



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

**commencing at 5pm on**

**TUESDAY 19 FEBRUARY 2019**

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 19 FEBRUARY 2019 AT 5PM**

**PRESENT:** 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, Acting Director  
Engineering and Works and Director Blue Haven

## **1 APOLOGIES**

### **Apology**

#### **19/034OC**

**Resolved** that the apology tendered from Councillor Honey be received and noted and leave of absence granted.

(Councillors Westhoff and Way)

## **2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

## **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **3.1 Ordinary Council meeting held on 22 January 2019**

#### **19/035OC**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 22 January 2019 be received and accepted with the following amendment to Item 10.2 that the division for the amendment moved by Councillor Sloan and seconded by Councillor Rice (which on being put was lost) be recorded as:

For: Councillors Rice, Sloan and Westhoff

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

(Councillors Brown and Way)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**DISCLOSURE OF INTEREST**

Nil

**5 PUBLIC ACCESS**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
William Chyra	9.4	Change of March meeting date
Phil Costello	10.2	10.2017.173.1 - Lot 3 DP 1210621 - 5 Hanrahan Place, Kiama - Attached Dual Occupancy
Andrew Clancy Alison Stephens	10.3	10.2018.172.1 - Lot 10 DP 1210621 – 11 Caliope Street, Kiama - 2 Lot Torrens Title Subdivision
Rodney Maroun	10.4	10.2018.212.1 – Lot 1027 DP 232243 – 150 North Kiama Drive Kiama Downs and Lot 857 DP 231616 – 106 North Kiama Drive Kiama Downs - Use of Stairs on Council Reserve
Tanya George	14.3	Headlines: Landcare Illawarra meeting – 24 January 2019
Cliff Mason	16.2	Minnamurra River Boardwalk
Dennis McColl Carl Glaister	16.2	Minnamurra River Boardwalk
Graeme Norris	16.3	Tree issue - No 12 Cedar Ridge Road, Kiama

**6 MAYORAL MINUTE****6.1 Stephen Strange OAM****19/036OC**

**Resolved** that Council formally congratulates Stephen Strange on receiving the Medal of the Order of Australia award.

(Councillors Way and Rice)

## 7 MINUTES OF COMMITTEES

### 7.1 Minutes: Access Committee Meetings - 7 December 2018 and 1 February 2019

#### 19/037OC

**Resolved** that the Minutes of the Access Committee Meetings held on 7 December 2018 and 1 February 2019 be received and accepted.

(Councillors Rice and Westhoff)

#### 19/038OC

**Resolved** that Council request a report outlining the feasibility and cost of installing a reliably accessible surface for the entry ramp to the Continental Pool on School Flat, Black Beach, Kiama.

(Councillors Rice and Westhoff)

#### 19/039OC

**Resolved** that Council accept Councillor Sloan's resignation from the Access Committee and appoint Councillor Reilly to the Committee.

(Councillors Rice and Way)

### 7.2 Minutes: Destination Kiama Tourism Advisory Committee - 4 February 2019

#### 19/040OC

**Resolved** that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 4 February 2019 be received and the recommendations therein adopted.

(Councillors Brown and Watson)

### 7.3 Minutes: Planning Committee - 17 January 2019

#### 19/041OC

**Resolved** that the Minutes of the Planning Committee Meeting held on 17 January 2019 be received and accepted.

(Councillors Westhoff and Steel)

**7.4 Minutes: Economic Development Committee - 29 January 2019****19/042OC**

**Resolved** that the Minutes of the Economic Development Committee meeting held on 29 January 2019 be received and adopted.

(Councillors Steel and Watson)

**19/043OC**

**Resolved** that at this time, 5.13pm, Council bring forward and deal with the Motions pertaining to the Public Access Meeting.

(Councillors Steel and Watson)

**16.2 Minnamurra River Boardwalk**

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

1. Note there has been interest from some sectors of the Kiama community, in particular sections of the North Kiama community, for some time, to see a boardwalk along the Minnamurra River, namely along Riverside Drive
2. Note it has not formed any opinion on the design nor structure nor material nor the environmental impact nor the tourism impact of such a boardwalk nor raised these important matters in a formalised manner by way of consultation with the community to date
3. Note it was granted \$4.5M of NSW tax money in 2018 without asking for it and without providing any of the information that might usually be required as identified in point 2 above
4. Note that over \$500,000 of that grant money has already been spent and early costing appears that there is a significant shortfall of funds to complete the project even on the most conservative and cost-effective design and material usage
5. Note the environmental concerns, including tree classification, expressed by the Friends of Minnamurra River in their News Release of 5 February 2019;
6. Question why Gareth Ward and the NSW Government did not consult with Council, before deciding on the figure of \$4.5M, regarding:
  - project costing, ongoing maintenance and its impact on the Council budget
  - environmental impact
  - tourism, economic and social impact
  - community consultation.
7. Request the government allow us to use the remainder of the \$4.5M in relation

to the boardwalk to:

- cost two or three options including ongoing maintenance
- assess the environmental impact
- assess the tourism, economic and social impact
- commence community consultation.

8. Note at the end of the open and transparent process described in point 7 above, we should then have an option to then seek a funding grant.

For: Councillors Brown, Reilly, Watson and Westhoff

Against: Councillors Rice, Sloan, Steel and Way

The **Motion** on being put was **Lost** on the Casting Vote of the Deputy Mayor.

### 16.3 Tree issue - No 12 Cedar Ridge Road, Kiama

#### 19/044OC

**Resolved** that Council:

1. Note that Mr and Mrs Norris have had many interactions with Council staff and Councillors over many years trying to find a solution for the removal of large trees that pose a safety risk to their property and their family.
2. Note that recently, two large branches from those trees have fallen and on one occasion nearly missed their grandchildren whilst they went to collect letters from the mail box.
3. Note that the boundary to their property is unique in the way it is shared with Council property.
4. Note that despite a council officer recently visiting the property, no workable solution has yet been presented to Mr and Mrs Norris (see Attachment A).
5. Permit Mr and Mrs Norris to remove three Casuarina trees (trees numbered 1-3), two Silky Oak trees (trees numbered 4 and 5), one Chestnut tree (tree number 6) and one other large tree (tree number 7) as indicated on Attachment B.

(Councillors Brown and Watson)

## COMMITTEE OF THE WHOLE

### 19/045OC

**Resolved** that at this time, 5.51pm, 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
- Report of the Acting Director Engineering and Works
- Addendum to Reports

(Councillors Steel and Watson)

## 8 PUBLIC ACCESS REPORTS

### 19/046OC

**Committee recommendation** that at this time, 5.51pm, Council bring forward and deal with the other matters pertaining to the Public Access Meeting.

(Councillors Steel and Watson)

### 9.4 Change of March meeting date

It was **moved** by Councillor Way and seconded by Councillor Steel that Council endorse the change of the March meeting date to 26 March 2019.

The **Motion** on being put was **Lost**.

### 19/047OC

**Committee recommendation** that Council does not change the date of the March Council meeting and an extraordinary meeting be scheduled to be held on 26 March 2019 to consider the outcome of the public exhibition of REF1 and REF2 for the Minnamurra River Boardwalk project.

(Councillors Rice and Brown)

### 10.2 10.2017.173.1 - Lot 3 DP 1210621 - 5 Hanrahan Place, Kiama - Attached Dual Occupancy

### 19/048OC

**Committee recommendation** that Council approve Development Application

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10.2017.173.1 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, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

**10.3 10.2018.172.1 - Lot 10 DP 1210621 - 11 Caliope Street, Kiama - 2 Lot Torrens Title Subdivision**

**19/049OC**

**Committee recommendation** that Council refuse Development Application 10.2018.172.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979 for the following reasons:

- 1) Non-compliance with Control 27 of Chapter 4 of the Kiama Development Control Plan 2012.
- 2) Non-compliance with Control 37 of Chapter 4 of the Kiama Development Control Plan 2012.
- 3) Unacceptable planning outcome in regards to lack of privacy and car parking arrangements.

(Councillors Rice and Way)

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

Against: Councillor Reilly

**10.4 10.2018.212.1 – Lot 1027 DP 232243 - 150 North Kiama Drive Kiama Downs and Lot 857 DP 231616 – 106 North Kiama Drive Kiama Downs - Use of Stairs on Council Reserve**

It was **moved** by Councillor Way and seconded by Councillor Steel that Council defer Development Application 10.2018.172.1 to allow further discussions with the applicant.

The **Motion** on being put was **Lost**.

For: Councillors Reilly, Steel and Way

Against: Councillors Brown, Rice, Sloan, Watson and Westhoff

**19/050OC**

**Committee recommendation** that Council refuse Development Application 10.2018.212.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:



1. The proposal is prohibited development within the RE1- Public Recreation Zone.
2. The stairs are an unauthorised structure built without a planning approval over public land.
3. The proposal is inconsistent with the objectives of the RE1- Public Recreation Zone.
4. The proposal is inconsistent with the objectives of the State Environmental Planning Policy (Coastal Management) 2018.
5. The proposal is not considered to be in the public interest.
6. The approval of the proposal would set an undesirable precedent.

(Councillors Brown and Rice)

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

Against: Councillors Reilly and Steel

### **14.3 Headlines: Landcare Illawarra meeting - 24 January 2019**

**19/051OC**

**Committee recommendation** that Council note this information report.

(Councillors Way and Brown)

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

### **9.1 Australian Local Government Association - National General Assembly 2019 - Councillor attendance and call for motions**

**19/052OC**

**Committee recommendation** that Council:

1. endorses the attendance of Councillor Rice at the Australian Local Government Association's National General Assembly held in Canberra on 16-19 June 2019
2. submits any motions for the National General Assembly to the Australian Local Government Association prior to 29 March 2019.

(Councillors Brown and Steel)

### **9.2 Administration of the 2020 Local Government Election**

**19/053OC**

**Committee recommendation** that Council subject to the outcomes of the IPART Review of the costs of conducting local government elections in NSW:

1. Pursuant to s.296(2)and (3) of the *Local Government Act 1993 (NSW)* (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. Authorise the General Manager to conduct negotiations with the NSWEC for the administration of the Ordinary Council Election in 2020 and to finalise a contract for engagement, no later than 11 June 2019 (5 months before the scheduled election).

(Councillors Brown and Way)

### **9.3 Delivery Program Report July to December 2018 & Operational Plan Report October to December 2018**

**19/054OC**

**Committee recommendation** that Council receives the Delivery Program and Operational Plan Report for the period October to December 2018.

(Councillors Brown and Watson)

### **9.5 Donation request: Slow Food Saddleback workshops**

**19/055OC**

**Committee recommendation** that Council approve an in-kind donation to Slow Food Saddleback of the hire of Gerringong Town Hall for the purposes of conducting 2 workshops on 9 March 2019.

(Councillors Rice and Westhoff)

### **9.6 Donation request: waiving of administration fee**

**19/056OC**

**Committee recommendation** that Council waive the administration fee (100 people or more) for the fundraising event being held on 23 March 2019 at the Kiama Downs Surf Life Saving Club.

(Councillors Way and Steel)

## 10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

### 10.1 Post Exhibition Report - Planning Proposal - Rezoning of 144 Jamberoo Mountain Road

*19/057OC*

**Committee recommendation** that Council proceed with the preparation and finalisation of the draft Kiama LEP to rezone part of Lot 144 DP751279 and part of Lot 1 DP129766 from E2 Environmental Conservation to Environmental Management, in conjunction with NSW Parliamentary Counsel.

(Councillors Brown and Way)

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

Against: Nil

### 10.5 Planning Proposal - Land Adjoining Greyleigh Drive and Old Saddleback Road, Kiama

*19/058OC*

**Committee recommendation** that Council not endorse the Planning Proposal proceeding to Gateway and notify the applicant and the NSW Southern Regional Planning Panel of this decision.

(Councillors Rice and Way)

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

Against: Councillors Reilly, Steel and Watson

### 10.6 CCTV Camera System Quotes for Kiama Downs Shopping Strip

*19/059OC*

**Committee recommendation** that Council proceed to investigate design options 3 and 4 in more detail and that a further report be prepared for Council's consideration. Budget allocation for a Council resolution would need to be considered at that time.

(Councillors Brown and Watson)

**10.7 Allocation of additional budget to complete photogrammetry associated with the development of the Kiama Coastal Management Program****19/060OC**

**Committee recommendation** that Council resolve to add \$15,050 to the 2018/19 budget (50% of which to be funded by the Office of Environment and Heritage) to undertake the Kiama Coastal Management Program.

(Councillors Westhoff and Steel)

**11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES****11.1 Statement of Investments - January 2019****19/061OC**

**Committee recommendation** that Council receive and adopt the information relating to the Statement of Investments for January 2018.

(Councillors Reilly and Steel)

**11.2 Financial Report for the period ending 31 December 2018****19/062OC**

**Committee recommendation** that Council receive and adopt the revised budget for the period ending 31 December 2018.

(Councillors Brown and Watson)

**12 REPORT OF THE ACTING DIRECTOR ENGINEERING AND WORKS****12.1 Stronger Communities Program - Gerroa Community Association - Grant Funding Contribution****19/063OC**

**Committee recommendation** that Council support the Gerroa Community Association's grant funding application for the upgrade of the Gerroa Neighbourhood Centre carpark and installation of outdoor exercise equipment in Emery Park,

Gerroa, through financial and in-kind support to the total of \$18,000, subject to any savings identified in the 2018/19 budget quarterly reviews.

(Councillors Brown and Reilly)

## **12.2 Public Exhibition of Ooaree Creek / Werri Lagoon Catchment Flood Study, Gerringong**

**19/064OC**

**Committee recommendation** that Council:

1. Adopt the 'Ooaree Creek & Werri Lagoon Catchment Flood Study', in relation to flood levels and extents in this catchment.
2. Adopt the Flood Study for use in conjunction with Kiama Development Control Plan 2012: Chapter 29 - Development On Flood Liable Land.
3. Modify the Section 10.7(2) and 10.7(5) Planning Certificates issued under the Environmental Planning and Assessment Act 1979, to include a flood notation on all properties identified as being within the 1% Annual Exceedence Probability (1 in 100 year) flood mapped area as included in the Flood Study, with the exception of 63, 65 & 67 Burnett Avenue and 1, 3, 5 & 7 Illoura Place, Gerringong.

(Councillors Westhoff and Brown)

## **13 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

## **14 REPORTS FOR INFORMATION**

**19/065OC**

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

- 14.1 Minutes: Kiama District Sports Association meeting held 26 November 2018
- 14.2 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting - 4 December 2018
- 14.4 Question for future meeting: Bombo Quarry dust pollution
- 14.5 Question for future meeting: Spring Creek Wetlands Development - Biodiversity Protection
- 14.6 Question for future meeting: Relocation of Projector Screen
- 14.7 Question for future meeting: Ongoing Maintenance of Stone Walls
- 14.8 Question for future meeting: Use of Herbicides

- 14.9 Question for future meeting: Gainsborough's Turpentine Forest  
14.10 Questions for future meetings register as at 11 February 2019.

(Councillors Reilly and Steel)

## 15 ADDENDUM TO REPORTS

### 19/066OC

**Resolved** that at this time, 6.38pm Council bring forward and deal with matters 15.1 and 15.2 pertaining to the Addendum to Reports.

(Councillors Reilly and Steel)

### 15.1 Minutes: Jamberoo Valley Ratepayers and Residents Association – 5 February 2019

#### 19/067OC

**Committee recommendation** that Council note this information report.

(Councillors Watson and Way)

### 15.2 Minutes: Minnamurra Progress Association - 5 February 2019

#### 19/068OC

**Committee recommendation** that Council note this information report.

(Councillors Way and Steel)

### 15.3 Matter of urgency

#### 19/069OC

**Committee recommendation** that Council deal with the following motion, item 16.4 as a matter of urgency.

(Councillors Brown and Steel)

## 16.4 Music Festivals

### 19/0700C

**Committee recommendation** that Council, as a matter of urgency, write to the Premier for NSW, other relevant Ministers and Government agencies to:

1. Highlight the significant cultural and economic benefits that music festivals provide in regional areas, especially in Kiama.
2. Express concern about potential implications for Kiama tourism and cultural events from the proposed introduction of blanket regulation for music festivals and outdoor concerts.
3. Call for a hold on the implementation of the Interim Guidelines for Music Festival Event Organisers until further engagement and feedback from stakeholders is addressed.
4. Request that the Independent Liquor and Gaming Authority engage with stakeholders, including Kiama Council, prior to the framing of legislation to introduce a new music festival licence application process.
5. Request that NSW Police, Health agencies and local government, in consultation with music event organisers, develop a financially sustainable industry standard for user pays policing and medical services at events.
6. Support the demands that the Don't Kill Live Music industry group has submitted to the NSW Government.

(Councillors Reilly and Brown)

## RESUMPTION OF ORDINARY BUSINESS

### 19/0710C

**Committee recommendation** 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 Brown and Way)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

### 19/0720C

**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 19/046OC to 19/0710C above.

(Councillors Reilly and Steel)

## 16 NOTICE OF MOTION

### 16.1 160th Year Celebration Committee formation

**Resolved** that Council form a Committee to investigate organising a community celebration for the Municipality's 160<sup>th</sup> year.

(Councillors Steel and Reilly)

## 17 QUESTIONS FOR FUTURE MEETINGS

### 17.1 Minnamurra River Boardwalk project

Councillor Reilly requested a comprehensive plan for the completion of the Minnamurra Boardwalk within the allocated grant funds, before expending any further money. The matter was referred to the General Manager for investigation and report.

### 17.2 Disability parking adjacent to Blowhole Point cabins

Councillor Rice requested a report examining the potential for disability carparking to be established immediately adjacent to the Blowhole Point cabins in a position that is immediately opposite the formed pathway to Blowhole Point. The matter was referred to the Acting Director Engineering and Works for investigation and report.

### 17.3 Gerringong Town Hall air conditioning

Councillor Westhoff requested that consideration be given to funding the installation of air conditioning in the Gerringong Town Hall in the 2020/21 budget (2013/14 costs was \$85,000). The updating of these facilities would complement earlier visual improvements in maintaining the Hall as a commercially attractive community asset. The matter was referred to the Director Corporate and Commercial Services for investigation and report.

### 17.4 Stormwater drains behind Croft Place

Councillor Westhoff requested investigation and liaising with Sydney Water if required, into the overgrowth of Union Creek, Gerringong which results in flooding across the park, adjacent properties and pathways (making it difficult for school children to walk to school). The matter was referred to the Acting Director Engineering and Works for investigation and report.

Councillor Watson **tabled a petition** from the Friends of Minnamurra River group regarding the over water section of the proposed Minnamurra Boardwalk.



## 18 CONFIDENTIAL SUMMARY

### 19/073OC

**Resolved** that at this time, 6.53pm, 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 Westhoff 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:

#### 19/074OC

**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.

### 19.1 ILLAWARRA SHOALHAVEN JOINT ORGANISATION TENDER FOR GROSS POLLUTANT TRAPS AND PIPEWORK SERVICING

**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.

### 19.2 CIVIL WORKS AND ELECTRICAL UPGRADE OF SURF 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.

### 19.3 ACQUISITION: LOT 15 DP114668 AND LOT 1 DP1091690

**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 Rice and Way)

## 19 CONFIDENTIAL REPORTS

### 19.1 Illawarra Shoalhaven Joint Organisation Tender for Gross Pollutant Traps and Pipework Servicing

#### 19/075OC

**Committee recommendation** that Council approve the ISJO tender to appoint a contractor services panel for the maintenance of gross pollutant traps and stormwater network infrastructure consisting of:

1. Tox Free Australia Pty Ltd
2. Total Drain Cleaning Services Pty Ltd
3. The Trustee for Bellivan Unit Trust TA Bell Environmental
4. Pipe Management Australia
5. Interflow Pty Ltd - reserve
6. Donnelly Civil Pty Ltd - reserve

(Councillors Brown and Watson)

#### 19/076OC

**Committee recommendation** that at this time, 6.54pm, Council bring forward and deal with matters pertaining to the Addendum to Confidential Reports.

(Councillors Way and Steel)

### 19.2 Civil Works and Electrical Upgrade of Surf Beach Holiday Park

#### 19/077OC

**Committee recommendation** that Council resolve to accept the tender from BMD Urban Pty Ltd, for the sum of \$1,355,401.60 including GST (\$1,232,183.27 excluding GST) to complete the tender works as per the Tender Schedule.

(Councillors Brown and Reilly)

### 19.3 Acquisition: Lot 15 DP114668 and Lot 1 DP1091690

#### 19/078OC

**Committee recommendation** that Council:

1. authorise the General Manager to execute the Heads of Agreement to

- purchase Lot 15 DP114668 and Lot 1 DP1091690
2. classify the land as community land.

(Councillors Brown and Reilly)

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

**19/079OC**

**Committee recommendation** that at this time, 6.58pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Brown)

### **Adoption of Report**

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

**19/080OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 19/074OC to 19/079OC be confirmed and adopted.

(Councillors Way and Steel)

## **20 CLOSURE**

There being no further business the meeting closed at 6.59pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 March 2019.

*Andrew Sloan*

.....  
Deputy Mayor