



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

**commencing at 5.15pm on**

**THURSDAY 22 JUNE 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 THURSDAY 22 JUNE 2017 AT 5.15PM**

**PRESENT:** Deputy Mayor – Councillor K Rice (Acting Mayor),  
Councillors M Brown, N Reilly, W Steel, D Watson, M Way and  
M Westhoff

**IN ATTENDANCE:** Acting General Manager (Director Finance, Corporate and  
Commercial Services), Director Environmental Services,  
Director Engineering and Works, Director Community Services  
and Chief Financial Officer

## **1 APOLOGIES**

### **OC-17/192**

**Resolved** that the apologies from Councillor Sloan and the Mayor, Councillor Honey be received and noted.

(Councillors Steel and Way)

## **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 16 May 2017**

#### **OC-17/193**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 16 May 2017 be received and accepted.

(Councillors Way and Westhoff)

### 3.2 Extraordinary Council Meeting on 7 June 2017

#### OC-17/194

**Resolved** that the Minutes of the Extraordinary Meeting held on 7 June 2017 be received and accepted.

(Councillors Brown and Westhoff)

## 4 BUSINESS ARISING FROM THE MINUTES

Nil.

## 5 PUBLIC ACCESS

David Friedlieb		Alternate access to Cedar Grove 2
Yusef Reza	7.1	Traffic Committee Minutes Item 4.1 – Noble & Belinda Streets, Gerringong Work Zone
Graham Pike	9.1	Planning Proposal – Rezoning of Lot 2 DP626183 Golden Valley Road, Jamberoo
Ron Wyber	9.2	DA 10.2016.7.1 – Lot 20 DP1186998, 22 Manning Street, Kiama – shop & 4 residential units
Glenn Jones	9.2	DA 10.2016.7.1 – Lot 20 DP1186998, 22 Manning Street, Kiama – shop & 4 residential units
Dr Mark Burgess Dr Gamage	9.3	DA 10.2017.1.1 – Lot 1 DP1203416, 35 Jupiter Street, Gerringong – basement car park, ground floor medical centre with outdoor parking area and 3 residential units
Dr George Albert	9.3	DA 10.2017.1.1 – Lot 1 DP1203416, 35 Jupiter Street, Gerringong – basement car park, ground floor medical centre with outdoor parking area and 3 residential units

## 6 MAYORAL MINUTE

### Disclosure of Interest - Councillor Steel

Councillor Steel declared a non-significant non-pecuniary interest in this matter as he is a member of the Kiama Bowling Club. Councillor Steel remained in the Chamber, participated in the debate and voted on the matter.

**6.1 Request for Sponsorship - Kiama Women's Bowling Club***OC-17/195*

**Resolved** that Council take up the Major Sponsor offer of the Jarratt Cup for the amount of \$500.

(Councillors Brown and Steel)

**7 MINUTES OF COMMITTEES**

Item 7.1 Minutes of the Kiama Local Traffic Committee is included in Public Access Reports.

**COMMITTEE OF THE WHOLE***OC-17/196*

**Resolved** that at this time, 5.20pm, 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 Way)

**8 PUBLIC ACCESS REPORTS***OC-17/197*

**Committee Recommendation** that at this time, 5.20pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Reilly)

**7.1 Kiama Local Traffic Committee - meeting 6 June 2017****OC-17/198**

**Committee recommendation** that the Minutes of the Kiama Local Traffic Committee meeting held on 6 June 2017 be received and the recommendations therein adopted.

(Councillors Way and Brown)

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

An amendment was moved by Councillor Reilly and seconded by Councillor Rice that the Council accepts the role of Relevant Planning Authority (RPA) and respond to the Panel accordingly but ensure full public engagement is followed and following that, if necessary, a consultant is appointed to assist developing the Jamberoo DCP.

The amendment was put and **LOST**.

**OC-17/199**

**Committee recommendation** that Council accepts the role of Relevant Planning Authority (RPA) and respond to the Panel accordingly.

(Councillors Way and Westhoff)

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

Against: Nil

**9.2 DA 10.2016.7.1 - Lot 20 DP 1186998, 22 Manning Street, Kiama - shop & 4 residential units****OC-17/200**

**Committee recommendation** that Council approve Development Application number 10.2016.7.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Way and Steel)

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

Against: Nil

**9.3 DA 10.2017.1.1 - Lot 1 DP 1203416, 35 Jupiter Street, Gerringong - basement car park, ground floor Medical Centre with outdoor parking area and 3 residential units**

**OC-17/201**

**Committee recommendation** that Council refuse Development Application number 10.2017.1.1 as the proposed development:

1. use 'medical centre' is prohibited in the R3 zone under Kiama LEP 2011 and is incompatible with surrounding land uses
2. does not meet the objectives of the R3 zone in Kiama LEP 2011 as it does not meet an established day to day need of local residents
3. does not meet an established need for additional medical services in Gerringong
4. will undermine the viability of the existing medical practices
5. is not easily accessible by patients as it is separate from the town centre on a steep site and will result in excessive on street parking with difficult grades to enter the building
6. relies upon multiple variations to Council's local planning controls
7. may create a precedent for height variations on partly excavated sites and for out of town centre medical centres
8. is a purpose built medical facility with little capacity for adaptation to other uses.

(Councillors Brown and Watson)

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

Against: Nil

## **9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

### **9.4 Cities Power Partnership - invitation to join**

**OC-17/202**

**Committee recommendation** that Council:

1. Accept the invitation from the Climate Council to join the Cities Power Partnership Program
2. Endorse the Mayor or Deputy Mayor to attend the launch of the Cities Power Partnership Program on 19 July 2017 in Canberra.
3. Consider a further report in October 2017 to determine the 5 key actions/pledges.

(Councillors Steel and Westhoff)

**10 REPORT OF THE GENERAL MANAGER****10.1 Question for Future Meeting: Prohibiting the release of helium balloons***OC-17/203*

**Committee recommendation** that Council take no further action on this matter.

(Councillors Steel and Brown)

**10.2 Sponsorship Request Kiama Show Society - Kiama Show 2018***OC-17/204*

**Committee recommendation** that Council provide sponsorship of the Kiama Show through:

1. the provision of waste services for the Show Ball to be held on Saturday 18 November 2017 and the Kiama Show to be held on 26 & 27 January 2018; and
2. the donation of the hire fees for the Kiama Leisure Centre and The Pavilion Kiama for the Trivia night to be held on 19 August 2017 and the Show Ball.

(Councillors Way and Watson)

**10.3 Request for sponsorship - Seaside & Valley Veterans Golf Tournament***OC-17/205*

**Committee recommendation** that Council provide sponsorship in the amount of \$500 for the Seaside & Valley Veterans Golf Tournament.

(Councillors Steel and Way)

**10.4 Draft Community Strategic Plan, Delivery Program and Operational Plan***OC-17/206*

**Committee recommendation** that :

1. It be noted in accordance with Section 402 to 406 of the Local Government Act, 1993, Council is required to prepare an Integrated Plan with respect to:
  - (a) an Operational Plan for 1 year
  - (b) a Delivery program for 4 years
  - (c) a Community Strategic Plan for 10 years

The Community Strategic Plan 2017/2027, Delivery Program 2017/2021 and Operational Plan 2017/18 were notified to the public through newspaper

advertisements and was placed on public exhibition at various locations from 16 May 2017 to 16 June 2017 as required under the Local Government Act. It was advised to the public that written submissions may be made in accordance with legislation to the Council any time during the period of the exhibition.

2. Council adopt its Community Strategic Plan 2017/2027, Delivery Program 2017/2021 and Operational Plan 2017/2018 in accordance with Sections 402 to 406 of the Local Government Act, 1993 including the following amendments that Council:
  - a) Make and levy an ordinary rate comprising a base charge of \$702.00 on each assessment subject to the rate which represents 49.66% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001699 cents in the dollar on the land value of \$3,978,657,237 (base date 2016) of all rateable land categorised as Residential be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential".
  - b) Make and levy an ordinary rate comprising a base charge of \$702.00 on each assessment subject to the rate which represents 25.83% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001909 cents in the dollar on the land value of \$137,260.712 (base date 2016) of all rateable land categorised as Rural Residential be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Rural Residential".
  - c) Make and levy an ordinary rate comprising a base charge of \$702.00 on each assessment subject to the rate which represents 28.73% of the total amount payable by the levying of the rate and an ad valorem amount 0.001249 cents in the dollar on the land value of \$327,645,200 (base date 2016) on all rateable land categorised as Farmland be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Farmland".
  - d) Make and levy an ordinary rate of 0.003438 cents in the dollar on the land value of \$12,982,290 (base date 2016) of all rateable land (not being categorised as "Residential" or "Farmland" and not including rateable land used or zoned for commercial, professional, industrial or trade purposes) categorised as Business be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Business".
  - e) Make and levy an ordinary rate of 0.004995 cents in the dollar on the land value of \$204,938,970 (base date 2016) of all rateable land in the Kiama Council area determined to be a centre of activity which is used or zoned for commercial, professional, industrial or trade purposes and sub-categorised as Business – "Commercial/Industrial" be now made for 2017/18 with a minimum amount of rate which will apply in respect to each assessment being \$702.00 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Business - Commercial Industrial".
3. A rate of interest of 7.5% accruing daily on rates and charges that remain



- unpaid after they become due and payable be now made for 2017/18 in accordance with Section 566 of the Local Government Act, 1993.
4. Council adopt a 1.5% rate increase for the 2017/2018 year as approved by the Independent Pricing and Regulatory Tribunal.
  5. The Fees & Charges Schedule as proposed in Council's Operational for 2017/18 be adopted with the following variations:
    - a) A section 88 waste levy of \$138.20 per tonne GST inclusive
    - b) A permit to create smoke (burning vegetation) of \$23.10 per inspection
  6. Council make and levy a Domestic Waste Service Annual Charge for 2017/18 for services to all service collection zones:
    - a) For premises currently receiving this service or for new services the charge is \$730.55 for a fortnightly garbage 240 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
    - b) For premises currently receiving this service or new services the charge is \$544.45 for a fortnightly garbage 140 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
    - c) For premises currently receiving this service or new services the charge is \$519.70 for a fortnightly garbage 80 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
    - d) \$60.00 for vacant land
    - e) \$90 for additional 240 litre recycling bin serviced weekly
    - f) \$90 for additional 240 litre garden waste/food organics bin serviced weekly
    - g) For premises currently receiving this service or new services, a weekly rather than fortnightly garbage service can be provided, subject to application and approval for the collection of medical treatment wastes. For this service the annual charge will be for an 80 litre weekly garbage bin service \$519.70, for a 140 litre weekly garbage bin service \$544.45 for a 240 litre weekly garbage bin service \$730.55.
    - h) Residential premises such as multi-unit dwelling houses, seniors housing, shop top housing, and residential flat buildings may upon application and approval by Council be provided with shared 240 litre bins for garbage, recycling and/or garden waste /food organics services or individual bins. A smaller 80 or 140 litre garden waste /food organics bin can be provided as an alternative. A separate Domestic Waste Management Charge will be charged to each property, unit, flat or dwelling within residential properties that use shared bins.
  7. Council in accordance with Section 501 of the Local Government Act 1993 make and levy a Commercial Waste Service Annual Charge for 2017/18 for specific commercial wastes services namely:
    - a) \$711.00 for a weekly 240 litre garbage bin service and a weekly 240 litre recycling bin service

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- b) \$647.00 for a weekly 240 litre garbage bin service and a fortnightly 240 litre recycling bin service
  - c) A weekly 240 litre garden waste /food organics bin service will only be provided to childcare centres, pre-schools, churches, neighbourhood and community centres, rural fire and emergency services premises or other similar facilities upon request and approval of the Council
  - d) An additional \$13.30 per service charge will apply for the collection of a 240 litre garbage or 240 litre recycling bin service at \$13.30
  - e) No weekly garden waste /food organics bin service, kerbside Clean Up Service or Household Bulky Waste Drop-off is provided to premises receiving a commercial service.
8. Council make and levy a Rural Waste Service Annual Charge for 2017/18 of \$425.00 for premises receiving this service for the provision of fortnightly garbage, fortnightly recycling service using 240L bins and one household bulky waste drop off, be made for the period 1 July 2017 to 30 June 2018 in accordance with Section 501 of the Local Government Act 1993.
  9. Council make and levy an Annual Waste Charge for 2017/18 for services applying to Tourist Accommodation of:
    - a) \$694.00 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin (suitable for a 3 bedroom tourist apartment/unit)
    - b) \$481.00 for a weekly 140 litre bin and a fortnightly 240 litre recycling bin (suitable for a 2 bedroom tourist apartment/unit)
    - c) \$457.00 for a weekly 80 litre bin and a fortnightly 240 litre recycling bin (suitable for a 1 bedroom tourist apartment/unit)
    - d) No weekly garden waste /food organics bin service, kerbside Clean Up Service or Household Bulky Waste Drop-off is provided to premises receiving this service.
  10. For premises used as Short Term Rental Accommodation for holiday purposes a Waste Service Charge of \$730.55 for 240L garbage bin serviced fortnightly, 240L recycling bin serviced weekly and a 240L organics bin serviced weekly, one kerbside clean-up service and one household bulky waste drop-off.
  11. For a premises used as Short Term Rental accommodation for holiday purposes \$1,317.55 for 240L bin (garbage serviced weekly) plus purchase of an all red 240L garbage bin. Subject to approval. Cancellation fee of \$100.00 applies (only one cancellation per financial year).
  12. The Mayoral Allowance and Councillor's fees for 2017/18 be set at the maximum for Regional Rural Councils as permitted by the Local Government Remuneration Tribunal.
  13. The approved fee for 2017/18 for a section 603 Certificate is determined to be \$80.
  14. The Belvedere and Irvine Streets footpath be deferred to consideration in the 2018/19 budget.
  15. Submissions 4, 5 and 6 for improvements to Arthur Campbell Reserve be allocated \$20,000 in the 2017/18 budget.
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16. Submission 7 for a footpath link between Kiama Harbour and Blowhole Point exit roads be allocated \$15,500 in the 2017/18 budget.
17. Submission 8 for an outdoor table tennis table be allocated \$9,000 in the 2017/18 budget.
18. The late request for increasing the Aboriginal Liaison Officer from one day to two days per week be allocated \$13,000 in the 2017/18 budget.
19. The late request for transportation costs of a Spiegel tent to Kiama for use by Council be allocated \$6000 in the 2017/18 budget.  

Note: Submissions 13 and 14 are already included in the draft 2017/18 budget which were construction of a footpath along the northern side of Terralong Street from Browns Lane to Woolworths and the grant allocation to the Kiama District Sports Association.
20. In relation to submissions 1, 2 and 3 that staff continue to review these issues and embed into the integrated plans where appropriate.
21. All submission makers be advised of Council's resolution.

.(Councillors Reilly and Steel)

## 11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

### 11.1 Statement of Investments - May 2017

#### *OC-17/207*

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

(Councillors Westhoff and Brown)

### 11.2 Optus Mobile Pty Limited Lease at Kiama Sports Complex

#### *OC-17/208*

**Committee recommendation** that Council enter into a lease agreement with Optus Mobile Pty Limited for the use of Part Lot 12 DP708075, Havilah Place, Kiama (known as Kiama Sports Complex) for the erection of antenna and ODU cabinet subject to the following:

1. Lease agreement of five (5) years.
2. "Commissioning Heads of Agreement" to deal with the logistics and operational issues of the removal of existing light pole and erection/commission of the new antenna to be appended to the lease agreement.
3. Annual rental charge of \$15,000.00 and increased by 3% on each anniversary of the commencement date.

4. The General Manager and Mayor be authorised to sign any documentation associated with this lease.

(Councillors Steel and Watson)

### **11.3 Capital works at Saddleback Telecommunications Facility**

#### **OC-17/209**

**Committee recommendation** that Council approves of an upgrade to equipment at the Saddleback Telecommunications Facility, with a capital expenditure of \$25,000 in the 2016/2017 financial year.

(Councillors Brown and Steel)

### **11.4 Economic Development Committee Recommendations**

#### **OC-17/210**

**Committee recommendation** that Council arranges a meeting with the Roads and Maritime Services (RMS) to facilitate discussion to identify sites that they own or control that may be surplus to their needs.

(Councillors Brown and Watson)

### **11.5 SMART Drumlins - Invitation to participate in NSW Government trial**

#### **OC-17/211**

**Committee recommendation** that Council supports the proposed trial of SMART Drumlins between Kiama and Shell Cove.

(Councillors Brown and Westhoff)

### **11.6 Assignment of Lease - Kiama District Tourist Commerce and Industrial Association Limited to Kiama Municipal Council**

#### **OC-17/212**

**Committee recommendation** that Council:

1. Agree to the assignment of the current lease of the Kiosk and Tourist Information Centre located on Crown Reserve (R87397) from Kiama District Tourist Commerce and Industrial Association Limited to Kiama Municipal Council, subject to the formal approval of Department of Primary Industries (Lands).
2. Agree to the assignment of the current sub-lease of the kiosk/café located on Crown Reserve (R87397) between Kiama District Tourist Commerce and

Industrial Association Limited and Michael Patrick Dignam and Elizabeth Jane Lewis to Kiama Municipal Council and Michael Patrick Dignam and Elizabeth Jane Lewis subject to the formal approval of Department of Primary Industries (Lands).

3. Agree to the assignment of the current licence agreement for the parcel of land adjacent to the Kiosk and Tourist Information Centre from Kiama District Tourist Commerce and Industrial Association Limited to Kiama Municipal Council, subject to the formal approval of Department of Primary Industries (Lands).
4. Give delegated authority to the General Manager and Mayor to sign all documentation associated with the lease assignment, including the seal of Council.

(Councillors Brown and Watson)

## **12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**

### **12.1 Amenities Building Expenditure - Jamberoo public pool refurbishment**

#### **OC-17/213**

**Committee recommendation** that Council approve expenditure in the current financial year for the ordering of a prefabricated amenities building as part of the Jamberoo Pool Refurbishment project.

(Councillors Way and Reilly)

## **13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

### **13.1 Health & Sustainability Committee Grants Program**

#### **OC-17/214**

**Committee recommendation** that Council:

1. Note the minutes of the committee meeting held 23 May 2017
2. Endorse the establishment of the Health & Sustainability Grants Program.

(Councillors Reilly and Way)

### **13.2 Multicultural Bulk Loans Services State Library NSW**

#### **OC-17/215**

**Committee recommendation** that Council:

1. Write to the State Library of NSW expressing its disappointment in ceasing the on-demand service and the changes to Multicultural Bulk Loans which will result in the potential loss of a valuable resource to our community

2. Support the community driven petition undertaken by Machteld Hali asking the State Library to consider reinstating the provisions of library resources in foreign languages to our community
3. Write to the Member for Kiama, seeking support for the reintroduction of the on-demand service for the Multicultural Bulk Loans.

(Councillors Reilly and Way)

### **13.3 Age Friendly Cities Australia Forum**

#### **OC-17/216**

##### **Committee recommendation** that Council

1. Nominate Councillor Rice to attend the Age Friendly Cities Australia Forum
2. Endorse attendance at the Forum by an appropriate staff member.

(Councillors Steel and Reilly)

## **14 REPORTS FOR INFORMATION**

#### **OC-17/217**

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

- 14.1 Partnership with University of Wollongong in the Dementia Friendly Kiama Project chosen to feature in the universities Research Impact booklet and website.
- 14.2 Question for Future Meeting: Rose Valley
- 14.3 Planning Committee - minutes - 18 May 2017
- 14.4 Minutes of the Youth Advisory Committee meeting held 4 May 2017
- 14.5 Minutes of the Kiama Access Committee meeting held 12 May 2017
- 14.6 Minnamurra Progress Association Minutes
- 14.7 Jamberoo Valley Ratepayers & Residents Association Inc – Minutes
- 14.8 Parking Statistics - May 2017
- 14.9 2017 Caravan Industry Association of Australia National Conference
- 14.10 Questions for Future Meeting: Implementation of Investment Policy
- 14.11 Question for Future Meeting: Town and Village Boundaries
- 14.12 Question for Future Meeting: 27 Princes Highway Gerringong
- 14.13 WSL World Surf League - Post Event Marketing Report
- 14.14 Gerringong Surf Music Festival - Post Event Report
- 14.15 Question for Future Meeting: Kiama Design Standards
- 14.16 Question for Future Meeting: Train Station Map at Kiama Station

- 14.17 Modified DA for Kiama Aged Care Centre of Excellence
- 14.18 Kiama Tourism Advisory Committee - Minutes of the 31 May and 5 June 2017 meetings
- 14.19 2017 Local Government Tourism Conference – Taree
- 14.20 Appreciation letter from Kiama/Jamberoo RSL Sub-branch
- 14.21 Local Government Performance Audits
- 14.22 South Precinct Minutes
- 14.23 Question for Future Meeting: Dog Faeces Waste Bins
- 14.24 Conference Reports - Australian Coastal Councils Conference
- 14.25 Local Government NSW Annual Conference 2017
- 14.26 Caravan & Camping Industry Association Report - Councillor Mark Westhoff
- 14.27 Future of Local Government Forum Report - Councillor Kathy Rice
- 14.28 Minnamurra Progress Association – Minutes
- 14.29 Kiama Central Precinct Meeting – Minutes
- 14.30 Questions for Future Meetings Register as at 15 June 2017

(Councillors Steel and Westhoff)

## RESUMPTION OF ORDINARY BUSINESS

### *OC-17/218*

**Committee recommendation** that at this time, 6.31pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

### *OC-17/219*

**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 17/197 to 17/218 above.

(Councillors Steel and Westhoff)

## 15 ADDENDUM TO REPORTS

Nil

**16 NOTICE OF MOTION****16.1 27 Princes Highway Gerringong**

**Moved** by Councillor Reilly and seconded by Councillor Rice that:

1. A further forensic report be prepared examining all aspects of all the development approvals that were issued on the various developments overlooking Werri Lagoon known as '27 Princes Highway Gerringong'.
2. This report be prepared by a suitably qualified firm or individual with no previous relationship with Kiama Municipal Council nor staff who were involved in the preparation of the above approvals.
3. This report will make recommendations to improve our processes, should any improvements be necessary.
4. This action in no way reflects on the quality of previous reports on this matter.

The Motion was put and **Lost**.

For: Councillors Reilly, Rice and Westhoff

Against: Councillors Brown, Steel, Watson and Way

**17 QUESTIONS FOR FUTURE MEETINGS****17.1 98 Fern Street development**

Councillor Reilly requested a report on compliance with the development consent condition for 98 Fern Street, Gerringong which required Council and the developer entering into a deed of agreement prior to construction commencing.

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

**17.2 Development Application tracker**

Councillor Reilly requested, with regard to a more streamlined development application tracker, a list of actions that can be immediately implemented with an indication of the actions that can be implemented within the next 3 months.

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

**17.3 Gerringong Library and Museum visit**

Councillor Reilly requested that a site visit by the Councillors to the Gerringong Museum be organised, as the Museum Committee have extended them an invitation.

The Deputy Mayor referred this matter to the Director Community Services for action.



**17.4 Cedar Grove access**

Councillor Steel requested a report addressing the items raised by Mr Friedlieb, particularly how they relate to Council's adopted policies.

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

**17.5 Terralong Street proposal - rock removal**

Councillor Steel requested a report on the volume of the rock, the cost of removal of the rock located at the corner of Terralong Street and Havilah Place, Kiama, and investigation of expressions of interest for a hotel development to be erected on the site.

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

**17.6 Minnamurra Waste & Recycling Facility**

Councillor Way requested a report on the potential of the Minnamurra Waste & Recycling Facility remaining open on Saturdays until 4pm and for ratepayers to dispose of their green waste for free.

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

**17.7 Manning Street design standards**

Councillor Brown requested clarification of the meaning of the phrase "designed to preserve" in the information report item 14.15.

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

**17.8 Fern Street cars for sale**

Councillor Westhoff requested a report on how to stop cars that are for sale, being parked on Fern Street, Gerringong adjacent to the Arthur Campbell Reserve.

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

**17.9 Disposal of problem weed material**

Councillor Rice requested a report on how Council can assist the disposal of problem weed material (such as Madeira Vine) by Landcare groups operating in Kiama's rural areas where Council green waste collection does not occur.

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

**17.10 Jones Beach Dune project**

Councillor Rice requested a report on the progress of the Jones Beach Dune project that includes:

- the clearance of a large section of vegetation from the dunes in the northern and middle sections
- from the Landcare log, the details of all work-to-date that the Jones Beach Landcare Group have undertaken in this area
- details of Council staff oversight in relation to the Landcare group activity and, in particular, the vegetation removed from Jones Beach
- an explanation of the planning for revegetation of this area.

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

**17.11 Legality of cars for sale**

Councillor Watson requested to be included in the report on Councillor Westhoff's question whether it is actually illegal for either registered or unregistered cars to be parked on the street with a "for sale" sign displayed.

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

**17.12 Westonprint closure - retaining historical information**

Councillor Way requested that Council liaise with the Weston family to make arrangements to retain the historical information relating to the Kiama area that would no longer be required by Westonprint.

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

Councillor Brown left the meeting at 6.48pm.

## 18 CONFIDENTIAL SUMMARY

### *OC-17/220*

**Resolved** that at this time, 6.48pm, 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)

Councillor Brown returned to the meeting at 6.49pm.

### **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-17/221*

**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 TERMINATION OF CONTRACT WITH KENPASS FOR CARRINGTON FALLS BRIDGE REPLACEMENT**

**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. .

### **19.2 CONTRACT VARIATIONS - KIAMA AGED CARE CENTRE OF EXCELLENCE**

**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. .

### **19.3 KIAMA AMBULANCE STATION**

**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. .

### **19.4 STRATEGIC PROPERTY ACQUISITION**

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is

conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

(Councillors Steel and Way)

## **19 CONFIDENTIAL REPORTS**

### **19.1 Termination of Contract with Kenpass for Carrington Falls bridge replacement**

*OC-17/222*

**Resolved** that Council select another contractor, through public tender, to complete the outstanding bridge replacement works.

(Councillors Brown and Steel)

### **19.2 Contract Variations - Kiama Aged Care Centre of Excellence**

*OC-17/223*

**Resolved** that Council receive and note this report.

(Councillors Steel and Way)

### **19.3 Kiama Ambulance Station**

*OC-17/224*

**Resolved** that the recommendation contained in the report be adopted and remain in Confidential Committee of the Whole until the matter is completed.

(Councillors Steel and Brown)

### **19.4 Strategic Property Acquisition**

*OC-17/225*

**Resolved** that

1. the recommendation of the Confidential Committee of the Whole be adopted, and
2. the recommendation of the Confidential Committee of the Whole continue to remain in Confidential Committee of the Whole until the matter is finalised.

(Councillors Brown and Steel)

Councillor Steel left the meeting at 6.57pm.

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

*OC-17/226*

**Committee recommendation** that at this time, 6.57pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff 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-17/227*

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 17/221 to 17/226 be confirmed and adopted.

. (Councillors Reilly and Watson)

**20 CLOSURE**

There being no further business the meeting closed at 6.58pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 July 2017

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Mayor

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General Manager