



# **MINUTES OF THE ORDINARY MEETING OF COUNCIL**

**commencing at 6 pm on**

**TUESDAY 15 JUNE 2021**

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 15 JUNE 2021 AT 6 PM**

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

**IN ATTENDANCE:** General Manager, Director Environmental Services,  
Director Corporate and Commercial Services, Director  
Engineering and Works and Director Blue Haven

## **1 APOLOGIES**

Nil

## **2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

*“I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”*

The Mayor formally welcomed the new Chief Executive Officer, Mrs Jane Stroud.

### **21/1140C**

**Resolved** that at this time, 6.01pm, Council bring forward and deal Mayoral minute 8.2 *Winners - Rural and Regional Management Challenge and We Can Do Magic Awards.*

(Councillors Honey and Sloan)

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

Against: Nil

## 8.2 Winners - Rural and Regional Management Challenge and We Can Do Magic Awards

### 21/1150C

**Resolved** that Council formally note that staff of Kiama Municipal Council have received the following industry awards:

1. the Kiama Council Rural and Regional Management Challenge Team for winning the State Final;
2. the SENTRAL Youth Services Team led by Council's Youth Services Coordinator, for winning the We Do Magic Community Service Award in the category of "A Brilliant Idea by a Small Team"; and
3. Council's Community and Cultural Development Officer for her interagency work which was recognised with a win in the "Transformation and Reinvention by a Small Team" category at the We Do Magic Community Service Awards.

(Councillor Honey)

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

Against: Nil

## Suspension of Standing Orders

### 21/1160C

**Resolved** that Standing Orders be suspended at 6.01pm, in order to acknowledge the success of the Regional and Rural Management Team, the SENTRAL Youth Services Team and Council's Community and Cultural.

(Councillors Honey and Sloan)

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

Against: Nil

## Resumption of Standing Orders

### 21/1170C

**Resolved** that Standing Orders be resumed at this time, 6.07pm.

(Councillors Honey and Sloan)

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

Against: Nil

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 3.1 Ordinary Council on 18 May 2021

##### 21/118OC

**Resolved** that the Minutes of the Ordinary Council Meeting held on 18 May 2021 be received and accepted.

(Councillors Watson and Reilly)

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

Against: Nil

### 4 BUSINESS ARISING FROM THE MINUTES

Nil

### 5 DECLARATIONS OF INTEREST

#### Disclosure of Interest - Councillor Honey

Councillor Honey declared a significant pecuniary interest in item 12.5 *Planning Proposal – Lot 442 DP 1201831 – Henry Parkes Drive, Kiama Downs - Finalisation* as he is related to the applicant. Councillor Honey will take no part in discussion or voting on this matter.

### 6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

### 7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Diane Holman	9.5	Minutes: Kiama Local Traffic Committee Meeting – 1 June 2021

Name	Item No.	Subject
Tonya Towpich	12.1	10.2020.194.1 – Lot 2 SP 93088 – 2/16 Hutchinson Street, Bombo – Double Storey Dwelling
Stuart Dixon Sean O'Loughlin	12.1	10.2020.194.1 – Lot 2 SP 93088 – 2/16 Hutchinson Street, Bombo – Double Storey Dwelling
Anthony Scopelliti	12.4	Planning Proposal – Lot 2 DP 1018217 Dido Street, Kiama
Margaret Watson	12.4	Planning Proposal – Lot 2 DP 1018217 Dido Street, Kiama
Elizabeth Burnett	21.2	New lease Barney Street quarry – Farbreburn P/L

## 8 MAYORAL MINUTE

### 8.1 Congratulations to firefighter John Downes, Jamberoo Brigade on receiving the Commissioner's Commendation for Service

#### 21/1190C

**Resolved** that Council formally congratulate John Downes on receiving the award of a Commissioners Commendation for Service.

(Councillor Honey)

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

Against: Nil

#### 21/1200C

**Resolved** that at this time, 6.10pm Council bring forward and deal with Addendum to Report, Mayoral Minute - Item 17.1 *Congratulations: Peter Masterson, Public Service Medal; Judith O'Brien and Norma Stead, Medal of the Order of Australia; and Christopher Warren, Emergency Services Medal.*

(Councillors Steel and Brown)

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

Against: Nil

**17.1 Congratulations: Peter Masterson, Public Service Medal; Judith O'Brien, and Norma Stead, Medal of the Order of Australia; and Christopher Warren, Emergency Services Medal**

**21/1210C**

**Resolved** that Council formally congratulate Peter Masterson on receiving a Public Service Medal, Judith O'Brien and Norma Stead on receiving a Medal of the Order of Australia, and Christopher Warren on receiving an Emergency Services Medal.

(Councillors Honey)

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

Against: Nil

## **9 MINUTES OF COMMITTEES**

### **9.1 Minutes: Audit, Risk and Improvement Committee - 25 May 2021**

**21/1220C**

**Resolved** that the Minutes of the Audit, Risk and Improvement Committee meeting held on 25 May 2021 be received and the recommendations therein accepted.

(Councillors Sloan and Rice)

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

Against: Nil

### **9.2 Minutes: Health and Sustainability Committee - 6 April 2021**

**21/1230C**

**Resolved** that the Minutes of the Health and Sustainability Committee Meeting held on 6 April 2021 be received and accepted with the exception of the recommendation contained within the meeting minutes in regard to the Community Gardening Grants program.

(Councillors Rice and Way)

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

Against: Nil

**9.3 Minutes: Jamberoo Youth Hall s355 Committee - 10 May 2021****21/124OC**

**Resolved** that Council receive and accept the Minutes of the Jamberoo Youth Hall Section 355 Committee General Meeting held on 10 May 2021.

(Councillors Steel and Reilly)

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

Against: Nil

**9.4 Minutes: Kiama Access Committee - 7 May 2021****21/125OC**

**Resolved** that the Minutes of the Kiama Access Committee Meeting held on 7 May 2021 be received and accepted.

(Councillors Reilly and Sloan)

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

Against: Nil

**9.5 Minutes: Kiama Local Traffic Committee Meeting - 1 June 2021****21/126OC**

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 1 June 2021(Attachment 1) be received and the following recommendations accepted:

1. That Council endorse 'No Parking' and 'No Stopping' zones in Myamba Street, Gerringong, with the installation of regulatory signage and line marking, as per the plan in Attachment 2 of this Report.
2. That Council endorse to apply for grant funding from Transport for NSW, in order to engage a traffic consultant to prepare a comprehensive Pedestrian Access and Mobility Plan around Kiama Public School.
3. That Council endorse that the give way sign and hold line be moved forward on the eastern corner of the intersection of Meehan Drive and Alexander Avenue, Kiama Downs, to give more site distance, as per the plan provided in Attachment 3 of this Report. To be done as per RMS guide lines.

4. That Council endorse the proposal for the implementation of a Town Entry Treatment at the southern and northern entrances to Gerroa, as per the picture in Attachment 4 of this Report.
5. That Council endorse that the existing speed hump in Bong Bong Street, Kiama west of Railway Street be removed and replaced with an alternative traffic treatment with the aim to maintain speed limit compliance and pedestrian safety and minimise noise impacts in the Railway Station precinct, as per the plan in Attachment 5 of this Report.
6. That Council endorse that the IGNITE Kiama Winter Festival for 19 June 2021, be approved subject to organisers and suitably qualified traffic controllers complying with the following conditions:
  - i) the road closures to be undertaken by organisers in compliance with the Traffic Management Plan Nos. KIA-1 Licence no. 1627484 prepared by CATO Location Services 14/05/2021 (Attachment 6 of this report).
  - ii) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
  - iii) an advertisement be placed in the local media advising of the closure; and
  - iv) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
  - v) subject to public health orders at the time.

(Councillors Brown and Way)

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

Against: Nil

## 9.6 Minutes: Kiama Youth Advisory Committee - 6 May 2021

### 21/1270C

**Resolved** that the Minutes of the Kiama Youth Advisory Committee Meeting held on 6 May 2021 be received and accepted.

(Councillors Westhoff and Reilly)

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

Against: Nil



**9.7 Minutes: Walking Tracks and Cycleways Committee - 12 May 2021****21/128OC**

**Resolved** that the Minutes of the Walking Tracks and Cycleways Committee Meeting held on 12 May 2021 be received and that Council develops a report for Councillors' consideration that identifies stakeholders such as land owners, organisations and the community with the intention of working with them to develop a community engagement plan in regard to the walking track.

(Councillors Reilly and Steel)

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

Against: Nil

**COMMITTEE OF THE WHOLE****21/129OC**

**Resolved** that at this time, 6.20pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the Chief Executive Officer

Report of the Director Environmental Services

Report of the Director Corporate and Commercial Services

Report of the Director Engineering and Works

Reports for Information

(Councillors Steel and Sloan)

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

Against: Nil

**10 PUBLIC ACCESS REPORTS****21/130OC**

**Committee recommendation** that at this time, 6.21pm Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Westhoff and Way)

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

Against: Nil

**12.1 10.2020.194.1 – Lot 2 SP 93088 – 2/16 Hutchinson Street, Bombo – Double Storey Dwelling**

**21/131OC**

**Committee recommendation** that Council approve Development Application No 10.2020.194.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions/reasons at the end of this report.

(Councillors Brown and Watson)

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

Against: Councillors Rice and Way

**12.4 Planning Proposal - Lot 2 DP 1018217 Dido Street, Kiama**

**21/132OC**

**Committee recommendation** that Council request an amended Gateway Determination from the NSW Department of Planning, Industry and Environment to no longer proceed with PP\_2019\_KIAMA\_003\_01 to rezone part of Lot 2 DP 1018217 Dido Street, Kiama.

(Councillors Sloan and Reilly)

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

Against: Nil

## **11 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**11.1 2021 Coast to Coast conference - Councillor Neil Reilly attendance**

**21/133OC**

**Committee recommendation** that Council endorse the attendance of Councillor Neil Reilly at the 2021 Coast to Coast forum in Cairns 26-29 July 2021.

(Councillors Brown and Sloan)

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

Against: Nil

### **11.2 Audit, Risk and Improvement Committee - Independent Chair and Member Fees**

#### **21/134OC**

**Committee recommendation** that Council approves the increase in fees of the Audit, Risk and Improvement Committee (ARIC) independent members to the rates proposed by the Office of Local Government, being; \$16,213 per annum for the ARIC Chair and \$1,621 per meeting for other independent members.

(Councillors Brown and Way)

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

Against: Nil

### **11.3 Delegations of functions of Council to the Chief Executive Officer**

#### **21/135OC**

**Committee recommendation** that Council delegate to the Chief Executive Officer all of the delegable functions of the Council, under the Local Government Act and Regulation, Environment Planning Instruments and other associated Acts and Regulations, but excluding:

- a. Those functions specified in Section 377(1), clauses (a) to (u) of the Local Government Act 1993.
- b. The acceptance of Tenders required to be invited pursuant to Section 55 of the Local Government Act 1993 as at the date of this delegation; being (amongst other provisions) for contracts involving an estimated expenditure or receipt of an amount of \$250,000 or more.
- c. The approval to accept external grant funding offered to Council –
  - i. of a value over \$1 million where the funding supports and existing Council program and no change in internal funds is required; and
  - ii. of any value where a change in internal funds is required.
- d. The approval of donations to community members or groups with a value above \$1,000.
- e. The approval of contributions above \$1,000 towards legal expenses sought by the Local Government NSW.

- f. The writing off of any individual rate charge or debt owed to the Council above of the amount of \$2,500, pursuant to clauses 131(1) and 213(2) of the Local Government (General) Regulation 2005.
- g. The approval of Development Applications as previously resolved under Council's resolution 20/388OC dated 15 December 2020; being (amongst other provisions) of a value over \$5,000,000, or where more than five (5) objections are received during any notification period.

(Councillors Rice and Westhoff)

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

Against: Nil

#### **11.4 Minutes and motions: Central Precinct - 25 May 2021**

##### **21/136OC**

**Committee recommendation** that Council:

1. Receive and accept the Executive Summary of the minutes of the Central Precinct meeting held on 25 May 2021.
2. Note the motions relating to the Akuna Street development, interest in North Precinct, Dido Street issues and the South Kiama Planning Proposal.
3. Communicates with the Kiama Downs Community to explain the role of precinct groups and gauge interest in re-establishing the North Precinct.

(Councillors Rice and Sloan)

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

Against: Nil

#### **11.5 Review of key financial policies**

##### **21/137OC**

**Committee recommendation** that Council review and adopt the following policies:

- Hardship Policy
- Debt Recovery Policy
- Farmland Policy
- Restricted Assets Policy.

(Councillors Rice and Sloan)

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

Against: Nil

### 11.6 Request for donation Reader's Festival 2021

#### 21/138OC

**Committee recommendation** that Council support the Readers' Festival by providing a financial donation of \$880 to the Friends of Kiama Library from the 2021/2022 budget to assist in the cost of printing posters and flyers to promote the event.

(Councillors Way and Reilly)

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

Against: Nil

### 11.7 Statement of Investments May 2021

#### 21/139OC

**Committee recommendation** that Council receive and adopt the information relating to the Statement of Investments for May 2021.

(Councillors Westhoff and Way)

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

Against: Nil

## 12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Item 12.1 was dealt with as part of Public Access Reports.

### 12.2 Kiama Heritage Review - Quote Variations

#### 21/140OC

**Committee recommendation** that Council:

1. Notes that in August 2020 GML Heritage were award the contract to undertake the Kiama Heritage Review for a total fee of \$148,225 (incl. GST).

2. Approves the variations to the contract awarded to GML Heritage to complete the amended Kiama Heritage Review, taking the total contract value to \$204,985 (incl. GST).

(Councillors Reilly and Rice)

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

Against: Nil

### **12.3 Outcomes Household Bulky Waste Drop Off Event - March 2021**

#### **21/1410C**

**Committee recommendation** that Council note the contents of the report and thank staff from both the Environmental Services Directorate and the Engineering and Works Directorate for their efforts in the operations of this event.

(Councillors Way and Brown)

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

Against: Nil

Item 12.4 was dealt with as part of Public Access Reports.

### **12.5 Planning Proposal - Lot 442 DP 1201831 - Henry Parkes Drive, Kiama Downs – Finalisation**

#### **Disclosure of Interest - Councillor Honey**

Councillor Honey declared a significant pecuniary interest in this matter as he is related to the applicant. Councillor Honey took no part in discussion or voting on this matter.

Councillor M Honey left the meeting at 06:51 pm.

#### **21/1420C**

**Committee recommendation** that Council:

1. Endorse this Planning Proposal to rezone part of Lot 442 DP 1201831 Henry Parkes Drive, Kiama Downs from E2 Environmental Conservation to R2 Low Density Residential.
2. List dry stone walls in the Kiama Downs area as local heritage items in Schedule 5.

3. Use its plan making delegations to make the necessary amendments to the *Kiama Local Environmental Plan 2011*.

(Councillors Brown and Reilly)

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

Against: Nil

Councillor M Honey returned to the meeting at 06:55 pm.

## 13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

### 13.1 Beach Lifeguard Services - annual report for 2020/21 season

#### *21/143OC*

**Committee recommendation** that Council note the report of the Lifeguard Supervisor for the 2020/21 beach patrol season.

(Councillors Watson and Way)

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

Against: Nil

### 13.2 Proposed road closure - corner Gray and Bergin Street, Gerringong

#### *21/144OC*

**Committee recommendation** that Council:

1. Approve the closure of the section of road reserve adjoining Lot 1 DP 797886 Gray Street, Gerringong as outlined on the survey attached to this report.
2. Approve classification of the subject area of road reserve as operational land upon closure and the issue of a Certificate of Title subject to public notice of the proposed classification under Section 34 of the *Local Government Act 1993*.
3. Give the Mayor and CEO delegated authority to sign under seal or as landowner any documentation associated with the road closure.

(Councillors Westhoff and Rice)

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

Against: Nil

### **13.3 The Pavilion Kiama 2021 Major Conferences**

#### **21/145OC**

**Committee recommendation** that Council note the contents of the report.

(Councillors Way and Watson)

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

Against: Nil

## **14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**

### **14.1 Acceptance of grant funding - Kiama Showground**

#### **21/146OC**

**Committee recommendation** that Council confirm its acceptance of the Round 3 grant funding offer of \$121,000 under the NSW Showground Stimulus Program for Kiama Showground and support entering into a funding agreement.

(Councillors Brown and Steel)

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

Against: Nil

### **14.2 Road Safety Officer Program Funding Agreement - Local Government Road Safety Program**

#### **21/147OC**

**Committee recommendation** that Council

1. Accept the offer of funding under the Local Government Road Safety Program Funding Agreement and continues to employ a Road Safety Officer under the revised program from 1 July 2021 for a further four years until 30 June 2025 or until guaranteed Transport for NSW funding levels cease; and



2. Approve for the Chief Executive Officer to be given delegated authority to sign the agreement on behalf of Council.

(Councillors Rice and Reilly)

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

Against: Nil

## 15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

## 16 REPORTS FOR INFORMATION

### *21/148OC*

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

- 16.1 Minutes: Jamberoo Valley Ratepayers and Residents Association - 4 May 2021 and 1 June 2021
- 16.2 Minutes: Kiama District Sports Association - 29 March 2021
- 16.3 Minutes: Minnamurra Progress Association - 1 June 2021
- 16.4 Minutes: South Precinct - executive summary - 21 May 2021
- 16.5 Model Code of Conduct Complaints Statistics Report 2019-2020
- 16.6 Question for future meeting: Municipal public toilets
- 16.7 Questions for Future Meeting Register as at 2 June 2021.

(Councillors Steel and Reilly)

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

Against: Nil

## RESUMPTION OF ORDINARY BUSINESS

### *21/149OC*

**Committee recommendation** that at this time, 7.03pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Way)

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

Against: Nil

## **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

### **21/1500C**

**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 21/1300C to 21/1490C above.

(Councillors Steel and Reilly)

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

Against: Nil

## **17 ADDENDUM TO REPORTS**

Item 17.1 was brought forward to Mayoral Minutes

## **18 NOTICE OF MOTION**

Nil

## **19 QUESTIONS FOR FUTURE MEETINGS**

### **19.1 New Councillor business cards**

Councillor Reilly requested a report on the implementation of including an acknowledgement of country on the business cards for the new councillors, as previously agreed. The matter was referred to the Chief Executive Officer for action.

### **19.2 Footpath - Charles Avenue Kiama Downs to Minnamurra Bike Skills Track**

Councillor Way requested a report on a proposed route for a footpath from Charles Avenue via Robinson Avenue, to the Ritchie Place Minnamurra Bike Skills Track to provide a safe access link to this facility. The report to provide an estimate cost for

construction and include potential for grant funding. The matter was referred to the Director Engineering and Works for action.

### 19.3 Footpath – link to new Kiama Downs car park

Councillor Way requested a report providing a cost estimate to construct a footpath from North Kiama Drive, adjacent to the new Kiama Downs Surf Club car park and basketball court to link with the existing car park and shops in Johnson Street, Kiama Downs. The matter was referred to the Director Engineering and Works for action.

### 19.4 Motorised vehicles on footpaths

Councillor Way requested a report on motorised scooters and “golf cart” type vehicles being driven on Council footpaths to include the legal position of Council. The matter was referred to the Director Engineering and Works for action.

## 20 CONFIDENTIAL SUMMARY

### 21/1510C

**Resolved** that at this time, 7.06pm, 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 Watson and Westhoff)

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

Against: Nil

### 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.

### 20.1 Exclusion Of Press And Public:

#### 21/1520C

**Committee recommendation** 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.

### 21.1 MANAGEMENT CONTRACTS FOR KIAMA HARBOUR CABINS, SURF BEACH HOLIDAY PARK, KENDALLS BEACH HOLIDAY PARK AND SEVEN MILE BEACH HOLIDAY PARK

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act.

### 21.2 NEW LEASE BARNEY STREET QUARRY - FARBREBURN P/L

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act.

(Councillors Sloan and Westhoff)

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

Against: Nil

## 21 CONFIDENTIAL REPORTS

### 21.1 Management Contracts for Kiama Harbour Cabins, Surf Beach Holiday Park, Kendalls Beach Holiday Park and Seven Mile Beach Holiday Park

**21/1530C**

**Committee recommendation** that Council:

1. Resolves to enter into new one-year management contract arrangements with the current managers at Kiama Harbour Cabins, Surf Beach Holiday Park and Kendalls on the Beach Holiday Park respectively until 30 June 2022.
2. Resolves that, under section 55(3)(i) of the *Local Government Act 1993*, it does not invite tenders for the management of Kiama Harbour Cabins, Surf Beach Holiday Park and Kendalls on the Beach Holiday Park for the period 1 July 2021 to 30 June 2022, on the basis that, because of extenuating circumstances and/or the unavailability of competitive or reliable tenders, a satisfactory result would not be achieved by inviting tenders for reasons outlined in this Confidential report.
3. Resolves to enter into a new interim three-month management contract arrangement with the current Kendalls on the Beach Holiday Park managers (CL Curls and KE Francis P/L) as short-term caretakers of Seven Mile Beach Holiday Park from 1 July 2021 to 30 September 2021 on the basis that, because of extenuating circumstances and/or the unavailability of competitive or reliable tenders, a satisfactory result would not be achieved by inviting tenders for reasons outlined in this Confidential report.

4. Approve a shortened tender period for the establishment of an interim management contract for Seven Mile Beach Holiday Park for the period 1 October 2021 to 30 June 2022 in accordance with clause 171 of the *Local Government Regulations 2005*.
5. Authorise the Chief Executive Officer and if required, Mayor, to execute all necessary documents in relation to the new management contracts described in 1, 3 and 4 above.
6. Notes that new contracts will be established for the ongoing management of these Holiday Parks from 1 July 2022 following a competitive open tendering process in accordance with Section 55 of the Local Government Act 1993.

(Councillors Brown and Watson)

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

Against: Nil

## **21.2 New lease Barney Street quarry - Farbreburn P/L**

### **21/154OC**

**Committee recommendation** that Council:

1. Enter into a new short term lease of three years with Farbreburn P/L (T/as Burnetts on Barney) for continued use of the site as a landscape supply business and nursery with annual rental as detailed in this report.
2. Review Kiama Development Control Plan 2020 with regard to restrictions on trading hours and trading days of uses being conducted from the Barney Street quarry.
3. Give delegated authority to the Mayor and Chief Executive Officer to sign all documentation associated with the short term lease including the seal of Council.
4. Undertake a strategic review of Council's land holdings to inform future considerations for lease, development and disposal opportunities across Council's property portfolio.

(Councillors Brown and Watson)

For: Councillors Brown, Honey, Reilly, Rice, Watson and Westhoff

Against: Councillors Sloan, Steel and Way

**Close of Confidential Committee of the Whole:****21/155OC**

**Committee recommendation** that at this time, 7.24pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff and Way)

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

Against: Nil

**Adoption of Report**

The Chief Executive Officer formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

**21/156OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 21/152OC to 21/155OC be confirmed and adopted.

(Councillors Way and Sloan)

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

Against: Nil

**22 CLOSURE**

There being no further business the meeting closed at 7.30pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 July 2021.

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Mayor