



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 20 DECEMBER 2016

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 20 DECEMBER 2016 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 Extraordinary Meeting on 21 November 2016

16/443

Resolved that the Minutes of the Extraordinary Meeting held on 21 November 2016 be received and accepted.

(Councillors Way and Reilly)

3.2 Ordinary Meeting on 15 November 2016

16/444

Resolved that the Minutes of the Ordinary Meeting held on 15 November 2016 be received and accepted.

(Councillors Way and Reilly)

4 BUSINESS ARISING FROM THE MINUTES

4.1 Change of meeting date -

16/445

Resolved that the February 2017 meeting be held on 14 February 2017.

(Councillors Rice and Steel)

5 PUBLIC ACCESS

Mr Jason Harb – Item 9.1 - Lot 1 DP 216613, 132 Manning Street, Kiama – Demolition of existing structures and construction of 4 dwellings with Strata Title Subdivision (Amended) (DA 10.2016.154.1)

Mr Garry Cochrane – Item 9.2 - Planning Proposal – Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

Mr Geoff Boxsell – Item 9.2 - Planning Proposal – Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

Mr Tony Moody – Item 9.3 - Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

Mr Gerhard & Mrs Maria Baden – Item 9.3 - Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

Mrs Alma Macpherson – Item 12.2 – Policy Review – Commercial Fitness Trainers on public reserves

Mrs Sandra McCarthy – Item 14.7 – Development on North Werri Headland – South Precinct Minutes (Item 3 General Business)

Mr David Connolly – Item 14.37 – Questions for Future Meetings Register – Akuna Street carpark

6 MAYORAL MINUTE

6.1 Saddleback Mountain Lookout

16/446

Resolved that Council thank the Rotary Club of Kiama for their dedication and excellent work on the viewing platform at Saddleback Mountain Southern Lookout.

(Councillors Honey and Brown)

6.2 NSW Representative on Australian Coastal Councils Association**16/447**

Resolved that Council congratulate Councillor Neil Reilly on his recent election as a NSW representative on the Australian Coastal Councils Association.

6.3 Seasons Greetings**16/448**

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

7 MINUTES OF COMMITTEES**7.1 Kiama Local Traffic Committee meeting held on 6 December 2016****16/449**

Resolved that the minutes of the Kiama Local Traffic Committee meeting held on 6 December 2016 be received and accepted.

(Councillors Sloan and Westhoff)

COMMITTEE OF THE WHOLE**16/450**

Resolved that at this time, 5.08pm, 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 Rice and Steel)

8 PUBLIC ACCESS REPORTS

16/451

Committee recommendation that at this time, 5.08pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Sloan)

9.1 Lot 1 DP 216613, 132 Manning Street, Kiama - Demolition of Existing Structures and Construction of 4 Dwellings with Strata Title Subdivision (Amended) (10.2016.154.1)

16/452

Committee recommendation that Council approve development application 10.2016.154.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Councillors Honey, Rice, Sloan and Westhoff

9.2 Planning Proposal - Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

16/453

Committee recommendation that Council reject the subject Planning Proposal having regard to the commentary above.

(Councillors Way and Sloan)

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

Against: Councillor Steel

16/454

Committee recommendation That Council engages with the community in order to locate areas suitable for future development in Jamberoo and to assist development of a Jamberoo specific development control plan.

(Councillors Rice and Steel)

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

Against: Nil

9.3 Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

16/455

Committee recommendation that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan and mapping amendment, associated with additional permitted uses at 96 Rose Valley Road, Rose Valley, and the inclusion of sections of Schedule 1 into Clause 4.6(8) of the draft Kiama Local Environmental Plan in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

(Councillors Way and Steel)

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

Against: Councillors Rice and Sloan

12.2 Policy review - Commercial fitness trainers on public reserves

16/456

Committee recommendation that Council:

1. adopt the revised policy – Use of Public Reserves for Commercial Fitness Activities and Personal Training as attached to this report
2. work with current providers to investigate the feasibility of using the Gerringong Headland as a potential alternative to Cooke Park and add Gerringong Headland to Schedule 1 of the Policy if appropriate.

(Councillors Sloan and Reilly)

5.54pm Councillor Watson here left the Chamber

14.7 Development of North Werri Headland - South Precinct Minutes (Item 3 General Business) -

16/457

Committee recommendation

That .

1. Council employ an environmental solicitor to conduct a forensic review of the process and legal compliance involving all the DA's from 2010 to 2016 for 27 Princes Hwy Gerringong and then make a recommendation.
2. The report be presented to Council firstly for comment, then to be provided to Councillors for consideration and appropriate action. The reports to be completed for the business papers at the March Council meeting

5.59pm Councillor Watson here returned to the Chamber

(Councillors Way and Reilly)

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

Against: Councillors Brown, Steel and Watson

16/458

It was **moved** by Councillor Sloan and **seconded** by Councillor Steel that the Mayor and the General Manager be authorised to speak to the proponent regarding moving the development.

(Councillors Sloan and Steel)

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

Against: Councillors Honey and Reilly

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

16/459

It was further moved by Councillor Reilly and seconded by Councillor Brown that Council limit the delegated authority of Council officers and that any development more than \$2M or with more than three submissions come before Council.

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

Against: Nil

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

14.37 Questions for Future Meetings Register - Akuna Street carpark -

16/460

Committee recommendation that the item be received and noted.

(Councillors Steel and Way)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Items 9.1, 9.2 and 9.3 were dealt with at 8. Public Access Reports

10 REPORT OF THE GENERAL MANAGER

10.1 NSW Police Country Rugby League Carnival Request for Support

16/461

Committee recommendation that Council provide in-kind support through the donation of grounds hire fee and to host a one hour mayoral reception on the first night of the carnival.

(Councillors Brown and Westhoff)

10.2 2017 Annual Johnny Warren Memorial Cup

16/462

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 Way and Brown)

10.3 Tourism

16/463

Committee recommendation that Council:

1. note the forthcoming introduction of the new regional Destination Networks;
2. carry out a further review of the structure and funding of tourism and determine the preferred option going forward having regard to the new regional Destination Networks.
3. Council seek comment from tourism operators on the options to structure and fund tourism.
4. Make a decision on the preferred option at the March meeting.

(Councillors Reilly and Brown)

10.4 Recognition of Orry Kelly

16/464

Committee recommendation that Council dedicates the stage in Hindmarsh Park,

as the “Orry-Kelly Stage” in recognition of the former Kiama resident.

(Councillors Steel and Watson)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - November 2016

16/465

Committee recommendation that the information relating to the Statement of Investments for November 2016 be received and adopted.

(Councillors Brown and Way)

11.2 Werri Beach and Seven Mile Beach Holiday Parks - Provision of Sullage and Sewer Services

16/466

Committee recommendation that Council:

1. Lifts the ban on connecting to the existing sewer at Werri Beach Holiday Park
2. Removes the condition placed on Mrs Gwen Ryan to disconnect the sewer from her van prior to it being sold.

(Councillors Sloan and Westhoff)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Revised Plan of Management - Parks

16/467

Committee recommendation that Council adopt the revised Plan of Management – Parks by adding the public reserves described as:

1. Lots 6 & 9 DP871423 (Old School Park Gerringong), and
2. Lot 702 DP1148475, Lot 747 DP1171578, Lot 535 DP1111492, Lot 206 DP1180016 and Lot 206 DP1156196 (public reserves in the Elambra Estate, Gerringong).
3. Iluka Reserve

(Councillors Reilly and Watson)

12.3 Container Deposit Scheme - collection depot operator**16/468****Committee recommendation** that Council:

1. register the Minnamurra Waste Disposal & Recycling Facility with the NSW Environment Protection Authority (EPA) as a potential collection point.
2. approve the preparation and lodgement of a development application for the construction of a shed at the Minnamurra Waste Disposal & Recycling Facility to be used if required, for the processing of containers associated with the NSW CDS when implemented.

(Councillors Rice and Way)

12.4 Public exhibition of the Draft Surf Beach Catchment Flood Risk Management Study & Plan**16/469****Committee recommendation** that Council defer the matter until members of the former Floodplain Management Committee have the opportunity to review the draft plan.

(Councillors Sloan and Brown)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**13.1 Cultural Board Minutes and Membership****16/470****Committee recommendation** that Council endorse the November minutes of the Cultural Board with the exception of the motion recommending the appointment of members to the new Board.

(Councillors Rice and Sloan)

13.2 Kiama Council Disability Inclusion Action Plan**16/471****Committee recommendation** that Council endorses the draft DIAP strategies for public exhibition.

(Councillors Westhoff and Rice)

13.3 Revised Community Gardens Policy

Committee recommendation that Council endorse the revised Community Gardens Policy for public exhibition.

(Councillors Steel and Westhoff)

14 REPORTS FOR INFORMATION

RECOMMENDATION

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

- 14.1 The 2015/16 Annual Report
- 14.2 Parking Statistics - October 2016
- 14.3 Letter of Appreciation - Jamberoo Red Cross
- 14.4 Minnamurra Progress Association - Minutes
- 14.5 Inaugural 'picipup' Clean Up Event – 13 November, 2016
- 14.6 Illawarra Regional Infrastructure and Growth Plan
- 14.8 Question for future meeting: Healthy Urban Development Checklist
- 14.9 Parking Statistics - November 2016
- 14.10 Emergency Services Property Levy (ESPL)
- 14.11 SENTRAL Youth Services Event Management Program 2016
- 14.12 NSW Audit Office information session
- 14.13 South Precinct Meeting Minutes
- 14.14 IPART - 2017/2018 Rate Pegging Limit - 1.5%
- 14.15 From Farm to Tourism Workshop
- 14.16 Kiama Community Gardens - donation appreciation
- 14.17 Kiama Liquor Accord - minutes of meeting - 23 November 2016
- 14.18 Question for future meeting: purchase of rubber tyre train
- 14.19 Question for future meeting: The Boneyard walkway update
- 14.20 Question for future meeting: Minnamurra Bends - Cycleway and walkway - update
- 14.21 Question for future meeting: Coronation Park power for market stalls
- 14.22 Question for future meeting: South Jones Beach stairway
- 14.23 Youth Advisory Committee minutes for meeting held 1 December 2016
- 14.24 Question for future meeting: removal of dune vegetation at Werri Beach
- 14.25 National Disability Services CEO Conference 2016
- 14.26 Access Committee Minutes from meeting held 4 November 2016
- 14.28 SWITCH Library Conference 2016
- 14.29 Kiama Tourism Monitor Research Results for Year Ending June 2016
- 14.30 NSW Tourism Awards 2016
- 14.31 Jamberoo Valley Ratepayers & Residents Association Inc - Minutes
- 14.32 Minnamurra Progress Association Meeting - Minutes
- 14.33 Outdoor Markets Policy Trial
- 14.34 Sports Honour Roll 2017
- 14.35 Arts Honour Roll 2017
- 14.36 Council meetings

14.38 Australian Coastal Councils Association Annual General Meeting Minutes

14.40 Christmas Wishes

14.41 Question for future meeting: Rezoning of properties in Cuba Street.

With regard to item 14.2, Councillor Steel requested investigation into several cars displaying disabled stickers being parked all day in disabled zones in Terralong Street.

The Director Environmental Services advised that timed zone rules still apply and that he will have the matter investigated.

With regard to Item 14.22, Councillor Way requested advice regarding the removal of the steps at Jones' Beach.

The Director Engineering & Works advised that it is intended to commence works early in the new year.

14.27 Question for future meeting: Brown Street Cutting -

16/472

Committee recommendation

That Council:

1. purchase and modify shipping containers to install along the Brown Street cutting, as per the Director of Works report, to provide safe two way traffic and pedestrian access along cliff lined portion of Brown Street Kiama.
2. allocate \$70,000 from general revenue to complete the work when the budget allows.

(Councillors Way and Brown)

14.39 Iluka Reserve - Siteplus community consultation

It was **moved** by Councillor Reilly and **seconded** by Councillor Brown that Council withdraw the planning proposal for Iluka Reserve.

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

For: Councillors Brown, Reilly, Rice and Watson

Against: Councillors Honey, Sloan, Steel, Way and Westhoff

It was further **moved** by Councillor Steel and **seconded** by Councillor Sloan that Council defer the decision regarding the planning proposal for Iluka Reserve to allow the requested information to be provided.

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

For: Councillors Sloan, Steel, Way and Westhoff

Against: Councillors Brown, Honey, Reilly, Rice and Watson

15 ADDENDUM TO REPORTS

Nil

RESUMPTION OF ORDINARY BUSINESS

16/473

Committee recommendation that at this time, 6.55pm, 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

16/474

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 16/451 to 16/473 above.

(Councillors Brown and Way)

16 NOTICE OF MOTION

16.1 Bombo Quarry

16/475

Resolved that Council form a task force to investigate the potential benefit in terms of residential and commercial revenue to Council of Bombo Quarry.

The task force should comprise of the Mayor and two councillors, two staff and up to two independent volunteer experts.

Further the task force should develop terms of reference and questions it wishes to have answered (including a property ownership and interest register) and submit this information to Council for approval by no later than the March 2017 meeting.

Further that this group bring back a report to council no later than September 2017, at which time the task force dissolves.

(Councillors Reilly and Westhoff)

16.2 Public Outdoor Ping Pong

16/476

Resolved that Council endorse the purchase and installation of an outdoor table tennis table being included for consideration in the 2017/2018 budget and that further investigation of the concept by Community Services and other staff occurs and is reported on prior to that time.

(Councillors Rice and Sloan)

17 QUESTIONS FOR FUTURE MEETINGS

7.05pm Councillor Westhoff here left the Chamber.

17.1 Akuna Street development

Councillor Reilly requested that the advising architect's report for the Akuna Street development be distributed to Councillors.

The Mayor referred to matter to the Director Environmental Services for action.

7.06pm Councillor Westhoff here returned to the Chamber

17.2 Tree preservation policy

Councillor Steel requested a report from the Director Environmental Services and Director Engineering & Works to revamp our tree removal policy which is antiquated and certainly not in the best interests of the local ratepayers.

The Mayor referred the matter to the Director of Environment Services for investigation and report.

17.3 Draft SEPP (Coastal Management 2016)

Councillor Sloan requested that a submission on the Draft SEPP (Coastal Management) 2016 be made by the closing date of 20 January 2017. In that submission could council (if appropriate):

- a) discuss the areas to be protected (including maps) and the implication for development assessment within the Kiama LGA.
- b) request that all three coastal lagoon and wetland systems in the LGA (Minnamurra River, Werri Lagoon and Crooked River) be afforded equal or greater protection than at present

- c) request that coastal lagoons in the Kiama LGA currently listed in Schedule 1 of the outgoing SEPP 71 be listed in Schedule 1 the new SEPP (Sensitive Coastal Lakes).

The Director Environmental Services advised that a submission would be undertaken.

17.4 Shark watch blimp

Councillor Rice requested investigation into the possibility of changing the colour of the shark watch blimp's tether to make it visible to birds.

The Mayor referred the matter to the Director Financial, Corporate & Commercial Services for investigation and report.

17.5 Black Beach rock pool

Councillor Way requested investigation into the potential to pump sea water into and out of the rock pool at Black Beach. It was further requested that a cost estimate to provide and install a pump at this location be included in the report.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

17.6 Black Beach grassed area

Councillor Way requested a report on the effects that market stalls have on the grassed area at Black Beach as well as the restriction of access along the path for pedestrians and cyclists when the markets are on. He further requested investigation into restricting the markets to the Black Beach oval area only or relocating them to another site such as Surf Beach.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

17.7 Jones Beach and Werri Beach issues

Councillor Way requested a report on the best way to address the issues facing both Jones and Werri beaches with the loss of sand, narrowing/scarping, inappropriate vegetation, vermin control, safety for beach users, surf club access and views.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

17.8 Tree Preservation Policy

Councillor Brown requested a report on the number of applications received and rejected by Council's Tree Preservation Policy in the last reporting year. He further requested that the total cost of that section and its staffing be included in the report.

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

17.9 Cooke Park

Councillor Westhoff requested a report on the feasibility of permanently deleting Cooke Park Gerringong from the list of public reserves allowed for commercial fitness training activities.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

18 CONFIDENTIAL SUMMARY

16/477

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 Brown and Reilly)

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:

16/478

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 BLUE HAVEN REDEVELOPMENT - CHANGE OF SCOPE

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 and 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 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENT - REVIEW FOR THE PERIOD FROM 1 JULY 2015 TO 30 JUNE 2016

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 and details of systems and/or arrangements that have been

implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act. .

(Councillors Brown and Reilly)

19 CONFIDENTIAL REPORTS

19.1 Blue Haven Redevelopment - Change of Scope

16/479

Committee recommendation that Council note the information contained in this report and endorse the change of scope for the project, specifically:

- 1) The reduction in size of the community hall
- 2) The conversion of the planned 16 Assisted Living Units to 8 Independent Living Units
- 3) The enlargement of several bedrooms in the aged care facility that can be utilised as either premium large single rooms or shared double rooms.

(Councillors Brown and Sloan)

19.2 Executive Officers' Performance Agreement - Review for the period from 1 July 2015 to 30 June 2016

16/480

Committee recommendation that Council adopts the report of the Performance Review Committee following the meeting of the Committee held on 16 December 2016.

(Councillors Sloan and Steel)

Close of Confidential Committee of the Whole:

16/481

Committee recommendation that at this time, 7.34pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Sloan and Steel)

Adoption of Report

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

16/482

Resolved that that the Confidential Committee of the Whole recommendations

numbered 16/479 to 16/480 be confirmed and adopted.

(Councillors Sloan and Steel)

20 CLOSURE

There being no further business the meeting closed at 7.34pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 14
February 2017

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Mayor

.....
General Manager