



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.02pm on

TUESDAY 17 DECEMBER 2019

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 DECEMBER 2019 AT 5.02PM**

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, Acting Director Environmental Services,
Acting Director Corporate and Commercial Services, Acting
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 19 November 2019

19/464OC

Resolved that the Minutes of the Ordinary Council Meeting held on 19 November 2019 be received and accepted.

(Councillors Way 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**Disclosure of Interest - Councillor Sloan**

Councillor Sloan declared a less than significant pecuniary interest in item 12.2: 10.2019.112.1 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Demolition of existing water slides and pool and construction of water slides, children's play area and pedestrian facilities as his son is an employee of Jamberoo Action Park. Councillor Sloan took no part in discussion or voting on this matter.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item	Subject
Steven Leyman	12.3	10.2018.196.1 - Lot 21 DP 1218589 - 5 Pacific Street, Kiama - Demolition of Existing Dwelling & Construction of 4 Dwellings & 4 Lot Torrens Title Subdivision
Glen Debnam	12.3	10.2018.196.1 - Lot 21 DP 1218589 - 5 Pacific Street, Kiama - Demolition of Existing Dwelling & Construction of 4 Dwellings & 4 Lot Torrens Title Subdivision
John Dowling	12.4	10.2019.31.1 - Lot 41 DP 1068182 – 57 Thomson Street, Kiama - Demolition of Existing Structures and Construction of Multi Dwelling Housing Comprising of 3 Detached Dwellings and Strata Subdivision into 3 Lots
Camilla Kerr-Ruston	12.6	10.2018.290.1 - Lot 1 DP 507180 - 3 Belvedere Street, Kiama - Demolition of Existing Building, Removal of Trees, Construction of 22 Self-Storage Units and Strata Subdivision
Tamara Campbell	18.1	Climate change concern

8 MAYORAL MINUTE

8.1 Tourism award winners 2019

19/465OC

Resolved that Council formally acknowledge and congratulate:

1. Surf Camp Australia for winning Best Tour/Activity NSW at the National Adventure Tourism Awards
2. Dovecote Gerringong for winning Bronze in the Luxury Accommodation category at the NSW Tourism Awards
3. Fern Street Gallery for being a finalist in the New Tourism Business category at the NSW Tourism Awards.

(Councillors Honey and Brown)

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

Against: Nil

8.2 NSW Rural Management Challenge 2019, Household Bulky Waste Drop Off program and CivicRisk Mutual Excellence in Risk Management Awards

19/466OC

Resolved that Council formally congratulate the staff members involved in the NSW Rural Management Challenge 2019, the Household Bulky Waste Drop Off program and the CivicRisk Mutual Excellence in Risk Management Awards.

(Councillors Honey and Westhoff)

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

Against: Nil

8.3 State Government Funding for NSW Public Libraries

19/467OC

Resolved that Council:

1. make representation to the local State Member, Gareth Ward, in relation to the need for a sustainable state funding model for the ongoing provision of public library services

2. write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model
3. take a leading role in lobbying for sustainable state government funding for libraries
4. endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

(Councillors Honey and Sloan)

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

Against: Nil

8.4 Thank you to our Rural Fire Service volunteers and personnel

19/468OC

Resolved that Council recognise the work of the Gerringong, Foxground and Jamberoo Rural Fire Service volunteers (RFS), Kiama Fire Brigade and Kiama SES during the devastating bush fire season so far.

(Councillors Honey and Watson)

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

Against: Nil

8.5 Seasons greetings

19/469OC

Resolved that Council extends to all, the wish for a happy and peaceful Christmas and for a safe and prosperous New Year.

(Councillors Honey and Rice)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Walking Tracks and Cycleway Committee – 13 November 2019

19/470OC

Resolved that the Minutes of the Walking Tracks and Cycleway Committee meeting held on 13 November be received and accepted.

(Councillors Way and Brown)

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

Against: Nil

9.2 Minutes: Catchment and Flood Risk Management Committee - 20 August 2019 (meeting notes only) and 19 November 2019

19/471OC

Resolved that the Minutes of the Catchment and Flood Risk Management Committee meeting held on 19 November 2019 be received and accepted.

(Councillors Westhoff and Sloan)

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

Against: Nil

9.3 Minutes: Destination Kiama Tourism Advisory Committee - 2 December 2019

19/472OC

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 2 December 2019 be received and the recommendations detailed below accepted:

1. That Destination Kiama encourages the RMS to complete work on the Highway Bypass signs for Kiama and Gerringong as soon as possible and if needed, assist by offering to commission this photography work ourselves (at cost).
2. That due to the substantial increase in revenue for the 2020 Visitor Guide, that up to \$16,500 exclusive of GST be allocated for the mural at the Visitors Centre.

3. That the Post Event Reports for the 2019 Kiama Bodyboard King Pro, 2019 South Coast Sevens, 2019 Folk by the Sea, 2019 Gerringong Legends Pro Am and the 2019 Spring Series – Institute of Interesting Ideas be accepted
4. That Destination Kiama proceed with a collaborative approach to destination marketing, allocating \$70,000 for the South Coast ‘UNSPOILT’ Destination New South Wales funding application.

(Councillors Brown and Steel)

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

Against: Nil

COMMITTEE OF THE WHOLE

19/473OC

Resolved that at this time, 5.11pm, 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

Addendum to Reports

(Councillors Reilly and Sloan)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

19/474OC

Committee recommendation that at this time, 5.11pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Reilly and Watson)

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

Against: Nil

12.3 10.2018.196.1 - Lot 21 DP 1218589 - 5 Pacific Street, Kiama - Demolition of existing dwelling and construction of 4 dwellings & 4 Lot Torrens Title subdivision**19/4750C**

Committee recommendation that Council refuse Development Application No 10.2018.196.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

1. The development remains an overdevelopment of the site. The cumulative inconsistencies with Kiama's planning controls will result in a level of density and reduced setbacks that are uncharacteristic with the surrounding area.
2. The development remains in breach of Chapter 7 Kiama Development Control Plan 2012 - Subdivision, Section 5 – Battle-Axe Allotments Control 16: *A maximum of two (2) battle-axe allotments will be permitted behind an allotment which has direct frontage to a dedicated public road in the proposed subdivision. Under no circumstances will Council favourably consider any subdivision proposal involving a series of battle-axe lots, one behind each other.* The application continues to propose four dwellings, three with battle axe access. This breaches Control 16, and also disregards Council's original judgement that four dwellings were excessive for that site.
3. The development remains in breach of Chapter 2 Kiama Development Control Plan 2012 – Overall Controls, Section 6 – Building Height Plan – Low Density Development Only, in relation to building height plane control on its northern elevations and Section 12 – Design Standards – Building Lines in Urban Areas, front and rear setback controls.
4. The photomontage provided to Councillors is acknowledged by the planner to be inaccurate
5. The proposal does not exhibit view sharing in accordance with the Land and Environment Court's planning principal in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, and is not consistent with Chapter 4 Kiama Development Control Plan 2012 – Low Density Development, Control 8 view sharing principles.

(Councillors Rice and Reilly)

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

Against: Councillor Way

12.4 10.2019.31.1 - Lot 41 DP 1068182 - 57 Thomson Street, Kiama - Demolition of existing structures and construction of multi dwelling housing comprising of 3 detached dwellings and Strata subdivision into 3 lots

19/476OC

Committee recommendation that Council approve Development Application No 10.2019.31.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Nil

12.6 10.2018.290.1 - Lot 1 DP 507180 - 3 Belvedere Street, Kiama - Demolition of existing building, removal of trees, construction of 22 self-storage units and Strata subdivision

19/477OC

Committee recommendation that Council approve Development Application No 10.2018.290.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Councillors Reilly, Rice and Westhoff

18.1 Climate change concern

19/478OC

Committee recommendation that Council:

1. Notes the results of the IPSOS Issues Monitor released on 1 December 2019. Climate Change and the Environment is now the issue of greatest concern to Australians.
2. Notes the response to the October 2019 "Australia Talks" survey of 55,000 Australians. 86% regard environmental issues as a national problem with 72% nominating climate change as their leading worry.

3. Notes the response to the 2019 Mission Australia Survey of 25,000 youth. Youth concern about climate change has almost quadrupled this year. It is now regarded by youth as a top national issue.
4. Notes Kiama's Community Strategic Plan strategy of being adaptive and informed of predicted climate change impacts.
5. Recognises the severe drought affecting NSW, the related threat of bushfire and the health and mental health issues related to both.
6. Acknowledges that Kiama as a Coastal Council is likely to be substantially affected by climate impacts, particularly sea level rise, damaging storms and drought.
7. Notes Kiama's pledges towards renewable energy, energy efficiency, transport, and work together to influence, which are being pursued through Kiama's Cities Power Partnership agreement.
8. Publicly declare that climate change worries the community and poses a serious risk to the environment, human populations and enterprise. It should be treated as an emergency that requires action by all levels of government.
9. Requests a report be brought back to Council that outlines Kiama's progress towards its Cities Power Partnership pledges and establishes a timeline for the pledge of setting municipality level targets and sustainable energy policies that will provide a common goal and shared expectations for local residents and businesses.
10. Requests an additional report which examines how, in response to a changing environment, that Council plans, policies and works programs will clearly state those climate change mitigation and adaptation responses that underlie them.

(Councillors Rice and Sloan)

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

Against: Councillor Way

11 REPORT OF THE GENERAL MANAGER

11.1 Rescission of Council Policies

19/479OC

Committee recommendation that Council rescind the Human Resources staff policies which have been replaced with staff protocols, as set out in this report.

(Councillors Westhoff and Brown)

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

Against: Councillor Way

11.2 2018-19 Annual Report**19/480OC**

Committee recommendation that Council receives and endorses the 2018-19 Annual Report

(Councillors Brown and Reilly)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**12.1 2019-2020 NSW EPA Better Waste Recycling Fund (BWRF) Projects****19/481OC**

Committee recommendation that Council:

1. Approve the implementation of the projects as outline in Table 1 (2019-2020 Better Waste Recycling Fund Projects) of this report, (totaling \$75,544) to be funded from the \$65,544 NSW EPA Better Waste Recycling allocation and an \$11,000 Regional Illegal Dumping Contestable Grants.
- 2 Council endorse the implementation of the Waste Infrastructure Projects (totaling \$327,885) as outlined in Table 2 (Proposed Capital Waste Infrastructure Projects) of this report.
3. Allocate funding (totaling \$327,885) for the implementation of the Waste Infrastructure Projects as outlined in Table 2 (Proposed Capital Waste Infrastructure Projects) of this report from the Domestic Waste Reserves/ Waste and Sustainability Reserves
- 4 The waste projects and capital waste infrastructure and expenditure as outlined in Table 1 - 2019-2020 Better Waste Recycling Fund Projects) and Table 2 - (Proposed Capital Waste Infrastructure Projects) as outlined in this report be included in the 2019-2020 Operational Plan and Budget Review (Second Quarter) report to Council.

(Councillors Brown and Way)

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

Against: Nil

12.2 10.2019.112.1 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Demolition of existing water slides and pool and construction of water slides, children's play area and pedestrian facilities

Disclosure of Interest - Councillor Sloan

Councillor Sloan declared a non-significant pecuniary interest in this matter as his son is an employee at the Jamberoo Action Park. Councillor Sloan took no part in discussion or voting on this matter.

Councillor A Sloan left the meeting at 5.56pm.

19/482OC

Committee recommendation that Council approve Development Application No 10.2019.112.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Nil

Councillor A Sloan returned to the meeting at 5.58pm.

12.5 10.2018.225.1 - Lot B DP 164747 - 47 Thomson Street, Kiama - Demolition of existing building and construction of multi residential building consisting of 12 units

19/483OC

Committee recommendation that Council makes an Interim Heritage Order for 47 Thomson Street, Kiama to allow the heritage value of the property to be properly assessed and defer any future deliberation of its development until such time as Council is fully informed of any heritage significance the property has.

(Councillors Rice and Reilly)

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

Against: Councillors Brown, Steel, Watson and Way

12.7 Review of Kiama Development Control Plan (DCP) 2012 - Structure review and inclusion of Rural Uses Controls**19/484OC**

Committee recommendation that Council endorse the attached draft Kiama Development Controls Plan 2012 for public exhibition in the new year.

(Councillors Reilly and Rice)

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

Against: Nil

12.8 Catchment and Flood Risk Management Committee - Resignations and new members**19/485OC**

Committee recommendation that Council:

1. accept the two community applicants to the Catchment and Flood Risk Management Committee - Michael Gleeson and Tanya George.
2. recognise and thank resigning Committee representatives Lee Walsh and Barry Mahoney for their contribution to the Catchment and Flood Risk Management Committee.

(Councillors Westhoff and Sloan)

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

Against: Nil

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICE**13.1 Proposed Classification and Categorisation of Council Managed Crown Land as a requirement of the Crown Land Management Act 2016**

This report has been replaced with addendum report 17.1.

19/486OC

Committee recommendation that at this time, Council bring forward and deal with matters pertaining to item 17.1 the replacement report for item 13.1.

(Councillors Way and Westhoff)

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

Against: Nil

17.1 REPLACEMENT REPORT FOR ITEM 13.1 - Proposed Classification and Categorisation of Council Managed Crown Land as a requirement of the Crown Land Management Act 2016**19/487OC**

Committee recommendation that Council defer this matter to enable proper consideration of the information contained in the report and for Councillors to receive maps of the Crown Land being classified and categorised.

(Councillors Rice and Reilly)

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

Against: Nil

13.2 Statement of Investments - November 2019**19/488OC**

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for November 2019.

(Councillors Brown and Way)

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

Against: Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION**19/489OC**

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

- 16.1 Expenditure caps for local government election campaigns
- 16.2 Councillor Meetings Register - 14 November 2019 to 10 December 2019
- 16.3 Minutes: Central Precinct meeting - 22 October 2019
- 16.4 Minutes: Minnamurra Progress Association - 5 November 2019 and 3 December 2019
- 16.5 Minutes: South Precinct meeting - 21 November 2019
- 16.6 Minutes: Australian Coastal Councils Association - Annual General Meeting - 22 November 2019
- 16.7 Minutes: Kiama Liquor Accord - 13 November 2019
- 16.8 Parking Statistics - November 2019
- 16.9 Question for future meeting: Community Response Policy
- 16.10 Question for future meeting: Brown Street cutting
- 16.13 Question for future meeting: North Kiama Wetlands improvement
- 16.14 Question for future meeting: Feasibility Study - Chapman Oval
- 16.16 Questions for Future Meeting Register as at 11 December 2019.

(Councillors Way and Westhoff)

16.11 Question for future meeting: Jones Beach Landcare revegetation progress**19/490OC**

Committee recommendation that Council's model for its Landcare Groups is reviewed such that all groups are provided with appropriate support and resources and that a report on implementing such a system be provided to Council.

(Councillors Rice and Reilly)

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

Against: Way

16.12 Question for future meeting: Bombo Beach Cabbage Tree Palm planting**19/491OC**

Committee recommendation that Council retain the notion of planting palm trees along Bombo Beach and in so doing elicit support from Landcare and other groups to assist with this endeavour and further seek additional native indigenous planting in our Local Government Area.

(Councillors Reilly and Westhoff)

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

Against: Councillors Brown, Sloan and Watson

16.15 Question for future meeting: James Oates Reserve car park**19/492OC**

Committee recommendation that Council:

1. consider option 1 for James Oates car park, as investigation by Council shows it will provide an additional 23 car spaces and given the flat and unobstructed nature of this location, will have far less impact than option 2, with construction relatively easy and a cost reduction amounting to \$58,000
2. consider including these works in the Capital Works program 2020/21.

(Councillors Way and Brown)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS**19/493OC**

Committee recommendation that at this time, 6.43pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Sloan)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**19/494OC**

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 19/474OC to 19/493OC above.

(Councillors Way and Westhoff)

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

Against: Nil

17 ADDENDUM TO REPORTS**19/495OC**

Resolved that Addendum to Report item 17.2 Seven Mile Beach Kiosk be carried over into confidential committee.

(Councillors Rice and Sloan)

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

Against: Nil

18 NOTICE OF MOTION

Item 18.1 Climate change concern was dealt with in Public Access Reports.

19 QUESTIONS FOR FUTURE MEETINGS**19.1 Blue Haven Terralong Stage 5 - speed humps**

Councillor Steel requested an investigation into the removal of the speed humps in the car park and entry to Stage 5 Terralong Street and that the Residents' Committee be canvassed regarding the need for removal. The matter was referred to the Director Blue Haven for investigation and report.

19.2 Climate change - Audit Risk and Improvement Committee

Councillor Rice requested a report on the extent to which climate change is addressed as a risk by the Audit Risk and Improvement Committee. The matter was referred to the General Manager for investigation and report.

19.3 Cooke Park amenities - privacy screen

Councillor Rice requested a report on the feasibility of installing a privacy screen in front of the doors of the new amenities at Cooke Park, Boat Harbour, Gerringong. The matter was referred to the Director Engineering and Works for investigation and report.

19.4 Black Beach - public seating and shade

Councillor Rice requested a report on the options for placement of more public seating to provide shade for the elderly along the palm lined north western section of the Black Beach walkway. The matter was referred to the Director Engineering and Works for investigation and report.

19.5 Reduction in Councillor numbers for 2020 election

Councillor Way requested a report advising on how to reduce the number of Councillors from 9 to 7, inclusive of Mayor and Deputy Mayor. The new number format being in operation for the next Council election in September 2020. The matter was referred to the General Manager who advised that under Section 224 of the Local Government Act 1993 if the Council proposes to change the number of councillors, it must determine the number not less than 12 months before the next ordinary election.

20 CONFIDENTIAL SUMMARY**19/496OC**

Resolved that at this time, 6.50pm, 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 Way and Brown)

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:**19/497OC**

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 ADDENDUM TO REPORT: CATCHMENT AND FLOOD RISK MANAGEMENT COMMITTEE - RESIGNATIONS AND NEW MEMBERS

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.

21.2 FOUNTAINDALE DAM

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 Brown and Watson)

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

Against: Nil

21 CONFIDENTIAL REPORTS**17.2 Seven Mile Beach Kiosk**

Information report only.

21.1 Addendum to Report: Catchment and Flood Risk Management Committee - Resignations and new members

Information report only.

21.2 Fountaindale Dam**19/498OC****Committee recommendation** that Council

1. Pursuant to the requirements of Section 55(3)(i) of the *Local Government Act 1993*, that due to the limited availability of suitably qualified and experienced tenderers, Council will only accept quotations from organisations which have been referred to it by the NSW Dams Safety Committee (now NSW Dams Safety).
2. Appoint Public Works Advisory to undertake all necessary reports, studies, analysis and manuals to satisfy the requirements of the *Dam Safety Act 2015* and the *Dam Safety Regulation 2019*.

(Councillors Sloan and Brown)

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

Against: Nil

Close of Confidential Committee of the Whole:**19/499OC****Committee recommendation** that at this time, 6.53pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Sloan and Brown)

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.

19/500OC**Resolved** that that the Confidential Committee of the Whole recommendations numbered 19/497OC to 19/499OC be confirmed and adopted.

(Councillors Rice and Way)

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 6.54pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
11 February 2019

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Mayor