



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 17 MARCH 2020

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 17 MARCH 2020 AT 5PM**

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, Acting
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.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council on 11 February 2020

20/046OC

Resolved that the Minutes of the Ordinary Council Meeting held on 11 February 2020 be received and accepted.

(Councillors Sloan and Steel)

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

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Richard Maitland	9.3	Minutes: Catchment and Flood Risk Management Committee – 18 February 2020
Chris Murray Roslyn Neilson	11.2	Endorsement: Precinct System Operational Guidelines
Cameron Rowe	12.1	Lot 171 DP 30200 - 68 Cathedral Rocks Avenue, Kiama Downs - Conversion and Additions to an Existing Garage to Create a Secondary Dwelling
Geoff Pratt	13.2	Proposed classification and categorisation of Council Managed Crown Land as a requirement of the Crown Land Management Act 2016
Warren Simpson	18.1	Motion: Short Term Rental Accommodation

8 MAYORAL MINUTE**20/0470C**

Resolved that at this time, 5.03pm, Council bring forward and deal with the addendum to the report, Mayoral Minute, Item 17.1 COVID-19.

(Councillors Way and Westhoff)

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

Against: Nil

17.1 COVID-19**20/048OC**

Committee recommendation that Council urge the Community to continually monitor NSW Health website for updates on the COVID-19 virus.

(Councillors Honey)

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

Against: Nil

8.1 Kiama Jazz & Blues Festival - 6-8 March 2020**20/049OC**

Resolved that Council formally congratulates the Kiama Jazz & Blues Club for coordinating a very successful 2020 Festival.

(Councillors Honey)

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

Against: Nil

A presentation was made to Council of a framed Jazz & Blues Festival promotional poster.

8.2 Save Our Recycling campaign**20/050OC**

Resolved that Council

1. acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW
2. recognise initiatives and projects taken within the Kiama local government area to help achieve this goal, including:
 - a. establishment of our Community Recycling Centre in December 2016 with a total of 86.36T of material collected so far
 - b. Council in 2014 introduced its annual Household Bulky Waste Drop Off Event which allows urban and rural residents the opportunity to drop off bulky household material including mattresses, free of charge. Since its inception, a total of 684.32T of material was either

-
- recycled, repurposed or reused. Council's household kerbside clean up collection will cease in 2019-20 and be replaced with two Household Bulky Waste Drop Off Events commencing in 2020-21
- c. since 2008, Council has held its Second Hand Saturday event twice a year. This giant community car boot sale provides residents with the opportunity to sell, trade or swap their unwanted items
 - d. in 2012, Council introduced the collection of food waste from households within the urban area. This also included the changing of the frequency of service to provide fortnightly garbage, weekly recycling and weekly food and garden organics. Since its introduction, Kiama Council is now achieving a 75% resource recovery rate, reduced waste being sent to landfill by 40% and increased recycling by 38%
 - e. introduction of compostable cups in procurement
 - f. new playground equipment made from recycled materials
 - g. new public picnic seating made from recycled plastic wrapping
 - h. battery recycling bins installed within Council building.
3. endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:
 - a. funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions
 - b. the delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
 - c. support for the purchase of recycled content by all levels of government, to help create new markets
 - d. funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
 4. write to the local State Member Gareth Ward, Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister the Hon Shelley Hancock MP, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy
 5. formally write to its own Youth Council advising its members of its support for the Save Our Recycling campaign and asking them to consider endorsing and sharing it with their own networks across the Kiama local government area
 6. advise LGNSW President Linda Scott of the passage of this Mayoral Minute
 7. shares and promotes the Save Our Recycling campaign via its digital and social media channels and via its networks.

(Councillors Honey and Sloan)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Access Committee Meeting - 7 February 2020

20/051OC

Resolved that the Minutes of the Access Committee Meetings held on 6 December 2019 and 7 February 2020 be received and accepted.

(Councillors Watson and Reilly)

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

Against: Nil

9.2 Minutes: Audit, Risk and Improvement Committee - 26 November 2019 and 3 March 2020

20/052OC

Resolved that the Minutes of the Audit, Risk and Improvement Committee Meeting held on 26 November 2019 and 3 March 2020 be received and the recommendations therein accepted.

(Councillors Westhoff and Sloan)

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

Against: Nil

9.3 Minutes: Catchment and Flood Risk Management Committee – 18 February 2020

20/053OC

Resolved that the Minutes of the Catchment and Flood Risk Management Committee meeting held on 18 February 2020 be received and the following recommendations accepted:

1. that Committee members provide feedback to Council's Environmental/Sustainability Officer on the draft scoping study for the Kiama

Coastal Management Area and when it is presented to Council, the study is endorsed.

2. that if further response to submissions on the proposed sand mine at Minnamurra is offered by the Department of Planning, Industry and Environment, that the issues caused by the location of bunds at the site are reviewed by Council and a further submission is made relating to the potential hydrological and overland flow impacts from the bunds on Council assets and Endangered Ecological Community vegetation.

(Councillors Sloan and Reilly)

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

Against: Nil

9.4 Minutes: Health and Sustainability Committee - 4 February 2020

20/054OC

Resolved that the Minutes of the Health and Sustainability Committee Meeting held on 4 February 2020 be received and accepted.

(Councillors Rice and Way)

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

Against: Nil

9.5 Minutes: Kiama Cultural Board - 5 December 2019

20/055OC

Resolved that the Minutes of the Kiama Cultural Board Meeting held on 5 December 2019 be received and accepted.

(Councillors Watson and Reilly)

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

Against: Nil

9.6 Minutes: Kiama Local Traffic Committee - 4 February 2020

20/056OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 4 February 2020 be received and accepted.

(Councillors Way and Rice)

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

Against: Nil

9.7 Minutes: Kiama Local Traffic Committee - 3 March 2020

20/057OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on Tuesday 3 March 2020 be received and accepted.

(Councillors Brown and Way)

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

Against: Councillor Sloan

9.8 Minutes: Planning Committee - 14 January 2020

20/058OC

Resolved that the Minutes of the Planning Committee Meeting held on 14 January 2020 be received and accepted.

(Councillors Rice and Way)

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

Against: Nil

9.9 Minutes: Walking Tracks and Cycleways Committee - 12 February 2020**20/059OC**

Resolved that the Minutes of the Walking Tracks and Cycleways Committee Meeting held on 12 February 2020 be received and accepted.

(Councillors Way and Rice)

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

Against: Nil

Motion

Resolved that Council establish a project reference group to support the delivery of the Minnamurra Bike Skills Facility in Minnamurra Quarry and that the Terms of Reference for the group be established by the General Manager and include the following broad provisions –

- a. The project reference group include appropriate Council officers, interested Councillors, a representative from the Minnamurra Lions Club and the grant applicant.
- b. The group will provide advice and support to Council in planning, designing, communicating and delivering the project and in advocating for additional funding support from the State Government
- c. Council will seek input from the group, prior to broader community engagement, in the design, staging and delivery of the project

And that progress reports for the project, including details of involvement of the project reference group, be included in the Major Projects briefing reported to Councillors on a monthly basis.

(Councillors Way and Rice)

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

Against: Nil

COMMITTEE OF THE WHOLE**20/060OC**

Resolved that at this time, 5.18pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the General Manager

Report of the Director Environmental Services

Report of the Director Corporate and Commercial Services

Information Reports
Addendum to Reports

(Councillors Rice and Sloan)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

20/0610C

Committee recommendation that at this time, 5.19pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Westhoff)

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

Against: Nil

11.2 Endorsement: Precinct System Operational Guidelines

20/0620C

Committee recommendation that Council endorse the Precinct System Operational Guidelines with the deletion of the words in brackets “(if outside the roles and responsibilities of Council)” in Section 1.2 of the Guidelines and that the Minnamurra Progress Association area be identified by hatching on the map attached to the Guidelines.

(Councillors Brown and Watson)

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

Against: Councillor Honey

12.1 10.2019.195.1 - Lot 171 DP 30200 - 68 Cathedral Rocks Avenue, Kiama Downs - Conversion and Additions to an Existing Garage to Create a Secondary Dwelling

20/0630C

Committee recommendation that Council approve Development Application No 10.2019.195.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Councillors Rice and Sloan

13.2 Proposed Classification and Categorisation of Council Managed Crown Land as a requirement of the Crown Land Management Act 2016

20/0640C

Committee recommendation that Council:

1. Endorse the initial classification and categorisation for the Crown Land in this report, except for the land proposed for classification as Operational Land.
Surf Beach Holiday Park, Coronation Park, Lot 274 DP 728008
Kiama Harbour Cabins, Blowhole Point Reserve, Lot 273 DP 726742
Reserve No. 87397
Werri Beach Holiday Park, Oourie Park Lot 269 DP 728043, Lot 270 DP 728043, Lot 272 DP 728043 Reserve No. 80816
Seven Mile Beach Holiday Park Lot 4 DP 1068566, Lot 82 DP 821422, Lot 7306 DP 1157197 Reserve No. 83972
Gerroa Sanitary Purposes (Lot 59 DP 751268, Lot 7003 DP 1124357, Part Lot 7306 DP 1157197)
Jamberoo General Cemetery (Lot 7032 DP 1058003, Reserve no. 1010050)
2. That the Holiday Parks above are all classified as Community Land, with category General Community Use – Holiday Park.
3. That Gerroa Sanitary Purposes is classified as Community Land with category Natural Area.
4. That Jamberoo Cemetery is classified as Community Land with Category General Community Use.
5. Authorise the General Manager to finalise and provide written notice of the proposed categorisations applied to the land under the management of Council for Ministerial consent.

(Councillors Rice and Reilly)

For: Councillors Reilly, Rice, Sloan, Way and Westhoff

Against: Councillors Brown, Honey, Steel and Watson

18.1 Motion: Short Term Rental Accommodation**20/065OC****Committee recommendation** that Council:

1. Write to property owners of Short Term Rental Accommodation (STRA) where complaints from residents have been received to remind them of their responsibilities in relation to the operation of STRA. As part of this letter outline that in accordance with Clause 6.10 of the Kiama Local Environmental Plan 2011 Council may require Development Consent should they continue to breach this clause
2. Undertake investigations as required in response to complaints where Council has the legal ability to issue infringement notices under the Local Government Act and the Protection of the Environment Operations Act 1997
3. Conduct an education campaign to property owners and agents outlining the requirements for appropriate behaviour of tenants and operators of STRA
4. Continue to seek advice from the Local Member and State Government about the status of the STRA reforms and advocate for these reforms to be expedited.

(Councillors Reilly and Westhoff)

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

Against: Nil

11 REPORT OF THE GENERAL MANAGER**11.1 Adoption: Kiama Municipal Council Information Guide****20/066OC****Committee recommendation** that Council:

1. Adopt the updated *Kiama Municipal Council Information Guide February 2020*
2. Forward a copy of the adopted Information Guide to the NSW Information and Privacy Commissioner.

(Councillors Watson and Reilly)

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

Against: Nil

11.3 Adoption: Amended Code of Meeting Practice**20/067OC**

Committee recommendation that Council adopts the Code of Meeting Practice as attached to this report with the following amendment to section 4.1 deleting the words “where there is no Councillor or council staff membership on the Committee” and insert the words “where a decision of Council is not required”.

(Councillors Rice and Way)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**12.2 10.2019.147.1 - Lot 24 DP 9760 - 106 Charles Avenue, Minnamurra - Alterations to Existing Dwelling and Construction of a Secondary Dwelling****20/068OC**

Committee recommendation that Council approve Development Application No 10.2019.147.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Steel and Brown)

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

Against: Councillor Rice

12.3 10.2019.203.1 – Lot 21 DP 584075 - 41 Hothersal Street, Kiama - Swimming Pool, Decking, Retaining Walls and Removal of 4 Trees**20/069OC**

Committee recommendation that Council approve Development Application No 10.2019.156.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Way)

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

Against: Nil

12.4 Planning Proposal: Reclassifying 85 Attunga Avenue, Kiama Heights and 18A Hughes Crescent, Kiama Downs

20/0700C

Committee recommendation that Council support the reclassification of No 85 Attunga Avenue, Kiama Heights from community to operational land and that the amended Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.

(Councillors Brown and Watson)

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

Against: Nil

12.5 Endorsement: Kiama Development Control Plan 2020

20/0710C

Committee recommendation that Council:

1. endorse the Kiama Development Control Plan 2020 with the following changes:
 - a. change to the overall structure of the plan
 - b. addition of the rural lands chapter and mobile food van controls
2. provide notification of its endorsement in a local newspaper within 28 days.

(Councillors Steel and Way)

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

Against: Nil

12.6 2020 NAIDOC Week School Initiative

20/0720C

Committee recommendation that Council agree to participate in the 2020 NAIDOC Week School Initiative.

(Councillors Brown and Way)

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

Against: Nil

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Statement of Investments - February 2020

20/073OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for February 2020.

(Councillors Brown and Watson)

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

Against: Nil

13.3 Public Land Management Guidelines

It was **moved** by Councillor Reilly and seconded by Council Rice that Council:

1. recognise the Public Land Management Guidelines as the current land use control for public places and that they replace the Guidelines for the Use and Hire of Public Land
2. Endorse the Public Land Management Guidelines with the deletion of all the words in the third row of the table on page 399 following the word “and”, and including the word “process”.

On being **Put** the motion was **Lost**.

For: Councillors Reilly, Rice and Sloan

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

20/074OC

Committee recommendation that Council recognise the Public Land Management Guidelines as the current land use control for public places and that they replace the Guidelines for the Use and Hire of Public Land

(Councillors Brown and Steel)

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

Against: Councillors Reilly, Rice and Sloan

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

20/0750C

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

- 16.1 2013 Crime Prevention Plan Review
- 16.2 2019 Music in the Park Season
- 16.3 Councillor Westhoff report - Age Friendly National Forum
- 16.4 Councillor Meetings Register - 3 February 2020 to 10 March 2020
- 16.5 Interstate conference attendance: Destination Australia 2020, Adelaide
- 16.6 Minutes: Jamberoo Valley Ratepayers and Residents Association – 4 February 2020
- 16.7 Minutes: South Precinct meeting - 19 December 2019
- 16.8 Minutes: South Precinct meeting - 20 February 2020
- 16.9 Parking Statistics - January 2020
- 16.10 Parking Statistics - February 2020
- 16.11 Planned Youth Week Event
- 16.12 Question for future meeting: Tree planting policy
- 16.13 Questions for Future Meeting Register as at 10 March 2020.

(Councillors Way and Westhoff)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

20/0760C

Resolved that at this time, 6.44pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Way and Westhoff)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

20/077OC

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 20/061OC to 20/075OC above.

(Councillors Way and Westhoff)

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

Against: Nil

17 ADDENDUM TO REPORTS

Item 17.1 was dealt with in Mayoral Minutes.

18 NOTICE OF MOTION

Motion of Urgency: Boral Limited Dunmore Lakes Sand Extraction Project Modification 2

20/078OC

Resolved that Council:

1. Note that Modification 2 (the extension of the sand mine into areas 5A and 5B in the Minnamurra Catchment) is being assessed under the Planning and Environment Act 1979 section 7W.
2. Note that in May 2019 148 submissions of objection were lodged with the Department of Planning, including from Kiama Municipal and Shellharbour City

- Councils. This triggered the proposal to be sent through to the Independent Planning Commission for assessment and determination.
3. Note that more than 1100 people attended a Public Meeting in July 2019 where there was unanimous opposition to this proposal and further that The Hon Gareth Ward Member for Kiama and Minister for Families, Community Services and Disabilities raised the matter as a Private Members Statement in the Legislative Assembly in August 2019. He called on the Independent Planning Commission to reject this Proposal.
 4. Note that representatives from Friends of Minnamurra River met with representatives from the Department of Planning at proposed new sites on Saturday 7 March 2020.
 5. Note with alarm that Friends of Minnamurra River were apparently advised that the Department was changing the assessment process so that the Independent Planning Commission would not be making the determination in this matter, but that it could be done “in-house” under Delegated Authority under changes recommended by the Productivity Commission in December 2019 (recommendation 8b of the PC report).
 6. Note with alarm that Friends of Minnamurra River were verbally informed that the report on Modification 2 would be finalised in the few days following the 7 March meeting. Its determination may now be imminent.
 7. Note advice received from the Environmental Defenders Office (EDO) that the change in assessment approach cannot be implemented for this proposal because the recommendations from the Productivity Commission have not been enacted through changes to the Planning and Environment Act and that even if those changes were made to the Act it would be unlikely that they could be applied retrospectively.
 8. Re-affirm Councils strong opposition to this modification being granted for the reasons stated in the unanimous resolution of Kiama Municipal Council on 21 May 2019.
 9. Write to the Department of Planning and the Minister for Planning and Environment, the Hon Rob Stokes, requesting urgent formal advice to confirm the assessment methodology that will apply to Boral Limited Dunmore Lakes Sand Extraction Project Modification 2 and to advise that council will oppose any change to the State Significant Development assessment process that limits community input or reduces transparency.
 10. Forward the correspondence to the Member for Kiama and Shellharbour City Council for their information.

(Councillors Rice and Way)

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

Against: Nil

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Purported illegal dumping Irvine Street

Councillor Reilly requested a report outlining the events and history of the purported illegal dumping in some properties in Irvine Street, Kiama. The matter was referred to the Director Environmental Services for investigation and report.

19.2 Construction of a roundabout at intersection of Spring Creek and Jamberoo Road

Councillor Steel requested Council investigate the feasibility of construction of a roundabout at the intersection of Spring Creek and Jamberoo Road. As background it has become difficult to come off the Princes Highway onto Spring Creek Road and turn right to head toward Jamberoo because of the large number of vehicles exiting Kiama via Spring Creek Road and onto Princes Highway. The matter was referred to the Director Engineering and Works for investigation and report.

19.3 Construction of a hard shoulder through bends south of Kiama for cyclists

Councillor Steel requested Council approach NSW state government to widen the road through the bends south of Kiama heading north by 2 metres. The lack of a 300m shoulder places cyclists in the traffic lane around blind corners with trucks and other fast-moving traffic. NSW traffic laws dictate that cyclists must be given 1.5m clearance when being passed by vehicles. The lack of a shoulder means there is a 300m stretch of road where you would reduce the road to one lane if vehicles obeyed NSW road rules. The matter was referred to the Director Engineering and Works for investigation and report.

19.4 Progress with a second emergency entry/exit to Gainsborough

Councillor Rice requested a report on progress of a second emergency entry / exit to Gainsborough. The matter was referred to the Director Engineering and Works for investigation and report..

19.5 Potential acquisition of former Scout Hall on Ritchie Place, Minnamurra

Councillor Way requested Council investigate how Council could potentially acquire the former Scout Hall at the top of Minnamurra Quarry in Ritchie Place, Minnamurra and to confirm the property is rated as Community land and ownership. This matter was referred to the General Manager for investigation and report.

19.6 Retaining wall at Kiama Harbour

Councillor Way requested an update on the retaining wall at Kiama Harbour, to include when work to start and anticipated completion. The matter was referred to the Director Engineering and Works for investigation and report..

20 CONFIDENTIAL SUMMARY

20/0790C

Resolved that at this time, 6.51pm, 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 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:

20/0800C

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.

21.1 INTERIM HERITAGE ORDER: 47 THOMSON STREET, KIAMA

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 and 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. .

21.2 KENDALLS BEACH HOLIDAY PARK MANAGEMENT CONTRACT

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. .

21.3 NORTH KIAMA NEIGHBOURHOOD CENTRE - END OF LEASE

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. .

21.4 MARKET STALLS IN ASSOCIATION WITH SHORT TERM LICENCES ON PUBLIC LAND

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. .

21.5 CLOSURE OF SECTION OF COUNCIL PUBLIC ROAD - 14 & 16 FARMER STREET KIAMA

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 Brown)

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

Against: Nil

21 CONFIDENTIAL REPORTS

21.1 Interim Heritage Order: 47 Thomson Street, Kiama

Information Report only

21.2 Kendalls Beach Holiday Park Management contract

20/0810C

Committee recommendation that Council continue the current Kendalls on the Beach Holiday Park management as outlined in the summary of this report.

(Councillors Rice and Way)

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

Against: Nil

21.3 North Kiama Neighbourhood Centre - end of lease

20/0820C

Committee recommendation that Council;

1. directly operate the North Kiama Neighbourhood Centre for hall hiring in conjunction with the Gerringong Town Hall, Werri Beach Progress Hall and Jamberoo School of Arts facilities, and
2. introduce Fees and Charges for the use of the North Kiama Neighbourhood Centre for 2020/21.

(Councillors Brown and Westhoff)

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

Against: Nil

21.4 Market stalls in association with short term licences on public land

20/0830C

Committee recommendation that Council amend the strategy outcomes for markets in the LGA as outlined in the summary section of this report.

(Councillors Brown and Watson)

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

Against: Nil

21.5 Closure of section of Council public road - 14 & 16 Farmer Street Kiama

20/0840C

Committee recommendation that Council:

1. Commence the road closure process under Part 4 of the Roads Act 1993 for the section of road reserve adjoining 14 & 16 Farmer Street Kiama (excluding the Taylor Street frontage).
2. Authorise the Mayor and General Manager to sign any documentation associated with the road closure under Council seal.

3. Categorise the land parcels formally closed as operational land under Part 2 of the Local Government Act 1993.

(Councillors Brown and Watson)

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

Against: Nil

Close of Confidential Committee of the Whole:

20/085OC

Committee recommendation that at this time, 6.57pm, 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 General Manager formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

20/086OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/081OC to 20/085OC be confirmed and adopted.

(Councillors Reilly and Westhoff)

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

Against: Nil

22 CLOSURE

Close of Confidential Committee of the Whole:**20/044OC**

Committee recommendation that at this time, 7.09pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Watson)

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

Against: Nil

Adoption of Report

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

20/045OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/042OC to 20/044OC be confirmed and adopted.

(Councillors Steel and Way)

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

Against: Nil

22 CLOSURE

There being no further business the meeting closed at 7.10pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 March 2020



Mayor