 25-28 inclusive on the southern side of the building currently do not comply.
- 4) The applicant has identified amendments to the modified proposal to address DCP Chapter 5 controls C21 & 31; however insufficient information has been submitted with the application in relation to these amendments to enable Council to make a fully informed assessment of the proposed modified development.
- 5) It is considered that in the circumstances of the case, approval of the modified development would not be in the public interest.

(Councillors Rice and Brown)

For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff
Against: Nil

Councillor Sloan returned to the meeting at 5:16pm.

9.9 Lots 191 and 192 DP 883437, 141A and 141B Belinda Street Gerringong - mixed use development including 2 retail shops, 3 serviced apartments, 7 residential apartments and 2 levels of basement parking & associated strata subdivision (10.2016.120.1)

17/067

Committee recommendation that Council approve Development Application number 10.2016.120.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions.

(Councillors Rice and Westhoff)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

10.2 Tourism

17/068

Moved by Councillor Brown and seconded by Councillor Watson that:

1. Council recognises the importance of tourism and events for the local economy. Tourism and events generate \$147 million and employ around 740 people.
2. Council recognises that the tourism and events market could contribute significantly more income, investment and employment for the Kiama Municipality.
3. Kiama Tourism has been the predominant body that has worked to achieve these results to date and has a solid base of members which generate around \$50,000 each year. This added to Council's contribution of approximately \$350,000 to tourism, has seen over \$400,000 expended on visitor information services and marketing.
4. Council appreciate and thanks Kiama Tourism and their staff for their dedicated work in promoting the Kiama Municipality as a destination and for their input in developing better product options and experiences for visitors to the Kiama LGA.
5. Council recognises that the hybrid structure entered into with Kiama Tourism, as outlined in the MOU of 2015, has not achieved the outcomes that all

parties had expected.

6. Council supports there only being one body that markets tourism and operates relevant business units such as the Visitors Centre to improve:
 - efficiencies
 - accountability for rate-payers and industry
 - communication between strategy, marketing and operational units
 - strategic outcomes, and
 - external communications and relationships with government agencies, industry groups and markets.
7. Council supports the establishment of a Tourism and Events business unit which will include the management of all activities currently undertaken by Kiama Tourism as well as activities undertaken by Council.
8. Council establishes an advisory committee that would be made up of four industry representatives, two Councillors and the General Manager(or his appointee from Council staff)to guide Council in maximising tourism opportunities.
9. A transition period be provided to 30 June 2017.
10. During the transition period, a position of “Tourism and Events Manager” will be advertised.

(Note: A separate Events Coordinator reporting to the Tourism and Events Manager may be required due to work demands)
11. During the transition period, Council will offer support to Kiama Tourism to assist with aspects of the transition.
12. During the transition period, Council will approach Kiama Tourism to discuss a way forward to ensure its membership still has a real input into promoting tourism and events for the Kiama region.
13. Council, in consultation with industry, review the performance of this structure by 30 June 2019.

The Motion was Put and Carried.

Councillor Steel requested that his objection to the motion be recorded in the minutes.

14.13 Question for Future Meeting: Status of the revegetation of Jones Beach

17/069

Moved by Councillor Way and seconded by Councillor Westhoff that:

- 1) Council consider providing funding for preparing the Coastal Management

plan for both Jones and Werri Beaches, as per Director of Works and Engineering report item 14.13-March Council Business papers totalling \$77,310 be considered in 2017/18 Capital Works Budget. Should any funds become available due to savings in 2016/17 Budget, that this funding will be allocated to this project immediately. In the interim, Council to continue to apply for further Grant funding that may be available for this project.

- 2) the stakeholder consultation should include local stakeholders, members of the local community and environment groups, and
- 3) the risk identification process should include future sea level rise.

The Motion was Put and Carried.

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama Local Environmental Plan 2011

17/070

Committee recommendation that Council:

- 1) endorse this Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination,
- 2) request plan making delegations for this proposal as a part of the Gateway determination, and
- 3) on receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

(Councillors Brown and Sloan)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

9.2 Lot 206 DP 1164476, 27 Princes Highway Gerringong – Farm Shed (10.2016.297.1)

17/071

Committee recommendation that Council approve Development Application 10.2016.297.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report.

(Councillors Way and Brown)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

9.4 Alcohol-Free Zones - Kiama Municipality

17/072

Committee recommendation that :

- 1) Council adopt the proposal to re-establish the three existing alcohol-free zones as outlined in this report and as indicated on maps 1, 2 and 3 attached to the report with an exemption to apply to licensed outdoor eating licenses as issued by Council, subject to compliance with approval conditions.
- 2) The proposed alcohol-free zones for the Akuna Street car parking area be revoked once construction work commences on the subject site.
- 3) Council undertake the consultation process in accordance with Section 644A of the Local Government Act 1993 as outlined in Section 6 of this report.
- 4) A further report is submitted to Council after the consultation process has been completed.

(Councillors Brown and Westhoff)

9.5 Lot 9 DP 285560 - 47 Byrnes Run, Curramore - Section 82A Review of Determination (10.2016.81.1)

Moved by Councillor Reilly and seconded by Councillor Sloan that this application does not proceed due the breach of Council's LEP clauses 1.9A suspension of covenants, agreements and instruments.

Under clause 1.1 of Part 2 DP 285560 – The Terms of Restriction (Firstly Referred), requires that “no building shall be erected on the land burdened unless all buildings are contained within the building envelope marked on the deposited plan”.

Breaches of DCP:

Control 20 requires that the dwelling and ancillary development must be located at least 100m from another dwelling on an adjoining property.

Breaches of Control 75 – Design of Earthworks

Chapter 21 – Byrnes Run

The need for consulting an architect, building inside the building envelope.

The S82A review plans indicate that the construction of the revised shed would require the removal of six (6) trees however another three (3) trees would likely need to be removed as the retaining wall foundations would likely be within the structural root zone of the trees.

The motion was Put and Lost.

For: Councillors Reilly, Rice, Sloan and Westhoff
Against: Councillors Brown, Honey, Steel, Watson and Way

17/073

Committee recommendation that Council review the determination of DA 10.2016.81.1 pursuant to Section 82A of the Environmental Planning & Assessment Act by approving the development application in full, inclusive of the amended plans and the draft conditions of approval attached to this report.

(Councillors Way and Steel)

For: Councillors Brown, Honey, Steel, Watson and Way
Against: Councillors Reilly, Rice, Sloan and Westhoff

9.7 Swimming Pool Barrier Inspection Program

17/074

Committee recommendation that :

- 1) Council seek expressions of interest from private contractors to undertake the inspection of all swimming pools with the Kiama Municipality in accordance with Councils Swimming Pool Barrier Inspection Program.
- 2) A further report on the outcome of the expression of interest be presented to the next available Council Meeting.

(Councillors Brown and Westhoff)

9.8 Development Applications Considered by Council

17/075

Committee recommendation that Council remove the need to report modifications to development applications to Council in the following circumstances:

- where there is no significant change to the external configuration of the building and,
- where the value of the modifications themselves do not exceed the \$2,000,000 threshold and,
- where there are no variations required to Councils DCP or LEP resulting from the modification and,
- where there are no more than three (3) objections received specifically in relation to the modification proposed.

(Councillors Sloan and Brown)

For: Councillors Brown, Honey, Rice, Sloan, Steel, Watson, Way and Westhoff
Against: Councillor Reilly

10 REPORT OF THE GENERAL MANAGER

10.1 Sponsorship Request - Shoalhaven Coast Winter Wine Festival

17/076

Committee recommendation that Council continues to sponsor the Shoalhaven Coast Winter Wine Festival as an Event Partner for an investment of \$500 plus GST to come out of the Events Budget.

Council to be provided with a post event review document within 30 days of the Festival.

(Councillors Steel and Brown)

10.3 Notice of Motion in support of National Climate Change Adaptation Research Facility

17/077

Committee recommendation that Council adopts the motion and writes to the Minister for the Environment and Energy in support of extending the funding for the National Climate Change Adaptation Research Facility (NCCARF) to enable it to continue to provide much-needed support and guidance to coastal councils in their efforts to respond to the projected impacts of climate change.

(Councillors Reilly and Westhoff)

10.4 2017 Australian Coastal Councils Conference

17/078

Committee recommendation that Council endorse the attendance of Councillors Sloan and Watson at the 2017 Australian Coastal Councils Conference.

(Councillors Way and Rice)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Interstate Conference - 2017 Caravan Industry Association of Australia National Conference

17/079

Committee recommendation that Council grants approval for Council's Holiday Parks Coordinator, Marianne Hazell, Director Finance, Corporate and Commercial Services, Kerry McMurray and Councillors Brown and Westhoff to attend the 2017 Caravan Industry Association of Australia National Conference on the Gold Coast from 10-12 May 2017.

(Councillors Way and Sloan)

11.2 Stormwater Management Service Charge (SMSC)

17/080

Committee recommendation that Council:

- 1) introduce a Stormwater levy from the 1st July 2017 for all land that is classified as residential or business, excluding vacant land to fund additional stormwater management costs,
- 2) include the Stormwater Levy in the 2017/2018 Revenue Policy (Fees and Charges) of Councils Integrated Planning Documents, and
- 3) advertise the introduction of the stormwater levy as part of the public exhibition of the Integrated Plans.

(Councillors Rice and Westhoff)

11.3 Statement of Investments - February 2017

17/081

Committee recommendation that the information relating to the Statement of Investments for February 2017 be received and adopted.

(Councillors Brown and Way)

11.4 Enterprising Women of Kiama Group

17/082

Committee recommendation that Council supports the Enterprising Women of Kiama group by making a donation of sponsorship of \$1,000 from the Economic Development budget.

(Councillors Way and Brown)

11.5 Slow Food Saddleback Event

17/083

Committee recommendation that Council sponsors the Slow Food Saddleback event for \$775.00 to cover venue hire and associated costs from the Economic Development budget.

(Councillors Brown and Westhoff)

11.6 Economic Development Committee - Employment Lands

17/084

Committee recommendation that bi-annual meetings be held between the Planning Committee and the Economic Development Committee.

(Councillors Steel and Watson)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Public exhibition of the Draft Surf Beach Catchment Flood Risk Management Study & Plan

17/085

Committee recommendation that Council:

- 1) publicly exhibit the Draft Surf Beach Flood Risk Management Study and Plan for a minimum one month period, on Council's website, at the Administration Centre and at the Library, and
- 2) notify by letter, all property owners and occupiers within the areas identified as being affected by inundation in the 1% Average Exceedance Probability (1:100 year) event of the public exhibition.

(Councillors Sloan and Westhoff)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Cultural Grants Summer Round 2017

17/086

Committee recommendation that Council approve the following recommended

Cultural Grants funding applications:

- A New History of Kiama: Kiama's Connections Reassessed, with the condition for local Aboriginal history to be included \$2,000.00
- Ignite \$3,000.00
- Air KISS \$1,975.00
- A Closer Look: Lost and Found Treasure of Kiama \$1,175.00

(Councillors Way and Reilly)

13.2 Kiama Council Community Gardens Policy

17/087

Committee recommendation that Council endorse the revised policy post public exhibition.

(Councillors Steel and Westhoff)

13.3 Speaker invitation to the Dementia Reform, Funding & Innovation Forum, Melbourne 26-27 June 2017.

17/088

Committee recommendation that Council

1. endorses the Manager of Community & Cultural Development accepting an invitation to speak at the Dementia Reform, Funding & Innovation Forum in Melbourne 26-27 June 2017.
2. congratulates Nick Guggisberg for being offered the opportunity to speak at the Dementia Reform, Funding & Innovation Forum.

(Councillors Brown and Westhoff)

13.4 2017 Youth Engagement Meeting at Kiama High School

17/089

Committee recommendation that Council endorses the proposed date for the Youth Engagement meeting.

(Councillors Steel and Brown)

13.5 Public art proposal from Kane Horspool

17/090

Committee recommendation that Council endorse Kane Horspool's public art proposal subject to coordinating the project with the likely renovations of the stables.

(Councillors Reilly and Steel)

Councillor Brown left the meeting at 6.36pm.

14 REPORTS FOR INFORMATION

17/091

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

- 14.1 Estuary and Floodplain Management Committee meeting 14 February 2017 – minutes
- 14.2 Jamberoo Valley Ratepayers & Residents Association - Minutes
- 14.3 Minnamurra Progress Association Meeting - Minutes
- 14.4 South Precinct Meeting - Minutes
- 14.5 South Precinct Meeting

Councillor Brown returned to the meeting at 6.38pm.

- 14.6 Planning Committee - minutes from meeting held on 16 February 2017
- 14.7 Cruise Ship Activity
- 14.8 Post Event Report - Kiama Sevens 2017
- 14.9 Post Event Report - Folk by the Sea 2016
- 14.10 Question for Future Meeting - financial implication weekly garbage collection service
- 14.11 Section 94 Development Funds
- 14.12 Update on Introduction of the Fire and Emergency Services Levy
- 14.14 Economic Development Committee - 24/01/2017 Meeting Minutes
- 14.15 Minutes of the Health and Sustainability Committee meeting held 7 March 2017
- 14.16 Minutes of the Youth Advisory Committee meeting held 2 March 2017
- 14.17 Revaluations 2016
- 14.18 Minutes of the Access Committee meeting held 3 March 2017
- 14.19 Question for future meeting: Black Beach rock pool
- 14.21 2017 National General Assembly of Local Government - Call for Motions
- 14.23 Minutes of the Gerroa Sand Mine Community Consultative Committee meeting held 14 December 2016
- 14.24 Question for Future Meeting - Illawarra Pilot Joint Organisation
- 14.25 Councillor Meetings Register
- 14.26 Queen's Baton Relay 2018
- 14.27 Question for future meeting - Gerringong Town Hall
- Supp 3.4 Questions for Future Meetings as at 17 March 2017

(Councillors Steel and Brown)

14.20 Parking Statistics - February 2017

17/092

Moved by Councillor Steel and seconded by Councillor Reilly that the Director Engineering and Works arrange for the installation of "Small Car Only" signs to be placed along Terralong Street where the footpath extends around the Norfolk Island Pines onto the road.

The Motion was Put and Carried.

14.22 Change of Meeting Date

17/093

Moved Councillor Brown and seconded by Councillor Sloan that due to the National Conference being held, the date for the June meeting be moved to Thursday 22 June 2017 and on that same day we hold Public Access.

The Motion was Put and Carried.

14.28 Review of consents issued for 27 Princes Highway, Gerringong

17/094

Moved by Councillor Way and seconded by Councillor Rice that, following the removal of individual Council officer's names, the report be placed on Council's website for a period of three months.

The Motion was Put and Carried

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

17/095

Resolved that at this time, 6.48pm, 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 Sloan)

15 ADDENDUM TO REPORTS

17/096

Resolved that at this time 6.48pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Steel and Sloan)

3.1 Blue Haven Advisory Committee Meeting on 1 March 2017

17/097

Committee recommendation that the Minutes of the Blue Haven Advisory Committee Meeting held on 1 March 2017 be received and accepted.

(Councillors Reilly and Westhoff)

3.2 Kiama Aged Care Centre of Excellence

This item was dealt with under Item 6 – Mayoral Minutes

3.3 2017 Future of Local Government National Summit and 10th Making Cities Liveable Conference

17/098

Moved by Councillor Sloan and seconded by Councillor Steel that Council nominate Councillor Rice to attend both conferences and Councillor Brown to also attend the 2017 Future of Local Government National Summit.

The Motion was Put and Carried.

3.4 Questions for Future Meetings as at 17 March 2017

This item was dealt with under Item 14 – Reports for Information

16 NOTICE OF MOTION

16.1 Rescission of Motion 19.2 Akuna Street Carpark - 14 February 2017

Moved by Councillor Reilly and seconded by Councillor Rice that motion number 17/055 Item 19.2 Akuna Street Carpark carried on 14 February 2017 be rescinded.

The Motion was Put and Lost

For: Councillors Reilly, Rice, Sloan and Westhoff

Against: Councillors Brown, Honey, Steel, Watson and Way

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

17/099

Resolved that Council note Councillor Sloan's pecuniary interest in item 9.6, and 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 17/064 to 17/098.

(Councillors Steel and Brown)

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Traffic noise

Councillor Reilly requested that Council support locals in their protestations to the local member Gareth Ward to take action on the horrendous traffic noise on the highway along the length of Kiama.

The Mayor referred the matter to the General Manager for investigation and report.

17.2 Capital Works Budget

Councillor Reilly requested a meeting with the Director prior to the allocation of the capital works budget in relation to the playground between Tombonda Avenue and Witten Place, Kiama.

The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for action and report.

17.3 Livestreaming of Council Meetings

Councillor Reilly requested that Council source an updated photo of the Kiama lighthouse which shows the ANZAC mural to replace the existing photo being used at the beginning of Council's live broadcast.

The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for investigation and report.

17.4 Car Parking

Councillor Sloan requested an investigation and report on other tourist towns of similar size and nature as Kiama that have paid parking.

The Mayor referred the matter to the Director Finance, Corporate and Commercial

Services for investigation and report.

17.5 Kiama Coast Holiday Parks

Councillor Rice requested a report on how Council plans to stage the integration of holiday park accommodation that is fully compliant with the access standards required by federal legislation into the redevelopment program of our holiday parks and cabins.

The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for report.

17.6 Emery Park and Beach Head Reserve

Councillor Rice requested a report on the potential for Emery Park and Black Head Reserve in Gerroa to be included as reserves suitable for fitness training.

The Mayor referred the matter to the Director Environmental Services for report.

17.7 Kiama Health Plan

Councillor Rice requested a report on the costing for the provision of community workshops to investigate current health related concerns and themes to facilitate the Kiama Health Plan being reviewed to reflect those community concerns.

The Mayor referred the matter to the Director Community Services for report.

18 CONFIDENTIAL SUMMARY

17/100

Resolved that at this time, 7:20pm, 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 Steel and Brown)

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.

18.1 Exclusion Of Press And Public:

17/101

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.

19.1 GABBYS AT THE PAVILION PTY LTD -V- KIAMA MUNICIPAL COUNCIL - SETTLEMENT

Reason for Confidentiality: This matter deals with information that would, if disclosed, prejudice the maintenance of law as per Section 10A(2)(e) of the Local Government Act and 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. .

19.2 BOMBO QUARRY

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. .

(Councillors Steel and Brown)

19 CONFIDENTIAL REPORTS

19.1 Gabbys at the Pavilion Pty Ltd -v- Kiama Municipal Council - Settlement

17/102

Resolved that:

- 1) Council agree to accept the offer from Gabbys at the Pavilion Pty Ltd ACN 142 288 159 as full and final settlement under the terms of the Contract.
- 2) the settlement is to be paid by 3 equal monthly payments prior to the 15th day of the months of April 2017, May 2017 and June 2017. Failure to make any of the payments by the due dates will result in Council commencing action to recover the full amount (plus GST).
- 3) Council authorise the General Manager to execute the necessary documents in this matter.

(Councillors Brown and Westhoff)

19.2 Bombo Quarry

17/103

Resolved that Council:

- 1) note the participation of the General Manager and Director Environmental Services in a working party including Sydney Trains and Boral which is to revise a structure plan for the Bombo Quarry,
- 2) endorse the action proposed in the report.

(Councillors Steel and Reilly)

CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE

17/104

Resolved that at this time, 7.22pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Sloan)

ADOPTION OF REPORT

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

17/105

Resolved that that the Confidential Committee of the Whole recommendations numbered 17/101 to 17/103 be confirmed and adopted.

(Councillors Steel and Reilly)

20 CLOSURE

There being no further business the meeting closed at 7.23pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 11 April
2017

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Mayor

.....
General Manager