



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

**commencing at 5pm on**

**TUESDAY 18 NOVEMBER 2014**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 18 NOVEMBER 2014 AT 5PM**

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

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

## **1 APOLOGIES**

Councillor D Seage

## **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**

The Minutes of the Ordinary Meeting of Council held on 14 October 2014 were acknowledged by Council.

**14/238**

**Resolved** that the Minutes of the Ordinary Meeting of Council held on 14 October 2014 be confirmed and adopted.

(Councillors Steel and Way)

## **4 BUSINESS ARISING FROM THE MINUTES**

Nil

## **5 PUBLIC ACCESS**

Mrs A Favorito – Lot 387 DP 30547 - DA 10.2014.168.1 – 78 Johnson St Kiama Downs – demolition of existing dwelling and erection of a new dwelling and swimming pool – Item 9.2 DES Report.

**6 MAYORAL MINUTE****6.1 Mayor's Giving Tree - Support for Local Children****14/239**

**Resolved** that Council endorse the 2014 Mayoral Giving Tree Appeal.

(Councillors Petschler and Honey)

**14/240**

**Resolved** that at this time, 5.03pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Reilly and Way)

**16.1 Julie Errey, Health Promotions Officer**

The Mayor, Councillor Petschler, noted the comments made by Council's Emeritus Mayor, Sandra McCarthy. The Mayor also noted Councillor Kathy Rice, who spoke in relation to Julie's role and commitment to Council and the Kiama community.

**14/241**

**Resolved** that Council extends its deepest sympathies to the family and friends of Julie Errey.

(Councillors Petschler and Steel)

**16.2 Memorial Service - The Late Bishop Ken Short AO****14/242**

**Resolved** that Council formally recognise the distinguished service of the late Bishop Kenneth Short, AO.

(Councillors Petschler and Way)

The meeting was adjourned for the holding of one minute's silence for Julie Errey and Bishop Ken Short AO.

**7 MINUTES OF COMMITTEES****Nil**

**COMMITTEE OF THE WHOLE****Resolution****14/243**

**Resolved** at this time, 5.10pm, 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 Acting General Manager  
Report of the Director Corporate and Commercial Services  
Report of the Manager Corporate Services  
Report of the Acting Director Engineering and Works  
Report of the Director Community Services  
Addendum to Reports

(Councillors McClure and Honey)

**8 PUBLIC ACCESS REPORTS****14/244**

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

(Councillors Way and McClure)

**. REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1)**

**14/245**

**Committee recommendation** that Council defer DA10.2014.168.1 (Lot 387 No: 78 Johnson St Kiama Downs), subject to amended plans being submitted to Council by 4pm on 16 December 2014. Non-compliance will result in refusal, as outlined in the Council report.

(Councillors Steel and McClure)

For: Councillors McClure, Reilly, Rice, Sloan and Steel

Against: Councillors Honey, Petschler and Way

**9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****9.1 Removal of Restriction-as-to-User - Lot 244 DP 263906 Barton Drive Kiama Downs****14/246****Committee recommendation** that Council

- 1) Council support the release of the second restriction-as-to-user identified within the Section 88B Instrument attached to Deposited Plan 263906.
- 2) All costs associated with the removal of the restriction-as-to-user from the 88B Instrument be borne by the owner of the subject property.
- 3) Council contact the owners of Lots 245 to 247 inclusive in DP 263906 to provide advice that Council would give favourable consideration to a formal request made by them to release the second restriction-as-to-user identified in the Section 88B Instrument attached to Deposited Plan 263906 provided they met all costs associated with the removal of the restriction-as-to-user from their Section 88 Instrument.

(Councillors Steel and Sloan)

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

Against: Nil

**9.3 10/50 Vegetation Clearing Code of Practice amendments and review****14/247****Committee recommendation** that Council endorse the attached submission to the Rural Fire Service.

(Councillors Honey and McClure)

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

Against: Nil

**9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan****14/248****Committee recommendation** that:

- 1) Council endorse the draft submission attached to this report as its submission to the draft Regional Growth and Infrastructure Plan.
- 2) As a precursor to the ongoing discussions relating specifically to the Kiama Municipality, Council advise the Department of its position on the following:
  1. The comments in the draft report in relation to the southern residential boundary of Gerringong need clarification, as Council and the Gerringong



community understood that the matter had been resolved with the LEP gazetted in 2011.

2. Council understands that the protection of the high conservation area south of Gerroa where sand mining currently occurs is of high importance and that the area has been subject to clear definition of the boundaries where sand mining can and cannot occur.
3. Council seeks to have input into the development of the evidence based mapping of regionally important agricultural lands in the Municipality.
4. Similarly, Council seeks input into the development of evidence based strategic planning for the appropriate protection of the environmental and heritage issues in the Municipality.
5. Council believes that the Urban Strategy it adopted in September 2011 provides an appropriate evidence based platform for the consideration of housing targets for the municipality. Council seeks clarification of the projected numbers outlined in the plan, especially when comparisons are made with statistics on growth of housing units and population in the municipality over the past decade.

Council seeks ongoing discussions on these issues in the development of the final regional plan.

(Councillors Sloan and Reilly)

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

## **9 REPORT OF THE ACTING GENERAL MANAGER**

### **10.1 Council Meetings 2015**

**14/249**

**Committee recommendation** that the first Council meeting in 2015 be held on 10 February 2015.

(Councillors Honey and Steel)

### **10.2 Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors**

**14/250**

**Committee recommendation** that Council adopt the exhibited Payment of Expenses and Provision of Facilities Policy.

(Councillors McClure and Steel)

**10.3 First quarter report - Operational Plan 2014-15****14/251****Committee recommendation** that Council note the report.

(Councillors McClure and Steel)

**10.4 ISA 2015 Kneeboard Surfing World Titles****14/252****Committee recommendation** that Council:

- 1) provides two cabins at the Kiama Harbour Cabins from 13-20 September for the use of international judges and officials
- 2) waives any reserve hire and garbage collection fees.

(Councillors McClure and Steel)

**10 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES****Nil****11 REPORT OF THE MANAGER CORPORATE SERVICES****12.1 Statement of Investments****14/253****Committee recommendation** that the information relating to the Statement of Investments for October 2014 be received and adopted.

(Councillors McClure and Steel)

**12.2 Financial Report for the period ending 30 September 2014****14/254****Committee recommendation** that the revised budget for the period ending 30 September 2014 be received and adopted.

(Councillors McClure and Steel)

**12.3 Audited Annual Financial Statements 2013/2014****14/255****Committee recommendation** that :

- 1) The Annual Financial Statements and Audit Reports for the period ended 30 June 2014 be received and adopted.
- 2) Copies of the Audited Financial Statements and Audit Reports be forwarded to the Office of Local Government.
- 3) Council formally thanks Council's auditor for his presentation to Councillors.

(Councillors Reilly and Way)

**12 REPORT OF THE ACTING DIRECTOR ENGINEERING AND WORKS****13.1 Draft Masterplan - Blowhole Point and Kiama Harbour****14/256**

**Committee recommendation** that Council resolve to commence public exhibition of the draft Masterplan for the Kiama Harbour and Blowhole Point Crown Reserve (R87397) for a minimum 28 days and that a further report be presented to Council following the exhibition period.

(Councillors McClure and Steel)

**13.2 New Lease - Suite A Gerringong Town Hall****14/257**

**Committee recommendation** that Council enter into a lease agreement for Suite A of the Gerringong Town Hall with Primal Foods Group Pty Ltd as follows:

- 1) Lease term of one year commencing 1 January 2015 with a further 2 year option; and
- 2) Rental of \$9,600 (excluding GST) per annum.

(Councillors McClure and Steel)

**13 REPORT OF THE DIRECTOR COMMUNITY SERVICES****14.1 2015 Kiama Show****14/258**

**Committee recommendation** that Council provide support for the 2015 Kiama

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Show by donating the cost of rubbish removal fees and hire of the Leisure Centre.

(Councillors McClure and Steel)

## 14.2 Cultural Board Member Nominations

14/259

**Committee recommendation** that Council:

- 1) approve the revised Terms of Reference of the Cultural Board
- 2) approve Gregor Cullen and Ross Eggleton for membership on the Cultural Board

(Councillors McClure and Steel)

## 14 REPORTS FOR INFORMATION

14/260

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

- 15.1 Roads to Recovery Program from 1 July 2014 to 30 June 2019
- 15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50 Vegetation Code of Practice for NSW
- 15.3 Regional Development Australia - CEO's Report October 2014
- 15.4 Commercial Centres and Community Safety Committee - Minutes
- 15.5 Response to the Joint Standing Committee on Electoral Matters
- 15.6 Traffic Gridlock in Kiama - October Long Weekend
- 15.7 Risk Management Institution of Australasia (RMIA) National Conference
- 15.8 Parking Statistics - October 2014
- 15.9 Wollongong City Council - Climate Change
- 15.10 Illawarra Councils Group Pilot Process - Joint Organisation Expression of Interest
- 15.11 Council Employee Christmas Function Information
- 15.13 Youth Centre and Girl Guide Cottage
- 15.14 Leisure Centre Solar Heating
- 15.15 Kiama Access Committee
- 15.16 Sports Honour Roll
- 15.17 Installation of Optic Fibre Network Facilities - WAN, CCTV and Public WiFi
- 15.18 Men's Health Event 'Under the Bonnet'
- 15.19 NSW Carers Award
- 15.20 Bling a Bra Award
- 15.23 Minutes of the Kiama Cultural Board Committee meeting held on Thursday 16 October 2014
- 15.24 Kiama Health and Sustainability Committee
- 15.25 Kiama Youth Advisory Committee - Minutes
- 15.26 Councillor Meeting Register.

(Councillors McClure and Steel)

### 15.12 Kiama Hospital Redevelopment

It was **Moved** by Councillor Reilly and seconded by Councillor Honey that Council adopt the following outline of a business plan to pursue the Aged Care Centre of Excellence in Kiama:

That our business plan should include:

1. **An Executive Summary.** This is a concise one to four-page summary illustrating the key points that are detailed in each section of our ensuing business plan. The Executive Summary should stand on its own as a separate document, most members of the Kiama Community should be able to understand this vital segment of this document.
2. **The Goals and Objectives of Relocating and Reconstruction of Aged care Centre of Excellence.** By clearly and concisely articulating what we plan to achieve for the community, we have something solid that we can aim for. The community requires specific, relevant, achievable and time bound goals for a project of this magnitude...so do the people who will bring it to fruition.
3. **Business Overview.** Offer a description of the business of Blue Haven including:
  - the legal structure
  - the formation history
  - the nature of the aged care of business. This is very important in the shifting sands of aged care legislation.
  - location. As we find strictures change (like site contamination, cost, availability and suitability and so on) we should build contingencies into our plan.
  - means of doing business. How do we approach our customers? This is strongly linked to Sales and Marketing.
4. **Operations Plan.** Offer an explanation describing how the Aged Care Centre of Excellence will function. Include a broad description of services and service delivery.
5. **Market Analysis.** Include an overview of the aged care market as a whole, including relevant legislation. Define the target markets and our plans for catering to these specific audiences.
6. **Products and Services.** Describe the aged care services we will offer. Classify the different types of products or services and provide a brief description of each.
7. **Sales and Marketing.** Outline pricing and sales information. Include rationalisations for why our audience will buy our services and how we will reach them through marketing and advertising efforts.
8. **Competitive Analysis.** Analyse the strengths and weaknesses of our direct and indirect competitors. Demonstrate how we will gain a competitive edge against competition.
9. **Management Team.** Provide pertinent, concise background information on all key players involved in the business.
10. **Financial Plan.** Include all financial information, from startup costs to balance sheets. The financial section should outline:
  - the amount necessary to start or maintain the business

- the amount needed over the various stages of construction and operation
- plans to acquire and use those funds
- anticipated need for additional funding
- ongoing business expenses, including salaries, insurance costs, promotional expenses, etc.

11. **Projections.** Provide projected income statements and balance sheets for at least two or three years of operation

At the end of the business plan, attach supporting documents, as mentioned in the November business.

The **Motion** was **Put** and **Lost**.

For: Councillors Honey, Reilly and Rice

Against: Councillors McClure, Petschler, Sloan, Steel and Way

**14/261**

**Resolved** that the wording in the first paragraph of Information Report 15.12 be changed by removing the word “constitute” from the fourth line of paragraph 1 and replacing this with the word “inform”.

(Councillors McClure and Sloan)

## **15.21 NSW Volunteer of the Year Awards 2014**

**14/262**

**Resolved** that Council formally extend its congratulations to the Illawarra In House Support Team for taking out the Regional Volunteer Team of the Year for 2014.

(Councillors Way and Rice)

## **RESUMPTION OF ORDINARY BUSINESS**

**14/263**

**Resolved** that at this time, 6.46pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors McClure and Steel)

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

**14/264**

**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 **14/238** to **14/263** above.

(Councillors McClure and Steel)

## **15 ADDENDUM TO REPORTS**

It was noted that these items were dealt with earlier in the meeting.

## **16 NOTICE OF MOTION**

**Nil**

## **17 QUESTIONS WITHOUT NOTICE**

### **18.1 Lighting on Collins Street**

Councillor McClure asked for a report detailing the cost of supply and installation of basic fairylights in Collins Street in the trees in front of the terrace houses. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

### **18.2 Dog Off Leash Area - Minnamurra River**

Councillor Steel requested a report on why the designated dog off-leash area at Minnamurra River as agreed by Council was identified as a smaller area in Council publications. The Mayor referred this matter to the Director of Environmental Services for information and report.

### **18.3 Parking - Terralong Street**

Councillor Steel asked for a report on the introduction of "small car only" car spaces in Terralong Street for the five car spaces where the footpath widens to allow for the large trees. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

### **18.4 Time Banking**

Councillor Rice asked for a report on the potential for using Time Banking for the provision of transport for seniors in the municipality, particularly to out of hours cultural events. The Mayor referred this matter to the Director of Community Services for information and report.

### **18.5 Exercise Equipment - Jones Beach**

Councillor Way asked for a costing for purchase and installation of three exercise machines, similar to those installed at Kiama and Gerringong, for installation at Jones Beach on the eastern side of North Kiama Drive, Kiama Downs, from the playground at the south end, to the Surf Club in the middle and the north end, all situated on the grassed strip adjacent to the walking path. The Mayor referred this matter to the Acting General Manager for consideration when preparing the 2015-

2016 budget.

### **18.6 Akuna Street, Kiama**

Councillor Way, in regard to Kiama Council owned land adjacent to the shopping complex in Akuna Street, Kiama that is currently used for limited parking, asked for the following:

- an estimated cost to excavate and secure this site to street level from front to rear
- estimated cost for architect designed plans to provide a building on this site that would have two levels of parking on the ground and first floor, plus a 3<sup>rd</sup> level for residential units.
- estimated return on sale of residential units that would be situated above the car parking levels, at current market prices.

The Mayor referred this matter to the Acting General Manager for consideration when preparing the 2015-2016 budget.

### **18.7 Purchase of Sculpture**

Councillor Way requested the costing to purchase a sculpture of a humpback whale similar in size and stature to the one displayed at "Sculptures by the Sea" at Bondi in 2014, with the sculpture's creator Michael Greve from Victoria. Also the potential location of this sculpture at either Black Beach on the eastern end of the park or Blowhole Point to attract tourists, particularly during winter months, as a initiative from Council's new Tourism Manager's role. The Mayor referred this matter to the Acting General Manager for consideration when preparing the 2015-2016 budget.

### **18.8 Recording of Confidential Meetings**

Councillor Reilly asked for information on Councillor Seage's previous question regarding the video/audio recording of Council's Confidential Meeting for our records, but not for broadcast. The Mayor referred this matter to the Acting General Manager for information and report.

### **18.9 2015-2016 Budget -**

Councillor Reilly asked for a report on the upgrade of Council Administration offices in March 2015 to assist in budgetary preparation. The Mayor referred this matter to the Acting General Manager for information and report.

## **19 CONFIDENTIAL SUMMARY**

**14/265**

**Resolved** that at this time, 6.56pm, 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 McClure)

### **Public Representations:**

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. A member of the public pointed out an inconsistency in the reason for confidentiality in item 20.2. It was noted that the reason for confidentiality was incorrectly recorded and was amended to Section 10A(2)(a) of the Local Government Act.

### **Motion**

**14/266**

**Moved** by Councillor Honey and seconded by Councillor Rice that the reason for confidentiality referred to in item 20.2 be altered to read:

“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.”

The **Motion** was **Put** and **Carried**.

### **19.1 Exclusion Of Press And Public:**

**14/267**

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

#### **20.1 STATEWIDE MUTUAL, METRO POOL AND UNITED INDEPENDENT POOLS**

**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.

#### **20.2 UNITING CHURCH LAND - MANNING STREET - VALUATION AND POTENTIAL PURCHASE**

**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.

#### **20.3 ARTS HONOUR ROLL INDUCTEES**

**Reason for Confidentiality:** This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act.

**20.4 LAND FOR SALE - AKUNA 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 McClure)

**20 CONFIDENTIAL REPORTS****20.1 StateWide Mutual, Metro Pool and United Independent Pools**

**14/268**

**Resolved** that Council writes to Statewide Mutual and requests that it submits its offer to provide public liability/professional indemnity insurance to Council through Council's broker, Willis Australia.

(Councillors Steel and McClure)

**20.2 Uniting Church Land - Manning Street - Valuation and Potential Purchase**

**14/269**

**Resolved** that Council takes no further action with regard to the potential acquisition of part Lot 1 DP604644, 48 Manning Street Kiama from the Uniting Church in Australia (NSW) and the landowner be advised accordingly.

(Councillors Steel and McClure)

**20.3 Arts Honour Roll inductees**

**14/270**

**Resolved** that Council approves the recommended 2015 Arts Honour Roll inductees

(Councillors Steel and McClure)

**20.4 Land for Sale - Akuna Street Kiama**

**14/271**

**Resolved** that Council commission a valuation report for the potential acquisition by tender of the Mitre 10 site in Akuna Street, Kiama and that a further report presented to an Extraordinary Meeting of Council on Tuesday 2 December 2014 to consider the submission of a tender.

(Councillors Steel and McClure)

**Close of Confidential Committee of the Whole:**

**14/272**

**Resolved** that at this time, 7.14pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Sloan)

**Adoption of Report**

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

**14/273**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered **14/265** to **14/272** be confirmed and adopted.

(Councillors Sloan and Steel)

**21 CLOSURE**

There being no further business the meeting closed at 7.15pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 December 2014



.....  
Mayor