



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 18 JULY 2017

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 18 JULY 2017 AT 5PM**

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

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

1 APOLOGIES

OC-17/059

Resolved that the apology from Councillor Mark Westhoff be received and accepted.

(Councillors Sloan and Watson)

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 Meeting of Council on 22 June 2017

OC-17/060

Resolved that the Minutes of the Ordinary Council Meeting held on 22 June 2017 be received and accepted.

(Councillors Reilly and Rice)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

- | | | |
|---------------|-----|---|
| Matt Philpott | 9.3 | 10.2017.117 – Lot 229 DP 30126 No 44 Anembo Crescent, Kiama Heights – 2 lot Torrens title subdivision |
| Cliff Mason | 9.4 | 10.2017.116.1 - Lot C DP 380582 No 44 Manning Street Kiama – demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 storey mixed use development consisting of ground floor commercial/retail space and 16 shop top dwellings and associated parking |
| Graham Pike | 9.5 | Draft DCP for Jamberoo |

6 MAYORAL MINUTE

6.1 Rotary Club of Minnamurra

OC-17/061

Resolved that Council acknowledge the cessation of the Rotary Club of Minnamurra and endorse the formal letter of thanks which was sent to the Club earlier this month.

(Councillor Honey)

6.2 Passing of George W (Tony) Matterson

OC-17/062

Resolved that Council acknowledges the passing of former Town Clerk, Tony Matterson, with a minute's silence.

(Councillor Honey)

7 MINUTES OF COMMITTEES

7.1 Walking Tracks and Cycleways Committee - meeting 14 June 2017

OC-17/063

Resolved that the Minutes of the Walking Tracks and Cycleways Committee meeting held on 14 June 2017 be received and accepted.

(Councillors Way and Brown)

OC-17/064

It was **moved** by Councillor Way and seconded by Councillor Brown that Council requests a concept plan, to be drafted by Council Officers, for a boardwalk across the Werri Lagoon to link the north end of Werri Beach with the Coastal Walking Track and that Council Officers develop a community consultation plan on exhibiting the proposal.

The **Motion** was put and **carried**.

7.2 Kiama Local Traffic Committee - meeting 4 July 2017**OC-17/065**

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

(Councillors Steel and Rice)

7.3 Estuary and Floodplain Management Committee - meeting 16 May 2017**OC-17/066**

Resolved that the Minutes of the Estuary and Floodplain Management Committee Meeting held on 16 May 2017 be received and accepted, and recommendations therein are formally adopted.

(Councillors Sloan and Reilly)

COMMITTEE OF THE WHOLE**OC-17/067**

Resolved that at this time, 5.18pm, 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 Steel)

8 PUBLIC ACCESS REPORTS

OC-17/068

Committee recommendation that at this time, 5.18pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Brown and Way)

9.3 10.2017.117.1 - Lot 229 DP 30126 - 44 Anembo Crescent, Kiama Heights - 2 lot Torrens title subdivision

OC-17/069

Committee recommendation that Council approve Development Application number 10.2017.117.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Brown and Watson)

An **amendment** was moved by Councillor Rice and seconded by Councillor Sloan that Council approve Development Application number 10.2017.117.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report and the amendment to delete the words "Coastal Banksia" from Consent Condition (7) under the heading General.

The amendment became the Motion and was put and **carried**.

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

Against: Nil

9.4 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking

OC-17/070

Committee recommendation that Council, at the request of the applicant, defer Development Application number 10.2017.116.1 for one month to allow staff more time to consider new information.

(Councillors Sloan and Way)

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

Against: Nil

9.5 Draft DCP for Jamberoo

OC-17/071

Committee recommendation that Council endorse the attached draft Chapter 33 - Jamberoo, Kiama Development Control Plan, to be placed on public exhibition for a minimum period of 60 days and the results of exhibition be reported back to Council for determination.

(Councillors Way and Brown)

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

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 10.2015.316.1 - Request for Review of Section 94A Contribution - Lot 2 - 188 Knights Hill Road, Knights Hill

Disclosure of Interest - Councillor Brown

Councillor Brown declared a non- significant non-pecuniary interest in this matter as the CEO of Triple Care Farm is a relative and the Chair of Mission Australia is a former employer. Councillor Brown took part in discussion and voting on this matter.

OC-17/072

Committee recommendation that Council:

1. acknowledge the professionalism and hard work of all staff and volunteers at Triple Care Farm
2. recognise this facility is available to all people in NSW, in particular the greater Sydney region and the Illawarra and Southern Highlands
3. acknowledge receipt of \$29,165.77 from Mission Australia by way of its s 94A obligation
4. donate \$10,000 to Mission Australia on the condition the money is allocated to Triple Care Farm to recognise the proven successful intensive programs and their associated costs. This money is to be in addition to other monies Council spends on infrastructure and other matters that assist Triple Care Farm.
5. nominate Neil Reilly to liaise with Triple Care Farm with the aim of strengthening youth at risk programs in Kiama.

(Councillors Brown and Steel)

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

Against: Nil

9.2 10.2017.50.1 - Lot 280 DP 14188 – 69 Werri Street, Werri Beach – retaining walls and access stairs

OC-17/073

Committee recommendation that Council approve development application number 10.2017.50.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained at the end of this report.

(Councillors Sloan and Way)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.1 Addition to General Manager's Delegations

OC-17/074

Committee recommendation that Council give the General Manager delegated authority to:

1. delegate “appropriate persons” under *Division 1 Part 164* of the *Local Government (General) Regulation 2005 (NSW)*
2. appoint “authorised officers” under *Section 372* of the *Biosecurity Act 2015*.

(Councillors Sloan and Watson)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - June 2017

OC-17/075

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

(Councillors Brown and Watson)

11.2 Kiama Tourism Advisory Committee - Minutes of the meeting held on 19 June 2017*OC-17/076*

Committee recommendation that Council receive and accept the draft Minutes of the Kiama Tourism Advisory Committee meeting held on 19 June 2017 and endorse the recommendations contained therein.

(Councillors Brown and Steel)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**12.1 Purchase of plant equipment***OC-17/077*

Committee recommendation that Council purchase two (2) Iveco 6x4 chassis with Bucher compaction bodies from Sydney Truck & Machinery with a capital value of \$373,831 + GST each.

(Councillors Rice and Watson)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**13.1 Art Collection Acquisition and Cultural Board Minutes***OC-17/078*

Committee recommendation that Council

1. approve the Cultural Board recommendation to accept the Jack Waugh self-portrait for the Council Art Collection
2. note the June 2017 minutes of the Cultural Board and the Art Centre sub-committee meetings

(Councillors Reilly and Way)

14 REPORTS FOR INFORMATION*OC-17/079*

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

- 14.1 Appreciation - Kiama Public School P & C
- 14.2 Blue Haven Care - extension of provisionally allocated places

- 14.3 Companion Animals Dog Information Days 2017
- 14.4 Councillors Meeting Register
- 14.5 Dementia Reform, Funding & Innovation Conference, Melbourne – 26-27 June 2017
- 14.7 Launch of SENTRAL Youth Services' Renovations
- 14.9 Local Government Act Amendments Phase 1
- 14.10 Parking Statistics - June 2017
- 14.11 Southern Phone Company Ltd - dividend allocation
- 14.12 Tourism sign at Kiama Train Station
- 14.13 South Precinct Minutes
- 14.14 Planning Committee Minutes - 29 June 2017
- 14.15 Youth Advisory Committee meeting minutes - 1 June 2017
- 14.16 Minutes of the Jamberoo Valley Ratepayers and Residents Association meeting - 6 June 2017 and 4 July 2017
- 14.17 Question for future meeting: development at 98 Fern Street, Gerringong
- 14.18 Question for future meeting: Development Application Tracker
- 14.19 Question for future meeting: Manning Street design standards
- 14.20 Question for future meeting: cars for sale and legality of cars for sale Fern Street, Gerringong
- 14.21 Question for future meeting: town and village boundaries
- 14.22 Question for future meeting: disposal of problem weeds
- 14.23 Question for future meeting: Jones Beach Dune project
- 14.24 Question for future meeting: Kiama Coast Holiday Parks
- 14.25 Question for future meeting: Corner of Terralong Street and Havilah Place - rock removal costs and investigation of hotel development
- 14.27 Questions for Future Meetings Register as at 10 July 2017.

(Councillors Steel and Reilly)

14.8 Leisure Centre - proposed additional car parking spaces

OC-17/080

Committee recommendation that Council receive a report regarding providing effective lighting in the south west end of this carpark following an investigation by Council Officers.

(Councillors Rice and Reilly)

14.6 Gerringong Library, Museum and Community Centre Project - relocation of existing museum

Councillor Reilly requested a report from the Director of Community Services on insurance coverage and safe containment of the Museum's artefacts including the feasibility of purchasing fireproof metal boxes.

14.26 Question for future meeting: Minnamurra Waste and Recycling Facility - opening hours and green waste fees -**OC-17/081****Committee recommendation** that Council:

1. extend the operating hours of the Minnamurra Waste and Recycling Facility on Saturdays to 4pm
2. approve the additional staffing cost of \$12,000 per annum to be resourced from Waste dividends
3. promote the new operating hours by advertising through Council resources: website; rate notices, Mayor's column and other appropriate Council communications.

(Councillors Way and Sloan)

An **amendment** was **moved** by Councillor Rice and seconded by Councillor Brown that Council:

1. extend the operating hours of the Minnamurra Waste and Recycling Facility on Saturdays to 4pm for a trial period of six months commencing in September 2017
2. approve the additional staffing cost of \$12,000 per annum to be resourced from Waste dividends
3. promote the new operating hours by advertising through Council resources: website; rate notices, Mayor's column and other appropriate Council communications.

The amendment became the Motion and was put and **carried**.

The Mayor and Councillors acknowledged and thanked Phil Costello, Director of Environmental Services for his hard work and professionalism during his employment at Council.

15 ADDENDUM TO REPORTS**OC-17/082**

Committee recommendation that at this 6.24pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Brown and Way)

15.1 FootGolf Australia - Request for Sponsorship**OC-17/083**

Committee recommendation that Council defer this matter for a comprehensive report back to Council on the possible benefits to the community and the submission from Jamberoo Golf Club of a business case including budget details.

(Councillors Reilly and Way)

RESUMPTION OF ORDINARY BUSINESS**OC-17/084**

Committee recommendation that at this time, 6.35pm, 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 Steel)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**OC-17/085**

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-17/068 to OC-17/085 above.

(Councillors Brown and Way)

16 NOTICE OF MOTION

Nil

17 QUESTIONS WITHOUT NOTICE**17.1 Bombo walking track - name**

Councillor Steel requested that a report be provided on suggested names for the walk between Darien Avenue and the Bombo quarry look out, where the new signs will be placed.

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

17.2 Helium balloon usage regulation

Councillor Rice requested that a report be provided that outlines some of the specific scientific evidence behind the regulation of helium balloon usage by the NSW Government and other councils in our coastal region. Could the report also include names of those regional coastal councils who have regulated helium balloon release.

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

17.3 Regulating dual occupancy development - Jamberoo DCP and Kiama LEP requirements

Councillor Rice requested a report be provided that details why a Planning Proposal is needed to amend the Kiama LEP 2011 in order for it to best support any new Jamberoo DCP in regulating dual occupancy developments on new greenfield releases in Jamberoo.

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

17.4 Platform at Bombo walking track

Councillor Steel requested a report be provided on the cost of installing guarding and a platform at the lookout point along the Bombo walking track.

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

17.5 Minnamurra Quarry site - BMX track

Councillor Way requested a report on the potential use of the Minnamurra quarry site for a BMX track for the local youth.

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

17.6 Potential use of former Fulton Hogan Princes Highway site, Gerringong

Councillor Way requested a report on the potential acquisition from Roads and Maritime Services, of the former site office and surrounding area formerly occupied by Fulton Hogan on the Princess Highway Gerringong, for use by local sporting groups.

The Mayor referred this matter to the General Manager for investigation and report.

17.7 Kitchen caddy paper bags

Councillor Way requested a report on the costing for the provision of paper bags to Kiama ratepayers that could be inserted in the small kitchen caddies and used in conjunction with the green bin OK Organics Kiama program, and the means of distribution.

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

18 CONFIDENTIAL SUMMARY

OC-17/086

Resolved that at this time, 6.39pm, 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 Watson)

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.

Councillor Brown and Councillor Way left the meeting at 6.39pm.

Councillor Brown returned to the meeting at 6.40pm.

18.1 Exclusion Of Press And Public:

OC-17/087

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 SWIMMING POOL BARRIER INSPECTION PROGRAM

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

19.2 KIAMA COAST HOLIDAY PARKS - SUSTAINABLE IMPROVEMENT STRATEGY AND MASTERPLANS

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 Sloan and Watson)

Councillor Way returned to the meeting at 6.42pm.

19 CONFIDENTIAL REPORTS

19.1 Swimming Pool Barrier Inspection Program

OC-17/088

Resolved that Council note the information contained in the report.

(Councillors Brown and Watson)

19.2 Kiama Coast Holiday Parks - Sustainable Improvement Strategy and Masterplans

OC-17/089

Resolved that Council:

1. Endorses in-principle the overarching *Sustainable Improvement Strategy and Masterplans for the Kiama Coast Holiday Parks*.
2. Adopts the Business Development Strategies and Masterplans for the Kiama Harbour Cabins, Surf Beach Holiday Park and Kendalls Beach Holiday Park.
3. Notes that a further report will be presented to Council on the Business Development Strategies and Masterplans for Werri Beach and Seven Mile Beach Holiday Parks once those draft plans have been finalised.
4. Approves the preparation of detailed specifications and tender documentation for the redevelopment of Surf Beach Holiday Park (Stage 1), in accordance with the plan of works set out in the Surf Beach Holiday Park Masterplan.
5. That the Masterplans be released publicly without the Commercial in Confidence components.

(Councillors Brown and Watson)

Close of Confidential Committee of the Whole:

OC-17/090

Resolved that at this time, 6.48pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Reilly)

Adoption of Report

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

OC-17/091

Resolved that that the Confidential Committee of the Whole recommendations numbered OC-17/087 to OC-17/090 be confirmed and adopted.

(Councillors Brown and Reilly)

20 CLOSURE

There being no further business the meeting closed at 6.48pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 August 2017

.....
Mayor

.....
General Manager