



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 11 APRIL 2017

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 11 APRIL 2017 AT 5PM**

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

IN ATTENDANCE: General Manager, Director Environmental Services,
Director Finance, Corporate and Commercial Services,
Director Engineering and Works and Director Community
Services

1 APOLOGIES

Nil

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 on 21 March 2017

17/110

Resolved that the Minutes of the Ordinary Council Meeting held on 21 March 2017 be received and accepted.

(Councillors Way and Steel)

3.2 Extraordinary Council on 5 April 2017

17/111

Resolved that the Minutes of the Extraordinary Council Meeting held on 5 April 2017 be received and accepted.

(Councillors Way and Brown)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Steven Falkiner – Lot 91 DP 229951 No 110 Headland Drive Gerroa – dwelling, swimming pool and pergola (10.2016.288.1) (Item 9.1)

Trevor Hamblen – Lot 50 DP 880425 Belinda Street, Gerringong – 100 bed residential care house facility and associated car parking (10.20165.265.1) (Item 9.2)

6 MAYORAL MINUTE

Nil

7 MINUTES OF COMMITTEES**7.1 Kiama Local Traffic Committee meeting 4 April 2017**

17/112

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 4 April 2017 be received and accepted.

(Councillors Westhoff and Reilly)

COMMITTEE OF THE WHOLE

17/113

Resolved that at this time, 5.02pm, 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 General Manager

Report of the Director Finance, Corporate and Commercial Services

Report of the Director Engineering and Works

Report of the Director Community Services

Addendum to Reports

(Councillors Brown and Watson)

8 PUBLIC ACCESS REPORTS

17/114

Committee recommendation that at this time, 5.02pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Brown and Watson)

9.1 Lot 91 DP 229951 - 110 Headland Drive Gerroa - dwelling, swimming pool & pergola (10.2016.288.1)

17/115

Committee recommendation that Council approve development application 10.2016.288.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report.

(Councillors Way and Sloan)

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

Against: Nil

9.2 Lot 50 DP 880425, Belinda Street, Gerringong - 100 bed residential care house facility and associated car parking (10.2016.265.1)

17/116

Committee recommendation that Council approve Development Application number 10.2016.265.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions contained in the report.

(Councillors Westhoff and Brown)

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

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.3 Planning Proposal - rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

17/117

Committee recommendation that Council nominate Councillor Reilly to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.

(Councillors Honey and Rice)

17/118

Committee recommendation that Council nominate Councillor Watson to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.

(Councillors Brown and Steel)

17/119

Committee recommendation that Council nominate Councillor Sloan to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.

(Councillors Way and Rice)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.1 Formation of Kiama Central Precinct

17/120

Committee recommendation that Council endorse the reformation of the Central Precinct and provide:

- \$500 per annum to assist with administration and publicity;
- a second hand notebook computer for minute taking and correspondence; and
- a meeting venue free of charge.

(Councillors Brown and Rice)

10.2 National General Assembly 18-21 June 2017**17/121**

Committee recommendation that Councillors Rice and Westhoff attend the National General Assembly of Local Government.

(Councillors Brown and Watson)

10.3 Acting General Manager**17/122**

Committee recommendation that Council appoint the Director Finance, Corporate & Commercial Services as Acting General Manager from 17 May 2017 to 30 June 2017 with the Director Community Services being appointed the Acting General Manager from 1 July 2017 until 24 July 2017.

(Councillors Brown and Way)

10.4 Circus proposal**17/123**

Committee recommendation that Council advise Webers Circus that it will be prepared to provide owner's consent for the lodgement of a development application to use the reserve at Bombo for a circus from 5 – 18 February 2018.

(Councillors Steel and Westhoff)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES**11.1 Related Party Disclosure Policy****17/124**

Committee recommendation that Council:

1. adopt the Draft Related Party Disclosures Policy,
2. note the Draft Related Policy Party Disclosure Protocol, and
3. arrange for a workshop to be conducted with Councillors.

(Councillors Westhoff and Way)

11.2 Long Term Financial Planning and Revenue Sub-Committee Minutes - Meeting held on 6 March 2017**17/125**

Committee recommendation that the Long Term Financial Planning and Revenue Sub-Committee minutes be received and the recommendations contained therein adopted.

(Councillors Westhoff and Way)

11.3 Adoption of Asset Management Plans**17/126**

Committee recommendation that Council adopt the following Asset Management Plans:

- a) Buildings
- b) Footpaths and Cycleways
- c) Recreation and Open Space
- d) Roads
- e) Stormwater
- f) Other Assets.

(Councillors Westhoff and Way)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**13.1 Ethics Proposal for nursing research at Blue Haven Care Home****17/127**

Committee recommendation that Council approve the research to be undertaken with the nursing staff of Blue Haven Care, pending the approval of the Ethics Proposal being submitted to the University of Wollongong.

(Councillors Westhoff and Way)

13.2 Kiama Council Art Prize**17/128**

Committee recommendation that Council considers including \$2,000 in the 17/18 budget towards the cost of implementing an annual art prize.

(Councillors Sloan and Brown)

13.3 Library Funding**17/129**

Committee recommendation that Council write to the NSW Premier expressing support for the motion that was carried at the Local Government Conference 2016 'That the NSW Government provides increased recurrent funding for public libraries'.

(Councillors Westhoff and Way)

14 REPORTS FOR INFORMATION**17/130**

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

- 14.1 Parking Signage - Terralong Street Kiama
- 14.2 Regional Ports Strategy
- 14.3 Submission to Department of Environment and Planning - Draft Updates Environmental Planning and Assessment Act
- 14.4 Economic Development Committee Meeting Minutes - Meeting held on 28 February 2017
- 14.5 Liquor Accord Minutes - February 2017
- 14.6 Minnamurra Progress Association Minutes
- 14.7 Jamberoo Valley Ratepayers & Residents Association Meeting - Minutes
- 14.8 South Precinct Meeting - Minutes
- 14.9 Councillor Meeting Register as at 4 April 2017
- 14.10 Questions for future meetings register as at 5 April 2017.

(Councillors Westhoff and Way)

15 ADDENDUM TO REPORTS**17/131**

Resolved that at this 5.26pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Brown and Westhoff)

15.1 Security Services Tender**17/132**

Committee recommendation that :

1. Council rejects all tenders
2. delegated Council officer/s enter into direct negotiation with the two preferred service providers as per the RFT ranking, on a revised scope of works for the security requirements
3. the General Manager or his authorised representative is delegated to complete the negotiation
4. a final report is prepared for a future Council meeting.

(Councillors Westhoff and Way)

15.2 Proposed new ambulance facility 206 Terralong Street, Kiama**17/133**

Committee recommendation that Council

1. authorise the General Manager to negotiate the sale of 206 Terralong Street, Kiama and the purchase of 39 Shoalhaven Street, Kiama and 61 Terralong Street, Kiama
2. respond to the letter from NSW Health Infrastructure dated 7 April 2017 advising of Council's intent to proceed with the land acquisition
3. arrange a valuation of both sites which will form the basis of the negotiated purchase price for both properties
4. receive a further report at the conclusion of the negotiation.

(Councillors Sloan and Way)

15.3 Walking Tracks and Cycleways Committee meeting 22 March 2017 - minutes**17/134**

Committee recommendation that Council investigate the feasibility to install a footbridge (or other type crossing) to provide an all-weather connection from the Coastal Walking Track to the north end of Werri Beach.

(Councillors Way and Sloan)

17/135

Committee recommendation that four signs ("You are here" type) be installed in different locations, starting at the bridge at Darien Avenue Bombo to the grassed lookout on the headland, to direct tourists and visitors around the area.

(Councillors Way and Steel)

15.4 Statement of Investments - March 2017**17/136**

Committee recommendation that the information relating to the Statement of Investments for March 2017 be received and adopted.

(Councillors Westhoff and Way)

15.5 Lot 31 DP 1164476, Lot 2 DP 907763 & Lot 1 DP 71530, 31 Bong Bong Street & 49 Manning Street Kiama – Demolition of existing building at 31 Bong Bong Street & additions & refurbishment of the existing Grand Hotel, including construction of a 4 storey building containing guest accommodation & 2 levels of basement parking at 49 Manning Street, Kiama (10.2016.243.1)**17/137**

Committee recommendation that Council refuse Development application 10.2016.243.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. The proposal breaches height limit prescribed by Clause 4.3 of the *Kiama Local Environmental Plan (LEP) 2011*;
2. The proposal breaches floor space ratio prescribed by Clause 4.4 of the LEP 2011;
3. The proposal is not appropriate in the coastal zone as outlined by Clause 8 of *State Environmental Planning Policy No 71 – Coastal Protection* and Clause 5.5 of the LEP 2011;

4. The proposal will negatively affect, and not conserve the heritage significance of the Grand Hotel as outlined by Clause 5.10 of the LEP 2011 and Chapter 30 of the Kiama Development Control Plan (DCP) 2012;
5. The proposal has not provided sufficient car parking spaces as prescribed by Chapter 9 of the DCP 2012;
6. The proposed basement car parking areas do not meet relevant engineering standards as prescribed by Chapter 9 of the DCP 2012;
7. Insufficient information has been submitted to ensure compliance with Council's Food Premises requirements as prescribed by Chapter 16 of the DCP 2012;
8. Insufficient information has been submitted to ensure compliance with Council's Waste Management requirements as prescribed by Chapter 11 of the DCP 2012;
9. Insufficient information has been submitted to ensure compliance with Council's Demolition requirements as prescribed by Chapter 2 of the DCP 2012;
10. Construction over the registered right-of-way will inhibit the free liberty and right to use the burdened land;
11. Lot 1 DP 128011 has not been included in the Development Application form;
12. Approval of the application would not be in the public interest.

(Councillors Sloan and Rice)

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

Against: Nil

15.6 Grant Acceptance Agreement - Jamberoo public pool refurbishment

17/138

Committee recommendation that Council give the General Manager delegated authority to enter into a funding agreement to accept the Commonwealth Department of Infrastructure and Regional Development grant funding offer of \$500,000 towards the upgrade of Jamberoo public pool.

(Councillors Westhoff and Way)

RESUMPTION OF ORDINARY BUSINESS

17/139

Resolved that at this time, 5.49pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Westhoff and Reilly)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**17/140**

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 17/110 to 17/139 above.

(Councillors Westhoff and Way)

16 NOTICE OF MOTION**16.1 Request reimbursement of plebiscite costs from State Government****17/141**

Resolved that Council request the NSW State Government reimburse the Kiama community the cost of the plebiscite (\$150,000) which was essential in maintaining our independence from the NSW Government's proposed amalgamation with the Shoalhaven City Council.

(Councillors Brown and Rice)

17 QUESTIONS FOR FUTURE MEETING**17.1 Office of Environment & Heritage Grants**

Councillor Reilly asked whether his recommendation that Council apply for some of the \$2.6M indirect grants from the Office of Environment & Heritage, has been received and will that recommendation be taken up. The Mayor referred this matter to the General Manager for investigation and report.

17.2 Implementation of Investment Policy

Councillor Sloan requested an update on the implementation of the Council resolution regarding the Investment Policy (February 2015): that where possible we invest in local or regional community enterprises/co-operatives and those without an interest in coal seam gas. The Mayor referred this matter to the Director of Finance, Corporate & Commercial Services for investigation and report.

17.3 Prohibiting the use of helium balloons

Councillor Sloan requested an investigation of the decision by Bega, Eurobadalla, Shoalhaven and Shellharbour Councils to prohibit the release of helium-filled balloons at Council sponsored functions or Council managed reserves with the view of implementing a similar policy at Kiama. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

17.4 Sporting fields - future needs

Councillor Westhoff requested an investigation regarding whether land has been set aside for sporting fields in the Municipality to meet the future needs of our growing population. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

17.5 Kiama Aged Care Centre of Excellence

Councillor Steel requested an update on the proposal raised by Councillor Brown that the clock tower within the subject development be constructed of a basalt like material. The General Manager advised that the plans have been amended such that the tower is to be constructed of basalt like materials.

18 CONFIDENTIAL SUMMARY**19 CONFIDENTIAL REPORTS**

Nil

20 CLOSURE

There being no further business the meeting closed at 5.58pm

These Minutes were confirmed at the Ordinary Meeting of Council held
on 16 May 2017

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Mayor

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General Manager