



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

**commencing at 5pm on**

**TUESDAY 15 AUGUST 2017**

**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 15 AUGUST 2017 AT 5.00PM**

**PRESENT:** Mayor – Councillor M Honey,  
Deputy Mayor – Councillor K Rice,  
Councillors M Brown, N Reilly, W Steel, D Watson, and M Way  
(Councillor A Sloan arrived at 5.15pm)

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

## **1 APOLOGIES**

Councillor M Westhoff

## **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 Youth Engagement Meeting on 3 August 2017**

**OC-17/092**

**Resolved** that the Minutes of the Youth Engagement Meeting held on 3 August 2017 be received and accepted.

(Councillors Reilly and Way)

### **3.2 Ordinary Council Meeting on 18 July 2017**

**OC-17/093**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 18 July 2017 be received and accepted.

(Councillors Way and Watson)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 PUBLIC ACCESS**

<b>For/ Against</b>	<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
For	Kathryn Timbs	9.1	Planning Proposal – Pheasant Point Heritage Conservation Area
Against	Peter O'Neill	9.2	10.2017.116.1 – Lot C DP 380582 44 Manning Street Kiama – demolition of existing building at 44 Manning Street, Kiama – construction of a three storey mixed use development consisting of ground floor commercial/retail space and 15 shop top dwellings and associated parking
Against	Paul Brady Colin Irwin	9.5	DA 10.2017.37.1 – Lot 3 DP 32006 – 3 Gura Street Kiama – Dwelling alterations and additions and carport
Support	Dr Rowan Hollingworth Robyn Hind	9.5	DA 10.2017.37.1 – Lot 3 DP 32006 – 3 Gura Street Kiama – Dwelling alterations and additions and carport

**6 MAYORAL MINUTE****6.1 Successful launch of the SENTRAL renovations and winners of the Kiama Independence Day speech and photographic competitions***OC-17/094***Resolved** that Council:

- congratulate all the winners of the Kiama Independence Day speech and photographic competitions
- congratulate the SENTRAL Youth Services team and all the young people involved in the organising and staging of the launch of the renovations
- formally thank Vietnam Airlines for their sponsorship of the Kiama Independence Day speech competition
- formally thank Michael Dalitz and Councillor Reilly for their work in organising the Kiama Independence Day competitions
- formally thank Mrs Shelley Hancock MP, Speaker of the NSW House of Assembly and the representative of Toastmasters.

(Councillors Way and Brown)

## 7 MINUTES OF COMMITTEES

### 7.1 Kiama Local Traffic Committee - electronic meeting 1 August 2017

*OC-17/095*

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held electronically on 1 August 2017 be received and accepted.

(Councillors Steel and Way)

### 7.2 Kiama Tourism Advisory Committee - Draft Minutes of the meeting held on 24 July 2017

*OC-17/096*

**Resolved** that Council receive and accept the draft Minutes of the Kiama Tourism Advisory Committee meeting held on 24 July 2017 and endorse the recommendations contained therein.

(Councillors Watson and Steel)

### 7.3 Economic Development Committee Meeting Minutes- 25 July 2017

*OC-17/097*

**Resolved** that Council endorse the recommendations contained in the minutes of the Economic Development Committee Meeting of 25 July 2017

(Councillors Steel and Brown)

## COMMITTEE OF THE WHOLE

*OC-17/098*

**Resolved** that at this time, 5.07pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the Acting 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 Rice and Way)

## 8 PUBLIC ACCESS REPORTS

### OC-17/099

**Committee recommendation** that at this time, 5.07pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Rice and Reilly)

### 9.1 Planning Proposal - Pheasant Point Heritage Conservation Area

#### OC-17/100

**Committee recommendation** that Council exercise its delegation in relation to the amendment of Schedule 5 of the Kiama LEP 2011 to establish a Heritage Conservation Area over the subject 17 lots and amend map sheet HER\_012 to cover the affected properties.

(Councillors Brown and Reilly)

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

Against: Nil

### 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Manning Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking

#### OC-17/101

**Committee recommendation** that Council refuse Development Application number 10.2017.116.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

1. The proposal is not consistent with the objectives of the B2 Local Centre Zone;
2. The proposal is not consistent with the relevant objectives and design criteria of the Apartment Design Guide, specifically:
  - a. Visual Privacy;
  - b. Bicycle and Car Parking;
  - c. Solar & Daylight Access;
  - d. Heights;
  - e. Private open space;
  - f. Acoustic Privacy;
  - g. Apartment Mix;
  - h. Landscape Design;

- i. Planting on Structures;
  - j. Energy Efficiency; and
  - k. Building Maintenance.
- 3 The proposal does not comply with the requirements of Chapter 5 – Medium Density Development of the Kiama Development Control Plan 2012, specifically:
- a) Lot Width;
  - b) Adaptable Housing;
  - c) Setbacks;
  - d) Sound Transmission Class rating;
  - e) Deep Soil Zone Landscaping; and
  - f) Drying Facilities;
- 4 The proposal has not provided sufficient car parking spaces;
- 5 The proposed car parking areas do not meet relevant engineering standards; and
- 6 Upgrading of the right-of-way is required as part of proposal and consent of owner of LOT: C DP: 380582 has not been received.
7. The proposal will negatively affect the heritage significance of the adjoining Kiama Uniting Church.

(Councillors Brown and Reilly)

Councillor A Sloan arrived at the meeting at 5.15pm

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

Against: Nil

**9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport**

**OC-17/102**

**Committee recommendation that**

1. Council defer determination of DA 10.2017.37.1 for one month only to allow the applicant to submit amended plans which indicate the upper floor level being recessed by a minimum of 4.0 metres to the west of the front façade of the building with a further report being presented to Council following consideration of those amendments by staff.
2. If the amendments are not received within one month then the application be refused in accordance with the recommendation

(Councillors Brown and Reilly)

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

## 9 REPORT OF THE ACTING DIRECTOR ENVIRONMENTAL SERVICES

### 9.3 Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama

*OC-17/103*

**Committee recommendation** that Council requests that the Department of Planning & Environment make the amendment to the Kiama LEP 2011 to rezone part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street Kiama from RE1 Public Recreation to R2 Low Density Residential and from Community to Operational Land. This will include introducing a minimum lot size of 450m<sup>2</sup>, and apply a maximum building height of 8.5m and maximum floor space ratio of 0.45:1.

(Councillors Brown and Sloan)

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

### 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011

**Moved** by Councillor Rice and seconded by Councillor Sloan that Council:

1. Endorse this Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to have the capacity to limit dual occupancy as described in the report by introducing a minimum lot size for dual occupancies in newly zoned R2 Low Density Residential land.
2. Apply the new minimum lot sizes for dual occupancies on all future greenfield subdivisions.
3. Request plan making delegations for this proposal as a part of the Gateway determination.
4. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

The Motion was Put and Lost.

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

**OC-17/104**

**Moved** by Councillor Brown and seconded by Councillor Watson that the report be noted.

The Motion was Put and Carried.

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

Against: Councillor Sloan

**10 REPORT OF THE GENERAL MANAGER****10.1 Australian Coastal Councils Association - Research Project****OC-17/105**

**Committee recommendation** that Council endorse the expression of interest to participate in the research project.

(Councillors Sloan and Rice)

**10.2 Gerringong Men's Shed - Lot 7010, DP1026773 Blackwood Street, Gerringong****OC-17/106**

**Committee recommendation** that Council provide owner's consent for the lodgement of the development application for Lot 7010, DP1026773 Blackwood Street, Gerringong.

(Councillors Brown and Way)

**10.3 21st Annual Johnny Warren Memorial Cup - request for sponsorship****OC-17/107**

**Committee recommendation** that Council supports the event by making a donation equivalent to the cost of providing waste and recycling services at the event.

(Councillors Steel and Way)



**10.4 FootGolf Australia - request for sponsorship***OC-17/108*

**Committee recommendation** that Council sponsor the FootGolf Australia for \$3,000 on the contingent that the event happens.

(Councillors Brown and Reilly)

**11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES****11.1 Statement of Investments - July 2017***OC-17/109*

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

(Councillors Sloan and Reilly)

**11.2 Economic Development Australia Conference - Ballarat***OC-17/110*

**Committee recommendation** that council endorse the Economic Development Manager's attendance at the Economic Development Australia Conference in Ballarat on the 9-12 October 2017.

(Councillors Brown and Watson)

**11.3 17th International Cities, Town Centres and Communities Conference - Melbourne***OC-17/111*

**Committee recommendation** that Council endorse the attendance of three staff to attend the 2017 International Cities, Town Centres and Communities National Mainstreet Conference to be held in Melbourne from 25-27 October 2017.

(Councillors Brown and Watson)

#### 11.4 Iluka Reserve Tennis Courts

*OC-17/112*

**Committee recommendation** that Council approves the issuing of a permit, for a term of 12 months, to One Stop Tennis Coaching to allow it to conduct regular tennis coaching lessons at the Iluka Reserve Tennis Courts.

(Councillors Sloan and Way)

#### 11.5 Revotes of Expenditure 2016/17

*OC-17/113*

**Committee recommendation** that Council revote the expenditure items as listed to the 2017/2018 budget year.

(Councillors Brown and Steel)

### 12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

#### 12.1 Purchase of plant equipment

*OC-17/114*

**Committee recommendation** that Council purchase one (1) JCB 3CX T4i Backhoe Loader from JCB Construction Equipment Australia with a capital value of \$188,814 + GST.

(Councillors Watson and Way)

### 13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

#### 13.1 Support for the Top End Slam Down Under Masters

*OC-17/115*

**Committee recommendation** that Council:

1. endorse the donation of the court hire fees at the Kiama Leisure Centre for the Wheelchair Sports NSW 2017 Top End Slam Down Under Masters
2. assist in promoting the event.

(Councillors Steel and Way)

**13.2 Gerringong Museum relocation****OC-17/116**

**Committee recommendation** that Council endorse the provision of financial and practical support to the value of \$50,000 for the project, including laying the concrete slab and hiring specialist equipment, subject to an agreed masterplan of the reserve being submitted to the September Council meeting.

(Councillors Way and Rice)

**13.3 Kiama Harbour CCTV state funding application****OC-17/117**

**Committee recommendation** that Council defer stage two of the project until savings from other works become available, and the \$10,000 required to complete the CCTV project at Kiama Harbour be allocated.

(Councillors Way and Brown)

**13.4 Request for donation - Kiama Library Auditorium****OC-17/118**

**Committee recommendation** that Council approve a donation for the use of the Library Auditorium at no charge by Mental Health Carers ARAFMI to run one 12 week program for carers, beginning in September.

(Councillors Watson and Steel)

**13.5 2017 NSW Local Government Awards****OC-17/119**

**Committee recommendation** that Council congratulate Andrew Chatfield, Dylan Powell and Nick Guggisberg on the success of securing the Heart Foundation Local Government Award 2017 for Council.

(Councillors Brown and Steel)

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## 14 REPORTS FOR INFORMATION

### OC-17/120

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

- 14.1 Thank you letter from The Tourist Attraction Signposting Assessment Committee (TASAC)
- 14.2 Kitchen Caddy Paper Bags
- 14.3 Question for future meeting: Commercial/Personal Fitness Reserves
- 14.4 Regional Illegal Dumping - Quarterly Report - 1 April – 30 June 2017
- 14.5 Minnamurra Progress Association - Minutes
- 14.6 Question for Future Meeting - Town and Village Boundaries
- 14.7 Incorporation of additional Lot and DP for adopted Optus Lease at Kiama Sports Complex
- 14.8 Liveable Cities Conference
- 14.9 SENTRAL Youth Services receive \$3,000 donation from The Rotary Club of Minnamurra
- 14.10 Question for Future Meeting - helium balloon usage regulation
- 14.11 Emailing of Rates Notices
- 14.12 Local Government Regional NAIDOC Awards
- 14.13 Leisure Centre - proposed additional car parking spaces
- 14.16 Register of amenities in the Local Government Area
- 14.17 South Precinct Meeting - Minutes
- 14.18 ICAC - Lobbying Local Government Councillors - A guide for Councillors, constituents and other interested parties
- 14.20 ALGA Conference Report - Councillor Rice
- 14.21 Making Cities Liveable Conference Report - Councillor Rice
- 14.22 Questions for future meetings register.

(Councillors Brown and Way)

### **14.14 Cost of installing guarding and a platform at the lookout point along the Bombo walking track**

#### OC-17/121

**Moved** by Councillor Brown and seconded by Councillor Sloan that Council seek funding under the Regional Tourism Product Development Program, with any shortfall to be paid by the funds available from the Boanyo Avenue footpath project.

The Motion was Put and Carried.

**14.15 Minnamurra Progress Association Minutes – Minnamurra Boardwalk****OC-17/122**

**Moved** by Councillor Reilly and seconded by Councillor Sloan that Council request a comprehensive report be provided for Council's consideration on the proposed Minnamurra Boardwalk covering (but not limited to): economic, social, technological, legal and environmental impacts.

The Motion was Put and Carried.

**14.19 Potential use of former Fulton Hogan Princes Highway Gerringong site****OC-17/123**

**Moved** by Councillor Way and seconded by Councillor Brown that Council investigate potential sites in the Gerringong area for use as sporting fields (how many, what types; suitability for particular sports?) and provide a report listing all these sites to the October Council meeting.

The Motion was Put and Carried.

**15 ADDENDUM TO REPORTS****OC-17/124**

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

(Councillors Reilly and Brown)

**15.1 NSW Coastal Conference 2017****OC-17/125**

**Moved** by Councillor Reilly and seconded by Councillor Brown that Councillors Reilly and Sloan be approved to attend the NSW Coastal Conference 2017.

The Motion was Put and Carried.

## RESUMPTION OF ORDINARY BUSINESS

### *OC-17/126*

**Resolved** that at this time, 7.05pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Way)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

### *OC-17/127*

**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 **OC-17/092** to **OC-17/126** above.

(Councillors Brown and Sloan)

## 16 NOTICE OF MOTION

### 16.1 Deputy General Manager

#### *MOTION*

That Council appoint a suitably qualified Deputy General Manager from our Directors who has the full delegated authority of the role of General Manager in appropriate circumstances, as determined by the General Manager.

Councillor Reilly advised that he wishes to withdraw this motion.

### 16.2 Council owned land

#### *MOTION*

That the Council owned land opposite Iluka Reserve, on the Western Side of Riverside Drive, be investigated for development as a matter of urgency.

The Motion was Put and Lapsed.

## **17 QUESTIONS FOR FUTURE MEETINGS**

### **17.1 September Budgetary Review**

Councillor Reilly requested that at the September Budgetary Review, can Council consider both shade and an upgrade to the playground between Tombonda Drive and Whitton Place. The Mayor referred this matter to the Director Engineering and Works for investigation and report.

### **17.2 Long Term Revenue Committee**

Councillor Reilly requested that Council convene a meeting of the Long Term Revenue Committee. The Mayor referred this matter to the Director Finance, Corporate and Commercial Services for investigation and report.

### **17.3 Conference reporting template**

Councillor Reilly requested that a template be developed for the purposes of Councillors attending conferences to provide consistent reports. The Mayor referred this matter to the General Manager for investigation and report.

### **17.4 Community noticeboard**

Councillor Rice advised that despite Council's best intentions, it still struggles to reach many in our community with valuable community information. Councillor Rice requested a report that outlines the history of interest in a central Kiama noticeboard and provide an overview of the advantages and disadvantages of providing a strategically located touch screen for Council purposes. The Mayor referred this matter to the General Manager for investigation and report.

### **17.5 Wood fire heaters**

Councillor Rice requested, following concerns expressed by several local residents, that a report be provided that details the number of wood fired heaters that have been approved in Kiama's urban areas through the past twelve months and the reasoning behind their approval. Could the report also include a discussion of how and whether the chimney maintenance requirements of all of Kiama's urban wood fired heaters and fireplaces is monitored. Finally, can Council's position on other popular types of outdoor fire places also be outlined. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.

### **17.6 Heritage building protection**

Councillor Rice requested a report that discusses mechanisms that Kiama Council could implement to strengthen heritage protection and appropriate infill development throughout central Kiama and its villages, particularly those areas nearby other properties that are already recognised as heritage items in the Kiama LEP. The

Mayor referred this matter to the Acting Director Environmental Services for investigation and report.

#### **14.7 Helium balloons**

Councillor Brown requested a report on the range of fines and penalties imposed by other Local Government Areas that have supported the banning of helium balloons. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.

## **18 CONFIDENTIAL SUMMARY**

### **OC-17/128**

**Resolved** that at this time, 7.14pm, 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 Way)

#### **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:**

### **OC-17/129**

**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.

#### **19.1 CONSTRUCTION OF NEW BRIDGE APPROACH ROADS AND DEMOLITION OF EXISTING CARRINGTON FALLS BRIDGE**

**Reason for Confidentiality:** This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act.

#### **19.2 NETWORK REFRESH WIDE AREA NETWORK TENDER**

**Reason for Confidentiality:** This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act.



### 19.3 ILLAWARRA PILOT JOINT ORGANISATION - PANEL FOR CODE OF CONDUCT REVIEWERS

**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.

### 19.4 ORGANISATION STRUCTURE

**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.

(Councillors Steel and Watson)

## 19 CONFIDENTIAL REPORTS

### 19.1 Construction of new bridge approach roads and demolition of existing Carrington Falls bridge

*OC-17/130*

**Resolved** that Council accept the tender from Affective Services Australia in the amount of \$213,518.00 including GST (\$193,780.00 excluding GST) to complete the works.

(Councillors Brown and Sloan)

### 19.2 Network Refresh Wide Area Network tender

*OC-17/131*

**Resolved** that:

1. Council accept the tender from Computer Systems Australia in the amount of \$553,369 (GST inclusive) for the Network Refresh Wide Area Network (WAN), and
2. the Mayor and General Manager be authorised to sign and seal documentation relating to the tender.

(Councillors Brown and Watson)

### 19.3 Illawarra Pilot Joint Organisation - Panel for Code of Conduct Reviewers

*OC-17/132*

**Resolved** that Council approves the following firms as recommended in the Illawarra Pilot Joint Organisation Code of Conduct Reviewers Panel Final Evaluation Report:

- Wise Workplace Services T/A Wise Workplace
- TressCox Lawyers
- The Centium Group
- SINC Solutions Pty Ltd
- O'Connor Marsden & Associates
- O'Connell Workplace Relations Pty Ltd
- Bradley Allen Love

(Councillors Brown and Steel)

Directors and staff left the Chamber at 7.15pm.

#### **19.4 Organisation Structure**

##### ***OC-17/133***

**Resolved** that Council:

1. Adopt the organisation structure outlined in the report.
2. Advertise the Director of Environment Services position as a Senior Officer position under the Local Government Act.
3. That Council hold a meeting of the Performance Review Committee.

(Councillors Brown and Reilly)

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

##### ***OC-17/134***

**Resolved** that at this time, 7.45pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Rice)

#### **Adoption of Report**

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

##### ***OC-17/135***

**Resolved** that that the Confidential Committee of the Whole recommendations numbered ***OC-17/130*** to ***OC-17/133*** be confirmed and adopted.

(Councillors Brown and Rice)

**20 CLOSURE**

There being no further business the meeting closed at 7.45pm

These Minutes were confirmed at the Ordinary Meeting of Council  
held on 19 September 2017

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Mayor

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General Manager