



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

**commencing at 5pm on**

**TUESDAY 21 NOVEMBER 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 21 NOVEMBER 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, Acting Director Environmental Services,  
Director Corporate, Commercial and Community Services,  
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:

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

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

### **3.1 Ordinary Council Meeting on 17 October 2017**

**OC-17/145**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 17 October 2017 be received and accepted.

(Councillors Way and Brown)

## **4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 PUBLIC ACCESS**

<b>For/ Against</b>	<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
Against	Peter Jeffries	10.4	10.2016.103.2 - Lot 3 DP 1123051, 1 Tasman Drive Gerringong – proposed modified dwelling
For	Margaret Pottie	10.5	10.2017.81.1 – Lot 2 DP 1190416 - 18 Wells Street, Gerringong – attached dual occupancy and 2 lot Torrens title subdivision
Against	Roger Collins	10.9	10.2017.115.1 - Proposed tennis court and pavilion - 40 Crooked River Road Gerroa
For	Ben Richardson Dr Philip Pollard	10.9	10.2017.115.1 - Proposed tennis court and pavilion - 40 Crooked River Road Gerroa
Against	Liat Drakos Jude Downie	10.10	10.2017.264.1 - 5 Lot Torrens title subdivision - Glenbrook Drive Kiama
Against	Howard H Jones	10.11	Planning Proposal - Rezoning or a portion of land from E2 to E3 - Part of Lot 1 DP 129766 and Part of Lot 144 DP 751279 - 144 Jamberoo Mountain Road, Jamberoo
For	Anita Dalkeith	10.11	Planning Proposal - Rezoning or a portion of land from E2 to E3 - Part of Lot 1 DP 129766 and Part of Lot 144 DP 751279 - 144 Jamberoo Mountain Road, Jamberoo
For	Michael Thompson	14.22	Question for future meeting: Potential use of Minnamurra Quarry site for a BMX track for local youth

**6 MAYORAL MINUTE*****OC-17/146***

**Resolved** that at this time, 5.04pm, Council bring forward and deal with Mayoral Minutes 6.6 and 6.7.

(Councillors Steel and Rice)

**6.6 Robert East Community Service Award - 2017*****OC-17/147***

**Resolved** that Council congratulates Carole Johnston on receiving the 'Robert East Community Service Award' for 2017.

(Councillors Honey and Steel)

**6.7 Megan Dalley Memorial, Trainee of the Year Award - 2017*****OC-17/148***

**Resolved** that Council congratulates Bailey Boniface and Paidin Sinclair on the receipt of the 'Megan Dalley Trainee of the Year Award' for 2017.

(Councillors Honey and Steel)

**6.1 Mayor's Giving Tree*****OC-17/149***

**Resolved** that Council endorses the Mayor's Giving Tree appeal.

(Councillors Brown and Westhoff)

**6.2 Resident Darrell Clingan receives Premier's Community Service*****OC-17/150***

**Resolved** that Council formally congratulate Darrell Clingan on being awarded the Premier's Community Service Award.

(Councillors Watson and Sloan)

**6.3 Kiama and District Business Chamber awarded 2017 Local Chamber Commerce Award****OC-17/151**

**Resolved** that Council formally congratulate the Kiama and District Business Chamber on being awarded the IMB Bank Illawarra Business Local Chamber of Commerce award for 2017.

(Councillors Reilly and Steel)

**6.4 ANZ Gerringong branch closure****OC-17/152**

**Resolved** that Council write to the ANZ Bank requesting they reconsider the decision to close the Gerringong ANZ branch.

(Councillors Westhoff and Sloan)

**OC-17/153**

**Resolved** that Council endorses the action of the South Precinct in initiating an appraisal of Gerringong as a future bank location by Bendigo Bank.

(Councillors Rice and Sloan)

**6.5 University of Wollongong Fellowship and Alumni Awards****OC-17/154**

**Resolved** that Council formally congratulate both Sandra McCarthy and Christine Thompson on being awarded a University of Wollongong Fellowship.

(Councillors Brown and Rice)

**7 MINUTES OF COMMITTEES****7.1 Minutes of the Kiama Local Traffic Committee meeting held on 7 November 2017****OC-17/155**

**Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held on 7 November 2017 be received and accepted.

(Councillors Steel and Way)

## COMMITTEE OF THE WHOLE

### *OC-17/156*

**Resolved** that at this time, 5.21pm, 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, Commercial & Community Services

Report of the Director Engineering and Works

Report of the Director Blue Haven

Addendum to Reports

(Councillors Brown and Sloan)

## 8 PUBLIC ACCESS REPORTS

### *OC-17/157*

**Committee recommendation** that at this time, 5.21pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Way)

### **10.4 10.2016.103.2 - Lot 3 DP 1123051, 1 Tasman Drive Gerringong – Proposed modified dwelling**

#### *OC-17/158*

**Committee recommendation** that Council refuse development application number 10.2016.103.2, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. The proposed modified development is inconsistent with the provisions of Kiama DCP 2012 Chapter 25 – Site Specific Controls – Gerringong Headland Site – 6.3.1 Built Form Objectives:
  - (vi) Minimise the bulk and visual impact of dwellings.
2. The proposed modified development is inconsistent with the provisions of Kiama DCP 2012 Chapter 25 – Site Specific Controls – Gerringong Headland Site – 6.3.2 Built Form Controls:
  - (ii) The proposal does not comply with the Building Height Plane applicable to the site..

3. Having regard to the requested variations and submissions received approval of the modified development would not be in the public interest.

(Councillors Reilly and Brown)

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

Against: Nil

**10.5 10.2017.81.1 – Lot 2 DP 1190416 - 18 Wells Street, Gerringong - Attached dual occupancy and 2 lot Torrens title subdivision**

**OC-17/159**

**Committee recommendation** that Council refuse Development Application number 10.2017.81.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

1. It is considered that the proposed development is inconsistent with the Overall objectives of Chapter 4 of DCP 2012 as the development is not considered to be of an acceptable design standard and will result in poor end user amenity for residents of the proposed dual occupancy dwellings.
2. The proposed development breaches performance controls C46 of DCP 2012 Chapter 2 requiring a minimum 9m setback to rural zoned land and C17 of DCP 2012 Chapter 4 requiring a minimum 6m rear setback. These breaches are not considered to be acceptable in the circumstances.
3. The applicant has failed to provide stormwater concept plans, which are required by both DCP 2012 Chapter 4 control C50 and the registered Positive Covenant (DP 1190415).
4. The proposed development is not considered to be suitable for the site having regard to the site constraints and the DCP breaches brought about by the proposed dual occupancy development.
5. Submissions have been received making valid objection as to the suitability of the site for the development, the end user amenity of the dual occupancy dwellings and the DCP non-compliances.
6. It is considered that in the circumstances of the case, approval of the modified development would not be in the public interest.

(Councillors Westhoff and Brown)

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

Against: Nil

**10.9 10.2017.115.1 - Proposed Tennis Court and Pavilion - 40 Crooked River Road Gerroa**

It was moved by Councillor Brown and seconded by Councillor Watson that Council approve development application number 10.2017.115.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

The motion was put and **LOST**.

**Motion****OC-17/160**

**Committee recommendation** that development application number 10.2017.115.1 is rejected for its inability to comply with the Chapter 6 Development Control Plan overall controls on ridge location, as well as the further Rural Land controls, C7, not clustered nor protective of agricultural land, C10 excessive alteration of ground levels, C12 shared access for ancillary development being too distant, C20 less than 100m from neighbouring property, C75 excessive cutting below 1.0 metre.

(Councillors Rice and Reilly)

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

Against: Councillors Brown, Honey and Watson

**10.10 10.2017.264.1 - 5 Lot Torrens Title Subdivision - Glenbrook Drive Kiama****OC-17/161**

**Committee recommendation** that Council approve Development Application number 10.2017.264.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Brown and Rice)

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

Against: Nil



**10.11 Planning Proposal - Rezoning or a portion of land from E2 to E3 - Part of Lot 1 DP 129766 and Part of Lot 144 DP 751279 - 144 Jamberoo Mountain Road, Jamberoo****OC-17/162**

**Committee recommendation** that Council endorse the request to prepare a Planning Proposal for the rezoning of part of the subject lots from E2 Environmental Conservation to E3 Environmental Management and forward the proposal to the NSW Department of Planning and Environment for Gateway Determination.

(Councillors Brown and Reilly)

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

Against: Councillor Rice

**14.22 Question for Future Meeting: Potential use of Minnamurra Quarry site for a BMX track for local youth****OC-17/163**

**Committee recommendation** that Council construct a BMX-Mountain bike/Bike Skills/Scooter Facility at Minnamurra Quarry based on best practice design and process as follows:

1. Finalise the concept design.
2. In accordance with legal advice provided in the report, apply the existing Plan of Management for implementation of this facility.
3. Confine operating times for this facility to daylight hours.
4. Accept the offer of assistance from the Minnamurra Lions Club to work on the facility.
5. Ensure that the requirements of Council's Community Engagement Plan are met and that includes local media and writing to each property owner within the adjoining area to the Quarry to address any additional issues that have not been raised and considered prior to commencement of work.
6. Continue to work with the local schools and stakeholder groups to ensure that the final design meets their expectations.
7. Commence work providing costs can be contained within the current financial constraints.

(Councillors Way and Steel)

The following addendum to the above motion was moved by Councillor Brown and seconded by Councillor Reilly.

**Addendum****OC-17/164**

7. That a detailed costing and funding sources be submitted to Council for approval prior to any works being undertaken, including costing options for the provision of toilets, additional car parking, signage and provision of water.
8. That Council commission a Contamination Report on the Quarry area once budget approval has been obtained and that any fill brought onto the site during construction be certified as clean fill prior to being delivered.
9. That Council prior to construction commencing a comprehensive risk assessment be carried out both for the construction component and the ongoing operation of the proposed facility including risk mitigation strategies.
10. That Council consider including the proposal in the 2018/2019 operational plan.

The addendum was put and also CARRIED.

**9 REPORT OF THE GENERAL MANAGER****9.1 2016-17 Annual Report****OC-17/165**

**Committee recommendation** that Council receives and endorses the 2016-17 Annual Report.

(Councillors Rice and Brown)

**9.2 Kiama Municipal Council Information Guide****OC-17/166**

**Committee recommendation** that Council approves:

1. The updated *Kiama Municipal Council Information Guide November 2017*.
2. A copy of the adopted Information Guide to be forwarded to the NSW Information and Privacy Commissioner.

(Councillors Steel and Rice)

**9.3 Kiama Jazz & Blues Festival****OC-17/167**

**Committee recommendation** that Council increase funding support for the 2018 Kiama Jazz and Blues Festival to \$20,000 and reduce the sponsorship to \$14,000 in 2019.

(Councillors Brown and Watson)

## 10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

### 10.1 10.2014.241.6 - Modification – Mixed use development comprising of 5 shops, 8 professional suites & 29 Residential Units – Lot 781 DP1179947 - 128 Belinda Street Gerringong

#### Disclosure of Interest - Councillor Sloan

Councillor Sloan declared a non-significant pecuniary interest in this matter. Councillor Sloan left the Chambers and took no part in discussion or voting on this matter.

Councillor A Sloan left the meeting at 6.07pm.

#### OC-17/168

**Committee recommendation** that Council approve modified development application 10. 2014.241.6 pursuant to Section 96(1a) of the Environmental Planning and Assessment Act 1979, by:

1. Approving modified drawing number 10.2014.241.6.
2. Substituting the development description on the title page of the consent notice with the following development description:

Mixed development comprising five (5) shops, four (4) professional suites, five (5) serviced apartments & twenty-nine (29) residential units
3. Inclusion of the following condition under the sub-heading 'General':

*“(12) The five (5) Serviced Apartments shall only be used for the purpose of short term rental accommodation. Accordingly, the apartments may only be occupied for a maximum period of 60 consecutive days in any 12 month period.”*
4. Inclusion of the following condition under the sub-heading 'Contributions':

*“(2) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 3 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the Serviced Apartments is \$10,617.05.”*

(Councillors Brown and Way)

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

Against: Councillors Honey and Rice

Councillor A Sloan returned to the meeting at 6.12pm.

**10.2 The Climate Council Cities Power Partnership Program - Kiama Council Partnership Action Pledges****OC-17/169**

**Committee recommendation** that Council as part of the Climate Council Cities Power Partnership Program, Council adopt the five Partnership Action Pledges:

**Renewable Energy**

Pledge 1 - Install renewable energy systems (like solar PV and battery storage) on Council buildings, facilities, and managed land, for example childcare facilities, libraries, street lighting, recreation centres, sporting grounds and council offices.

Pledge 2 - Creation of a revolving green energy fund and other funding sources to finance internal projects and receive energy savings.

**Energy Efficiency**

Pledge 3 - Adopt best practice energy efficiency measures as part of all Council operations and at facilities, buildings, public lighting and transport and support community facilities and organisations to adopt these measures.

**Transport**

Pledge 4 - Provide fast or other charging infrastructure throughout the Kiama Municipality at key locations for electric vehicles.

**Work Together and Influence**

Pledge 5 - Set municipality level renewable energy or emissions reduction targets and sustainable energy policies to provide a common goal and shared expectations for local residents and businesses.

(Councillors Reilly and Watson)

**10.3 10.2016.301.1 - Lot 34 DP 1181744 - 2 Surfleet Place, Kiama - Demolition of Existing Dwelling and Construction of 46 Townhouses and Car Park****OC-17/170**

**Committee recommendation** that Council defer this matter to allow clarification of the issues of owner's consent for the use of the unmade section of Marsden Street, the proposed intersection design and the window treatments to the western elevations of the development.

(Councillors Sloan and Reilly)

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

Against: Nil

**10.6 Funding opportunities for completion of a coastal management program for the Kiama LGA***OC-17/171***Committee recommendation that Council:**

1. Determine to accept funding from the NSW Government for the Jones and Werri Beach Coastal Management Program if the application for funding is successful.
2. In addition to the 2017/2018, determine to allocate \$35,000 in 2018/19 and \$35,000 in 2019/20 funding to enable the completion of an LGA wide Coastal Management Program.
3. Determine to change the scope of the Jones and Werri Beach Coastal Management Program application to include the entire Kiama LGA.

(Councillors Steel and Way)

**10.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama Local Environmental Plan 2011***OC-17/172***Committee recommendation that Council:**

1. Endorse this Planning Proposal to amend the Kiama LEP 2011 in order to:
  - a. Permit Bed & Breakfasts with consent in the RU1, RU2 & E3 zones; and
  - b. Reduce the total floor area of secondary dwellings to no greater than 120 square metres of the total floor area of the principal dwelling.
2. Proceed to the Department of Planning and Environment for a Gateway determination.
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.

(Councillors Brown and Reilly)

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

Against: Councillor Sloan

**Motion****OC-17/173**

**Committee recommendation** that Council defer consideration of 1(b) of the recommendation in the staff report relating to Eco Tourism facilities to enable a further report to Council.

(Councillors Sloan and Steel)

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

Against: Nil

**10.8 10.2017.137.1 - Proposed Dual Occupancy & Strata Subdivision - Lot 27 DP 1193900 - 27 Chapel Lane, Jamberoo**

**OC-17/174**

**Committee recommendation** that Council approve Development Application number 10.2017.137.1 pursuant to section 80(3) of the Environmental Planning & Assessment Act 1979 subject to the conditions attached to the end of this report.

(Councillors Brown and Way)

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

Against: Nil

**11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES**

**11.1 Community Gardens - policy revision and grants program**

**OC-17/175**

**Committee recommendation** that Council:

1. note the minutes of the committee meeting held 10 October 2017
2. endorse the establishment of the Community Gardens Grants Program, and
3. endorse the revised Community Gardens policy.

(Councillors Westhoff and Brown)

**11.2 Tourism Strategic Plan****OC-17/176**

**Committee recommendation** that Council approves and adopts the 2018 – 2021 Tourism and Events Strategy.

(Councillors Brown and Reilly)

**11.3 Financial Report for the period ending 30 September 2017****OC-17/177**

**Committee recommendation** that the revised budget for the period ending 30 September 2017 be received and adopted.

(Councillors Rice and Brown)

**11.4 Statement of Investments - October 2017****OC-17/178**

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

(Councillors Westhoff and Rice)

**11.5 Nomination of Management Representative on Consultative Committee****OC-17/179**

**Committee recommendation** that Council:

1. appoints the Manager Commercial Services as a Management Representative on Consultative Committee.
2. acknowledges the service of Manager Design and Development, Darren Brady for his contribution to Consultative Committee since April 2008.

(Councillors Rice and Brown)

**11.6 Minutes of the Cultural Board meeting held on 19 October 2017 and Gerringong Public Art****OC-17/180****Committee recommendation** that Council:

1. approves acceptance of the sculptural donation from Michael Purdy, and
2. gives consideration to the location of the sculpture.

(Councillors Reilly and Steel)

**11.7 Operational Plan Quarterly Report - July to September 2017****OC-17/181****Committee recommendation** that Council receives the Operational Plan Quarterly Report for July to September 2017.

(Councillors Watson and Westhoff)

**11.8 Impact of NSW Department of Family and Community Services Funding Reforms****OC-17/182****Committee recommendation** that Council make urgent representations to the Member for Kiama Gareth Ward MP regarding the impact the proposed Department of Family and Community Services funding cuts will have on services to the Kiama community.

(Councillors Brown and Rice)

**11.9 Special Rate Variation****OC-17/183****Committee recommendation** that Council notify IPART of its intention to apply for a Section 508A Permanent Special Rate Variation (SRV) of 6% including rate pegging for 3 successive years, to be retained permanently in the rate base.

(Councillors Brown and Reilly)



**12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS****12.1 Road Safety Officer Projects 2017-2018 - Roads and Maritime Service Funding Grant***OC-17/184*

**Committee recommendation** that Council accept the funding offer of \$13,600 for Road Safety Projects plus \$3,000 for NSW Bike Week from the NSW Roads and Maritime Services and Transport for NSW.

(Councillors Way and Rice)

**13 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

**14 REPORTS FOR INFORMATION***OC-17/185*

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

- 14.1 Minutes of the Access Committee meeting held 8 September 2017
- 14.2 Parking Statistics - September 2017
- 14.3 Regional Illegal Dumping Investigations Officer - Quarterly Report - 1 July 2017 to 30 September 2017
- 14.4 Christmas / New Year - annual close down period
- 14.5 WSL Jeep World Junior Surfing Championship
- 14.6 2017 IMB Bank Illawarra Business Awards
- 14.7 Age Friendly Cities Australia 2nd National Forum - Report of Councillor Kathy Rice
- 14.8 Parking Statistics - October 2017
- 14.10 Economic Development Australia Conference Ballarat – October 2017
- 14.11 South Precinct Committee meeting minutes - 19 October 2017
- 14.12 Minutes of the Minnamurra Progress Association meeting held on 3 October 2017
- 14.13 Kiama Tourism Advisory Committee Meeting Minutes - 16 October 2017
- 14.14 South Coast Cooperative Library Service - Annual General Meeting 23 October 2017
- 14.15 2017 IMB Bank Illawarra Business Awards
- 14.16 ICTC Main Streets Conference
- 14.17 Councillors' Meetings Register - 10 October to 10 November 2017
- 14.18 Questions for Future Meetings Register as at 10 November 2017
- 14.19 Question for Future Meeting: Neighbourhood Character
- 14.21 SENTRAL Youth Worker Rubi Curran receives award

- 14.23 Model Code of Conduct - Proposed Amendments
- 14.24 Model Code of Conduct Complaints Statistics Report 2016-17
- 14.25 2017 Council Employee Christmas Functions
- 14.26 Planning Committee Minutes - 12 October 2017
- 14.27 Retirement of the Manager Development Assessment, Mr Chris Fuller
- 14.29 Joint Organisations
- 14.30 10.2017.116.1 - Mixed use development - 44 Manning Street Kiama - Results of Appeal to Land & Environment Court
- 14.31 Community Engagement Strategy - Development Assessment
- 14.33 Marine Estate Management Strategy.

(Councillors Brown and Steel)

#### **14.9 Central Precinct Motion**

##### ***OC-17/186***

**Committee recommendation** that Council consider the allocation of funding as part of the quarterly budget review to engage a consultant to prepare a Pedestrian Access Mobility Plan (PAMP) and to urgently undertake the recommended works identified in the PAMP this financial year.

(Councillors Rice and Reilly)

#### **14.20 Question for future meeting: Local Environmental Plan**

Councillor Reilly requested that this question be revised and point 2 of this question be deleted.

#### **14.28 2018 Australian Coastal Councils Conference - registration**

##### ***OC-17/187***

**Committee recommendation** that Council cast its votes in the Australia Coastal Councils Association Council for Sharon Cadwallader of Ballina Shire Council to be the northern NSW coastal area representative and Councillor Reilly to be the southern NSW coastal representative.

(Councillors Sloan and Rice)

##### ***OC-17/188***

**Committee recommendation** That Council endorse the attendance of Councillors Rice and Reilly at the Australian Coastal Councils Conference to be held in Geelong from 21 March to 23 March 2018.

(Councillors Brown and Reilly)

#### 14.32 Christmas / New Year

##### *OC-17/189*

**Committee recommendation** that Council does not hold an Ordinary Council meeting in January 2018 and that the February meeting is held on 6 February 2018.

(Councillors Brown and Sloan)

### 15 ADDENDUM TO REPORTS

##### *OC-17/190*

**Committee recommendation** that at this time, 7.15pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Brown and Steel)

##### *OC-17/191*

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

- 15.1 Minutes – Jamberoo Valley Ratepayers & Residents Association – 5 September 2017, 3 October 2017 and 8 November 2017
- 15.2 Minutes – Kiama Central Precinct - 26 September 2017 and 25 July 2017
- 15.3 Minutes of the South Coast Cooperative Library Service Annual General Meeting held on 23 October 2017
- 15.4 Minutes of the Walking Tracks and Cycleways Committee meeting held on 15 November 2017.

(Councillors Brown and Steel)

## RESUMPTION OF ORDINARY BUSINESS

### OC-17/192

**Committee recommendation** that at this time, 7.16pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Way and Westhoff)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

It was moved by Councillor Sloan and seconded by Councillor Rice 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 above with the exception of 10.7.

The Motion was put and **LOST**.

### OC-17/193

**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-17/157 to OC-17/192 above.

(Councillors Brown and Steel)

## 16 NOTICE OF MOTION

Nil

## 17 QUESTIONS FOR FUTURE MEETINGS

### 17.1 Use of rural sheds for low scale industrial manufacturing

Councillor Steel requests a report on the feasibility of allowing farmers in rural zoned land to utilise existing farm sheds by renting them to individuals for the purpose of low scale industrial manufacturing such as car trailers and the like. If this is found to be prohibited can information be provided as to how it might be made permissible.

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

### **17.2 Boat, trailer and caravan parking**

Councillor Steel requests an update on the investigation into an area for boats, trailers and caravans to be parked/stored, in order to remove them from our streets and footpaths.

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

### **17.3 Aboriginal Cultural Heritage Management Development Assessment toolkit**

Councillor Sloan requests a report on how the Aboriginal Cultural Heritage Management Development Assessment toolkit has been implemented.

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

### **17.4 Jones Beach dune vegetation**

Councillor Way requests an update and advice on whether the re-planting of appropriate vegetation at Jones Beach to cover areas where the Jones Beach Land Care group have cleared lantana, could receive priority when funds become available from the grant funding submission.

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

## **18 CONFIDENTIAL SUMMARY**

### **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-17/194***

**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 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENTS - REVIEW FOR THE PERIOD FROM 1 JULY 2016 TO 30 JUNE 2017**

**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.

### **19.2 BLOWHOLE POINT RETAINING WALLS - TENDER FOR REPLACEMENT OF RETAINING WALLS**

**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 KIAMA AGED CARE CENTRE OF EXCELLENCE - FUNDING**

**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 BOMBO QUARRY TASK FORCE**

**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.

### **19.5 OFFICE TELEPHONY 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.

(Councillors Way and Brown)

### **OC-17/195**

**Resolved** that at this time, 7.23pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Westhoff and Brown)

## **19 CONFIDENTIAL REPORTS**

### **19.1 Executive Officers' Performance Agreements - Review for the period from 1 July 2016 to 30 June 2017**

Determination of the matter was deferred until the end of the meeting when the General Manager and Directors declared a pecuniary interest in this matter and were absent from the Chambers during discussion and determination of the matter.

**OC-17/196**

**Committee recommendation** that Council endorse and adopt the report of the Performance Review Committee.

(Councillors Steel and Way)

**19.2 Blowhole Point Retaining Walls - Tender for replacement of retaining walls****OC-17/197**

**Committee recommendation** that Council reject all tenders for the replacement of retaining walls at Blowhole Point under the provisions of the Local Government (General) Regulation 2005 – Clause 178 and opt to undertake the works itself utilising Council staff and specialist subcontractors.

(Councillors Brown and Way)

**19.3 Kiama Aged Care Centre of Excellence - Funding****OC-17/198**

**Committee recommendation** that Council

1. Accept the \$60 million Loan Facility offered and approved by New South Wales Treasury Corporation (TCorp) for the Kiama Aged Care Centre of Excellence (KACCOE) being a 5 year fixed interest loan, with the loan to be re-negotiated during Year 4.
2. Authorise the Mayor and General Manager to execute the Loan Agreement and affix the Council seal if required.

(Councillors Brown and Westhoff)

**19.4 Bombo Quarry Task Force****OC-17/199**

**Committee recommendation** that Council endorse the inclusion of the Chairman of the Kiama Central Precinct Committee as a member of the Bombo Quarry Task Force.

(Councillors Brown and Reilly)

**19.5 Office Telephony Tender****OC-17/200**

**Committee recommendation** that Council accept the Tender from Talkware for the VOIP/Telephony Solution

(Councillors Westhoff and Sloan)

**Close of Confidential Committee of the Whole:****OC-17/201**

**Committee recommendation** that at this time, 7.50pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

**Adoption of Report**

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

**OC-17/202**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered OC-17/196 to OC-17/201 be confirmed and adopted.

(Councillors Steel and Way)

**20 CLOSURE**

There being no further business the meeting closed at 7.50pm

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



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Mayor